



*Convention President Samuel W. King signs the Constitution as Convention Secretary Hebdon Porteus looks on. Standing, from left, Delegates Kazuo Kage, George Dowson, Steere G. Noda, Ann H. Corbett, Arthur D. Woolaway, and Flora K. Hayes. —Honolulu Star-Bulletin photo*

*Proceedings of the*  
**CONSTITUTIONAL CONVENTION  
OF HAWAII**

**Volume I**



*Proceedings of the*

**CONSTITUTIONAL  
CONVENTION OF HAWAII**

**1950**

*Volume I*

**JOURNAL AND DOCUMENTS**

*Published under the supervision of the*  
**ATTORNEY GENERAL'S OFFICE**  
*and the*  
**PUBLIC ARCHIVES**

*State of Hawaii*  
**HONOLULU, HAWAII**

**1960**

## CERTIFICATE

I, Hebden Porteus, hereby certify that this volume (with certain changes specified in the Editors' Notes) incorporates the official Journal of the Hawaii State Constitutional Convention of 1950 as prepared from day to day and signed by me as Secretary of said Convention and as approved in writing by Samuel Wilder King, President of said Convention.

*Hebden Porteus*

Honolulu, Hawaii

September 21, 1959

Publication authorized by  
Act 13, Session Laws of Hawaii, 1960.

## *PREFACE*

### **BACKGROUND**

Almost ten years have elapsed since the constitutional convention met and drafted the basic law for the state of Hawaii. The delegates first met on April 4, 1950, and the document which they agreed upon was signed on July 22, 1950. More than 110 days elapsed during the period of the deliberation of the delegates to the convention. Of this period 78 days were devoted to actual working sessions, which included the debates and other formal actions leading to the formulation and adoption of the constitution.

It may not be out of place, in view of the passage of time, the importance of the constitution and the interest of the community, that we briefly note the organization, operation and some of the problems of the Hawaii Constitutional Convention of 1950. We believe this will be of interest not only to political scientists, but also to many citizens who will be affected by legislation because of our new position as a state.

It is hoped that this brief discussion, which deals with the background of the convention, the election of the delegates, the steps taken to organize the convention, as well as the procedures followed in the actual drafting of the document, will provide a useful background to better understand the constitution, a document which was designed to reflect the needs of Hawaii and at the same time incorporate some of the best practices and policies of other states, particularly those which had recently made major revisions of their constitution (New York, Missouri and New Jersey).

We will not attempt to discuss the efforts to achieve statehood. A study of the history of the statehood movement by Professor Charles Hunter of the University of Hawaii is in progress. The Hawaii Statehood Commission has also prepared general material in this area.

We merely want to note that at the time the constitutional convention was being organized more than half a century had elapsed since Hawaii had become an integral part of the United States. Many efforts had been made to raise the Territory to an equal political footing with the other 48 states of the union. Economically, politically, educationally and in other respects Hawaii had more than met the standards required of other territories prior to their admission

into the union. Hawaii had been ready for many years and by the generally acceptable standards should have been enjoying a degree of self-government commensurate with the 48 states.

Congress, however, had repeatedly failed to pass an enabling act to permit Hawaii to achieve statehood. Many bills had been introduced in the Congress of the United States. Numerous congressional committees had investigated Hawaii's qualification. Many committees had visited the islands and obtained first-hand information to support Hawaii's claim for statehood. However, it was not until June 30, 1947 that the House of Representatives passed a bill, by a vote of 197 to 133, to enable Hawaii to become a state.

In January 1948, the Senate Committee on Interior and Insular Affairs directed Senator Cordon of Oregon to make an investigation of Hawaii's statehood qualifications. The investigation was made in January, 1948. Senator Cordon supported the recommendations of previous congressional committees and himself recommended that the United States Senate take immediate action favorable to statehood. His report stated in part:

Any other recommendations would be inconsistent with the facts and evidence disclosed during the investigation, the desires of Hawaii's people and the conclusions reached by the last two Congressional Investigating Committees.

Additional hearings were held by the Senate Subcommittee on Interior and Insular Affairs on April 15, 1948, but no report was issued. An effort was made by Senator Knowland of California, by resolution, to discharge the committee and to have the statehood issue come to the floor directly. On May 20, 1948, the Senate voted 21 to 50 against Senator Knowland's resolution discharging the committee.

In anticipation of statehood, and prior to the passage of Act 334 by the 1949 territorial legislature, authorizing a constitutional convention, the Hawaii Statehood Commission in 1948 established a number of subcommittees to prepare general materials dealing with the problems involved in the drafting of a constitution. These subcommittees met and submitted reports dealing with major constitutional areas, which were discussed with various groups. The Legislative Reference Bureau of the University of Hawaii prepared a number of reports in connec-

tion with the work of the subcommittees. These reports, drafted by the Bureau from 1948 to early 1950, became part of a 400 page publication, which was later made available to members of the constitutional convention, entitled *Manual of State Constitutional Provisions*.

The work of the subcommittees established by the Hawaii Statehood Commission served to create a great deal of interest in the convening of a constitutional convention. It also resulted in many of the committee members seeking election as delegates to the Constitutional convention. All five chairmen of the subcommittees were elected to the convention—J. Garner Anthony, William H. Heen, Herbert K. H. Lee, Hebden Porteus and C. Nils Tavares.

The five subcommittees dealt with the following areas: the bill of rights and general welfare; legislative powers and functions; executive powers and functions; judicial powers and administration; and taxation and finance. The subcommittees reported to the chairman of the Hawaii Statehood Commission, who at that time was Samuel Wilder King. Reports were submitted by each subcommittee chairman and were subsequently published in mimeographed form.

In November 1948, Senator Butler, Chairman of the Senate Committee on Interior and Insular Affairs, went to Hawaii to investigate statehood. He issued his report in June 1940. The title of this report was *Communist Penetration of the Hawaiian Islands*. The Senator noted that he had held 77 confidential interviews. His report opposed the granting of immediate statehood to Hawaii. Senator Butler subsequently supported statehood for Hawaii, but not in the 80th or 81st Congress.

The 81st Congress considered a statehood bill (HR 49) similar in substance to the one previously passed by the House in the 80th Congress. On March 7, 1950, the House passed HR 49 by a vote of 262 to 110. The Senate Committee on Interior and Insular Affairs, chaired by Senator O'Mahoney of Wyoming, prepared for hearings on statehood in Washington. These were held from May 1 to May 5, 1950, while the constitutional convention was in progress. This journal of the convention consequently includes many references to HR 49.

### ACT ESTABLISHING THE CONVENTION

Awaiting favorable action by Congress, in 1949 the Hawaii legislature enacted a law (Act 334) which would prepare the Territory to move toward statehood—either under an enabling act or, failing that (some public voices counselled), by proceeding to elect national "congressmen" who would then present themselves in Washington to be seated, following the example of Tennessee, Oregon and other states. In either case, a state constitution was required, and Act 334 (appended to this volume) provided for the calling of a convention to draft that constitution and to submit it to the people of Hawaii

### PROCEEDINGS OF THE CONSTITUTIONAL CONVENTION

for ratification and ultimately to the Congress for approval.

Briefly summarized, Act 334 provided for the election of 63 delegates from all of the islands which constitute the Territory of Hawaii. The delegates were to be elected at a primary and then general elections, similar to the normal political elections in Hawaii. The elections were to be held throughout the islands and all qualified voters of the islands were eligible to run for office. The use of the election procedure adopted by the legislature indicated a desire to provide broad representation from the community and for opportunity for full discussion, particularly important since this was to be the first State Constitution for Hawaii. (Methods of selecting delegates, other than election, have been used by some states in revising their constitutions.)

Although the procedure was to follow that of regular elections in campaigning and balloting, the act specifically stated that the ballots were to make no designations of political party affiliation. The intention appeared to be toward establishing a constitutional convention which would be non-partisan and non-political in character. The act sought to attract persons other than individuals who were accustomed to run for office and from large geographic areas. Provision was made for two types of delegates, insofar as election procedures were concerned. There were to be delegates "at-large" and delegates running from smaller geographic areas. The smaller geographic areas were established by grouping a number of precincts with approximately the same number of eligible voters. These groupings were to provide an opportunity for community leaders who might contribute to the drafting of the constitution but might not normally be inclined to run for public office. Those running "at large" presumably would be widely known in the community, usually from previous political experience.

The first representative district (East Hawaii) was to elect two delegates at-large in addition to six in precinct groupings. The second representative district (West Hawaii) was to have two delegates at-large and two in precinct groupings. The third representative district (Maui County) was to elect three delegates at-large and six from precinct groupings. The fourth representative district (East Oahu) and the fifth representative district (West Oahu) were each to elect six delegates at large plus 12 from precinct groupings, and the sixth representative district (Kauai County) was to elect two delegates at-large in addition to four from precinct groupings. Of the 63 delegates, therefore, one third or 21 were to be delegates at-large and 42 were to be elected in smaller precinct groupings.

With respect to the actual functions to be performed by the delegates, their status and activity, no distinction was made between the two types in the constitu-

tional convention once it was organized. Delegates at-large did receive the bulk of convention offices, committee chairmanships and vice-chairmanships, but this may have resulted in part from the fact that they included a larger number of legislators and other public office holders.

The 63 delegates elected by the people at primary and general elections held on February 11 and March 21, 1950 began their official task on April 4. Of those elected, approximately one-third had never sought or run for election for elective office before. The delegates represented a broad cross-section of the community. Among those elected were two pineapple company presidents, two union representatives, a judge of the circuit court, two former attorneys general, a member of the Board of Regents of the University of Hawaii, the superintendent of public instruction, one physician, two dentists, the speaker and vice-speaker of the territorial House of Representative, four members of the territorial Senate, a number of school teachers and several attorneys. Five women won seats to the Convention—two attorneys, two housewives and a member of the legislature. Racially, the convention included 27 of Caucasian ancestry, 20 of Japanese-American ancestry, 11 Hawaiians, and five of Chinese-American ancestry.

Two of the delegates elected, Mr. Richard Kageyama of Honolulu and Mr. Frank Silva of Kauai, did not serve for the entire convention. Mr. Kageyama resigned as delegate following his testimony before a special subcommittee of the House UnAmerican Activities Committee that he had been a member of the Communist Party for a short period of time, and also that the oath of office which he signed prior to taking office was false. Mr. Kageyama was a committee witness who testified voluntarily and indicated that under the circumstances he should not serve in the Constitutional Convention. He was replaced by Mr. John R. Phillips who ran second in the same precinct areas.

The second delegate, Mr. Frank Silva, was accused by witnesses before the UnAmerican Activities Committee of being a member of the Communist Party. Mr. Silva refused to testify, and subsequently the Convention voted to disqualify him from further participation in its proceedings. Mr. Matsuki Arashiro, who ran third in the same Kauai election area, was appointed to fill the vacancy on the recommendation of the delegation from Kauai to the Governor.

Provision was made in Act 334 that "in case any office of delegate has not been filled or shall become vacant for any reason the governor shall appoint an elector of the same representative district, precinct, or combination of precincts, to fill such vacancy." Act 334 specifically provided that the "Convention shall be the judge of the elections, returns, and qualifications of the delegates."

## ORGANIZATION OF THE CONVENTION

It has already been noted that the elections were generally conducted on a non-partisan basis. The organization of the convention, however, was held by some to be political, indeed efforts were made by some delegates to have the convention operate with a greater recognition of partisan politics. The President, three of the Vice-Presidents and the Secretary were active in Republican Party affairs, then the dominant political party in Hawaii. One Democrat was elected as a Vice-President. In the actual committee assignments, however, there was a wide distribution of chairmanships and vice-chairmanships to take care of political, geographic and subject matter interests of the delegates.

Like other conventions, some pre-convention activity and caucuses took place by those seeking positions as officers. The former Delegate to Congress and chairman of the Statehood Commission, Samuel Wilder King, was the leading candidate for the presidency. The only other delegate proposed for the post was former Senator Harold Rice. When the issue came to the floor, the pro-King group was well organized and there was little contest for the presidency. At this early stage most of the delegates were new to the problems of a convention, as well as the procedure to be followed in its organization. There was almost no discussion or debate on the presidency and the vice-presidencies.

A group of delegates who had also been active in the work of the Hawaii Statehood Commission prepared temporary rules and procedure to be adopted by the convention. Rules used at the Missouri (1943) and New Jersey (1947) constitutional conventions were used as guides. Efforts to adopt these pre-formulated rules were rejected on the floor, and a temporary Committee of Rules was established to prepare a set of procedures to be submitted to the convention to guide its actions.

A further question was raised as to selection of staff. The temporary rules provided that the President be given the authority, subject to the approval of the convention, to appoint a staff to take care of the needs of the convention. The Chief Clerk, Assistant Clerk, Chaplain and two Sergeants-at-Arms were elected by ballot.

One of the early problems discussed in the Rules Committee dealt with the number of committees to be established for consideration of the proposals to be introduced by the delegates, which were to be the substantive basis for the proposed constitution. The determination of the number of standing committees was based, in part, on political and geographic consideration, in part on the desire that certain specific subjects be given careful and detailed consideration because of broad community interest in them, and because of the need to recognize the concern of specific community groups. This latter aspect was

particularly applicable to the formation of such committees as those concerned with the Hawaiian Homes Commission Act, education, industry and labor, and health and welfare. The number of standing committees finally agreed on was 17, with three additional committees concerned with matters of procedure.

Each delegate was asked to indicate his preference for committee work. The President indicated that the requests of the delegates would be complied with whenever possible.

### WORK OF THE COMMITTEES

Each of the committees was headed by a chairman and a vice chairman, and the size of the committee membership varied from seven to 15, depending upon the scope and complexity of the problems to be presented to them. The convention did not establish any special procedure for the work in committees, although, as the convention became organized, there was relatively little activity in plenary session with most of the work being performed in the committees.

Under the rules of procedure which the convention adopted, any delegate or group of delegates could present any proposal relating to the constitution. Following legislative precedent, each proposal was automatically adopted on first reading at its presentation. The President then referred each proposal to the appropriate committee for study and consideration. Where objection was raised by the delegates as to the propriety of referral by the President, it was subject to motion and action on the floor. Relatively few referrals were questioned by the delegates.

A number of committees devoted their first meetings to delineating the scope of their work and examining proposals which had been referred to the committee by the delegates. A number of committees arranged for community groups, experts and other interested persons to appear before them to discuss various aspects of the problems and to obtain suggestions from these individuals as to scope and content of the proposed article.

Since there was no state constitution in effect which the body was to revise (unless the Organic Act be considered such), the proposals came in the form of specific suggestions for inclusion in the constitution, rather than in the form of amendments to an existing document. After careful and thorough consideration by each committee of the proposals submitted to it, the comments and suggestions by various citizens, representatives of organizations, etc., the committee prepared its report and recommendations to the convention for adoption. The committee proposal became the basis for discussion in the Committee of the Whole. Proposals of individual delegates bearing on the subject, some of which may have been incorporated in the committee proposal, were placed on file.

### PROCEEDINGS OF THE CONSTITUTIONAL CONVENTION

The committees served a useful function, not only by permitting their members to exchange their viewpoints and reach agreement, but also by encouraging citizens and interested community organizations to present their positions and suggestions. All meetings of the standing committees were open to the public and were reported on the radio and by the press without censorship or limitation by the convention.

### COMMITTEE OF THE WHOLE

Following submission of each committee's report and its recommendations for the proposed article to be incorporated into the constitution, the report was set for referral to the Committee of the Whole with adequate time for the delegates to study the report. This was followed by full consideration in the Committee of the Whole.

Except for one or two instances, the discussion in the Committee of the Whole provided ample opportunity for debate. There were no serious efforts made to limit debate. The parliamentary tactic of moving the previous question was generally ruled out of order by the Chair or was withdrawn by the movant to permit any delegate to speak on the question who felt that he had not been given an opportunity to present his position. This procedure provided an opportunity for all delegates to present their points of view and to suggest amendments which they felt were necessary and proper. Unlike many legislative bodies, the committee reports were fully discussed, debated and amended. Although the delegates respected the work of the standing committees, they did not feel restrained in suggesting amendments to the proposals they offered.

In the Committee of the Whole, each section and sentence of a proposed article was gone over with great care. If acceptable to the delegates, a section was "tentatively approved." This was done to permit the delegates to come back to the previously reviewed provisions if in later sections it was felt that some changes were made necessary by subsequent consideration or amendments.

When the Committee of the Whole felt reasonably secure that the standing committee proposal which they had worked on could be recommended, there was a motion to rise and report progress to the plenary convention body, asking leave to sit again after a time interval which permitted the chairman of the Committee of the Whole to prepare a written report.

When the chairman of the Committee of the Whole completed his report and it was printed and studied by the delegates, they would again resolve themselves into a Committee of the Whole, examine the report and decide whether to recommend the adoption of the report to the convention. The Committee of the Whole would then rise, the plenary session would be in order, and the chairman of the Committee of the Whole would move the adoption of the committee

report in its amended form and ask the convention to accept it and pass the proposal on second reading.

## STYLE COMMITTEE

After passage at second reading, the Committee of the Whole report and recommendations would be referred to the Committee on Style.

The Style Committee consisted of 15 delegates, many of them chairmen of standing committees, including a substantial number of attorneys, aided by staff members of the Legislative Reference Bureau and the Attorney General's Office. (Membership of this and other committees is shown in the following pages.) Meeting in the evenings after the convention had adjourned, the committee examined each proposal agreed upon in the Committee of the Whole, studied the language of the proposal and arranged it as an article, or part of an article, within the format of the constitution, but without changing the substance or meaning of the article approved by the convention at second reading.

The Style Committee reports indicated specifically what changes in phraseology, form, punctuation, spelling, capitalization, etc. which were proposed by it, and also changes in language and the reasons for such changes. Many of the meetings of the Style Committee on a specific article would take as long as four to six hours before it was in a form agreeable to the members. On some of the articles, a subcommittee of three examined the proposal as it came from the floor and made specific suggestions to the full committee for rearrangement and style.

The Style Committee also had the responsibility of discovering and informing the convention of conflicts between the separate articles adopted on second reading so that corrective action could be taken. Such action was infrequent. When necessary, the change was effected by a suspension of the rules, which required an affirmative vote of 32 delegates.

Following the acceptance by the convention of the Style Committee's report, the article was presented for third reading, and a tally vote taken on the complete article. Following approval on third reading, the article was again referred to the Style Committee for final arrangement in the constitution.

A special subcommittee was established in the Style Committee to consider the arrangement. Other state constitutions were examined as to arrangement in an attempt to keep the specific articles adopted by the convention within a general framework as used by many of the states. As finally agreed upon, the arrangement of the articles was in the following order: Preamble; adoption of Federal Constitution; Bill of Rights; Suffrage and Elections Article; Legislative Article; Executive Article; Judiciary Article; Taxation and Finance Article; Local Government Article; Public Health and Welfare Article; Education Article; Conservation and Development of Re-

sources Article; Hawaiian Homes Lands Article; Article on Organization and Collective Bargaining; Article on State Boundaries, Capital, Flag; General and Miscellaneous Provisions; Revision and Amendment Article; and Schedule (of provisions for the transition from territorial to state government).

## PROVISIONS OF THE CONSTITUTION

We have indicated that it is not our intention in this brief introduction to discuss the provisions of the constitution. This is done in part to avoid any evaluation of the provisions of the document or to discuss their merits. The document has to speak for itself. The record prepared by the delegates, the debate on the provisions as well as the reports of the various committees, well reflect the thinking of the 63 delegates. We do not believe, however, that it would be remiss to touch briefly on a few of the highlights of the document.

An outstanding feature of the constitution is its brevity. An effort was made by the delegates to exclude statutory material, yet at the same time provide a document that would reflect the needs of the new State of Hawaii, in particular covering those areas which were of special concern to the people of Hawaii, at least as reflected in the thinking of the elected delegates.

The convention kept a complete verbatim transcript by means of electronic tape recordings of all of the plenary and Committee of the Whole sessions after April 9, 1950. More than 365 reels of recording tape were used. This is about 87 miles of electronic tape. It was estimated by the engineers that approximately 5 million words were spoken during the floor debates, apart from those spoken in the various committee meetings. (During the 15 weeks of the convention, there were an average of some 20 to 30 committee meetings per week.)

Only some 14,000 words, however, are to be found in the constitution and of these approximately 4,000 are in the "schedule" which describes the political districts to be used in the initial elections and for subsequent reapportionment every ten years. The constitution proper, therefore, is only about 10,000 words in length, a measure of brevity achieved by only eight other state constitutions.

The document signed by 62 of the 63 delegates (one delegate refrained from signing the document on the grounds that it improperly "constitutionalized" the provisions of the Hawaiian Homes Commission Act of 1920) reflects the thinking of the community as expressed by the elected delegates. Of necessity, the constitution borrowed and adopted provisions from the Hawaiian Organic Act, the Federal Constitution (particularly the sections dealing with the Bill of Rights), the Model State Constitution published by the National Municipal League, and the constitutions of other states, especially those which had most

recently revised their constitutions prior to 1950. These included New York, Missouri and New Jersey. The Hawaii State Constitution tapped these and many other sources.

The final product, however, is unlike that of any other state. It has its own flavor and features which stem from the problems and needs of our community. Typical of these are the provisions dealing with the Hawaiian Homes lands, the limitations on bonded indebtedness and the use of assessed land valuations to adjust these limits and the sections dealing with local government, drafted in the light of a centralized tax structure and centralized system of public education. Debate in the Committee of the Whole indicates that there was wide difference of opinion concerning the provisions which should be included in these sections of the constitution.

The document also reflects the then-prevalent thinking of political scientists and others in the community concerning the limitation on the number of elected officials. The governor, lieutenant-governor and members of the legislature are the only elected officials. Department heads and judges of the courts are appointed by the governor with the advice and consent of the Senate. Members of the Board of Education are to be appointed by the governor from panels nominated by the local school advisory councils.

The constitution is substantially ahead of its time (recall that it was prepared in 1950) in reducing the voting age from 21 to 20—only one other state, the State of Georgia, then had a voting age of less than 21. It includes a provision guaranteeing the right to organize for the purpose of collective bargaining, a constitutional protection which had been included in only three states prior to 1950, in New York, Missouri, and New Jersey.

Many of the features of the constitution reflect the best current thinking in the field of government. For example, executive departments were to be coordinated in no more than 20 major departments, to permit the governor to personally check the functioning of the executive branch of the government. There are provisions to eliminate the pocket veto. Minimum salaries of governor, judges and members of the legislature were set, to attract the best qualified men to office; at the time these salaries compared most favorably with the ten highest states of the Union. Provision was also made so that the salaries could be adjusted by the legislature.

The constitution also makes provision for post-audits of state expenditures, as well as a requirement that the legislature must pass the general appropriations bill before enacting other finance bills. It was hoped that this provision would prevent the last minute rush, so typical of many state legislative sessions, which makes it difficult to give careful scrutiny to final drafts of bills and has led to political log-rolling.

Comments made by Mr. Richard S. Childs, chairman of the Council of the National Municipal League, in August 1950, after the constitution was signed by the delegates, indicates the high regard in which specialists in the field of state government held the constitution. Mr. Childs said in part:

Its admirable features are: (1) election on the State ticket of only the Governor and Lieutenant-Governor; (2) appointive judiciary as in the Federal Government, New Jersey, Massachusetts and some other states; (3) re-apportionment of Legislative seats by the Governor within a simple Constitutional formula; (4) exclusion of all . . . statutory material and needless detail from the Constitution; (5) Home Rule Charter making for cities and counties. . . . Hawaii's constitution comes nearer to the short ballot principle than that of any other state and is in general nearest to the ideals of American political science.

Another letter from the same organization, from its Assistant Secretary, a recognized authority in the area of state government, Mr. John Bebout, read in part as follows:

We are particularly pleased . . . that you were able to resist virtually all temptations and pressures to include the kind of restrictive and legislative details that have so encumbered most of the Constitutions of the older states. You have demonstrated that it is perfectly possible in the 20th century as it was in the 18th to write a Constitution that is confined to fundamentals.

Again from Mr. Bebout:

One other very commendable feature of your Constitution is the fact that it is exceptionally well drafted. The Committee on Style is to be complimented on the clarity and readability of the document. Evidently you remembered, as too many Constitution writers have not, that a Constitution is primarily a people's document which should speak directly to the lay citizen with as much clarity as to the lawyers. The fact that your Constitution is clear enough and short enough to be read and digested by any reasonably literate citizen should contribute substantially to civic education and citizen responsibility.

Perhaps these comments are too laudatory. Individuals who took part in the constitutional convention and in the drafting of the document recognize that it is far from perfect. Although efforts were made to make the language as clear and specific as possible, in some instances agreement was reached only because the language was sufficiently broad to permit acceptance by some of the delegates. A constitution is a living document, as has been illustrated by our



own Federal Constitution. Ample provision has been made in the Hawaii State Constitution for amending procedures. It was hoped that they would be used sparingly but will be used to meet the problems of a changing society.

## RATIFICATION OF THE CONSTITUTION

The constitution of the State of Hawaii was signed by the delegates in a public ceremony at Iolani Palace, Honolulu, on July 22, 1950. The document then went before the territorial legislature under the terms of the 1940 act which had established the constitutional convention. Act 334 required the legislature to "consider" the constitution framed by the convention and to provide for the submission of the document to the people of Hawaii, "together with any alternative or additional provisions suggested by the Legislature."

During the convention there was discussion of the proper role of the legislature in "considering" the constitution under preparation. An upshot of the discussion was the passing of a resolution (No. 53) in which the delegates stated that:

WHEREAS, the Constitution drafted by this Convention is an integrated document, whose various parts are related to the whole . . . it is the sense of this Convention that alternative proposals, if any, suggested by the legislature also be presented to the people as a whole, so that the electorate may choose between such draft if any and that prepared by this Convention.

As a matter of fact, when the legislature met in special session on September 29, 1950, it found (in joint Resolution 1) that the constitution was "acceptable in its entirety to the Legislature of the Territory of Hawaii," and proposed no changes or alternatives. This joint resolution set forth the form of the plebiscite ballot on the proposed constitution, submitted to the voters at the general election of November 7, 1950.

At that election, 82,788 ballots were cast in favor of adopting the proposed constitution, against 27,109 "no" votes, a favorable ratio of approximately three to one.

## ADMISSION TO THE UNION

It is not in the province of these remarks to record the delay and frustrations which for the next

eight years attended Hawaii's aspirations for statehood. It suffices to note that, in the wake of Alaska, Hawaii was admitted into the Union, under Public Law 3 of the 86th Congress, signed by President Eisenhower on March 18, 1959.

Public Law 86-3 made three relatively minor changes in the provisions of the Hawaii constitution. One was the deletion from the boundaries of the state (Article XIII, Section 1) of Palmyra, a small atoll lying some 960 nautical miles south of Honolulu. Second, the article on Hawaiian Homes lands was "deemed to include" a section of Public Law 86-3, which listed the provisions of the Hawaiian Homes Commission Act which could be amended only with the consent of the United States. The third change was to reduce from two to one the number of Representatives in Congress to which Hawaii the state was initially to be entitled (Article XVI, Section 10), subject to increase at the next reapportionment of the House of Representatives.

The admission act also required that the people of Hawaii again vote on statehood. A three-question plebiscite was prescribed, each requiring an affirmative majority vote if Hawaii were to be admitted to the Union: (1) Shall Hawaii be admitted? (2) Are the state boundaries set by the act approved? (3) Are the provisions of the act with respect to the disposition of public lands in Hawaii approved?

The three-fold proposition was submitted to the Hawaii electorate at the primary election of June 27, 1959, at which time the people also balloted on the first state officers. Some 140,000 persons cast valid ballots on each portion of the plebiscite. In each case the result was approximately identical: a 17 to 1 vote in the affirmative.

On July 28, 1959, the voters of Hawaii elected their first state governor, lieutenant governor, members of the state legislature, two federal senators and a representative in Congress. The results of the election were certified to the President of the United States, as required by Public Law 86-3. On August 21, 1959, President Eisenhower signed the proclamation admitting Hawaii as the 50th state of the American Union of states. Thereupon, this constitution became effective.

HAROLD S. ROBERTS

*University of Hawaii*  
*August 27, 1959*



## **ERRATA**

Page xi, col. 1, line 11:

Change 1940 to 1949.

Pages 1, 3, 5:

Change April 3, 1950 to April 4, 1950.

\*Page 87, col. 2, line 38:

Change Miscellaneous Communication No. 5 to No. 3.

\*Page 165, col. 1, line 50:

Should be Committee Proposal No. 3, RD 1. (Original draft was not included in the official Journal.)

Page 221, col. 2, Section 10, Paragraph 2:

Line omitted; correct second and third sentences to read: The head of each principal department shall be a single executive unless otherwise provided by law. Such single executive shall be appointed by the Governor, subject to the confirmation of the senate, and shall serve at the pleasure of the Governor.

\*Page 235, col. 2, line 7:

Change Miscellaneous Communication No. 5 to No. 3.

\*Page 270, col. 2, last line:

Change Standing Committee Report No. 57 to No. 67.

---

\*Errors were in the original Journal.

## *Editors' Notes*

This first volume of *Proceedings of the Constitutional Convention of Hawaii* is essentially a reproduction of the typewritten journal prepared for each day of the Convention and approved by its presiding officer.

The excellence of the original journal reduced to a minimum the amount of editing required for this publication. However, the format has been changed by placing together in Section B the resolutions, committee reports, messages and other communications received by the Convention, leaving the day-to-day activities of the Convention to be summarized, with no break in continuity for documentation, in Section A.

A few changes in style from the original journal were introduced, notably a reduction in the amount of capitalization. However, no change in substantive meaning was knowingly introduced. These abbreviations have been employed:

Misc. Com. for Miscellaneous Communication  
Res. for Resolution  
Standing Com. Rpt. for Standing Committee Report  
Special Com. Rpt. for Special Committee Report  
Com. of Whole Rpt. for Committee of the Whole Report  
Dept. Com. for Departmental Communication

AGNES C. CONRAD, *Archivist*  
*Hawaii Public Archives*

ROBERT M. KAMINS, *Director*  
*Legislative Reference Bureau*

# Delegates and Committees

## CONVENTION OFFICERS

President . . . . .	Samuel Wilder King	Vice-President . . . . .	Arthur D. Woolaway
Vice-President . . . . .	Hiram L. Fong	Vice-President . . . . .	Charles A. Rice
Vice-President . . . . .	Thomas T. Sakakihara	Secretary . . . . .	Hebden Porteus

## ELECTED STAFF

Chief Clerk . . . . .	Mrs. Ellen D. Smythe	Sergeant-at-Arms . . . . .	Charles J. Brenham
Assistant Clerk . . . . .	Mrs. Ethel C. Chillingworth	Sergeant-at-Arms . . . . .	H. F. Kuhlman
Chaplain . . . . .	Rev. Henry P. Judd		

## DELEGATES TO THE CONVENTION

Numbers and letters preceding delegates' names indicate position in photographs.

### FIRST REPRESENTATIVE DISTRICT:

- 4. Nelson Kyoshi Doi, Hilo, Hawaii
- 15. Teruo Ihara, Honokaa, Hawaii
- C. Frank C. Luiz, Papaikou, Hawaii
- 27. Richard J. Lyman, Jr., Pahoa, Hawaii
- 1. Tom T. Okino, Hilo, Hawaii
- 6. Thomas T. Sakakihara, Hilo, Hawaii
- 8. James Kiyoji Yamamoto, Hilo, Hawaii
- 38. Takao Yamauchi, Hilo, Hawaii

### SECOND REPRESENTATIVE DISTRICT:

- 28. Peter Kawahara, Holualoa, Hawaii
- 52. Earl A. Nielsen, Kealahou, Hawaii
- 57. Sakuichi Sakai, Kohala, Hawaii
- F. Charles H. Silva, Kohala, Hawaii

### THIRD REPRESENTATIVE DISTRICT:

- A. Marguerite K. Ashford, Kaunakakai, Molokai
- 3. J. Pia Cockett, Wailuku, Maui
- 36. Kazuo Kage, Wailuku, Maui
- 20. Harold T. Kido, Lahaina, Maui
- 40. Harold W. Rice, Wailuku, Maui
- 16. W. O. Smith, Puunene, Maui
- 30. Richard St. Sure, Paia, Maui
- 32. Cable A. Wirtz, Wailuku, Maui
- 35. Arthur D. Woolaway, Puunene, Maui

### FOURTH REPRESENTATIVE DISTRICT:

- 34. J. Garner Anthony, Honolulu, Oahu
- 49. Samuel K. Apoliona, Jr., Honolulu, Oahu
- 23. Alexander H. F. Castro, Honolulu, Oahu
- 46. Ann H. Corbett, Honolulu, Oahu
- 29. Flora Kaai Hayes, Honolulu, Oahu
- 25. William H. Heen, Honolulu, Oahu
- 24. Elizabeth R. Kellerman, Honolulu, Oahu
- 22. Katsumi Kometani, Honolulu, Oahu
- 9. John K. Lai, Honolulu, Oahu

- 54. Nils P. Larsen, Honolulu, Oahu
- 14. Herbert K. H. Lee, Honolulu, Oahu
- B. W. Harold Loper, Honolulu, Oahu
- D. John R. Phillips, Honolulu, Oahu
- E. Hebden Porteus, Honolulu, Oahu
- 47. Harold S. Roberts, Honolulu, Oahu
- 55. C. Nils Tavares, Honolulu, Oahu
- 33. Henry A. White, Honolulu, Oahu
- 14. Benjamin O. Wist, Honolulu, Oahu

### FIFTH REPRESENTATIVE DISTRICT:

- 21. Trude M. Akau, Honolulu, Oahu
- 48. Edward C. Bryan, Ewa, Oahu
- 53. George Dowson, Waianae, Oahu
- 51. Hiram L. Fong, Honolulu, Hawaii
- 34. Yasutaka Fukushima, Wahiawa, Oahu
- 43. James F. Gilliland, Honolulu, Oahu
- 50. Edward B. Holroyde, Kahuku, Oahu
- 7. Frank Y. Kam, Honolulu, Hawaii
- 13. Masao Kanemaru, Wahiawa, Oahu
- 45. Charles E. Kauhane, Honolulu, Oahu
- 5. Samuel Wilder King, Honolulu, Oahu
- 18. Chuck Mau, Honolulu, Oahu
- 2. Steere G. Noda, Honolulu, Oahu
- 31. Frederick Ohrt, Honolulu, Oahu
- 44. Herbert M. Richards, Honolulu, Oahu
- 42. Clarence Y. Shimamura, Waialua, Oahu
- 41. Arthur K. Trask, Honolulu, Oahu
- 11. James K. Trask, Honolulu, Oahu

### SIXTH REPRESENTATIVE DISTRICT:

- 10. Matsuki Arashiro, Kalaheo, Kauai
- 56. Randolph Crossley, Kapaa, Kauai
- 12. H. S. Kawakami, Waimea, Kauai
- 26. Jack H. Mizuha, Koloa, Kauai
- 17. Charles A. Rice, Lihue, Kauai
- 37. Toshio Serizawa, Lihue, Kauai

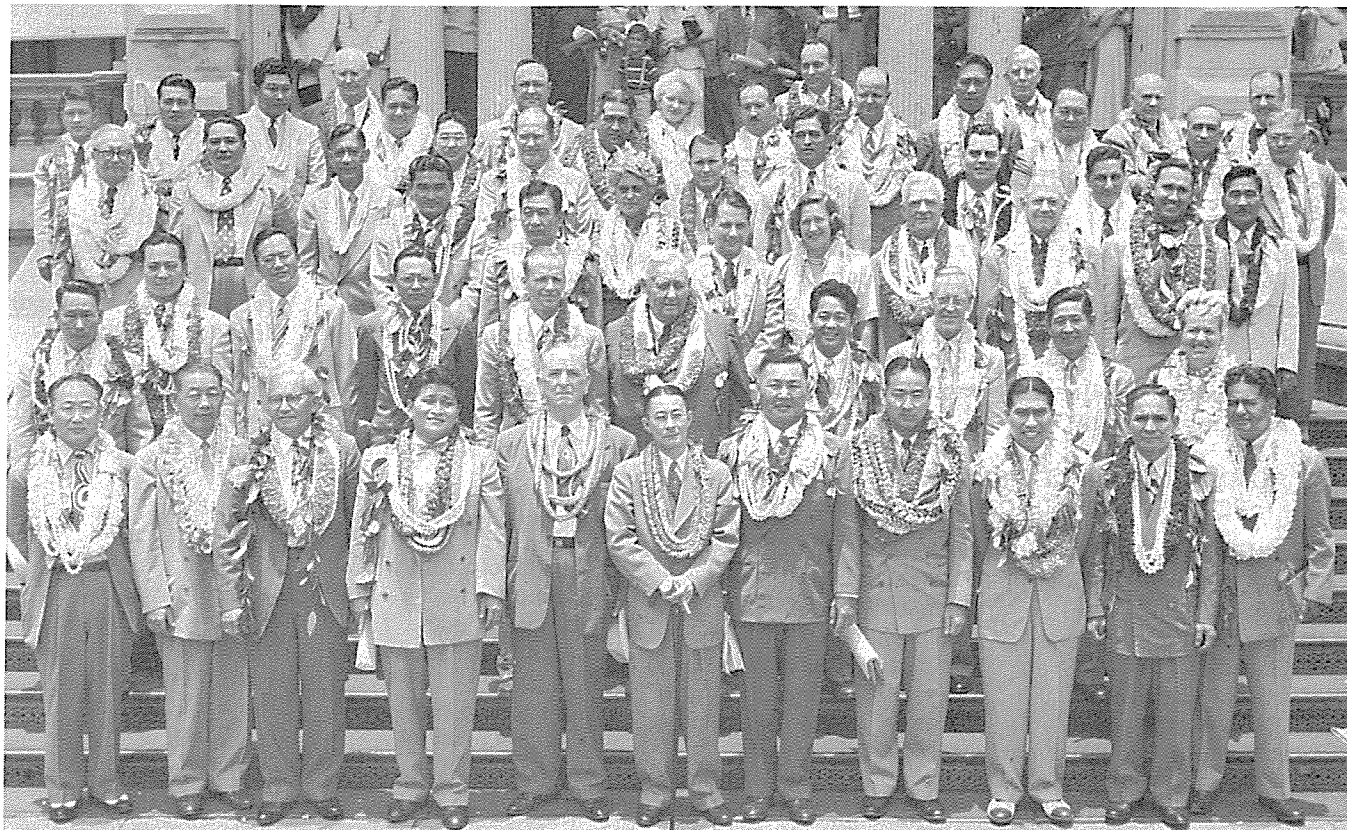


Photo by HONOLULU ADVERTISER



A



B



C



D



E



F

## STANDING COMMITTEES

First delegate listed is Committee Chairman, second is vice-chairman.

## 1. COMMITTEE ON BILL OF RIGHTS

Jack H. Mizuha	Nils P. Larsen
Herbert K. H. Lee	Frank C. Luiz
Edward C. Bryan	Earl A. Nielsen
J. Pia Cockett	Steere G. Noda
Edward B. Holroyde	Charles H. Silva
H. S. Kawakami	W. O. Smith
Elizabeth R. Kellerman	James K. Trask
Katsumi Kometani	

## 2. COMMITTEE ON LEGISLATIVE POWERS AND FUNCTIONS

William H. Heen	Herbert K. H. Lee
Edward B. Holroyde	Frederick Ohrt
Edward C. Bryan	Thomas T. Sakakihara
Randolph Crossley	Toshio Serizawa
Hiram L. Fong	(replaced Jack Mizuha)
Flora K. Hayes	Charles H. Silva
Peter Kawahara	Cable A. Wirtz
Elizabeth R. Kellerman	Arthur D. Woolaway

## 3. COMMITTEE ON EXECUTIVE POWERS AND FUNCTIONS

Tom T. Okino	Katsumi Kometani
Frederick Ohrt	John K. Lai
Randolph Crossley	W. Harold Loper
Yasutaka Fukushima	Richard J. Lyman, Jr.
James F. Gilliland	Charles A. Rice
Teruo Ihara	Richard St. Sure
Kazuo Kage	Henry A. White
Charles E. Kauhane	

## 4. COMMITTEE ON JUDICIARY

J. Garner Anthony	Chuck Mau
C. Nils Tavares	Jack H. Mizuha
Nelson K. Doi	Steere G. Noda
Hiram L. Fong	H. W. Rice
Yasutaka Fukushima	Thomas T. Sakakihara
William H. Heen	Cable A. Wirtz
Herbert K. H. Lee	Takao Yamauchi
W. Harold Loper	

## 5. COMMITTEE ON TAXATION AND FINANCE

Henry A. White	Herbert M. Richards
H. W. Rice	Sakuichi Sakai
Alexander H. F. Castro	C. Nils Tavares
Frank Y. Kam	Arthur K. Trask
Masao Kanemaru	Arthur D. Woolaway
John K. Lai	James K. Yamamoto
Jack H. Mizuha	Takao Yamauchi
Charles A. Rice	

## 6. COMMITTEE ON LOCAL GOVERNMENT

Charles E. Kauhane	John R. Phillips
Samuel K. Apoliona, Jr.	(replaced R. Kageyama)
Matsuki Arashiro	H. W. Rice
(replaced F. Silva)	(replaced M. Ashford)
Ann H. Corbett	Herbert M. Richards
Nelson K. Doi	Sakuichi Sakai
Edward B. Holroyde	Thomas T. Sakakihara
Frank Y. Kam	Toshio Serizawa
Katsumi Kometani	Richard St. Sure

## 7. COMMITTEE ON EDUCATION

W. Harold Loper	Masao Kanemura
Kazuo Kage	Peter Kawahara
Trude M. Akau	Elizabeth R. Kellerman
Matsuki Arashiro	H. W. Rice
(replaced F. Silva)	Toshio Serizawa
George Dowson	James K. Trask
Flora K. Hayes	Benjamin O. Wist
Teruo Ihara	James K. Yamamoto

## 8. COMMITTEE ON HEALTH AND PUBLIC WELFARE

Nils P. Larsen	H. S. Kawakami
Frank Y. Kam	Harold S. Roberts
Trude M. Akau	Richard St. Sure
Ann H. Corbett	Benjamin O. Wist
George Dowson	James K. Yamamoto
Teruo Ihara	

## 9. COMMITTEE ON INDUSTRY AND LABOR

Chuck Mau	Nils P. Larsen
James F. Gilliland	Frank C. Luiz
Matsuki Arashiro	Earl A. Nielsen
(replaced F. Silva)	Harold S. Roberts
Edward C. Bryan	W. O. Smith
Randolph Crossley	Henry A. White

## 10. COMMITTEE ON AGRICULTURE, CONSERVATION AND LAND

Herbert M. Richards	Harold T. Kido
Edward C. Bryan	W. Harold Loper
Marguerite K. Ashford	Richard J. Lyman, Jr.
Alexander H. F. Castro	Earl A. Nielsen
Randolph Crossley	John R. Phillips
Flora K. Hayes	Charles A. Rice
Edward B. Holroyde	James K. Trask
Teruo Ihara	

11. COMMITTEE ON THE HAWAIIAN HOMES COMMISSION ACT

Flora K. Hayes	Peter Kawahara
J. Pia Cockett	Richard J. Lyman, Jr.
Samuel K. Apoliona, Jr.	Charles A. Rice
James F. Gilliland	Arthur K. Trask
Charles E. Kauhane	

12. COMMITTEE ON SUFFRAGE AND ELECTIONS

Katsumi Kometani	James F. Gilliland
Trude M. Akau	H. S. Kawakami
J. Pia Cockett	Sakuichi Sakai
Ann H. Corbett	

13. COMMITTEE ON REVISION, AMENDMENTS, INITIATIVE, REFERENDUM AND RECALL

Yasutaka Fukushima	Peter Kawahara
John K. Lai	Earl A. Nielsen
Matsuki Arashiro	Frederick Ohrt
(replaced F. Silva)	Richard St. Sure
Alexander H.F. Castro	C. Nils Tavares
Hiram L. Fong	Cable A. Wirtz

14. COMMITTEE ON ORDINANCES AND CONTINUITY OF LAW

Clarence Y. Shimamura	Thomas T. Sakakihara
Marguerite K. Ashford	C. Nils Tavares
Herbert K. H. Lee	Arthur K. Trask
Jack H. Mizuha	

15. COMMITTEE ON MISCELLANEOUS MATTERS

Takao Yamauchi	Masao Kanemaru
George Dowson	H. S. Kawakami
Samuel K. Apoliona, Jr.	John R. Phillips
Teruo Ihara	(replaced R. Kageyama)
Kazuo Kage	W. O. Smith

16. COMMITTEE ON STYLE

Benjamin O. Wist	Tom T. Okino
Nelson K. Doi	Herbert M. Richards
J. Garner Anthony	Harold S. Roberts
Marguerite K. Ashford	Clarence Y. Shimamura
Randolph Crossley	C. Nils Tavares
William H. Heen	Cable A. Wirtz
Steere G. Noda	Takao Yamauchi
Frederick Ohrt	

17. COMMITTEE ON SUBMISSION AND INFORMATION

Randolph Crossley	Nils P. Larsen
Arthur K. Trask	Frank G. Luiz
J. Garner Anthony	Richard J. Lyman, Jr.
Alexander H. F. Castro	Frederick Ohrt
Hiram L. Fong	Hebden Porteus
James F. Gilliland	Charles A. Rice
Kazuo Kage	Harold S. Roberts
(replaced M. Ashford)	Thomas T. Sakakihara
Charles E. Kauhane	Charles H. Silva
Elizabeth R. Kellerman	Benjamin O. Wist
Samuel W. King	Arthur D. Woolaway

18. COMMITTEE ON RULES AND ORDER OF BUSINESS

Cable A. Wirtz	Nelson K. Doi
Masao Kanemaru	William H. Heen
Trude M. Akau	Toshio Serizawa
J. Garner Anthony	Charles H. Silva
Samuel K. Apoliona, Jr.	

19. COMMITTEE ON ACCOUNTS

Alexander H.F. Castro	Toshio Serizawa
Harold T. Kido	Clarence Y. Shimamura
Ann H. Corbett	James K. Yamamoto
Chuck Mau	

20. COMMITTEE ON PRINTING

Charles H. Silva	Elizabeth R. Kellerman
Steere G. Noda	Harold T. Kido
Frank Y. Kam	John K. Lai
H. S. Kawakami	

SPECIAL COMMITTEE APPOINTED UNDER RESOLUTION NO. 55 - TO CONFER WITH THE CONGRESS OR ANY APPROPRIATE COMMITTEE THEREOF, WITH REGARD TO THE PROVISIONS OF CLAUSE "SEVENTH" OF SECTION 2, H. R. 49.

Samuel Wilder King	Wm. H. Heen
C. Nils Tavares	Charles E. Kauhane
J. Garner Anthony	Harold S. Roberts
Nelson K. Doi	





# Table of Contents

<i>Certificate</i> .....	iv
<i>Preface</i> .....	v
<i>Editors' Notes</i> .....	xiii
<i>Convention Officers and Delegates</i> .....	xiv
<i>Standing Committees of the Convention</i> .....	xvi

## Section A. CONVENTION JOURNAL

FIRST DAY—Tuesday, April 4, 1950 Ceremonies; Organization; Rules .....	1
SECOND DAY—Wednesday, April 5, 1950 Procedures; Rules .....	7
THIRD DAY—Thursday, April 6, 1950 Address; Rules .....	8
FOURTH DAY—Monday, April 10, 1950 Rules; Committee Assignments; Convention Employees; Proposal 1 .....	13
FIFTH DAY—Tuesday, April 11, 1950 Resignation of Delegate Kageyama; Proposals 2-5 .....	16
SIXTH DAY—Wednesday, April 12, 1950 Proposals 6-13 .....	17
SEVENTH DAY—Thursday, April 13, 1950 Committee Appointments; Proposals 14-21 .....	18
EIGHTH DAY—Friday, April 14, 1950 Investigation of Qualifications of Delegate Frank Silva; Proposals 22-33 .....	20
NINTH DAY—Monday, April 17, 1950 Investigation of Delegate Frank Silva; Proposals 34-39 .....	22
TENTH DAY—Tuesday, April 18, 1950 Investigation of Delegate Frank Silva; Proposals 40-46 .....	24
ELEVENTH DAY—Wednesday, April 19, 1950 Amendments to HR 49 (Enabling Act); Proposals 47-53; Additional Convention Employees; Investigation of Delegate Frank Silva .....	29
TWELFTH DAY—Thursday, April 20, 1950 Proposals 54-68; Expulsion of Delegate Frank Silva .....	31
THIRTEENTH DAY—Friday, April 21, 1950 Proposals 69-82 .....	35

FOURTEENTH DAY—Monday, April 24, 1950 Convention Finances; Washington Hearings on Statehood; Proposals 83-84 .....	36
FIFTEENTH DAY—Tuesday, April 25, 1950 Proposals 85-86 .....	38
SIXTEENTH DAY—Wednesday, April 26, 1950 Procedures; Proposal 87 .....	40
SEVENTEENTH DAY—Thursday, April 27, 1950 Proposal 88; Departure of Delegates to Statehood Hearings .....	41
EIGHTEENTH DAY—Friday, April 28, 1950 Procedures; Proposals 89-91 .....	42
NINETEENTH DAY—Monday, May 1, 1950 Proposals 92-93 .....	43
TWENTIETH DAY—Tuesday, May 2, 1950 Proposals 94-95 .....	45
TWENTY-FIRST DAY—Wednesday, May 3, 1950 Proposals 96-97; Health and Welfare Problems .....	47
TWENTY-SECOND DAY—Thursday, May 4, 1950 Public Hearings on Hawaiian Homes Commission Act; Proposals 98-99 .....	48
TWENTY-THIRD DAY—Monday, May 8, 1950 Proposal 100 .....	49
TWENTY-FOURTH DAY—Tuesday, May 9, 1950 Proposals 101-107 .....	50
TWENTY-FIFTH DAY—Wednesday, May 10, 1950 Proposals 108-113 .....	50
TWENTY-SIXTH DAY—Thursday, May 11, 1950 Time Limit for Introducing Proposals; Proposals 114-120 .....	51
TWENTY-SEVENTH DAY—Friday, May 12, 1950 Proposals 121-122 .....	52
TWENTY-EIGHTH DAY—Monday, May 15, 1950 County Status for Lanai .....	53
TWENTY-NINTH DAY—Tuesday, May 16, 1950 Time Limit for Committee Reports; Proposals 123-131 .....	53
THIRTIETH DAY—Wednesday, May 17, 1950 State Flags .....	54
THIRTY-FIRST DAY—Thursday, May 18, 1950 Health and Welfare Committee Report (Committee Proposal 1); Proposals 132-141 .....	54
THIRTY-SECOND DAY—Friday, May 19, 1950 Proposals 142-173; Extension of Time Limit for Introduction of Proposals .....	55
THIRTY-THIRD DAY—Saturday, May 20, 1950 Proposals 174-195 .....	57
THIRTY-FOURTH DAY—Monday, May 22, 1950 State Flags .....	59

THIRTY-FIFTH DAY—Tuesday, May 23, 1950  
 Finance Committee Report (Committee Proposal 2) . . . . . 59

THIRTY-SIXTH DAY—Wednesday, May 24, 1950  
 Health and Welfare Proposal; Bill of Rights Committee Report  
 (Committee Proposal 3); Request for Additional Funds . . . . . 60

THIRTY-SEVENTH DAY—Thursday, May 25, 1950  
 Further Consideration of Health and Welfare Proposal . . . . . 62

THIRTY-EIGHTH DAY—Friday, May 26, 1950  
 Supplementary Report of Bill of Rights Committee (Committee  
 Proposal 4); Agriculture Committee Report (Committee Proposal 5);  
 Hawaiian Homes Commission Act Committee Report; Local Govern-  
 ment Committee Report; Extension of Time Limit for Committee  
 Reports . . . . . 62

THIRTY-NINTH DAY—Saturday, May 27, 1950  
 County Status for Lanai . . . . . 64

FORTIETH DAY—Monday, May 29, 1950  
 Further Consideration of Health and Welfare Proposal . . . . . 64

FORTY-FIRST DAY—Wednesday, May 31, 1950  
 Further Consideration of Health and Welfare Proposal . . . . . 65

FORTY-SECOND DAY—Thursday, June 1, 1950  
 Hawaiian Homes Commission Act Committee Report (Committee  
 Proposal 6); Bill of Rights Proposal . . . . . 66

FORTY-THIRD DAY—Friday, June 2, 1950  
 Judiciary Committee Report (Committee Proposal 7) . . . . . 68

FORTY-FOURTH DAY—Saturday June 3, 1950  
 Suffrage and Elections Committee Report (Committee Proposal 8) . . . . . 69

FORTY-FIFTH DAY—Monday, June 5, 1950  
 Further Consideration of Bill of Rights Proposals . . . . . 70

FORTY-SIXTH DAY—Tuesday, June 6, 1950  
 Style Committee Report on Format of Constitution and Health and  
 Welfare Article . . . . . 71

FORTY-SEVENTH DAY—Wednesday, June 7, 1950  
 Hawaiian Homes Commission Act Proposal . . . . . 73

FORTY-EIGHTH DAY—Thursday, June 8, 1950  
 Health and Welfare Article; Further Consideration of Hawaiian  
 Homes Commission Act Proposal; Revision and Amendments  
 Committee Report (Committee Proposal 9); Judiciary Proposal;  
 Minority Proposal for Initiative and Referendum . . . . . 73

FORTY-NINTH DAY—Friday, June 9, 1950  
 Finance Committee Report (Committee Proposal 10); Education  
 Committee Report (Committee Proposal 11); Miscellaneous  
 Committee Reports on Locating Capital, State Flag, State Seal,  
 Boundaries, Civil Service, Inter-governmental Relations, Distri-  
 bution of Powers, Oath of Office, Preamble and Equal Rights  
 (Committee Proposals 12-21); Executive Powers Committee Report  
 (Committee Proposal 22); Ordinances and Continuity of Law Com-  
 mittee Report (Committee Proposal 23); Suffrage and Elections  
 Proposal; Further Consideration of Judiciary Proposal . . . . . 75

FIFTIETH DAY—Saturday, June 10, 1950  
 Scheduling Consideration of Committee Proposals . . . . . 79

<b>FIFTY-FIRST DAY—Tuesday, June 13, 1950</b>	
Adoption of Health and Welfare Articles; Further Consideration of Judiciary and Suffrage and Election Proposals; Ordinances and Continuity of Law Committee Reports (Committee Proposals 24 and 25); Local Government Committee Report (Committee Proposal 26) . . . .	81
<b>FIFTY-SECOND DAY—Wednesday, June 14, 1950</b>	
Further Consideration of Bill of Rights Proposals . . . . .	84
<b>FIFTY-THIRD DAY—Thursday, June 15, 1950</b>	
Style Committee Report on Hawaiian Homes Commission Act Article; Further Consideration of Bill of Rights Proposals (Committee Proposal 3); Revision and Amendments Proposal; Agriculture Committee Report (Committee Proposal 27); Industry and Labor Committee Report (Committee Proposal 28) . . . . .	85
<b>FIFTY-FOURTH DAY—Friday, June 16, 1950</b>	
Further Consideration of Revision and Amendment Proposal; Education Proposal; Scheduling Consideration of Committee Reports . . . .	88
<b>FIFTY-FIFTH DAY—Saturday, June 17, 1950</b>	
Further Consideration of Education Proposal; Adoption of Hawaiian Homes Commission Act Article . . . . .	89
<b>FIFTY-SIXTH DAY—Monday, June 19, 1950</b>	
Further Consideration of Education Proposal; Finance Proposal . . . . .	90
<b>FIFTY-SEVENTH DAY—Tuesday, June 20, 1950</b>	
Further Consideration of Finance and Suffrage and Elections Proposals; Executive Powers Proposal; Style Committee Report on Bill of Rights . . . . .	92
<b>FIFTY-EIGHTH DAY—Wednesday, June 21, 1950</b>	
Further Consideration of Executive Powers and Conservation and Natural Resources Proposals . . . . .	94
<b>FIFTY-NINTH DAY—Thursday, June 22, 1950</b>	
Further Consideration of Conservation and Natural Resources and Finance Proposals; Style Committee Report on Suffrage and Elections Article . . . . .	95
<b>SIXTIETH DAY—Friday, June 23, 1950</b>	
Consideration of Right-to-Organize and Local Government Proposals; Further Consideration of Finance, Judiciary and Bill of Rights Proposals; Legislative Powers Committee (Committee Proposal 29) . . . .	96
<b>SIXTY-FIRST DAY—Saturday, June 24, 1950</b>	
Adoption of Bill of Rights and Suffrage and Elections Article; Further Consideration of Revision and Amendments, Education, and Local Government Proposals; Convention Finances . . . . .	99
<b>SIXTY-SECOND DAY—Monday, June 26, 1950</b>	
Further Consideration of Local Government Proposal and Proposals of Committee on Miscellaneous Matters . . . . .	101
<b>SIXTY-THIRD DAY—Tuesday, June 27, 1950</b>	
Further Consideration of Proposals of Committee on Miscellaneous Matters; Legislative Powers Committee Report (Committee Proposal 30); Convention Finances . . . . .	102
<b>SIXTY-FOURTH DAY—Wednesday, June 28, 1950</b>	
Proposal on Legislative Districts; Further Consideration of Legislative Powers and Right-to-Organize Proposals, with Minority Amendments, and Proposals for State Flag, Boundaries, Civil Service and Equal Rights; Style Committee Report on Judiciary Article . . . . .	103

SIXTY-FIFTH DAY—Thursday, June 29, 1950  
 Further Consideration of Legislative Powers Proposal . . . . . 106

SIXTY-SIXTH DAY—Friday, June 30, 1950  
 Further Consideration of Right-to-Organize and Legislative Powers  
 Proposals; Style Committee Report on Education Article . . . . . 106

SIXTY-SEVENTH DAY—Saturday, July 1, 1950  
 Further Consideration of Legislative Powers Proposal . . . . . 107

SIXTY-EIGHTH DAY—Monday, July 3, 1950  
 Further Consideration of Proposals of Committee on Miscellaneous  
 Matters . . . . . 108

SIXTY-NINTH DAY—Wednesday, July 5, 1950  
 Further Consideration of Legislative Powers Proposal and Proposals  
 of Committee on Miscellaneous Matters; Adoption of Judiciary and  
 Education Articles; Style Committee Reports on Revision & Amend-  
 ments and Right-to-Organize Articles . . . . . 110

SEVENTIETH DAY—Thursday, July 6, 1950  
 Further Consideration of Finance, Conservation & Natural Resources  
 and Legislative Powers Proposals and Proposals for Capital Site and  
 State Seal; Style Committee Report on Article Relating to State Flag,  
 Equal Rights, Boundaries, Intergovernmental Relations and Oath of  
 Office . . . . . 112

SEVENTY-FIRST DAY—Friday, July 7, 1950  
 Further Consideration of Proposal Establishing Capital Site, Local  
 Government Proposal and Legislative Powers Proposal; Adoption of  
 Right-to-Organize Article . . . . . 115

SEVENTY-SECOND DAY—Saturday, July 8, 1950  
 Adoption of Article Relating to State Flag, Boundaries, Intergovern-  
 mental Relations, Oath of Office and Equal Rights; Further Consider-  
 ation of Legislative Powers Proposal; Style Committee Report on  
 Local Government Article . . . . . 117

SEVENTY-THIRD DAY—Monday, July 10, 1950  
 Further Consideration of Conservation & Natural Resources and  
 Continuity of Law Proposals; Adoption of Revision & Amendments  
 Article and Local Government Article . . . . . 118

SEVENTY-FOURTH DAY—Tuesday, July 11, 1950  
 Further Consideration of Continuity of Laws Proposals and Proposal  
 Establishing State Capital; Style Committee Report on Executive  
 Article . . . . . 120

SEVENTH-FIFTH DAY—Wednesday, July 12, 1950  
 Consideration of Provisions Supplemental to Executive Article;  
 Further Consideration of Continuity of Laws Proposals; Style  
 Committee Reports on Finance Article, Preamble, and Sections  
 Relating to State Capital and Civil Service . . . . . 121

SEVENTY-SIXTH DAY—Thursday, July 13, 1950  
 Adoption of Finance and Executive Articles, Article Designating  
 State Capital, Relating to Civil Service and Preamble; Style  
 Committee Report on Conservation & Natural Resources Article;  
 Further Consideration of Legislative Powers Proposal . . . . . 123

SEVENTY-SEVENTH DAY—Friday, July 14, 1950  
 Further Consideration of Continuity of Laws Proposals; Adoption  
 of Conservation & Natural Resources Article and Legislative  
 Article; Amendment of Judiciary Article; Style Committee Report  
 on and Adoption of Legislative Article . . . . . 127

<b>SEVENTY-EIGHTH DAY—Saturday, July 15, 1950</b>	
Style Committee Report on and Adoption of Schedule of Representative Districts; Style Committee Report on and Adoption of Continuity of Laws Article; Arrangement of Constitutional Articles; Submission of Constitution for Adoption . . . . .	132
<b>SEVENTY-NINTH DAY—Saturday, July 22, 1950</b>	
Ceremonies at Iolani Palace; Convention Finances; Style Committee Report on Constitution; Adoption of Constitution; Signing Constitution; Adjournment . . . . .	136

### **Section B. JOURNAL DOCUMENTS**

1. Resolutions . . . . .	145
2. Standing Committee Reports . . . . .	155
3. Committee of the Whole Reports . . . . .	296
4. Special Committee Reports . . . . .	360
5. Governor's Messages . . . . .	361
6. Departmental Communications . . . . .	363
7. Miscellaneous Communications . . . . .	370
8. Petitions . . . . .	393

### **Section C. CONVENTION PROPOSALS**

1. Digest of Proposals Offered by Delegates . . . . .	399
2. Disposition of Committee Proposals . . . . .	407
3. Origin of Sections of the Constitution . . . . .	410

### **Section D. APPENDICES**

1. Act 334 of 1949 . . . . .	413
2. Rules of the Convention . . . . .	415
3. State Constitution, showing changes made by Admission Act in 1959 and including an index . . . . .	420

<i>Index to Convention Journal and Documents</i> . . . . .	437
------------------------------------------------------------	-----

# *Section A.* CONVENTION JOURNAL

**FIRST DAY • Tuesday, April 3, 1950**

The Hawaii State Constitutional Convention was called to order at 9:45 o'clock a.m., in the hall of the House of Representatives, Iolani Palace, by Honorable Oren E. Long, Secretary of Hawaii, in accordance with the provisions of Act 334 of the Session Laws of Hawaii 1949. Seated on the dais with Secretary Long was Honorable Ingram M. Stainback, Governor of Hawaii.

Mr. Long then presented to the Convention the Right Reverend Harry S. Kennedy, Bishop of the Episcopal Church Diocese, who invoked the divine blessing on the activities and deliberations of this Convention.

At 9:50 o'clock a.m., Mr. Long declared a recess, subject to the call of the Chair; and the delegates repaired in a body to the National Guard Armory, where it had been arranged that the Convention would continue with its organization and such other business as might come before it.

At 10:03 o'clock a.m., the Convention reconvened in the National Guard Armory, with Secretary Long in the Chair. Mr. Long then presented to the Convention the Most Reverend James J. Sweeney, Catholic Diocese of Hawaii, who invoked the divine blessing.

Following this, the national anthem was played by the Royal Hawaiian Band on the balcony overlooking the makai end of the Convention Hall, all those present standing and joining in the singing.

Secretary Long then addressed the Convention as follows:

It has been my privilege, in accordance with the provisions of Act 334, Session Laws of Hawaii 1949, to call to order this Constitutional Convention of Hawaii. I have done this with a conviction that as of this hour, you sixty-three delegates to the Convention constitute the most important group assembled anywhere in America. In a very real sense, the nation is interested in your deliberations. That is your status as of today.

Your ultimate place in the history of Hawaii and of the nation depends on the success you attain in carrying out the purpose for which you are assembled. Hawaii has a rendezvous with destiny. It is your privilege to point the way to that destiny.

By your election as delegates to this Convention, you have become the servants of Hawaii. You will

be prophets among your people if you succeed in embodying in the constitution the best ideals of American democracy and if you make it possible for these ideals to live in the hearts of people.

Your objective is to provide a frame of reference under which the people working cooperatively may plan for the social, economic and cultural progress of Hawaii and under which they will find solutions to the problems that will confront them.

Above all, the Constitution which you will write should be an expression of faith—faith in the future, faith in the capacity of the people of tomorrow to cope with their own problems.

There should be no effort to fix the affairs of government. Any effort to make the government static or to set up legislative blocks against change, would be the equivalent of announcing that you only have wisdom and future representatives of the people will not have the ability to meet the problems of their day.

Any such attempt to legislate for the future would be an expression of fear of the future.

Your challenge, then, is not to solve the problems of tomorrow, but rather to provide a guide under which those problems may be worked out, a guide that will at the same time stimulate social growth and change in accordance with our democratic tradition. It is this flexibility, this invitation to growth, that gives distinction to our Federal Constitution—the greatest document ever struck off by the minds of men. Its greatness was not that it contained all truth, but rather that it provided for growth to meet changing conditions, for such great amendments as the Bill of Rights, and for others that have served the best interests of the nation. You will wish to keep these qualities before you as you work on a constitution for Hawaii.

Fortunately you have a great deal of guidance in this undertaking. In addition to the Federal Constitution, you have as aids the 48 State Constitutions and the so-called Model State Constitution. The studies that have been made locally by the Legislative Reference Bureau, by committees of the Statehood Commission, and by some of your own colleagues—all of these studies are commendable. These, however, are only aids. There has been no meeting of minds—no conclusions. No group has predetermined what it will contain. The Con-



stitution of the State of Hawaii is yet to be written. The task is before you.

You are not alone in this task. In a sense, the half-million people of Hawaii share this responsibility. Each in his own way, even if it be only a sympathetic interest, will be working with you. Together, we will build. Our objective will be only Hawaii Nei and our country.

May we build so wisely that Hawaii will take her place as a part of that vast splendid monument, the United States of America, and may the constitution which you are to write have in its fabric nothing that is suggestive of injustice, intolerance, inequality, but rather, reflect such wisdom and foresight that our sister States may look upon Hawaii with pride and admiration.

This is your task. We, the People of Hawaii, have confidence in you.

At this juncture, Secretary Long presented the honored guests seated on the platform, as follows: the Honorable Ingram M. Stainback, Governor of Hawaii; the Most Reverend James J. Sweeney, Bishop of Honolulu; the Honorable Joseph R. Farrington, Delegate to Congress from Hawaii; the Honorable Louis LeBaron, Associate Justice of the Supreme Court; the Honorable Joseph B. Poindexter, former Governor of Hawaii; the Honorable Victor K. Houston, former Delegate to Congress from Hawaii; Representatives of the Armed Forces in Hawaii: Lieut. General T. E. Watson, Commanding General, Fleet Marine Force Pacific; Rear Admiral John E. Ginrich, Chief of Staff, representing the Commander in Chief, Pacific and United States Pacific Fleet; Brig. Gen. C. B. Ferenbaugh, Commanding General, North Section Command, representing the Commanding General, U. S. Army Pacific; Rear Admiral R. T. Cowdry, Commander Naval Shipyard Pearl Harbor, representing the Commandant 14th Naval District; Brig. General H. Q. Huglin, Commander U. S. Air Force Pacific; Captain Joseph D. Conway, Acting Commander, 14th Coast Guard District; Colonel Adna G. Clarke, Veteran of the Spanish-American War and World War I; and Captain Alexander Kahapea, most decorated veteran of the Armed Forces from Hawaii in World War II.

At this time, a recess was declared, at 10:18 o'clock a.m., subject to the call of the Chair. During the recess, the Royal Hawaiian Band Glee Club furnished vocal and instrumental music from the balcony.

Secretary Long reconvened the Convention at 10:38 o'clock a.m.

Seated on the platform with Mr. Long at the time the Convention reconvened were: Honorable Ingram M. Stainback, Governor of Hawaii; Hon. Louis LeBaron, Associate Justice, Supreme Court of Hawaii; former Governor Joseph B. Poindexter; Hon. Joseph R. Farrington, Delegate to Congress from Hawaii; and Hon.

Victor K. Houston, former Delegate to Congress from Hawaii.

At this juncture, Secretary Long called the delegates' attention to the American flag at the mauka end of the Convention Hall and said: "If you will notice, it has 49 stars in it. The job of this group is to make that 49th star permanent."

At this time, the tentative roll of the delegates was called by Mrs. Ellen D. Smythe, who acted as temporary Clerk for this purpose; and all delegates were shown to be present.

The next order of business being the election of a temporary Chairman, Delegate Crossley placed in nomination the name of Samuel Wilder King. The motion was seconded by Delegate Elizabeth R. Kellerman. Delegate Kauhane moved that the nominations close. Seconded by Delegate Holroyde, and carried. The Clerk was thereupon instructed to cast a ballot for Delegate King as temporary Chairman.

Secretary Long then appointed the following delegates to escort Delegate King to the platform: Flora K. Hayes, Marguerite Ashford, Trude M. Akau, Ann H. Corbett, and Elizabeth R. Kellerman. As the committee so appointed escorted Delegate King to the platform, the Glee Club of the Royal Hawaiian Band played his campaign song. As he stepped upon the platform, escorted by the committee, his daughter, Charlotte King McAndrews, placed lovely ilima leis around his neck, with a kiss.

Secretary Long then presented temporary Chairman King to the Convention amidst prolonged applause by the delegates and the audience. The temporary Chairman, Samuel Wilder King, thereupon assumed the Chair, and Mr. Long retired. In accepting the temporary chairmanship, Delegate King said:

Thank you, Mr. Long. Governor, delegates, ladies and gentlemen: As temporary Chairman, I think it will be unnecessary to go into any extended remarks. I know that everyone of us wants to accomplish the task that the people of Hawaii have devolved upon us, and I would like to proceed with the regular order of business and leave the formal greetings to your President when he is elected.

The next order of business being the nomination and election of a temporary Clerk, Mrs. Flora K. Hayes placed the name of Mrs. Ellen D. Smythe in nomination as temporary Clerk. Delegate Holroyde seconded the nomination. Delegate Apoliona moved that the nominations close. The motion was seconded by Delegate Noda, and carried unanimously. The Chair thereupon declared that Mrs. Ellen D. Smythe had been unanimously elected as temporary Clerk.

At this time, Delegate Fong offered a resolution signed by all of the 63 delegates, declaring that all of the delegates had been duly elected, and upon taking the oath required by Chapter 13 of the Revised

Laws of Hawaii 1945, as amended, were legally qualified to take seats as delegates to the Constitutional Convention, which was read by the Clerk (see Sec. B, Res. No. 1). Upon motion by Delegate Fong, seconded by Delegate Crossley, the resolution was unanimously adopted.

At 10:50 o'clock a.m., the temporary Chairman declared a recess, subject to the call of the Chair in order that the notaries public present in the Convention Hall might administer the loyalty oaths to the delegates; and asked that the delegates remain in their seats in order that this might be accomplished in the shortest time possible. During the recess, the Royal Hawaiian Band Glee Club again rendered musical numbers from the balcony overlooking the makai end of the hall. The Convention was reconvened by the temporary Chairman at 11:15 o'clock a.m.

The temporary Chairman announced that all of the delegates had duly subscribed to the loyalty oath as provided by Chapter 13 of the Revised Laws of Hawaii 1945, as amended, and were duly qualified to take their seats as delegates to the Constitutional Convention.

Associate Justice Louis LeBaron thereupon administered the oath of office to the 63 delegates, who stood facing him at their desks. The delegates all having been sworn in, the roll was called showing all delegates present.

The national anthem of Hawaii—Hawaii Pono—was played by the Royal Hawaiian Band, with all present in the hall standing.

The next order of business being the adoption of temporary rules under which the Convention will function until the permanent rules are adopted, Delegate Wist offered a resolution declaring that the temporary rules of the Convention be adopted in the form attached thereto, (see Sec. B, Res. No. 2). Delegate Wist moved for the adoption of the resolution. Seconded by Delegate Fukushima.

Delegate Harold W. Rice offered the following amendment to Rule 1:

Amend Rule 1 of the temporary rules of the Constitutional Convention by amending the same to read as follows: "The officers of the Convention shall be a President, Vice-President and a Secretary selected from the delegates by majority vote on ballot or resolution."

Delegate Rice moved for the adoption of the amendment. The motion was seconded by Delegate James K. Trask. Delegate Fong moved that the amendment be tabled. Seconded by Delegate Gilliland, who immediately thereafter withdrew his second in order to permit debate.

Delegate Heen moved that the temporary rules be taken up one by one. Seconded by Delegate Wist, and carried.

Delegate Charles H. Silva moved that action on Rule 1 be deferred until later and that the Conven-

tion at this time proceed with the consideration of the other rules. The motion was seconded by Delegate Crossley and carried.

The temporary Clerk thereupon read Rule 2, "Powers and Duties of Officers." Delegate Heen offered the following amendment:

Amend Rule 2 as follows: "Add a new sentence at the end thereof to read as follows: 'The Secretary may delegate his duties or any part thereof to the Chief Clerk.'"

Delegate Heen moved for the adoption of the amendment. Seconded by Delegate H. W. Rice, and carried.

Delegate Crossley moved that the rule, as amended, be adopted. Seconded by Delegate Kageyama, and carried.

The temporary Clerk then read Rule 3 of the temporary rules, "Employees." Delegate Hayes moved for the adoption of Rule 3. Delegate Crossley seconded the motion, which was carried.

The temporary Clerk then read Rule 4, "Quorum." Delegate Kauhane moved that Rule 4 of the temporary rules be adopted. Seconded by Delegate Porteus, and carried.

Rule 5, "Method of Voting," was thereupon read by the temporary Clerk. Delegate Heen offered the following amendment to Rule 5:

Amend Rule 5, "Method of Voting," as follows: "After the word 'of' in line 2, and immediately before the comma, insert the words 'or employees.'"

Delegate Heen moved for the adoption of the amendment. Seconded by Delegate Porteus, and carried. Upon motion by Delegate Kauhane, seconded by Delegate Crossley, Rule 5 of the temporary rules, as amended, was adopted.

Rule 6, "Debate," was read by the temporary Clerk. Delegate Crossley moved that Rule 6 of the temporary rules be adopted. Seconded by Delegate Charles A. Rice, and carried.

The temporary Clerk next read Rule 7, "Assignment of Seats." Upon motion by Delegate Noda, seconded by Delegate Hayes, Rule 7 of the temporary rules was adopted.

Rule 8, "Committee on Permanent Rules," was read by the temporary Clerk. Upon motion by Delegate Crossley, seconded by Delegate Sakakihara, the rule was adopted.

Rule 9, "Additional Rules," was read by the temporary Clerk. Upon motion by Delegate Sakakihara, seconded by Delegate Noda, Rule 9 of the temporary rules was adopted.

Consideration of Rule 1, "Officers," of the temporary rules was deferred. Delegate Lee moved that the Convention recess until 2:00 o'clock p.m., and that the Governor and the Delegate to Congress be invited to address the Convention at that time, after which the Convention shall consider proposed tempo-

rary Rule 1 still pending before the Convention. The motion was seconded by Delegate James K. Trask.

Delegate Charles H. Silva moved that the motion to recess be tabled. Seconded by Delegate Akau. A roll call being demanded, the motion to table the motion to stand in recess was put, and carried, on the following showing of ayes and noes: Ayes, 38. Noes, 25 (Anthony, Ashford, Bryan, Corbett, Dowson, Heen, Ihara, Kageyama, Kam, Kanemaru, Kawakami, Kellerman, Larsen, Lee, Loper, Nielsen, Charles A. Rice, Harold W. Rice, Roberts, Sakai, Serizawa, Frank G. Silva, James K. Trask, Wirtz and Wist).

Delegate Harold W. Rice then moved for the adoption of the amendment offered by him. Seconded by Delegate Kageyama.

Delegate Fong moved that the amendment be tabled. Seconded by Delegate Gilliland. A roll call being demanded, the motion to table the amendment and put, and carried, on the following showing of ayes and noes: Ayes, 40. Noes, 23 (Anthony, Ashford, Bryan, Corbett, Heen, Kageyama, Kam, Kawakami, Kellerman, Lee, Loper, Mau, Nielsen, Charles A. Rice, Harold W. Rice, Roberts, Serizawa, Shimamura, Frank G. Silva, Arthur K. Trask, James K. Trask, Wirtz and Wist).

Delegate Fong then moved that Rule 1 be adopted. Seconded by Delegate Akau. A roll call being demanded, the motion to adopt Rule 1 of the temporary rules was put, and carried, on the following showing of ayes and noes: Ayes, 46. Noes, 17 (Anthony, Ashford, Heen, Kageyama, Kawakami, Kellerman, Lee, Loper, Mau, Nielsen, Charles A. Rice, Harold W. Rice, Serizawa, Frank G. Silva, Arthur K. Trask, James K. Trask and Wirtz).

Delegate Wist now moved that the rules, as amended, be adopted. Seconded by Delegate Hayes. Delegate Heen rose to a point of order, stating that since each rule had been adopted, that there was no necessity for adopting the entire rules again. The Chair ruled that the point of order was well taken.

At this time Delegate Heen moved that the Convention proceed with the election of the President of the Convention. Seconded by Delegate Fong and carried.

Delegate Fong, in placing in nomination the name of Delegate Samuel Wilder King as President of the Constitutional Convention, said:

Mr. Chairman and delegates of this Constitutional Convention:

It is indeed a singular and distinct honor for me today to be so privileged in placing before this history-making and honored Convention, for election as its permanent President, Hawaii's own native son, a *keiki hanau o ka aina*.

Born 63 years ago on Vineyard Street, Oahu, to a part-Caucasian and part Hawaiian mother, whose Caucasian ancestors first came to these beautiful islands from New England in 1793, the son of an illustrious Scotch father, whose services to

Hawaii include that of Minister of Interior of the Republic of Hawaii, and that of a member of the Constitutional Convention of 1894, he typifies the harmonious blending of two distinct cultures—the culture of America and the culture of Polynesia.

He is a graduate of Annapolis, a veteran of two world wars. He has served honorably in the United States Navy and is now a retired Captain.

He has served you faithfully and well as a Supervisor of the City and County of Honolulu and for eight years as Delegate from the Territory of Hawaii to the Congress of the United States.

In 1935 he induced the Subcommittee of the Committee on Territories of the House of Representatives to make its first investigation in the Territory of Hawaii on the question of Statehood; and in 1937 he was again successful in bringing to the Territory of Hawaii the Joint Committee of the House and Senate which rendered a favorable report on Statehood.

The people of Hawaii, Mr. Chairman and ladies and gentlemen, are indeed truly indebted to this native son of Hawaii for his many many years of unselfish devotion to the welfare and happiness of the people of Hawaii, as a member of various committees—charitable, economic, as well as political—as a member of the United States Navy, as a veteran of two world wars, as a member of the Board of Supervisors, and as Delegate to Congress of the United States from the Territory of Hawaii.

The people of Hawaii, in manifestation of the high esteem and honor they have for him, elected him outright in the primary election in this constitutional campaign. This outright election, ladies and gentlemen, is the people's stamp of approval of tried and proven leadership, of innate ability, of integrity of character, and sincerity and devotion to duty.

Again, may I say that it is a distinct honor and privilege for me to rise and place in nomination a native son—a *keiki hanau o ka aina*—the name of Samuel Wilder King.

The nomination was seconded by Delegate Kage, a delegate from Maui.

At this time, Delegate Heen rose to a point of order, stating that inasmuch as the chairman was being nominated as President of the Convention, it might be well for him to name someone to preside over the Convention during this procedure.

The President thereupon requested that Delegate Crossley take the Chair and preside temporarily. Delegate Crossley thereupon assumed the Chair.

Delegates Mau and Heen also rose to add their seconds to the nomination of Delegate King as President.

Delegate James K. Trask moved that the nominations be closed and that the Clerk be instructed to cast a unanimous ballot for the election of Samuel

Wilder King as President of the Constitutional Convention. The motion was seconded by Delegate Hayes.

Delegate Harold W. Rice at this time suggested that before the vote was taken, Mrs. King, who was seated in the audience, be escorted to the platform. The Acting Chairman thereupon appointed Delegate Arthur K. Trask as a committee of one to escort Mrs. King to the platform. Mrs. King was then escorted to the platform by Delegate Arthur K. Trask and seated next to former Delegate to Congress, Victor K. Houston.

The motion to close the nominations for President of the Constitution, and to instruct the Clerk to cast a unanimous ballot for Mr. King as President, was put and unanimously carried. The ballot having been so cast, Delegate King was declared unanimously elected as President.

In a few well-chosen words, President King expressed his appreciation for the honor accorded him, and stated that he would endeavor to carry out the duties of his office in an impartial and unbiased manner. He expressed the firm belief that the constitution which would be drafted by this Convention would be approved by Congress and that Hawaii would be admitted into the sisterhood of states within the next year or two at the latest.

Delegate Ashford at this time rose and said:

The Elder Statesman from Molokai is recovering now from a very grave illness, but that illness has not interfered in the slightest degree with the deep interest and concern he has always felt for Hawaii and its future. To mark his long friendship for you and his admiration for you, and his great interest in all that concerns our lovely island home, he has charged me with the most agreeable duty of presenting to you, Mr. President, the gavel with which he presided over the Territorial Senate. Aloha from George P. Cooke and from Molokai.

The gavel was at this time presented to President King, who in accepting it, said:

I appreciate very much this gift and the sentiment that goes with it from former Senator George P. Cooke who wielded it with gusto and with fairness for several sessions when he was presiding officer in the Senate; and I shall emulate his splendid example and send him my warmest aloha.

Delegate Heen moved that the Convention now proceed with the election of the Vice-President from the First Senatorial District. Seconded by Delegate Lee, and carried. Delegate Charles H. Silva thereupon placed in nomination, as Vice-President from the First Senatorial District, the name of Delegate Thomas T. Sakakihara. The motion was seconded by Delegate Yamamoto. Delegate Okino moved that the nominations be closed. Seconded by Delegate Yamauchi, and carried; and the Clerk was instruct-

ed to cast a unanimous ballot for Thomas T. Sakakihara as Vice-President from the First Senatorial District. The ballot having been so cast, Delegate Sakakihara was declared unanimously elected Vice-President from the First Senatorial District.

Delegate Crossley then placed in nomination the name of Delegate Charles A. Rice as Vice-President from the Fourth Senatorial District. The motion was seconded by Delegate Mizuha. Delegate Serizawa moved that the nominations be closed. Seconded by Delegate Crossley, and carried; and the Clerk was instructed to cast a unanimous ballot for Delegate Charles A. Rice as Vice-President from the Fourth Senatorial District. The ballot having been so cast, Delegate Charles A. Rice was declared unanimously elected Vice-President from the Fourth Senatorial District.

Delegate Cockett thereupon placed in nomination the name of Delegate Woolaway as Vice-President from the Second Senatorial District. The motion was seconded by Delegate Kido. Delegate Harold W. Rice placed in nomination the name of Delegate Marguerite K. Ashford as Vice-President from the Second Senatorial District. The motion was seconded by Delegate Wirtz. Delegate Harold W. Rice moved that the nominations be closed. Seconded by Delegate Wirtz, and carried.

There being more than one nominee for the office of Vice-President from the Second Senatorial District, the Chairman stated that the delegates would vote thereon by ballot; and he appointed, as official tellers, to count the ballots, Delegates Crossley, Mizuha and Charles H. Silva. The ballots were thereupon distributed to the members for balloting on these two nominees—Delegate Arthur Woolaway and Delegate Marguerite K. Ashford. The balloting being completed, the votes were brought to the Clerk's desk and counted by the tellers, with the following results: Arthur Woolaway, 33 votes; Marguerite K. Ashford, 29 votes; Harold W. Rice, 1 vote.

The Chair thereupon announced the election of Delegate Woolaway as Vice-President from the Second Senatorial District.

Delegate Porteus then placed in nomination as Vice-President from the Third Senatorial District the name of Hiram L. Fong. Delegate Kam seconded the motion. Delegate Lai moved that the nominations be closed. Delegate Anthony rose to nominate Delegate Heen as Vice-President from the Third Senatorial District. The motion was seconded by Arthur K. Trask. Delegate Heen rose and declined to accept the nomination as Vice-President from the Third Senatorial District, and expressed his appreciation for the honor bestowed upon him. Delegate Kauhane then seconded the motion by Delegate Lai to close the nominations for Vice-President from the Third Senatorial District.

The Clerk was thereupon instructed to cast a unanimous ballot for the election of Delegate Fong as

Vice-President from the Third Senatorial District. The ballot having been so cast, Delegate Fong was declared unanimously elected as Vice-President from the Third Senatorial District.

Delegate Kometani at this time placed in nomination the name of Delegate Porteus as Secretary of the Convention. The motion was seconded by Delegate Smith. Delegate Kellerman also seconded the motion. Delegate James K. Trask moved that the nominations be closed. Seconded by Delegate Holroyde; and the Clerk was thereupon instructed to cast a unanimous ballot for Delegate Porteus as Secretary of the Convention. The ballot having been so cast, Delegate Porteus was declared to be unanimously elected as Secretary of the Convention.

The President thereupon asked the four duly elected Vice-Presidents and the Secretary to come to the platform and be presented to the Convention. Accordingly, Delegates Charles A. Rice, Arthur Woolaway, Hiram L. Fong, Thomas T. Sakakihara and Hebden Porteus, as the four Vice-Presidents and Secretary, respectively, took their places on the platform, after being presented to the Convention by the President.

The Chair thereupon appointed Delegates Hayes, Kellerman, Corbett, Akau and Ashford as a committee of five to wait upon the Governor and escort him to the Convention Hall at 2:30 o'clock this afternoon.

At 1:30 o'clock p.m., upon motion by Delegate Mau, seconded by Delegate Tavares, the Convention stood in recess until 2:30 o'clock p.m., at which time it will reconvene to hear from the Governor and the Delegate to Congress from Hawaii.

#### AFTERNOON SESSION

The Convention reconvened at 2:43 o'clock p.m., with the President presiding and a quorum being present. At this time the committee of five, appointed to wait upon the Governor and escort him to the Convention Hall, left to carry out its mission.

At 2:45 o'clock p.m., the Convention stood in recess, subject to the call of the Chair.

At 2:55 o'clock p.m., the Convention reconvened and Governor Ingram M. Stainback, escorted by the committee of five delegates, arrived and was presented to the Convention.

Governor Stainback then delivered his address to the Convention (see Sec. B, Governor's Message No. 1). At the conclusion of the Governor's message, he was thanked by President King for his very splendid address. At this time, Delegate Arthur K. Trask stated that this historic speech made by the Governor should be made a part of the official proceedings of this Convention, and he so moved. Seconded by Delegate Kauhane, and carried.

The next order of business being the election of employees of the Convention, Delegate Hayes placed the name of Mrs. Ellen D. Smythe in nomination as

Chief Clerk. The motion was seconded by Delegate Apoliona. Delegate Apoliona then moved that the nominations be closed. Seconded by Delegate Kauhane, and carried. The temporary Assistant Clerk was instructed to cast a unanimous ballot for the permanent Chief Clerk; and the ballot having been so cast, Mrs. Ellen D. Smythe was declared to have been unanimously elected to such office.

The next order of business being the election of an Assistant Clerk, Delegate Charles H. Silva moved that Mrs. Ethel C. Chillingworth be nominated to fill such position. The motion was seconded by Delegate Sakakihara, and carried. Delegate Crossley thereupon moved that the nominations be closed. Seconded by Delegate Frank G. Silva, and carried; and the Chief Clerk was instructed to cast a unanimous ballot for Mrs. Chillingworth as Assistant Clerk. The ballot having been so cast, Mrs. Chillingworth was declared to have been unanimously elected to fill such position.

The next order of business being the election of a Chaplain for the Convention, Delegate White placed in nomination the name of the Reverend Henry P. Judd. The motion was seconded by Delegate Ashford. Delegate Castro then moved that the nominations be closed. Seconded by Delegate Crossley, and carried. The Chief Clerk was thereupon instructed to cast a unanimous ballot for the Rev. Henry P. Judd as Chaplain of the Convention. The ballot having been so cast, Rev. Henry P. Judd was declared to have been unanimously elected as Chaplain.

Nominations being now in order for two Sergeants-at-Arms, Delegate Harold W. Rice placed in nomination the name of Charles J. Brenham as one of such Sergeants-at-Arms. The motion was seconded by Delegate Charles H. Silva. Delegate Kometani thereupon nominated Mr. Herman F. Kuhlman as the other Sergeant-at-Arms. The motion was seconded by Delegate Hayes. Delegate Castro moved that the nominations be closed. Seconded by Delegate Sakakihara, and carried. The Chief Clerk was thereupon instructed to cast unanimous ballots for these two nominees as Sergeants-at-Arms of the Convention. The ballots having been so cast, Messrs. Charles J. Brenham and Herman F. Kuhlman were declared to be unanimously elected as Sergeant-at-Arms for the Convention.

Delegate Richards offered a resolution providing for the adoption of the Constitution of the United States by the Convention, on behalf of the people of the proposed State of Hawaii, and affirming its adherence to the said Constitution of the United States, which was read by the Clerk (see Sec. B, Res. No. 3). Upon motion by Delegate Richards, seconded by Delegate Kauhane, the resolution was unanimously adopted.

Delegate Porteus offered a resolution on behalf of all of the delegates expressing and conveying the

sincere gratitude and deep appreciation of the people of the Territory of Hawaii and the future State of Hawaii, by their Constitutional Convention delegates, to the Honorable Harry S. Truman, President of the United States, for his consistent support and championship of the great cause of statehood for Hawaii (see Sec. B, Res. No. 4). Upon motion by Delegate Porteus, seconded by Delegate James K. Trask, the resolution was adopted unanimously.

Delegate Mau moved that the Clerk be instructed to circularize the resolution for the purpose of obtaining the signatures of all of the delegates. The motion was seconded by Delegate Porteus, and carried. Delegate Heen moved that a photostatic copy containing the signatures of all delegates be made and forwarded to the President of the United States. The motion was seconded by Delegate Mau, and carried.

At this time, Delegate Mau moved that the Convention reconsider its action in adopting Resolution No. 4. The motion was seconded by Delegate Kauhane, and carried. Delegate Mau thereupon moved that the resolution be amended by inserting the words "of America" after the words "United States" wherever the same appear in the resolution. Delegate Mau moved for the adoption of the amendment. Seconded by Delegate Kauhane and carried. Upon motion by Delegate Mau, seconded by Delegate Kauhane, the resolution, as amended, was adopted.

The President announced that Delegate Farrington had asked that instead of addressing the Convention this afternoon, he be permitted to deliver his address at some agreed upon hour on Thursday. Upon motion by Delegate Fong, seconded by Delegate Woolaway, Delegate Farrington is to be invited to address the members of the Convention at some hour on Thursday, April 6th, which hour would be agreed upon later.

Delegate Porteus, on behalf of all the delegates, offered a resolution commending the Honorable Oren E. Long, Secretary of Hawaii, for his splendid and successful efforts in regard to the plans and arrangements for the holding of the Constitutional Convention, and expressing the appreciation and gratitude of the people of the Territory to Mr. Long (see Sec. B, Res. No. 5). Upon motion by Delegate Porteus, seconded by Delegate Noda, the resolution was unanimously adopted.

A communication from the executive secretary of the Hawaii Education Association, in the form of a radiogram sending greetings to the Delegates of the Convention, was read by the Clerk (see Sec. B, Misc. Com. No. 1). The communication was received and the Clerk was instructed to acknowledge the same, expressing the appreciation of the delegates for the sentiments expressed therein.

A communication, in the form of a radiogram, from the executive secretary of the Hawaii Education Association urging that there be established a Com-

mittee on Education in the Constitutional Convention, was read by the Clerk (see Sec. B, Misc. Com. No. 2). The communication was received and the Clerk was instructed to acknowledge the same; and the communication will be assigned to the proper committee later.

The President announced at this time that the temporary rules of the Convention, which had been adopted, call for the appointment of a temporary Committee on Permanent Rules, in accordance with Rule 8, consisting of 17 members. In carrying out the provisions of this temporary rule, the Chairman announced that he had appointed the following delegates as the 17 members of said temporary Committee on Permanent Rules: Chairman, President King; Vice Chairman, Delegate Heen; Members: Delegates Okino, Sakakihara, Charles H. Silva, St. Sure, Wirtz, Anthony, Tavares, Porteus, Wist, Fong, Fukushima, Kauhane, Mau, Richards and Crossley.

The Chair asked Vice-Chairman Heen to set the time and place of the initial meeting of this committee, and to inform the Chair thereof in order that he might be there if possible, and if not, for the Vice-Chairman to preside in his stead; and that any suggestions which any of the members might care to make to this committee should be made to the Vice-Chairman, rather than to him.

Delegate Heen moved at this time that when the Convention adjourns each day it does so until 11:00 o'clock a.m. of the next day, unless otherwise ordered by the Convention. The motion was seconded by Delegate Porteus, and carried unanimously.

Delegate Porteus stated that inasmuch as Friday, April 7th, was Good Friday, and a territorial holiday, he moved that when the Convention adjourns on Thursday, it adjourns until 11:00 o'clock a.m., on Monday, April 10th. The motion was seconded by Delegate Crossley, and carried.

At 4:00 o'clock p.m., upon motion by Delegate Kauhane, seconded by Delegate Noda, the Convention adjourned until 11:00 o'clock a.m., on Wednesday, April 5, 1950.

## SECOND DAY • Wednesday, April 5, 1950

The Hawaii State Constitutional Convention convened at 11:00 o'clock a.m., pursuant to adjournment, with President King presiding.

The divine blessing was invoked by Chaplain Henry P. Judd, after which the roll was called showing all delegates present, with the exception of Delegate Kageyama excused on account of illness.

Delegate Heen moved at this time that the reading of the journal of the first day be waived; and further moved that the minutes of the Convention be examined each day by the President and the Secretary of the Convention, and if they are found to be in order by these two officers, that they approve the same.

The motion was seconded by Delegate Crossley, and carried.

The Chair stated that in checking the journal of the convention of the first day it had been found that Resolution No. 2, providing for the adoption of the temporary rules of the Convention, had not been acted upon for the reason that when Delegate Wist had moved that the rules, as amended, be adopted, a point of order was raised that since each rule had been adopted individually, there was no necessity of adopting the Rules as a whole. Therefore, the motion which would have adopted the resolution and the rules as amended, had been lost.

Delegate Wist thereupon moved that Resolution No. 2 be amended to read as follows:

BE IT RESOLVED that the temporary rules of the Convention be adopted in the form approved by the Convention on April 4, 1950.

The motion was seconded by Delegate Porteus, and carried. Upon motion by Delegate Wist, seconded by Delegate Porteus, the resolution, as amended, was adopted, thereby adopting the rules, as amended.

Delegate Sakakihara moved at this time that copies of H. R. No. 49 of the Congress of the United States be secured and mimeographed for distribution to all the delegates.

Delegate Heen moved that the motion be amended to read:

That a copy of H. R. No. 49 of the Congress of the United States be secured in the form at present before the Senate of the Congress of the United States, and that it be mimeographed for distribution to the members.

The motion, as amended, was seconded by Delegate Sakakihara, and carried.

Delegates Fong, Ohrt, Kam, Fukushima, Richards, Holroyde, Kauhane, Noda, Akau, Bryan, Gilliland, Kanemaru, Dowson, Mau, Shimamura, Arthur K. Trask and James K. Trask offered a resolution requesting the governors of the 48 states and of the territories of the United States to furnish the Hawaii State Constitutional Convention with a flag of their respective states and territories for the convention hall during the period in which this Convention remains in session for the purpose of drafting a constitution for the proposed State of Hawaii (see Sec. B, Res. No. 6). Upon motion by Delegate Fong, seconded by Delegate James K. Trask, and carried, the resolution was adopted.

At this time, Delegate Porteus moved that the Convention adjourn until tomorrow at 11:00 o'clock a.m., and at that time it convene to hear an address by Honorable Joseph R. Farrington, Delegate to Congress from Hawaii. Delegate Charles A. Rice offered an amendment to the motion, that the hour of convening be set at 10:00 o'clock a.m., instead of 11:00

o'clock a.m. The amendment was seconded by Delegate Harold W. Rice, and carried. Upon motion by Delegate Charles A. Rice, seconded by Delegate Harold W. Rice, the motion, as amended, was put and carried.

The Convention thereupon adjourned at 11:20 o'clock a.m., until 10:00 o'clock a.m., on Thursday, April 6, 1950.

### THIRD DAY • Thursday, April 6, 1950

The Convention convened at 10:00 o'clock a.m., pursuant to adjournment, with President King in the Chair.

After the opening prayer by Chaplain Judd, the roll was called, showing all delegates present, with the exception of Delegate Kageyama, excused on account of illness. The journal of the second day was read and approved.

At this time, President King stated that the hour set for the address by Hon. Joseph R. Farrington, Delegate to Congress from Hawaii, being 10:00 o'clock this morning, had arrived. The President thereupon appointed Delegates Flora K. Hayes, Marguerite K. Ashford, Elizabeth R. Kellerman, Ann H. Corbett, and Trude M. Akau as a committee of five to escort Delegate Farrington to the speaker's platform.

Mr. Farrington being in attendance, the committee so appointed escorted him to the platform and placed a lovely white carnation lei about his shoulders. The Committee having carried out its mission, was discharged and left the speaker's platform.

In presenting Mr. Farrington to the Convention, the President said:

Mr. Farrington has championed the cause of statehood throughout his entire public career, and I know that we shall appreciate the opportunity of hearing from him. Mr. Farrington.

Mr. Farrington prefaced his address with the following remarks:

Mr. President and, shall I say "fellow Delegates," the frequent reference to the fact that I, as Delegate to Congress from Hawaii, serve in the House with a voice but without a vote, sometimes makes me feel like the small boy who returned home from church one day and told his father in great glee and pride that he had been selected for the church choir. His father looked at the boy and said: "I am extremely proud of you—you must be a very good singer;" and the boy looked at his father and replied: "Well, I am not so sure I am a good singer but I sure can sing loud."

I want to say to you that that story has its application to the proceedings that you are engaged

in now, because before you are through I believe that the results of this Convention will not only be heard in all parts of this country, but in many parts of the world.

Mr. Farrington then proceeded with his address as follows:

The invitation to address this historic gathering is an honor and a privilege that I deeply appreciate. I earnestly hope and fully expect that the outcome of the deliberations on which you are now embarked will be the admission of Hawaii to the Union as the 49th State.

The record of this Convention may very well determine whether we will win statehood at this time. It should be the final proof of our ability to assume the responsibilities of state government; the most compelling argument that we have qualified in all respects for this status. I do not believe, therefore, that you can possibly underestimate the importance of this undertaking.

You are to be congratulated on having been chosen for this historic undertaking. I believe the voters of Hawaii have chosen unusually well. The people of the Territory generally are very happy about the results of the election of delegates to this convention. I find the feeling almost universal among our people that we have in you who are delegates to this convention the men and women best able by long experience and tested ability to undertake the task of drafting a constitution for the State of Hawaii.

The result of the election demonstrates the intelligence and the thoughtfulness of our voters. It should inspire new confidence in the soundness of democratic processes. Both the manner in which the election was carried on, as well as its outcome prove beyond a shadow of a doubt that the people of this Territory are keenly aware of the importance of the task that has been assigned to you.

Certainly, the cause of statehood has been strengthened immeasurably by the results of this election. The record of the votes cast shows that the people of Hawaii, in overwhelming numbers, are determined to win statehood now. The record of delegates chosen, both individually and collectively, is complete and should be final refutation of the ugly charges of the Butler Report of 1948. We are fortified by both with new and compelling evidence that Hawaii is ready now for statehood.

The Committee on Interior and Insular Affairs began its work in this Congress with hearings that opened in January of 1949—shortly after the first session was reconvened. The purpose of these hearings was to inform the members of the Committee generally on their responsibilities.

The witnesses included most of the principal officials of the Interior Department. Among them

were those responsible for the administration of the territories, including Hawaii. After the latter had made declarations in favor of statehood, I was asked to testify. I concluded with this statement:

We of Hawaii have outgrown our present form of government. Every inquiry made, with the exception of possibly the last one, has found that we have met all of the requirements of statehood. And now, we would like to know finally whether we are to be given what we feel we were promised and have earned.

In response, the Chairman of the Committee, Senator Joseph C. O'Mahoney of Wyoming, made this statement, and I quote from the record of that hearing:

"I think I can assure you, Delegate Farrington, that this Committee will actively go into the whole question. What the decision will be, of course, can't say at this time. But there will be no disposition to evade or postpone the issue as soon as we can swing into action."

Following the action of the House early in March of this year in adopting the statehood bill by a vote of 262 to 110, I wrote Chairman O'Mahoney asking that prompt action be taken by the Senate on the legislation providing statehood for Hawaii. In my letter, I quoted his statement of February, 1949 that I have just presented. In his reply, Senator O'Mahoney made this statement:

"I have your letter of March 9th asking for early hearings in consideration of H. R. 49. There is no reason for you to believe that I have changed my stand since February of 1949, at which time I made certain statements which you now quote back to me."

The subsequent action of Chairman O'Mahoney in asking the Committee to fix a date for hearings on the question of statehood for Hawaii, and the decision of the Committee to start hearings on statehood for Hawaii on May 1st, makes it clearly evident that the Chairman of this Committee fully intends to carry out his declaration that "there will be no disposition to evade or postpone the issue as soon as we can swing into action."

The Committee has clearly swung into action, and it is our responsibility to be fully prepared to meet the opportunity that this presents.

Our purpose should be to win statehood for Hawaii in this session of Congress. I believe this can be done. The forces now supporting us are so much stronger and the circumstances under which we are proceeding so much more favorable than at any time in the past, that we will be remiss in our duty if we do not do everything we possibly can to win statehood before this session of Congress adjourns this summer.

The statehood bill, H. R. 49, as passed by the House, and now pending in the Senate, should be



amended so as to qualify the election by which you were chosen and the convention now in session under the terms of the bill now pending in Congress. As passed by the House, H. R. 49 authorizes the election of 63 delegates to a constitutional convention in a slightly different form than the election held under the terms of the law passed by the legislature for this purpose. Shifts in the population shown in the election of 1948 made this necessary. I will propose, therefore, an amendment substituting for provisions for an election now in H. R. 49, the identical provisions contained in the law under which you were chosen.

I would like your thought on this as well as the advisability of amending the bill pending in the Senate so as to make it unnecessary for this convention to report to the legislature of the Territory of Hawaii. Unless the law is so amended, the results of this convention cannot be presented to the people of the Territory before the legislature of 1951 meets, unless the legislation is called into special session. I understand, moreover, that the reason which prompted the legislature to place this provision in the law under which you are meeting was the prohibition in the Organic Act at that time under which members of the legislature were held by the Attorney General to be ineligible for election to the constitutional convention. This was eliminated by an amendment to the Organic Act, approved by Congress in the first session and well before the election of delegates to the constitutional convention. I believe, therefore, that the reason for this provision in the Territorial law has been eliminated and suggest that in order to make this procedure conform with the pattern provided in most enabling acts, that the bill before the Senate be amended so that it will be possible to carry the results of your work directly to the people of the Territory for their approval without first submitting it to the legislature.

We should be prepared to defend the provisions in H. R. 49 relating to the disposition of the public lands of the Territory. The title to about 40% of the land of these Islands—about 1,600,000 acres out of a total of about 4,000,000 acres—is held by the government of the United States. The title to this land was ceded to the government of the United States as one of the conditions of annexation. Those of you sitting in this convention who attended the hearings before the House Committee on Public Lands in 1947 are well aware of the controversy that took place at that time over the disposition of these lands. The bill as finally passed by the House in the last Congress and again in this Congress provides that 180,000 acres of these lands will be selected and become the property of the State of

Hawaii at the outset of the admission of Hawaii to the Union as a state, and the title of the balance will pass into the hands of the State of Hawaii in five years unless Congress should determine otherwise. The selection of a joint committee of Congress to make this determination is provided for.

I believe also that provision in the bill to protect the lands set aside for the rehabilitation of the Hawaiians under the Hawaiian Homes Commission Act and perpetuate the responsibility of the Federal government for their proper administration should be surrounded with every possible safeguard.

I call these provisions of the statehood bill to your attention as they may have some bearing on your deliberations on this very important aspect of writing a state constitution.

Many of you who are sitting in this Convention are at the same time members of our legislature, and members of the Hawaii Statehood Commission. This gathering offers, therefore, an unusual opportunity to arrive at a program of action upon which all concerned can be united. I do not anticipate that you will be able to conclude your deliberations prior to the opening of hearings on May 1st, but do believe you may have reached by that time a point in your deliberations where the final outcome will be clear. This will be helpful in any presentation that we make to the Senate Committee.

From time to time, the partisan aspect of the fight for statehood has been the object of considerable comment and speculation. I would be the last to say that it is not a factor. The record shows that it is. But the record shows also that the progress has been achieved with support not from one party, but from both parties, and that victory cannot be achieved without support from both parties. I feel, therefore, that we should proceed on a bi-partisan basis. I believe experience has shown that this is the best, if not the only way to prevent partisanship from determining the outcome of this fight.

The issue of statehood for Hawaii will resolve itself finally into two questions. The first is, do the people of Hawaii possess the character, ability and loyalty essential to the full responsibilities of American citizenship? The second is, shall our country admit to the union as a state an area that is insular and not contiguous to the other states?

The foes of statehood for Hawaii have for many years employed every possible device to discredit, prejudice and bring into doubt the character of our people. They are still at work along this line. But I believe there will be no better answer to these attacks from the record that is going to be made by you who are assembled here. I am

confident that it will offer a complete and final answer to charges of this character.

You know as readily as I do the answers to the arguments raised on the question of non-contiguity. I mention this only because it looms large in the minds of a very considerable number of members of the Senate. It was used with considerable effect in the debate in the House of Representatives in Washington of the question of statehood for Hawaii. I mention it now only by way of emphasizing the unusual significance of your task.

For the first time in 38 years a constitution is being drafted for a new state. For the first time in the history of this country, a constitution is being drafted for a state that is not a part of the North American continent, a state which is not contiguous. It may present some new and unique problems. But whatever the case may prove to be, you may be certain that yours is a task that in some respects is without parallel in our history. You may very well be working a new chapter in the history of democratic government.

The deliberations in which you are engaged will, therefore, command an increasing measure of attention from Congress and from the people of the country generally as they come to appreciate the significance of what you are doing. I am sure this will be true particularly of other countries in the world that have within the scope of their responsibilities so-called dependent areas where the people live in inferior status and enjoy only restricted rights of citizenship. They will follow this development with the closest attention. In carving out the new State of Hawaii, we are adding immeasurably to the strength of this country both at home and abroad. I am confident that the members of the United States Senate, like the members of the House, will be finally persuaded that such is the case and in addition that consideration, of national defense and foreign policy make it important that Hawaii be admitted to the Union at this time.

I wish to again express my appreciation for this opportunity to be with you on this historic occasion and in conclusion to extend to you my very best wishes for success in the great task to which you have been assigned.

At the conclusion of the address, President King expressed the thanks of the delegates for his very fine talk, whereupon Mr. Farrington retired from the platform. Delegate Hayes moved that the address given by Mr. Farrington be made a part of the records of this Convention. The motion was seconded by Delegate Woolaway, and carried unanimously.

At this time, Delegate Heen, Vice-Chairman of the temporary Committee on Permanent Rules, pre-

sented a report recommending the consideration by the Convention of the set of rules which was submitted therewith, and recommended, at this time, the adoption of Rules 1 to 15, inclusive (see Sec. B, Special Com. Rpt. No. 1).

Delegate Heen made a few explanatory remarks concerning the various proposed rules submitted with the report; and suggested that after the motion is made to adopt the report, and the motion is seconded, the Convention go into a short recess so as to give every delegate an opportunity to read more carefully the contents of these rules 1 to 15, inclusive, before acting on the report.

Delegate Heen then moved for the adoption of the committee's report. Delegate Crossley seconded the motion, and stated that he would like also to commend Delegate Heen on the excellent work he did prior to the Convention, and since, in getting these rules together for presentation to the Convention.

Delegate Heen then moved that, before the motion to adopt the report is put, the Convention stand in recess, subject to the call of the Chair. The motion was seconded by Delegate Porteus, and carried. Accordingly, at 10:30 o'clock a.m., the Convention stood in recess, subject to the call of the Chair.

At 11:08 o'clock a.m., the Convention reconvened.

The Chair stated that at the time of the recess a motion, duly made and seconded, was pending before the Convention, to adopt the report of the temporary Committee on Permanent Rules, which would adopt rules 1 to 15, inclusive.

Delegate Heen again made some further explanatory remarks concerning the rules before the Convention.

The Chair thereupon put the motion for the adoption of the report of the temporary Committee on Permanent Rules, which carried unanimously, thereby adopting permanent rules 1 to 15, inclusive.

Delegate White moved that the Convention at this time resolve itself into a Committee of the Whole for the purpose of considering rules 19 to 65 inclusive, rules 16, 17, and 18 being excluded from consideration at this time.

Delegate Heen thereupon stated that there should be a motion at this time for the approval of the seating arrangement of the delegates in the Convention Hall, as there is nothing in the rules which provides for it, the motion to be to the effect that the seating arrangement in the Convention Hall as it now is shall constitute the seating arrangement of the delegates to this Convention. Delegate Heen so thereupon moved. The motion was seconded by Delegate Sakakihara.

The President stated that before putting the motion he would like to inquire if all of the delegates were satisfied with the present seating arrangement as, under the rules, the President is responsible for assigning the seats to the delegates.

Delegate Larsen registered a complaint to his seat, in the back row; and also stated that he was very much in favor of returning to Iolani Palace where seats could be assigned to the delegates alphabetically. As far as lack of space for visitors was concerned in the Hall of the House of Representatives in the Palace, Delegate Larsen felt that the President could arrange for various schools and organizations desiring to attend the Convention sessions, to come at stated times, so that there would be sufficient room to accommodate them. He asked that the Convention consider this.

The Chair stated that any approval of the present seating arrangement in this Convention Hall would not preclude a change of location later on.

Delegate Mau stated that he would like to offer an amendment to that motion, but before he did so, he would like to explain his stand on the matter, which he proceeded to do. Delegate Mau thereupon moved that the motion be amended to provide that the President fix the procedure by drawing lots for these seats.

Delegate Ashford moved to amend that motion further to read that the Convention withdraw from the Armory and return to Iolani Palace. The motion, as amended, was seconded by Delegate Larsen.

Delegate Porteus informed the delegates that the engineers were now working on the public address system, and that if the delegates would wait until Monday he felt that a great improvement in the acoustics of the hall would be made.

At this juncture, Delegate Heen rose to a point of order on the amendment, stating that the question before the Convention was the seating arrangement here in the Armory, and not a question of whether the Convention stay in its present quarters or return to Iolani Palace. Therefore, the amendment to the motion was not a proper one.

The Chair ruled that the point of order was well taken.

Delegate Fong moved that action on this motion be deferred until Monday, April 10th. Seconded by Delegate Porteus, and carried.

The Chair stated that the only motion now before the Convention was Mr. White's motion, which had not been seconded. Mr. Castro thereupon seconded Mr. White's motion that the Convention resolve itself into a Committee of the Whole for the consideration of Rules 19 to 65.

Delegate Harold W. Rice moved that the Convention at this time stand in recess, and that during the recess the various district delegates get together for a discussion of the rules under consideration. The motion was seconded by Delegate Mau, and carried; and at 11:30 o'clock a.m., the Convention stood in recess, subject to the call of the Chair.

At 12:30 o'clock p.m., the Convention reconvened.

President King announced at this time that henceforth there would be no smoking in the Convention

Hall while the delegates are in session; and that the masculine members of the Convention would wear their coats.

The Chair announced that there was pending before the Convention at the time the recess was declared, a motion which provided that the Convention resolve itself into a committee of the whole for the consideration of rules 19 to 65, inclusive. Delegate White thereupon withdrew his motion calling for the Convention to resolve itself into a committee of the whole for the consideration of the said rules; and Delegate Castro thereupon withdrew his second.

The President at this time announced that the temporary Committee on Permanent Rules had scheduled a meeting of that committee for 2:00 o'clock this afternoon, and that any members having suggestions to submit should place them before said committee, and that any of the delegates so desiring would be welcome to attend this meeting.

Delegates Hayes and James K. Trask offered a resolution providing for an official register for the purpose of preserving the signatures of the 63 delegates to the Convention, and such guests of the Convention as might care to sign the same; the first signatures to be those of the delegates, followed by the names of the honored guests who were seated on the platform on the opening day; and for the signatures of any other visitors during the entire session of the Convention; and thereafter to be filed with the Archives as part of the records of the Convention (see Sec. B, Res. No. 7). Upon motion by Delegate Hayes, seconded by Delegate James K. Trask, the resolution was adopted.

Delegate Mau offered a resolution inviting Mr. George H. Lehleitner, presently visiting in Hawaii, to attend the Hawaii State Constitutional Convention at his convenience, as an honored guest, because of his ardent advocacy of statehood for Hawaii (see Sec. B, Res. No. 8). Delegate Heen moved that action on the resolution be deferred until a later date. Seconded by Delegate Anthony, and carried.

A communication from Oren E. Long, Secretary of Hawaii, transmitting a communication from Joe C. Harper, Warden of Oahu Prison, and Thomas B. Vance, Director of Institutions, presenting on behalf of the state prison system a miniature example of Hawaii's prison industries (a koa outrigger canoe), to each of the delegates, and extending good wishes for success in the task before the Convention, was read by the Clerk (see Sec. B, Dept. Com. No. 1). The communications were received and placed on file; and the Chief Clerk was instructed to acknowledge the communication from the Warden of Oahu Prison and the Director of Institutions, and to express to them the thanks and appreciation of the delegates for the presentation made to them and for their well wishes.

A communication from the Secretary of Hawaii acknowledging receipt of certified copy of Conven-

tion Resolution No. 5, was read by the Clerk (see Sec. B, Dept. Com. No. 2). The communication was received and placed on file.

A communication from the Secretary of Hawaii transmitting a letter from the Chamber of Commerce of Honolulu, urging the formation of a committee of delegates to consider as a part of the state constitution the subject of public education, and expressing the confidence of the Chamber in the elected delegates in carrying out their responsibilities, was read by the Clerk (see Sec. B, Dept. Com. No. 3). The communications were received and placed on file; and the Chief Clerk was instructed to acknowledge the communication from the Chamber of Commerce of Honolulu, and to inform this organization that its communication would be referred to the proper committee when it is appointed.

At 12:40 o'clock p.m., upon motion by Delegate Crossley, seconded by Delegate Woolaway, the Convention adjourned until 11:00 o'clock a.m., on Monday, April 10, 1950, in accordance with action taken at the session held on April 4th.

#### FOURTH DAY • Monday, April 10, 1950

The Convention convened at 11:05 o'clock a.m., with President King in the Chair.

After prayer by Chaplain Judd, the roll was called showing all delegates present, with the exception of Delegates Hayes and Kawakami excused, and Delegate Kageyama, absent. The journal of the third day was approved.

Delegates Crossley, Charles A. Rice, Frank G. Silva, Serizawa and Mizuha offered a resolution extending the sympathy of the members of the Convention to Delegate H. S. Kawakami and his family in the great sorrow that has come to them in the loss of their daughter, Ellen (see Sec. B, Res. No. 9). Upon motion by Delegate Crossley, seconded by Delegate Charles A. Rice, the resolution was unanimously adopted by the rising vote.

Delegate Heen, for the temporary Committee on Permanent Rules, presented a final report recommending the adoption of the entire set of rules as the permanent rules of the Convention, as amended and submitted with the report (see Sec. B, Special Com. Rpt. No. 2). Delegate Heen moved that the report of the committee be adopted. Seconded by Delegate Kauhane, and carried.

Delegate Heen explained that the effect of the adoption of the report would place the rules in their entirety before the Convention for consideration. The President announced that the rules, as amended, were now before the Convention for consideration.

Delegate Harold W. Rice at this time moved for the adoption of the rules as amended and presented to the Convention by the temporary Committee on

Permanent Rules. The motion was seconded by Delegate Crossley, and carried; and the amended rules were thereby adopted by the Convention.

Delegate Arthur K. Trask asked that consideration be deferred on Rule 46. Delegate Charles H. Silva thereupon rose on a point of order, stating that before any further action was taken on the adoption of the rules, it would be necessary for the Convention to reconsider its action taken in adopting the rules. Delegate Anthony moved that the Convention reconsider its action taken in adopting the rules as amended. Seconded by Delegate Charles H. Silva, and carried.

Delegate Arthur K. Trask moved that the second sentence of the second paragraph of Rule 46, be amended by deleting the word "unanimous" before the word "consent," and that the words "majority consent of the delegates present" be substituted therefor. It being explained to Delegate Trask that the rules could be amended or suspended at any time by a majority vote, he withdrew his motion to defer action on Rule 46.

Delegate Crossley thereupon moved for the adoption of the amended rules in toto. Seconded by Delegate Arthur K. Trask, and carried.

At this time, President King asked that the regular order of business be suspended to receive a group of distinguished guests in the persons of the Korean Consul General at Honolulu and the chairman and members of the National Assembly, Republic of Korea. The President appointed Delegates Cockett, Smith, Kanemaru, Dowson and Bryan as a committee of five to wait upon these notables and escort them to the platform.

Delegate Harold W. Rice then moved that the Convention stand in recess, subject to the call of the Chair. Seconded by Delegate Wirtz, and carried; and at 11:20 o'clock a.m., the Convention stood in recess, subject to the call of the Chair, in order that the committee might carry out its mission.

At 11:24 o'clock a.m., the Convention reconvened, and the honored guests were escorted to the platform by the committee and greeted by the President, who thereupon presented the Honorable Young Sik Kim, Consul General for the Republic of Korea, at Honolulu, to the Convention; and then asked Consul General Kim to present the members of the National Assembly, Republic of Korea, to the Convention. Consul General Kim proceeded with the presentations as follows: Mr. P. H. Shinicky, Chairman of the Korean National Assembly; Dr. Hoon Koo Lee and Mr. Iong Gwyn Re, Members of the Assembly; Mr. Chongsun Yi, Secretary General of the Assembly.

Consul General Kim thereupon presented to the Convention the Honorable P. H. Shinicky, who addressed the Convention in the Korean language, which was then interpreted into the English language by Mr. Chongsun Yi, as follows:

It is a great honor and privilege to be in the beautiful Hawaiian Islands, the Paradise of the Pacific and the forthcoming 49th State of the United States. It is a greater honor to be able to attend and speak before the members of the Hawaiian State Constitutional Convention today and I do thank you Mr. Chairman and Delegates of this convention for this honor.

We are living in the age of democracy. We have done away with dictatorship, tyranny and injustice to our society as a whole. The fundamental principle of democracy is to operate and administer according to the will of the people, in other words, the opinions of the majority must be obeyed by the minority. Following this firm and unshakable democratic principle, you have introduced Hawaii as the possible 49th State into the United States of America according to the will of the majority of the people living in the Hawaiian Islands. If I may quote from an oriental saying, "We always find bloodstains on the doors of freedom." So it is true in fulfilling this mission. In order to open the gates of freedom, we have to touch the bloodstains on the doorknob and you have to share the sweat and toil in establishing statehood in Hawaii. I believe that final victory can be won only by justice and I do not have the slightest doubt that the establishment of statehood in Hawaii is certain and clear with the blessings of God from above.

The history of Korea, though ancient, is young as a nation as far as the experience of democratic life is concerned. With the great help of the United States, we are making great progress in rehabilitating economic and social life believing that God helps those who help themselves. I know that we are helping each other, and Korea in receiving material aid from the United States is acting as a bulwark against non-democratic forces such as communism. Through this stern protest and struggle to protect free democracy, we are trying to show our appreciation and give some assistance not only to the United States, but also, to humanity as a whole.

I humbly ask of you, ladies and gentlemen, for true friendship and cooperation between Hawaii and the Republic of Korea. In gratitude, may you be rewarded with many blessings and prosperity by becoming the 49th State of the United States, and I do hope and believe that we both can be benefitted by the fundamental principles of freedom, equality and the principle of mutual help.

May God bless your Islands as a state and as a part of a great nation. I thank you.

Delegate Crossley moved that the address given to the Convention by the chairman of the Korean National Assembly be made a part of the records of

this Convention. The motion was seconded by Delegate Loper, and carried unanimously.

At this time, Delegate Crossley moved that the Convention stand in recess, subject to the call of the Chair, in order that the delegates might have an opportunity to meet these personages of the Republic of Korea. The motion was seconded by Delegate Charles A. Rice; and at 11:30 o'clock a.m., the Convention stood in recess, subject to the call of the Chair.

At 11:40 o'clock a.m., the Convention reconvened and proceeded with the business before it.

Delegate Heen offered a resolution providing that the Secretary of the Convention be a member ex-officio, without vote, of the several committees to which he is not specifically appointed (see Sec. B, Res. No. 10). Upon motion by Delegate Heen, seconded by Delegate Harold W. Rice, the Resolution was adopted.

The President at this time announced the appointments to the 20 standing committees of the Convention. (Listed at the beginning of this volume.) Delegate Anthony moved that the Convention stand in recess, subject to the call of the Chair, in order that the delegates might have an opportunity of going over the Committee appointments. The motion was seconded by Delegate Heen, and carried; and at 11:55 o'clock a.m., the Convention stood in recess, subject to the call of the Chair.

At 12:16 o'clock p.m., the Convention reconvened.

President King hereupon presented the list of elective and appointive employees of the Convention, with their respective monthly salaries and appointive dates (April 10, 1950, unless otherwise indicated), which was read by the Clerk as follows:

#### ELECTIVE EMPLOYEES (All effective April 4, 1950)

Chief Clerk	Mrs. Ellen D. Smythe
\$800	
Asst. Chief Clerk	Mrs. Ethel Chillingworth
\$650	
Sergeant-at-Arms	Charles Brenham
\$400	Herman Kuhlmann
Chaplain	Rev. Henry P. Judd
\$500 (session)	

#### APPOINTIVE EMPLOYEES

Supervising Sec'y	Mrs. Eva Hart
\$550	
Engrossing Clerks	Mrs. Hannah B. Harris
\$400	Mrs. Mabel Arnold
Stenographers	Mrs. Hunnie Yee
\$400	Winifred Tanaka
	Helen Delaney
	Mildred Ito
	Eleanor Lum

Beatrice C. Gomes\*\*  
 Elizabeth Aiwohi  
 Muriel K. Bayless  
 K. R. Putnam  
 Jeanne Detor

Typists-  
 Stencilers  
 \$300

Charlotte Cockett  
 Evelyn Kufferath  
 Ellen W. Kalahahe  
 Ethel Chang Au  
 Beatrice Hanna  
 Betty C. Yap  
 Kathryn Gay\*\*

Record Clerk  
 \$350

Rosalie H. Dwight\*

Proof-Readers  
 \$350

Alice MacFarlane  
 Gladys Pearne  
 Ahuna Young  
 Ethel Love

Messengers  
 \$250

Guy Goodness\*  
 Eddie Chong  
 Ben Kane\*  
 Wm. I. Kanakanui\*  
 Thos. K. Kamioka\*  
 Paul K. Prigge  
 John C. Anderson  
 H. Arizumi  
 Sadao Amioka

File Clerks  
 \$250

Wilhelmina C. Chang\*  
 Carrie C. Combs\*  
 Harriet Vredenberg\*  
 Rose K. Holt  
 Annie Clark  
 Alice Fong  
 Lillian Yajima  
 Richard Yasuda  
 Gertrude Wiggins  
 Emmeline K. Apaka  
 Gladys Kobayashi  
 Lily Ogimi  
 Charles Kojima

Printing Machine  
 Operator—\$300

Martha Cathcart\*

Accounts and  
 Property Clerk  
 \$500

James S. Achong\*

Ass't. Accounts and  
 Property Clerk—\$250

Joseph E. Medeiros\*

Watchmen and  
 Doormen—\$250

Sam Paulo\*  
 Nobel Yamasaki

Janitors—\$250

Aki Akowai\*\*\*  
 Solomon Pule  
 Harry Purdy\*\*\*

Frank Rodrigues  
 Margaret Keopuhiwa  
 Agnes Machado  
 Mary Matsuno

\*Effective April 4    \*\*April 5    \*\*\*April 6

Delegate Crossley moved that the action of the President in making the above appointments and setting their rates of pay and their appointive dates be approved. The motion was seconded by Delegate Sakakihara, and carried. The President stated that the list of appointees may be supplemented if and when it may be found necessary.

Consideration of motion by Delegate Heen, seconded by Delegate Sakakihara, that the delegates approve the present seating arrangements of the Convention Hall in the Armory as the permanent seating arrangements in said Armory, action on which was deferred on April 6th, on special order: Delegate Heen at this time re-stated the motion now before the Convention, which was thereupon put by the President and carried.

Delegate Corbett, who has been working diligently on the improvement of the acoustics of the Convention Hall over the weekend, was asked to make a brief report of what had been done in this regard. Delegate Corbett informed the Convention of the various things that had been done to improve the acoustics; and she asked that Dr. Miyake of the University of Hawaii be extended thanks for giving so generously of his time and his knowledge in making suggestions to improve the acoustics of the Convention Hall.

A communication from the Secretary of Hawaii, in regard to the handling of the accounts of the Convention and the disbursement of funds appropriated under Act 334, Session Laws of Hawaii 1949, was read by the Clerk (see Sec. B, Dept. Com. No. 4). Upon motion by Delegate Heen, seconded by Delegate Harold W. Rice, the communication was received and referred to the Committee on Accounts.

A communication from the Treasurer of the Territory of Hawaii relating to the offer made to the Convention by Wood, King & Dawson, of New York City, to assist the Convention in the drafting of constitutional provisions with respect to territorial and local borrowing, was read by the Clerk (see Sec. B, Dept. Com. No. 5). The communication was received and upon motion by Delegate Harold W. Rice, seconded by Delegate Fong, it was referred to the Committee on Taxation and Finance.

A communication from the Regional Director of the United Public Workers of America, CIO, Honolulu, requesting an opportunity to appear before the Convention, or any appropriate committee thereof, to present suggestions for the consideration of the delegates relating to government employees, labor's rights, and the presentation of grievances by government workers, was read by the Clerk (see Sec. B,

Misc. Com No. 3). The communication was received, and upon motion by Delegate Wirtz, seconded by Delegate Harold W. Rice, and carried, was referred to the Committee on Industry and Labor.

Delegates Wist, Crossley, Heen and Loper introduced Proposal No. 1, "Relating to Education." The proposal passed first reading by title, was ordered printed, and referred by the President to the Committee on Education.

Delegate Porteus, Secretary of the Convention, at this time announced the following committee meetings which had been scheduled up to this time: Health and Public Welfare, Monday, April 10th, at 2:00 p.m.; Bill of Rights, Tuesday, April 11th, at 9:00 a.m.; Executive Powers and Functions, Tuesday, April 11th, at 9:30 a.m.; Legislative Powers and Functions, Tuesday, April 11th, at 10:00 a.m.; Committee on Judiciary, Tuesday, April 11th, at 10:30 a.m.; Education, Tuesday, April 11th, at 2:00 p.m.; Taxation and Finance, Wednesday, April 12th, at 9:00 a.m.; Local Government, Thursday, April 13th, at 9:30 a.m.

The Secretary further announced that meetings of other committees not here scheduled would be announced tomorrow. Delegate Porteus also informed the delegates that a bulletin board would be placed in a convenient place in the Hall on which all meetings would be posted.

At 12:50 o'clock p.m., upon motion by Delegate Crossley, seconded by Delegate Sakakihara, the Convention adjourned until 11:00 o'clock a.m., on Tuesday, April 11, 1950.

#### FIFTH DAY • Tuesday, April 11, 1950

The Convention convened at 11:05 o'clock a.m., with President King presiding.

The divine blessing was invoked by Chaplain Judd, after which the roll was called, showing all Delegates present, with the exception of Delegate Kageyama, absent, and Delegate Kawakami, excused. The journal of the fourth day was approved.

A communication from Delegate Richard M. Kageyama tendering his resignation as a delegate to the Convention, and giving as his reason therefor his cooperation with the agents of the House UnAmerican Activities Committee in helping to expose Communist activity in Hawaii; and stating that his further attendance at the Constitutional Convention as a delegate might embarrass his fellow delegates and prejudice the cause of Statehood for Hawaii, was read by the Clerk (see Sec. B, Misc. Com. No. 4).

Delegate Crossley thereupon moved that Delegate Kageyama's resignation be accepted, and that this Convention express its appreciation to Delegate Kageyama for his courageous act in helping to expose UnAmerican activities by his cooperation with

and testimony before the House Committee on Un-American Activities. The motion was seconded by Delegate Heen.

Delegate Anthony moved that the motion be amended to read: "that the Convention accept Mr. Kageyama's resignation." Delegate Anthony then moved for the adoption of the amendment. Seconded by Delegate Mau, and carried. The Chair thereupon put the amended motion, which was carried unanimously.

Following some discussion on this matter, Delegate Crossley moved that this Convention express its appreciation to Mr. Kageyama for his courageous act in helping to expose UnAmerican activities by his cooperation with the testimony before the House UnAmerican Activities Committee. Seconded by Delegate Akau.

Delegate Gilliland moved that the motion be tabled. Seconded by Delegate Anthony. The motion to table the motion was thereupon put by the Chair and lost, on a showing of hands.

The Chair stated that the question now before the Convention was Delegate Crossley's motion, seconded by Delegate Akau. Delegate Anthony moved that the motion be amended to read that this matter be referred to a special committee of delegates appointed by the President to draft a resolution for presentation to the Convention, expressing the sense of the Convention with regard to Mr. Kageyama's cooperation with the House UnAmerican Activities Committee. The motion was seconded by Delegate James K. Trask, and carried.

Delegate Heen moved that the special committee to be appointed by the President to carry out the intent of the above motion, consist of seven delegates. Seconded by Delegate Anthony, and carried. The President stated that he would announce the appointments to this special committee later in the day.

Delegate Fong thereupon moved that the President inform the Governor that the Convention having accepted Mr. Kageyama's resignation, there now exists a vacancy in the membership of the Convention. The motion was seconded by Delegate Noda, and carried.

Delegates Wist, Loper, Charles A. Rice and Harold W. Rice introduced Proposal No. 2, "Relating to Education." The proposal passed first reading by title, was ordered printed, and referred by the President to the Committee on Education.

Delegates Sakakihara and Kauhane introduced Proposal No. 3, "Relating to the Supreme Court—Composition of, and tenure on." The proposal passed first reading by title, was ordered printed, and referred by the President to the Committee on Judiciary.

At 11:30 o'clock a.m., upon motion by Delegate Anthony, seconded by Delegate Porteus, the Convention stood in recess, subject to the call of the Chair.

At 12:45 o'clock p.m., the Convention reconvened.

The President at this time announced his appointments to the special committee to discuss the language to be used by the Convention in commenting on Mr. Kageyama's resignation, as follows: Chairman, Tavares; Vice-Chairman, Arthur K. Trask; Members: Larsen, Kauhane, Akau, Wist and Loper. The President stated that this special committee had considered the subject matter referred to it and was now ready to make a report to the Convention. He thereupon called upon the chairman of the said special committee to make a report to the Convention.

Delegate Tavares reported orally that the committee had met and carefully worked out a resolution which, although not unanimously acceptable to all members of the committee, had been accepted by a large majority thereof. Chairman Tavares stated that in presenting this resolution, and subsequent to its being read, he would ask for the privilege of explaining it.

Delegate Tavares thereupon offered, for the special committee, a resolution, setting forth that it is the consensus of the Convention that the action of Richard M. Kageyama in cooperating with the House UnAmerican Activities Committee, and testifying before it toward the exposure of Communists and Communist activities in Hawaii, has been a distinct service to his country, without condoning any prior improper acts on his part (see Sec. B, Res. No. 11).

Delegate Tavares moved for the adoption of the resolution. The motion was seconded by Delegate Akau. After some discussion, the motion to adopt the resolution was put by the President, and carried.

Delegates Mizuha, Kellerman, Bryan, Smith, Kometani, James K. Trask, Holroyde, Noda, Cockett, Luiz, Nielsen, Charles H. Silva, Larsen and Lee introduced Proposal No. 4, "Relating to Bill of Rights." The proposal passed first reading by title, was ordered printed, and referred by the President to the Committee on Bill of Rights.

Delegates Mizuha, Kellerman, Bryan, Smith, Kometani, James K. Trask, Holroyde, Noda, Cockett, Luiz, Nielsen, Charles H. Silva, Larsen and Lee introduced Proposal No. 5, "Relating to Rights and Privileges."

The proposal passed first reading by title, was ordered printed, and referred by the President to the Committee on Bill of Rights.

Delegates Castro, White, Kometani, Harold W. Rice, Roberts, Corbett and Loper offered a resolution providing that a copy of the latest edition of Cushing's *Manual of Parliamentary Practice* and of Roberts' *Rules of Order* be purchased by the Convention and made available to each delegate (see Sec. B, Res. No. 12).

Delegate Porteus moved that the resolution be referred to the Committee on Accounts. Seconded by Delegate Tavares, and carried.

At 1:10 o'clock p.m., upon motion by Delegate Crossley, seconded by Delegate Noda, the Convention adjourned until 11:00 o'clock a.m., on Wednesday, April 12, 1950.

### SIXTH DAY • Wednesday, April 12, 1950

The Convention convened at 11:00 o'clock a.m., pursuant to adjournment, with President King in the Chair.

After prayer by the Chaplain, the roll was called, showing all delegates present, with the exception of Delegate Kawakami, excused. The journal of the fifth day was approved.

A communication from Delegate Herbert M. Richards, Chairman of the Committee on Agriculture, Conservation and Land, requesting that the membership of said Committee be increased from 11 to 15 members, was read by the Clerk (see Sec. B, Misc. Com. No. 5). The communication was received and referred to the Committee on Rules and Order of Business.

Delegates Ashford and Sakahihara introduced Proposal No. 6, "Relating to Government Office or Employment." The proposal passed first reading by title, was ordered printed, and referred by the President to the Committee on Executive Functions and Powers.

Delegates Mizuha and Yamauchi introduced Proposal No. 7, "Relating to Taxation and Finance." The proposal passed first reading by title, was ordered printed, and referred by the President to the Committee on Taxation and Finance.

Delegates Larsen and Ashford introduced Proposal No. 8, "Relating to Representation in the Legislature." The proposal passed first reading by title, was ordered printed, and referred by the President to the Committee on Legislative Powers and Functions.

Delegate Ashford introduced Proposal No. 9, "The Recall of Judges." The proposal passed first reading by title, was ordered printed, and referred by the President to the Committee on Judiciary.

Delegates Kage, Lyman and Akau introduced Proposal No. 10, "Relating to Education." The proposal passed first reading by title, was ordered printed and referred by the President to the Committee on Education.

Delegates Hayes, Charles A. Rice, Arthur K. Trask, James K. Trask, King, Kauhane, Larsen, Cockett, Heen, Tavares, Anthony, Lyman and Apoliona introduced Proposal No. 11, "Preamble for the State of Hawaii Based on Its Dramatic History." The proposal passed first reading by title, was ordered printed, and referred by the President to the Committee on Style. Delegate Larsen made a brief statement on the purport of this proposal, linking it to the



first constitution granted to the people of Hawaii by King Kamehameha I. He told the story of the Law of the Splintered Paddle—"Mamalahoe Kanawai"—which is considered one of the great declarations of basic law, next to the Constitution of the United States of America. In closing, Delegate Larsen quoted the last paragraph in the proposal, affirming the belief of the people of Hawaii in a government for, of and by the people, and repeating the Law of the Splintered Paddle—"Mamalahoe Kanawai"—expressing his hope that this can be made the motto of the State of Hawaii.

Delegate Mizuha introduced Proposal No. 12, "Relating to Rights and Privileges." The proposal passed first reading by title, was ordered printed, and referred by the President to the Committee on Bill of Rights.

Delegate White introduced Proposal No. 13, "Public Finance and Taxation—Organization." The proposal passed first reading, was ordered printed, and referred by the President to the Committee on Taxation and Finance.

Delegates Nielsen, Yamamoto, Luiz, Yamauchi, Doi, Kawahara and Roberts offered a resolution requesting the Legislative Reference Bureau to make available to the delegates and committees of the Convention its research facilities and materials, etc., and to render such other services as the Convention may require (see Sec. B, Res. No. 13). Upon motion by Delegate Nielsen, seconded by Delegate Roberts, the resolution was unanimously adopted.

The President stated that the Legislative Reference Bureau was now set up in the Armory, on the makai side of the Convention Hall, and was ready to render assistance to the delegates as required.

At this time, the President announced that he had appointed Delegate Anthony to fill the vacancy of the Committee on Rules and Order of Business. The President stated, further, that appointments to fill the vacancies on two other committees would be held in abeyance until the Governor has filled the vacant seat in the Convention membership.

At 11:30 o'clock a.m., upon motion by Delegate Charles H. Silva, seconded by Delegate Sakakihara, the Convention adjourned until 11:00 o'clock a.m., on Thursday, April 13, 1950.

### SEVENTH DAY • Thursday, April 13, 1950

The Convention convened at 11:00 o'clock a.m., pursuant to adjournment, with President King in the Chair.

After prayer by the Chaplain, the roll was called, showing all delegates present, with the exception of Delegates Kawakami and Ohrt, excused; and Delegate Frank G. Silva, absent. The journal of the sixth day was approved.

A message from the Governor, informing the Convention that he had appointed John R. Phillips,

who is an elector of the Combination "P"—Precincts 11, 15, 16, 17, 18, 24, and 32 of the Fourth Representative District, to fill the vacancy caused by the resignation of Mr. Richard M. Kageyama was read by the Clerk (see Sec. B, Governor's Message No. 2). The message was received and placed on file.

The President at this time announced that John R. Phillips, appointed by the Governor to fill the vacancy in the membership of the Convention, had taken the oath of loyalty. The President thereupon appointed Delegates Hayes and Porteus to escort Mr. Phillips to the rostrum; and requested Supreme Court Chief Justice Samuel B. Kemp, who was present on the platform, to administer the oath of office to the newly appointed delegate.

Chief Justice Kemp was presented to the Convention, and administered the oath of office to John R. Phillips as a delegate to the Convention. Delegate Phillips was then escorted to his seat among the delegates from the Fourth Representative District, as assigned to him by the President.

A communication from the Secretary of Hawaii transmitting for the use of the Convention six copies of the *Revised Laws of Hawaii 1945, Session Laws of Hawaii, 1945, 1947 and 1949* (Regular Session), and six copies of the *Special Session Laws of 1949* to be furnished when received from the publisher, to be considered as a loan, because of the shortage of the law books, was read by the Clerk (see Sec. B, Dept. Com. No. 6). The communication was received and placed on file.

The Secretary announced that these books would be placed in the Legislative Reference Bureau's library in the Armory, for the use of the members.

A communication from Hon. C. A. Robins, Governor of Idaho, informing the Convention that at this time an Idaho flag was not available for presentation for hanging in the Convention Hall, and enclosing a pamphlet describing the design of their flag, was read by the Clerk (see Sec. B, Misc. Com. No. 6). The communication was received and placed on file.

Delegate Wirtz, for the Committee on Rules and Order of Business, to which had been referred Miscellaneous Communication No. 5 from the Committee on Agriculture, Conservation and Land, requesting that the membership of that committee be increased from 11 to 15, presented a report, stating that the committee had acted favorably upon the request, and recommending that sub-section 10 of Rule 17 of the rules of the Convention be amended accordingly (see Sec. B, Standing Com. Rpt. No. 1). Delegate Wirtz moved that the rules be suspended in order that the Convention might act upon this amendment immediately. The motion was seconded by Delegate Woolaway, and carried.

Delegate Wirtz thereupon moved that the report of the committee be adopted. Seconded by Delegate Apoliona, and carried; and sub-section 10 of Rule 17

of the rules of the Convention was thereby amended increasing the membership on the Committee on Agriculture, Conservation and Land from 11 to 15 members.

Delegate Wist, for the Committee on Style, reported orally, returning Proposal No. 11, referred to that Committee yesterday, relating to the preamble for the Constitution for the proposed State of Hawaii, with the recommendation that it be referred to the Committee on Miscellaneous Matters. Upon motion by Delegate Wist, seconded by Delegate Sakakihara, the oral report of the committee was adopted; and Proposal No. 11 was thereupon so referred.

The President at this time announced the appointment of the four additional members to the Committee on Agriculture, Conservation and Land, as follows: Delegates Ihara, Ashford, Phillips and James K. Trask.

The President also announced that, at the request of the Maui delegates, he had relieved Delegate Ashford from her membership on the Committee on Local Government; and had appointed Delegate Harold W. Rice as a member of the committee in her place. The President further announced the appointment of Delegate Phillips as a member of the following committees: Local Government and Miscellaneous Matters, in place of Delegate Kageyama, resigned.

Delegates Sakakihara and Wirtz introduced Proposal No. 14, "The Judiciary." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Judiciary.

Delegates Sakakihara and Wirtz introduced Proposal No. 15, "The Circuit Courts and Inferior Courts." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Judiciary.

Delegates Kellerman, Bryan, Holroyde and Mizuha introduced Proposal No. 16, "Relating to Legislative Committees." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Legislative Powers and Functions.

Delegate Akau introduced Proposal No. 17, "Relating to Women on Juries." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights, upon motion by Delegate Anthony, seconded by Delegate Heen, and carried.

Delegates Lee and Charles H. Silva introduced Proposal No. 18, "Relating to Constitutional Limitations on Concentration of Land Ownership." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Agriculture, Conservation and Land.

Delegate Lee introduced Proposal No. 19, "Providing for the Conservation of Natural Beauty, Historic Monuments, Sightliness, and Physical Good Order of the State of Hawaii." The proposal passed first reading by title, was ordered printed, and re-

ferred to the Committee on Health and Public Welfare.

Delegate Sakakihara introduced Proposal No. 20, "Lieutenant Governor." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Executive Powers and Functions.

Delegate Sakakihara introduced Proposal No. 21, "The Governor." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Executive Powers and Functions.

Delegates Sakakihara, Noda, Kauhane, James K. Trask, Fukushima, Shimamura, Gilliland, Mau, Kanemaru, Dowson, Kam, Richards, Arthur K. Trask, Akau, Holroyde and Bryan offered a resolution expressing regret at the passing of Tang Yau Fong, brother of Delegate Hiram L. Fong, and extending sympathy to his bereaved family (see Sec. B, Res. No. 14). Upon motion by Delegate Sakakihara, seconded by Delegate Kam, the resolution was unanimously adopted by a rising vote.

Delegates Charles H. Silva, Lyman, Sakakihara and Ashford offered a resolution providing that the capitol of the future State of Hawaii be located on an island within the said state other than Oahu (see Sec. B, Res. No. 15). Delegate Heen moved that the resolution be referred to the Committee on Agriculture, Conservation and Land. Seconded by Delegate Mau.

Delegate Porteus moved that the motion be amended to refer the resolution to the Committee on Miscellaneous Matters. The motion was seconded by Delegate Woolaway. Delegate Heen then moved that the amendment be amended to refer the resolution to the Committee of the Whole. Seconded by Delegate Anthony.

At this time, Delegate Roberts rose to a point of order, stating that the rules provided that any subject matter to be incorporated in the Constitution shall be by proposal; and accordingly suggested that the resolution be redrafted in the form of a proposal.

At this time, Delegate Sakakihara rose to a point of order, stating that the rules provided that any matter not in the form of a proposal shall be treated as a petition. The Chair stated the point of order was well taken.

Delegate Sakakihara demanded an aye and no vote on referring the resolution to the committee of the whole, and there being the required number of delegates voting in the affirmative, the Chair thereupon put the motion to refer the resolution to the committee of the whole, which was lost the following showing of Ayes and Noes: Ayes, 8 (Akau, Anthony, Heen, Larsen, Lee, Mau, Phillips and Arthur K. Trask). Noes, 50. Excused, 2 (Kawakami and Ohrt). Absent, 1 (Frank G. Silva). Absent at roll call, 1 (Luiz).

At this juncture, President King stated that Admiral Charles H. McMorris, Commandant of the 14th Naval District, Pearl Harbor, was calling; and asked Delegate Porteus to assume the Chair. Delegate Porteus thereupon assumed the Chair.

Delegate Heen rose, to a point of order, stating that the rules require that if the President desires to speak on any matter he may retire and take his place on the floor, and if he is temporarily absent, the Vice-President shall preside. The temporary Chairman ruled that the President was present in the Convention.

Delegate Lee at this time moved that the Convention stand in recess, subject to the call of the Chair. Seconded by Delegate Kauhane, and carried; and at 11:45 o'clock a.m., the Convention stood in recess, subject to the call of the Chair.

At 11:50 o'clock a.m., the Convention reconvened, with Delegate Porteus in the Chair.

The temporary chairman now asked that Delegate Sakakihara, Vice-President of the Convention from the First Senatorial District, take the Chair. Vice-President Sakakihara hereupon assumed the Chair and Delegate Porteus retired.

Delegate Porteus thereupon renewed his motion, which had been seconded by Delegate Woolaway, that the resolution be referred to the Committee on Miscellaneous Matters, which was put by the temporary Chairman, and carried.

President King here resumed the Chair, and Vice-President Sakakihara retired.

The President announced that Admiral McMorris, Commandant of the 14th Naval District, had extended an invitation to all the delegates and their respective spouses to visit Pearl Harbor, the date and hour to be arranged later, at a time most convenient to the delegates; and asked that the Secretary poll the delegates to ascertain how many desired to accept this invitation. The President also extended, on behalf of Admiral and Mrs. McMorris, an invitation to the delegates and their respective wives to call on them at a date to be set later, towards the end of this month.

At 12:05 o'clock p.m., upon motion by Delegate Bryan, seconded by Delegate Kauhane, and carried, the Convention adjourned until 11:00 o'clock a.m., on Friday, April 14, 1950.

### EIGHTH DAY • Friday, April 14, 1950

The Convention convened at 11:10 o'clock a.m., with President King presiding.

The divine blessing was invoked by Father Benedict Vierra, Diocesan Director of the Confraternity of Christian Doctrine, in the absence of Chaplain Judd.

The roll was called showing all delegates present, with the exception of Delegate Kawakami, excused. The journal of the seventh day was approved.

Under suspension of the rules, Delegate Larsen offered resolution providing for the appointment of a special committee of 11 members by the President to investigate the qualifications of Frank G. Silva to

retain his seat as a delegate, in view of his refusal to testify under oath before a legally constituted committee of the U. S. House of Representatives (see Sec. B, Res. No. 16). Delegate Larsen moved for the adoption of the resolution. Seconded by Delegate Kauhane.

Delegate Frank G. Silva thereupon rose to a point of personal privilege, and was recognized by the Chair. Delegate Frank G. Silva then asked that, before the vote was taken on the resolution, he be permitted to hand to the Chair a copy of a statement which he had released to the press, which he requested that the Clerk read.

The Clerk read the statement as follows:

I am not now nor have I ever been a member of the Communist Party.

In taking the loyalty oath as a delegate to the constitutional convention, I did so with the full knowledge that Ichiro Izuka who had named me as a "Communist" would probably repeat his false accusation before the UnAmerican Activities Committee. Further, I took the convention oath *after* I was subpoenaed to appear before the UnAmerican Committee.

If I had ever been a Communist, I certainly wouldn't be so stupid as to swear falsely and subject myself to a possible twenty year sentence for perjury. I only ask that the community remember the basic premise of American law, which will undoubtedly be written into our state constitution, that a man is innocent until *proven* guilty in a *judicial* tribunal.

Surely, no calm, fair-minded person will accept the unsupported hearsay testimony of a character like Izuka, who is protected with the cloak of Congressional immunity.

As an elected official of the ILWU, it seems clear to me that the UnAmerican Committee is in Hawaii at the request of elements who want to destroy our Union. I am certainly not going to aid them in that purpose.

The second purpose of the committee's investigation is to kill statehood, despite all their protestations to the contrary. As a native born resident of this Territory, I am concerned about this attempt to block our political aspirations.

In refusing to answer questions of the Un-American Committee, I have been guided by my belief that the questions violate fundamental constitutional rights. It would not be in keeping with my position as a constitutional delegate to be intimidated into surrendering those rights.

I was further prompted to refuse to answer a number of questions on the advice of my attorney who pointed out to me that any denial, before the UnAmerican Committee, of past or present membership in the Communist Party would not put the matter to rest. Perjured testimony by wit-

nesses out to get me could still cause a lot of trouble, as we learned in the Bridges case.

To avoid such a situation I decided to follow my attorney's advice and refuse to answer certain questions which might tend to incriminate me.

Delegate Heen at this time asked that the Chief Clerk identify the document presented by Delegate Frank G. Silva by a notation thereon reading: "Presented by Delegate Frank G. Silva," over her signature. The President thereupon instructed the Chief Clerk to so identify Delegate Silva's statement.

Delegate Anthony moved that the following amendment be made to the resolution:

Amend the resolution by placing a period after the word "Convention," in the 5th line of the resolution, and by deleting the balance of the resolution.

Delegate Anthony moved for the adoption of the amendment. Seconded by Delegate Mau, and carried. Upon motion by Delegate James K. Trask, seconded by Delegate Heen, the resolution, as amended, was adopted.

The President hereupon announced that he had appointed, as the members of such special committee, the following 11 delegates: Wist (Chairman), Anthony (Vice-Chairman), Castro, Roberts, Ohrt, Mau, Arthur K. Trask, Ashford, Woolaway, Okino and Lyman.

At this point, Delegate Charles H. Silva stated that Delegate Luiz had expressed a desire to serve on that committee. It was the sense of the Convention that it was within the authority of the Chair to make a substitution of Delegate Luiz for either of the two delegates appointed to the committee from the first Representative District.

The President thereupon referred Delegate Frank G. Silva's statement to the special committee hereinabove appointed, in accordance with Resolution No. 61, as amended.

A communication from the Central Labor Council, informing the Convention of the authorization of the Legislative Committee of the Central Labor Council, A. F. of L., to represent the Council at the Convention, and requesting that this committee be extended all courtesy as its duly accredited representatives, was read by the Clerk (see Sec. B, Misc. Com. No. 7). The communication was received and referred by the President to the Committee on Industry and Labor.

A communication from the administrative assistant to the Governor of Tennessee, enclosing the flag of the State of Tennessee, was read by the Clerk (see Sec. B, Misc. Com. No. 8). The communication was received and referred by the President to the Committee on Miscellaneous Matters.

A communication from the regional director of the International Longshoremen's & Warehousemen's

Union, relating to the possible expulsion of Delegate Frank G. Silva as a member of the Constitutional Convention on the basis of his refusal to answer certain questions before the UnAmerican Activities Committee of the United States House of Representatives, and urging the Convention not to be stampeded by the unsupported testimony of professional informers, was read by the Clerk (see Sec. B, Misc. Com. No. 9). The communication was received and referred by the President to the special committee, of which Delegate Wist is chairman, to which this subject matter has been referred.

Delegate Sakakihara introduced Proposal No. 22, "Appointment, Removal and Tenure of Department Heads and High Governmental Officers." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Executive Powers and Functions.

Delegate St. Sure introduced Proposal No. 23, "Relating to a Board of Censors." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Legislative Powers and Functions.

Delegate St. Sure introduced Proposal No. 24, "Relating to Existing Laws." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Ordinances and Continuity of Law.

Delegate Smith introduced Proposal No. 25, "Relating to Rights and Privileges." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights.

Delegates Ashford, Woolaway and Wirtz introduced Proposal No. 26, "Relating to Judges." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Judiciary.

Delegates Ashford, Woolaway and Wirtz introduced Proposal No. 27, "Relating to the Provisions of the Constitution." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Ordinances and Continuity of Law.

Delegates Ashford, Woolaway and Wirtz introduced Proposal No. 28, "Relating to Equal Rights." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights.

Delegate Ashford introduced Proposal No. 29, "Relating to Labor." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Industry and Labor.

Delegate Ashford introduced Proposal No. 30, "Relating to Compensation of Holders of Office Established by the Constitution." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Executive Powers and Functions.

Delegates Mizuha and Serizawa introduced Proposal No. 31, "Relating to Legislative Powers and Functions." The proposal passed first reading by

title, was ordered printed, and referred to the Committee on Legislative Powers and Functions.

Delegates Kellerman, Kage, Lai, Kawahara, Sakai, Wirtz, Apoliona and Wist introduced Proposal No. 32, "Relating to School Buildings, Grounds and Other School Facilities." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Education.

Delegates Kometani, Akau, Corbett, Sakai, Cockett and Gilliland introduced Proposal No. 33, "Relating to Suffrage and Elections." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Suffrage and Elections.

At this time, Delegate Charles A. Rice inquired whether or not the Secretary, in requesting the flags of the 48 states and territories of the United States to be hung in the Convention Hall, had sent to each such governor a Hawaiian flag? Being informed in the negative, Delegate Charles A. Rice moved that the Secretary send a Hawaiian flag to each governor of the 48 states and territories of the United States. The motion was seconded by Delegate Serizawa.

Delegate Porteus moved that the subject matter be referred to the Committee on Accounts for investigation and report. Seconded by Delegate Crossley. Delegate Heen thereupon moved that the motion to send each governor of the 48 states and territories a Hawaiian flag be tabled. Seconded by Delegate James K. Trask, and carried.

Delegate Akau moved that some form of party be given by the delegates as a "get-together," and that a special committee be appointed for the purpose of arranging the same. The motion was seconded by Delegate Arthur K. Trask. The motion was thereupon put by the Chair and lost, on a showing of hands.

At this juncture, the Chair announced that he had appointed Delegate Luiz, in place of Delegate Lyman, as a member of the special committee to investigate the qualifications of Delegate Frank G. Silva to retain his seat as a delegate to this Convention, pointed pursuant to the provisions of Resolution No. 16 adopted by the Convention. The said special committee now consists of Delegates Wist (Chairman), Anthony (Vice-Chairman), Castro, Roberts, Ohrt, Mau, Arthur K. Trask, Ashford, Woolaway, Okino and Luiz.

At 11:50 o'clock a.m., upon motion by Delegate Anthony, seconded by Delegate Noda, and carried, the Convention adjourned until 11:00 o'clock a.m., on Monday, April 17, 1950, pursuant to action previously taken by the Convention.

### NINTH DAY • Monday, April 17, 1950

The Convention convened at 11:00 o'clock a.m., pursuant to adjournment, with President King in the Chair.

The opening prayer was offered by Chaplain Judd, after which the roll was called, showing all delegates present, with the exception of Delegate Frank G. Silva, temporarily absent. The journal of the eighth day was approved.

Under suspension of the rules, the President announced that the Convention was privileged to welcome today a group of distinguished guests—the members of the House UnAmerican Activities Committee of the United States House of Representatives. He thereupon called upon Hon. Joseph R. Farrington, Delegate to Congress from Hawaii, who was seated on the platform with the guests, to present them to the Convention.

Delegate Farrington then presented the members of the Committee and their counsel, with appropriate identifying descriptions, as follows: Rep. Francis E. Walter, Chairman of the House UnAmerican Activities Committee; Democrat from Pennsylvania; Chairman of the Democratic Caucus; ranking Democrat of the Committee on Judiciary; and Chairman of the Judiciary Subcommittee on Immigration.

Representative Walter, in responding to the introduction, spoke briefly as follows:

Joe, and fellow Americans: I can't help but feeling deeply thrilled to be able to say just a word to you who are today experiencing the same thing that those brave young men experienced in my own State of Pennsylvania when they wrote the greatest document that came from the hand of man.

It is indeed quite significant that at that time they had before them the experiences under an autocratic form of government. They knew of the dangers of democracy, and they selected the form of government which it would be trite for me to say is today the strongest in the world. You have the same opportunity, only the dangers of totalitarianism are before us, but it certainly seems to me that from this great meeting come the kind of a stable form of government that will make all of us on the Mainland very proud to welcome you into the family of States.

It is a real pleasure and an honor for me to be with you and say a word to you. I thank you.

Delegate Farrington then proceeded with the introductions: Rep. Burr P. Harrison, a Democrat, from the State of Virginia. Rep. Morgan M. Moulder, a Democrat, from the State of Missouri—a close friend of President Truman. Rep. Harold H. Velde, of Illinois, the only Republican on the Committee; an attorney, and formerly serving with the F.B.I. Mr. Frank S. Tavenner, Jr., General Counsel for the Committee—an expert in his field.

President King thanked Mr. Farrington for his presentation of these guests, and at 11:10 o'clock a.m., the Convention stood in recess, subject to the call of the Chair, in order that the delegates might

personally meet the members of the committee and their counsel.

At 11:25 o'clock a.m., the Convention reconvened and proceeded with the regular order of business.

A communication from the Superintendent of Public Works, enclosing copy of a letter from the Chief Deputy Fire Marshal and Chief Engineer of the Honolulu Fire Department, outlining their comments for safety in the Armory during the Convention, was read by the Clerk (see Sec. B, Dept. Com. No. 7). The communication was received and referred to the Secretary to check to see if all of these safety precautions had been complied with.

A communication from Governor Earl Warren of California, stating that a California state flag was being sent to the Convention, and further stating that California was looking forward to the day when Hawaii would be a full-fledged member of the Union, and wishing the Convention success, was read by the Clerk (see Sec. B, Misc. Com. No. 10). The communication was received and placed on file.

A communication from the chairman of the Oklahoma Planning and Resources Board, stating that an Oklahoma state flag had been mailed for use in the Convention Hall, was read by the Clerk (see Sec. B, Misc. Com. No. 11). The communication was received and placed on file.

A communication from Mr. and Mrs. H. S. Kawakami, expressing their gratitude for the resolution of sympathy adopted by the Convention, was read by the Clerk (see Sec. B, Misc. Com. No. 12). The communication was received and placed on file.

Delegate Wist, Chairman of the special committee appointed to investigate the qualifications of Frank G. Silva to retain his seat as a delegate, reported orally that the committee had asked Frank G. Silva if he desired to appear further before said committee, together with his counsel; that Frank G. Silva had indicated that he did so desire and was to have appeared at a meeting at 10 o'clock this morning, but that prior to such meeting Frank G. Silva had been subpoenaed to re-appear before the Committee on Un-American Activities and had been unable to appear before the special committee. Delegate Wist stated that at this time the committee was not prepared to report any findings and asked leave for the committee to resume its deliberations. Upon motion by Delegate Wist, seconded by Delegate Castro, the oral report of the committee was adopted.

At this juncture, the President announced that he had excused Delegate Mau from the balance of today's session, and he thereupon left the Convention Hall.

Delegates Roberts, Corbett, Doi and Okino introduced Proposal No. 34, "Relating to Constitutional Conventions." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Revision, Amendments, Initiative, Referendum and Recall.

Delegates Akau, Kam and Fukushima introduced Proposal No. 35, "Relating to Representation in the Legislature." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Legislative Powers and Functions.

Delegates Akau, Kido, Kam and Holroyde introduced Proposal No. 36, "Relating to Influencing Legislators." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Legislative Powers and Functions.

Delegates Akau, Kido and Kam introduced Proposal No. 37, "Relating to the Eight Hour Day on Public Works." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Industry and Labor.

Delegates Akau, Kido and Kam introduced Proposal No. 38, "Relating to Minimum Wage Laws for Women and Minors." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Industry and Labor.

Delegates Shimamura and Kam introduced Proposal No. 39, "Preamble for the Constitution of Hawaii." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Miscellaneous Matters.

Delegates Arthur K. Trask, Anthony and James K. Trask offered a resolution, requesting the Delegate to Congress from Hawaii to introduce legislation in the United States Congress which would amend section 4 of Act 334 of the Session Laws of Hawaii 1949, so as to eliminate the provision of said Act requiring the reporting to the legislature of the Constitution to be drafted by this Convention (see Sec. B, Res. No. 17). Delegate Anthony moved that the resolution be referred to the Committee on Submission and Information. The motion was seconded by Delegate Porteus, and carried.

Delegates Arthur K. Trask, Anthony and James K. Trask offered a resolution requesting the Congress of the United States to give expeditious consideration to and to pass the bill amending section 4 of Act 334 of the Session Laws of Hawaii 1949 when introduced by the Delegate to Congress from Hawaii (see Sec. B, Res. No. 18). Upon motion by Delegate Arthur K. Trask, seconded by Delegate Anthony, and carried, the resolution was referred to the Committee on Submission and Information.

At this time, Delegate Frank G. Silva came into the session.

Delegate Ashford offered a resolution requesting the Congress of the United States of America to enact H. R. 49, first amending it in certain particulars (see Sec. B, Res. No. 19). Delegate Charles H. Silva moved that the resolution be ordered printed, and action thereon deferred until tomorrow. Seconded by Delegate Sakakihara, and carried.

Delegate Kage offered a resolution, authorizing committee members to conduct public hearings on pertinent matters of local concern on the members

home islands (see Sec. B, Res. No. 20). Delegate Castro moved that the resolution be referred to the Committee on Accounts. Seconded by Delegate James K. Trask, and carried.

At this time, the Chair announced that at the request of the Kauai delegation, he had relieved Delegate Muzuha of his membership on the Committee on Legislative Powers and Functions, and had appointed Delegate Serizawa in his place.

At 12:05 o'clock p.m., upon motion by Delegate Mizuha, seconded by Delegate Charles A. Rice, the Convention adjourned until 11:00 o'clock a.m., on Tuesday, April 18, 1950.

### TENTH DAY • Tuesday, April 18, 1950

The Convention convened at 11:05 o'clock a.m., with President King presiding.

The divine blessing was invoked by Chaplain Judd, after which the roll was called, showing all delegates present with the exception of Delegate Shimamura, temporarily absent. The journal of the ninth day was approved.

A communication from the secretary to the President of the United States acknowledging receipt of a certified copy of Resolution No. 4 adopted by the Convention, and expressing his thanks and appreciation for the courtesy accorded him in making it available to him, was read by the Clerk (see Sec. B, Misc. Com. No. 13). The communication was received and placed on file.

A communication from the executive assistant of the Administrative Division, Military and Naval Department of the State of Illinois, informing the Convention that a flag of that state was being sent for use in the Convention Hall, was read by the Clerk (see Sec. B, Misc. Com. No. 14). The communication was received and placed on file.

A communication from the Governor of the State of Arkansas informing the Convention that a flag of that state was being mailed, was read by the Clerk (see Sec. B, Misc. Com. No. 15). The communication was received and placed on file.

At this time, Delegate Shimamura came into the session.

Delegate Wist, for the special committee appointed pursuant to Resolution No. 16, "to investigate the qualifications of Frank G. Silva to retain his seat as a delegate to the Constitutional Convention," stated that this special committee was ready to report its unanimous findings and conclusions; and thereupon presented a report recommending:

"1. That Delegate Frank G. Silva be given up to and including Wednesday, April 19, 1950 within which to purge himself of contempt of the House Un-American Activities Committee or to show cause if any why this Convention should not vote on his qualifica-

tion to hold his office as a Delegate; and 2. That Delegate Frank G. Silva be furnished with a copy of this report and be notified by the Secretary that on Thursday, April 20, 1950, at 11 o'clock a.m., in the event he has not purged himself of contempt or has shown cause for his failure to do so, this Convention act upon a resolution," the terms of which were set forth in the report (see Sec. B, Special Com. Rpt. No. 3).

Delegate Wist moved for the adoption of the report. The motion was seconded by Delegate Castro. Delegate Porteus moved that this Convention stand in recess in order that the report might be mimeographed and copies thereof distributed to the members before the report is voted upon. Delegate Crossley seconded the motion. The Chair stated that copies of the report were now being mimeographed.

Delegate Charles H. Silva stated that the committee appointed by the President, by agreement of this whole Convention, had filed a unanimous report; that there was no division; and in respect to this committee he felt the Convention was able to take action on the report; either that or the committee should be asked to resign and a new committee be appointed in its place.

The Chair pointed out that a motion to recess is not amendable or debatable and unless the Convention desired to vote on it, the Chair would rule that the Convention stand in recess until the report is submitted to the delegates.

Delegate Heen thereupon rose to a point of information, stating: first, if the Convention is to take a recess, it might take a long time before the report could be mimeographed, and during that recess the work of the Convention would be held up, unless the report had already been mimeographed, in which case a short recess could be taken. He doubted, however, that the report had been mimeographed as it had been kept in secrecy up to the present moment, he understood.

The Chair informed the Convention that the stencil of the report had been cut, since the report was given to the Clerk at 11:00 o'clock and it was now approximately 11:20, so that mimeographed copies should be available in short order.

Delegate Heen suggested that instead of taking a recess, action on the report be deferred until 11:30 o'clock, and in the meantime the Convention could proceed with other matters before it.

At this point, Delegate Sakakihara rose to a point of information—inquiring whether the motion included the mimeographing of the letter signed by Jack W. Hall, Regional Director of the ILWU, addressed to the President of this Convention, dated April 14, 1950, and the signed statement of Delegate Silva, dated April 17, 1950, and all other exhibits submitted with the report? The Chair replied that as far as he knew, they had not been mimeographed.



The Chair then stated that he would put the motion to recess until copies of the report were made and delivered to the delegates, and that upon reconvening the action would be on the motion made by Delegate Wist, seconded by Delegate Castro, to adopt the report.

Delegate Frank G. Silva moved that the letter from Jack W. Hall, his press statement, and also the letter he submitted to the select committee be included in the documents to be mimeographed. The Chair ruled that the motion was out of order at this time.

The Chair announced that he would put the motion to recess at this time, all those in favor of the recess to vote "Aye" and contrary minded, "No." The Chair having put the motion, announced that the Noes carried.

There being dissension on that ruling, the Chair called for a vote by a showing of hands, asking all those in favor of the recess to raise their right hands. Having counted the hands so raised, the Chair announced that there were 40 affirmative votes, so that there was no necessity for calling for those in opposition as more than a majority had voted to recess.

The Convention stood in recess at 11:17 o'clock a.m., pursuant to the vote just taken, subject to the call of the Chair.

The Convention reconvened at 11:30 o'clock a.m.

At this time, Delegate Sakakihara rose to make a motion. The President reminded Delegate Sakakihara that there was a motion pending before the Convention at the time of the recess, which was Delegate Wist's motion to adopt the report, duly seconded by Delegate Castro.

Delegate Sakakihara thereupon offered an amendment to the motion—that the report of the special committee be adopted, and that the exhibits presented in the form of a letter from Jack W. Hall, dated April 14, 1950, and the signed statement submitted by Delegate Silva, dated April 17, 1950, and all other communications presented before this special committee be mimeographed and circularized for the information of the Convention. Delegate Mau seconded the motion.

Delegate Porteus assured the Convention that the order for the mimeographing of these letters and communications had already been issued and that the staff was then engaged in cutting the stencils following which they would be run off, so that the job was already under way and he did not think a motion would be required on this matter.

Delegate Sakakihara thereupon withdrew his amendment, and Delegate Mau withdrew his second.

At this point, Delegate Heen asked if he might make the following observation:

Under recommendation 1 of the report—  
"That Delegate Frank G. Silva be given up to and

including Wednesday, April 19, 1950, within which to purge himself of contempt of the House Un-American Activities Committee or to show cause if any he has why this Convention should not vote on his qualification to hold his office as a delegate"—it would seem to me that the provision should be made a little more definite—setting the time at 11 o'clock a.m. Ordinarily he would have the whole day in which to purge himself or to show cause why the Convention should not act upon his qualifications. I want to make that as a suggestion, because he might come in later and say that he had all day of the 19th to show cause but the convention was in adjournment before that time.

Delegate Anthony stated that in the original draft of the committee report the time was fixed at 11 o'clock. The committee believed it was better—it was fairer to Delegate Silva—to give him the entire day of April 19th. That was purposely changed. If the Convention felt otherwise, an amendment was in order; but his belief was that it is in order as it is.

The Chair asked if the Convention was ready for the question, which is on the motion made by Delegate Wist, seconded by Delegate Castro, to adopt the report. Delegate Kauhane moved that a roll call vote be taken on the adoption of the report.

At this juncture, Delegate Akau asked if it were possible to make a statement before the roll was called.

The Chair stated that he believed the motion was before the Convention for discussion and thereupon recognized Delegate Akau, who stated that she had put some thoughts down on paper and with the permission of the Chair would like to read them.

Delegate Heen then rose to a point of order, stating that there was a motion made for an Aye and No vote on the motion to adopt the report; and in order to permit a roll call, under the rules as he understood them, at least ten delegates must vote in favor of the roll call. Therefore, the next order of business would be for someone to second the motion for an Aye and No vote, in order to ascertain whether or not ten delegates were in favor of the roll call.

The Chair thereupon asked if any delegate had seconded Delegate Kauhane's motion.

At this point, Delegate Anthony rose to a point of order, asking what was before the Convention at the present time. The Chair informed him that he had recognized Delegate Akau to permit her to make a statement; and that he saw no reason why the delegate should not make a statement if she so desired.

The Chair thereupon again recognized Delegate Akau, who read a prepared statement as follows:

I do not like Communists any more than the rest of you and I am not implying that we should



be represented by Communists. But because the issue of Communism has not been proven I believe that what we are deciding here today simmers down to whether or not a man sees fit to speak.

This Constitutional Convention is supposed to be meeting in a democratic atmosphere to work out a constitution and the Bill of Rights is supposed to be a very basic part of the new constitution of the State of Hawaii.

I raise these questions:

1. Has there been any conclusive evidence that Frank Silva is a Communist?
2. Was not the school which he attended under the G.I. Bill of Rights an approved school? Was it later disapproved?
3. Was Frank Silva a veteran of World War II and as such fought for his country on the battlefield?
4. Was Frank Silva elected by a popular majority from the Island of Kauai?
5. Has he put in writing the fact that he is not a Communist and has not been a Communist for the past five years?
6. Has he not published and republished his statements as well as expressed them verbally that he is not a member of the Communist Party?
7. Was Frank Silva's testimony on the basis of not wishing to incriminate himself or on what he thought to be his American rights of free speech?

Here Delegate Akau interrupted the reading of her statement to say:

I have never seen Frank Silva; I have never seen him before the first day of the Convention, and I have never spoken to him except to say "hello," so I want that very much in the record.

Delegate Akau continued and completed her statement, as follows:

There seems to be two sides to the question of whether or not Frank Silva should be permitted to retain his seat at the Convention. In my opinion, it is a matter of weight of evidence supporting either side, one side—Frank Silva in good faith and on his own free will signed an oath before a Notary Public, just as each one of us here did on the first day that the Convention assembled.

Frank Silva has publicly and on numerous occasions reaffirmed that oath. On the other side of the picture, he has merely refused to testify before an investigating committee because perhaps in his opinion he thought that what he might say or what he might be led to say, might incriminate him at some future date.

In passing, may I say I have never seen Frank Silva until the day of the Convention, neither have I spoken to him since that first day.

Now the question seems to be, which way do the scales tip—to the right or to the left? Which evidence is of most weight?

We Americans have cherished the right of free speech since our forefathers came to these shores—we cherish with the very essence of our being the right to speak our minds on issues closest to our hearts and the private right to remain silent if we wish.

There are I believe some among us those who are willing to pay the penalty of imprisonment for the right to remain silent. And, yes, there are even some in this world who are willing to pay the supreme penalty of death.

Frank Silva has merely chosen not to speak under oath, and states according to the press, that this choice is based upon his personal fear that what he might say might be used against him at a future date and because he feels strongly that his right not to speak is basic.

If Frank Silva is not given a fair and equitable hearing before this Convention respecting his right to sit as a duly elected representative of the people, the Convention must be able and ready to fully explain its decision to some 1,065 voters on the Island of Kauai who placed their faith in Frank Silva.

This may be difficult and may have more vast and far-reaching effect than this Convention can predict.

The Convention delegates should decide wisely and fairly and according to their consciences as good Americans.

What makes this a difficult choice? We hate Communism and all that it stands for but we cannot out-argue the fact that the Communist Party is still not considered an illegal party.

An oath is an oath. Frank Silva already testified in writing that he was not a Communist. He testified under oath. Is it necessary to testify under oath again?

Perhaps Frank Silva does not think that it is. Do we?

Delegate Arthur K. Trask at this time rose to make the following statement:

I cannot sit by here and listen to an attack upon this report which is so grossly, and I say respectfully to the lady, so grossly unfair. The thought, or person, who drafted this is one of Hawaii's foremost attorneys—Delegate Garner Anthony. There was great, scrupulous care given to the draftsmanship and the thoughts that are in this report—deliberations that took us last night until 11 o'clock. Every right under due process, which is not only the written word, but the unwritten procedural rights of an American, has been given to Frank G. Silva. The courtesies extended to him have been vast and he has appreciated that

also. It must not be overlooked, please, that the Chair, upon naming the 11 members of this Special Committee, had Delegate Lyman from Puna, Hawaii, withdrawn in favor of Frank Luiz from the Island of Hawaii—an ILWU official. He sat on the Committee in judgment that was to prepare this document. The unfairness in the attack by Delegate Trude Akau on this report is grossly afieid. She attacks this report on the basis that we have based our findings on the fact in presenting the Resolution of what this Convention should vote upon, upon the basis that we have found Frank G. Silva guilty as a Communist. That is her first assumption. Her next assumption is that he has taken false oaths. If some little attention were given to the report, the findings on page 2 indicate this: "3. The fact that Mr. Silva has taken an oath as a delegate and signed the loyalty oath pursuant to a resolution of this Convention your Committee deems immaterial for the purposes of this report."

Further, on page 1, the last paragraph with respect to Communism—this is what the report says:

Your Committee considers that it is unnecessary to pass upon the question whether Mr. Silva is now or ever was a member of the Communist Party. It concludes that it is not a body competent to render such a judgment. Upon the admitted facts your committee finds: . . .

So, I am very fond of the courage of Delegate Akau, but I would be amiss in my loyalty to this committee that worked hard under the leadership of Delegate Wist, to sit by and listen to a condemnation that is afieid.

At this point, Delegate Crossley rose to a point of order, asking if the motion for a roll call had been seconded. The Chair replied that it had not been seconded. Delegate Crossley thereupon seconded the motion.

At this time, Delegate Mizuha stated that he wished to discuss the question that was raised by the delegates from the Fifth District. The Chair stated that the request for an Aye and No vote should first be put.

Delegate Mau thereupon addressed the Chair and asked that each delegate give everybody an opportunity to speak; that he was asking for a unanimous consent to permit Delegate Mizuha to speak on the motion. He said:

I was one of the committee of 11. I want to say that although that was a unanimous report, it took a long time to reach a unanimous decision. No delegate sitting here should be cut off from talking about this report. I ask that the Convention give unanimous consent to the Delegate to speak on that motion.

Delegate Porteus asking for the ruling from the Chair on whether or not in putting a motion to have the roll called debate would be choked off? It was his understanding that if the Chair puts the motion for a roll call vote, and it carries, it will only mean that when the vote is taken it will be by Ayes and Nays.

The Chair replied that was the correct procedure, and that after the Chair put the motion for a roll call vote, the Chair would recognize Delegate Mizuha.

Delegate Mizuha remarked that it was not on the question of Frank Silva that he wished to speak. The Chair then asked Delegate Mizuha to suspend his remarks until the roll call motion was put.

The Chair thereupon put the motion to vote on the original motion by an Aye and No vote, which was carried, by a majority voting "Aye" thereon.

The Chair then announced that a roll call was demanded on the original motion to adopt the report.

The Chair hereupon recognized Delegate Mizuha, who spoke as follows:

Mr. President and Members of the Convention:

The reason I have stood up here and asked for this privilege of addressing the Convention is in defense of Mrs. Akau. I cannot see myself deliberating in this Convention and being asked by any Committee who submits a report on the floor of this Convention, that because that Committee submits a unanimous report that I can't stand up and express my views. I think if we are going to write a sound, stable constitution for the State of Hawaii, no committee report, or no proposal, or no recommendation to the floor of the Convention should mean that 15 men, or 11 men, or 7 men, whatever they have arrived at unanimously, will shut off any debate on this floor; and the sooner we realize that we are individuals here who can think on our two feet, and have a right to our own opinion, the sooner will we write a good Constitution for the State of Hawaii.

At this time, Delegate Arthur K. Trask rose to make a further statement. The Chair stated:

The Chair recognized Mrs. Akau. The Chair also recognized Delegate Trask in reply. Delegate Trask has spoken once on the subject. The question now before the Convention is the motion to adopt the report of the special committee on an Aye and No vote. The Chair does not wish to recognize a member for the purpose of speaking twice if someone else wishes to discuss the motion before the Convention.

Delegate Lee addressed the Chair, stating that he noticed that on page two of this special committee report there was a finding "that Frank G. Silva, by his refusal to answer the questions put to him by the House UnAmerican Activities Committee, has for-

feited his right to sit in this Convention." He asked what was the basis of that finding?

The Chair, in reply, stated that the finding read very plainly, as far as he could see; and repeated the finding of the committee just quoted by Delegate Lee.

Delegate Lee stated that he would like to know the reasons of the committee for such finding. At this juncture, the Chair recognized Delegate Anthony to answer that question. Delegate Anthony, in answering Delegate Lee's question said:

Mr. President, the committee put this on the narrowest possible ground. The committee didn't feel that it should go into the question of Communists or anything of that kind. The committee put it on the basis of the duty of every citizen, and particularly the duty of every delegate to this Convention, to appear and respond to the lawful orders of that committee. This committee, no matter how much we dislike it—and I am one who is not particularly happy about the UnAmerican Activities Committee—but it is a legally constituted body of the United States Congress and Mr. Silva was in contempt. He flagrantly defied the processes of a legislative branch of the government of the United States, not only once but again; and at the suggestion of the committee we endeavored to persuade him that he should go back to that committee and purge himself of contempt; that it was his duty to the people of this Territory to do so; but he persisted in that conduct, and I don't see how we can overlook it. It is the basis of the report.

The Chair, at this time, instructed the Clerk to call the roll on the motion for the adoption of the report of the Committee, without amendment. The roll being so called, the motion to adopt the report of the special committee was adopted on the following showing of Ayes and Noes: Ayes, 60. Noes, 3 (Akau, Kawahara and Frank G. Silva).

The Chair at this time stated that under the rules of the Convention there was no provision regarding this question, but Rule 8 of Cushing's *Manual of Parliamentary Practice* states:

When a question arises, involving the right of a member to his seat, such member is entitled to be heard on the question, and he is then to withdraw from the assembly until it is decided; but if, by the indulgence of the assembly, he remains in his place during the discussion, he ought neither to take any further part in it, nor vote when the question is proposed....

The Chair thereupon advised Delegate Frank G. Silva that until the question has been settled as to his right to retain his seat in the Convention he could not participate in the discussion except to be heard on his own behalf.

Delegate Heen stated that if Delegate Frank G. Silva had voted on the adoption of the committee report he should be given the privilege of withdrawing his vote.

The Chair announced that Delegate Frank G. Silva had voted "No" on the adoption of the report. He had felt that until the report had been adopted, he had a right to vote.

Delegate Charles H. Silva asked that Delegate Frank G. Silva withdraw his vote on the motion, because he has an interest in the resolution; and thought he should be given the privilege of withdrawing his vote.

The Chair informed Delegate Frank G. Silva that the question was whether he wished to withdraw his vote. Delegate Frank G. Silva replied that it seemed to be the wish of the Convention that he withdraw his vote; and that he would do so. The Chair thereupon announced that Delegate Frank G. Silva would be recorded as present but not voting, he having withdrawn his vote.

The Clerk was thereupon instructed to record Delegate Frank G. Silva on the roll call as "not voting," thereby changing the total number of Aye votes to 60; the No votes to 2; and 1 not voting.

The Chair then stated that the Secretary was charged under the committee report with furnishing Delegate Frank G. Silva with a copy of this report, and advising him that, on Thursday, April 20, 1950, at 11 o'clock a.m., in the event he has not purged himself of contempt or has not shown cause for his failure to do so, this Convention will act upon a resolution as set forth in the report, expelling him from the Convention and declaring his seat vacant.

Delegates Kometani and Corbett introduced Proposal No. 40, "Relating to Qualification for Voting." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Suffrage and Elections.

Delegates Holroyde and James K. Trask introduced Proposal No. 41, "Relating to Land." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Agriculture, Conservation and Land.

Delegates Akau and Holroyde introduced Proposal No. 42, "Relating to Rights of Foreigners in the Bill of Rights." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights.

Delegates Akau and Holroyde introduced Proposal No. 43, "Relating to the Right to Change the Government in the Bill of Rights." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights.

Delegate Shimamura introduced Proposal No. 44, "Relating to Bill of Rights." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights.

Delegates Akau and Holroyde introduced Proposal No. 45, "Relating to Special Privileges or Immunities." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights.

Delegate Nielsen introduced Proposal No. 46, "Relating to Qualifications for Domestic Stockholders." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Industry and Labor.

Consideration of Resolution No. 19, requesting the Congress of the United States to amend H. R. 49, and then to enact said bill, action on which was deferred yesterday:

The President stated that as the first two paragraphs of the resolution referred to the continuity of the territorial law, he would feel that it was divisible at this point; and accordingly, he would refer these first two paragraphs to the Committee on Ordinances and Continuity of Law; that the other three paragraphs explicitly pertaining to the Hawaiian Homes Commission, should be referred to the Committee on Hawaiian Homes Commission Act.

Delegate Ashford moved that the resolution in its entirety be referred to the Committee on Ordinances and Continuity of Law. Seconded by Delegate Harold W. Rice.

Delegate Hayes moved that the motion be tabled. Seconded by Delegate Kauhane. Delegate Ashford then moved for a roll call on the motion to table. Seconded by Delegate Sakakihara, and carried. The motion to table the motion to refer the resolution in its entirety to the Committee on Ordinances and Continuity of Law was put, and carried, on the following showing of Ayes and Noes: Ayes, 39. Noes, 24 (Anthony, Ashford, Castro, Crossley, Doi, Dowson, Fukushima, Ihara, Kanemaru, Kawahara, Kellerman, Luiz, Nielsen, Okino, Phillips, Harold W. Rice, Roberts, Serizawa, Charles H. Silva, Frank G. Silva, Wirtz, Wist, Yamamoto and Yamauchi).

The Chair thereupon referred the first two paragraphs of the resolution to the Committee on Ordinances and Continuity of Law, and the last three paragraphs thereof to the Committee on Hawaiian Homes Commission Act.

At 12:25 o'clock p.m., upon motion by Delegate Crossley, seconded by Delegate Noda, the Convention adjourned until 11:00 o'clock a.m., on Wednesday, April 19, 1950.

#### ELEVENTH DAY • Wednesday, April 19, 1950

The Convention convened at 11:06 o'clock a.m. with President King in the Chair.

Chaplain Judd offered the opening prayer, after which the roll was called, showing all delegates present with the exception of Delegates Mau and James

K. Trask, excused; and Delegate Frank G. Silva, absent. The journal of the tenth day was approved.

A communication from the chairman of the Hawaii Statehood Commission, forwarding proposed amendments to H. R. 49 which have been accepted by the said Commission, copies of which have been forwarded to Delegate Farrington, was read by the Clerk (see Sec. B, Dept. Com. No. 8). The communication was received and referred to the Committee on Ordinances and Continuity of Law, and copies thereof made for the members of the Convention.

A communication from P. J. Cassidy, Department Adjutant of the American Legion, Department of Hawaii, enclosing a copy of a letter received by the Legion from Arleigh J. Fenner, Commander of the said American Legion, protesting the unAmerican attitude of Delegate Frank G. Silva, and urging his expulsion from the Convention, was read by the Clerk, together with the enclosed letter (see Sec. B, Misc. Com. No. 16). The communications were received and placed on file.

Delegates Kawahara, Doi and Ihara introduced Proposal No. 47, "Relating to Right to Marry." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights.

Delegate Akau introduced Proposal No. 48, "Relating to the Length of Legislative Session." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Legislative Powers and Functions.

Delegate Akau introduced Proposal No. 49, "Relating to Permanent Written Record of Convention and Legislative Proceedings." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Rules and Order of Business and the Committee on Accounts, jointly.

Delegate Akau introduced Proposal No. 50, "Relating to Popular Sovereignty in the Bill of Rights." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights.

Delegates Hayes, Corbett, Apoliona and Kauhane introduced Proposal No. 51, "Relating to Hawaiian Homes Commission Act." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Hawaiian Homes Commission Act.

Delegates Hayes, Corbett, Apoliona and Kauhane introduced Proposal No. 52, "Relating to Hawaiian Homes Commission Act." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Hawaiian Homes Commission Act.

Delegates Kam, Shimamura, Fong, Akau and Kauhane introduced Proposal No. 53, "Lands to be Included in the State of Hawaii." The proposal passed first reading by title, was ordered printed, and

referred to the Committee on Agriculture, Conservation and Land.

Delegates Ashford and Harold W. Rice offered a resolution requesting the Congress to repeal the Hawaiian Homes Commission Act, 1920, as amended, and to grant fee simple title to the homesteaders under said Act (see Sec. B, Res. No. 21). The resolution was referred to the Committee on Hawaiian Homes Commission Act, and copies thereof ordered to be mimeographed and furnished to each delegate.

Delegates Harold W. Rice, Wirtz, Ashford, St. Sure, Woolaway, Kage, Smith and Cockett offered a resolution requesting the Committee on Local Government to give careful consideration to making the Island of Lanai a separate county (see Sec. B, Res. No. 22). The resolution was referred to the Committee on Local Government.

Delegates Holroyde, Noda, Kam, Shimamura, Fong, Akau, and Kauhane offered a resolution, providing for the capital of the future State of Hawaii to be located on the Island of Oahu (see Sec. B, Res. No. 23). The resolution was referred to the Committee on Miscellaneous Matters.

Delegates Kam and Kanemaru offered a resolution, authorizing the taking of a group photograph of the delegates, and providing that a print of said photograph be distributed to the Governor, to each delegate, and to each territorial department head (see Sec. B, Res. No. 24). The resolution was referred to the Committee on Accounts.

At this juncture, Delegate Anthony moved that a certified copy of the report of the special committee on the qualifications of Frank G. Silva to retain his seat as a member of the Convention, adopted by the Convention yesterday, together with copies of the exhibits thereto attached, with the exception of the transcript of the testimony before the UnAmerican Activities Committee of the House of Representatives of Congress, be transmitted to the House UnAmerican Activities Committee. The motion was seconded by Delegate Woolaway, and carried.

The President at this time presented to the Convention a list of additional employees found necessary to add to the staff previously appointed, together with their respective positions, monthly rates of pay and dates of appointment (April 19, unless otherwise noted), which was read by the Clerk as follows: Secretary-Stenographers—Mrs. Sophie Sheather and Mrs. Harriet K. Gray, \$400; Clerk-Typists—Helen Namohala and Edna R. Williams, \$300; File Clerks—Mrs. Betty K. Nielsen and Hilda Kapua Ahuna, \$250; Sound Technician—Kaniau Evans, Jr.,\* \$350; Bookkeeper—Dennis Ogoshi,\*\* \$300; Messengers—Herbert U. Kai,\*\*\* Godfrey Affonso and Timothy M. Montgomery, \$250; Janitors—Peter Manuel, Mrs. Hazel E. Chun and Hiram Hoomanawanui, \$250. (\*April 7, \*\*April 17, \*\*\*April 4).

Delegate Kellerman moved for the approval of the appointments as submitted. The motion was seconded by Delegate Gilliland, and carried.

Delegate Anthony, at this juncture, moved that the Convention stand in recess until 4:00 o'clock this afternoon, the reason for this being that Delegate Frank G. Silva had been given today to purge himself in accordance with the provisions of the special committee report adopted yesterday, and it might be that he would desire to bring something to the attention of the Convention. The motion was seconded by Delegate Arthur K. Trask.

Before the motion was put for a recess, Delegate Heen stated that he thought it would be well that Delegate Frank G. Silva be notified of the time of adjournment of this Convention today at 4:00 o'clock this afternoon, or shortly thereafter.

The Secretary stated that he would instruct the Sergeant-at-Arms to inform Delegate Silva accordingly; and further reported orally, that a certified copy of the report of the special committee relating to Delegate Frank G. Silva's seat as a member of the Convention, and notice of the action of the Convention thereon, and notice as required by the report, were served on Delegate Silva, in letter form, immediately following the close of the session yesterday, by him personally.

The Chair thereupon put the motion that the Convention stand in recess until 4:00 o'clock this afternoon, which was carried; and at 11:30 o'clock a.m., the Convention stood in recess until 4:00 o'clock this afternoon.

#### AFTERNOON SESSION

The Convention reconvened at 4:04 o'clock p.m., with the President in the Chair, and all members being present with the exception of Delegates Gilliland, Kometani, Luiz and James K. Trask, excused; and Delegate Frank G. Silva, absent.

The President stated that the Convention had reconvened at this time to provide an opportunity for Delegate Frank G. Silva to report whether or not he had purged himself of his contempt of the House UnAmerican Activities Committee or to show cause why he should not do so.

Delegate Porteus, Secretary of the Convention, thereupon reported to the Convention, orally, that the Sergeant-at-Arms, Charles J. Brenham had made every possible effort to locate Delegate Frank G. Silva since the hour at which the Convention recessed this morning, telephoning to every place where Delegate Silva might be reached, but without success; and further that Attorney Symonds, who had represented Delegate Silva before the UnAmerican Activities Committee, had been contacted both by telephone and personally, by Mr. Brenham and given the infor-

mation which the Convention wished to convey to Delegate Silva. Up to the present time, however, all such efforts had been without avail, and Delegate Silva had not been located.

Delegate Anthony moved that when the Convention takes action, pursuant to Special Committee Report No. 3, relating to Delegate Frank G. Silva's qualifications to sit as a delegate, the action be determined upon a two-thirds vote of this body. Mr. Anthony stated that he had no objection to action on his motion being deferred until tomorrow. The motion was seconded by Delegate Mau.

The Chair stated that although the rules of the Convention do not cover that point, the usual procedure is to require a larger than majority vote on matters of this kind.

Delegate Anthony at this time moved that action on his motion be deferred until tomorrow. The motion was seconded by Delegate Mau, and carried unanimously.

Delegate Arthur K. Trask moved that the Secretary continue his efforts to have Delegate Frank G. Silva present in the Convention Hall tomorrow morning at 11:00 o'clock when the Convention meets to determine his right to retain his seat as a delegate.

Secretary Porteus stated that he had personally delivered to Delegate Frank G. Silva, yesterday, a copy of the special committee report adopted by the Convention, and had served notice upon him of the action to be taken tomorrow, pursuant to that report.

The Chair stated that the original motion adopted at yesterday's session required the Secretary to present Delegate Silva with a copy of the committee report, and to inform him of the action of the Convention on that report; and that the body of the report states that the Convention will meet at 11:00 o'clock tomorrow morning to consider the resolution embodied in the report.

Secretary Porteus stated that he would instruct the Sergeant-at-Arms to inform Delegate Silva, if he can be reached, that the Convention will proceed tomorrow morning at 11:00 o'clock with the action contemplated by the report, pursuant to the written notice served upon him yesterday.

Delegate Crossley, for the Committee on Submission and Information, presented a report, recommending that a weekly summary of the work of this Convention be prepared by the committee and made available to the public through news releases to the press, radio, and to such organized groups as may request copies thereof; and further recommending, unanimously, that the committee be authorized to proceed forthwith with such program, there being no expenditure of funds anticipated beyond the services of the Convention staff (see Sec. B, Standing Com. Rpt. No. 2). Upon motion by Delegate Crossley, seconded by Delegate Arthur K. Trask, and carried, the report of the committee was adopted.

At 4:10 o'clock p.m., upon motion by Delegate Anthony, seconded by Delegate Noda, and carried, the Convention adjourned until 11:00 o'clock a.m., on Thursday, April 20, 1950.

**TWELFTH DAY • Thursday, April 20, 1950**

The Convention convened at 11:18 o'clock a.m., with the President presiding.

The divine blessing was invoked by Chaplain Judd, after which the roll was called, showing all delegates present with the exception of Delegate Luiz, excused. The journal of the eleventh day was approved.

Delegates Castro and Charles A. Rice introduced Proposal No. 54, "Relating to Public Lands." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Agriculture, Conservation and Land.

Delegates Dowson, Yamauchi and Apoliona introduced Proposal No. 55, "Providing for a State Flag." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Miscellaneous Matters.

Delegates Dowson, Yamauchi and Apoliona introduced Proposal No. 56, "Providing for a State Seal." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Miscellaneous Matters.

Delegates Kage, Wist and Loper introduced Proposal No. 57, "Relating to Education." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Education.

Delegates Doi, Okino, Kawahara, Ihara, Lyman and Yamauchi introduced Proposal No. 58, "Relating to Advisory Opinions of the Supreme Court." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Judiciary.

Delegates Holroyde, Bryan, Dowson and Kanemaru introduced Proposal No. 59, "Relating to Representation in the Legislature." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Legislative Powers and Functions.

Delegates Corbett, Larsen, Ihara, Wist and Roberts introduced Proposal No. 60, "Relating to Slum Clearance, Rehabilitation and Housing." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Health and Public Welfare.

Delegate Kam introduced Proposal No. 61, "Providing a Preamble for the Constitution." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Miscellaneous Matters.

Delegates Shimamura and Ashford introduced Proposal No. 62, "Relating to Bill of Rights." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights.

Delegates Shimamura and Kam introduced Proposal No. 63, "Relating to Bill of Rights." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights.

Delegate Yamamoto introduced Proposal No. 64, "Relating to Public Education." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Education.

Delegates Kam, Shimamura and Fong introduced Proposal No. 65, "Relating to State Capital of Hawaii." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Miscellaneous Matters.

Delegates Wist, King, Crossley, Lyman, Okino, Doi, Apoliona, Wirtz, St. Sure, Castro, Ashford, Larsen, Kometani, Kam, Corbett, Yamauchi, Charles H. Silva, Tavares, Holroyde, Bryan, Smith, Cockett, Noda, Kanemaru, Dowson, Hayes, Sakai, Kauhane, Fukushima, Richards, Ohrt, Loper, White, Yamamoto, Kido, Kawahara, Lai, Kellerman, Shimamura, James K. Trask, Mau, Roberts, Phillips, Fong, Gilliland, Porteus, Woolaway and Kage offered a resolution declaring Frank G. Silva, by reason of his contempt of the House UnAmerican Activities Committee in the recent proceedings of said committee conducted at Iolani Palace, disqualified to sit as a member of this Convention; that his seat be declared vacant, and requesting the Governor to fill the vacancy in the manner provided by law (see Sec. B, Res. No. 25). Delegate Wist moved for the adoption of the resolution. Seconded by Delegate Kauhane.

At this time, Delegate Arthur K. Trask asked Secretary Porteus to inform the Convention as to whether he had any information regarding Delegate Frank G. Silva having purged himself of contempt of the House UnAmerican Activities Committee. In answer to that, Secretary Porteus stated that he could not report that any purging had taken place, but that he did report that there had been no communication to him by Delegate Silva or by any one on his part. He called the attention of the delegates to the presence of Frank G. Silva in the Convention Hall.

At this time, Delegate Mau called the attention of the Convention to a motion which was to be acted upon today, on which action was deferred yesterday, providing that when the Convention takes action, pursuant to Special Committee Report No. 3, that the action was to be determined upon a two-thirds vote of this body.

Delegate Tavares moved that action on the resolution be deferred until after consideration of the

motion to which Delegate Mau had referred. The motion was seconded by Delegate Mau, and carried.

The Clerk thereupon read the motion pending before the Convention, as follows:

It was moved by Delegate Anthony, seconded by Delegate Mau, that when the Convention takes action, pursuant to Special Committee Report No. 3, that the action be determined upon a two-thirds vote of this body.

In support of the motion, Delegate Anthony stated that, as the Chair had announced yesterday, there is nothing in the rules of the Convention that covers this situation, but it is normal parliamentary procedure that some such percentage be established in a serious matter of this character. The pending motion made by Delegate Anthony and seconded by Delegate Mau, deferred from yesterday, was thereupon put by the Chair and carried unanimously.

Consideration of Resolution No. 25, relating to the disqualification of Delegate Frank G. Silva to sit as a member of this Convention, deferred from earlier on the calendar:

Delegate Wist moved for the adoption of the resolution. Seconded by Delegate Kauhane. Delegate Heen moved that the Convention resolve itself into a committee of the whole in order to take up the consideration of Resolution No. 25, a motion to adopt which had been made and seconded. The motion that the Convention resolve itself into a committee of the whole was seconded by Delegates Saka-kihara, Arthur K. Trask and Woolaway.

The President stated that prior to convening the Convention this morning, the Chair had informed Delegate Frank G. Silva that he would be given an opportunity to be heard in Committee of the Whole. The Chair then put the motion made and seconded that the Convention resolve itself into a Committee of the Whole, which was carried.

The Chair thereupon appointed Delegate Wirtz as Chairman of the Committee of the Whole; and at 11:34 o'clock a.m., the Convention resolved itself into a Committee of the Whole for the consideration of Resolution No. 25, with Delegate Wirtz as Chairman.

The Committee rose at 6:28 o'clock p.m., and the Convention reconvened.

Delegate Wirtz, for the Committee of the Whole, to which was referred Resolution No. 25, relating to the disqualification of Delegate Frank G. Silva to sit as a member of this Convention, reported orally, recommending the adoption of the resolution as amended.

The President instructed the Clerk to read the amended resolution, which was thereupon read by the Clerk as follows:

**RESOLVED**, that Frank G. Silva, by reason of his contumacious conduct before and toward

the UnAmerican Activities Committee of the House of Representatives and this Constitutional Convention of Hawaii of 1950, is hereby declared disqualified and unfit to sit as a member of this Convention and that he be and is hereby expelled; that his seat be declared vacant; and the Governor be requested to fill the vacancy in the manner provided by law.

Delegate Wirtz moved for the adoption of the committee report, a written report to be filed later. Seconded by Delegate Arthur K. Trask.

Delegate Heen at this time moved that the Convention adjourn. Seconded by Delegate Anthony. Delegate Gilliland moved to table the motion to adjourn. Seconded by Delegate Charles H. Silva, and carried.

Delegate Anthony then moved for the adoption of the report of the Committee of the Whole, thereby adopting the resolution as amended. Seconded by Delegate Porteus.

Delegate Charles A. Rice moved that the report be recommitted to the Committee of the Whole. Seconded by Delegate Lee. A roll call being demanded by more than 10 delegates, as required by the rules of the Convention, the motion to recommit the report, embodying the amended resolution, to the Committee of the Whole was put and lost on the following showing of Ayes and Noes: Ayes, 29 (Akau, Anthony, Bryan, Doi, Dowson, Fukushima, Heen, Holroyde, Ihara, Kawahara, Kawakami, Kellerman, Kido, Larsen, Lee, Loper, Lyman, Mau, Mizuha, Nielsen, Phillips, Charles A. Rice, Harold W. Rice, Roberts, Sakakihara, Serizawa, St. Sure, Yamamoto and Yamauchi). Noes, 32. Excused and not voting, 1 (Luiz). Not voting, 1 (Frank G. Silva).

Delegate Tavares then moved that the Convention stand in recess, subject to the call of the Chair.

Delegate Mau moved that the Convention adjourn until 11:00 o'clock tomorrow morning. Seconded by Delegate Akau. The motion to adjourn until 11:00 o'clock tomorrow morning was put, and lost.

Delegate Anthony then moved that the Convention stand in recess until 8:30 o'clock tonight. Seconded by Delegate Porteus, and carried; and at 6:55 o'clock p.m., the Convention stood in recess until 8:30 o'clock tonight.

#### EVENING SESSION

The Convention reconvened at 9:06 o'clock p.m., with the President in the Chair, and all delegates being present, with the exception of Delegate Luiz excused, and Delegates Nielsen and Yamamoto, absent.

The Chair announced that when the Convention stood in recess, there was a motion pending to adopt the report of the Committee of the Whole, thereby adopting amended Resolution No. 25.

At this time, Delegate Charles H. Silva moved that the Sergeant-at-Arms be instructed to compel the attendance of the absent members. The motion was seconded by James K. Trask, and carried.

At this time, Delegate Anthony asked unanimous consent to speak. There being no objection, the Chair recognized Delegate Anthony, who addressed the Convention as follows:

Mr. President, inasmuch as there has been expressed some doubt on the floor of this House as to the power of this body, I think the delegates should know that it is the view of the lawyers here, the lawyers that are about me particularly, including myself, that this House is the sole judge of the qualifications of its members; and we have the power which we are about to act upon in the course of the adoption or rejection of this resolution.

I would like also to state that I have reviewed in some detail the resolution on the floor of the House and in my judgment this resolution is supported by the evidence that is before the body.

At this time, Delegate Fong moved that the Convention stand in recess while the Sergeant-at-Arms endeavored to locate and bring into the session the absent members. The motion was seconded by Delegate Arthur K. Trask, and carried; and at 9:15 o'clock p.m., the Convention stood in recess, subject to the call of the Chair.

The Convention reconvened at 9:19 o'clock p.m., and Delegate Nielsen came into the session at this time, all members now being present, with the exception of Delegate Luiz, excused, and Delegate Yamamoto, absent.

Delegate Heen asked unanimous consent at this time to make a few remarks upon the matter that is now before the Convention. There being no objection, the Chair recognized Delegate Heen, who addressed the Convention as follows:

Now the question is: Do we have before this Convention all the evidence that is now in the record—by that I mean, specifically, have we the right at this time to consider the statements made by Delegate Frank G. Silva, contained in the written document that he presented to this convention, contained in another document—I think that was presented to the UnAmerican Activities Committee and which is now part of the record in this proceeding—and including the statement that he produced today, wherein he made unwarranted, scurrilous attacks upon the integrity of the members of this Convention? The question is: was he charged with these statements as being unworthy—unbecoming—to a Delegate of the Convention? I believe that while the charges were not too specific, where you are required to make them so in cases of criminal prosecution, I believe that they were reasonably clear—that he was being



charged with contumacious conduct towards the members of this Convention. He was asked whether or not he had any further statements to make. He said "no." He was asked whether or not he wished to make a statement by himself or through his counsel. He was given the opportunity to do so through his own counsel, and he made a statement himself, and that closed the hearing so far as the Convention is concerned. He had the opportunity to be heard as to this charge of being guilty of contumacious conduct towards the Convention. Therefore, if all of this evidence is now before the Convention, then I say we have enough evidence here now, on the basis of his statement which he had the opportunity to refute, enough evidence in order to make a finding of fact that he has been guilty of contumacious conduct towards the members of this Convention. Now the members will recall that his counsel attempted to excuse the statements that he made because they were made in a hurry—made in the heat of battle, so to speak—and he, himself—the delegate himself—made some statement if we withdrew the charges against him, he would withdraw these scurrilous attacks he made against the delegates of this Convention; so I say to you, Mr. President and members of the Convention, if all of these facts that are now in the record are available to the Convention upon which to make a finding of fact that the delegate has been guilty of conduct unworthy of a delegate—unbecoming to a delegate—and amounting to conduct reprehensible—contumacious conduct—towards the members of this Convention, then we have sufficient evidence upon which to make a finding of that fact and to inflict punishment.

The Chair stated that the question now before the Convention was the adoption of the oral report of the committee which included the adoption of the resolution as amended.

A roll call was thereupon demanded by more than the required number of ten delegates.

At this time Delegate Kam asked for unanimous consent, before the roll was called on the motion to adopt the report of the committee and the amended resolution, to say a few words. There being no objection raised, the President recognized Delegate Kam, who addressed the Convention as follows:

This is a very very important issue at stake. As elected public officials we hold office in trust for all of the people of Hawaii nei. As such it is our duty when called upon to give a straight forthright answer to any question directed to us affecting the welfare of the people of Hawaii. I believe that the people on Kauai who elected Frank G. Silva to this high office as a Delegate to this Constitutional Convention are wondering why he did not give straight forthright answers when he was

questioned by the UnAmerican Activities Committee of Congress. We all feel that his refusal to testify is a reflection on all the Delegates in this Convention. I, for one, believe if I were involved in a matter of this importance, I would want to give my people in Kalihi a straight forthright answer. Representative Tagawa of Maui, who was recently subpoenaed, gave a straight forthright answer before that committee. I feel that the original resolution as offered should be retained in its entirety. The Convention is the sole judge of whether this man's behavior entitled him to sit with us. The Convention has already spoken through previous roll calls which indicated that there was a strong consensus that the behavior of this man was unbecoming to a member of this Convention. Thank you.

Delegate Tavares then asked for unanimous consent for a brief speech, which was granted, whereupon he addressed the Convention as follows:

I should like to state that I agree wholeheartedly with what the delegate from the Fourth District said a few minutes ago as to the evidence being all before us and as to the complete regularity of the proceedings. In my opinion, I think we have a right to pass on the resolution as it stands. We have ample evidence and it is before the Convention, and there has been a fair hearing on it. Thank you.

The Chair thereupon put the motion to adopt the oral report of the Committee of the Whole, recommending the adoption of Resolution No. 25 in an amended form, which was carried on the following showing of Ayes and Noes: Ayes, 53. Noes, 7 (Akau, Doi, Fukushima, Ihara, Kawahara, Lee, and Nielsen). Excused and not voting, 1 (Luiz). Not voting, 1 (Frank G. Silva). Absent and not voting, 1 (Yamamoto).

The Chair announced that the motion had been carried by more than the two-thirds required by the motion adopted earlier in the day.

Delegate Hayes introduced Proposal No. 66, "Relating to Education." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Education.

Delegate Richards introduced Proposal No. 67, "Relating to Public Lands and Other Property." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Agriculture, Conservation and Land.

Delegate Castro introduced Proposal No. 68, "Relating to Non-Partisan Selection of Judges." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Judiciary.

At 9:37 o'clock p.m., upon motion by Delegate Crossley, seconded by Delegate Sakakihara, the Con-

vention adjourned until 11:00 o'clock a.m., on Friday, April 21, 1950.

### THIRTEENTH DAY • Friday, April 21, 1950

The Convention convened at 11:05 o'clock a.m., with President King in the Chair.

The opening prayer was offered by Chaplain Judd, after which the roll was called, showing all delegates present, with the exception of Delegates Kellerman and Luiz, excused.

The President announced that he and the Secretary had not had an opportunity to read the journal of the twelfth day, but they would do so over the weekend and report thereon to the Convention on Monday next.

At this time, Delegate Porteus called attention to the presence in the Convention Hall of the delegates to the Hi-Y Conference being held in Honolulu for the purpose of drawing up a suggested form of constitution, and stated that he would like to have the President address a few words of welcome to that body. President King thereupon extended the welcome of the Convention to these delegates to the Hi-Y Constitutional Convention and wished them success in their deliberations in drafting a model constitution.

A communication from the Governor of the State of Missouri, replying to the request of the Convention for a flag of that state, and stating that this matter had been referred to the Adjutant General of Missouri for his attention, was read by the Clerk (see Sec. B, Misc. Com. No. 17). The communication was received and placed on file.

A communication from the secretary to the Governor of Puerto Rico, stating that they had no official flag and were, therefore, unable to comply with the request of the Convention, and conveying the Governor's greetings and best wishes for a successful Convention, was read by the Clerk (see Sec. B, Misc. Com. No. 18). The communication was received and placed on file.

A communication from the President of the Waimanalo Homestead Community Club, asking for the defeat of Resolutions 19 and 21 before the Convention, which tend to undermine and destroy the Hawaiian Homes Commission and projects; and further asking that they be allowed a public hearing should the Convention have before it any proposal that would be detrimental to that Commission, was read by the Clerk (see Sec. B, Misc. Com. No. 19). The communication was received and referred to the Committee on Hawaiian Homes Commission Act.

Delegates Apoliona, Tavares and Yamamoto introduced Proposal No. 69, "Relating to Legislative Powers and Functions." The proposal passed first reading by title, was ordered printed, and re-

ferred to the Committee on Legislative Powers and Functions.

Delegates Kam and Apoliona introduced Proposal No. 70, "Establishing Bribery as Disqualification for Office Holding." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Suffrage and Elections.

Delegates Shimamura, Ashford and Lee introduced Proposal No. 71, "Relating to Bill of Rights." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights.

Delegates Kauhane, Noda, Sakakihara, Kage, St. Sure and Holroyde introduced Proposal No. 72, "Relating to Civil Service Employment, Retention and Advancement." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Miscellaneous Matters.

Delegates Kam, Castro and Woolaway introduced Proposal No. 73, "Relating to Appropriations for Private Purposes Prohibited." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Taxation and Finance.

Delegates Kam, Castro and Woolaway introduced Proposal No. 74, "Relating to Legislative Budget Procedure." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Taxation and Finance.

Delegates Kam, Castro and Woolaway introduced Proposal No. 75, "Relating to the Budget." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Taxation and Finance.

Delegates Kam, Castro and Woolaway introduced Proposal No. 76, "Relating to Borrowing Power." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Taxation and Finance.

Delegates Kam, Castro and Woolaway introduced Proposal No. 77, "Relating to Excess Condemnation." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Taxation and Finance.

Delegates Kam, Castro and Woolaway introduced Proposal No. 78, "Relating to Purchasing Methods." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Taxation and Finance.

Delegates Kam, Castro and Woolaway introduced Proposal No. 79, "Relating to Post-Auditing." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Taxation and Finance.

Delegates Kam, Castro and Woolaway introduced Proposal No. 80, "Relating to Powers of Taxation." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Taxation and Finance.

Delegates Kam, Castro and Woolaway introduced Proposal No. 81, "Relating to Expenditure of Money." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Taxation and Finance.

Delegates Kauhane and Noda introduced Proposal No. 82, "Relating to Persons Excluded from the Right of Suffrage." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Suffrage and Elections.

Delegates Kam, Hayes, Wirtz, St. Sure, Apoliona, Smith, Wist, Doi, Yamauchi, Nielsen, Kawahara and Okino offered a resolution, providing for the purchase by this Convention of copies of the latest edition of Cushing's *Manual of Parliamentary Practice* and Roberts' *Rules of Order*, to be made available to all the delegates (see Sec. B, Res. No. 26). The resolution was referred to the Committee on Accounts.

At this time, Delegate Roberts moved that the Committee on Accounts be instructed to report to this Convention on Monday, April 24, 1950, on Resolution No. 12, on the same subject matter as Resolution No. 26, which had been referred to the committee previously. The motion was seconded by Delegate Apoliona. The Chair thereupon put the motion, which was lost. The Chair, however, stated that the intent of the motion would be carried out.

Delegate Harold W. Rice offered a resolution providing that the Convention would continue with its work while certain of its delegates went to Washington (see Sec. B, Res. No. 27). Delegate Harold W. Rice moved for the adoption of the resolution. Seconded by Delegate Wirtz.

The Chair stated that by Monday he would be able to make a full report to the Convention on how many delegates would make the trip to Washington, D. C.

Delegate Sakakihara then moved that action on the resolution be deferred until Tuesday, April 25, 1950. Seconded by Delegate Charles H. Silva, and carried.

At 11:35 o'clock a.m., upon motion by Delegate Charles A. Rice, seconded by Delegate Noda, and carried, the Convention adjourned until 11:00 o'clock a.m., on Monday, April 24, 1950.

#### FOURTEENTH DAY • Monday, April 24, 1950

The Convention convened at 11:05 o'clock a.m., with the President in the Chair.

The divine blessing was invoked by the Chaplain, after which the roll was called, showing all delegates present. The President announced that the journal of the twelfth and thirteenth days had been approved.

A message from the Governor, acknowledging receipt of the communication from the President, dated April 20th, informing him of the vacancy in the membership of the Convention because of the expulsion of Delegate Frank G. Silva, and informing

the Convention that the Governor would advise the Convention when another delegate had been appointed to fill the vacancy, was read by the Clerk (see Sec. B, Governor's Message No. 3). The message was received and placed on file.

A communication from the secretary to the Governor of New Mexico, stating that a state flag was being sent for use in the Convention Hall, was read by the Clerk (see Sec. B, Misc. Com. No. 20). The communication was received and placed on file.

A communication from Brigadier General Harris, the Adjutant General, State of Missouri, informing the Convention that a 4' x 6' Glory Gloss flag of that state was being sent, on loan, to the Convention, and requesting its return at the close of the Convention, was read by the Clerk (see Sec. B, Misc. Com. No. 21). The communication was received and placed on file.

A communication from the Ewa Hawaiian Civic Club, favoring a public hearing on the subject of the omission of the Hawaiian Homes Commission Act from the Constitution for the State of Hawaii, was read by the Clerk (see Sec. B, Misc. Com. No. 22). The communication was received and referred to the Committee on Hawaiian Homes Commission Act.

A communication from the secretary of the Council of Hawaiian Homesteaders, Honolulu, opposing any transfer or divorcement of lands from the Hawaiian Homes Commission, protesting the reduction of the blood qualifications as required under that Act, and requesting the rejection of Resolutions Nos. 19 and 21; and further requesting that a public hearing be held on any proposal adversely affecting the Hawaiian Homes Commission or project, was read by the Clerk (see Sec. B, Misc. Com. No. 23). The communication was received and referred to the Committee on Hawaiian Homes Commission Act.

A communication from the Central Labor Council of Honolulu, favoring the inclusion of initiative, referendum and recall in the new state constitution, was read by the Clerk (see Sec. B, Misc. Com. No. 24). The communication was received and referred to the Committee on Revision, Amendment, Initiative, Referendum and Recall.

A communication from the executive secretary of the Hawaii Education Association, informing the Convention of the adoption of a resolution by the Association favoring the incorporation of statutory initiative and referendum in the proposed state constitution, and enclosing a report on "Statutory Initiative" prepared by the Joint Tax Study Commission, and asking favorable consideration by the Convention for including statutory initiative and referendum in the Constitution, was read by the Clerk (see Sec. B, Misc. Com. No. 25). The communication and report were received and referred to the Committee on Revision, Amendment, Initiative, Referendum and Recall.

A communication from the Commander of the Veterans of Foreign Wars, Post No. 1540, Honolulu, enclosing a resolution adopted by the said post, calling for the outlawing of the Communist party or any party dedicated to the overthrow of our government by force and violence was read by the Clerk (see Sec. B, Misc. Com. No. 26). The communication and resolution were received and referred to the Committee on Miscellaneous Matters.

Delegate Castro, for the Committee on Accounts, presented a report, reporting on the financial status of the Convention as of April 24th, which was read by the Clerk (see Sec. B, Standing Com. Rpt. No. 3). The report was received and placed on file, copies thereof having been mimeographed and distributed to the members.

Delegate Castro, for the Committee on Accounts, presented a report, recommending that Resolution No. 20, which had been referred to that Committee, relating to authorizing delegates from islands other than Oahu to hold public hearings within their home areas upon subjects being considered by the Convention, be referred to the Committee on Rules and Order of Business, which was read by the Clerk (see Sec. B, Standing Com. Rpt. No. 4). The report was received; and upon motion by Delegate Castro, seconded by Delegate Corbett, and carried, the report of the committee was adopted; and Resolution No. 20 was thereupon referred to the Committee on Rules and Order of Business.

Delegate Castro, for the Committee on Accounts, presented a report, relating to Resolutions Nos. 12 and 26, both requesting that individual copies of Cushing's *Manual of Parliamentary Procedure* and Roberts' *Rules or Order* be supplied each delegate, and recommending that these requests be denied for the reasons set forth therein, which was read by the Clerk (see Sec. B, Standing Com. Rpt. No. 5). Upon motion by Delegate Castro, seconded by Delegate Yamamoto, and carried, the report of the committee was adopted.

Delegate Shimamura introduced Proposal No. 83, "Relating to Bill of Rights." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights.

Delegate Kauhane introduced Proposal No. 84, "Relating to Suffrage and Elections." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Suffrage and Elections.

At this time, President King presented an announcement relative to the program for the ensuing two weeks while certain delegates would be absent attending hearings before the Senate Committee on Interior and Insular Affairs in Washington, D. C., on statehood, which was read by the Clerk as follows:

The Senate Committee on Interior and Insular Affairs has scheduled hearings on the Hawaii

Statehood Bill, H. R. 49, on May 1st, 1950, in Washington, D. C.

It is not known how extensive these hearings will be nor how long they will take. Through Delegate Joseph R. Farrington, the Committee Chairman, Senator Joseph C. O'Mahoney, of Wyoming, has requested a list of the witnesses who might desire to be heard.

The passage of H. R. 49 is so important to statehood that an all-out effort should be made to obtain favorable action on the bill by the Senate Committee.

For this reason, the Legislative Holdover Committee has decided that its entire membership will attend the hearings.

The Statehood Commission is sending five or six of its members.

The several counties have been invited to add representatives to the delegation, and the City and County of Honolulu has already designated its spokesman.

In addition, several other citizens have been asked to attend the hearings at their own expense, and be available as witnesses in behalf of statehood, if the opportunity arises for them to testify.

Between 14 and 17 delegates in this Convention are included in one or the other of the above groups, and will need to have permission to be absent from our sessions for 10 days or more.

I, myself, desire to leave Wednesday evening, April 26th, and hope to return before Monday, May 8th.

The four vice-presidents are included in the delegation proceeding to Washington; and others include chairmen of important committees of this Convention.

The members of this Convention who are also members of the Legislative Holdover Committee are: Hiram L. Fong, William H. Heen, Charles E. Kauhane, Herbert K. H. Lee, Steere G. Noda, Thomas T. Sakakihara and Charles H. Silva.

The Statehood Commission group includes: Delegates Samuel Wilder King, Charles A. Rice, Arthur D. Woolaway, and possibly one other if Governor Stainback fills a vacancy on the Commission.

Delegate Chuck Mau has been designated by the City and County of Honolulu to be one of its two representatives.

Other delegates have been requested to proceed to Washington as members of an Advisory Committee to the Statehood Commission. Among them, if they can attend the hearing, would be Delegates J. Garner Anthony, Randolph Crossley, Frank Y. Kam, Harold W. Rice, C. Nils Tavares and Henry A. White.

Under the circumstances, it would seem desirable either to adjourn the Convention for a

week or to arrive at an understanding that the Convention, while continuing to meet daily, will take no definite action on any measures until the return of the delegation or the majority of them from Washington.

Motions to carry out the program I have outlined have been prepared, and will be offered for your consideration.

The first will grant the necessary leave of absence to the delegates attending the Washington hearings.

The second will define the Convention's activities during their absence.

The third will designate the presiding officer during this period, in accordance with Rule 6 of our rules.

In the meantime, with many proposals before each committee, a good deal of study and consideration can be given them by the delegates here.

It is anticipated that by May 8th, the absentees will have returned, and our work from then on can be expedited, with no further interruption.

At this time, Delegate Porteus offered a resolution, granting a leave of absence to those delegates attending the hearings before the Senate Committee on Interior and Insular Affairs on H. R. 49, to be held in Washington on May 1, 1950, for such time as may be necessary between April 24th and May 8th, 1950 (see Sec. B, Res. No. 28). Delegate Porteus moved for the adoption of the resolution, which motion was seconded by Delegate White. After considerable discussion, the Chair put the motion to adopt the resolution, which was carried.

Delegate Anthony moved that the Convention vote on the delegates from this Convention who shall attend the hearings in Washington, D. C. The motion was seconded by Delegate Ashford. Delegate Larsen moved that the motion be amended to read that "those delegates who can go shall be the ones to represent us in Washington." Seconded by Delegate Holroyde.

There ensued further discussion in connection with who should represent the Convention in Washington, and how the expenses of those, in addition to the persons already designated by the Hawaii Statehood Commission and the Holdover Committee, could be paid. During the course of the discussion, Vice-President Woolaway twice temporarily assumed the Chair in order that President King might participate in the debate on the floor of the Convention.

At this time, Delegate Anthony re-stated his original motion, as follows:

I move that this Convention determine the number of and individuals who will represent it before the Senate of the United States; that the President be requested to ascertain from the Governor, the Statehood Commission and the Holdover Commit-

tee whether or not the financing of such a delegation representing this Convention, can be done.

Delegate Larsen repeated his amendment, which was: "that this body accept the members already mentioned as the properly designated group to represent the Convention." The motion was seconded by Delegate Charles H. Silva.

Delegate Gilliland moved that Delegate Larsen's amendment be tabled. Seconded by Delegate Phillips. The motion was put, and carried, on a showing of hands.

The Chair thereupon stated that it was now in order to put Delegate Anthony's original motion.

Delegate Charles H. Rice moved to table the motion. Seconded by Delegate Smith. The motion to table the original motion was thereupon put by the Chair, and carried, on a showing of hands.

Delegate Heen then moved that this Convention recommend to the chairman of the Statehood Commission, the chairman of the Holdover Committee, and the Governor that some way or other funds be found in order to have Delegate C. Nils Tavares proceed to Washington in order to provide the necessary technical help that will be required to formulate certain amendments to the Enabling Act. Delegate Ashford seconded the motion, which was carried unanimously.

At 12:29 o'clock p.m., upon motion by Delegate Noda, seconded by Delegate Smith, the Convention adjourned until Tuesday, April 25, 1950 at 11:00 o'clock a.m.

#### FIFTEENTH DAY • Tuesday, April 25, 1950

The Convention convened at 11:00 o'clock a.m., pursuant to adjournment, with the President presiding.

The opening prayer was offered by Chaplain Judd, after which the roll was called, showing all delegates present, with the exception of Delegate Holroyde, absent. The journal of the fourteenth day was approved.

At this time, Delegate Akau rose on a point of personal privilege to apologize for statements made by her during the discussion which took place at yesterday's session, which apology was accepted by the Convention.

A message from the Governor, notifying the Convention of the appointment of Matsuki Arashiro, an elector of the combination of Precincts 5 and 6 (Combination BB) of the Sixth Representative District, Island of Kauai, to fill the vacancy caused by the expulsion of Frank G. Silva, was read by the Clerk (see Sec. B, Governor's Message No. 4). The message was received and placed on file.

A communication from the Lanai Residents' Committee for Self-Government, transmitting three reso-

lutions supporting Proposals Nos. 8 and 22, and asking that the said resolutions be referred to the committees now considering those proposals, relative to making Lanai a separate county when Hawaii becomes a state, and granting Lanai representation in Hawaii's state legislature; and also inclosing copies of a presentation outlining their case for county status and representation in the new state legislature, for reference to proper committees and other delegates, for their information and guidance, was read by the Clerk (see Sec. B, Misc. Com. No. 27). The communication, resolutions and presentation were received and referred to the Committee on Local Government.

At this juncture, Delegate Ashford rose on a point of personal privilege to inform the delegates that there was present in the Convention Hall a distinguished woman guest, in the person of Miss Yoshiko Yamaguchi, a talented artist from the Orient, who is here to give some performances and who will then proceed to Hollywood and New York. Delegate Ashford moved that the President appoint a committee to escort Miss Yamaguchi to the rostrum, and that thereafter a recess be declared, subject to the call of the Chair, in order that the delegates might be presented to her. The motion was seconded by Delegate Larsen.

Delegate Sakakihara moved that the motion be amended to provide that the six "young" men to be so appointed be Delegates Charles A. Rice, Harold W. Rice, Cockett, Ohrt, Nielsen and Larsen. The amendment was seconded by Delegate Kam, and carried. The Chair thereupon put the amended motion, which was carried.

The committee so appointed then escorted Miss Yamaguchi to the rostrum and Delegate Charles A. Rice, who had placed a lovely pink carnation lei around her shoulders, according to Hawaiian custom, presented her to the President, whereupon the Convention stood in recess, at 11:13 o'clock a.m., subject to the call of the Chair, in order that the delegates might be personally presented to Miss Yamaguchi.

At 11:21 o'clock a.m., the Convention reconvened and proceeded with the order of business in which it was engaged at the time of the recess.

A communication from Gottfried Seitz, submitting for the consideration of the Convention a suggestion for a public defender, was read by the Clerk (see Sec. B, Misc. Com. No. 28). The communication and enclosure were received and referred to the Committee on Judiciary.

A communication from the President of the West Maui Hawaiian Civic Club, opposing any action to destroy the Hawaiian Homes Commission and its projects, was read by the Clerk (see Sec. B, Misc. Com. No. 29). The communication was received and referred to the Committee on Hawaiian Homes Commission Act.

A communication from the president of the Future Farmers of America, informing the Convention that the members of that association had voted unanimously in favor of statehood for Hawaii at their recently held twenty-first annual convention, and expressing faith in the Convention to draw up a Constitution of which they would be proud, was read by the Clerk (see Sec. B, Misc. Com. No. 30). The communication was received and placed on file.

A communication from the Council of Hawaiian Civic Clubs on Oahu, requesting that a public hearing be called for the purpose of discussing the status of the Rehabilitation Act, relative to its inclusion in the Constitution, was read by the Clerk (see Sec. B, Misc. Com. No. 31). The communication was received and referred to the Committee on Hawaiian Homes Commission Act.

A communication from the executive secretary of the Hawaii Education Association, enclosing a report on "Provisions on Taxation and Finance in the Proposed Constitution," prepared by the research committee of that association, for the consideration of its proposals, was read by the Clerk (see Sec. B, Misc. Com. No. 32). The communication and report were received and referred to the Committee on Taxation and Finance.

Delegate Wirtz, for the Committee of the Whole, to which was referred Resolution No. 25, recommending that Frank G. Silva be expelled as a member of the Convention, by reason of his contempt of the House UnAmerican Activities Committee, and that his seat be declared vacant and the Governor be requested to fill the vacancy in the manner provided by law, presented a report, recommending the adoption of the resolution in an amended form (see Sec. B, Com. of the Whole Rpt. No. 1). Upon motion by Delegate Silva, seconded by Delegate Wirtz, the report of the committee was received and placed on file, the oral report of the committee having been adopted on April 20th.

Delegates Lyman and Apoliona introduced Proposal No. 85, "Relating to the State Song for Hawaii." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Miscellaneous Matters.

Delegate Shimamura introduced Proposal No. 86, "Relating to Bill of Rights." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights.

Delegates Larsen, Heen, Hayes, Lyman, Cockett and Fong offered a resolution, requesting that the legislature of Hawaii enact appropriate legislation for the adoption of seven devices of heraldry, consisting of symbols reflecting Hawaii's past and present (see Sec. B, Res. No. 29). Delegate Larsen explained, in some detail, the various symbols on the proposed official seal of the State of Hawaii, as shown on the sketch accompanying the resolution.

The resolution was referred to the Committee on Miscellaneous Matters.

The Chair, at this time, announced that arrangements had been made to have Delegate Tavares accompany the delegation to Washington.

Consideration of Resolution No. 27, relating to the continuation of the work of the Convention during the absence of certain delegates in Washington, action on which was deferred on April 21st:

Delegate Harold W. Rice moved for the adoption of the resolution. Seconded by Delegate Larsen. Considerable discussion ensued as to what business should, and would, be transacted by the Convention while certain of the delegates were absent to attend hearings before the Committee on Interior and Insular Affairs of the United States Senate, following which the Chair put the motion to adopt the resolution, which was carried.

At 12:02 o'clock p.m., upon motion by Delegate Crossley, seconded by Delegate Noda, and carried, the Convention adjourned until 11:00 o'clock a.m., on Wednesday, April 26, 1950.

#### **SIXTEENTH DAY • Wednesday, April 26, 1950**

The Convention convened at 11:02 o'clock a.m., with President King in the Chair.

The divine blessing was invoked by Chaplain Judd, after which the roll was called, showing all delegates present, with the exception of Delegates Mau and Arthur K. Trask, excused.

The Chair announced that he had not been able to check the journal of the fifteenth day, but would be ready at tomorrow's session to report on it.

At this juncture, the President announced that the newly appointed delegate, Matsuki Arashiro, was present in the Convention Hall, and appointed Delegates Charles A. Rice and Crossley from the Sixth Representative District to escort Mr. Arashiro to the rostrum.

Chief Justice Samuel B. Kemp being in attendance, thereupon administered the oath of office to Delegate Arashiro, whereupon he took his seat with the delegates, being the one formerly occupied by Delegate Frank G. Silva, whom he is replacing.

The President announced that Delegate Arashiro had taken the loyalty oath.

The President then expressed the appreciation of the Convention to Chief Justice Kemp for his courtesy in coming to the Convention to administer the oath of office in person.

The Chair announced at this time that Delegate Arashiro would be given the same committee assignments held by Delegate Frank G. Silva, namely the committees on Local Government, Education, Industry and Labor, and on Revision, Amendments, Initiative, Referendum and Recall.

A petition from the officers of the Lanai AJA Club, Lanai City, requesting the Convention to take whatever steps necessary for the Island of Lanai to gain separate county status and its proportional representation in the legislature of the State of Hawaii, was read by the Clerk (see Sec. B, Petition No. 1). The petition was received and referred to the Committee on Local Government.

A petition from the Lanai Parent-Teachers Association petitioning the Convention to take whatever steps necessary for the Island of Lanai to gain separate county status and its proportional representation in the legislature of the State of Hawaii, was read by the Clerk (see Sec. B, Petition No. 2). The petition was received and referred to the Committee on Local Government.

A petition from the Lanai Education Association, petitioning the Convention to take whatever steps may be necessary for the Island of Lanai to gain a separate county status and its proportional representation in the legislature of the State of Hawaii, was read by the Clerk (see Sec. B, Petition No. 3). The petition was received and referred to the Committee on Local Government.

A communication from the Adjutant General, State of Montana, stating that it would be necessary to make a charge of \$18 for a flag of that state, or, if it were the desire of the Convention to borrow such flag for a few days, no charge would be made, was read by the Clerk (see Sec. B, Misc. Com. No. 33). The communication was received and referred to the Committee on Accounts.

A communication from E. A. Taok, chairman of the mass meeting to be held at Aala Park on April 29, 1950, in connection with the solving of the unemployment situation, particularly the Filipinos in Hawaii, inviting the President of the Convention to attend, or some authorized representative of the Constitution, was read by the Clerk (see Sec. B, Misc. Com. No. 34). The communication was received and referred to the Secretary to circularize among the delegates to see how many might be able to accept the invitation, the President stating that it would be impossible for him to be present since he would at that time be out of the Territory.

A communication from the Governor of Delaware, stating that a flag of that state was being sent to the Convention, and sending the warm greetings of the people of Delaware and their best wishes for a successful termination to the endeavors of the people of Hawaii, was read by the Clerk (see Sec. B, Misc. Com. No. 35). The communication was received and placed on file.

A communication from the Superintendent of the Board of Public Buildings and Grounds, State of North Carolina, informing the Convention that a flag of that state was being forwarded, and stating that the Governor and the people of North Carolina would be very proud to have their flag displayed in

the Convention Hall, and wishing the Convention success, was read by the Clerk (see Sec. B, Misc. Com. No. 36). The communication was received and placed on file.

A communication from the Governor of Maine, informing the Convention that the Adjutant General was being requested to send a flag of that state on a loan basis, if one is available for that purpose, was read by the Clerk (see Sec. B, Misc. Com. No. 37). The communication was received and placed on file.

A communication from the Superintendent of Grounds and Buildings of the Commonwealth of Virginia, informing the Convention that a flag of that state was being forwarded to the Convention, was read by the Clerk (see Sec. B, Misc. Com. No. 38). The communication was received and placed on file.

Delegate White, for the Committee on Taxation and Finance, presented a report recommending that Miscellaneous Communication No. 32 be placed on file, and that the President express appreciation to the Hawaii Education Association for their report on "Provisions on Taxation and Finance in the Proposed Constitution" (see Sec. B, Standing Com. Rpt. No. 6). Upon motion by Delegate White, seconded by Delegate Harold W. Rice, the report of the committee was adopted; and the communication and report were thereupon placed on file, the President to express the appreciation of the Convention to the Hawaii Education Association for this report.

Delegates Gilliland, King, Fong, Kauhane, Tavares, Kam, Crossley, Castro, Sakakihara, Akau, Mizuha, Fukushima, Lyman, Kanemaru, Holroyde, Hayes, Kometani, White, Richards, Lai, Ohrt, Smith, Kido, St. Sure, Noda, Apoliona, Bryan and Larsen offered a resolution, providing that the Secretary of the Convention shall preside over the Convention during the temporary absence of all Vice-Presidents, or in the event of the temporary inability on the part of all Vice-Presidents to discharge the duties of their office; and providing for the appointment of an acting Secretary to perform the duties of the Secretary (see Sec. B, Res. No. 30). Delegate Fong moved for the adoption of the resolution. Seconded by Kauhane. Delegate Silva moved that the resolution be referred to the Committee on Rules and Order of Business.

There ensued considerable discussion on the subject matter of the resolution, during which Vice-President Fong assumed the Chair, temporarily, in order that the President might participate in the debate on the floor of the Convention. Delegate Kauhane moved for the previous question, stating that he felt that the resolution did not amend the rules. Seconded by Delegate Noda, and carried.

Delegate Heen then moved that the Convention stand in recess, subject to the call of the Chair. Seconded by Delegate Okino, and carried; and at

11:40 o'clock a.m., the Convention so thereupon stood in recess.

The Convention reconvened at 11:49 o'clock a.m., with the President in the Chair.

The Chair stated that at the time of the recess a motion to adopt the resolution was pending before the Convention, by reason of a duly adopted motion for the previous question. Delegate Heen thereupon moved that the rules be temporarily suspended in order to receive an amendment to the resolution. Seconded by Delegate Sakakihara, and carried.

Delegate Heen then offered the following amendment to the resolution:

Strike from the resolution the following words, beginning at the end of line 5 of the resolution:

"the Secretary of the Convention shall preside, and the Convention shall thereupon appoint an acting Secretary to perform the duties of the Secretary;"

and insert in lieu thereof the following words:

"Delegate Hebden Porteus be and he is hereby appointed acting Vice-President."

Delegate Heen moved for the adoption of the amendment. The motion was seconded by Delegate Smith, and carried. Upon motion by Delegate Fong, seconded by Delegate Sakakihara, and carried, the resolution as amended was adopted.

Delegate Hayes thereupon moved that Delegate Castro be appointed as acting Secretary in place of Delegate Porteus who has been appointed acting Vice-President. Delegate Heen suggested that the motion be worded to provide for the appointment of Delegate Castro as assistant Secretary, which suggestion was accepted by Delegate Hayes. The motion was seconded by Delegate Shimamura. The Chair thereupon put the motion, which was carried.

Delegate Kam offered a resolution, requesting the Governor of Hawaii to set aside as a legal holiday a specific day to be known as "Statehood Day," upon the granting of statehood to Hawaii (see Sec. B, Res. No. 31). The resolution was referred to the Committee on Miscellaneous Matters.

Delegate Apoliona introduced Proposal No. 87, "Relating to Legislative Matters." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Legislative Powers and Functions.

At 12:04 o'clock p.m., upon motion by Delegate Crossley, seconded by Delegate Noda, and carried, the Convention adjourned until 11:00 o'clock a.m., on Thursday, April 27, 1950.

## SEVENTEENTH DAY • Thursday, April 27, 1950

The Convention convened at 11:10 o'clock a.m., with Vice-President Fong presiding.



The opening prayer was offered by Chaplain Judd, after which the roll was called, showing all delegates present, with the exception of Delegates Crossley, Heen, Kanemaru, King, Lee, Mau, Charles A. Rice, Tavares, White and Woolaway, excused; and Delegate Gilliland, absent. The journal of the fifteenth and sixteenth days was approved.

A petition from 122 citizens and voters of the Hamakua District, Island of Hawaii, requesting the deletion of the provisions of the Hawaiian Homes Commission Act, 1920, as amended, from the basic law of the Territory when drafting the constitution for the State of Hawaii, was read by the Clerk (see Sec. B, Petition No. 4). The petition was received and referred to the Committee on Hawaiian Homes Commission Act.

Delegate Sakakihara introduced Proposal No. 88, "Constitution." The proposal passed first reading by title, was ordered printed, and referred to standing Committees as follows:

Committee on Miscellaneous Matters: Preamble. Committee on Bill of Rights: Article I, Bill of Rights, Sections 1-15, inclusive; Article IX, General Powers, Section 1. Committee on Suffrage and Elections: Article II, Suffrage and Elections, Sections 1-4, inclusive. Committee on Legislative Powers and Functions: Article III, The Legislature, Sections 1-22, inclusive. Committee on Executive Powers and Functions: Article IV, The Executive, Sections 1-4, inclusive; Article IX, General Powers, Sections 2 and 3. Committee on Judiciary: Article V, The Judiciary, Sections 1-6, inclusive. Committee on Taxation and Finance: Article VI, Finance, Sections 1-6, inclusive. Committee on Local Government: Article VII, Local Government, Section 1. Committee on Education: Article VIII, Public Education, Sections 1-3, inclusive. Committee on Revision, Amendment, Initiative, Referendum and Recall: Article X, Constitutional Revision, Section 1.

Delegates Akau, Ihara, Doi, Kawahara and Luiz offered a resolution, recording the official endorsement of the delegates of "National Boys' and Girls' Week" (see Sec. B, Res. No. 32). The resolution was referred to the Committee on Miscellaneous Matters.

At this time, Vice-President Fong announced the departure dates of the delegates who are appearing before the Senate Committee on Interior and Insular Affairs in Washington, as follows:

Delegates Crossley, Heen, King, Mau and Woolaway had already departed; Delegates Tavares, White, Kam, Lee, Sakakihara, Noda and Kauhane will leave tonight; Delegates Silva and Fong, will leave tomorrow night; and Delegate Charles A. Rice will depart on Saturday.

The Chair further stated that these delegates would be excused from attendance at the daily ses-

sions of the Convention during their absence from the Territory on their mission.

At 11:19 o'clock a.m., upon motion by Delegate Noda, seconded by Delegate Bryan, and carried, the Convention adjourned until 11:00 o'clock a.m., Friday, April 28, 1950.

### EIGHTEENTH DAY • Friday, April 28, 1950

The Convention convened at 11:00 o'clock a.m., with Vice-President Charles A. Rice presiding.

The divine blessing was invoked by Chaplain Judd, after which the roll was called, showing all delegates present, with the exception of Delegates Anthony, Crossley, Heen, Kam, Kauhane, King, Lee, Mau, Noda, Sakakihara, Silva, Tavares, White and Woolaway, excused. The journal of the seventeenth day was approved.

A communication from Honorable Alben W. Barkley, Vice-President of the United States and President of the United States Senate, acknowledging receipt of Resolution No. 4, and stating that the same would be brought to the attention of the Senate, was read by the Clerk (see Sec. B, Misc. Com. No. 39). The communication was received and placed on file.

A communication from the administrative assistant to the Speaker of the House of Representatives, Congress of the United States, acknowledging receipt of Resolution No. 4, was read by the Clerk (see Sec. B, Misc. Com. No. 40). The communication was received and placed on file.

A communication from the executive assistant to the Governor of Louisiana, informing the Convention that a flag of that state was being sent for use in the Convention Hall, was read by the Clerk (see Sec. B, Misc. Com. No. 41). The communication was received and placed on file.

A communication from the secretary to the Governor of New Hampshire, informing the Convention that this state had no state flags available for distribution, was read by the Clerk (see Sec. B, Misc. Com. No. 42). The communication was received and placed on file.

A communication from the executive secretary, State of Maryland, informing the Convention that they would be glad to loan a flag to the Convention, but would like some idea as to how long it would be required, was read by the Clerk (see Sec. B, Misc. Com. No. 43). The communication was received and placed on file, and the Secretary directed to reply thereto.

A communication from the personal secretary to the Governor of the State of Michigan, informing the Convention that his office did not have flags available, but that the state property manager did have them available, on a loan basis, and the request of the Convention, had been referred to that office, was read

by the Clerk (see Sec. B, Misc. Com. No. 44). The communication was received and placed on file.

A communication from the state property manager, State of Michigan, stating that a flag of that state was being forwarded to the Convention, on a loan basis, was read by the Clerk (see Sec. B, Misc. Com. No. 45). The communication was received and placed on file.

A communication from the ILWU, Locals 136, 142, 150 and 152, and the executive officers, with respect to the expulsion of Delegate Frank G. Silva, was read by the Clerk (see Sec. B, Misc. Com. No. 46). The communication was received and placed on file.

Delegate Wirtz, for the Committee on Rules and Order of Business, presented a report recommending the adoption of Resolution No. 20 in an amended form (see Sec. B, Standing Com. Rpt. No. 7). Upon motion by Delegate Wirtz, seconded by Delegate Kage, and carried, the report of the committee was adopted, thereby adopting Resolution No. 20 in the amended form.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, presented a report, recommending the adoption of Resolution No. 32 providing for the official endorsement by the Convention of "National Boys' and Girls' Week" (see Sec. B, Standing Com. Rpt. No. 8). Upon motion by Delegate Yamauchi, seconded by Delegate Smith, the report of the committee was adopted, thereby adopting Resolution No. 32.

Delegate Mizuha, for the Committee on Bill of Rights, presented a report, returning Proposal No. 28, relating to equal rights, with the recommendation that it be referred to the Committee on Miscellaneous Matters, which was read by the Clerk (see Sec. B, Standing Com. Rep. No. 9). Upon motion by Delegate Mizuha, seconded by Delegate Harold W. Rice, the report of the committee was adopted; and Proposal No. 28 was thereupon referred to the Committee on Miscellaneous Matters.

Delegate Ashford introduced Proposal No. 89, "Relating to the Bill of Rights." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights.

Delegates Lyman and Doi introduced Proposal No. 90, "Relating to Historical Memorials and Monuments—Acquisition of Property." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Health and Public Welfare.

Delegates Ihara, Yamauchi, Doi, Smith, Dowson, Apoliona, Kage and Kawakami introduced Proposal No. 91, "Relating to Fishing Rights." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Agriculture, Conservation and Land.

At 11:34 o'clock a.m., upon motion by Delegate Holroyde, seconded by Delegate Dowson, and car-

ried, the Convention adjourned until 11:00 o'clock a.m. on Monday, May 1, 1950.

## NINETEENTH DAY • Monday, May 1, 1950

The Convention convened at 11:05 o'clock a.m., with acting Vice-President Porteus presiding.

After prayer by Chaplain Judd, the roll was called, showing all delegates present, with the exception of Delegates Anthony, Crossley, Doi, Fong, Heen, Kam, Kauhane, King, Lee, Mau, Mizuha, Noda, Charles A. Rice, Sakakihara, Silva, Tavares, White and Woolaway, excused. The journal of the eighteenth day was approved.

At this juncture, the Sergeant-at-Arms announced the presence of the Lei Day King and Queen of Kaimuki High School, who were escorted to the rostrum and presented to the acting Vice-President. On behalf of her school, the Queen extended greetings to the members of the Convention and placed about the shoulders of acting Vice-President Porteus lovely red and white flower leis, tied with blue satin ribbon, on which were superimposed 49 silver stars, representing the 48 States and Hawaii. The acting Vice-President then presented the youthful King and Queen to the assemblage and expressed his appreciation for their courtesy.

Petitions from the Lanai Rifle and Pistol Club, Lanai Social Club and Lanai Veterans Club, each petitioning the Convention to take the necessary steps to gain separate county status for the Island of Lanai, and its proportional representation in the legislature of the State of Hawaii, was read by the Clerk (see Sec. B, Petitions No. 5, 6 and 7). The petitions were received and referred to the Committee on Local Government.

A petition from 94 citizens of the county of Hawaii, petitioning the Convention to exclude from the constitution for the State of Hawaii the Hawaiian Homes Commission Act provision, and in the accompanying letter suggesting that the members of the Convention consider holding meetings in different sections of the Territory to give the people an opportunity to express themselves in this regard, was read by the Clerk (see Sec. B, Petition No. 8). The petition and accompanying communication were received and referred to the Committee on Hawaiian Homes Commission Act.

Petitions from 110 citizens of the Laupahoehoe District, from 81 citizens of the Kohala District, from 124 voters of the Kalopu District, from 91 other voters, and from 27 voters of the Hilo District, all of the Island of Hawaii, petitioning the Convention to exclude the Hawaiian Homes Commission Act from the constitution for the State of Hawaii, were read by the Clerk (see Sec. B, Petitions No. 9, 10, 11, 12 and 13). The petitions were received

and referred to the Committee on Hawaiian Homes Commission Act.

A communication from Mrs. Tang Yau Fong, expressing appreciation for the sentiments contained in the resolution of sympathy adopted by the Convention on the death of her husband, was read by the Clerk (see Sec. B, Misc. Com. No. 47). The communication was received and placed on file.

A communication from the executive director, West Virginia Industrial and Publicity Commission, informing the Convention that a flag of that state was being forwarded to the Convention, was read by the Clerk (see Sec. B, Misc. Com. No. 48). The communication was received and referred to the assistant Secretary for acknowledgment.

A communication from the chief of service, Department of Finance, State of Alabama, stating that a flag of that state was being forwarded to the Convention, was read by the Clerk (see Sec. B, Misc. Com. No. 49). The communication was received and referred to the assistant Secretary for acknowledgment.

A communication from the Governor of the Commonwealth of Virginia, stating that arrangements were being made to send a flag of that state to the Convention, was read by the Clerk (see Sec. B, Misc. Com. No. 50). The communication was received and referred to the assistant Secretary for reply.

A communication from the executive assistant to the Governor of the Commonwealth of Pennsylvania, stating that although they were unable to donate a flag of that state to the Convention, they would be very happy to send one on a loan basis, and extending best wishes in the drafting of the constitution for the proposed State of Hawaii, was read by the Clerk (see Sec. B, Misc. Com. No. 51). The communication was received and referred to the assistant Secretary for reply.

A communication from the vice chief of staff to the Governor, Executive Department, State of New York, stating that a flag of that state was being sent to the Convention, which might be said to be a symbol and reminder of the fact that Hawaii was "host" to New York's own troops, the 27th Division, during the troubled days of World War II, was read by the Clerk (see Sec. B, Misc. Com. No. 52). The communication was received and referred to the assistant Secretary for reply.

A communication from the secretary to the Governor of Wyoming, expressing regret that they would be unable to send a flag to the Convention as their supply were out on loan, was read by the Clerk (see Sec. B, Misc. Com. No. 53). The communication was received and placed on file.

A communication from the executive secretary, Executive Department, State of Minnesota, stating that the request for a flag of that state had been referred to the Adjutant General, was read by the Clerk (see Sec. B, Misc. Com. No. 54). The com-

munication was received and referred to the assistant Secretary for reply.

A communication from the Adjutant General, Department of Military and Naval Affairs, State of Minnesota, expressing regret that there were no flags available for use in the Convention Hall, was read by the Clerk (see Sec. B, Misc. Com. No. 55). The communication was received and placed on file.

A communication from the Governor of Oregon, informing the Convention that the request for a flag of that state was being referred to the Secretary of State of Oregon, was read by the Clerk (see Sec. B, Misc. Com. No. 56). The communication was received and referred to the assistant Secretary for reply.

A communication from the president, Halau O Keliiahonui Hale O Na Alii O Hawaii, Helu 6, Kamuela, Hawaii, protesting against the deletion of the Hawaiian Homes Commission Act from the constitution for the State of Hawaii, was read by the Clerk (see Sec. B, Misc. Com. No. 57). The communication was received and referred to the Committee on Hawaiian Homes Commission Act.

A communication from the chairman of the subcommittee, Committee on UnAmerican Activities, House of Representatives, Congress of the United States, acknowledging receipt of certified copy of the record relating to the action taken by the Convention relating to Frank G. Silva, and expressing the thanks of the committee for the courteous manner in which they were received in the Convention, was read by the Clerk (see Sec. B, Misc. Com. No. 58). The communication was received and placed on file.

Delegate Hayes, for the Committee on Hawaiian Homes Commission Act, to which was referred Petition No. 4, relating to the deletion of the Hawaiian Homes Commission Act from the Constitution for the State of Hawaii, and requesting that public hearings on this question be held in different parts of the Territory, presented a report, unanimously recommending that this request for public hearings be referred to the Committee on Accounts (see Sec. B, Standing Com. Rpt. No. 10).

Upon motion by Delegate Hayes, seconded by Delegate James K. Trask, the report of the committee was adopted; and the request for public hearings in different parts of the Territory in connection with the Hawaiian Homes Commission Act was thereupon referred to the Committee on Accounts.

A communication from Delegate Nils P. Larsen, Chairman of the Committee on Health and Public Welfare, stating that this committee would like an informal discussion with the Committee of the Whole regarding problems of health and welfare, and at that time to present to the Committee of the Whole tentative conclusions as to what it is believed should be incorporated into the Constitution on such matters, a copy of which tentative proposals would be on the desk of each delegate tomorrow morning, was read

by the Clerk (see Sec. B, Misc. Com. No. 59). The communication was received and placed on file.

Delegates Ashford, Kellerman and Wirtz introduced Proposal No. 92, "Relating to the Qualifications of Judges." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Judiciary.

Delegate Shimamura introduced Proposal No. 93, "Relating to Bill of Rights." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights.

At 11:31 o'clock a.m., the Convention stood in recess, subject to the call of the Chair.

Upon reconvening, at 11:37 o'clock a.m., the acting Vice-President announced that arrangements were being made to hand the state flags so far received, and asked that the delegates whose home states were California, Louisiana, Idaho, Texas, Connecticut and Illinois see the assistant Secretary before tomorrow in this connection.

At 11:40 o'clock a.m., upon motion by Delegate Dowson, seconded by Delegate Phillips, and carried, the Convention adjourned until Tuesday, May 2, 1950, at 11:30 o'clock a.m.

#### TWENTIETH DAY • Tuesday, May 2, 1950

The Convention convened at 11:35 o'clock a.m., with acting Vice-President Porteus in the Chair.

The divine blessing was invoked by Chaplain Judd, after which the roll was called showing all delegates present, with the exception of Delegates Anthony, Crossley, Doi, Fong, Gilliland, Heen, Kam, Kauhane, King, Lee, Mau, Noda, Phillips, Charles A. Rice, Sakakihara, Silva, Tavares, White and Woolaway, excused. The journal of the nineteenth day was approved.

At this juncture, the acting Vice-President announced that Chief Justice Samuel B. Kemp was present in the Convention Hall for the purpose of presenting to the Convention the state flag of Texas, and asked the Sergeant-at-Arms to escort him to the rostrum.

Acting Vice-President Porteus stated that it was with a great deal of pleasure that the delegates welcomed Hawaii's own Chief Justice Kemp who, as a native son of Texas, would present the flag of the "Lone Star" State to this Convention, on behalf of the people of Texas.

In making the presentation, Chief Justice Kemp said:

It is with a good deal of pleasure that I accept the invitation to present to you this flag of the "Lone Star" State. It is particularly fitting that this flag should fly in this Convention Hall because the progress of Hawaii towards statehood has paralleled very closely the progress of Texas,

in its trek towards statehood. In other words, from a Kingdom to a Republic, then a Territory and then to statehood—the only step in Hawaii's progress which Texas didn't have to take was the status of the Territory, —it went from a Republic directly to statehood, so I say again it is more than ordinarily significant for this flag to be displayed in this Convention Hall. I take great pleasure in presenting, on behalf of the State of Texas, this "Lone Star" flag.

Acting Vice-President Porteus accepted the flag from Chief Justice Kemp on behalf of the people of Hawaii, for display in the Convention Hall throughout the Convention, and stated that he hoped the job of this Convention would be as successful as it was that of Texas.

The acting Vice-President then called upon the assistant Secretary, Delegate Castro, to bring to the rostrum, the flags of the states of Louisiana, Connecticut, Illinois and Idaho; and thereupon appointed the five women delegates - Ashford, Akau, Corbett, Hayes and Kellerman—as an escort of honor to accompany the Secretary bearing the flags of these states to the rostrum. Assistant Secretary Castro thereupon, on behalf of the states of Louisiana, Connecticut, Illinois and Idaho, presented flags of those states to the Convention.

On behalf of the delegates, acting Vice President Porteus accepted the flags of these states and expressed thanks to the governors and the people thereof for their respective state flags.

At this time, Delegate Kometani informed the Convention that there was present in the Convention hall a very distinguished guest from the Orient who is on his way to Copenhagen, Denmark, to the meeting of the International Olympic Committee, and who was seated near Delegate Larsen. Acting Vice President Porteus appointed Delegate Larsen as a committee of one to escort the honored guest to the platform, whereupon Delegate Larsen presented Dr. Ryutaro Azuma to the Convention, stating that it was always a great pleasure to be able to introduce an outstanding member of his own profession; and that Dr. Azuma, who was on his way to Copenhagen, was the head of the research department of the Welfare Department of Japan; also was a member of the faculty of the Tokyo Medical School, one of the outstanding medical schools of the Orient; and, in addition, was president of the Japanese Amateur Athletic Association.

In acknowledging this introduction, Dr. Azuma said:

It is a great honor to be introduced here today, especially at this very historic moment. I am now on the way to Copenhagen, Denmark, to attend the International Olympic Committee meeting to be held there on May 14th, under the full support of General MacArthur. I hope I may suc-

ceed in getting the committee to let the Japanese sportsmen participate in the next Olympic Games at Helsinki in 1952. Thank you.

Acting Vice President Porteus stated that the Convention was delighted to have Dr. Azuma present.

A communication from the Governor of Utah, informing the Convention that a flag of that state would be sent, on a temporary basis, and wishing the Convention success, and also wishing success to Hawaii's application for statehood, was read by the Clerk (see Sec. B, Misc. Com. No. 60). The communication was received and referred to the assistant Secretary for reply.

A communication from the Governor of Iowa, stating that the request for a flag of that state was being referred to the Iowa Development Commission for reply, was read by the Clerk (see Sec. B, Misc. Com. No. 61). The communication was received and referred to the assistant Secretary for reply.

A communication from the director of the Iowa Development Commission, stating that a flag of that state would be forwarded to the Convention, was read by the Clerk (see Sec. B, Misc. Com. No. 62). The communication was received and referred to the assistant Secretary for reply.

A communication from the Washington State Advertising Commission, informing the Convention that a flag was being sent for use during the time the Convention remains in session, and to be returned when it was no longer needed, was read by the Clerk (see Sec. B, Misc. Com. No. 63). The communication was received and referred to the assistant Secretary for reply.

A communication from the Governor of Nevada, stating that he was requesting that a flag of that state be sent to the Convention, was read by the Clerk (see Sec. B, Misc. Com. No. 64). The communication was received and referred to the assistant Secretary for reply.

A communication from the State Highway Engineer, State of Nevada, informing the Convention that a flag of that state was being forwarded at the request of Governor Pittman, was read by the Clerk (see Sec. B, Misc. Com. No. 65). The communication was received and referred to the assistant Secretary for reply.

A communication from the Adjutant General, State of Maine, stating that the only flag of the proper size was at present on loan to the Republic of France, and therefore it would be impossible to send a flag at this time; but that if July 1st were not too late, one could be sent at that time, was read by the Clerk (see Sec. B, Misc. Com. No. 66). The communication was received and referred to the assistant Secretary for reply.

A communication from the assistant to the Governor of Florida, informing the Convention that it would be impossible to send a flag of that state, and

extending best wishes to the Convention, was read by the Clerk (see Sec. B, Misc. Com. No. 67). The communication was received and referred to the assistant Secretary for reply.

A communication from Francis G. Ruddle and Samuel M. Spencer, explaining how their signatures were obtained on a petition (Pet. No. 8), for the exclusion of the Hawaiian Homes Commission Act from the constitution for the State of Hawaii, and asking that their names be stricken from the petition, was read by the Clerk (see Sec. B, Misc. Com. No. 68). The communication was received and referred to the Committee on the Hawaiian Homes Commission Act.

Delegate Mizuha, for the Committee on Bill of Rights, presented a report, recommending that Proposal No. 17, relating to women on juries, be referred to the Committee on Judiciary for consideration and study, which was read by the Clerk (see Sec. B, Standing Com. Rpt. No. 11). Upon motion by Delegate Mizuha, seconded by Delegate Smith, and carried, the report of the committee was adopted; and Proposal No. 17 was thereupon referred to the Committee on Judiciary.

Delegates Luiz, Mizuha, Kawakami, Serizawa, Smith, Fukushima, Akau, Richards, Loper and St. Sure introduced Proposal No. 94, "Relating to Executive Powers and Functions." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Executive Powers and Functions.

Delegates Mizuha, Nielsen, Kawakami, Luiz and Smith introduced Proposal No. 95, "Relating to Legislative Powers and Functions." The proposal passed first reading by title, was ordered printed and referred to the Committee on Legislative Powers and Functions.

Delegate Ashford offered a resolution, requesting the Senate of the United States to pass H. R. 49 with such amendments as may be necessary, to return to the people of Hawaii the public lands ceded to and accepted by the United States in trust for the inhabitants of the Hawaiian Islands (see Sec. B, Res. No. 33). Upon motion by Delegate Ashford, seconded by Delegate Arthur K. Trask, and carried, the resolution was ordered printed and distributed to the members, and consideration thereof to be deferred until tomorrow.

At 11:58 o'clock a.m., the Convention stood in recess, subject to the call of the Chair.

At 12:16 o'clock p.m., the Convention reconvened.

At this time, the acting Vice-President recognized Delegate Roberts, who reported orally for the Committee on Submission and Information, that the first of the weekly reports had been sent out on April 28th to some 120 organizations, and that in the future copies of these weekly reports will be furnished to all the delegates. Delegate Roberts touched briefly on the work that was being done by the Convention

and its various committees and stated that it might be of interest to note that the report showed that there had been something over 30 committee meetings, consuming over 50 hours, indicating that a good deal of work was being done. Delegate Roberts further reported that radio time had been secured, free of charge, on Stations KGU, KGMB and KHON for programs on the work of the Convention. He asked that the chairmen and vice chairmen of the various committees submit the reports of their respective committees on time each week in order that the information might be included in the weekly reports.

At 12:26 o'clock p.m., upon motion by Delegate Yamamoto, seconded by Delegate Yamauchi, and carried, the Convention adjourned until 11:30 o'clock a.m., on Wednesday, May 3, 1950.

**TWENTY-FIRST DAY • Wednesday, May 3, 1950**

The Convention convened at 11:35 o'clock a.m., with acting Vice-President Porteus presiding.

After prayer by Chaplain Judd, the roll was called, showing all delegates present with the exception of Delegates Anthony, Crossley, Doi, Fong, Fukushima, Gilliland, Heen, Kam, Kauhane, King, Lee, Mau, Noda, Charles A. Rice, Sakakihara, Serizawa, Silva, Tavares, White and Woolaway, excused. The journal of the twentieth day was approved.

Communications from the corresponding secretary of the Nanaikapono Hawaiian Civic Club, of Nanakuli, Oahu, and from the corresponding secretary of the Hawaiian Civic Club for Women, Hilo, Hawaii, opposing the deletion of the Hawaiian Homes Commission Act from the constitution for the State of Hawaii, and urging its inclusion therein, were read by the Clerk (see Sec. B, Misc. Com. No. 69 and 70). The communications were received and referred to the Committee on Hawaiian Homes Commission Act.

A communication from the president of the Mass Meeting of Unemployed Filipinos, transmitting copies of two resolutions adopted at the mass meeting held at Aala Park on April 29th, and inviting the President and all delegates who so desire, to the next mass meeting of this group to be held at Aala Park on May 7th being held in an effort to help find ways and means to relieve the unemployment situation in Hawaii, particularly the unemployed Filipinos, was read by the Clerk (see Sec. B, Misc. Com. No. 71). The communication and resolutions were received and referred to the assistant Secretary to see how many delegates wished to attend this mass meeting.

Delegates Kawakami, Luiz and Holroyde introduced Proposal No. 96, "Relating to Rights of Aliens in the Bill of Rights." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights.

Delegates Mizuha, Kellerman, Larsen, Cockett, Nielsen, Kawakami, Luiz, Kometani, James K. Trask, Holroyde and Bryan introduced Proposal No. 97, "Relating to Bill of Rights." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights.

Consideration of Resolution No. 33, requesting the Senate of the United States to pass H. R. 49 with such amendments as may be necessary to return to the people of Hawaii, the public lands ceded to and accepted by the United States in trust for the inhabitants of the Hawaiian Islands—on Special Orders—action on which was deferred yesterday:

Upon motion by Delegate Ashford, seconded by Delegate Bryan, and carried, the resolution was referred to the Committee on Agriculture, Conservation and Land.

Upon motion by Delegate Shimamura, seconded by Delegate Harold W. Rice, and carried, the Convention stood in recess at 11:48 o'clock a.m., until 2:00 o'clock this afternoon, at which time it will meet, in Committee of the Whole, to discuss with the Committee on Health and Public Welfare, problems on health and welfare, as previously requested by the committee chairman yesterday.

*AFTERNOON SESSION*

The Convention reconvened at 2:04 o'clock p.m., with a quorum present, and acting Vice-President Porteus in the Chair.

At this time, Delegate Hayes rose to a point of personal privilege in connection with the brief presented by Senator William J. Nobriga before the Senate Committee on Interior and Insular Affairs, being his plea for the amendment of H.R. 49, by the deletion from certain sections thereof all reference to the Hawaiian Homes Commission Act, 1920, as amended, together with each and all provisions pertaining thereto, a copy of which brief had been placed on the desk of each delegate, with an accompanying letter of transmittal and a booklet condensing Senator Nobriga's testimony he is presenting before said Senate committee, in which were reproduced graphic exhibits also presented to the Committee.

Delegate Hayes characterized these presentations as "most disgraceful" and "an insult to the Hawaiian people." Continuing, Delegate Hayes stated that it was a reflection on the Hawaiian people, and would tend to stir up racial feelings. Delegate Hayes also took exception to some of the pictures reproduced in the booklet, showing houses, which were no better than shacks, represented as the type of homes built on homestead lands. She contended that there were many houses on Hawaiian homestead lands that did not look like those Senator Nobriga depicted as being typical.

Delegate Arthur K. Trask rose on a point of information to inquire whether or not the brief and accompanying booklet had been paid for from territorial funds. The Chair replied that he had no information on this matter and felt that this was not within the province of this Convention as such, but it was a matter of interest to individual citizens to ascertain whether this printing was done at the expense of the government or had been financed privately, and he felt confident such an investigation would be made by those individual citizens.

At this time, Delegate Roberts moved that the Convention resolve itself into a Committee of the Whole for the purpose of discussing with the Committee on Health and Public Welfare problems on health and welfare, and for the presentation by the said Committee on Health and Public Welfare tentative conclusions as to what they believe should be incorporated into the Constitution on health and welfare problems. The motion was seconded by Delegate Mizuha, and carried; whereupon the Chair appointed Delegate Kometani as chairman of the said Committee of the Whole, and at 2:13 o'clock p.m., the Convention resolved itself into a Committee of the Whole for the consideration of problems of health and welfare and tentative conclusions reached by the Committee on Health and Public Welfare, with Delegate Kometani as chairman.

At 3:36 o'clock p.m., the committee rose; and the Convention reconvened.

Delegate Kometani, for the Committee of the Whole, reported orally that the committee had informally discussed tentative proposals submitted by the Committee on Health and Public Welfare covering the general subject of public health, and had submitted certain suggestions which will be further considered by the Committee on Health and Public Welfare. Upon motion by Delegate Kometani, seconded by Delegate Phillips, the oral report of the committee was adopted.

At 3:41 o'clock p.m., the Committee stood in recess, subject to the call of the Chair.

At 3:44 o'clock p.m., the Convention reconvened; and, upon motion by Delegate Dowson, seconded by Delegate Mizuha, and carried, the Convention adjourned until 11:30 o'clock a.m., on Thursday, May 4, 1950.

## TWENTY-SECOND DAY • Thursday, May 4, 1950

The Convention convened at 11:38 o'clock a.m., with acting Vice-President Porteus in the Chair.

The divine blessing was invoked by Chaplain Judd, after which the roll was called showing all delegates present, with the exception of Delegates Anthony, Crossley, Doi, Fong, Gilliland, Heen, Kam, Kauhane, King, Lee, Luiz, Mau, Noda, Charles A. Rice, Sakai, Sakakihara, Serizawa, Silva, Tavares, White and

Woolaway, excused. The journal of the twenty-first day was approved.

A communication from the executive director of the Hawaii Housing Authority, on behalf of that Authority and the San Francisco field office, suggesting the language to be considered by the Convention for use in the provisions covering public housing, slum clearance, community development and redevelopment in the constitution for the State of Hawaii, was read by the Clerk (see Sec. B, Misc. Com. No. 72). The communication was received and referred to the Committee on Health and Public Welfare.

A communication from the president of the Nanaikapone Homesteaders, favoring the inclusion of the Hawaiian Homes Commission Act in the constitution for the State of Hawaii, and suggesting a public hearing on this subject matter, was read by the Clerk (see Sec. B, Misc. Com. No. 73). The communication was received and referred to the Committee on Hawaiian Homes Commission Act.

A communication from a committee of five, representing the Molokai Community Association, Kalaniana'ole Homesteaders Association and the Onealii Community Association, strenuously protesting the deletion of the Hawaiian Homes Commission Act from the Hawaii State Constitution, was read by the Clerk (see Sec. B, Misc. Com. No. 74). The communication was received and referred to the Committee on Hawaiian Homes Commission Act.

Delegate Castro, for the Committee on Accounts, to which was referred Petition No. 4 and Standing Committee Report No. 10, relating to the holding of public hearings in different parts of the territory, presented a report, recommending that the Convention pay the cost of transportation for five members of the Committee on the Hawaiian Homes Commission Act and one clerk, in accordance with the itinerary outlined in the report, at Keaukaha, Honokaa and Waimea, Hawaii; and at Hoolehua, Molokai (see Sec. B, Standing Com. Rpt. No. 12). Delegate Castro moved for the adoption of the report. Seconded by Delegate Yamamoto.

At 12:00 o'clock noon, upon motion by Delegate Arashiro, seconded by Delegate Mizuha, the Convention stood in recess, subject to the call of the Chair, in order that the delegates might discuss this report further before taking action thereon.

At 12:08 o'clock p.m., the Convention reconvened.

Delegate Arthur K. Trask moved that action on this report be deferred until Monday, May 8th. Seconded by Delegate Arashiro, and carried.

Delegate Okino, for the Committee on Executive Powers and Functions, to which was referred Proposal 94, relating to executive powers and functions, presented a report recommending that this proposal be referred to the Committee on Local Government for consideration and study (see Sec. B, Standing Com. Rpt. No. 13). Upon motion by Delegate Okino,



seconded by Delegate Fukushima, the report of the committee was adopted; and Proposal No. 94 was thereupon referred to the Committee on Local Government.

Delegates Kellerman, Ashford and Wirtz introduced Proposal No. 98, "Relating to Delegation of Legislative Powers." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Legislative Powers and Functions.

Delegates Roberts and Wirtz introduced Proposal No. 99, "Relating to Health and Public Welfare." The proposal passed first reading by title, was ordered printed, and the first section thereof was referred to the Committee on Agriculture, Conservation and Land; and the second section thereof was referred to the Committee on Health and Public Welfare.

At this juncture, the Chair informed the Convention that it appeared that a number of the delegates who had been attending the hearings before the Senate Committee on Interior and Insular Affairs in Washington, D. C., would be in attendance at the session next Monday, including, in all probability, the President and some of the Vice Presidents. Therefore, this being the last session over which he would preside, he wished to take this opportunity to express his appreciation to all the members for the real courtesy they had extended to him as presiding officer, and for the help given him while in the Chair during the absence of the President and the four Vice-Presidents.

At 12:22 o'clock p.m., upon motion by Delegate Nielsen, seconded by Delegate Bryan, and carried, the Convention adjourned until 11:30 o'clock a.m., on Monday, May 8, 1950.

**TWENTY-THIRD DAY • Monday, May 8, 1950**

The Convention convened at 11:37 o'clock a.m., with acting Vice-President Porteus in the Chair.

The opening prayer was offered by Chaplain Judd, after which the roll was called, showing all delegates present, with the exception of Delegates Apoliona, Crossley, Fong, Gilliland, Kam, Kauhane, King, Lee, Mau, Noda, Charles A. Rice, Sakakihara, Silva, Tavares and Woolaway, excused. The journal of the twenty-second day was approved.

At this juncture, the acting Vice-President welcomed back to the Convention Delegates Heen, Anthony and White, who had just returned from Washington as members of the convention delegation where they had appeared before the Senate Committee on Interior and Insular Affairs, in the interests of statehood for Hawaii, and asked them to say a few words to the Convention.

Delegates Heen, Anthony and White each expressed the belief that the Hawaii delegation had made a

favorable impression on the members of the Senate committee, and all appeared to be very hopeful of a favorable report coming out of the committee, and expressed the hope that the bill would reach the floor of the Senate by the end of June. Delegate Heen stated that a full report of the Convention delegation would be ready for presentation to the Convention toward the latter part of this week.

The acting Vice-President at this time recognized Delegate Loper, who informed the Convention that there were present in the Convention hall two visitors representing the Parent-Teachers Association of Japan, and suggested that they be called to the rostrum and be presented to the Convention. Acting Vice-President Porteus thereupon appointed Delegate Loper as a committee of one to escort these visitors to the rostrum and asked him to present them to the Convention.

Delegate Loper first presented Mrs. Miyeko Yamamoto, vice-president of the Sobue Senior High School PTA, and Tokuma Ninomiya of the Ministry of Education of Japan. Before calling on Mrs. Yamamoto for a few remarks, Delegate Loper informed the Convention that according to a memorandum, the new Japanese PTA movement, consisting of 15,500,000 members comprising approximately 31,000 units, is the most important single force in the democratization of Japanese adults.

Mrs. Yamamoto expressed great appreciation for the warm welcome accorded them in Hawaii and expressed the hope that they would be able to study the PTA organizations here and on the Mainland. The visitors thereupon left the rostrum and the Convention proceeded with the regular order of business before it.

A communication from the Governor of Wisconsin, informing the Convention that a flag of that state had been ordered from the manufacturer and would be forwarded immediately upon its arrival, was read by the Clerk (see Sec. B, Misc. Com. No. 75). The communication was received and referred to the assistant Secretary for acknowledgment.

A communication from the Hawaii Residents' Association (Imua), forwarding copy of a resolution adopted at an anti-communist community rally held on April 27, 1950, stressing the importance of a community-wide program of education against communism, was read by the Clerk (see Sec. B, Misc. Com. No. 76). The communication was received and placed on file.

Delegates Smith and Wirtz introduced Proposal No. 100, "Relating to the Distribution of Governmental Powers." The proposal passed first reading by title, was ordered printed and referred to the Committee on Miscellaneous Matters, with the request that this committee consult with the other appropriate committees in regard to the disposition of the subject matter of this proposal.



Delegate Roberts offered a resolution providing that Rule No. 56 of the Rules of the Convention be amended to prohibit the introduction of proposals after May 15, 1950, except on the report or recommendation of a standing committee, or by unanimous consent of the Convention (see Sec. B, Res. No. 34). Delegate Roberts moved that action on the resolution be deferred until Wednesday, May 10th. Seconded by Delegate Phillips, and carried.

Consideration, on special order, of Standing Committee Report No. 12, recommending that the Convention pay the cost of transportation for five members of the Committee on the Hawaiian Homes Commission Act, and of one clerk, to hold public hearings in different parts of the territory, in accordance with the itinerary set forth therein, action on which was deferred on May 4th:

Acting Vice-President Porteus declared a recess at 12:02 o'clock p.m., subject to the call of the Chair, in order that the delegates might meet informally to discuss the subject matter of this report.

At 12:52 o'clock p.m., the Convention reconvened.

Delegate Castro renewed the motion he had made on May 4th for the adoption of the report, which was seconded by Delegate Yamamoto, and upon being put by the Chair, was carried.

At 12:55 o'clock p.m., upon motion by Delegate Nielsen, seconded by Delegate Castro, and carried, the Convention adjourned until 11:30 o'clock a.m., on Tuesday, May 9, 1950.

#### **TWENTY-FOURTH DAY • Tuesday, May 9, 1950**

The Convention convened at 11:33 o'clock a.m., with Vice-President Charles A. Rice presiding.

The divine blessing was invoked by Chaplain Judd, after which the roll was called, showing all delegates present with the exception of Delegates Crossley, Fong, Kam, Kauhane, King, Lee, Mau, Noda, Phillips, Sakahihara, Silva, Tavares and Woolaway, excused. The journal of the twenty-third day was approved.

At this time, Secretary Porteus, who had served as presiding officer during the absence of all four Vice-Presidents who were attending hearings before the Senate Committee on Interior and Insular Affairs in Washington, D. C., on behalf of the delegates, welcomed Vice-President Charles A. Rice back to the Convention.

Delegate Harold W. Rice, of Maui, informed the delegates that Delegate Wirtz, also of Maui, was today celebrating his fortieth birthday, whereupon he was felicitated on this occasion by his colleagues.

Delegates Wist and Larsen introduced Proposal No. 101, "Relating to Intergovernmental Relations." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Miscellaneous Matters.

Delegates Larsen and Wist introduced Proposal No. 102, "Relating to the Legislature." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Legislative Powers and Functions.

Delegate Ashford introduced Proposal No. 103, "Relating to Agriculture, Conservation and Land." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Agriculture, Conservation and Land.

Delegate Akau introduced Proposal No. 104, "Relating to the Reconvening of Constitutional Conventions for the Purposes of Amending and Reviewing the State Constitution." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Revision, Amendment, Initiative, Referendum and Recall.

Delegate Akau introduced Proposal No. 105, "Relating to Suggested Amendments to 'A Proposal Relating to Bill of Rights.'" The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights.

Delegate Nielsen introduced Proposal No. 106, "Relating to Bill of Rights." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights.

Delegates Nielsen and Kawahara introduced Proposal No. 107, "Relating to Water." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Agriculture, Conservation and Land.

At this juncture, Secretary Porteus informed the Convention that the state flags of Florida, Michigan and a second flag from California had been received; and stated that it so happened that the three children of Delegate Bryan had been born one in each of these three states—Kathleen in California, Vincent in Florida and Michael in Michigan—and asked that the Chair appoint these three natives of those states as an escort of honor to present the flags. The Chair having so named this escort of honor, they mounted the platform, each bearing the flag of their respective native state, whereupon Kathleen presented the flag of the State of California to the Vice-President on behalf of that state; Vincent presented the flag of Florida, and Michael presented the flag of his home state—Michigan. The Vice-President thanked the children for officiating at this ceremony and they retired from the rostrum.

At 11:50 o'clock a.m., upon motion by Delegate Nielsen, seconded by Delegate Kanemaru, and carried, the Convention adjourned until 11:30 o'clock a.m., on Wednesday, May 10, 1950.

#### **TWENTY-FIFTH DAY • Wednesday, May 10, 1950**

The Convention convened at 11:33 o'clock a.m., with President King presiding, after a thirteen-day

absence from the territory, during which he appeared before the Senate Committee on Interior and Insular Affairs in Washington, D. C., as a member of the statehood delegation in the interests of statehood for Hawaii.

The opening prayer was offered by Chaplain Judd, after which the roll was called, showing all delegates present, with the exception of Delegates Crossley, Fong, Gilliland, Kam, Kauhane, Lee, Mau, Noda, Phillips, Sakakihara, Silva and Woolaway, excused. The journal of the twenty-fourth day was approved.

Communications from the Lanai Civil Air Patrol, Lanai Koele Flying Club, Lanai Young Buddhist Association, Lanai Republican Precinct Club and Lanai City Lions Club, all petitioning the Convention to take the necessary steps to provide separate county status for the Island of Lanai and for its proportional representation in the legislature of the State of Hawaii, were read by the Clerk (see Sec. B, Petition Nos. 14, 15, 16, 17 and 18). The petitions were received and referred to the Committee on Local Government.

A communication from the Governor of California, thanking the President of the Convention for his wire relative to the Governor's efforts in behalf of statehood for Hawaii, was read by the Clerk (see Sec. B, Misc. Com. No. 77). The communication was received and placed on file.

Delegates Lyman, Hayes, Ihara and Yamauchi introduced Proposal No. 108, "Relating to Agriculture, Natural Resources and Conservation." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Agriculture, Conservation and Land.

Delegates Lyman, Hayes and Ihara introduced Proposal No. 109, "Relating to Executive Powers and Functions." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Executive Powers and Functions.

Delegates Serizawa, Ihara, Kawahara, Yamamoto and James K. Trask introduced Proposal No. 110, "Relating to Education." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Education.

Delegates Apoliona, Harold W. Rice, Corbett, Doi, Sakai, Arashiro, St. Sure, Serizawa, Holroyde, Richards and Kometani introduced Proposal No. 111, "Relating to Counties." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Local Government.

Delegates Ohrt and Holroyde introduced Proposal No. 112, "Relating to Legislative Sessions." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Legislative Powers and Functions.

Delegate Akau introduced Proposal No. 113, "Relating to Initiative and Referendum." The proposal passed first reading by title, was ordered

printed, and referred to the Committee on Revision, Amendment, Initiative, Referendum and Recall.

Consideration, on special order, of Resolution No. 34, amending Rule 56 of the rules of the Convention, relating to the introduction of proposals, action on which was deferred on May 8th: Delegate Roberts moved for the adoption of the resolution. Seconded by Delegate Larsen. Delegate Luiz moved that the resolution be amended by changing the date from May 15th to May 23rd. Seconded by Delegate Anthony. Delegate Harold W. Rice moved that the resolution be referred to the Committee on Rules and Order of Business. Seconded by Delegate Anthony, and carried.

At this time, President King briefly reported, orally, on the hearings before the Senate Committee on Interior and Insular Affairs on H.R. 49, stating that it was the feeling of those who had attended these hearings that the sending of a larger group than was at first contemplated was justified. He stated that the hearings had been exhaustive, extending from Monday forenoon, May 1st, through the forenoon and afternoons of Tuesday and Wednesday, through the forenoon, afternoon and up until 7:30 o'clock Thursday evening, with Friday morning being employed in summing up the amendments drafted for the Hawaii Statehood Commission by the Attorney General and others who had assisted in that work.

President King informed the Convention that those who had attended the hearings felt that a great deal had been accomplished toward improving the chances of H.R. 49 being reported out of committee and perhaps being passed by the Senate; and that all of those who had attended the hearings had come back very much encouraged as to the possibility of the bill being reported out in the next two or three weeks.

At 12:03 o'clock p.m., at the suggestion of the President, the Convention stood in recess, subject to the call of the Chair, in order that there might be an informal discussion in the caucus room of this subject matter, where it would be possible for the delegates to ask questions and have them answered by those who had attended the hearings.

At 12:55 o'clock p.m., the Convention reconvened; and, following announcements of committee meetings, the Convention adjourned, at 12:59 o'clock p.m., upon motion by Delegate James K. Trask, seconded by Delegate Dowson, and carried, until 11:30 o'clock a.m., on Thursday, May 11th, 1950.

**TWENTY-SIXTH DAY • Thursday, May 11, 1950**

The Convention convened at 11:33 o'clock a.m., with President King in the Chair.

The divine blessing was invoked by Chaplain Judd, after which the roll was called, showing all delegates

present, with the exception of Delegates Crossley, Fong, Kam, Kauhane, Kawahara, Kido, Lee, Mau, Noda, Phillips, Sakakihara, Silva, Arthur K. Trask and Woolaway, excused. The journal of the twenty-fifth day was approved.

A communication from the president of We, The Women of Hawaii, transmitting a certified copy of a resolution adopted by that organization affirming its belief in the basic principles of the Hawaiian Homes Commission Act and asking that it be incorporated in the constitution for the State of Hawaii, was read by the Clerk (see Sec. B, Misc. Com. No. 78). The communication was received and referred to the Hawaiian Homes Commission Act Committee.

Delegate Wirtz, for the Committee on Rules and Order of Business, presented a report recommending that Resolution No. 34 be adopted in the amended form set forth in the report (see Sec. B, Standing Com. Rpt. No. 14). Upon motion by Delegate Wirtz, seconded by Delegate Doi, and carried, the report of the committee was adopted; and Resolution No. 34 was adopted in the amended form.

Delegates Lyman, Ihara, Doi, Kawahara, Yamauchi and Hayes introduced Proposal No. 114, "Relating to the Economic Development of Hawaii." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Agriculture, Conservation and Land.

Delegate Holroyde introduced Proposal No. 115, "Relating to Counties." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Local Government.

Delegates Mizuha, Ihara, Kawahara, Luiz, Doi, Fukushima, A. K. Trask, Yamauchi, Yamamoto, Arashiro, Cockett, Gilliland, Akau, Kawakami, Nielsen, James K. Trask, Serizawa, Kage, Kanemaru, Lai, Lyman, Hayes, Dowson, Kometani, Sakai, Okino and Apoliona introduced Proposal No. 116, "Relating to Lands." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Agriculture, Conservation and Land.

Delegates Wist, Kellerman and Luiz introduced Proposal No. 117, "Relating to Education." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Education.

Delegates Kellerman, Luiz and Wist introduced Proposal No. 118, "Relating to Education." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Education.

Delegate Roberts introduced Proposal No. 119, "Relating to Constitutional Amendment." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Revision, Amendment, Initiative, Referendum and Recall.

Delegates Kellerman, Wist, Hayes and Lai introduced Proposal No. 120, "Relating to Education." The proposal passed first reading by title, was or-

dered printed, and referred to the Committee on Education.

At this time, the President suggested that beginning next week it might be advisable to hold sessions on Saturdays in order to expedite the work of the Convention.

Delegate Charles A. Rice moved that the President meet with the chairmen of all the standing committees in order to work out a schedule of committee meetings and committee reports. The motion was seconded by Delegate St. Sure, and carried.

At 11:48 o'clock a.m., upon motion by Delegate Dowson, seconded by Delegate Kanemaru, and carried, the Convention adjourned until 11:30 o'clock a.m., on Friday, May 12, 1950.

## TWENTY-SEVENTH DAY • Friday, May 12, 1950

The Convention convened at 11:35 o'clock a.m., with Vice President Woolaway presiding, in the absence of President King who was unable to be present due to illness.

After prayer by Chaplain Judd, the roll was called, showing all delegates present with the exception of Delegates Anthony, Apoliona, Crossley, Fong, Gilliland, Hayes, Kam, Kauhane, Kawahara, Kido, King, Lyman, Mau, Mizuha, Sakakihara and Arthur K. Trask, excused. The journal of the twenty-sixth day was approved.

Delegate Ohrt introduced Proposal No. 121, "Relating to Water Rights." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Agriculture, Conservation and Land.

Delegates Smith, Nielsen, Charles A. Rice, Bryan and Noda introduced Proposal No. 122, "Relating to Health, Safety and General Welfare." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Health and Public Welfare.

Delegates Wirtz, Roberts, Larsen, Castro, Akau, Phillips, Ihara, Doi, Luiz, Arashiro, Harold W. Rice, Holroyde and Bryan offered a resolution, providing that each standing committee, except the Committee on Style, shall submit to the Convention their respective reports in writing not later than May 26, 1950, on the subject matters referred to them (see Sec. B, Res. No. 35). Upon motion by Delegate Holroyde, seconded by Delegate Roberts, and carried, the resolution was referred to the Committee on Rules and Order of Business.

At 11:42 o'clock a.m., upon motion by Delegate Noda, seconded by Delegate Smith, and carried, the Convention adjourned until 11:30 o'clock a.m., on Monday, May 15, 1950.

**TWENTY-EIGHTH DAY • Monday, May 15, 1950**

The Convention convened at 11:39 o'clock a.m., with Vice-President Charles A. Rice presiding at the request of the President.

The divine blessing was invoked by Chaplain Judd, after which the roll was called, showing all delegates present, with the exception of Delegates Fong, Kauhane, Luiz, Mau, Mizuha, Sakakihara and White, excused. The journal of the twenty-seventh day was approved.

A petition, in the form of a resolution, from the West Kauai Lions Club, petitioning the Convention to take the necessary steps to grant separate county status to the Island of Lanai, and its proportional representation in the legislature of the State of Hawaii, was read by the Clerk ( see Sec. B, Petition No. 19). The petition was received and referred to the Committee on Local Government.

At 11:46 o'clock a.m., upon motion by Delegate Dowson, seconded by Delegate Noda, and carried, the Convention adjourned until 11:30 o'clock a.m., on Tuesday, May 16, 1950.

**TWENTY-NINTH DAY • Tuesday, May 16, 1950**

The Convention convened at 11:33 o'clock a.m., with Vice-President Woolaway in the Chair, at the request of President King.

After prayer by Chaplain Judd, the roll was called, showing all delegates present, with the exception of Delegates Anthony, Fong, Kauhane, Mau, Sakakihara and White, excused. The journal of the twenty-eighth day was approved.

Delegate Wirtz, for the Committee on Rules and Order of Business, to which was referred Resolution No. 35, relating to the date on which standing committees shall submit their reports to the Convention on matters referred to them, presented a report, recommending the adoption of the resolution in an amended form (see Sec. B, Standing Com. Rpt. No. 15). Delegate Wirtz moved for the adoption of the report, which motion was seconded by Delegate Holroyde.

Delegate Crossley suggested that the resolution be amended by including the Committee on Submission and Information as being excepted from the provisions of the resolution, which amendment was accepted by the chairman of the Committee on Rules and Order of Business. The Chair thereupon put the motion to adopt the report of the committee as amended, which was carried, thereby adopting Resolution No. 35 as amended.

Delegates Larsen, Bryan and Corbett introduced Proposal No. 123, "Relating to Civil Service." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Miscellaneous Matters.

Delegates Kawahara, Yamamoto, Luiz and St. Sure introduced Proposal No. 124, "Relating to the Circuit Courts." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Judiciary.

Delegate Apoliona introduced Proposal No. 125, "Relating to the Boundaries of the State of Hawaii." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Miscellaneous Matters.

Delegates Smith, Serizawa, Kawahara, Lyman, Castro and Kage introduced Proposal No. 126, "Relating to Public Health." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Health and Public Welfare.

Delegates Kawakami, Kage, Luiz and Doi introduced Proposal No. 127, "Relating to Public Lands." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Agriculture, Conservation and Land.

Delegates Larsen, Corbett, Kellerman and Tavares introduced Proposal No. 128, "Relating to Legislative Council." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Legislative Powers and Functions.

Delegates Ashford, Gilliland, Kam, Kometani and James K. Trask introduced Proposal No. 129, "Relating to the Retirement System." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Taxation and Finance.

Delegates Kage, Smith, Kanemaru and Phillips introduced Proposal No. 130, "Relating to Intergovernmental Relations." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Miscellaneous Matters.

Delegate Yamamoto introduced Proposal No. 131, "Relating to Agricultural Education." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Education.

Fifty-eight delegates offered a resolution extending sympathy to the sons and daughters of the late Mrs. Esther Spring White, mother of Delegate Henry A. White (see Sec. B, Res. No. 36). Upon motion by Delegate Silva, seconded by Delegate Arashiro, the resolution was unanimously adopted by a rising vote.

Delegates Kawakami and Luiz offered a resolution, inviting the executive chairman of the Board of Supervisors of the County of Maui, or such person as he may designate, to appear before the Convention to present additional information on the subject of creating a separate county government for the Island of Lanai (see Sec. B, Res. No. 37). Delegate Silva moved that the resolution be referred to the Committee on Local Government. Seconded by Delegate James K. Trask, and carried.

At this time, Secretary Porteus reported orally on the meeting called by President King with the various committee chairmen, vice chairmen and other members of the Convention, at which time, it had been agreed that the Convention would convene each morning at 8:30 and remain in session until 9:00 o'clock a.m., and would then recess until 4:00 o'clock in the afternoon, or that night, or it could adjourn at 9:00 o'clock in the morning and carry over any unfinished business until the next day, thus allowing committee meetings to be scheduled at certain specifically designated hours each day. Secretary Porteus thereupon moved that the regular hour at which the Convention is to convene each day shall be 8:30 o'clock a.m. The motion was seconded by Delegate Holroyde, and carried.

Secretary Porteus announced that the flags of the states of Delaware, Maryland, New Mexico, North Carolina and Washington would be presented to the Convention at tomorrow's session.

At 12:00 o'clock noon, upon motion by Delegate Noda, seconded by Delegate Dowson, and carried, the Convention adjourned until 8:30 o'clock a.m., on Wednesday, May 17, 1950.

#### THIRTIETH DAY • Wednesday, May 17, 1950

The Convention convened at 8:34 o'clock a.m., with Vice-President Charles A. Rice presiding, at the request of President King.

After prayer by Chaplain Judd, the roll was called, showing all delegates present, with the exception of Delegates Crossley, Fong, Kauhane, Mau, Roberts and Serizawa, excused. The journal of the twenty-ninth day was approved.

A communication from the assistant adjutant general, Military Department, State of Georgia, informing the Convention that they had no flag of that state available for use in the Convention Hall, was read by the Clerk (see Sec. B, Misc. Com. No. 79). The communication was received and placed on file.

A communication from the Governor of Connecticut, informing the Convention that a flag of that state was being forwarded, and wishing the Convention success, was read by the Clerk (see Sec. B, Misc. Com. No. 80). The communication was received and placed on file.

A communication from the executive secretary to the Governor of Maryland, informing the Convention that a flag of that state was being sent, on loan, to the Convention, to be returned not later than June 30, 1950, was read by the Clerk (see Sec. B, Misc. Com. No. 81). The communication was received and placed on file.

At this time, at the request of Secretary Porteus, Delegate Kellerman, a native daughter of the State of North Carolina, mounted the rostrum bearing the

flag of that state, which she presented to the Convention on behalf of the people of North Carolina.

There being no delegates whose native states were New Mexico, Washington and Delaware, the flags of those three states were presented to the Convention by Secretary Porteus.

At 8:45 o'clock a.m., upon motion by Delegate Fukushima, seconded by Delegate Lee, and carried, the Convention adjourned until 8:30 o'clock a.m., on Thursday, May 18, 1950.

#### THIRTY-FIRST DAY • Thursday, May 18, 1950

The Convention convened at 8:33 o'clock a.m., with Vice President Sakakihara presiding at the request of President King.

The divine blessing was invoked by Chaplain Judd, after which the roll was called, showing all delegates present, with the exception of Delegates Fong, Kanemaru, Mau and Roberts, excused. The journal of the thirtieth day was approved.

A communication from James R. McDonough, secretary pro tem of the Joint Tax Study Committee, enclosing copies of two articles, namely, "Henry A. White's Tax Proposal For Our Constitution" and "Real Property Tax and Home Exemption Provision," and requesting that no debt limits be placed in the Constitution, was read by the Clerk (see Sec. B, Misc. Com. No. 82). The communication and enclosures were received and referred to the Committee on Taxation and Finance.

A communication from the chairman of the Honolulu Redevelopment Agency, approving the recommendation of the Hawaii Housing Authority relative to the language for the constitutional provisions to cover public housing, slum clearance, community development and redevelopment, was read by the Clerk (see Sec. B, Misc. Com. No. 83). The communication was received and referred to the Committee on Health and Public Welfare.

Delegate Larsen, for the Committee on Health and Public Welfare, presented a report on Proposals Nos. 19, 60, 90, 99, 122 and 126, returning the said proposals for filing, and submitting a committee proposal for introduction (see Sec. B, Standing Com. Rpt. No. 16). The report was referred to the Committee on Printing for printing.

Delegate Larsen, for the Committee on Health and Public Welfare, introduced Committee Proposal No. 1, "Relating to Health and General Welfare." The proposal passed first reading by title and was ordered printed.

Delegates Castro and Wist introduced Proposal No. 132, "Relating to the Preamble." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Miscellaneous Matters.

Delegates Doi, Ihara, Okino, Fukushima and Serizawa introduced Proposal No. 133, "Relating to Legislative Sessions." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Legislative Powers and Functions.

Delegates Richards and Holroyde introduced Proposal No. 134, "Relating to the Department of Agriculture and Natural Resources." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Agriculture, Conservation and Land.

Delegate Shimamura introduced Proposal No. 135, "Relating to Existing Laws." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Ordinances and Continuity of Law.

Delegate Shimamura introduced Proposal No. 136, "Relating to the Effective Date of this Constitution." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Ordinances and Continuity of Law.

Delegate Yamamoto introduced Proposal No. 137, "Relating to the Apportionment of the Legislature." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Legislative Powers and Functions.

Delegate Nielsen introduced Proposal No. 138, "Relating to Bill of Rights." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights.

Delegate Nielsen introduced Proposal No. 138, "Relating to Bill of Rights." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights.

Delegate Nielson introduced Proposal No. 139, "Relating to Bill of Rights." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights.

Delegate Silva introduced Proposal No. 140, "Relating to Public Finance and Taxation." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Taxation and Finance.

Delegate Silva introduced Proposal No. 141, "Relating to Public Finance and Taxation." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Taxation and Finance.

At this time, Secretary Porteus announced that at tomorrow's session the state flags of Alabama, Arkansas, Iowa, Nevada and New Jersey would be presented to the Convention, and if any of the delegates wished to present any of them, to so inform him.

At 8:48 o'clock a.m., upon motion by Delegate Lee, seconded by Delegate Porteus, the Convention adjourned until 8:30 o'clock a.m., on Friday, May 19, 1950.

### THIRTY-SECOND DAY • Friday, May 19, 1950

The Convention convened at 8:40 o'clock a.m., with President King presiding.

After prayer by Chaplain Judd, the roll was called, showing all delegates present, with the exception of Delegates Fong, Luiz, Mau, Charles A. Rice, Roberts, Sakai, Smith and Woolaway, excused. The journal of the thirty-first day was approved.

A communication from the executive vice-president of the Chamber of Commerce of Honolulu, informing the Convention that the board of directors of the said Chamber had gone on record as favoring the inclusion of the Hawaiian Homes Commission Act in the constitution for the State of Hawaii, was read by the Clerk (see Sec. B, Misc. Com. No. 84). The communication was received and referred to the Committee on Hawaiian Homes Commission Act.

A communication from the executive vice-president of the Chamber of Commerce of Honolulu, informing the Convention that the board of directors of said Chamber had approved the report of its State Constitutional Convention Sub-committee on "Bill of Rights and General Welfare," and transmitting a copy thereof, was read by the Clerk (see Sec. B, Misc. Com. No. 85). The communication and report were received and referred to the Committee on Bill of Rights.

A communication from the Daughters and Sons of Hawaiian Warriors, expressing concern at the possibility of the exclusion of the Hawaiian Homes Commission Act from the constitution for the State of Hawaii, and urging that a public hearing be held on this subject, was read by the Clerk (see Sec. B, Misc. Com. No. 86). The communication was received and referred to the Committee on Hawaiian Homes Commission Act.

A petition, signed by 31 homesteaders, friends and citizens of Molokai, protesting the exclusion of the Hawaiian Homes Commission Act from the constitution for the State of Hawaii, was read by the Clerk (see Sec. B, Petition No. 20). The petition was received, and referred to the Committee on Hawaiian Homes Commission Act.

A communication from the chairman of the Board of Commissioners of Public Archives, suggesting that it might be appropriate to make some mention of the Archives of Hawaii in the Constitution, in which event he would be glad to appear before any committee in this regard, was read by the Clerk (see Sec. B, Dept. Com. No. 9). The communication was received and referred to the Committee on Miscellaneous Matters.

Senator Silva, for the Committee on Printing, presented a report on the printing of Standing Committee Report No. 16 and Committee Proposal No. 1, relating to health and public welfare (see Sec. B, Standing Com. Rpt. No. 17). The report was received and placed on file.

Consideration of Standing Committee Report No. 16 from the Committee on Health and Public Welfare, reporting on various proposals and submitting Committee Proposal No. 1: The President announced that Standing Committee Report No. 16 would be placed on the General Orders of the Day on Wednesday, May 24, 1950, for consideration and that Committee Proposal No. 1 would be placed on the General Orders of the Day for second reading on Wednesday, May 24, 1950.

Delegate Anthony introduced Proposal No. 142, "Relating to Impeachment." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Legislative Powers and Functions.

Delegates Roberts, Anthony, Wist and Larsen introduced Proposal No. 143, "Relating to the Executive Power." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Executive Powers and Functions.

Delegates Roberts, Anthony, Larsen and Smith introduced Proposal No. 144, "Relating to the Legislature." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Legislative Powers and Functions.

Delegates Roberts, Wist and Smith introduced Proposal No. 145, "Relating to Executive Clemency." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Executive Powers and Functions.

Delegates Roberts, Larsen and Wist introduced Proposal No. 146, "Providing for a Judicial Council." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Judiciary.

Delegates Ihara, Doi and Kawahara introduced Proposal No. 147, "Relating to Political Activities of Public Employees." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Legislative Powers and Functions.

Delegate Kawahara introduced Proposal No. 148, "Relating to Initiative and Referendum." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Revision, Amendments, Initiative, Referendum and Recall.

Delegates Kage and Yamamoto introduced Proposal No. 149, "Relating to Education." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Education.

Delegates Kawahara, Doi, Nielsen, Ihara, Serizawa and Luiz introduced Proposal No. 150, "Relating to Corporations, Banks, Utilities." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Legislative Powers and Functions.

Delegate Yamamoto introduced Proposal No. 151, "Relating to Legislative Apportionment." The

proposal passed first reading by title, was ordered printed, and referred to the Committee on Legislative Powers and Functions.

Delegates Lyman, Kawahara, Serizawa, Crossley and White introduced Proposal No. 152, "Relating to Public Utilities Commission." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Legislative Powers and Functions.

Delegates Lyman, Ashford, Doi, Dowson, Ihara, Nielsen, Kawahara, Bryan and Arthur K. Trask introduced Proposal No. 153, "Relating to Local Government." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Local Government.

Delegate Shimamura introduced Proposal No. 154, "Relating to Property of the United States." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Ordinances and Continuity of Law.

Delegate Shimamura introduced Proposal No. 155, "Relating to Certain Ordinances." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Ordinances and Continuity of Law.

Delegate Shimamura introduced Proposal No. 156, "Relating to an Ordinance on the Hawaiian Homes Commission Act." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Ordinances and Continuity of Law and Committee on Hawaiian Homes Commission Act, Jointly.

Delegate Shimamura introduced Proposal No. 157, "Relating to the Constitution of the United States." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Ordinances and Continuity of Law.

Delegate Shimamura introduced Proposal No. 158, "Relating to the Disposition of Debts, Fines, Penalties, and Forfeitures." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Ordinances and Continuity of Law.

Delegates James K. Trask and Arthur K. Trask introduced Proposal No. 159, "Relating to the Bill of Rights." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights.

Delegates James K. Trask and Arthur K. Trask introduced Proposal No. 160, "Relating to the Judiciary." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Judiciary.

Delegates James K. Trask and Arthur K. Trask introduced Proposal No. 161, "Relating to the Bill of Rights." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights.

Delegates James K. Trask and Arthur K. Trask introduced Proposal No. 162, "Relating to the Bill of Rights." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights.

Delegates Phillips, Corbett and Serizawa introduced Proposal No. 163, "Relating to Education." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Education.

Delegates Phillips, Serizawa and Kometani introduced Proposal No. 164, "Relating to Education." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Education.

Delegates Ihara, Serizawa and Kometani introduced Proposal No. 165, "Relating to Education." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Education.

Delegate Phillips introduced Proposal No. 166, "Relating to the Preamble." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Miscellaneous Matters.

Delegate Phillips introduced Proposal No. 167, "Relating to Home Rule." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Local Government.

Delegates Nielsen, Kawahara and Ihara introduced Proposal No. 168, "Relating to Residential Lands." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Agriculture, Conservation and Land.

Delegate Crossley introduced Proposal No. 169, "Relating to the Executive." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Executive Powers and Functions.

Delegate Crossley introduced Proposal No. 170, "Relating to Constitutional Amendment." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Revision, Amendments, Initiative, Referendum and Recall.

Delegate Phillips introduced Proposal No. 171, "Relating to the Preamble." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Miscellaneous Matters.

Delegate Phillips introduced Proposal No. 172, "Relating to the Preamble." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Miscellaneous Matters.

Delegate Phillips introduced Proposal No. 173, "Relating to the Preamble." The proposal passed first reading by title, was ordered printed and referred to the Committee on Miscellaneous Matters.

Delegate Porteus at this time moved that the time for the introduction of proposals be extended from May 19th to and including Saturday, May 20th.

The motion was seconded by Delegate Phillips, and carried.

Secretary Porteus, at this juncture, asked two delegates—one from the Fourth District and one from the Fifth District—to present the flag of Iowa; and also asked a delegate from the Sixth District to present the flag of Alabama to the Convention. Delegates Loper, Arthur K. Trask and Kawakami thereupon mounted the rostrum for this purpose. Delegates Loper and Arthur K. Trask presented the flag of Iowa, the former having been born in that state, and the latter having received part of his education at Iowa State University.

Delegate Kawakami, in presenting the flag of Alabama, stated that he had a sentimental reason for wishing to present the flag of that state, which was because that was where he was naturalized and became an American citizen; but that there was nothing that could exceed his feeling of aloha for Hawaii—the future state of the Union.

Delegate Porteus thereupon presented the flags of the states of Nevada, New Jersey and Arkansas, on behalf of the people of those states.

At 9:11 o'clock a.m., upon motion by Delegate Nielsen, seconded by Delegate Crossley, and carried, the Convention adjourned until 8:30 o'clock a.m., on Saturday, May 20, 1950.

### THIRTY-THIRD DAY • Saturday, May 20, 1950

The Convention convened at 8:26 o'clock a.m., with President King in the Chair.

The Chaplain invoked the divine blessing, after which the roll was called, showing all delegates present with the exception of Delegates Apoliona, Arashiro, Cockett, Crossley, Kawakami, Mizuha, Okino, Phillips, Charles A. Rice, Harold W. Rice, Richards, Roberts, Sakai, Sakakihara, Silva, Smith and Woolaway, excused. The journal of the thirty-second day was approved.

A communication from the president of the Territorial Council of Hawaiian Civic Clubs, submitting a petition signed by 10,032 citizens and voters of the Territory of Hawaii, petitioning the Convention to retain the Hawaiian Homes Commission Act in the constitution for the State of Hawaii, was read by the Clerk (see Sec. B, Petition No. 21). The petition and the accompanying letter were referred to the Committee on Hawaiian Homes Commission Act.

A petition from Edward Hong, on behalf of the International Longshoremen's & Warehousemen's Union, requesting permission to present for the consideration of the Convention, a draft of a constitution prepared and approved by that organization, was read by the Clerk (see Sec. B, Petition No. 22). The petition was received and referred to the Committee on Rules and Order of Business.



A communication from John M. Klein, for the Central Business Men's Club of the Central Branch Y.M.C.A., extending a cordial invitation to the members of the Convention to be their guests in healthful and relaxing recreational activities for the remainder of the session, including the lady delegates if arrangements can be made for a similar program, and wishing the Convention success, was read by the Clerk (see Sec. B, Misc. Com. No. 87). The Chair stated that he would acknowledge the communication and thank the club for its invitation, and that a copy of the same would be furnished each delegate for their information; and the communication would be placed on file.

A communication from Tony Todaro, of Honolulu, asking that a provision be included in the constitution for the State of Hawaii to form a basis for legislative efforts to control Communism and other seditious groups, was read by the Clerk (see Sec. B, Misc. Com. No. 88). The communication was received and referred to the Committee on Suffrage and Elections.

Delegates Dowson, Kage, Kawakami and Kanemaru introduced Proposal No. 174, "Relating to Civil Service." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Miscellaneous Matters.

Delegates Doi, Ihara and Kawahara introduced Proposal No. 175, "Relating to Legislative Powers and Functions." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Legislative Powers and Functions.

Delegates St. Sure, Kage, Wirtz and Fukushima introduced Proposal No. 176, "Relating to Power of Appointment to Fill Vacancies—Tenure of Appointees." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Executive Powers and Functions.

Delegate Shimamura introduced Proposal No. 177, "Relating to Pending Civil and Criminal Actions." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Ordinances and Continuity of Law.

Delegate Shimamura introduced Proposal No. 178, "Relating to Continuity of Officers." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Ordinances and Continuity of Law.

Delegate Shimamura introduced Proposal No. 179, "Relating to the Continuance of Recognizances and Bonds." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Ordinances and Continuity of Law.

Delegate Shimamura introduced Proposal No. 180, "Relating to Civil Causes of Action Accrued and Criminal Offenses Committed." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Ordinances and Continuity of Law.

Delegate Shimamura introduced Proposal No. 181, "Relating to the Vesting in the State of Hawaii of Property Belonging to the Territory of Hawaii." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Ordinances and Continuity of Law.

Delegates Roberts, Ihara, Doi, Mizuha, Smith, Nielsen, Serizawa, Yamamoto, Silva, Yamauchi, Kawahara, Phillips, Lyman, Kage and St. Sure introduced Proposal No. 182, "Relating to Right of Persons to Organize." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights.

Delegates Shimamura and St. Sure introduced Proposal No. 183, "Relating to Existing Rights, Actions, and Process." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Ordinances and Continuity of Law.

Delegate Anthony introduced Proposal No. 184, "Establishment of the Judiciary." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Judiciary.

Delegate Anthony introduced Proposal No. 185, "Relating to Judicial Council." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Judiciary.

Delegates Kauhane, Doi, Holroyde, Kam, St. Sure, Corbett and Serizawa introduced Proposal No. 186, "Relating to Counties." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Local Government.

Delegates Kauhane, Doi, Holroyde, Kam, St. Sure, Corbett and Serizawa introduced Proposal No. 187, "Relating to Local Government." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Local Government.

Delegates Kauhane, Doi, Holroyde, Kam, St. Sure, Corbett and Serizawa introduced Proposal No. 188, "Relating to Counties." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Local Government.

Delegates Kauhane and Noda introduced Proposal No. 189, "Relating to Legislative Powers Vested in Senate and House of Representatives." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Legislative Powers and Functions.

Delegates Kauhane and Noda introduced Proposal No. 190, "Relating to Privilege of Members." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Legislative Powers and Functions.

At 8:51 o'clock a.m., upon motion by Delegate Kauhane, seconded by Delegate Noda, and carried, the Convention stood in recess, subject to the call of the Chair.

At 9:06 o'clock a.m., the Convention reconvened.

The Chair announced at this time, that Delegates Fong and Mau, the last of the delegates who had attended the statehood hearings in Washington, had returned and were in attendance; and called attention to the fact that these delegates had requested permission to be excused from attendance at the Convention slightly longer than the other delegates, which permission had been given by the Chair.

Delegate James K. Trask introduced Proposal No. 191, "Relating to Full Employment." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Industry and Labor.

Delegates Kauhane and Noda introduced Proposal No. 192, "Relating to Weights and Measures." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Miscellaneous Matters.

Delegates Kauhane, Noda and Holroyde introduced Proposal No. 193, "Relating to a State Flag." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Miscellaneous Matters.

Delegates Kauhane and Noda introduced Proposal No. 194, "Relating to Equal Protection of Laws; Discrimination in Civil Rights Prohibited." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights.

Delegates Arthur K. Trask and Wist introduced Proposal No. 195, "Relating to Bill of Rights." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Bill of Rights.

At 9:10 o'clock a.m., upon motion by Delegate Nielsen, seconded by Delegate Noda, and carried, the Convention adjourned until 8:30 o'clock a.m., on Monday, May 22, 1950.

### THIRTY-FOURTH DAY • Monday, May 22, 1950

The Convention convened at 8:30 o'clock a.m., pursuant to adjournment, with President King presiding.

The divine blessing was invoked by Chaplain Judd, after which the roll was called, showing all delegates present, with the exception of Delegates Anthony, Apoliona, Arashiro, Cockett, Kometani, Luiz, Mizuha, Phillips, Harold W. Rice, Roberts, Sakakihara, Serizawa and Smith, excused. The journal of the thirty-third day was approved.

A communication from the family of the late Mrs. Esther Spring White, mother of Delegate Henry A. White, expressing appreciation for the resolution of condolence adopted by the Convention, was read by the Clerk (see Sec. B, Misc. Com. No. 89). The communication was received and placed on file.

Secretary Porteus announced that the flags of the states of New York, Oklahoma, Oregon, Pennsylvania, South Dakota, Virginia and West Virginia would be presented tomorrow, and asked that those interested in assisting in the presentation thereof communicate with him.

At 8:40 o'clock a.m., upon motion by Delegate Nielsen, seconded by Delegate Crossley, the Convention adjourned until 8:30 a.m., on Tuesday, May 23, 1950.

### THIRTY-FIFTH DAY • Tuesday, May 23, 1950

The Convention convened at 8:39 o'clock a.m., with Vice-President Woolaway presiding, President King being temporarily excused.

The opening prayer was offered by Chaplain Judd, after which the roll was called, showing all delegates present, with the exception of Delegates Kanemaru, Phillips, Roberts and Silva, excused; and President King and Delegate Ohrt, temporarily excused. The journal of the thirty-fourth day was approved.

A communication from the secretary of the Kona Lions Club, Kealakekua, Hawaii, endorsing the resolution adopted by the Lanai City Lions Club, petitioning the Convention to take the necessary steps to grant separate county status to the Island of Lanai, and its proportional representation in the legislature of the State of Hawaii, was read by the Clerk (see Sec. B, Misc. Com. No. 90). The communication was received and referred to the Committee on Local Government.

A communication from the director of the Capitol Building, State of Colorado, informing the Convention that a flag of that state was being forwarded for use in the Convention Hall, was read by the Clerk (see Sec. B, Misc. Com. No. 91). The communication was received and placed on file.

A communication from the president of the Republican Precinct Club, 13th Precinct, 5th District, transmitting a resolution adopted by the said club, favoring the incorporation of the basic principles of the Hawaiian Homes Commission Act into the Constitution for the State of Hawaii, was read by the Clerk (see Sec. B, Misc. Com. No. 92). The communication and resolution were received and referred to the Committee on Hawaiian Homes Commission Act.

Delegate Richards, for the Committee on Agriculture, Conservation and Land, to which was referred Proposal No. 53, entitled: "Lands to be Included in the State of Hawaii," presented a report, recommending that the proposal be referred to the Committee on Miscellaneous Matters, since the substance thereof was the same as Proposal No. 125 referred to that Committee (see Sec. B, Standing Com. Rpt. No. 18). Upon motion by Delegate Richards, seconded by Delegate Bryan, and carried, the report

of the committee was adopted; and Proposal No. 53 was so thereupon referred to the Committee on Miscellaneous Matters.

Delegate Wirtz, for the Committee on Rules and Order of Business, to which was referred Petition No. 22, from the ILWU, requesting permission to present a draft constitution for the consideration of the delegates, presented a report, recommending that the Secretary inform the said organization that the right of submitting proposals resides in the delegates only, and that the deadline for introducing proposals expired on May 20th; and further, that this organization be informed that it was not the policy of the Convention to preclude from its consideration any material relating to the constitution for the State of Hawaii; and if sufficient copies of the document were furnished, they would be distributed to the various committees of the Convention (see Sec. B, Standing Com. Rpt. No. 19). Upon motion by Delegate Wirtz, seconded by Delegate Harold W. Rice, and carried, the report of the committee was adopted.

A report from the Committee on Taxation and Finance, submitting, for introduction, a committee proposal on public finance and taxation which had received the tentative approval of the committee, was read by the Clerk (see Sec. B, Standing Com. Rpt. No. 19A). The report was received and referred back to the Committee on Taxation and Finance.

Delegate White, for the Committee on Taxation and Finance, introduced Committee Proposal No. 2, "Public Finance and Taxation." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Taxation and Finance.

At this time, President King and Delegate Ohrt came into the session.

Secretary Porteus announced that the flags of the states of New York, Oklahoma, Oregon, Pennsylvania, South Dakota, Virginia and West Virginia would be presented at this time. He thereupon asked that a delegate from the Fourth District present the flag of New York; a delegate from the Fourth District present the flag of Oklahoma; one delegate from the Fourth District and one from the Sixth District present the flag of Virginia; and that Delegate Dowson, of the Fifth District, have his two guests present the flags of Pennsylvania and Oregon. Accordingly these designated persons mounted the rostrum bearing the flags of the states which they were to represent in these presentations.

Delegate Larsen proudly presented the flag of the State of New York, that being where he first landed in America as an immigrant, and that being where, 23 years later, he had graduated from its finest medical school.

Delegates Kellerman and Crossley then presented the flag of the State of Virginia on behalf of the people of that state.

Delegate Dowson then presented Mrs. Ethel Rishel from Philadelphia, Pennsylvania, who stated that she was proud to be able to present the flag of her state to the Convention today.

Delegate Dowson next presented Mr. A.D. Catterlin of Oregon, a classmate of Governor Douglas McKay, of that state, and a cousin of former Governor Joseph of Oregon, who stated that it was a great pleasure for him to be able to present the flag of the State of Oregon, where he was born, in Salem, in 1892, and where his aunt had served as secretary to the governors of that state for a number of years.

Delegate Hayes, in presenting the flag of the State of Oklahoma to the Convention, stated that she was very happy to be able to make this presentation because that state had given her a daughter.

Secretary Porteus next presented the flags of the states of West Virginia and South Dakota on behalf of the peoples of those states.

At 9:07 o'clock a.m., upon motion by Delegate Porteus, seconded by Delegate Sakakihara, the Convention adjourned until 8:30 o'clock a.m., on Wednesday, May 24, 1950.

### THIRTY-SIXTH DAY • Wednesday, May 24, 1950

The Convention convened at 8:33 o'clock a.m., with President King in the Chair.

The divine blessing was invoked by Chaplain Judd, after which the roll was called, showing all delegates present, with the exception of Delegates Gilliland, Harold W. Rice and Arthur K. Trask, excused. The journal of the thirty-fifth day was approved.

At 8:37 o'clock a.m., Delegate Kellerman moved that the Convention stand in recess, subject to the call of the Chair, in order that the delegates might listen to a talk on the atom bomb and its effect upon the people, by Major Gerald M. McDonnell, Medical Corps, U. S. Army, Medical Advisor to the Special Weapons Project. The motion was seconded by Delegate Wist, and carried; and the Convention so thereupon stood in recess, subject to the call of the Chair.

The Convention reconvened at 8:54 o'clock a.m.

At this time, President King announced that the official photograph of the Convention, in session, would be taken between the hours of 8:30 and 9:00 o'clock a.m., on Friday, May 26th.

A resolution was offered by all of the delegates, endorsing House Joint Resolution No. 238 of the 81st Congress, providing the privilege of naturalization for all aliens lawfully admitted into the United States for permanent residence, and requesting favorable action thereon, as speedily as possible, by the United States Senate (see Sec. B, Res. No. 38). Upon motion by Delegate Kawakami, seconded by Delegate Serizawa, the resolution was unanimously adopted.

Delegates Richards, Fukushima, Fong, Ohrt, Kam and Mau offered a resolution, expressing gratitude to the states which have given or loaned their state flags to the Convention for display in the Convention Hall, and providing for the delivery of said flags to the officials of the National Military Cemetery on Punchbowl upon the adjournment of the Convention, for such use as they may care to make thereof, all as prescribed in the resolution (see Sec. B, Res. No. 39). Upon motion by Delegate Tavares, seconded by Delegate Arashiro, and carried, the resolution was referred to the Committee on Rules and Order of Business for study and report.

Consideration of Standing Committee Report No. 16, from the Committee on Health and Public Welfare; and second reading of Committee Proposal No. 1 introduced by said committee, "Relating to Health and General Welfare:" Delegate Porteus moved that the Convention resolve itself into a Committee of the Whole for the consideration of the standing committee report and committee proposal. The motion was seconded by Delegate Sakakihara, and carried.

The President thereupon appointed Delegate Holroyde as chairman of said Committee of the Whole; and at 9:09 o'clock a.m., the Convention resolved itself into a Committee of the Whole for the consideration of said Standing Committee Report and said committee proposal, relating to health and general welfare, with Delegate Holroyde as chairman.

The committee rose at 12:09 o'clock p.m., and the Convention reconvened.

Delegate Holroyde, for the Committee of the Whole, orally reported progress and asked leave to sit again. Upon motion by Delegate Silva, seconded by Delegate Porteus, the oral report of the Committee was adopted.

Delegate Mizuha, for the Committee on Bill of Rights, presented a report, covering its recommendations on 22 sections to be written into the article containing the Bill of Rights, based on the proposals referred to the committee, and submitting for introduction a committee proposal, relating to the Bill of Rights. (see Sec. B, Standing Com. Rpt. No. 20). The report was referred to the Printing Committee for printing.

Delegate Mizuha, for the Committee on Bill of Rights, introduced committee proposal No. 3, relating to the Bill of Rights. The proposal passed first reading by title and was referred to the Printing Committee for printing.

At 12:20 o'clock p.m., upon motion by Delegate Crossley, seconded by Delegate Charles A. Rice, and carried, the Convention stood in recess until 4:15 o'clock this afternoon.

#### AFTERNOON SESSION

The Convention reconvened at 4:20 o'clock p.m., with the President in the Chair and all delegates

being present with the exception of Delegates Gilliland and Harold W. Rice, excused.

Delegate Castro, for the Committee on Accounts, offered a resolution, requesting the Governor of Hawaii to make available to the Convention the amount of \$30,000 from the appropriation made for the 1949-51 biennium under the "Governor's Contingent Fund," it being understood that any unexpended moneys therefrom will be returned to the fund upon the payment of all obligations of the Convention (see Sec. B, Res. No. 40). Upon motion by Delegate Castro, seconded by Delegate Kauhane, and carried, the resolution was adopted.

The President informed the delegates that a balance sheet showing the total expenditures to date and the estimated amount needed for the operations of the Convention until approximately June 23rd, had been placed on each delegate's desk.

Delegate Crossley moved that the President appoint a committee to wait upon the Governor in this connection and to present this resolution to him; and that Delegate Castro, chairman of the Committee on Accounts, be appointed as a member of that committee. The motion was seconded by Delegate Hayes, and carried.

At this time, Delegate Crossley moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Report No. 16 and Committee Proposal No. 1, relating to health and general welfare. Seconded by Delegate Silva, and carried, and at 4:23 o'clock p.m., the Convention resolved itself into a Committee of the Whole, with Delegate Holroyde as chairman, for the consideration of said Standing Committee Report No. 16 and said Committee Proposal No. 1.

At 6:01 o'clock p.m., the committee rose and the Convention reconvened.

Delegate Holroyde, for the Committee of the Whole, having under consideration Standing Committee Report No. 16 and Committee Proposal No. 1, relating to health and general welfare, orally reported progress and asked leave to sit again. Upon motion by Delegate Porteus, seconded by Delegate Crossley, the oral report of the committee was adopted.

At this juncture, President King announced the appointment of the committee to wait upon the Governor in connection with the provisions of Resolution No. 40, and pursuant to the motion made earlier in the afternoon session, as follows: the President, the Secretary, the chairman of the Committee on Accounts (Delegate Castro), Delegates Heen, Lee, Silva, Fong, Kauhane and Sakakihara.

At 6:04 o'clock p.m., upon motion by Delegate Crossley, seconded by Delegate Woolaway, the Convention adjourned until 8:30 o'clock on Thursday, May 25, 1950.

**THIRTY-SEVENTH DAY • Thursday, May 25, 1950**

The Convention convened at 8:31 o'clock a.m., with President King in the Chair.

After prayer by Chaplain Judd, the roll was called showing all delegates present, with the exception of Delegates Lee, Mau, Roberts, Arthur K. Trask and White, excused. The journal of the thirty-sixth day was approved.

At 8:34 o'clock a.m., upon motion by Delegate Castro, seconded by Delegate Porteus, and carried, the Convention stood in recess, subject to the call of the Chair, in order that the delegates might listen to a short talk by Mr. Clifford Cooper, president of the United States Junior Chamber of Commerce, who is presently in Hawaii after completing a world tour on behalf of the United States Junior Chamber of Commerce.

At 8:43 o'clock a.m., the Convention reconvened and proceeded with the regular order of business before it.

Delegate Silva, for the Committee on Printing, presented a report, reporting on the printing of Standing Committee Report No. 20 and Committee Proposal No. 3, relating to the Bill of Rights (see Sec. B, Standing Com. Rpt. No. 21). The report was received and placed on file.

Consideration of Standing Committee Report No. 20 from the Committee on Bill of Rights, covering its recommendations on 22 sections to be written into the article of the constitution containing the Bill of Rights, based on proposals referred to said committee, and submitting for introduction a committee proposal on the subject matter thereof: The President announced that the report would be placed on the General Orders of the Day on Wednesday, May 31, 1950, for consideration.

Consideration of Committee Proposal No. 3, "Relating to the Bill of Rights": The President announced that the proposal would be placed on the General Orders of the Day for second reading on Wednesday, May 31, 1950.

Delegate Crossley, for the Committee on Submission and Information, presented a report returning Resolutions Nos. 17 and 18 requesting the Delegate to Congress from Hawaii to introduce legislation in the Congress of the United States to amend Section 4 of Act 334 of the Session Laws of Hawaii of 1949, so as to eliminate such provisions and provide the means for accomplishing this purpose, recommending that the same be placed on file (see Sec. B, Standing Com. Rpt. No. 22). Upon motion by Delegate Crossley, seconded by Delegate Sakakihara, the report of the committee was adopted, and Resolutions Nos. 17 and 18 were thereupon placed on file.

Delegate Mizuha, for the Committee on Bill of Rights, presented a report, recommending that

Proposal No. 195, relating to the outlawing of the Communist Party, be referred to the Committee on Ordinances and Continuity of Law, or to a special committee for consideration (see Sec. B, Standing Com. Rpt. No. 23).

Delegate Mizuha moved that the report of the committee be adopted, and that Proposal No. 195 be referred to the Committee on Ordinances and Continuity of Law. Seconded by Delegate Holroyde, and carried; and the said proposal was so thereupon referred.

At this time, Delegate Tavares moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Committee Proposal No. 1, relating to health and general welfare. Seconded by Delegate Cockett, and carried; and at 8:54 o'clock a.m., the Convention resolved itself into a Committee of the Whole for this purpose, with Delegate Holroyde as chairman.

At 9:20 o'clock a.m., the committee rose and the Convention reconvened.

Delegate Holroyde, for the Committee of the Whole, reported orally, requesting permission to file a written report on Committee Proposal No. 1, relating to health and general welfare, tomorrow. Upon motion by Delegate Bryan, seconded by Delegate Porteus, and carried, the oral report of the committee was adopted.

At 9:26 o'clock a.m., upon motion by Delegate Crossley, seconded by Delegate Noda, and carried, the Convention adjourned until Friday, May 26, 1950.

**THIRTY-EIGHTH DAY • Friday, May 26, 1950**

The Convention convened at 8:36 o'clock a.m., with President King presiding.

Chaplain Judd invoked the divine blessing, after which the roll was called showing all delegates present, with the exception of Delegates Gilliland, Kanemaru, Kometani and Serizawa, excused. The journal of the thirty-seventh day was approved.

The Chair announced at this time that mimeographed copies of "Committee Print A" of H. R. 49, containing the amendments which the Senate committee is considering incorporating in this bill, had been received from Washington and had been distributed to all of the delegates. He further announced that the Hawaii Statehood Commission had received a radiogram this morning stating that the Senate committee had met today and decided to vote on H. R. 49 on Monday, June 12th.

The Chair further announced that although a number of the outside island delegates had requested permission to return to their homes over the weekend, and although Tuesday, May 30th, was a legal holiday, he felt that the Convention should meet both tomorrow and Monday; but that it would not meet on Tuesday; and that he would excuse those delegates

who found it necessary to be absent from sessions of the Convention on Saturday and Monday.

In this connection, Delegate Heen said that it would seem to be in order, to expedite the work of the Convention, for all committees which would have a quorum, to meet both on Sunday and on Tuesday. The Chair agreed with this, and stated that he felt that all the committees should meet, where possible, throughout the week, regardless of whether or not the Convention meets.

At this time, President King informed the Convention that the taking of the official photograph of the Convention in session, scheduled for this morning, would be deferred until next Thursday morning, June 1st, at 9:00 o'clock, when it was hoped that all of the delegates would be present if possible.

A communication from the president of the Republican Precinct Club, 13th Precinct, 4th District, transmitting a certified copy of a resolution adopted by that club, favoring the incorporation of the basic principles of the Hawaiian Homes Commission Act into the constitution for the State of Hawaii, was read by the Clerk (see Sec. B, Misc. Com. No. 94). The communication and resolution were received and referred to the Committee on Hawaiian Homes Commission Act.

Delegate Mizuha, for the Committee on Bill of Rights, presented a report, covering the final draft of its recommendations on two additional sections to be written into the article containing the Bill of Rights, from proposals assigned to it, and submitting for introduction a committee proposal covering the same (see Sec. B, Standing Com. Rpt. No. 24). The report was referred to the Committee on Printing for printing.

Delegate Mizuha, for the Committee on Bill of Rights, introduced Committee Proposal No. 4, "Bill of Rights." The proposal passed first reading by title and was referred to the Printing Committee.

At this time, Delegate Mizuha, for the Committee on Bill of Rights, moved that the rules be suspended, and that Standing Committee Report No. 20 and Committee Proposal No. 3, relating to the Bill of Rights, which had been placed on the calendar for consideration on Wednesday, May 31st, be placed on the calendar for consideration on Thursday, June 1st. The motion was seconded by Delegate Kawakami, and carried.

Delegate Richards, for the Committee on Agriculture, Conservation and Land, submitted a report, submitting, for introduction, a committee proposal "Relating to the Continuation of the Land Laws," recommending that it be referred to the Committee on Ordinances and Continuity of Law (see Sec. B, Standing Com. Rpt. No. 25). Upon motion by Delegate Richards, seconded by Delegate Bryan, the report of the committee was adopted.

Delegate Richards, for the Committee on Agriculture, Conservation and Land, introduced Commit-

tee Proposal No. 5, "Relating to the Continuation of the Land Laws." The proposal passed first reading by title, was ordered printed, and referred to the Committee on Ordinances and Continuity of Law.

Delegate Hayes, for the Committee on Hawaiian Homes Commission Act, presented a report, approving in principle Proposal No. 51, entitled: "A Proposal Relating to Hawaiian Homes Commission Act," and recommending that the proposal be referred to the Committee on Ordinances and Continuity of Law for approval as to form (see Sec. B, Standing Com. Rpt. No. 26). Delegate Hayes moved for the adoption of the report. Seconded by Delegate Arthur K. Trask.

Delegate Bryan stated that he did not feel that the report should be adopted at this time, but that it should be referred, with the committee proposal, to the Committee on Ordinances and Continuity of Law. There being no objection, the Chair thereupon referred the report of the committee and Proposal No. 51 to the Committee on Ordinances and Continuity of Law.

Delegate Kauhane, for the Committee on Local Government, presented Part I of a two-part report on various proposals, resolutions, petitions and other matters referred to that committee, accompanied by a letter of transmittal, requesting an extension of one week within which to file Part II of its report (see Sec. B, Standing Com. Rpt. No. 27). Delegate Kauhane moved that the report be received and placed on file until the complete report is submitted at a later date. Seconded by Delegate Holroyde.

Delegate Sakakihara moved that the report be recommitted to the Committee on Local Government. Seconded by Delegate Charles A. Rice, and carried; and the report was thereupon recommitted to the Committee on Local Government.

At this time, Delegate Holroyde reported orally that the written report of the Committee of the Whole on Standing Committee Report No. 16 and Committee Proposal No. 1, relating to health and general welfare, which was to have been submitted today, would not be ready for presentation to the Convention until tomorrow.

Delegate Tavares thereupon moved that the chairman of the Committee of the Whole be granted until tomorrow to file the written report of the Committee of the Whole on Standing Committee Report No. 16 and Committee Proposal No. 1, relating to health and general welfare. Seconded by Delegate James K. Trask, and carried.

At this juncture, Secretary Porteus advised the Convention that several of the committee chairmen had informed him that it would be impossible to meet today's deadline for presenting their committee reports; and he thereupon moved that the deadline for submitting committee reports be extended from today to next Friday, June 2nd. The motion was seconded by Delegate Sakakihara, and carried.

Delegate Crossley, for the Committee on Submission and Information, reported orally that this week radio broadcasts had begun on KULA, starting with last Sunday, and would continue each Sunday from 5:15 to 5:30 p.m.; and on Wednesdays, Fridays and Saturdays, each week, from 6:00 p.m. to 6:15 p.m. over KGMB; and each Saturday from 6:30 p.m. to 6:45 p.m., over KGU, these three stations being those now being used to present the reports on the work of the Convention.

At 9:06 o'clock a.m., upon motion by Delegate Crossley, seconded by Delegate Noda, and carried, the Convention adjourned until 8:30 o'clock a.m., on Saturday, May 27, 1950.

### THIRTY-NINTH DAY • Saturday, May 27, 1950

The Convention convened at 8:36 o'clock a.m., with President King in the Chair.

After prayer by Chaplain Judd, the roll was called showing all delegates present with the exception of Delegates Arashiro, Castro, Crossley, Doi, Kawakami, Kometani, Lee, Loper, Luiz, Mizuha, Okino, Roberts, Serizawa, Arthur K. Trask and White, excused. The journal of the thirty-eighth day was approved.

Petitions from the Lanai Mutual Improvement Association, Lanai Relief Society and Lanai Community Association, all petitioning the Convention to take the necessary steps to gain separate county status for the Island of Lanai and its proportional representation in the legislature of the State of Hawaii, were read by the Clerk (see Sec. B, Petitions No. 23, 24 and 25). The petitions were received and referred to the Committee on Local Government.

A communication from the secretary of the Wai-  
alua Lions Club, endorsing the resolution adopted by the Lanai City Lions Club petitioning the Convention to take the necessary steps to gain separate county status for the Island of Lanai and its proportional representation in the legislature of the State of Hawaii, was read by the Clerk (see Sec. B, Misc. Com. No. 95). The communication was received and referred to the Committee on Local Government.

Delegate Silva, for the Committee on Printing, presented a report on the printing of Standing Committee Report No. 24 and Committee Proposal No. 4, relating to the Bill of Rights (see Sec. B, Standing Com. Rpt. No. 28). The report was received and placed on file.

Consideration of Standing Committee Report No. 24, from the Committee on Bill of Rights, relating to the Bill of Rights and submitting a committee proposal covering two additional sections to be written into the article on the Bill of Rights: The President announced that the report would be placed

on the General Orders of the Day on Friday, June 2nd, for consideration.

Consideration of Committee Proposal No. 4, entitled: "Bill of Rights": The President announced that the proposal would be placed on the General Orders of the Day for second reading on Friday, June 2nd.

Delegate Mau, for the Committee on Industry and Labor, presented a report, returning Proposal No. 37, entitled: "Relating to the Eight Hour Day on Public Works," Proposal No. 38 entitled: "Relating to Minimum Wage Laws for Women and Minors," and Proposal No. 46 entitled: "Relating to Qualifications for Domestic Stockholders," with the recommendation that they be placed on file, for the reason that the committee felt these were legislative matters and should not be included in the constitution (see Sec. B, Standing Com. Rpt. No. 29). Upon motion by Delegate Nielsen, seconded by Delegate Kawahara, the report of the committee was adopted; and Proposals Nos. 37, 38 and 46 were thereupon placed on file.

At this time Delegate Holroyde, for the Committee of the Whole, to which had been referred Standing Committee Report No. 16 and Committee Proposal No. 1, relating to health and general welfare, reported orally, stating that the committee report was still in the process of preparation and therefore moved that the committee be granted further time in which to prepare the same. The motion was seconded by Delegate Woolaway, and carried.

At 8:47 o'clock a.m., upon motion by Delegate Sakakihara, seconded by Delegate Woolaway, and carried, the Convention adjourned until 8:30 o'clock a.m., on Monday, May 29, 1950.

### FORTIETH DAY • Monday, May 29, 1950

The Convention convened at 8:42 o'clock a.m., with Vice-President Woolaway presiding, in the absence of President King.

Chaplain Judd invoked the divine blessing, after which the roll was called showing all delegates present, with the exception of Delegates Arashiro, Cockett, Doi, Kawahara, Kawakami, Kido, King, Luiz, Mizuha, Charles A. Rice, Harold W. Rice, Sakai, Serizawa, Silva and Yamamoto, excused. The journal of the thirty-ninth day was approved.

At 8:47 o'clock a.m., the Convention reconvened.

Delegate Holroyde, for the Committee of the Whole, presented a report, Standing Committee Report No. 16 and Committee Proposal No. 1, relating to health and general welfare, recommending that Standing Committee Report No. 16 be accepted and placed on file; that Committee Proposal No. 1 be amended as set forth in the report of the Committee of the Whole; and that Committee Proposal No. 1,



as amended, pass second reading (see Sec. B, Com. of Whole Rpt. No. 2). Upon motion by Delegate Holroyde, seconded by Delegate Porteus, and carried, the report was ordered printed and action thereon was deferred until Wednesday, May 31st.

At 9:17 o'clock a.m., upon motion by Delegate Dowson, seconded by Delegate Noda, and carried, the Convention adjourned until Wednesday, May 31, 1950, at 8:30 o'clock a.m.,

**FORTY-FIRST DAY • Wednesday, May 31, 1950**

The Convention convened at 8:38 o'clock a.m., with President King presiding.

After prayer by Chaplain Judd, the roll was called showing all delegates present, with the exception of Delegates Cockett and Kido, temporarily excused. The journal of the fortieth day was approved.

Consideration of Committee of the Whole Report No. 2 on Standing Committee Report No. 16 and Committee Proposal No. 1, relating to health and general welfare, recommending the acceptance and filing of Standing Committee Report No. 16, the amendment of Committee Proposal No. 1, and the passage on second reading of Committee Proposal No. 1, as amended: Delegate Anthony suggested that a short recess be declared, in order that the delegates might have an opportunity to familiarize themselves with the contents of the report.

Accordingly, at 8:43 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The Convention reconvened at 9:02 o'clock a.m.

Consideration of Committee of the Whole Report No. 2 on Standing Committee Report No. 16 and Committee Proposal No. 1, relating to health and general welfare, recommending the acceptance and filing of Standing Committee Report No. 16, the amendment of Committee Proposal No. 1, and the passage on second reading of Committee Proposal No. 1, as amended: Delegate Tavares moved that the report of the Committee of the Whole be adopted except insofar as concerns recommendation "(c) - That as so amended, said proposal pass second reading." The motion was seconded by Delegate Smith, and carried. Delegate Bryan then moved that Committee Proposal No. 1, as amended, pass second reading. Seconded by Delegate Holroyde.

At this time, Delegate Phillips moved that the Convention stand in recess until 4:30 o'clock this afternoon. Seconded by Delegate Anthony, and carried; and at 9:21 o'clock a.m., the Convention stood in recess until 4:30 o'clock this afternoon.

*AFTERNOON SESSION*

The Convention reconvened at 4:37 o'clock p.m., with the President in the Chair, and all delegates

being present with the exception of Delegates Gilliland, Luiz and Nielsen, excused.

At this time, Delegate Crossley, for the Committee on Submission and Information, announced the radio times and speakers for this week, as follows:

Wednesday night, on KGMB, from 6:00 to 6:15, Delegate Mizuha; Friday, KGMB, from 6:00 p.m. to 6:15 p.m., Delegate Larsen; Saturday, KGMB, from 6:00 p.m. to 6:15 p.m., Delegate Shimamura; Saturday, KGU, from 6:30 p.m. to 6:45 p.m., Delegate Nielsen.

Delegate Kometani, for the Committee on Suffrage and Elections, presented a report, returning Miscellaneous Communication No. 88 entitled: "A Constitutional Proposal - State Constitution Can Curb Reds by Defining Political Parties" - recommending that it be referred to the Committee on Ordinances and Continuity of Law (see Sec. B, Standing Com. Rpt. No. 30). Upon motion by Delegate Porteus, seconded by Delegate Holroyde, the report of the committee was adopted; and Miscellaneous Communication No. 88 was thereupon referred to the Committee on Ordinances and Continuity of Law.

Delegate Wirtz, for the Committee on Rules and Order of Business, presented a report recommending that Proposal No. 49, insofar as it refers to legislative proceedings, be referred to the Committee on Legislative Powers and Functions, and that insofar as it refers to the record of this Convention, it be placed on file (see Sec. B, Standing Com. Rpt. No. 31). Upon motion by Delegate Wirtz, seconded by Delegate Harold W. Rice, and carried, the report of the committee was adopted; and Proposal No. 49, insofar as it refers to legislative proceedings, was referred to the Committee on Legislative Powers and Functions; and insofar as it refers to the record of the Convention, the proposal was placed on file.

Delegate Kometani, for the Committee on Suffrage and Elections, presented a report, returning Proposal No. 70, "Establishing Bribery as Disqualification for Office Holding," with the recommendation that it be referred to the Committee on Legislative Powers and Functions (see Sec. B, Standing Com. Rpt. No. 32). Upon motion by Delegate Silva, seconded by Delegate Kometani, and carried, the report of the committee was adopted; and Proposal No. 70 was thereupon referred to the Committee on Legislative Powers and Functions.

At this time, the Chair announced that at the time of the recess this morning there was pending before the Convention the adoption of the motion by Delegate Bryan, seconded by Delegate Holroyde, that Committee Proposal No. 1, as amended, pass second reading and being the recommendation of paragraph "(c)" of Committee of the Whole Report No. 2 - "That as so amended, said proposal pass second reading."

Delegate Phillips offered the following amendment to Committee Proposal No. 1:



Amend Committee Proposal No. 1, "Relating to Health and General Welfare," to read as follows:

**A PROPOSAL  
RELATING TO PUBLIC HEALTH AND WELFARE.**

RESOLVED, that the following be agreed upon as part of the State Constitution:

**ARTICLE \_\_\_\_\_**

Section \_\_\_\_\_. *Public Health and Welfare.*  
The legislature shall provide for the public health and welfare of the state and shall have power to lay and collect taxes to accomplish these ends.

Delegate Phillips moved for the adoption of the amendment. Seconded by Delegate Akau. Delegate Silva moved that the amendment be tabled. Seconded by Delegate St. Sure, and carried. Delegate Sakakihara moved that action on the committee report be deferred. Seconded by Delegate Phillips. Delegate Tavares moved that the motion be tabled. Seconded by Delegate Silva, and carried.

The Chair announced that the motion before the Convention was the adoption of the motion to pass Committee Proposal No. 1, as amended, on second reading. A roll call being demanded, the motion to pass Committee Proposal No. 1, as amended, on second reading was put, and carried, thereby in effect adopting paragraph "(c)" of the Committee of the Whole Report No. 2, on the following showing of Ayes and Noes: Ayes, 58. Noes, 2 (Ashford and Phillips). Excused and not voting: 3 (Gilliland, Luiz and Nielsen).

The President thereupon, in accordance with the rules of the Convention, referred Committee Proposal No. 1 as amended to the Committee on Style for consideration and report as to phraseology only, within five convention days.

Delegates Akau, Arashiro, Ashford, Bryan, Castro, Cockett, Crossley, Doi, Dowson, Fong, Heen, Holroyde, Ihara, Kanemaru, Kauhane, Kawakami, Kellerman, Kido, King, Kometani, Larsen, Lee, Mau, Mizuha, Ohrt, Okino, Phillips, Porteus, Charles A. Rice, Richards, Roberts, Sakai, Sakakihara, Serizawa, Silva, Smith, Arthur K. Trask, James K. Trask, White, Wirtz, Wist, Woolaway, Yamamoto and Yamauchi, offered a resolution, expressing appreciation to Honorable Ingram M. Stainback, Governor of Hawaii, for his consideration in making available to the Convention sufficient additional funds, as requested by Convention Resolution No. 40, to enable the Convention to fulfill its obligations to the people of Hawaii in the drafting of their constitution (see Sec. B, Res. No. 41). Upon motion by Delegate Silva, seconded by Delegate Serizawa, and carried, the resolution was adopted.

At 5:24 o'clock p.m., upon motion by Delegate Crossley, seconded by Delegate Noda, and carried,

the Convention adjourned until 8:30 o'clock a.m., on Thursday, June 1, 1950.

**FORTY-SECOND DAY • Thursday, June 1, 1950**

The Convention convened at 8:35 o'clock a.m., with President King in the Chair.

The divine blessing was invoked by Chaplain Judd, after which the roll was called showing all delegates present. The journal of the forty-first day was approved.

At this time, the Chair announced that the photographer was present to take the official photograph of the Convention; and at 8:39 o'clock declared a recess, subject to the call of the Chair for the purpose of officially photographing the delegates.

At 9:08 o'clock a.m., the Convention reconvened.

A petition signed by approximately 1,000 citizens and voters of the Territory of Hawaii, submitted by the president of the Territorial Council of Hawaiian Civic Clubs in a letter of transmittal, petitioning the Convention to include the basic principles of the Hawaiian Homes Commission Act in the constitution for the State of Hawaii, was read by the Clerk (see Sec. B, Petition No. 26). The petition was received and referred to the Committee on Hawaiian Homes Commission Act.

Delegate Hayes, for the Committee on Hawaiian Homes Commission Act, presented a report, reporting on various proposals, resolutions, petitions and miscellaneous communications referred to it, favoring the provisions of Proposal No. 52, "Relating to the Hawaiian Homes Commission Act," with certain amendments; submitting a Committee Proposal (No. 6) on the same subject matter for introduction; recommending the filing of said Proposal No. 52 and Proposal No. 156 and Resolutions Nos. 19 and 21; and recommending that Petitions Nos. 4, 8, 9, 10, 11, 12, 13, 20 and 21 and the Miscellaneous Communications referred to the said Committee be placed on file (see Sec. B, Standing Com. Rpt. No. 33). The report was referred to the Printing Committee for printing; the proposal passed first reading by title and was referred to the Printing Committee for printing.

Consideration of Standing Committee Report No. 20, from the Committee on Bill of Rights, covering its recommendations on 22 sections to be written into the article containing the Bill of Rights, based on proposals referred to it, and submitting for introduction a committee proposal, relating to the Bill of Rights: Upon motion by Delegate Mizuha, seconded by Delegate Crossley, and carried, the report was referred to the Committee of the Whole for consideration.

Consideration, on second reading, of Committee Proposal No. 3, entitled: "Bill of Rights": Upon

motion by Delegate Mizuha, seconded by Delegate Crossley, and carried, the committee proposal was referred to the Committee of the Whole.

Delegate Mizuha then moved that the Convention resolve itself into a Committee of the Whole for the consideration of Standing Committee Report No. 20 and Committee Proposal No. 3, relating to the Bill of Rights. Seconded by Delegate Crossley, and carried.

The Chair thereupon appointed Delegate Silva as chairman of the Committee of the Whole; and at 9:10 o'clock a.m., the Convention resolved itself into a Committee of the Whole for the purpose of considering said standing committee report and said committee proposal, with Delegate Silva in the Chair.

At 12:05 o'clock p.m., the Committee rose and the Convention reconvened.

Delegate Silva, for the Committee of the Whole, orally reported progress and asked leave to sit again on Monday, June 5th, at 9:00 o'clock a.m., for the further consideration of Standing Committee Report No. 20 and Committee Proposal No. 3, relating to the Bill of Rights. Delegate Silva moved for the adoption of the committee report. Seconded by Delegate Nielsen, and carried.

At this juncture, Delegate Kauhane, for the Committee on Local Government, reported orally, requesting that this committee be granted an extension of time until Monday, June 5th, in which to file its report on matters referred to it. There being no objection, the Chair granted the extension of time as requested.

The Chair announced that Delegate Ohrt had asked to be relieved of his membership on the Committee on Style; and that he had appointed Delegate Castro in his place.

Delegate White, for the Committee on Taxation and Finance, reported orally, asking for an extension of time until Friday, June 9th, in which to file the report of that committee. There being no objection, the extension was granted as requested.

Delegate Richards, for the Committee on Agriculture, Conservation and Land, reported orally, asking for an extension of time until Wednesday, June 7th, in which to file the report of that committee. There being no objection, the Chair granted the extension as requested.

Delegate Okino, for the Committee on Executive Powers and Functions, reported orally, requesting an extension of time, until Tuesday, June 6th, in which to file the report of that committee. There being no objection, the Chair granted the requested extension.

Delegate Heen, for the Committee on Legislative Powers and Functions, reported orally, requesting an extension of time, until next Thursday, June 8th, in which to file the report of that committee. There

being no objection, the Chair granted the requested extension.

Delegate Mau, for the Committee on Industry and Labor, reported orally, requesting an extension until Friday, June 9th, in which to file the report of that committee. There being no objection, the Chair granted the requested extension. Delegate Loper, for the Committee on Education, reported orally, requesting an extension of time, until Tuesday, June 6th, in which to file the report of that committee. There being no objection, the Chair granted the requested extension.

Delegate Fukushima, for the Committee on Revision, Amendments, Initiative, Referendum and Recall, reported orally, requesting an extension of time, until Tuesday, June 6th, in which to file the report of that committee. There being no objection, the requested extension was granted by the Chair.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, reported orally, requesting an extension of time, until Friday, June 9th, in which to file the report of that committee. There being no objection, the Chair granted the requested extension.

Delegate Mizuha, for the Committee on Bill of Rights, reported orally, stating that his committee had completed its work on the various proposals referred to it, with the exception of section 20 of Proposal 97, relating to collective bargaining, which it requested it be permitted to withhold until such time as the Committee on Industry and Labor presents its report, at which time the Committee on Bill of Rights will present a final report on that section. There being no objection, the Committee was permitted to file its final report on section 20 of Proposal No. 97 at the time the Committee on Industry and Labor files its report—on Friday, June 9th.

Delegate Shimamura, for the Committee on Ordinances and Continuity of Law, reported orally, requesting that this committee be granted an extension of time until Thursday, June 6th, in which to file its report. There being no objection, the request was granted by the Chair.

Delegate Mizuha, for the Committee on Bill of Rights, presented a report, reporting on its disposition of various proposals referred to it (see Sec. B, Standing Com. Rpt. No. 34). Upon motion by Delegate Heen, seconded by Delegate Mizuha, and carried, the report was ordered printed and distributed to the members, and action thereon deferred until a later date.

At 12:16 o'clock p.m., upon motion by Delegate Sakakihara, seconded by Delegate Silva, and carried, the Convention adjourned until 8:30 o'clock a.m., on Friday, June 2, 1950.

**FORTY-THIRD DAY • Friday, June 2, 1950**

The Convention convened at 8:41 o'clock a.m., with President King in the Chair.

After prayer by Chaplain Judd, the roll was called showing all delegates present, with the exception of Delegates Luiz, Nielsen, Phillips and White, excused; and Delegates Crossley and Lee, temporarily excused. The journal of the forty-second day was approved.

Delegate Silva, for the Committee on Printing, presented a report on the printing of Standing Committee Report No. 33 and Committee Proposal No. 6 (see Sec. B, Standing Com. Rpt. No. 35). The report was received and placed on file.

Consideration of Standing Committee Report No. 33 from the Committee on Hawaiian Homes Commission Act, reporting on various proposals, resolutions, petitions and miscellaneous communications referred to it, favoring the provisions of Proposal No. 52, "Relating to the Hawaiian Homes Commission Act," with certain amendments; submitting a Committee Proposal on the same subject matter for introduction; and recommending the filing of said Proposal No. 52 and Proposal No. 156 and Resolutions Nos. 19 and 21; and recommending that Petitions Nos. 4, 8, 9, 10, 11, 12, 13, 20 and 21 and the Miscellaneous Communications referred to the Committee be placed on file: The President announced that Standing Committee Report No. 33 would be placed on the General Orders of the Day for consideration on Wednesday, June 7th.

Consideration of Committee Proposal No. 6, entitled: "A Proposal Relating to Hawaiian Homes Commission Act": The President announced that the committee proposal would be placed on the General Orders of the Day for second reading on Wednesday, June 7th.

Consideration, on Special Orders of the Day, of Standing Committee Report No. 34, from the Committee on Bill of Rights, reporting on the disposition of various proposals referred to it, action on which was deferred yesterday: Delegate Mizuha moved for the adoption of the committee report. Seconded by Delegate Harold W. Rice.

Delegate Roberts stated that the report of the committee placed on file, without any action, Proposal No. 182 dealing with the right to organize and bargain collectively, which might preclude further action on this proposal; and he thereupon moved that the portion of the report covering Proposal No. 182 be stricken therefrom. Seconded by Delegate Mau. The motion was thereupon put by the Chair, and lost.

The Chair then put the motion made by Delegate Mizuha, duly seconded, to adopt the report of the committee, which was carried.

Delegate Roberts then moved that Proposal No. 182, entitled: "Relating to Rights of Persons to Organize," be placed on the Clerk's desk, without reading; and that it be referred to the Committee on Industry and Labor. The motion was seconded by Delegate Sakakihara. Delegate Mizuha moved that the motion be tabled. Seconded by Delegate Smith.

A roll call being demanded in accordance with the rules of the Convention, the motion to table the motion to place Proposal No. 182 on the Clerk's desk and to refer it to the Committee on Industry and Labor was put, and lost, on the following showing of Ayes and Noes: Ayes, 28 (Apoliona, Bryan, Castro, Cockett, Dowson, Gilliland, Heen, Holroyde, Kage, Kawakami, Kellerman, Kido, Kometani, Lai, Mizuha, Noda, Porteus, Charles A. Rice, Richards, Sakai, Serizawa, Silva, Smith, St. Sure, Tavares, Arthur K. Trask, Woolaway and Mr. President). Noes, 29. Excused and not voting, 6 (Crossley, Lee, Luiz, Nielsen, Phillips and White).

The Chair announced that the motion before the Convention was Delegate Roberts' motion, duly seconded, to place Proposal No. 182 on the Clerk's desk and to refer it to the Committee on Industry and Labor.

A roll call being demanded, in accordance with the rules of the Convention, the motion was put and lost on the following showing of Ayes and Noes: Ayes, 27 (Akau, Anthony, Arashiro, Corbett, Doi, Fong, Fukushima, Hayes, Ihara, Kam, Kanemaru, Kawahara, Larsen, Loper, Lyman, Mau, Ohrt, Okino, Harold W. Rice, Roberts, Sakakihara, Shimamura, James K. Trask, Wirtz, Wist, Yamamoto and Yamau-chi). Noes, 30. Excused and not voting, 6 (Crossley, Lee, Luiz, Nielsen, Phillips and White).

Delegate Yamauchi, for the Committee on Miscellaneous Matters, presented a report, recommending that Miscellaneous Communication No. 26, relating to the outlawing of the Communist Party or any party dedicated to the overthrow of our government by force and violence, be referred to the Committee on Ordinances and Continuity of Law, to which Proposal No. 195 similar in substance was referred (see Sec. B, Standing Com. Rpt. No. 36). Upon motion by Delegate Yamauchi, seconded by Delegate Ihara, and carried, the report of the committee was adopted; and Miscellaneous Communication No. 26 was thereupon referred to the Committee on Ordinances and Continuity of Law.

Consideration, on General Orders of the Day, of Standing Committee Report No. 24, from the Committee on Bill of Rights, making its final recommendations on two additional sections to be written into the article containing the Bill of Rights, and submitting for introduction a committee proposal relating to "Bill of Rights": Delegate Mizuha moved that consideration of the report be deferred until Monday, June 5th. Seconded by Delegate Silva, and carried.

Consideration, on second reading, of Committee Proposal No. 4, entitled: "Bill of Rights": Delegate Mizuha moved that consideration of Committee Proposal No. 4 be deferred until Monday, June 5th. Seconded by Delegate Silva, and carried.

At 9:20 o'clock a.m., upon motion by Delegate Heen, seconded by Delegate Anthony, the Convention stood in recess, subject to the call of the Chair.

The Convention reconvened at 9:34 o'clock a.m.

Delegates Crossley and Lee came into the session at this time.

Delegate Anthony, for the Committee on Judiciary, presented a report, reporting a complete judiciary article, and submitting for introduction a complete proposal, "Establishment of the Judiciary;" recommending that Proposal No. 14, "The Judiciary," be referred to the Committee on Ordinances and Continuity of Law; returning Proposals Nos. 3, 9, 15, 26, 58, 68, Article V of Proposal No. 88, Proposals 92, 124, 146, 160, 184 and 185 and Miscellaneous Communication No. 28, with the recommendation that they be placed on file for the reasons set forth in the report; and recommending that Proposal No. 17 be referred to the Committee on Bill of Rights (see Sec. B, Standing Com. Rpt. No. 37). The report was referred to the Committee on Printing for printing.

Delegate Anthony, for the Committee on Judiciary, introduced Committee Proposal No. 7, "Establishment of the Judiciary." The proposal passed first reading by title and was referred to the printing committee.

At 9:42 o'clock a.m., upon motion by Delegate Crossley, seconded by Delegate Noda, and carried, the Convention adjourned until 8:30 o'clock a.m., on Monday, June 5, 1950. [Sic; actually next convened Saturday, June 3.]

**FORTY-FOURTH DAY • Saturday, June 3, 1950**

The Convention convened at 8:34 o'clock a.m., with President King in the Chair.

The divine blessing was invoked by Chaplain Judd, after which the roll was called, showing all delegates present, with the exception of Delegates Cockett, Crossley, Dowson, Kanemaru, Kawakami, Lee, Luiz, Mizuha, Nielsen, Phillips, Harold W. Rice, Sakakihara, St. Sure, White and Wirtz, excused.

The Chair stated that he had not yet had an opportunity to read the journal of the forty-third day and, therefore, approval thereof would be deferred until Monday.

At this time, the President recognized Delegate Castro, who, as president of the Honolulu Junior Chamber of Commerce, sponsors of the "49th State Fair," which opened last night, extended a cordial invitation to the delegates to attend the fair at any time they desired, as guests of the sponsors.

Delegate Silva, for the Committee on Printing, presented a report, reporting on the printing of Standing Committee Report No. 37 from the Committee on Judiciary and Committee Proposal No. 7 (see Sec. B, Standing Com. Rpt. No. 38). The report was received and placed on file.

Consideration of Standing Committee Report No. 37, from the Committee on Judiciary, reporting a complete judiciary article, and submitting for introduction a Committee Proposal, entitled: "A Proposal for the Establishment of the Judiciary;" recommending that Proposal No. 14, entitled: "The Judiciary," be referred to the Committee on Ordinances and Continuity of Law; returning Proposals Nos. 3, 9, 15, 26, 58, 68, Article V of Proposal No. 88, Proposals Nos. 92, 124, 146, 160, 184, and 185 and Miscellaneous Communication No. 28, with the recommendation that they be placed on file for the reasons set forth in the report; and recommending that Proposal No. 17 be referred to the Committee on Bill of Rights: The President announced that Standing Committee Report No. 37 would be placed on the General Orders of the Day for consideration on Thursday, June 8th.

Consideration of Committee Proposal No. 7, entitled: "A Proposal for the Establishment of the Judiciary": The President announced that the committee proposal would be placed on the General Orders of the Day for second reading on Thursday, June 8th.

Delegate Kometani, for the Committee on Suffrage and Elections, presented a report, reporting on the disposition of proposals and other matters referred to said committee, and submitting for introduction a committee proposal entitled: "A Proposal Relating to Suffrage and Elections," with the recommendation that following the passage of the proposal on first reading by the filing thereof, the same pass second reading (see Sec. B, Standing Com. Rpt. No. 39). The report was received and referred to the Committee on Printing for printing.

Delegate Kometani, for the Committee on Suffrage and Elections, introduced Committee Proposal No. 8, "Relating to Suffrage and Elections." The proposal passed first reading by title and was referred to the Printing Committee.

Delegate Silva, for the Committee on Printing, reported orally that Standing Committee Report No. 39 and Committee Proposal No. 8 had already been printed and distributed to the members, which oral report was accepted.

The Chair announced that since Standing Committee Report No. 39 and Committee Proposal No. 8 had already been printed, they would be placed on the calendar, on General Orders, for consideration and second reading, respectively, on Thursday, June 8th.

At this juncture, Secretary Porteus announced that Delegate Roberts, from Combination "Q" of the Fourth District, would present the flag of the State of Maryland this morning. Delegate Roberts, bearing the flag of the State of Maryland, mounted the rostrum and on behalf of that state presented the flag to the Convention stating that he took great pleasure in presenting to the Convention the honored flag of a state which took part in the drafting of the Federal Constitution—a state that should act as a guide to this Convention in the preparation of a Constitution for the State of Hawaii, which will achieve fame in history.

At 8:53 o'clock a.m., upon motion by Delegate Woolaway, seconded by Delegate Noda, and carried, the Convention adjourned until 8:30 o'clock a.m., on Monday, June 5, 1950.

#### **FORTY-FIFTH DAY • Monday, June 5, 1950**

The Convention convened at 8:35 o'clock a.m., with President King in the Chair.

After prayer by Chaplain Judd, the roll was called showing all delegates present, with the exception of Delegates Kometani, Nielsen and Sakakihara, excused; and Delegate Lee temporarily excused. The journal of the forty-third and forty-fourth days was approved.

A communication from Honorable Joseph R. Farrington, Delegate to Congress from Hawaii, acknowledging receipt of copy of the resolution adopted by the Convention urging enactment of legislation removing the racial restrictions from the immigration laws, and stating that he was entirely in sympathy with the purpose thereof, and expressing his gratification that this resolution was being brought to the attention of the United States Senate, was read by the Clerk (see Sec. B, Misc. Com. No. 96). The communication was received and placed on file.

Delegate Silva, for the Committee on Printing, presented a report on the printing of Standing Committee Report No. 39 and Committee Proposal No. 8, relating to Suffrage and Elections (see Sec. B, Standing Com. Rpt. No. 40). The report was received and placed on file, the oral report of the committee having been accepted on June 3rd and Standing Committee Report No. 39 and Committee Proposal No. 8 were at that time placed on the calendar for consideration on Thursday, June 8th.

Delegate Akau, for the Committee on Suffrage and Elections, thereupon requested that the time for the consideration of Standing Committee Report No. 39 and the consideration, on second reading, of Committee Proposal No. 8, entitled: "A Proposal Relating to Suffrage and Elections," placed on the calendar for Thursday, June 8th, be extended to Friday, June 9th. There being no objection, the Chair granted the request.

Delegate White, for the Committee on Taxation and Finance, presented a report, stating that the committee had voted to exclude homes from the classes of real property to be exempted from taxes by the legislature, on the understanding that an ordinance to the effect that homes may, nevertheless, continue to be exempt from real property taxes up to and including December 31, 1959, will be presented for adoption with the state constitution; and recommending that the Committee on Ordinances and Continuity of Law be instructed to prepare such an ordinance and submit it to the Convention for adoption (see Sec. B, Standing Com. Rpt. No. 41). Delegate Harold W. Rice moved that the report lay on the table for consideration at a later date. Seconded by Delegate Phillips, and carried.

Delegate White, for the Committee on Taxation and Finance, presented a report on Miscellaneous Communication No. 82, being a communication from James R. McDonough, secretary pro tem of the Joint Tax Study Committee, commenting on uniformity of taxes and debt limitations, and recommending that copies of this report be sent to Mr. McDonough and the Joint Tax Study Commission (see Sec. B, Standing Com. Rpt. No. 42). Delegate White moved that the report of the committee be adopted and that Miscellaneous Communication No. 82 be placed on file, which was seconded by Delegate Crossley, and carried, the Secretary to comply with the request contained in the report.

Delegate White, for the Committee on Taxation and Finance, presented a report on Departmental Communication No. 5, from the Treasurer of the Territory, stating that the firm of Wood, King & Dawson of New York had offered their assistance to the Convention in drafting the constitutional provisions with respect to territorial and local borrowing, and stating that this firm had been consulted and had rendered much helpful advice, and recommending that Departmental Communication No. 5 be placed on file (see Sec. B, Standing Com. Rpt. No. 43). Upon motion by Delegate White, seconded by Delegate Lai, and carried, the report of the committee was adopted; and Departmental Communication No. 5 was thereupon placed on file.

Delegate White, for the Committee on Taxation and Finance, presented a report on various proposals referred to it, and returning Proposals Nos. 7, 13, 73, 74, 75, 76, 77, 78, 79, 80, 81, Article VI of Proposal 88, Proposals 129, 140 and 141 and Committee Proposal No. 2, with the recommendation that they be placed on file (see Sec. B, Standing Com. Rpt. No. 44). Delegate White moved that the report be printed and circulated to the delegates and that action thereon be deferred for consideration with the final report of the Committee on Taxation and Finance. The motion was seconded by Delegate Porteus, and carried.

Delegate Kauhane, for the Committee on Local Government, reported orally, requesting an extension of time, to June 9th, in which to file its report. There being no objection, the Chair granted the extension requested.

Consideration, on General Orders, of Standing Committee Report No. 24 from the Bill of Rights Committee and Committee Proposal No. 4, relating to "Bill of Rights," deferred from June 2nd: Delegate Mizuha moved that the said standing committee report and committee proposal be referred to the Committee of the Whole to be considered in connection with Standing Committee Report No. 20 and Committee Proposal No. 3 on the same subject matter. Seconded by Delegate Porteus, and carried.

At this time, Delegate Mizuha moved that the Convention resolve itself into a Committee of the Whole, with Delegate Silva as chairman, for the consideration of Standing Committee Report No. 20 and Committee Proposal No. 3, and Standing Committee Report No. 24 and Committee Proposal No. 4, all relating to Bill of Rights. Seconded by Delegate Loper, and carried; and at 9:01 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Silva as chairman.

At 11:55 o'clock a.m., the Committee rose, and the Convention reconvened.

Delegate Lee, who had been temporarily excused, was in attendance at this time; and Delegate Shimamura was excused for the balance of today's session.

Delegate Silva, for the Committee of the Whole, to which Standing Committee Reports Nos. 20 and 24 and Committee Proposals Nos. 3 and 4 were referred, relating to Bill of Rights, orally reported progress and asked leave to sit again tomorrow morning at 9:00 o'clock. Upon motion by Delegate Silva, seconded by Delegate Charles A. Rice, the oral report of the committee was adopted.

At this time, Delegate Ashford moved that when the Convention adjourns on Friday, June 9th, that it adjourn until Tuesday, June 13th, Monday being a legal holiday (Kamehameha Day, June 11th, falling on Sunday and being celebrated on Monday, June 12th), which would give the outside island members an opportunity for a long weekend at their respective homes. The motion was seconded by Delegate Smith. The motion was thereupon put by the Chair, and lost.

At this juncture, Delegate Okino, for the Committee on Executive Powers and Functions, reported orally, requesting an extension of time, to Friday, June 9th, in which to file the report of that committee. There being no objection, the Chair granted the requested extension.

At 11:59 o'clock a.m., upon motion by Delegate Holroyde, seconded by Delegate Noda, and carried,

the Convention adjourned until 8:30 o'clock a.m., on Tuesday, June 6, 1950.

**FORTY-SIXTH DAY • Tuesday, June 6, 1950**

The Convention convened at 8:41 o'clock a.m., with the President presiding.

Chaplain Judd invoked the divine blessing, after which the roll was called showing all delegates present, with the exception of Delegates Kometani and Nielsen, excused; and Delegates Kawahara, Lee and Phillips temporarily excused.

The Chair announced that he had not yet had an opportunity to read the journal of the forty-fifth day and, therefore, would make an announcement of its approval tomorrow.

The Chair at this time recognized Delegate White, who moved that Standing Committee Report No. 41, relating to the exclusion of homes from the classes of real property which may be exempted from taxes by the legislature and its recommendation that the Committee on Ordinances and Continuity of Law be instructed to prepare an Ordinance to the effect that homes may continue to be exempt from real property taxes up to and including December 31, 1959, which yesterday had been laid on the table for consideration at a later date, be referred to the Committee of the Whole, to sit this afternoon at 1:30 o'clock. The motion was seconded by Delegate Tavares, and carried.

A Communication from Edward Hong, on behalf of the ILWU, enclosing copy of a draft constitution approved by the delegates to the convention of the four ILWU locals, held in Honolulu on June 2nd to 4th, with copies thereof for each delegate, in line with their petition of May 19, 1950, and urging that the Convention give serious consideration to the draft, was read by the Clerk (see Sec. B, Misc. Com. No. 97). The communication and draft constitution were received and placed on file, inasmuch as the deadline for submitting proposals had already been reached, and copies of the draft having been placed in the hands of the delegates for their information and whatever use they might care to make of it.

Delegate Wist, for the Committee on Style, presented a report, recommending the amendment of Committee Proposal No. 1, relating to health and general welfare, and recommending approval of said committee proposal in the amended form attached (see Sec. B, Standing Com. Rpt. No. 45). The report was received and referred to the Committee on Printing for printing, and action thereon deferred until a later date.

At this time, Delegate Fukushima, for the Committee on Revision, Amendments, Initiative, Referendum and Recall, reported orally, requesting an extension of time, until Thursday, June 8th, in

which to file the report of that committee. There being no objection, the Chair granted the request.

Delegate Heen, for the Committee on Legislative Powers and Functions, reported orally, requesting an extension of time, until Tuesday, June 13th, in which to file the report of that committee. There being no objection, the Chair granted the request.

Delegate Richards, for the Committee on Agriculture, Conservation and Land, reported orally, requesting an extension of time, until Wednesday, June 14th, in which to file the report of that committee. There being no objection, the Chair granted the request.

Delegate Loper, for the Committee on Education, reported orally, requesting an extension of time, until Friday, June 9th, in which to file the report of that committee. There being no objection, the Chair granted the request.

Delegate Shimamura, for the Committee on Ordinances and Continuity of Law, reported orally, requesting an extension of time, until Friday, June 9th, in which to file the report of that committee. There being no objection, the Chair granted the request.

At this juncture, Delegate Silva moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Reports Nos. 20 and 24 and Committee Proposals Nos. 3 and 4, all relating to the Bill of Rights. Seconded by Delegate James K. Trask, and carried; and at 8:53 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Silva as chairman.

At 10:01 o'clock a.m., the committee rose and the Convention reconvened.

At the time of reconvening, Delegates Kawahara, Lee and Phillips, who had been temporarily excused, were in attendance.

Delegate Silva, for the Committee of the Whole, to which Standing Committee Reports Nos. 20 and 24 and Committee Proposals Nos. 3 and 4, all relating to the Bill of Rights, had been referred, orally reported progress and asked leave to sit again. Upon motion by Delegate Silva, seconded by Delegate Mizuha, the oral report of the committee was adopted.

At this time, Delegate Crossley, for the Committee on Submission and Information, announced the radio schedules and speakers for this week, as follows:

Wednesday, June 7th, over KGMB, from 6:00 to 6:15 p.m., Delegate Larsen, Speaker;

Friday, June 9th, over KGMB, from 6:00 to 6:15 p.m., Delegate Larsen, Speaker;

Saturday, June 10th, over KGMB, from 6:00 to 6:15 p.m., Delegate Okino, Speaker;

Saturday, June 10th, over KGU, from 6:30 to 6:45 p.m., Delegate Phillips, Speaker—a "live" broadcast;

Sunday, June 11th, over KULA, from 5:15 to 5:30 p.m., Delegate Wirtz, Speaker.

A communication from the Windward Oahu Community Association, Inc., urging the incorporation of the Hawaiian Homes Commission Act into the constitution for the State of Hawaii, and asking whatever assistance possible in the opening of other government-owned lands to the young people and others interested in developing agricultural enterprises in the Territory, was read by the Clerk (see Sec. B, Misc. Com. No. 98). The communication was received and referred to the Committee on Hawaiian Homes Commission Act.

A communication from the Windward Oahu Community Association, Inc. petitioning the Convention to provide in the constitution that, as a compact with the United States relating to the management and disposition of the Hawaiian Home lands, the Hawaiian Homes Act, 1920, as amended, be made a part of the state constitution, subject to amendment or repeal only with the consent of the Congress of the United States, was read by the Clerk (see Sec. B, Misc. Com. No. 99). The communication was received and referred to the Committee on Hawaiian Homes Commission Act.

At 10:07 o'clock a.m., upon motion by Delegate Crossley, seconded by Delegate Sakakihara, and carried, the Convention stood in recess until 1:30 o'clock this afternoon.

#### AFTERNOON SESSION

The Convention reconvened at 1:36 o'clock p.m., with the President in the Chair and all delegates being present with the exception of Delegates Fong, Gilliland, Kometani, Lee, Mau, Nielsen and Okino, excused.

At this time, Delegate White moved that the Convention resolve itself into a Committee of the Whole for the consideration of Standing Committee Report No. 41 from the Committee on Taxation and Finance. Seconded by Delegate Porteus, and carried.

The Chair thereupon appointed Delegate Doi as chairman of the said Committee of the Whole; and at 1:39 o'clock p.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Doi in the Chair.

At 3:09 o'clock p.m., the Committee rose and the Convention reconvened.

Delegate Doi, for the Committee of the Whole to which was referred Standing Committee Report No. 41 relating to the exclusion of homes from the classes of real property which may be exempted from taxes by the legislature and its recommendation that the Committee on Ordinances and Continuity of Law be instructed to prepare an ordinance to the effect that homes may continue to be exempt from real property taxes up to and including December 31, 1959, reported orally, recommending the tabling of Standing Committee Report No. 41, and asking leave to file a written report later.

Upon motion by Delegate Doi, seconded by Delegate Sakakihara, and carried, the oral report of the Committee was adopted; and Standing Committee Report No. 41 was thereby tabled, a written report to be filed later.

Delegate White, chairman of the Committee on Taxation and Finance, expressed his appreciation to the Convention for the action taken on the report, which would expedite the work of that committee in completing its final report.

At 3:12 o'clock p.m., upon motion by Delegate Heen, seconded by Delegate Noda, and carried, the Convention adjourned until 8:30 o'clock a.m., on Wednesday, June 7, 1950.

**FORTY-SEVENTH DAY • Wednesday, June 7, 1950**

The Convention convened at 8:45 o'clock a.m., with President King in the Chair.

After prayer by the Chaplain, the roll was called showing all delegates present with the exception of Delegates Gilliland, Kometani, Okino and Serizawa, excused.

The Chair announced that the journal of the forty-fifth day had been approved, but that as he had not yet had an opportunity to read the journal of the forty-sixth day, he would report on its approval tomorrow.

Delegate Silva, for the Committee on Printing, presented a report, reporting on the printing of Standing Committee Report No. 45 from the Committee on Style (see Sec. B, Standing Com. Rpt. No. 46). The report was received and placed on file.

Consideration of Standing Committee Report No. 45, from the Committee on Style, recommending the amendment of Committee Proposal No. 1, relating to health and general welfare, and recommending approval of said committee proposal in the amended form attached: The Chair announced that the report and the Committee Proposal No. 1, in the amended form, would lie on the table for disposition at a later date.

Consideration, on General Orders, of Standing Committee Report No. 33, from the Hawaiian Homes Commission Act Committee, reporting on various proposals, resolutions and petitions referred to it, and submitting Committee Proposal No. 6 for introduction: Upon motion by Delegate Hayes, seconded by Delegate Silva, the report was referred to the Committee of the Whole for consideration.

Consideration, on second reading, of Committee Proposal No. 6 entitled: "A Proposal Relating to Hawaiian Homes Commission Act": Upon motion by Delegate Hayes, seconded by Delegate Silva, and

carried, the committee proposal was referred to the Committee of the Whole for consideration.

At this time, Delegate James K. Trask moved that the Convention resolve itself into a Committee of the Whole for the consideration of Standing Committee Report No. 33 and Committee Proposal No. 6, relating to the Hawaiian Homes Commission Act. Seconded by Delegate Sakakihara, and carried.

The Chair thereupon appointed Delegate Loper as chairman of the said Committee of the Whole; and at 8:52 o'clock a.m., the Convention resolved itself into a Committee of the Whole for this purpose, with Delegate Loper in the Chair.

At 11:30 o'clock a.m., the Committee rose and the Convention reconvened.

Delegate Loper, for the Committee of the Whole, having under consideration Standing Committee Report No. 33 from the Committee on Hawaiian Homes Commission Act, and Committee Proposal No. 6, "Relating to the Hawaiian Homes Commission Act," orally reported progress and asked leave to sit again thereon. Upon motion by Delegate Silva, seconded by Delegate Porteus, and carried, the oral report of the Committee was adopted.

At 11:32 o'clock a.m., upon motion by Delegate Crossley, seconded by Delegate Woolaway, and carried, the Convention adjourned until 8:30 o'clock a.m., on Thursday, June 8, 1950.

**FORTY-EIGHTH DAY • Thursday, June 8, 1950**

The Convention convened at 8:41 o'clock a.m., with President King presiding.

The Chaplain invoked the divine blessing, after which the roll was called, showing all delegates present, with the exception of Delegate Phillips, excused.

The Chair announced that the journal of the forty-sixth day had been approved, but that he had not had an opportunity to read the journal of the forty-seventh day and therefore he would report on that tomorrow.

A communication from Arthur K. Trask, chairman of the Platform Committee of the Democratic Party and a member of the Committee on the Hawaiian Homes Commission Act, bringing to the attention of the Convention that the Democratic Party of Hawaii had always supported the Hawaiian Homes Commission Act, and more pertinently, its inclusion in the constitution of the State of Hawaii, and asking that this communication be properly filed to indicate this fact, was read by the Clerk (see Sec. B, Misc. Com. No. 100). The communication was received and placed on file; and, at the request of Delegate Arthur K. Trask, was referred to the Secretary for its proper inclusion in the proceedings of this Convention.

The Chair at this time recognized Delegate Wist, who moved that the report of the Committee on Style



(Standing Com. Rep. No. 45), recommending the amendment of Committee Proposal No. 1, relating to health and general welfare, and recommending the approval of said committee proposal in an amended form attached thereto, which was laid on the table on June 6th for disposition at a later date, be considered at this time. The motion was seconded by Delegate Roberts, and carried.

Consideration of Standing Committee Report No. 45 and amended form of Committee Proposal No. 1, "Relating to Health and General Welfare": Delegate Wist thereupon moved for the adoption of the committee report. Seconded by Delegate Roberts, and carried, unanimously; and as provided by the rules of the Convention, amended Committee Proposal No. 1 relating to health and general welfare, was ordered printed and to third reading. Notice was given that said proposal would be placed on the calendar, on General Orders, for consideration on third reading on Tuesday, June 13th.

At this time, Delegate Hayes moved that the Convention resolve itself into a Committee of the Whole for the consideration of Standing Committee Report No. 33 from the Committee on the Hawaiian Homes Commission Act and Committee Proposal No. 6, as amended. The motion was seconded by Delegate Arthur K. Trask, and carried; and at 8:54 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Loper as chairman.

At 9:07 o'clock a.m., the committee rose and the Convention reconvened.

Delegate Loper, for the Committee of the Whole, to which had been referred Standing Committee Report No. 33 and Committee Proposal No. 6, from the Committee on Hawaiian Homes Commission Act, presented a report, recommending that Standing Committee Report No. 33 be placed on file, and that its recommendations be adopted, with the exception of the recommendation as to Proposal No. 6; and that Committee Proposal No. 6 be amended by the deletion of the last sentence of the first section thereof; and that as so amended that Committee Proposal No. 6 pass second reading (see Sec. B, Com. of Whole Rpt. No. 3). Upon motion by Delegate Loper, seconded by Delegate Apoliona, and carried, the report of the committee was adopted; and Committee Proposal No. 6, as amended, passed second reading. The President thereupon, in accordance with the rules of the Convention, referred Committee Proposal No. 6 as amended, to the Committee on Style for consideration as to phraseology only and report within five convention days.

Delegate Doi, for the Committee of the Whole, to which had been referred Standing Committee Report No. 41 from the Committee on Taxation and Finance, relating to the exclusion of home exemptions from the classes of property to be exempted from taxa-

tion by the legislature, presented a report, recommending that the report be tabled (see Sec. B, Com. of Whole Rpt. No. 4). The report was received and placed on file, the oral report of the committee having been adopted on June 6th.

Delegate Fukushima, for the majority of the Committee on Revision, Amendments, Initiative, Referendum and Recall, presented a report, reporting on proposals referred to it, and recommending against the inclusions in the constitution of the statutory initiative, the statutory referendum and the recall; and further recommending that Proposals Nos. 113 and 148 on this subject matter be placed on file, and returning them for such purpose (see Sec. B, Standing Com. Rpt. No. 47). The report was received and referred to the Printing Committee for printing.

Delegate Fukushima, for the Committee on Revision, Amendments, Initiative, Referendum and Recall, presented a report on proposals referred to it, submitting for introduction a committee proposal "Relating to Revision and Amendments," and returning Proposals Nos. 34, Article X of Proposal No. 88, Proposals Nos. 104, 119 and 170, with the recommendation that they be placed on file for the reasons set forth in the report (see Sec. B, Standing Com. Rpt. No. 48). The report was received and referred to the Committee on Printing for printing.

Delegate Fukushima, for the Committee on Revision, Amendments, Initiative, Referendum and Recall, introduced Committee Proposal No. 9, "Relating to Revision and Amendments." The proposal passed first reading by title and was referred to the Printing Committee for printing.

Consideration of Standing Committee Report No. 37, from the Committee on Judiciary, reporting a complete judiciary article and submitting for introduction a committee proposal "for the establishment of the judiciary": Upon motion by Delegate Anthony, seconded by Delegate Hayes, the report was referred to the Committee of the Whole.

Second reading of Committee Proposal No. 7, "Establishment of the Judiciary": Upon motion by Delegate Anthony, seconded by Delegate Hayes, the committee proposal was referred to the Committee of the Whole.

At this time, Delegate Anthony moved that the Convention resolve itself into a Committee of the Whole for the consideration of Standing Committee Report No. 37 from the Committee on Judiciary and Committee Proposal No. 7, "Establishment of the Judiciary." Seconded by Delegate Hayes, and carried.

The Chair thereupon appointed Delegate Crossley as chairman of the said Committee of the Whole, and at 9:14 o'clock a.m., the Convention resolved itself into a Committee of the Whole for the above purpose.

At 11:54 o'clock a.m., the Committee rose, and the Convention reconvened.

Delegate Crossley, for the Committee of the Whole, having under consideration Standing Committee Report No. 37 from the Committee on Judiciary and Committee Proposal No. 7, orally reported progress and asked leave to sit again at 1:30 this afternoon. Upon motion by Delegate Silva, seconded by Delegate Crossley, the oral report of the committee was adopted.

Upon motion of Delegate Fukushima, seconded by Delegate Anthony, the Convention stood in recess at 12:01 o'clock p.m., until 1:30 o'clock this afternoon.

*AFTERNOON SESSION*

The Convention reconvened at 1:52 o'clock p.m., with Vice-President Charles A. Rice in the Chair, and all members being present with the exception of Delegate Phillips, excused.

At this time, Delegate Porteus moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Report No. 37 from the Committee on Judiciary and Committee Proposal No. 7, "Establishment of the Judiciary." Seconded by Delegate Mizuha, and carried; and at 1:53 o'clock p.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Crossley as chairman.

At 4:08 o'clock p.m., the committee rose and the Convention reconvened.

Delegate Crossley, for the Committee of the Whole, having under consideration Standing Committee Report No. 37 and Committee Proposal No. 7, orally reported progress and asked leave to sit again tomorrow morning at 9:30 o'clock. Upon motion by James K. Trask, seconded by Delegate Crossley, the oral report of the committee was adopted.

Delegate Nielsen, for the minority of the Committee on Revision, Amendments, Initiative, Referendum and Recall, presented a report recommending that the committee proposal submitted by the majority of the said committee with its final report, be amended to include the amended form of proposal attached to and made a part of the report (see Sec. B, Standing Com. Rpt. No. 49). The report was received and referred to the Printing Committee to be printed.

At 4:12 o'clock p.m., upon motion by Delegate Woolaway, seconded by Delegate Dowson, and carried, the Convention adjourned until 8:30 o'clock a.m., on Friday, June 9, 1950.

**FORTY-NINTH DAY • Friday, June 9, 1950**

The Convention convened at 8:30 o'clock a.m., with the President in the Chair.

After prayer by Chaplain Judd, the roll was called, showing all delegates present, with the exception of Delegates Kanemaru and Sakai, excused.

The Chair announced that the journal of the forty-seventh day had been approved, but that as he had not had an opportunity to read the journal of the forty-eighth day, he would report on that tomorrow.

Delegate Silva, for the Committee on Printing, presented a report on the printing of Standing Committee Report No. 47 from the majority of the Committee on Revision, Amendments, Initiative, Referendum and Recall, and Standing Committee Report No. 48 from the Committee on Revision, Amendments, Initiative, Referendum and Recall, and Standing Committee Report No. 49 from the minority of the Committee on Revision, Amendments, Initiative, Referendum and Recall (see Sec. B, Standing Com. Rpt. No. 50). The report was received and placed on file.

Consideration of Standing Committee Report No. 47, from the majority of the Committee on Revision, Amendments, Initiative, Referendum and Recall, reporting on proposals referred to it, and recommending against the inclusion in the constitution of the statutory initiative, the statutory referendum and recall; and further recommending that Proposals Nos. 113 and 148 on this subject matter be placed on file, and returning them for such purpose: The President announced that Standing Committee Report No. 47 would be placed on the General Orders of the Day for consideration on Thursday, June 15th.

Consideration of Standing Committee Report No. 48, from the Committee on Revision, Amendments, Initiative, referendum and Recall, reporting on proposals referred to it, submitting for introduction a committee proposal, relating to revision and amendments, and returning Proposal No. 34, Article X of Proposal No. 88, Proposals Nos. 104, 119 and 170 with the recommendation that they be placed on file: The President announced that the report would be placed on the General Orders of the Day for consideration on Thursday, June 15th.

Consideration of Committee Proposal No. 9, "Relating to Revision and Amendments:" The President announced that the proposal would be placed on the General Orders of the Day for second reading on Thursday, June 15th.

Consideration of Standing Committee Report No. 49, from the minority of the Committee on Revision, Amendments, Initiative, Referendum and Recall, recommending that the committee proposal submitted by the majority of the said committee with its final report, be amended to include the amended form of the proposal attached to and made a part of this report: The President announced that the report would be placed on the General Orders of the Day for consideration on Thursday, June 15th.

Delegate White, for the Committee on Taxation and Finance, presented a report, making recommendations with respect to (1) a financial organization for the State of Hawaii and (2) submitting for introduction a committee proposal relating to public finance and taxation (see Sec. B, Standing Com. Rpt. No. 51). The report was received and referred to the Committee on Printing for printing.

Delegate White, for the Committee on Taxation and Finance, introduced Committee Proposal No. 10, "Relating to Public Finance and Taxation." The proposal passed first reading by title and was referred to the Committee on Printing for printing.

Delegate Loper, for the Committee on Education, presented a report, reporting on the disposition of various proposals referred to it, and submitting for introduction a committee proposal relating to education (see Sec. B, Standing Com. Rpt. No. 52). The report was received and referred to the Committee on Printing for printing.

Delegate Loper, for the Committee on Education, introduced a Committee Proposal No. 11, "Relating to Education." The proposal passed first reading by title and was referred to the Committee on Printing for printing.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, presented a report, reporting on Proposal No. 65 and Resolutions Nos. 15 and 23, all relating to the location of the state capital, returning the said proposal and said resolutions, with the recommendation that they be placed on file, and submitting for introduction a committee proposal relating to the seat of government (see Sec. B, Standing Com. Rpt. No. 53). The report of the committee was received and referred to the Committee on Printing for printing.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, introduced Committee Proposal No. 12, "Relating to Seat of Government." The proposal passed first reading by title and was referred to the Committee on Printing for printing.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, presented a report on Proposals Nos. 55 and 193, relating to the state flag, returning the said proposals with the recommendation that they be placed on file, and submitting for introduction a committee proposal providing for a state flag (see Sec. B, Standing Com. Rpt. No. 54). The report of the committee was received and referred to the Committee on Printing for printing.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, introduced Committee Proposal No. 13, "Providing for a State Flag." The proposal passed first reading by title and was referred to the Committee on Printing for printing.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, presented a report on Proposal No. 56 relating to the State Seal and Resolution No. 29 relating, in part, to the same subject matter, recom-

mending the filing of Proposal No. 56, and submitting for introduction a committee proposal providing for a state seal; and recommending the amendment of Resolution No. 29 and its adoption in the amended form attached to the report (see Sec. B, Standing Com. Rpt. No. 55). The report was received and referred to the Committee on Printing for printing.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, introduced Committee Proposal No. 14, "Providing for a State Seal." The proposal passed first reading by title and was referred to the Committee on Printing for printing.

Consideration of Resolution No. 29, in an amended form, requesting the legislature of Hawaii to enact appropriate legislation for the adoption of certain heraldic symbols: The resolution, as amended was referred to the Committee on Printing for printing.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, presented a report on Proposal No. 125, relating to the boundaries of the State of Hawaii, returnign the same with the recommendation that it be placed on file, and submitting for introduction a committee proposal covering the subject matter thereof (see Sec. B, Standing Com. Rpt. No. 56). The report of the committee was received and referred to the Committee on Printing for printing.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, introduced Committee Proposal No. 15, "Relating to State Boundaries." The proposal passed first reading by title and was referred to the Committee on Printing for printing.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, presented a report on Proposals No. 72 and 123, relating to civil service, returning the said proposals with the recommendation that they be placed on file, and submitting a committee proposal for introduction, relating to civil service (see Sec. B, Standing Com. Rpt. No. 57). The report was received and referred to the Committee on Printing for printing.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, introduced Committee Proposal No. 16, "Relating to Civil Service." The proposal passed first reading by title and was referred to the Committee on Printing for printing.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, presented a report on Proposals Nos. 101 and 130 relating to intergovernmental relations, returning the said proposals with the recommendation that they be placed on file, and submitting for introduction a committee proposal relating to intergovernmental relations (see Sec. B, Standing Com. Rpt. No. 58). The report was received and referred to the Committee on Printing for printing.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, introduced Committee Proposal No. 17, "Relating to Intergovernmental Relations." The

proposal passed first reading by title and was referred to the Committee on Printing for printing.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, presented a report on Resolution No. 31, relating to "Statehood Day," recommending its amendment in the form attached to the report, and as so amended, recommending its adoption (see Sec. B, Standing Com. Rpt. No. 59). The report of the committee was received and referred to the Committee on Printing for printing.

Consideration of Resolution No. 31, requesting the Governor of Hawaii to proclaim a legal holiday to be known as "Statehood Day," in the amended form: The resolution was referred to the Committee on Printing for printing.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, presented a report on Proposal No. 85 relating to the state song for Hawaii, returning the said proposal with the recommendation that it be placed on file, since the subject matter thereof had been covered in the amended form of Resolution No. 29 recommended for adoption by the Committee (see Sec. B, Standing Com. Rpt. No. 60). The report of the committee was received and referred to the Committee on Printing for printing.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, presented a report on Proposal No. 192, "Relating to Weights and Measures," returning the same with the recommendation that it be placed on file, inasmuch as it was felt that this is a legislative matter and should not be included in the constitution (see Sec. B, Standing Com. Rpt. No. 61). The report of the committee was received and referred to the Committee on Printing for printing.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, presented a report on Proposal No. 100, "Relating to Distribution of Powers" of the three branches of government, returning the said proposals with the recommendation that it be placed on file, and submitting for introduction a committee proposal relating to this subject matter (see Sec. B, Standing Com. Rpt. No. 62). The report was received and referred to the Committee on Printing for printing.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, introduced Committee Proposal No. 18, "Relating to Distribution of Powers." The proposal passed first reading by title and was referred to the Committee on Printing for printing.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, presented a report, submitting for introduction a committee proposal relating to "Oath of Office" (see Sec. B, Standing Com. Rpt. No. 63). The report of the committee was received and referred to the Committee on Printing for printing.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, introduced Committee Proposal No. 19, "Relating to Oath of Office." The proposal

passed first reading by title and was referred to the Printing Committee.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, presented a report on Proposals Nos. 11, 39, 61, 88, 132, 166, 171, 172 and 173, all relating to a preamble for the constitution, returning the said proposals for filing, and submitting for introduction a committee proposal "Relating to the Preamble" (see Sec. B, Standing Com. Rpt. No. 64). The report of the committee was received and referred to the Committee on Printing for printing.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, introduced Committee Proposal No. 20, "Relating to the Preamble." The proposal passed first reading by title and was referred to the Committee on Printing for printing.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, presented a report on Committee Proposal No. 28, relating to equal rights of persons of both sexes, recommending the filing of said proposal and submitting for introduction a committee proposal "Relating to Equal Rights" (see Sec. B, Standing Com. Rpt. No. 65). The report of the committee was received and referred to the Committee on Printing for printing.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, introduced Committee Proposal No. 21, "Relating to Equal Rights." The proposal passed first reading by title and was referred to the Committee on Printing for printing.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, presented a report on all measures referred to the committee and setting forth its final disposition of these proposals, resolutions and miscellaneous communications (see Sec. B, Standing Com. Rpt. No. 66). The report was received and referred to the Committee on Printing for printing.

Delegate Okino, for the Committee on Executive Powers and Functions, presented a report on the disposition of Proposals 6, 20, 21, 22, 30, 88, 94, 109, 143, 145, 176; recommending that the portion of Proposal No. 6 not incorporated in the committee proposal submitted for introduction be referred to the Committee on Miscellaneous Matters; recommending that the last paragraph of Proposal No. 22, relating to continuity of incumbents in office until their successors are appointed and qualified, be referred to the Committee on Ordinances and Continuity of Law; recommending that Proposal No. 30 relating to compensation of holders of office be referred to the Committee on Ordinances and Continuity of Law; returning Proposals Nos. 20, 21, 88, 109, 143, 145, 169 and 176 for filing for the reason that they have either been included in the committee proposal submitted or have been rejected; submitting for introduction a committee proposal, "Relating to the Executive;" attaching minority reports designated Standing Committee Report No. 67-A, from Delegates Ohrt, Kage and Loper, recommending the

amendment of Standing Committee Report No. 67 by the insertion of an additional section entitled "Administrative Manager;" Standing Committee Report No. 67-B from Delegate Crossley recommending the establishment of an administrative adjudication board in certain instances in each department or office where "quasi-judicial" functions are found; and further recommending that where there is no adjudication board there shall be an advisory board as provided; Standing Committee Report No. 67-C from Delegate White, dissenting to the report of the committee on sections 3, 4, 6, 8, 9 and 10 and making certain recommendations for amendment to the committee proposal (see Sec. B, Standing Com. Rpt. No. 67). The report was received and referred to the Committee on Printing for printing.

Delegate Okino, for the Committee on Executive Powers and Functions, introduced Committee Proposal No. 22, "Relating to the Executive." The proposal passed first reading by title and was referred to the Committee on Printing for printing.

Delegate Shimamura, for the Committee on Ordinances and Continuity of Law, presented a report on Proposals Nos. 24, 27, 135, 136, 157, 158, 177, 178, 179, 180, 181 and 183 and Committee Proposal No. 5, referred to it; returning these proposals for filing for the reasons that they have been incorporated in the committee proposal submitted for introduction, with the exception of Proposal No. 24 which was rejected, and submitting for introduction a Committee Proposal "Relating to Schedule on Continuity of Laws, Rights, Actions, etc." (see Sec. B, Standing Com. Rpt. No. 68). The report was received and referred to the Committee on Printing for printing.

Delegate Shimamura, for the Committee on Ordinances and Continuity of Law, introduced Committee Proposal No. 23, "Relating to Schedule on Continuity of Laws, Rights, Actions, etc." The proposal passed first reading by title and was referred to the Committee on Printing for printing.

Consideration, on General Orders, of Standing Committee Report No. 39, from the Committee on Suffrage and Elections, reporting on proposals referred to it and submitting for introduction a committee proposal "Relating to Suffrage and Elections": Upon motion by Delegate Kometani, seconded by Delegate Charles A. Rice, and carried, the report was referred to the Committee of the Whole for consideration.

Consideration, on second reading, of Committee Proposal No. 8, entitled: "A Proposal Relating to Suffrage and Elections": Upon motion by Delegate Kometani, seconded by Delegate Charles A. Rice, and carried, the committee proposal was referred to the Committee of the Whole.

At this time, Delegate Kometani moved that the Convention resolve itself into a Committee of the

Whole for the consideration of Standing Committee Report No. 39 from the Committee on Suffrage and Elections and Committee Proposal No. 8, "Relating to Suffrage and Elections." Seconded by Delegate Charles A. Rice, and carried. The Chair thereupon appointed Delegate Dowson as chairman of the Committee of the Whole; and at 8:49 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Dowson as chairman.

At 10:07 o'clock a.m., the committee rose, and the Convention reconvened.

Delegate Dowson, for the Committee of the Whole, having under consideration Standing Committee Report No. 39 and Committee Proposal No. 8, "Relating to Suffrage and Elections," orally reported progress and asked leave to sit again for the further consideration thereof. Upon motion by Delegate James K. Trask, seconded by Delegate Smith, and carried, the oral report of the committee was adopted.

At this time, Delegate Heen moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Report No. 37 from the Committee on Judiciary, and Committee Proposal No. 7, entitled: "For the Establishment of the Judiciary." Seconded by Delegate Holroyde, and carried; and at 10:08 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Crossley as chairman.

At 12:01 o'clock p.m., the committee rose, and the Convention reconvened.

Delegate Crossley, for the Committee of the Whole, orally reported progress and asked leave to sit again this afternoon at 1:30 o'clock for the further consideration of Standing Committee Report No. 37 and Committee Proposal No. 7. Upon motion by Delegate Crossley, seconded by Delegate Dowson, the oral report of the committee was adopted.

At 12:05 o'clock p.m., upon motion by Delegate Crossley, seconded by Delegate Smith, and carried, the Convention stood in recess until 1:30 o'clock this afternoon.

#### AFTERNOON SESSION

The Convention reconvened at 1:41 o'clock p.m., with Vice-President Charles A. Rice in the Chair, in the temporary absence of the President.

At 1:42 o'clock p.m., upon motion by Delegate Anthony, seconded by Delegate Woolaway, and carried, the Convention resolved itself into a Committee of the Whole for the purpose of further considering Standing Committee Report No. 37 from the Committee on Judiciary and Committee Proposal No. 7, "For the Establishment of the Judiciary," with Delegate Crossley as chairman.

At 3:01 o'clock p.m., the committee rose, and the Convention reconvened with President King in the Chair.

Delegate Crossley, for the Committee of the Whole, having under consideration Standing Committee Report No. 37 and Committee Proposal No. 7, orally reported progress and asked leave to sit again on Tuesday morning, June 13th, at 9:00 o'clock. Upon motion by James K. Trask, seconded by Delegate Crossley, and carried, the oral report of the committee was adopted.

The Chair stated at this time that due to the heavy schedule ahead of the Convention the delegates should reserve the evenings of next week for meetings of the Convention if found necessary or desirable.

Delegate Shimamura, for the Committee on Ordinances and Continuity of Law, reported orally that it would be impossible for him to submit the final report of that committee today, and therefore requested an extension of time, until tomorrow, in which to file the report of that committee. There being no objection, the Chair granted the request.

Delegate Kauhane, for the Committee on Local Government, reported orally, requesting an extension of time, until tomorrow, in which to file the report of that committee. There being no objection, the Chair granted the request.

Delegate Mau, for the Committee on Industry and Labor, reported orally, requesting an extension of time, until tomorrow, in which to file the report of that committee. There being no objection, the Chair granted the request.

At 3:10 o'clock p.m., upon motion by Delegate Woolaway, seconded by Delegate Noda, and carried, the Convention adjourned until 8:30 o'clock a.m., on Saturday, June 10, 1950.

#### FIFTIETH DAY • Saturday, June 10, 1950

The Convention convened at 8:37 o'clock a.m., with the President in the Chair.

The divine blessing was invoked by Chaplain Judd, after which the roll was called, showing all delegates present, with the exception of Delegates Arashiro, Ashford, Cockett, Doi, Gilliland, Holroyde, Ihara, Kage, Kanemaru, Kauhane, Kawahara, Kawakami, Kometani, Lee, Mau, Mizuha, Okino, Phillips, Charles A. Rice, Sakai, Sakakihara, Silva, Smith, Woolaway and Yamauchi, excused.

The journal of the forty-eighth day was approved, and the President announced that he would report on the journal of the forty-ninth day on Tuesday, the next meeting day of the Convention.

A communication from the director of the City Planning Commission, informing the Convention that the Commission had voted its approval of the recommendation of the Hawaii Housing Authority with reference to the language which might be considered by the Convention for the constitutional provisions to cover public housing, slum clearance,

community development and redevelopment; and recommending due consideration to a letter from the HHA, dated May 3rd, in that respect, with one exception, was read by the Clerk (see Sec. B, Dept. Com. No. 10). The communication was received, to be acknowledged, and placed on file, the subject matter thereof having already been disposed of by the Convention.

A communication from the executive secretary of the Hawaii Residents' Association, on behalf of the officers and members of "IMUA," expressing thanks and appreciation for the many courtesies extended to its members by the various persons officially connected with the Convention, was read by the Clerk (see Sec. B, Misc. Com. No. 101). The communication was received, to be acknowledged, and placed on file.

Delegate Noda, on behalf of Delegate Silva, for the Committee on Printing, presented a report on the printing of various matters referred to the committee (see Sec. B, Standing Com. Rpt. No. 69). The report was received and placed on file.

Consideration of Standing Committee Report No. 51, from the Committee on Taxation and Finance, and consideration, on second reading, of Committee Proposal No. 10, submitted therein, "Relating to Public Finance and Taxation": The President announced that the report and proposal would be placed on the General Orders for consideration on Friday, June 16th.

Consideration of Standing Committee Report No. 52, from the Committee on Education, reporting on the disposition of various proposals referred to it, and consideration, on second reading, of Committee Proposal No. 11, submitted therein, "Relating to Education": The President announced that the report and proposal would be placed on the General Orders for consideration on Friday, June 16th.

Consideration of Standing Committee Report No. 53, from the Committee on Miscellaneous Matters, reporting on Proposal No. 65 and Resolutions Nos. 15 and 23, all relating to the location of the state capital, recommending that they be placed on file, and consideration, on second reading, of Committee Proposal No. 12, submitted therein, "Relating to Seat of Government": The President announced that the report and proposal would be placed on the General Orders for consideration on Friday, June 16th.

Consideration of Standing Committee Report No. 54, from the Committee on Miscellaneous Matters, reporting on Proposals Nos. 55 and 193, relating to the state flag, recommending the filing thereof, and consideration, on second reading, of Committee Proposal No. 13, submitted therein, "Providing for a

**State Flag**": The President announced that the report and proposal would be placed on the General Orders for consideration on Friday, June 16th.

Consideration of Standing Committee Report No. 55, from the Committee on Miscellaneous Matters, reporting on Proposal No. 56, recommending the amendment of Resolution No. 29 and its adoption in the amended form attached to the report, and consideration, on second reading, of Committee Proposal No. 14, submitted therein, "Providing for a State Seal," and of Resolution No. 29 in an amended form, requesting the legislature of Hawaii to enact appropriate legislation for the adoption of certain heraldic symbols: The President announced that the report, resolution and proposal No. 14 would be placed on the General Orders for consideration on Friday, June 16th.

Consideration of Standing Committee Report No. 56 from the Committee on Miscellaneous Matters, reporting on Proposal No. 125, "Relating to the Boundaries of the State of Hawaii," recommending that it be placed on file, and consideration, on second reading, of Committee Proposal No. 15, submitted therein, "Relating to State Boundaries": The President announced that the report and proposal would be placed on the General Orders for consideration on Friday, June 16th.

Consideration of Standing Committee Report No. 57, from the Committee on Miscellaneous Matters, reporting on Proposals Nos. 72 and 123, relating to civil service, recommending that said proposals be placed on file, and consideration, on second reading, of Committee Proposal No. 16, submitted therein, "Relating to Civil Service": The President announced that the report and proposal would be placed on the General Orders for consideration on Friday, June 16th.

Consideration of Standing Committee Report No. 58 from the Committee on Miscellaneous Matters, reporting on Proposals Nos. 101 and 130, relating to intergovernmental relations, recommending that the said proposals be placed on file, and consideration, on second reading, of Committee Proposal No. 17, submitted therein, "Relating to Intergovernmental Relations": The President announced that the report and proposal would be placed on the General Orders for consideration on Friday, June 16th.

Consideration of Standing Committee Report No. 59 from the Committee on Miscellaneous Matters, reporting on Resolution No. 31, relating to "Statehood Day," recommending its amendment in the form attached to the report, and consideration of Resolution No. 31, in an amended form, requesting the Governor of Hawaii to proclaim a legal holiday

to be known as "Statehood Day": Upon motion by Delegate Porteus, seconded by Delegate Kam, and carried, action on the report and the amended form of the resolution was deferred until Tuesday, June 13th.

Consideration of Standing Committee Report No. 60 from the Committee on Miscellaneous Matters, reporting on Proposal No. 85, "Relating to the State Song for Hawaii," recommending that it be placed on file, the subject matter thereof having been covered in the amended form of Resolution No. 29 recommended for adoption by the committee: Upon motion by Delegate Crossley, seconded by Delegate Dowson, and carried, action on the report was deferred until Tuesday, June 13th.

Consideration of Standing Committee Report No. 61 from the Committee on Miscellaneous Matters, reporting on Proposal No. 192, "Relating to Weights and Measures," recommending that it be placed on file for the reason that it was felt that this was a legislative matter and should not be included in the Constitution: Upon motion by Delegate Dowson, seconded by Delegate Noda, and carried, action on the report was deferred until Tuesday, June 13th.

Consideration of Standing Committee Report No. 62, from the Committee on Miscellaneous Matters, reporting on Proposal No. 100, "Relating to Distribution of Powers," recommending that it be placed on file, and consideration, on second reading, of Committee Proposal No. 18, submitted therein, "Relating to Distribution of Powers": The President announced that the report and proposal would be placed on the General Orders for consideration on Friday, June 16th.

Consideration of Standing Committee Report No. 63, from the Committee on Miscellaneous Matters, and consideration of Committee Proposal No. 19, submitted therein, "Relating to Oath of Office": The President announced that the report and proposal would be placed on the General Orders for consideration on Friday, June 16th.

Consideration of Standing Committee Report No. 64, reporting on Proposals Nos. 11, 39, 61, 88, 132, 166, 171, 172, and 173, all relating to a preamble for the Constitution, recommending the filing thereof, and consideration, on second reading, of Committee Proposal No. 20, submitted therein, "Relating to the Preamble": The President announced that the report and proposal would be placed on the General Orders for consideration on Friday, June 16th.

Consideration of Standing Committee Report No. 65, from the Committee on Miscellaneous Matters, reporting on Proposal No. 21, relating to equal rights



of persons of both sexes, recommending the filing thereof, and consideration, on second reading, of Committee Proposal No. 21, submitted therein, "Relating to Equal Rights": The President announced that the report and proposal would be placed on the General Orders for consideration on Friday, June 16th.

Consideration of Standing Committee Report No. 66, from the Committee on Miscellaneous Matters, reporting on measures referred to the committee and setting forth its final disposition of these proposals, resolutions and miscellaneous communications: The President announced that the report would be placed on the General Orders for consideration on Friday, June 16th.

Consideration of Standing Committee Report No. 67, from the Committee on Executive Powers and Functions, reporting on the disposition of Proposals Nos. 6, 20, 21, 22, 30, 88, 94, 109, 143, 145 and 176; recommending that the portion of Proposal No. 6 not incorporated in the committee proposal submitted for introduction be referred to the Committee on Miscellaneous Matters; recommending that the last paragraph of Proposal No. 22, relating to continuity of incumbents in office until their successors are appointed and qualified, be referred to the Committee on Ordinances and Continuity of Law; recommending that Proposal No. 30 relating to compensation of holders of office be referred to the Committee on Ordinances and Continuity of Law; returning Proposals Nos. 20, 21, 88, 109, 143, 145, 169 and 176 for filing; submitting for introduction a proposal, "Relating to the Executive;" attaching minority reports designated Standing Committee Report No. 67-A from Delegates Ohrt, Kage and Loper, which recommended the amendment of Standing Committee Report No. 67 in certain respects, Standing Committee Report No. 67-B from Delegate Crossley recommending the establishment of an administrative adjudication board in certain instances in each department or office where "quasi-judicial" functions are found, and further recommending that where there is no adjudication board there be an advisory board as provided; Standing Committee Report No. 67-C from Delegate White, dissenting to the report of the Committee on Sections 3, 4, 6, 8, 9 and 10 and making certain recommendations for amendment to the Committee Proposal; consideration, on second reading, of Committee Proposal No. 22, entitled: "A Proposal Relating to the Executive": The President announced that Standing Committee Report No. 67 and Committee Proposal No. 22 would be placed on the General Orders for consideration on Friday, June 16th.

Consideration of Standing Committee Report No. 68, from the Committee on Ordinances and Continuity

of Law, reporting on Proposals No. 24, 27, 135, 136, 157, 158, 177, 178, 179, 180, 181 and 183 and Committee Proposal No. 5; recommending the filing thereof, and consideration, on second reading, of Committee Proposal No. 23, submitted therein, "Relating to Schedule on Continuity of Laws, Rights, Actions, etc.": The President announced that the report and proposal would be placed on the General Orders for consideration on Friday, June 16th.

Delegate Apoliona, for the Committee on Local Government, reported orally, in the absence of Chairman Kauhane, requesting an extension of time, until Tuesday, June 13th, in which to file the report of that committee. There being no objection, the Chair granted the request.

Delegate Shimamura, for the Committee on Ordinances and Continuity of Law, reported orally, requesting an extension of time, until Tuesday, June 13th, in which to file the report of that committee. There being no objection, the Chair granted the request.

Delegate Mau, for the Committee on Industry and Labor, reported orally, requesting an extension of time, until Wednesday, June 14th, in which to file the report of that committee. There being no objection, the Chair granted the request.

Delegate Heen, for the Committee on Legislative Powers and Functions, reported orally, requesting an extension of time, until Friday, June 16th, in which to file the report of that committee. There being no objection, the request was granted.

At this time, the President stated that no further extensions of time in which to file reports should be granted after Friday, June 16th.

Secretary Porteus announced that the chairman of the Committee on Legislative Powers and Functions had requested that no meetings of the Committee of the Whole be held on Tuesday and Wednesday evenings next week; and in order to expedite the work of that committee, the President had agreed to this request; and accordingly, no meetings had been scheduled by the Secretary on those two evenings.

At 8:55 o'clock a.m., upon motion by Delegate Dowson, seconded by Delegate Crossley, the Convention adjourned until 8:30 o'clock a.m., on Tuesday, June 13, 1950.

#### FIFTY-FIRST DAY • Tuesday, June 13, 1950

The Convention convened at 8:38 o'clock a.m., with President King in the Chair.

The divine blessing was invoked by Rev. Earl Kernahan, Pastor of the Methodist Church, Honolulu, in the absence of Chaplain Judd who will be out of the city for the balance of this week, during which time guest ministers will officiate in his place.

The roll was called, showing all delegates present, with the exception of Delegate Sakai, excused,



and Delegates Kido, Phillips, Smith and Woolaway temporarily excused. The journal of the forty-ninth and fiftieth days was approved.

Delegate Nielsen offered a resolution providing that the Convention go on record recommending to the Department of Public Lands, the Hawaiian Homes Commission, the Governor and other officers of the Territory that plans be expeditiously promulgated to provide for the emergency caused in the Island of Hawaii affecting the people in the District of South Kona due to the recent eruption of Mauna Loa, and that necessary lands be made available, by transfer, purchase or otherwise, of equivalent value and usage as those destroyed by the said eruption; that every effort permissible under the territorial statutes be made to secure to these victims such aid and comfort as is possible; and that the Governor be urged to appropriate the sum of \$100,000 from his contingent fund to provide for the rehabilitation of the said victims, which was read by the Clerk (see Sec. B, Res. No. 42). Delegate Nielsen moved for the adoption of the resolution. Seconded by Delegate Luiz.

Delegate Anthony moved that the resolution be referred to the Committee on Rules and Order of Business. Seconded by Delegate Harold W. Rice, and carried; and the resolution was so thereupon referred.

At this time, Delegate Smith moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Report No. 39 from the Committee on Suffrage and Elections and Committee Proposal No. 8, entitled: "A Proposal Relating to Suffrage and Elections." Seconded by Harold W. Rice, and carried; and at 8:51 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Dowson as chairman.

At 9:32 o'clock a.m., the committee rose and the Convention reconvened.

Delegate Dowson, for the Committee of the Whole, orally reported progress and asked leave to sit again on Standing Committee Report No. 39 and Committee Proposal No. 8. Upon motion by Delegate James K. Trask, seconded by Delegate Dowson, the oral report of the committee was adopted.

Third reading of Committee Proposal No. 1 relating to health and general welfare, as amended, and designated "Article X": Delegate Wist moved for the adoption, on third reading, of Committee Proposal No. 1 relating to health and general welfare, as amended, and designated "Article X." The motion was seconded by Delegate Yamamoto, and carried, on the following showing of ayes and noes: Ayes, 60. Noes, 1 (Ashford). Excused and not voting, 2 (Kido and Sakai).

The President announced that Proposal No. 1 as amended, having passed third reading, would be referred back to the Committee on Style for arrange-

ment of sections and article or articles and for form for report to the Convention.

At this time, Delegate Anthony moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Report No. 37 from the Committee on Judiciary and Committee Proposal No. 7, entitled: "A Proposal for the Establishment of the Judiciary." Seconded by Delegate Sakakihara, and carried; and at 9:47 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Crossley as chairman.

The Committee rose and the Convention reconvened at 12:01 o'clock p.m.

Delegate Crossley, for the Committee of the Whole, to which Standing Committee Report No. 39 from the Committee on Judiciary and Committee Proposal No. 7 "Providing for the Establishment of the Judiciary" were referred, orally reported progress and asked leave to sit again at 1:30 o'clock this afternoon. Upon motion by Delegate Bryan, seconded by Delegate Dowson, and carried, the oral report of the committee was adopted.

At 12:03 o'clock p.m., upon motion by Delegate Arashiro, seconded by Delegate Sakakihara, and carried, the Convention stood in recess until 1:30 o'clock this afternoon.

#### AFTERNOON SESSION

The Convention reconvened at 1:36 o'clock p.m., with the President in the Chair and all delegates being present, with the exception of Delegates Fong, Gilliland, Lee, Loper, Mau, Sakai, Arthur K. Trask and Wist, excused; and Delegate Silva temporarily excused.

Delegate Sakakihara moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Report No. 37 from the Committee on Judiciary and Committee Proposal No. 7, "Establishment of the Judiciary." Seconded by Delegate Lai, and carried; and at 1:37 o'clock p.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Crossley as chairman.

At 2:54 o'clock p.m., the committee rose and the Convention reconvened.

Delegate Crossley, for the Committee of the Whole having under consideration Standing Committee Report No. 37 and Committee Proposal No. 7, orally reported progress and asked leave to sit again to consider the written report of the Committee of the Whole. Upon motion by Delegate Bryan, seconded by Delegate Dowson, and carried, the oral report of the committee was adopted.

At this time, Delegate Richards reported orally for the Committee on Agriculture, Conservation and Land, requesting that the committee be granted an extension of time, until Thursday, June 15th, in

which to file its report. There being no objection, the President granted the request.

The President stated that it was his feeling that no further extensions beyond Friday of this week should be granted to committees for filing their reports.

At this time, Delegate Bryan moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Report No. 39 from the Committee on Suffrage and Elections and Committee Proposal No. 8, "Relating to Suffrage and Elections." Seconded by Delegate Charles A. Rice, and carried; and at 2:58 o'clock p.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Dowson as chairman.

At 3:44 o'clock p.m., the committee rose and the Convention reconvened.

Delegate Dowson, for the Committee of the Whole having under consideration Standing Committee Report No. 39 and Committee Proposal No. 8, orally reported progress and asked leave to sit again to consider the written report of the Committee of the Whole covering this proposal. Upon motion by Delegate Smith, seconded by Delegate Dowson, and carried, the oral report of the committee was adopted.

Delegate Shimamura, for the Committee on Ordinances and Continuity of Law, presented a Report, reporting on Proposals Nos. 51, 154, 155, 156 and 195, recommending that proposals therein reported on be placed on file for the reasons set forth in the report; and submitting for introduction a committee proposal, with the recommendation that it pass (see Sec. B, Standing Com. Rpt. No. 70). The report was received and referred to the Committee on Printing for printing.

Delegate Shimamura, for the Committee on Ordinances and Continuity of Law, introduced Committee Proposal No. 24, "Relating to Ordinances and Continuity of Law." The proposal passed first reading by title and was referred to the Committee on Printing for printing.

Delegate Shimamura, for the Committee on Ordinances and Continuity of Law, presented a report, returning Miscellaneous Communication No. 88 from Mr. Tony Todaro, seeking to outlaw the Communist Party, with the recommendation that this, being a matter peculiarly within the province of the Committee on Suffrage and Elections, be referred to that committee for action (see Sec. B, Standing Com. Rpt. No. 71). Upon motion by Delegate Shimamura, seconded by Delegate Kam, and carried, the report of the committee was adopted; and Miscellaneous Communication No. 88 was thereupon referred to the Committee on Suffrage and Elections.

Delegate Shimamura, for the Committee on Ordinances and Continuity of Law, presented a report on paragraphs (1) and (2) of Resolution No. 19, and Miscellaneous Communication No. 26, recommend-

ing that these two paragraphs of said resolution be placed on file, and that Miscellaneous Communication No. 26, relating to the outlawing of the Communist Party, be likewise filed, a proposal already having been submitted for introduction covering this subject matter (see Sec. B, Standing Com. Rpt. No. 72). The report of the committee was received and referred to the Committee on Printing for printing.

Delegate Shimamura, for the Committee on Ordinances and Continuity of Law, presented a report, submitting for introduction a committee proposal relating to an election ordinance (see Sec. B, Standing Com. Rpt. No. 73). The report was received and referred to the Committee on Printing to be printed.

Delegate Shimamura, for the Committee on Ordinances and Continuity of Law, introduced Committee Proposal No. 25, "Relating to an Election Ordinance." The proposal passed first reading by title and was referred to the Printing Committee for printing.

Delegate Kauhane, for the Committee on Local Government, submitted a report on proposals, resolutions, petitions and standing committee reports referred to the committee, recommending the filing of Proposals Nos. 88, 94, 111, 115, 153, 167, 186, 187 and 188; the filing of Resolutions Nos. 22 and 37; the filing of Petitions Nos. 1-3, 5-7, 14-19 and 23-25; the filing of Standing Committee Reports Nos. 13 and 27; the filing of Miscellaneous Communications Nos. 27 and 95, and all other miscellaneous matters referred to the committee, for the reasons set forth in the report; and submitting for introduction a committee proposal "Relating to Local Government" (see Sec. B, Standing Com. Rpt. No. 74). The report was received and referred to the Committee on Printing for printing.

Delegate Kauhane, for the Committee on Local Government, introduced Committee Proposal No. 26, "Relating to Local Government." The proposal passed first reading by title and was referred to the Committee on Printing for printing.

Delegate Kauhane, for the Committee on Local Government, reported orally, requesting that Delegate Sakai, who was absent when Standing Committee Report No. 74 was signed by the members of the committee, be permitted to sign the said report when he returned to the Convention. Upon motion by Delegate Kauhane, seconded by Delegate Apollona, the oral report of the committee was adopted; and Delegate Sakai was thereby granted permission to sign the committee report when he returns to the Convention.

Delegate Kauhane, for the Committee on Local Government, reported orally, requesting that the members of the committee who did not concur with the report presented by the committee be permitted to file a minority report. Upon motion by Delegate Kauhane, seconded by Delegate Apollona, and carried, the oral report of the committee was adopted;

and the members of the committee who did not concur with the report were granted permission to file a minority report if they so desired.

Consideration, on General Orders, of Standing Committee Report No. 59, from the Committee on Miscellaneous Matters, recommending the adoption of Resolution No. 31, relating to "Statehood Day," as amended: Upon motion by Delegate Yamauchi, seconded by Delegate Phillips, and carried, the report of the committee was adopted, thereby adopting Resolution No. 31 in the amended form.

Consideration, on General Orders, of Standing Committee Report No. 60, from the Committee on Miscellaneous Matters, recommending the filing of Proposal No. 85, entitled: "A Proposal Relating to the State Song for Hawaii": Upon motion by Delegate Yamauchi, seconded by Delegate Phillips, and carried, the report of the committee was adopted; and Proposal No. 85 was thereupon placed on file.

Consideration, on General Orders, of Standing Committee Report No. 61, from the Committee on Miscellaneous Matters, recommending the filing of Proposal No. 192, "Relating to Weights and Measures": Upon motion by Delegate Yamauchi, seconded by Delegate Phillips, and carried, the report of the committee was adopted; and Proposal No. 192 was thereupon placed on file.

At 3:53 o'clock p.m., upon motion by Delegate Crossley, seconded by Delegate Woolaway, and carried, the Convention adjourned until 8:30 o'clock a.m., on Wednesday, June 14, 1950.

### **FIFTY-SECOND DAY • Wednesday, June 14, 1950**

The Convention convened at 8:35 o'clock a.m., with President King presiding.

In the absence of Chaplain Judd, the opening prayer was offered by Counsellor of the Presidency of the Church of Jesus Christ of Latter Day Saints, Mr. Fred Lunt.

The roll was called showing all delegates present, with the exception of Delegates Kellerman, Kometani and Arthur K. Trask, excused.

The Chair announced that the journal of the fifty-first day had not yet been approved, and that he would announce its approval at tomorrow's session.

Delegate Silva, for the Committee on Printing, presented a report on the printing of standing committee reports and committee proposals referred to it (see Sec. B, Standing Com. Rpt. No. 75). The report was received and placed on file.

Consideration of Standing Committee Report No. 70 from the Committee on Ordinances and Continuity of Law, reporting on Proposals Nos. 51, 154, 155, 156

and 195, recommending that the said proposals be placed on file, and submitting for introduction a committee proposal, with the recommendation that it pass: The President announced that the report would be placed on the General Orders of the Day on Monday, June 19th for consideration.

Consideration of Committee Proposal No. 24, entitled: "A Proposal Relating to Ordinances and Continuity of Law": The President announced that the report would be placed on the General Orders of the Day for consideration on second reading on Monday, June 19th.

Consideration of Standing Committee Report No. 71, returning Miscellaneous Communication No. 88 from Mr. Tony Todaro, seeking to outlaw the Communist Party, with the recommendation that it be referred to the Committee on Suffrage and Elections: Upon motion by Delegate Ashford, seconded by Delegate Kage, action on the report was deferred until tomorrow.

Consideration of Standing Committee Report No. 72, from the Committee on Ordinances and Continuity of Law, reporting on paragraphs (1) and (2) of Resolution No. 19, and Miscellaneous Communication No. 26 relating to the outlawing of the Communist Party, recommending the filing thereof: Upon motion by Delegate Ashford, seconded by Delegate Kage, action on the report was deferred until tomorrow.

Consideration of Standing Committee Report No. 73, from the Committee on Ordinances and Continuity of Law, submitting for introduction a committee proposal relating to an election ordinance: The President announced that the report would be placed on the General Orders of the Day for consideration on Monday, June 19th.

Consideration, on second reading, of Committee Proposal No. 25, "Relating to an Election Ordinances": The President announced that the committee proposal would be placed on the General Orders of the Day for consideration on second reading on Monday, June 19th.

Consideration of Standing Committee Report No. 74, from the Committee on Local Government, reporting on proposals, resolutions, petitions, standing committee reports and miscellaneous communications referred to it, recommending the filing of Proposals Nos. 88, 94, 111, 115, 153, 167, 186, 187 and 188, the filing of Resolutions Nos. 22 and 37, the filing of Petitions Nos. 1-3, 5-7, 14-19 and 23-25; the filing of Standing Committee Reports Nos. 13 and 27; the filing of Miscellaneous Communications Nos. 27 and 95, and the further filing of all other miscellaneous matters referred to the committee, and sub-

mitting for introduction a committee proposal, "Relating to Local Government": The Chair announced that the report would be placed on the General Orders of the Day for consideration, on second reading, on Monday, June 19th.

Consideration, on second reading, of Committee Proposal No. 26, "Relating to Local Government": The President announced that the committee proposal would be placed on the General Orders of the Day for consideration, on second reading, on Monday, June 19th.

At this time, Delegate Mau, for the Committee on Industry and Labor, reported orally, requesting that an extension of time, until Thursday, June 15th, be allowed that committee in which to file its report. There being no objection, the Chair granted the request.

Delegate Silva, for the Committee of the Whole, to which Standing Committee Reports Nos. 20 and 24 of the Committee on Bill of Rights, and Committee Proposals Nos. 3 and 4 accompanying said reports, were referred, all relating to the Bill of Rights, reported orally that the report of the Committee of the Whole covering the above subject matter had been prepared and copies were being furnished to the delegates, and that tomorrow he would move that the Convention resolve itself into a Committee of the Whole for the consideration of the said report.

At 8:51 o'clock a.m., upon motion by Delegate Lee, seconded by Delegate Noda, the Convention adjourned until 8:30 o'clock a.m., on Thursday, June 15, 1950.

#### FIFTY-THIRD DAY • Thursday, June 15, 1950

The Convention convened at 8:37 o'clock a.m., with President King in the Chair.

After prayer by Father Brendon Furtado of the Roman Catholic Diocese in Honolulu, who officiated in the absence of Chaplain Judd, the roll was called showing all delegates present, with the exception of Delegate Arthur K. Trask, excused on account of illness.

The Chair announced that the journal of the fifty-first day had been approved, but stated that he would report on the journal of the fifty-second day at tomorrow's session.

At this time Delegate Mau, chairman of the Committee on Industry and Labor, requesting that the Convention stand in recess for a short period in order that the said committee might hold a meeting in connection with its final report. There being no objection, the Chair granted the request; and at 8:43 o'clock a.m., the Convention stood in recess, subject to the call of the Chair.

The Convention reconvened at 10:04 o'clock a.m.

Delegate Kauhane was excused at this time for the balance of this morning's session.

A communication from the President of the Oahu Youth Council, thanking the members of the Convention for their official recognition and approval of the National 1950 Boys and Girls Week in Hawaii, was read by the Clerk (see Sec. B, Misc. Com. No. 102). The communication was received, to be acknowledged, and placed on file.

A communication from the recording secretary of the International Association of Machinists, Lodge No. 1245, recommending the inclusion of the Hawaiian Homes Commission Act in the state constitution, and stating that fee simple title to the lands should not be given at this time because it would deprive other Hawaiians of receiving lands that are now not distributed under the Act, was read by the Clerk (see Sec. B, Misc. Com. No. 103). The communication was received, to be acknowledged, and referred to the Committee on Hawaiian Homes Commission Act.

Delegate Wist, for the Committee on Style, presented a report on Committee Proposal No. 6, relating to the Hawaiian Homes Commission Act, recommending the amendment of the said proposal, and submitting the same for the consideration of the Convention in the amended form attached (see Sec. B, Standing Com. Rpt. No. 76). Delegate Wist stated that there were but three minor changes in the committee proposal by the Committee on Style—the insertion of two commas in Section 1 and the insertion of the figure "1" in the blank space after the word "Section" in line 6 of Section 2; and therefore moved that the report of the committee be adopted and referred to the Committee on Printing for printing, with the amended form of Committee Proposal No. 6, designated in the report as "Article XIII." The motion was seconded by Delegate Okino, and carried.

Delegate Silva, for the Committee on Printing, presented a report on the printing of Standing Committee Report No. 76 from the Committee on Style and Committee Proposal No. 6 as amended, designated as "Article XIII" (see Sec. B, Standing Com. Rpt. No. 77). The report was received, and upon motion by Delegate Silva, seconded by Delegate Noda, and carried, the report of the committee was adopted.

Consideration of Committee Proposal No. 6, as amended, relating to the Hawaiian Homes Commission Act: The President gave notice at this time that the committee proposal, as amended, would be placed on the calendar, on General Orders, for consideration on third reading on Saturday, June 17th.

Delegates Silva, Sakakihara, Yamauchi, Ihara, Doi, James K. Trask, Sakai, Kawahara, Hayes, Yamamoto, Okino, Lyman, Fong and Noda offered a Resolution expressing regret at the passing of Representative Joseph G. Andrews, a member of the House of Representatives of the territorial legislature

from the First District, Island of Hawaii, and extending sympathy to his bereaved family (see Sec. B, Res. No. 43). Delegate Sakakihara moved that the resolution be adopted by a rising vote, and that when the Convention adjourns today it does so out of respect to the memory of the late Joseph G. Andrews. The motion was seconded by Delegate Silva and carried unanimously by a rising vote.

At this time, Delegate Silva moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Reports Nos. 20 and 24 from the Committee on Bill of Rights and Committee Proposals Nos. 3 and 4 accompanying said reports, all relating to the Bill of Rights. Seconded by Delegate Sakakihara, and carried; and at 10:01 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Silva as chairman. At 10:13 o'clock a.m., the committee rose and the Convention reconvened.

Delegate Silva, for the Committee of the Whole having under consideration Standing Committee Reports Nos. 20 and 24 from the Committee on Bill of Rights and Committee Proposals Nos. 3 and 4 accompanying said reports, all relating to the Bill of Rights, presented a report recommending: (1) that Committee Proposals Nos. 3 and 4 be combined in one proposal, to be numbered Committee Proposal No. 3, with the amendments as set forth in said amended article thereto attached; (2) that Standing Committee Reports Nos. 20 and 24 be filed; and (3) that, as so amended, said Committee Proposal No. 3 pass second reading (see Sec. B, Com. of Whole Rpt. No. 5).

Delegate Silva moved that the report of the Committee of the Whole be adopted. Seconded by Delegate Sakakihara, and carried. Delegate Tavares moved that the Convention reconsider its action in adopting Committee of the Whole Report No. 5, and that the said report be referred back to the Committee of the Whole for further consideration. Seconded by Delegate Kellerman, and carried, on a showing of hands.

At this time, Delegate Silva, who had been appointed chairman of the said Committee of the Whole when it was considering Standing Committee Reports Nos. 20 and 24 and Committee Proposals Nos. 3 and 4, asked to be excused from presiding and asked that the President appoint another chairman to preside over the Committee of the Whole when it convenes to further consider Committee of the Whole Report No. 5 reporting on the above standing committee reports and committee proposals.

Accordingly, the President appointed Delegate Richards as chairman of the Committee of the Whole considering Committee of the Whole Report No. 5.

Delegate Tavares thereupon moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Committee of the

Whole Report No. 5, "Relating to the Bill of Rights." Seconded by Delegate Kellerman, and carried; and at 10:27 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Richards as chairman.

At 11:00 o'clock a.m., the committee rose and the Convention reconvened. Delegate Richards, for the Committee of the Whole, having under consideration Committee of the Whole Report No. 5, relating to the Bill of Rights, reported orally recommending the adoption of Committee of the Whole Report No. 5 with certain amendments, and further recommending that the chairman be granted an opportunity to file a supplementary written report later embodying these amendments. Upon motion by Delegate James K. Trask, seconded by Delegate Crossley, and carried, the oral report of the committee was adopted, a written supplementary report embodying these amendments to be filed later.

Committee of the Whole Report No. 5, as amended, was thereby adopted; and Committee Proposal No. 3 as amended passed second reading. The President thereupon referred the committee proposal as amended, to the Committee on Style for consideration as to phraseology only and report within five convention days.

Consideration of Standing Committee Report No. 47 from the majority of the Committee on Revision, Amendments, Initiative, Referendum and Recall, recommending against the inclusion of statutory initiative, referendum and recall in the Constitution; Standing Committee Report No. 48, submitting Committee Proposal No. 9, "Relating to Revision and Amendments;" and Standing Committee Report No. 49 from the minority of the Committee on Revision, Amendments, Initiative, Referendum and Recall, recommending that Committee Proposal No. 9 be amended to include the amended form of the proposal attached to the report: Delegate Fukushima moved that Standing Committee Reports Nos. 47, 48 and 49 be referred to the Committee of the Whole for consideration. Seconded by Delegate Lai, and carried.

Consideration of Committee Proposal No. 9, "Relating to Revision and Amendments"; Upon motion by Delegate Fukushima, seconded by Delegate Lai, and carried, the proposal was referred to the Committee of the Whole. President King thereupon appointed Delegate Okino as chairman of the said Committee of the Whole.

At this time, Delegate Fukushima moved that the Convention resolve itself into a Committee of the Whole for the consideration of the said standing committee reports and the said committee proposal. Seconded by Delegate Lai, and carried, and at 11:06 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Okino as chairman.

At 12:00 o'clock noon, the committee rose and the Convention reconvened.

Delegate Okino, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 47, 48 and 49 and Committee Proposal No. 9, "Relating to Revision and Amendments," orally reported progress and asked leave to sit again at 1:30 o'clock this afternoon. Upon motion by Delegate Dowson, seconded by Delegate Okino, and carried, the oral report of the Committee was adopted.

At 12:01 o'clock p.m., upon motion by Delegate Kam, seconded by Delegate Serizawa, and carried, the Convention stood in recess until 1:30 o'clock this afternoon.

#### AFTERNOON SESSION

The Convention reconvened at 1:39 o'clock p.m., with the President presiding, and all members being present with the exception of Delegates Arashiro, Gilliland, Kometani, Mizuha, Phillips and Arthur K. Trask, excused.

Delegate Richards, for the Committee on Agriculture, Conservation and Land, presented a report on Proposals Nos. 18, 41, 53, 54, 67, 91, 99, 103, 107, 108, 114, 116, 121, 127, 134, 168 and Resolution No. 33, recommending the filing thereof with the exception of Proposal No. 53, which was referred to the Committee on Miscellaneous Matters, and submitting for introduction a committee proposal, with the recommendation that with the passage on first reading by the filing thereof, that it pass second reading (see Sec. B, Standing Com. Rpt. No. 78). The report was received and referred to the Committee on Printing for printing.

Delegate Richards, for the Committee on Agriculture, Conservation and Land, introduced Committee Proposal No. 27, "Relating to Agriculture and Natural Resources." The proposal passed first reading by title and was referred to the Printing Committee.

Consideration of Standing Committee Report No. 72, from the Committee on Ordinances and Continuity of Law, returning Resolution No. 19 with the recommendation that paragraphs 1 and 2 thereof, which were referred to this committee, be placed on file, for the reasons set forth in the report; and returning Miscellaneous Communication No. 26 from the Honolulu Post No. 1540 of the Veterans of Foreign Wars of the United States, relating to the outlawing of the Communist Party and any and all organizations advocating the overthrow, by force and violence, of the government, with the recommendation that it be placed on file, deferred from yesterday: Upon motion by Delegate Silva, seconded by Delegate Shimamura, and carried, the report of the committee was adopted, and paragraphs 1 and 2 of Resolution No. 19 and Miscellaneous Communication No. 26 were thereupon placed on file.

At this time, Delegate Okino moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Reports Nos. 47, 48 and 49, and Committee Proposal No. 9, "Relating to Revision and Amendments." Seconded by Delegate Lai, and carried; and at 1:41 o'clock p.m., the Convention resolved itself into a Committee of the Whole for the further consideration of said standing committee reports and said committee proposal, with Delegate Okino as chairman.

At 4:15 o'clock p.m., the committee rose and the Convention reconvened.

Delegate Okino, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 47, 48 and 49 and Committee Proposal No. 9, orally reported progress and asked leave to sit again. Upon motion by Delegate Okino, seconded by Delegate Sakakihara, and carried, the oral report of the committee was adopted.

Delegate Richards, for the Committee of the Whole to which, upon reconsideration, had been referred Committee of the Whole Report No. 5, presented a report recommending the amendment of said report in certain respects, and recommending the adoption of the said Committee of the Whole Report No. 5, as amended by this supplementary report (see Sec. B, Com. of Whole Rpt. No. 6). Upon motion by Delegate Heen, seconded by Delegate Richards, and carried, the report of the Committee was adopted.

Delegate Mau, for the Committee on Industry and Labor, presented a report on proposals and miscellaneous communications referred to it, recommending the filing of the following: Section 4 of Proposal No. 4, Proposals Nos. 25 and 29, Section 20 of Proposal No. 97 and Proposal No. 191, and Miscellaneous Communications Nos. 5 and 7; submitting for introduction a committee proposal "Relating to Right of Persons to Organize," and attaching "Appendix No. 1," being a "Statement in Support of the Majority that 'The Right to Organize and Bargain Collectively' should be included in the Constitution of the new State of Hawaii" and "Appendix No. 2," being "Minority Report on Action of Committee on Industry and Labor Recommending Inclusion in the Constitution a Proposal Relating to Right of Persons to Organize" (see Sec. B, Standing Com. Rpt. No. 79). The report was received and referred to the Committee on Printing for printing.

Delegate Mau, for the Committee on Industry and Labor, introduced committee proposal No. 28, "Relating to Right of Persons to Organize." The proposal passed first reading by title and was referred to the Committee on Printing for printing.

Delegate Mau, chairman of the Committee on Industry and Labor, stated that he felt the minority of that committee should be permitted to file a minority report if they so desired. The Chair stated

that this minority report should be presented promptly if it is to be filed.

At 4:22 o'clock p.m., upon motion by Delegate Noda, seconded by Delegate Sakakihara, and carried, the Convention adjourned out of respect to the memory of the late Representative Joseph G. Andrews, until 8:30 o'clock a.m., on Friday, June 16, 1950.

#### FIFTY-FOURTH DAY • Friday, June 16, 1950

The Convention convened at 8:34 o'clock a.m., with President King presiding.

In the absence of Chaplain Judd, the divine blessing was invoked by Canon Anson Stokes of St. Andrews Episcopal Cathedral.

The roll was called showing all delegates present, with the exception of Delegates Mizuha, Phillips and Arthur K. Trask, excused, and Delegate Arashiro temporarily excused.

The President announced that the journal of the fifty-second day had been approved, and stated that he would report tomorrow on the journal of the fifty-third day.

Delegate Silva, for the Committee on Printing, presented a report on the printing of Standing Committee Report No. 78 and Committee Proposal No. 27 and Standing Committee Report No. 79, and Committee Proposal No. 28 (see Sec. B, Standing Com. Rpt. No. 80). The report was received and placed on file.

Consideration of Standing Committee Report No. 78, from the Committee on Agriculture, Conservation and Land, reporting on Proposals Nos. 18, 41, 53, 54, 67, 91, 99, 103, 107, 108, 114, 116, 121, 127, 134, 168 and Resolution No. 33, recommending the filing thereof, with the exception of Proposal No. 53, which was referred to the Committee on Miscellaneous Matters, and submitting for introduction a committee proposal, with the recommendation that with the passage on first reading by the filing thereof, it pass second reading: The President announced that the report would be placed on the General Orders of the Day for consideration on Wednesday, June 21st.

Consideration, on second reading, of Committee Proposal No. 27, "Relating to Agriculture and Natural Resources": The President announced that the committee proposal would be placed on the General Orders of the Day for second reading on Wednesday, June 21st.

Consideration of Standing Committee Report No. 79, from the Committee on Industry and Labor, reporting on proposals and miscellaneous Communications referred to it, recommending the filing of the following: Section 4 of Proposal No. 4, Proposals

Nos. 25 and 29, Section 20 of Proposal No. 97 and Proposal No. 191, and Miscellaneous Communications Nos. 5 and 7; submitting for introduction a committee proposal "Relating to Right of Persons to Organize," and attaching Appendix No. I, being a "Statement in Support of the Majority that 'The Right to Organize and Bargain Collectively' should be included in the Constitution of the new State of Hawaii" and "Appendix No. 2," being "Minority Report on Action of Committee on Industry and Labor Recommending Inclusion in the Constitution a Proposal Relating to Right of Persons to Organize": The President announced that the report would be placed on the General Orders of the Day for consideration on Wednesday, June 21st.

Consideration, on second reading, of Committee Proposal No. 28, "Relating to Right of Persons to Organize": The President announced that the committee proposal would be placed on the General Orders of the Day for second reading on Wednesday, June 21st.

Consideration of Standing Committee Reports Nos. 47, 48 and 49 and Committee Proposal No. 9, from the Committee on Revision, Amendments, Initiative, Referendum and Recall: Delegate Sakakihara moved that the Convention resolve itself into a Committee of the Whole for the further consideration of said Standing Committee Reports Nos. 47, 48 and 49, and said Committee Proposal No. 9. Seconded by Delegate Fukushima, and carried; and at 8:39 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Okino as chairman.

At 12:02 o'clock p.m., the committee rose and the Convention reconvened.

Delegate Arashiro, who had been temporarily excused from this morning's session, was in attendance at this time; and the President announced that he had excused Delegates Fong and Noda to attend a meeting of the Legislative Holdover Committee, and they, therefore, were not present when the Convention reconvened at this time.

Delegate Okino, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 47, 48 and 49 and Committee Proposal No. 9, orally reported progress and asked leave to sit again in order that a written report might be prepared covering the recommendations of the Committee of the Whole. Upon motion by Delegate Lee, seconded by Delegate Fukushima, and carried, the oral report of the committee was adopted.

At 12:03 o'clock p.m., upon motion by Delegate Apoliona, seconded by Delegate Crossley, and carried, the Convention stood in recess until 1:30 o'clock this afternoon, at which time the Convention will take up the consideration of Standing Committee Re-

port No. 52 and Committee Proposal No. 11, from the Committee on Education.

*AFTERNOON SESSION*

The Convention reconvened at 1:39 o'clock p.m., with the President in the Chair and a quorum being present.

Delegate Luiz, for the minority of the Committee on Industry and Labor, presented a report objecting to the language of the final proposal attached to the majority report of the said committee and recommending the amendment of said proposal with respect to the right of employees to organize (see Sec. B, Standing Com. Rpt. No. 81). The report was received and referred to the Committee on Printing for printing.

Consideration of Standing Committee Report No. 52 from the Committee on Education and Committee Proposal No. 11 "Relating to Education": Delegate Loper moved that Standing Committee Report No. 52 and Committee Proposal No. 11 be referred to the Committee of the Whole. Seconded by Delegate James K. Trask, and carried.

Delegate Loper thereupon moved that the Convention resolve itself into a Committee of the Whole for the consideration of Standing Committee Report No. 52 and Committee Proposal No. 11 from the Committee on Education. Seconded by Delegate James K. Trask, and carried.

The President appointed Delegate Fukushima as chairman of said Committee of the Whole; and at 1:41 o'clock p.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Fukushima as chairman.

At 3:16 o'clock p.m., the committee rose and the Convention reconvened.

Delegate Fukushima, for the Committee of the Whole, having under consideration Standing Committee Report No. 52 and Committee Proposal No. 11 from the Committee on Education, orally reported progress and asked leave to sit again. Upon motion by Delegate James K. Trask, seconded by Delegate Bryan, and carried, the oral report of the committee was adopted.

Delegate Heen, for the Committee on Legislative Powers and Functions, reported orally, requesting that the committee be granted an extension of time, until Monday, June 19th, in which to file its report. There being no objection, the Chair granted the request.

The President announced that all other matters on the calendar for today, which had not been disposed of due to lack of time, would be deferred for consideration as follows:

Saturday, June 17: (From Committee on Miscellaneous Matters) Stand. Com. Rpts. Nos. and Committee Proposals Nos. (respectively): 53 and 12, 54 and 13, 55 and 14 and Res. 29, 56 and 15, 57 and 16, 58 and

17, 62 and 18, 63 and 19, 64 and 20, 65 and 21.

Monday, June 19: (From Committee on Taxation and Finance) Stand. Com. Rpt. No. 51 and Committee Proposal No. 10.

Tuesday, June 20: (From Committee on Executive Powers and Functions) Stand. Com. Rpts. Nos. 67, 67-A, 67-B and 67-C and Committee Proposal No. 22.

Friday, June 23: (From Committee on Ordinances & Continuity of Law) Stand. Com. Rpt. No. 68 and Committee Proposal No. 23.

The President also announced that consideration of Standing Committee Reports Nos. 70 and 73 and Committee Proposals Nos. 24 and 25, from the Committee on Ordinances and Continuity of Law, set for Monday, June 19th, would be considered on Friday, June 23rd; that Standing Committee Report No. 74 and Committee Proposal No. 26, from the Committee on Local Government, set for Monday, June 19th, would be considered on Friday, June 23rd; that consideration of Standing Committee Report No. 79 and Committee Proposal No. 28, from the Committee on Industry and Labor, set for Wednesday, June 21st, would be deferred until Thursday, June 22nd.

At 3:19 o'clock p.m., upon motion by Delegate Woolaway, seconded by Delegate Charles A. Rice, and carried, the Convention adjourned until Saturday, June 17, 1950 at 8:30 o'clock a.m.

**FIFTY-FIFTH DAY • Saturday, June 17, 1950**

The Convention convened at 8:35 o'clock a.m., with President King in the Chair.

The Reverend R. Goodwin of the Waikiki Baptist Chapel, offered the opening prayer, in the absence of Chaplain Judd.

The roll was called, showing all delegates present, with the exception of Delegates Gilliland, Kometani, Mizuha and Silva, excused.

The Chair announced that the journal of the fifty-third day had been approved, and that he would report on the journal of the fifty-fourth day on Monday.

At this time, the President announced that he was having prepared for circulation to the delegates a balance sheet showing the balance of funds on hand, estimated as of June 30th, at a little under \$5,000. Therefore, it was very important that the work of the Convention be expedited as much as possible, and to that end, he felt that it would be necessary, beginning with next week, to have sessions of the Convention throughout each day—morning, afternoon and evening.

Delegate Noda, on behalf of Delegate Silva, presented a report on the printing of Standing Committee Report No. 81 (see Sec. B, Standing Com. Rpt. No. 82). The report was received and placed on file.



Consideration of Standing Committee Report No. 81, from the minority of the Committee on Industry and Labor, objecting to the language of the final proposal attached to the report of the majority of said committee, and recommending the amendment of said proposal with respect to the right of employees to organize: The President announced that the report would be placed on the General Orders of the Day on Thursday, June 22nd; and stated that it would be considered at the time the majority report of the committee is before the Convention for consideration.

Delegate Heen, for the Committee on Legislative Powers and Functions, presented a report returning Proposal No. 69, "Relating to Legislative Powers and Functions," and Proposal No. 175, "Relating to Legislative Powers and Functions," with the recommendation that they be referred to the Committee on Agriculture, Conservation and Land for consideration (see Sec. B, Standing Com. Rpt. No. 83). Upon motion by Delegate Heen, seconded by Delegate Hayes, and carried, the report of the committee was adopted; Proposals Nos. 69 and 175, "Relating to Legislative Powers and Functions," were referred to the Committee on Agriculture, Conservation and Land.

Delegate Sakakihara, for the minority of the Committee on Local Government, presented a report recommending certain amendments to Committee Proposal No. 26 from the majority of the said Committee (see Sec. B, Standing Com. Rpt. No. 84). The report was received and referred to the Committee on Printing for printing.

At this time, Delegate Loper moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Report No. 52 and Committee Proposal No. 11, from the Committee on Education. Seconded by Delegate Wist, and carried; and at 8:46 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Fukushima as chairman. At 10:31 o'clock a.m., the committee rose and the Convention reconvened.

Delegate Fukushima, for the Committee of the Whole, having under consideration Standing Committee Report No. 52 and Committee Proposal No. 11, "Relating to Education," orally reported progress and asked leave to sit again. Upon motion by Delegate Dowson, seconded by Delegate James K. Trask, and carried, the oral report of the committee was adopted.

The Chair announced at this time that Delegates Crossley and Smith had been excused for the balance of today's session.

At this juncture, Delegate Wist moved that the rules be suspended, and that the Convention take up at this time the third reading of Committee Proposal No. 6, relating to the Hawaiian Homes Commission

Act, as amended, and designated "Article XIII." Seconded by Delegate Sakakihara, and carried.

Third reading of Committee Proposal No. 6, relating to the Hawaiian Homes Commission Act, as amended, and designated "Article XIII": Delegate Hayes moved for the adoption, on third reading, of Committee Proposal No. 6, as amended, relating to the Hawaiian Homes Commission Act, and designated "Article XIII." The motion was seconded by Delegate Arthur K. Trask, and carried, on the following showing of ayes and noes: Ayes, 54. Noes, 1 (Ashford). Excused and not voting, 6 (Crossley, Gilliland, Kometani, Mizuha, Silva and Smith). Absent at roll call, 2 (Fong and Kauhane). The President announced that the committee proposal, as amended, having passed third reading, would be referred back to the Committee on Style for arrangement of sections and article or articles and for form, for report to the Convention.

Delegate Hayes, chairman of the Committee on Hawaiian Homes Commission Act, hereupon rose, on a point of personal privilege to express the appreciation of the committee and of herself, as its chairman, for the assistance rendered the committee by the delegates at the time of the hearings on the subject matter of Committee Proposal No. 6.

At this time, Delegate Lee moved that the Convention again resolve itself into a Committee of the Whole for the further consideration of Standing Committee Report No. 52 and Committee Proposal No. 11, from the Committee on Education. Seconded by Delegate Loper, and carried; and at 10:40 o'clock a.m., the Convention resolved itself into a Committee of the Whole, with Delegate Fukushima as chairman, for the further consideration of said standing committee report and said committee proposal.

At 12:24 o'clock p.m., the committee rose and the Convention reconvened, with Vice-President Charles A. Rice in the Chair.

Delegate Fukushima, for the Committee of the Whole, having under consideration Standing Committee Report No. 52 and Committee Proposal No. 11, from the Committee on Education, orally reported progress and asked leave to sit again. Upon motion by Delegate Dowson, seconded by Delegate Harold W. Rice, and carried, the oral report of the committee was adopted.

At 12:25 o'clock p.m., upon motion by Delegate Porteus, seconded by Delegate Holroyde, and carried, the Convention adjourned until 8:30 o'clock a.m., on Monday, June 19, 1950.

#### FIFTY-SIXTH DAY • Monday, June 19, 1950

The Convention convened at 8:34 o'clock a.m., with President King presiding.

The divine blessing was invoked by Chaplain Judd, after which the roll was called showing all delegates

present. The journal of the fifty-fourth and fifty-fifth days was approved.

At this time, Delegate Hayes moved that the Convention resolve itself into a Committee of the Whole for the consideration of Standing Committee Report No. 52 from the Committee on Education and Committee Proposal No. 11. Seconded by Delegate Lee, and carried; and at 8:38 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose with Delegate Fukushima as chairman.

At 10:50 o'clock a.m., the committee rose, and the Convention reconvened.

Delegate Fukushima, for the Committee of the Whole, having under consideration Standing Committee Report No. 52 from the Committee on Education, and Committee Proposal No. 11, "Relating to Education," orally reported progress and asked leave to sit again, and further requested the chairman of the Committee of the Whole be given a few days in which to prepare the written report on this subject matter. Upon motion by Delegate Dowson, seconded by Delegate Porteus, and carried, the oral report of the committee was adopted.

Consideration of Standing Committee Report No. 51, from the Committee on Taxation and Finance, making recommendations with respect to (1) a financial organization for the State of Hawaii and (2) submitting for introduction a committee proposal relating to public finance and taxation; and consideration of Committee Proposal No. 10, "Relating to Public Finance and Taxation," deferred from June 16th: Delegate White moved that the standing committee report and the committee proposal be referred to the Committee of the Whole. Seconded by Delegate Lai, and carried.

At this time, Delegate White moved that the Convention resolve itself into a Committee of the Whole for the consideration of Standing Committee Report No. 52 and Committee Proposal No. 10, "Relating to Public Finance and Taxation." Seconded by Delegate Lai, and carried.

The President thereupon appointed Delegate Lee as chairman of said Committee of the Whole; and at 10:52 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Lee as chairman.

At 11:48 o'clock a.m., the committee rose, and the Convention reconvened with Vice-President Woolaway in the Chair.

Delegate Lee, for the Committee of the Whole, having under consideration Standing Committee Report No. 51 and Committee Proposal No. 10, "Relating to Public Finance and Taxation," orally reported progress and asked leave to sit again. Upon motion by Delegate Dowson, seconded by Delegate Crossley, and carried, the oral report of the committee was adopted.

At 11:59 o'clock a.m., upon motion by Delegate Apoliona, seconded by Delegate Sakakihara, and carried, the Convention stood in recess until 1:30 o'clock this afternoon.

#### AFTERNOON SESSION

The Convention reconvened at 1:33 o'clock p.m., with Vice-President Woolaway in the Chair, and a quorum being present.

At this time, Delegate Crossley moved that the Convention recess at 4:00 o'clock this afternoon and reconvene at 7:00 o'clock this evening. Seconded by Delegate Harold W. Rice. Delegate Heen moved that the motion be amended to recess at 3:30 o'clock this afternoon, instead of 4:00 o'clock in order that the Committee on Legislative Powers and Functions might meet at 3:30 o'clock. The amendment was seconded by Delegate Dowson, and carried. The Chair thereupon put the motion, as amended, which was carried.

At 1:36 o'clock p.m., upon motion by Delegate Crossley, seconded by Delegate Dowson, and carried, the Convention resolved itself into a Committee of the Whole for the further consideration of Standing Committee Report No. 51 and Committee Proposal No. 10, "Relating to Public Finance and Taxation," with Delegate Lee as chairman.

The Committee rose at 3:24 o'clock p.m., and the Convention reconvened with President King in the Chair.

Delegate Lee, for the Committee of the Whole, having under consideration Standing Committee Report No. 51 from the Committee on Taxation and Finance, and Committee Proposal No. 10, "Relating to Public Finance and Taxation," orally reported progress and asked leave to sit again. Upon motion by Delegate Dowson, seconded by Delegate Bryan, and carried, the oral report of the committee was adopted.

A communication from the President of the Council of Hawaiian Homesteaders, Honolulu, inviting the delegates, each with one guest, to attend an "appreciation luau" to be held in their honor at the Papakolea Community Hall on Saturday, June 24th, at 3:00 p.m., and further expressing gratitude for the action of the Convention in including the Hawaiian Homes Commission Act provision in the State Constitution, was read by the Clerk (see Sec. B, Misc. Com. No. 104). The communication was received, to be acknowledged, and thereafter placed on file.

A communication from the Kamehameha Lions Club, in the form of a Resolution requesting that cognizance be taken of the tremendous increase in the population of this territory, making the problem of land ownership more acute, and stating that it was the sense of that body, that the spirit of the Organic Act should be carried out to a greater de-

gree than heretofore, and that the Constitution for the State of Hawaii should include the principles embodied in the Organic Act as a provision of said constitution and a direction to the legislature of the proposed State of Hawaii, was read by the Clerk (see Sec. B, Misc. Com. No. 105). The communication was received, to be acknowledged, and a copy thereof referred to the Committee on Agriculture, Conservation and Land for the information of its members.

A communication from the Chairman of the Joint Tax Study Commission inclosing a statement relative to debt limitation clause in the constitution, and asking consideration thereof, with copies for each of the Delegates, was read by the Clerk (see Sec. B, Misc. Com. No. 106). The communication was received, to be acknowledged, and, upon motion by Delegate Woolaway, seconded by Delegate Wirtz, and carried, referred to the Committee of the Whole having under consideration the subject matter related to this statement.

Delegate Richards, for the Committee on Agriculture, Conservation and Land, presented a report recommending that Proposals Nos. 69 and 175, both entitled: "A Proposal Relating to Legislative Powers and Functions," be placed on file, for the reason set forth in the report (see Sec. B, Standing Com. Rpt. No. 85). Upon motion by Delegate Richards, seconded by Delegate Bryan, and carried, the report of the committee was adopted; and Proposals Nos. 69 and 175 were placed on file.

Upon motion by Delegate Anthony, seconded by Delegate Heen the Convention stood in recess at 3:31 o'clock p.m., until 7:30 o'clock tonight.

#### EVENING SESSION

The Convention reconvened at 7:34 o'clock p.m., with the President in the Chair and a quorum being present.

Delegate White at this time moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Report No. 51 from the Committee on Taxation and Finance and Committee Proposal No. 10, "Relating to Public Finance and Taxation." Seconded by Delegate Apoliona, and carried; and at 7:35 o'clock p.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Lee as chairman.

At 10:19 o'clock p.m., the committee rose and the Convention reconvened.

Delegate Lee, for the Committee of the Whole, having under consideration Standing Committee Report No. 51 and Committee Proposal No. 10, orally reported progress and asked leave to sit again. Upon motion by Delegate Lee, seconded by Delegate Kido, and carried, the oral report of the committee was adopted.

Delegate Silva, for the Committee on Printing, presented a report on the printing of Standing Committee Report No. 84 (see Sec B, Standing Com. Rpt. No. 86). The report was received and placed on file.

Consideration of Standing Committee Report No. 84 from the minority of the Committee on Local Government, recommending certain amendments to Committee Proposal No. 26 from the majority of the said committee: The President announced that the report would be placed on the General Orders of the Day for consideration on Friday, June 23rd, with the report of the majority of the Committee on Local Government.

Delegate Kauhane, chairman of the Committee on Local Government, stated that Delegate Phillips also wished to file a minority report relating to Committee Proposal No. 26 from the majority of the said committee.

The Chair stated that there was no objection to such a minority report being submitted, provided that it did not impede the work of the Convention and if it proposed an amendment to the committee proposal introduced by the majority of the committee, which would obviate the necessity of it lying on the table for four convention days after being printed.

Delegate Heen, for the Committee on Legislative Powers and Functions, reported orally, requesting an extension of time, until Thursday, June 22nd, in which to file the report of that committee. There being no objection, the Chair granted such extension.

The Chair announced that as it had not been possible to complete today's calendar, the standing committee reports and committee proposals and Resolution No. 29 from the Committee on Miscellaneous Matters, set thereon for consideration would be deferred until tomorrow.

At 10:25 o'clock p.m., upon motion by Delegate Woolaway, seconded by Delegate Noda, and carried, the Convention adjourned until 8:30 o'clock a.m., on Tuesday, June 20, 1950.

#### FIFTY-SEVENTH DAY • Tuesday, June 20, 1950

The Convention convened at 8:39 o'clock a.m., with President King presiding.

After prayer by Chaplain Judd, the roll was called showing all delegates present, with the exception of Delegates Phillips, Sakai and Wirtz, excused, and Delegates Kometani and Nielsen, temporarily excused.

The Chair stated that he had not yet read the journal of the fifty-sixth day, and would report on it tomorrow.

At this time, Delegate White, chairman of the Committee on Taxation and Finance, moved that further consideration of Standing Committee Report No. 51 and Committee Proposal No. 10 from the

Committee on Taxation and Finance, be deferred until a later date, in order that some additional data might be secured in connection therewith. Seconded by Delegate Lai, and carried.

Delegate White moved that the Convention at this time take up the consideration of Standing Committee Report No. 44 pending before the Convention for disposition, which had previously been deferred to be taken up with Standing Committee Report No. 51 from the Committee on Taxation and Finance. The motion was seconded by Delegate Lai, and carried.

Consideration of Standing Committee Report No. 44, from the Committee on Taxation and Finance, reporting on the disposition of various proposals referred to it, and recommending that Proposals Nos. 7, 13, 73, 74, 75, 76, 77, 78, 79, 80, 81, Article VI of Proposal 88, Proposals Nos. 129, 140 and 141 and Committee Proposal No. 2 be placed on file, previously deferred: Upon motion by Delegate White, seconded by Delegate Lai, and carried, the report of the committee was adopted; and the above enumerated proposals were thereupon placed on file for the reasons set forth in the report.

Consideration of Standing Committee Report No. 67 with Standing Committee Reports Nos. 67-A, 67-B and 67-C attached and Committee Proposal No. 22, from the Committee on Executive Powers and Functions: Delegate Lee moved that the said reports and said committee proposal be referred to the Committee of the Whole for consideration. Seconded by Delegate Sakakihara, and carried.

Delegate Lee thereupon moved that the Convention resolve itself into a Committee of the Whole at this time for the consideration of said reports and said committee proposal. Seconded by Delegate Sakakihara, and carried.

The President appointed Delegate Bryan as chairman of the said Committee of the Whole; and at 8:46 o'clock a.m., the Convention resolved itself into a Committee of the Whole for the consideration of Standing Committee Report No. 67 with Standing Committee Reports Nos. 67-A, 67-B and 67-C attached, and Committee Proposal No. 22, with Delegate Bryan as chairman.

The committee rose at 4:10 o'clock p.m., and the Convention reconvened.

Delegate Bryan, for the Committee of the Whole, having under consideration Standing Committee Report No. 67 with Standing Committee Reports Nos. 67-A, 67-B and 67-C attached, and Committee Proposal No. 22, from the Committee on Executive Powers and Functions, orally reported progress and asked leave to sit again tonight at 7:30 o'clock. Upon motion by Delegate Crossley, seconded by Delegate Dowson, and carried, the report of the committee was adopted.

At 4:13 o'clock p.m., upon motion by Delegate Woolaway, seconded by Delegate Noda, and carried, the Convention stood in recess until 7:30 o'clock tonight.

#### EVENING SESSION

The Convention reconvened at 7:38 o'clock p.m., with the President in the Chair and a quorum being present.

At this time, Delegate Kometani moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Report No. 39 from the Committee on Suffrage and Elections, and Committee Proposal No. 8, "Relating to Suffrage and Elections." Seconded by Delegate Sakakihara, and carried; and at 7:39 o'clock p.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Dowson in the Chair.

At 7:42 o'clock p.m., the committee rose and the Convention reconvened.

Delegate Dowson, for the Committee of the Whole, presented a report on Standing Committee Report No. 39 and Committee Proposal No. 8, relating to suffrage and elections, recommending that Standing Committee Report No. 39 and the recommendations thereof be adopted, except as, and to the extent that, the same may be inconsistent with the provisions and recommendations of this report of the Committee of the Whole; and that Committee Proposal No. 8 be amended as set forth in the redraft thereof attached to the report; and recommending that, as so amended, it pass second reading (see Sec. B, Com. of Whole Rpt. No. 7).

Upon motion by Delegate Dowson, seconded by Delegate Kometani, and carried, the report of the committee was adopted; and Committee Proposal No. 8, as amended, passed second reading. The President thereupon referred the committee proposal as amended, to the Committee on Style for consideration as to phraseology only and report within five convention days, and further ordered that the report of the committee be printed.

Delegate Silva, for the Committee on Printing, presented a report on the printing of Committee of the Whole Report No. 7 with attached Committee Proposal No. 8 as amended (see Sec. B, Standing Com. Rpt. No. 87). The report was received and placed on file.

Delegate Wist, for the Committee on Style, presented a report on Committee Proposal No. 3, relating to the Bill of Rights, recommending the amendment of the said proposal, and submitting the same for the consideration of the Convention in the amended form attached (see Sec. B, Standing Com. Rpt. No. 88). Upon motion by Delegate Wist, seconded by Delegate Noda, and carried, the report of the committee was adopted and ordered printed, with the amend-

ed form of Committee Proposal No. 3, designated in the report as "Article I." The President gave notice at this time that the committee proposal, as amended, designated as "Article I," would be placed on the calendar, on General Orders, for consideration on third reading on Thursday, June 22, 1950.

At this time, Delegate Crossley moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Report No. 67 with Standing Committee Reports Nos. 67-A, 67-B and 67-C attached, and Committee Proposal No. 22, from the Committee on Executive Powers and Functions. Seconded by Delegate Okino, and carried; and at 7:47 o'clock p.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Bryan as chairman.

At 10:18 o'clock p.m., the committee rose and the Convention reconvened.

Delegate Bryan, for the Committee of the Whole, having under consideration Standing Committee Report No. 67 with Standing Committee Reports Nos. 67-A, 67-B and 67-C attached, and Committee Proposal No. 22, "Relating to the Executive," orally reported progress and asked leave to sit again. Upon motion by Delegate Dowson, seconded by Delegate Sakakihara, and carried, the oral report of the committee was adopted.

The President announced that all matters on the calendar for today which were undisposed of would be deferred until tomorrow.

At 10:20 o'clock p.m., upon motion by Delegate Woolaway, seconded by Delegate Sakakihara, and carried, the Convention adjourned until 9:00 o'clock a.m., on Wednesday, June 21, 1950.

### **FIFTY-EIGHTH DAY • Wednesday, June 21, 1950**

The Convention convened at 9:03 o'clock a.m., with the President in the Chair.

The divine blessing was invoked by Chaplain Judd, after which the roll was called showing all delegates present, with the exception of Delegates Phillips and Wirtz, excused, and Delegates Kometani and Mizuha, temporarily excused.

The President announced that the journal of the fifty-sixth day had been approved, and stated that he would report tomorrow on the journal of the fifty-seventh day.

Consideration of Committee Report No. 51 and Committee Proposal No. 10, from the Committee on Taxation and Finance, relating to public finance and taxation: Delegate White, for the Committee on Taxation and Finance, requested that further consideration of the above enumerated report and committee proposal be deferred until tomorrow for the reason that following a meeting of the committee

held this morning, a new section on debt limitations was in the process of being prepared and would not be ready for presentation today. The request was granted, and further consideration of the said standing committee report and committee proposal was deferred until tomorrow.

At 9:10 o'clock a.m., upon motion by Delegate Lee, seconded by Delegate Okino, and carried, the Convention resolved itself into a Committee of the Whole for the further consideration of Standing Committee Report No. 67, with attached Standing Committee Reports Nos. 67-A, 67-B and 67-C and Committee Proposal No. 22, from the Committee on Executive Powers and Functions, with Delegate Bryan as chairman.

At 3:46 o'clock p.m., the committee rose and the Convention reconvened.

The President announced that in addition to the delegates excused this morning, he had excused the following delegates from this afternoon's session: Delegates Dowson, Gilliland, Hayes, Kometani, Luiz, Ihara, Tavares and White.

Delegate Bryan, for the Committee of the Whole, having under consideration Standing Committee Report No. 67, with Standing Committee Reports Nos. 67-A, 67-B and 67-C attached, and Committee Proposal No. 22, from the Committee on Executive Powers and Functions, orally reported progress and asked leave to sit again to consider the written report of the chairman on the above reports and committee proposal. Upon motion by Delegate James K. Trask, seconded by Delegate Porteus, and carried, the oral report of the committee was adopted.

At 3:49 o'clock p.m., upon motion by Delegate James K. Trask, seconded by Delegate Woolaway, and carried, the Convention stood in recess until 7:30 o'clock this evening.

### *EVENING SESSION*

The Convention reconvened at 7:39 o'clock p.m., with the President in the Chair, and all delegates being present with the exception of Delegates Dowson, Loper, Phillips, Sakai, Tavares, White and Wirtz, excused.

Consideration, on General Orders, of Standing Committee Report No. 78, from the Committee on Agriculture, Conservation and Land, reporting on proposals and the resolution referred to it, recommending the filing thereof, and submitting for introduction a committee proposal, with the recommendation that with the passage on first reading by the filing thereof, it pass second reading; and consideration, on second reading, of Committee Proposal No. 27, "Relating to Agriculture and Natural Resources": Delegate Richards moved that Standing Committee Report No. 78 and Committee Proposal No. 27 be referred to the Committee of the Whole

for consideration. Seconded by Delegate Crossley, and carried.

At this time, Delegate Crossley moved that the Convention resolve itself into a Committee of the Whole for the consideration of said standing committee report and said committee proposal. Seconded by Delegate Woolaway, and carried.

The President appointed Delegate Larsen as chairman of said Committee of the Whole; and at 7:42 o'clock p.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Larsen as chairman.

At 10:31 o'clock p.m., the committee rose and the Convention reconvened.

Delegate Larsen, for the Committee of the Whole, having under consideration Standing Committee Report No. 78 and Committee Proposal No. 27, from the Committee on Agriculture, Conservation and Land, orally reported progress and asked leave to sit again. Upon motion by Delegate Silva, seconded by Delegate Sakakihara, and carried, the oral report of the committee was adopted.

The President announced that all other matters on the General Orders of the Day, which had not been disposed of, would be deferred until tomorrow.

At 10:32 o'clock p.m., upon motion by Delegate Woolaway, seconded by Delegate Apoliona, and carried, the Convention adjourned until 8:30 o'clock a.m., on Thursday, June 22, 1950.

#### FIFTY-NINTH DAY • Thursday, June 22, 1950

The Convention convened at 8:37 o'clock a.m., with President King presiding.

After prayer by Chaplain Judd, the roll was called, showing all delegates present, with the exception of Delegates Sakai and Wirtz, excused.

The President announced that the journal of the fifty-seventh day had been approved, but that he would report tomorrow on the journal of the fifty-eighth day.

At this time, Delegate White, for the Committee on Taxation and Finance, suggested that the Convention proceed with the further consideration of Standing Committee Report No. 78 and Committee Proposal No. 27, from the Committee on Agriculture, Conservation and Land before proceeding with the further consideration of Standing Committee Report No. 51 and Committee Proposal No. 10, from the Committee on Taxation and Finance, both of which are on the calendar for today, which suggestion met with the approval of the Convention.

Consideration of Standing Committee Report No. 78 and Committee Proposal No. 27, from the Committee on Agriculture, Conservation and Land: Delegate White moved that the Convention at this time resolve itself into a Committee of the Whole for

the further consideration of Standing Committee Report No. 78 and Committee Proposal No. 27, from the Committee on Agriculture, Conservation and Land. Seconded by Delegate Woolaway, and carried; and at 8:41 o'clock a.m., the Convention so resolved itself into a Committee of the Whole, with Delegate Larsen as chairman, for the above purpose.

At 11:10 o'clock a.m., the committee rose and the Convention reconvened.

Delegate Larsen, for the Committee of the Whole, having under consideration Standing Committee Report No. 78 and Committee Proposal No. 27 from the Committee on Agriculture, Conservation and Land, orally reported progress and asked leave to sit again. Delegate Larsen moved for the adoption of the oral report of the committee. Seconded by Delegate Sakakihara, and carried.

At this time, Delegate Sakakihara moved that the Convention take up the further consideration of Standing Committee Report No. 51 and Committee Proposal No. 10, from the Committee on Taxation and Finance, and that the Convention resolve itself into a Committee of the Whole for such purpose. Seconded by Delegate Woolaway, and carried; and at 11:12 o'clock a.m., the Convention resolved itself into a Committee of the Whole for the consideration of the said standing committee report and said committee proposal, with Delegate Lee as chairman.

At 4:05 o'clock p.m., the committee rose and the Convention reconvened.

Delegate Lee, for the Committee of the Whole, having under consideration Standing Committee Report No. 51 and Committee Proposal No. 10, from the Committee on Taxation and Finance, orally reported progress and asked leave to sit again. Upon motion by Delegate Lee, seconded by Delegate White, and carried, the oral report of the committee was adopted.

Delegate Wist, for the Committee on Style, presented a report on Committee Proposal No. 8 relating to Suffrage and Elections, recommending the amendment of the said proposal and submitting the same for the consideration of the Convention in the amended form attached and designated as "Article VII—Suffrage and Elections" (see Sec. B, Standing Com. Rpt. No. 89). Upon motion by Delegate Wist, seconded by Delegate Noda, and carried, the report of the Committee was adopted and ordered printed, with the amended form of Committee Proposal No. 8, designated in the report as "Article VII—Suffrage and Elections." The President gave notice at this time that the committee proposal, as amended, designated as "Article VII—Suffrage and Elections"—would be placed on the calendar, on General Orders, for consideration on third reading on Saturday, June 24, 1950.

Third reading of Committee Proposal No. 3, as amended, relating to the Bill of Rights, and designated as "Article I": At the request of Delegate Mizuha,

and there being no objection, the President stated that third reading of the above committee proposal would be deferred until tomorrow.

At 4:08 o'clock p.m., upon motion by Delegate Harold W. Rice, seconded by Delegate Smith, and carried, the Convention resolved itself into a Committee of the Whole for the further consideration of Standing Committee Report No. 78 and Committee Proposal No. 27 from the Committee on Agriculture, Conservation and Land, with Delegate Larsen as chairman.

At 4:24 o'clock p.m., the committee rose and the Convention reconvened.

Delegate Larsen, for the Committee of the Whole, having under consideration Standing Committee Report No. 78 and Committee Proposal No. 27, orally reported progress and asked leave to sit again in order that the chairman of the said Committee of the Whole might have time to prepare his written report thereon. Upon motion by Delegate Larsen, seconded by Delegate Richards, and carried, the oral report of the committee was adopted.

Delegate Heen, for the Committee on Legislative Powers and Functions, reported orally, requesting an extension on time, until tomorrow, in which to file the report of that committee on matters referred to it. There being no objection, the President granted the request.

The President at this time announced that all matters remaining undisposed of on today's calendar would be deferred until tomorrow.

At 4:25 o'clock p.m., upon motion by Delegate Woolaway, seconded by Delegate Noda, and carried, the Convention adjourned until 8:30 o'clock a.m., on Friday, June 23, 1950.

#### SIXTIETH DAY • Friday, June 23, 1950

The Convention convened at 8:47 o'clock a.m., with the President in the Chair.

The divine blessing was invoked by Chaplain Judd, after which the roll was called, showing all delegates present, with the exception of Delegates Castro and Charles A. Rice, excused, and Delegate Anthony temporarily excused.

The President announced that the journal of the fifty-eighth day had been approved, but that he would report tomorrow on the journal of the fifty-ninth day.

Delegate Silva, for the Committee on Printing, presented a report on the printing of Standing Committee Report No. 89 and Committee Proposal No. 8 (see Sec. B, Standing Com. Rpt. No. 90). The report was received and placed on file.

A communication from the chairman of the Central Labor Council (A.F.L.), Legislative Committee restating the position of the Council on Committee Proposal No. 28, relating to the right of persons to organize, urging its adoption and requesting the Com-

mittee of the Whole in considering said proposal to incorporate this communication into its report to the Convention, was read by the Clerk (see Sec. B, Misc. Com. No. 107). The communication was received, to be acknowledged, copies to be distributed to the delegates, and referred to the Committee of the Whole for consideration at the time Standing Committee Reports Nos. 79 and 81 are before said Committee of the Whole.

At this time, the President recognized Delegate Kometani, who presented to the Convention the 110 delegates, from all of the Islands, representing the 4,000 members in the Territory of the "4-H" Club, with a national membership of 1,800,000, financed jointly by the federal and state governments, which delegates are presently in Honolulu attending the Convention of that organization. The club delegates who were seated on the bleachers in the back of the Convention Hall, rose, stood at attention facing the delegates, and repeated their club pledge.

The President, at 8:58 o'clock declared a recess, subject to the call of the Chair, in order that the Convention might listen informally to a short talk by Mr. Baron Goto, one of the Extension Leaders of the Club, on the purposes and accomplishments of the "4-H" Club. The Convention reconvened at 9:01 o'clock a.m.

The President announced that it was planned to first consider this morning, in Committee of the Whole, Standing Committee Reports Nos. 79 and 81, from the majority and minority, respectively, of the Committee on Industry and Labor; and to then resume, in Committee of the Whole, the further consideration of Standing Committee Report No. 51 and Committee Proposal No. 10 from the Committee on Taxation and Finance, relating to public finance and taxation.

The President, at this time, stated that an appointment had been made for a committee of delegates, and himself, to call upon Acting Governor Oren E. Long, at 10:00 o'clock tomorrow morning, in reference to additional funds necessary for the Convention to carry its work to completion. He thereupon announced the appointment of the following ten delegates as members of that committee: Delegates Heen, Lee, Harold W. Rice, Anthony, Tavares, Fong, Sakakihara, Silva, Wist and Porteus, and asked that they be prepared to accompany him on this mission. He stated, also, that there was being prepared a financial statement covering the expenses and economies that are to be instituted by the Convention, which would be ready for presentation at the time of the meeting with the Acting Governor.

Delegate Crossley moved that the Convention at this time take up the consideration of Standing Committee Reports Nos. 79 and 81 and Committee Proposal No. 28, relating to the right of persons to organize, from the Committee on Industry and Labor,

on the calendar for today. Seconded by Delegate Apoliona, and carried.

Consideration of Standing Committee Reports Nos. 79 and 81 from the majority and minority, respectively, of the Committee on Industry and Labor, and Committee Proposal No. 28, relating to the right of persons to organize: Delegate Crossley moved that the said standing committee reports and the said committee proposal be referred to the Committee of the Whole. Seconded by Delegate Apoliona, and carried.

Delegate Crossley then moved that the Convention resolve itself into a Committee of the Whole at this time for the consideration of Standing Committee Reports No. 79 and 81 and Committee Proposal No. 18, relating to the right of persons to organize, and Miscellaneous Communication No. 107 from the Central Labor Council (A.F.L.), Legislative Committee, relating to the said subject matter. Seconded by Delegate Apoliona, and carried.

The Chair stated that it had been suggested that the Committee of the Whole be instructed to limit the time of its deliberations this morning in connection with these reports, proposal and miscellaneous communication, so that it might rise and report to the Convention at 11:30 o'clock; and that in order to carry out this suggested program, the chairman of the Committee of the Whole might limit each speaker to five minutes.

The President appointed Delegate Harold W. Rice as chairman of the said Committee of the Whole, and at 9:06 o'clock a.m., the Convention resolved itself into a Committee of the Whole for the consideration of the said standing committee reports and the said committee proposal, and the said miscellaneous communication, with Delegate Harold W. Rice, as chairman.

At 11:59 o'clock a.m., the committee rose and the Convention reconvened.

Delegate Harold W. Rice, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 79 and 81 and Miscellaneous Communication No. 107, all relating to the right of persons to organize, orally reported progress and asked leave to sit again. Upon motion by Delegate Dowson, seconded by Delegate Smith, the oral report of the committee was adopted.

At 12:01 o'clock p.m., upon motion by Delegate Sakakihara, seconded by Delegate Kido, and carried, the Convention stood in recess until 1:30 o'clock this afternoon.

#### AFTERNOON SESSION

The Convention reconvened at 1:37 o'clock p.m., with the President in the Chair and all members being present with the exception of Delegates Castro, Charles A. Rice and Silva, excused.

At this time, Delegate Lee moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Report No. 51 and Committee Proposal No. 10 from the Committee on Taxation and Finance. Seconded by Delegate Dowson, and carried; and at 1:41 o'clock p.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Lee as chairman.

At 3:05 o'clock p.m., the committee rose and the Convention reconvened. Delegate Lee, for the Committee of the Whole, having under consideration Standing Committee Report No. 51 and Committee Proposal No. 10, orally reported progress and asked leave to sit again. Upon motion by Delegate Lee, seconded by Delegate White, and carried, the oral report of the committee was adopted.

Delegate Sakakihara moved that at this time the Convention take up the consideration of Standing Committee Reports Nos. 74 and 84, from the majority and minority, respectively, of the Committee on Local Government, and Committee Proposal No. 26 submitted by the majority of the said committee. Seconded by Delegate Apoliona, and carried.

Consideration of Standing Committee Report No. 74 and Standing Committee Report No. 84, from the majority and minority, respectively, of the Committee on Local Government, and Committee Proposal No. 26, from the said committee, relating to local government: Upon motion by Delegate Kauhane, seconded by Delegate Doi, the said Standing Committee Reports Nos. 74 and 84 and Committee Proposal No. 26 were referred to the Committee of the Whole.

Delegate Phillips, for the minority of the Committee on Local Government, presented a report based on the major premise that "the more the local people are permitted to do for themselves, the better will be the state of its citizenry," and recommending that there be substituted, for the four sections of Committee Proposal No. 26 submitted with Standing Committee Report No. 74 from the Majority of the Committee, seven sections in the form set forth in his report (see Sec. B, Standing Com. Rpt. No. 91). The report was received, ordered printed and referred to the Committee of the Whole, to which Standing Committee Reports Nos. 74 and 84 have been referred.

At this time, Delegate Sakakihara moved that the Convention resolve itself into a Committee of the Whole for the consideration of Standing Committee Reports Nos. 74, 84 and 91 and Committee Proposal No. 26, relating to local government. Seconded by Delegate Apoliona, and carried.

The President thereupon appointed Delegate Arthur K. Trask as chairman of the said Committee of the Whole; and at 3:10 o'clock p.m., the Convention resolved itself into a Committee of the Whole for the consideration of the said standing committee re-



ports and the said committee proposal, with Delegate Arthur K. Trask as chairman.

The committee rose at 4:58 o'clock p.m., and the Convention reconvened.

The President announced that Delegate Gilliland had been excused from attendance for the balance of today's session.

Delegate Arthur K. Trask, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 74, 84 and 91 and Committee Proposal No. 26, relating to Local Government, orally reported progress and asked leave to sit again. Upon motion by Delegate James K. Trask, seconded by Delegate Dowson, and carried, the oral report of the committee was adopted.

At this time, Delegate Crossley moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Report No. 37 from the Committee on Judiciary and Committee Proposal No. 7 accompanying said report, entitled: "A Proposal for the Establishment of the Judiciary." Seconded by Delegate Woolaway, and carried; and at 5:00 o'clock p.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Crossley as chairman.

At 5:06 o'clock p.m., the committee rose and the Convention reconvened.

Delegate Crossley, for the Committee of the Whole, having under consideration Standing Committee Report No. 37 and Committee Proposal No. 7, presented a report submitting an amended Committee Proposal No. 7, and recommending: (1) that Committee Proposal No. 7 as amended pass Second Reading; (2) that Standing Committee Report No. 37 be filed; (3) that Proposal No. 14 contained therein be referred to the Committee on Ordinances and Continuity of Law; and (4) that Proposal No. 17 be referred to the Committee on Bill of Rights (see Sec. B, Com. of Whole Rpt. No. 8). Upon motion by Delegate Crossley, seconded by Delegate Porteus, and carried, the report of the committee was adopted; and Committee Proposal No. 7, as amended, passed second reading; Standing Committee Report No. 37 was filed; proposal No. 14 was referred to the Committee on Ordinances and Continuity of Law; and Proposal No. 17 was referred to the Committee on Bill of Rights. The President thereupon referred the committee proposal, as amended to the Committee on Style, for consideration as to phraseology only and report within five convention days, and ordered the report of the Committee of the Whole printed.

Third reading of Committee Proposal No. 3, as amended, relating to the Bill of Rights, and designated "Article I," deferred from yesterday:

Delegate Porteus, Secretary of the Convention, advised the members that Delegate Mizuha desired to offer certain amendments to Committee Proposal No. 3, as amended, designated "Article I," and as Rule 46 of the rules of the Convention requires unanimous consent to amend on third reading, he requested that such consent be given to Delegate Mizuha in order to permit him to offer such amendments.

Such unanimous consent having been given by the delegates present, Delegate Mizuha offered the following amendments:

In line 4 of Section 4, insert a comma after the word "laws," and immediately thereafter delete the word "or" and in lieu thereof insert the words "nor be denied," so that the Section, as amended, shall read:

**SECTION 4.** No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of his civil rights or be discriminated against in the exercise thereof because of race, religion, sex or ancestry.

Upon motion by Delegate Mizuha, seconded by Delegate Anthony, and carried, the amendments were adopted.

Delegate Anthony requested unanimous consent to offer a further amendment to Committee Proposal No. 3, as amended.

Such consent having been given by the delegates present, Delegate Anthony moved that the proposal be further amended by deleting the letter "s" from the word "privileges" in Section 13, so that the word shall be "privilege." Upon motion by Delegate Anthony, seconded by Delegate Wist, and carried, the amendment was adopted.

Delegate Anthony stated that there was need for further amendment of Section 13; and thereupon moved that further consideration of Committee Proposal No. 3, as amended, be deferred until tomorrow. Seconded by Delegate Porteus, and carried.

Delegate Heen, for the Committee on Legislative Powers and Functions, presented a report submitting for introduction a committee proposal and recommending its passage (see Sec. B, Standing Com. Rpt. No. 92). The report was received and referred to the Committee on Printing for printing.

Delegate Heen, for the Committee on Legislative Powers and Functions, introduced Committee Proposal No. 29, entitled: "Relating to Legislative Powers and functions." The Proposal passed first reading by title and was referred to the Committee on Printing for printing.

The President stated that all matters on the calendar which had not been disposed of at today's session would be deferred until tomorrow.

At 5:28 o'clock p.m., upon motion by Delegate Woolaway, seconded by Delegate Noda, and carried,

the Convention adjourned until 8:30 o'clock a.m., on Saturday, June 24, 1950.

### SIXTY-FIRST DAY • Saturday, June 24, 1950

The Convention convened at 8:42 o'clock a.m., with President King in the Chair.

After prayer by Chaplain Judd, the roll was called showing all delegates present, with the exception of Delegates Crossley, Lyman, Mizuha, Charles A. Rice, Sakai, Silva and White, excused.

The journal of the fifty-ninth day was approved, and the President announced that he would report on Monday on the journal of the sixtieth day.

The President announced that six members of the "Okolehau Puptent No. 1, Military Order of the Cootie" of Veterans of Foreign Wars were present in the convention hall to present the flag of the State of Pennsylvania to the Convention, and asked that Delegate Anthony, a native of that State, join these veterans on the rostrum to assist in the presentation; and at 8:45 o'clock a.m., declared a recess, subject to the call of the Chair, in order that this presentation might be made "in behalf of the sons of Pennsylvania who lie in the National Cemetery at Punchbowl, Honolulu."

The presentation being completed, the Convention reconvened at 8:52 o'clock a.m.

Under suspension of the rules, the Convention at this time took up the third readings on the calendar for today.

Third reading of Committee Proposal No. 3, as amended, relating to the Bill of Rights, and designated "Article I," deferred from yesterday: Delegate Anthony at this time signified his desire to offer an amendment to said Committee Proposal No. 3, as amended. Delegate Porteus thereupon moved that the rules of the Convention be suspended in order to permit Delegate Anthony to offer certain amendments to the committee proposal. Seconded by Delegate Woolaway, and carried.

Delegate Anthony offered the following amendments to Committee Proposal No. 3, as amended:

In the second sentence of Section 13, insert the following, after the word "suspending":

"the privilege of the writ of habeas corpus, and";

and in the next line, after the words "execution thereof," insert a comma, so that the amended Section 13 shall read:

"The power of suspending the privilege of the writ of habeas corpus, and the laws or the execution thereof, shall never be exercised except by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly prescribe."

Delegate Anthony moved for the adoption of the amendments. Seconded by Delegate Porteus, and carried.

Delegate Anthony moved that, under the suspension of the rules, said Committee Proposal No. 3, as amended, be further amended by deleting the "semi-colon" after the word "law" in the 7th line of Section 11, and inserting in lieu thereof a comma. The motion was seconded by Delegate Tavares, and carried.

Delegate Anthony moved that Committee Proposal No. 3, as amended, designated "Article I," pass third reading. Seconded by Delegate Porteus.

Delegate Tavares rose to remind the Convention of what was said with respect to the article on jury trial in Committee of the Whole Report No. 5, pages 10 and 11, which also related to the last section of the article on judiciary which had already passed second reading.

Delegate Tavares stated that he regretted that lack of time had prevented him from noting that this reference was not mentioned in the Committee of the Whole Report No. 8 on the establishment of the judiciary, which had been adopted by the Convention. He felt that there should have been inserted in said Report No. 8 a statement substantially the same as set forth on pages 10 and 11 of Committee of the Whole Report No. 5, on the Bill of Rights, construing Section 10 of said Committee Proposal No. 7 as authorizing the Supreme Court, under rules and regulations in civil and criminal cases, except capital offenses, by a jury of less than 12, and for verdicts less than unanimous or less than the proportion required by law, as well as to permit extra jurors to sit with the regular jury to prevent mistrials where a member or members of the regular jury might become ill, die, or otherwise be unable to perform his duties as a juror.

The Chair put the motion to pass the proposal, as amended, on third reading, which was carried on the following showing of ayes and noes: Ayes, 56. Noes, none. Excused and not voting, 7 (Crossley, Lyman, Mizuha, Charles A. Rice, Sakai, Silva and White).

The President announced that the committee proposal, as amended, having passed third reading, would be referred back to the Committee on Style for arrangement of sections and article or articles and for form, for report to the Convention.

Third reading of Committee Proposal No. 8, as amended, designated "Article VII—Suffrage and Elections":

Delegate Kometani moved that Proposal No. 8, as amended, pass third reading. Seconded by Delegate Porteus.

Delegate Tavares rose to bring to the attention of the Convention the construction of the word "felony" in Section 2 of Committee Proposal No. 8, as amended. He stated that he felt the word "felony" should be construed as including, not only convictions

of felonies by the courts of this state, but also convictions of felonies in the courts of other jurisdictions. Otherwise, for instance, a person convicted of a felony in the federal courts would still be eligible to vote or hold office in this jurisdiction.

Delegate Lee stated that he did not think the courts should construe this as being the opinion of the entire Convention. If there were members who had a different opinion, they could vote on the proposal and leave it to the court to interpret.

The President stated that these statements would be incorporated in the record, as points of view only, leaving it to the courts to make their construction of the word "felony."

The Chair thereupon put the motion to pass Committee Proposal No. 8, designated as "Article VII - Suffrage and Elections," as amended, on third reading, which was carried on the following showing of ayes and noes: Ayes, 56. Noes: None. Excused and not voting, 7 (Crossley, Lyman, Mizuha, Charles A. Rice, Sakai, Silva and White).

At this time, Delegate Okino moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Reports No. 47, 48 and 49 from the Committee on Revision, Amendments, Initiative, Referendum and Recall, and Committee Proposal No. 9, "Relating to Revision and Amendment." Seconded by Delegate Fukushima, and carried; and at 9:26 o'clock a.m., the Convention resolved itself into a Committee of the Whole for the further consideration of said standing committee reports and committee proposal, with Delegate Okino as chairman.

At 9:27 o'clock a.m., the committee rose and the Convention reconvened.

Delegate Okino, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 47, 48 and 49, and Committee Proposal No. 9, relating to Revision and Amendments, presented a report recommending that Standing Committee Reports Nos. 47 and 48 be adopted; that Standing Committee Report No. 49 be rejected and placed on file; that Committee Proposal No. 9 be amended as set forth in the report of the Committee of the Whole, and that said Committee Proposal No. 9, as so amended, pass second reading (see Sec. B, Com. of Whole Rpt. No. 9). Upon motion by Delegate Okino, seconded by Delegate Porteus, and carried, the report of the committee was adopted; Standing Committee Reports No. 47 and 48 were adopted; Standing Committee Report No. 49 was placed on file; and Committee Proposal No. 9, as amended, passed second reading. The President thereupon referred the committee proposal as amended, to the Committee on Style for consideration as to phraseology only, and report within five convention days, and ordered the report of the Committee of the Whole printed.

At this time, Delegate Fukushima moved that the Convention resolve itself into a Committee of the

Whole for the further consideration of Standing Committee Report No. 52 from the Committee on Education, and Committee Proposal No. 11 accompanying said report, "Relating to Education." Seconded by Delegate James K. Trask, and carried; and at 9:29 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Fukushima as chairman.

At 9:32 o'clock a.m., the committee rose and the Convention reconvened.

Delegate Fukushima, for the Committee of the Whole, having under consideration Standing Committee Report No. 52 from the Committee on Education, and Committee Proposal No. 11, relating to Education, presented a report recommending that Committee Proposal No. 11, as amended and attached to the Committee of the Whole Report, pass second reading; that Standing Committee Report No. 52 be adopted, except as, and to the extent that, the same may be inconsistent with the provisions and recommendations of the Committee of the Whole report; and that appropriate recommendation be made to the state legislature to make statutory provision for the executive officer of the Board of Agriculture, or similar officer, to be a member, ex officio, of the Board of Regents of the University of Hawaii (see Sec. B, Com. of Whole Rpt. No. 10). Upon motion by Delegate Fukushima, seconded by Delegate Porteus, and carried, the report of the committee was adopted; Standing Committee Report No. 52 was adopted, except as, and to the extent that, the same may be inconsistent with the provisions and recommendations of the report of the Committee of the Whole; appropriate recommendation to be made to the state legislature to make statutory provision for the executive officer of the Board of Agriculture, or similar officer, to be a member, ex officio, of the Board of Regents of the University of Hawaii, and Committee Proposal No. 11, as amended, passed second reading. The President thereupon referred the committee proposal as amended, to the Committee on Style for consideration as to phraseology only, and report within five convention days, and ordered the report of the Committee of the Whole printed.

Delegate Noda, for Delegate Silva, presented a report on the printing of Standing Committee Report No. 92 and Committee Proposal No. 29 (see Sec. B, Standing Com. Rpt. No. 93). The report of the committee was received and placed on file.

Consideration of Standing Committee Report No. 92, from the Committee on Legislative Powers and Functions, submitting for introduction a committee proposal, "Relating to Legislative Powers and Functions": The President announced that the report would be placed on the General Orders of the Day for consideration on Thursday, June 29th.

Consideration of Committee Proposal No. 29, "Relating to Legislative Powers and Functions":

The President announced that the proposal would be placed on the General Orders of the Day for consideration on second reading on Thursday, June 29th.

Delegate Noda, for Delegate Silva, presented a report on the printing of Committee of the Whole Report No. 8 and Committee Proposal No. 7 as amended (see Sec. B, Standing Com. Rpt. No. 94). The report was received and placed on file.

Delegate Heen, for the Committee on Legislative Powers and Functions, presented a report on proposals and sections of proposals referred to it, with the recommendation that they be placed on file for the reasons set forth in the report. (see Sec. B, Standing Com. Rpt. No. 95). The report was received, ordered printed and action thereon deferred until Thursday, June 29th, at which time Standing Committee Report No. 92 and Committee Proposal No. 29 is before the Convention for consideration.

Delegate Kometani, for the Committee on Suffrage and Elections, presented a report returning Miscellaneous Communication No. 88, relating to outlawing the Communist Party, with the recommendation that it be placed on file for the reasons set forth in the report (see Sec. B, Standing Com. Rpt. No. 96). Upon motion by Delegate Kometani, seconded by Delegate Mau, and carried, the report of the committee was adopted; and Miscellaneous Communication No. 88 was thereupon placed on file.

At this time, the President announced that the hour of 10:00 o'clock was approaching, at which time the committee he had appointed yesterday was to accompany him to the office of Acting Governor Oren E. Long in connection with a request for additional funds with which to complete the work of the Convention; and suggested that the Convention might resolve itself into a Committee of the Whole at this time for the further consideration of standing committee reports relating to local government and Committee Proposal No. 26, and thereafter stand in recess until the above committee had returned from its call upon the Acting Governor.

Accordingly, Delegate Kauhane moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Report No. 74 from the majority of the Committee on Local Government and Committee Reports Nos. 84 and 91 from the minority of said committee and Committee Proposal No. 26 from the majority of the said committee. Seconded by Delegate Porteus, and carried; and at 9:42 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Arthur K. Trask as chairman.

At 11:36 o'clock a.m., the committee rose and the Convention reconvened.

Delegate Arthur K. Trask, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 74, 84 and 91, and Committee Proposal No. 26, from the Committee on Local Gov-

ernment, orally reported progress and asked leave to sit again. Upon motion by Delegate Arthur K. Trask, seconded by Delegate Kauhane, and carried, the oral report of the committee was adopted.

The President at this time announced that the committee appointed by him yesterday to call upon Acting Governor Oren E. Long, in connection with the finances of the Convention, had carried out its mission; and that the Acting Governor had received the committee very sympathetically and the delegates had left his chambers with the understanding that he would transmit the request for additional funds to Governor Stainback, presently on the mainland, with the recommendation that it be approved.

The President announced that all matters undisposed of at the close of today's session, which were on the calendar for consideration today, would be deferred until Monday, June 26th.

At 11:46 o'clock a.m., upon motion by Delegate Harold W. Rice, seconded by Delegate Sakakihara, and carried, the Convention adjourned until 8:30 o'clock a.m., on Monday, June 26, 1950.

#### SIXTY-SECOND DAY • Monday, June 26, 1950

The Convention convened at 8:41 o'clock a.m., with President King presiding.

The divine blessing was invoked by Chaplain Judd, after which the roll was called showing all delegates present, with the exception of Delegates Anthony, Okino, Sakai and White, excused; and Delegate Mizuha temporarily excused.

The President announced that he would report tomorrow on the journal of the sixtieth and sixty-first days.

At this time, Delegate James K. Trask moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Reports Nos. 74, 84 and 91 and Committee Proposal No. 26 from the Committee on Local Government. Seconded by Delegate Kam, and carried; and at 8:45 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Arthur K. Trask as chairman.

At 3:47 o'clock p.m., the committee rose and the Convention reconvened.

At the time of reconvening, Delegate Mizuha, who had been temporarily excused this morning, was in attendance.

Delegate Arthur K. Trask, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 74, 84 and 91 and Committee Proposal No. 26, from the Committee on Local Government, orally reported progress and asked leave to sit again in order that the chairman of the Committee of the Whole might prepare a written report. Upon motion by Delegate Arthur K. Trask,

seconded by Delegate Kauhane, and carried, the oral report of the committee was adopted.

Consideration of Standing Committee Reports Nos. 53, 54, 55, 56, 57, 58, 62, 63, 64, 65 and 66, Committee Proposals Nos. 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21, and Resolution No. 29, from the Committee on Miscellaneous Matters, on General Orders of the Day: Delegate Crossley moved that the above enumerated standing committee reports, committee proposals and Resolution No. 29 be referred to the Committee of the Whole. Seconded by Delegate Smith, and carried.

At this time, Delegate Crossley moved that the Convention resolve itself into a Committee of the Whole for the consideration of the above enumerated standing committee reports, committee proposals and Resolution No. 29. Seconded by Delegate Smith, and carried.

The President appointed Delegate Castro as chairman of the said Committee of the Whole, and at 3:48 o'clock p.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Castro as chairman.

At 5:20 o'clock p.m., the committee rose and the Convention reconvened.

Delegate Castro, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 62, 63, 65, 54, 55, 56, 58, 53, 57 and 64, Committee Proposals Nos. 18, 19, 15, 21, 13, 14, 17, 12, 16 and 20, and Resolution No. 29, from the Committee on Local Government, orally reported progress and asked leave to sit again. Upon motion by Delegate Castro, seconded by Delegate Crossley and carried, the oral report of the committee was adopted.

A communication from Henry A. White, chairman of the Committee on Finance and Taxation, expressing sincere appreciation to Dr. Roy E. Brown, chairman of the Tax Study Committee of the Chamber of Commerce of Honolulu, for his invaluable assistance in supplying data on public finances and taxation, and requesting that a copy of his letter be forwarded to Dr. Brown by the President of the Convention, was read by the Clerk (see Sec. B, Misc. Com. No. 108). The communication was received and placed on file.

A communication from Henry A. White, chairman of the Committee on Taxation and Finance, acknowledging invaluable assistance from the legal firm of Wood, King & Dawson, New York City, particularly with respect to debt limitations, and requesting that the Convention record its appreciation to this firm for this assistance, and asking that a copy of this letter be forwarded to that firm, was read by the Clerk (see Sec. B, Misc. Com. No. 109). The communication was received and placed on file.

A communication from Henry A. White, chairman of the Committee on Taxation and Finance, acknowledging invaluable assistance in connection with its

deliberations on matters of taxation and finance from Attorney General Walter D. Ackerman, Jr., Howard Adams, Territorial Deputy Treasurer; Territorial Tax Commissioner William Borthwick; Territorial Auditor Joseph Dickson; Territorial Deputy Bank Examiner William Lederer; Miss Rhoda V. Lewis, Assistant Attorney General; Mr. Paul Thurston, Territorial Director of the Budget; and Mr. Torkel Westley, Assistant Tax Commissioner, and requesting that the appreciation of the Convention be expressed to these individuals for their assistance, and asking that a copy of this letter be transmitted to each of them, was read by the Clerk (see Sec. B, Misc. Com. No. 110). The communication was received and placed on file.

At 5:30 o'clock p.m., upon motion by Delegate Woolaway, seconded by Delegate Noda, and carried, the Convention adjourned until 8:30 o'clock on Tuesday, June 27, 1950.

### SIXTY-THIRD DAY • Tuesday, June 27, 1950

The Convention convened at 8:41 o'clock a.m., with President King in the Chair.

After prayer by Chaplain Judd, the roll was called, showing all delegates present, with the exception of Delegates Sakai and White, excused, and Delegate Gilliland, temporarily excused.

The journal of the sixtieth and sixty-first days was approved, and the President stated that he would report tomorrow on the journal of the sixty-second day.

At this time, the President announced that there were present in the convention hall 12 members of the Kansas Club of Hawaii who would participate in the presentation to the Convention of the flag of Kansas, whereupon he requested the Sergeant-at-Arms to escort this group to the rostrum, where the presentation was to be made by Mrs. John F. Fox, wife of the president of Punahou School, on behalf of the people of the "Sunflower" State; and at 8:45 o'clock a.m., the Convention stood in recess, subject to the call of the Chair, in order that this ceremony might be proceeded with, informally. At 8:51 o'clock a.m., the presentation having been made, the Convention reconvened and proceeded with the regular order of business.

At this time, Delegate Woolaway moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Reports Nos. 53, 54, 55, 56, 57, 58, 62, 63, 64, 65 and 66; Committee Proposals Nos. 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21, and Resolution No. 29, from the Committee on Miscellaneous Matters. Seconded by Delegate Bryan, and carried; and at 8:52 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Castro as chairman.

At 11:53 o'clock a.m., the committee rose, and the Convention reconvened.

Delegate Castro, for the Committee of the Whole having under consideration the above enumerated standing committee reports and committee proposals and said Resolution No. 29, orally reported progress and asked leave to sit again. Upon motion by Delegate Crossley, seconded by Delegate Bryan, and carried, the oral report of the committee was adopted.

At 11:54 o'clock a.m., upon motion by Delegate Porteus, seconded by Delegate Crossley, and carried, the Convention stood in recess until 1:30 o'clock this afternoon.

#### AFTERNOON SESSION

The Convention reconvened at 1:44 o'clock p.m., with the President in the Chair, and all delegates being present, with the exception of Delegates Kometani, Lee, Okino, Phillips, Sakai, White and Wist, excused.

At this time, Delegate Apoliona moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Reports No. 53, 54, 55, 56, 57, 58, 62, 63, 64, 65 and 66; Committee Proposals Nos. 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21, and Resolution No. 29, from the Committee on Miscellaneous Matters. Seconded by Delegate Yamamoto, and carried; and at 1:45 o'clock p.m., the Convention resolved itself into a Committee of the Whole for such purpose with Delegate Castro as chairman.

At 4:53 o'clock p.m., the committee rose and the Convention reconvened.

Delegate Castro, for the Committee of the Whole, having under consideration the above enumerated standing committee reports, committee proposals and Resolution No. 29, orally reported progress and asked leave to sit again. Upon motion by Delegate Crossley, seconded by Delegate Bryan, and carried, the oral report of the committee was adopted.

Under suspension of the rules, and by unanimous consent, Delegate Heen, for the Committee on Legislative Powers and Functions, introduced Committee Proposal No. 30, "Relating to a Schedule Describing Representative Districts." Upon motion by Delegate Heen, seconded by Delegate Bryan, and carried, the committee proposal passed first reading by title and was referred to the Printing Committee.

A communication from Hon. Oren E. Long, Acting Governor of Hawaii, informing the Convention that an additional \$15,000 had been allocated from the Governor's contingent fund, with the full knowledge and approval of Governor Stainback, for the completion of the work of the Convention; and congratulating the Convention on the progress it had made, and stating that there was an agreement that it was more important that this assignment be well done, rather than being completed within a given

time, was read by the Clerk (see Sec. B, Gov.'s Message No. 5). The communication was received and placed on file.

Delegates Lyman, Sakakihara, Okino, Doi, Ihara, Cockett, Woolaway, Bryan, Akau, Kawakami, Holroyde, Arthur K. Trask, Fong, Fukushima, Kauhane, Kam, Shimamura, Larsen, Corbett, Yamauchi, Kage, Smith, Nielsen, Luiz, Dowson, Loper, Kawahara, Silva, Crossley, Serizawa, Arashiro and Noda offered a resolution requesting the Postmaster General of the United States, upon the admission of Hawaii as a state of the Union, to cause a 6-cent airmail stamp to be designed, embodying therein the seal of the State of Hawaii, and to issue said stamps in commemoration of the admission of Hawaii into the Union; and requesting the Secretary of the Treasury, at such designated time, to cause a 50-cent coin to be designed, embodying the seal of the State of Hawaii thereon and other appropriate designs, and to have said coin struck and issued in commemoration of this same occasion (see Sec. B, Res. No. 44). Upon motion by Delegate Sakakihara, seconded by Delegate Bryan, and carried, the resolution was referred to the Committee on Miscellaneous Matters.

The President announced at this time that all matters remaining undisposed of on today's calendar would be deferred until tomorrow.

Delegate Roberts suggested that the Convention convene tomorrow morning at 9:30, instead of the usual hour of 8:30, in order that the delegates might have more time in the morning to study the committee reports before them, before the hour of convening. Delegate Woolaway moved that the Convention adjourn until 9:00 o'clock a.m., tomorrow, which motion was seconded by Delegate Sakakihara, and carried; and at 5:07 o'clock p.m., the Convention adjourned until 9:00 o'clock a.m., on Wednesday, June 28, 1950.

#### SIXTY-FOURTH DAY • Wednesday, June 28, 1950

The Convention convened at 9:09 o'clock a.m., with President King presiding.

The divine blessing was invoked by Chaplain Judd, after which the roll was called, showing all delegates present.

The President stated that he would report tomorrow on the journal of the sixty-second and sixty-third days, as he had not yet had an opportunity to read it.

At this juncture, President King announced that he had just received a radiogram from Washington informing him that the statehood bill (H.R. 49), had been favorably reported out by the Committee on Interior and Insular Affairs of the Senate, by a vote of 9 to 1, the only member of the committee voting against it being Senator Butler, Republican. Two Republican members had voted for it and three Republican members did not vote, and all seven of the

Democratic members had voted favorably on it. The message also stated that it was expected that the bill would come up on the floor of the Senate on July 15th. Delegate Anthony moved that the President be instructed to send a radiogram to the chairman of the Senate Committee on Interior and Insular Affairs, expressing the gratitude of the Convention to the committee for their action on this Bill, and expressing the confidence of the Convention in the committee. Seconded by Delegate Mau, and carried unanimously.

At 9:16 o'clock a.m., the President declared a recess, subject to the call of the Chair. At 10:00 o'clock a.m., the Convention reconvened.

Delegate Silva, for the Committee on Printing, presented a report on the printing of Committee Proposal No. 30 and Resolution No. 44 (see Sec. B, Standing Com. Rpt. No. 97). The report was received and placed on file.

Consideration of Committee Proposal No. 30, "Relating to a Schedule Describing Representative Districts": Delegate Heen moved that the rules be suspended and that this proposal be considered, on second reading, at the time that Standing Committee Reports Nos. 92 and 95 are before the Convention, with Committee Proposal No. 29, from the Committee on Legislative Powers and Functions. Seconded by Delegate Lee, and carried.

Delegate Shimamura, for the Committee on Ordinances and Continuity of Law, presented a report recommending that Proposal No. 14, originally referred to the Committee on Judiciary, relating to "the judiciary," be placed on file for the reasons set for in the report (see Sec. B, Standing Com. Rpt. No. 98). Upon motion by Delegate Shimamura, seconded by Delegate Sakakihara, and carried, the report of the committee was adopted, and Proposal No. 14 was thereupon placed on file.

At this time, Delegate Heen moved that the rules be suspended, and that the Convention take up the consideration of Standing Committee Reports Nos. 92 and 95, and Committee Proposals Nos. 29 and 30 from the Committee on Legislative Powers and Functions, originally set on the calendar for consideration tomorrow. Seconded by Delegate Wirtz, and carried.

Delegate Heen moved that Standing Committee Reports Nos. 92 and 95 and Committee Proposals Nos. 29 and 30, from the Committee on Legislative Powers and Functions, be referred to the Committee of the Whole. Seconded by Delegate Holroyde, and carried.

At this time, Delegate Heen moved that the Convention resolve itself into a Committee of the Whole for the consideration of Standing Committee Reports Nos. 92 and 95 and Committee Proposals Nos. 29 and 30. Seconded by Delegate Holroyde, and carried.

The President thereupon appointed Delegate Anthony as chairman of the said Committee of the Whole; and at 10:04 o'clock a.m., the Convention resolved

itself into a Committee of the Whole for the consideration of said committee reports and said committee proposals, with Delegate Anthony as chairman.

The Committee rose at 11:54 o'clock a.m., and the Convention reconvened.

Delegate Anthony, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 92 and 95 and Committee Proposals Nos. 29 and 30, orally reported progress and asked leave to sit again. Upon motion by Delegate Crossley, seconded by Delegate Dowson, and carried, the oral report of the committee was adopted.

At this juncture, Delegate Arthur K. Trask rose on a point of personal privilege to present, on behalf of the people of Kaneohe, ilima leis to each of the lady delegates, as an expression of their gratification that the Convention had decided to recommend to the Legislature the selection of the ilima as the official flower of the State of Hawaii; and also presented, from these same people, as a token of aloha and appreciation, an ilima plant to one delegate from each island and county represented in the Convention, as follows: to Delegate Ashford from the Island of Molokai, County of Maui; to Delegate Charles A. Rice, the senior delegate from Kauai, to Delegate Sakakihara from Hawaii, and to President King from Kaneohe, Island of Oahu.

Delegates Heen, Lee and Wirtz, the minority of the Committee on Legislative Powers and Functions, presented a report disagreeing with the majority report of that committee, insofar as it establishes a senate of twenty-five members, recommending the amendment of Committee Proposal No. 29 in accordance with the amendments set forth and attached to the minority report (see Sec. B, Standing Com. Rpt. No. 99). The report was received and referred to the Committee on Printing, for printing.

Delegate Wist, for the Committee on Style, presented a report on Committee Proposal No. 7, as amended, relating to the judiciary, recommending the amendment of the said committee proposal, and submitting the same for the consideration of the Convention in the amended form attached to the report and designated "Article VI" (see Sec. B, Standing Com. Rpt. No. 100). Upon motion by Delegate Wist, seconded by Delegate Noda, and carried, the report of the committee was adopted and ordered printed, with the amended form of Committee Proposal No. 7, designated as "Article VI." The President gave notice at this time that the committee proposal, as amended, designated as "Article VI," would be placed on the calendar, on General Orders, for consideration on third reading on Friday, June 30th.

At 11:59 o'clock a.m., upon motion by Delegate Noda, seconded by Delegate Woolaway, and carried, the Convention stood in recess until 1:30 o'clock this afternoon.



## AFTERNOON SESSION

The Convention reconvened at 1:50 o'clock p.m., with the President in the Chair and all delegates being present.

Delegate Silva, for the Committee on Printing, presented a report on the printing of Standing Committee Report No. 99 (see Sec. B, Standing Com. Rpt. No. 101). The report was received and placed on file.

Consideration of Standing Committee Report No. 99, from the three minority members of the Committee on Legislative Powers and Functions, recommending the amendment of Committee Proposal No. 29 in accordance with the amendments set forth and attached to the said report: Delegate Heen moved that the rules be suspended, and that the report be considered at the time that Standing Committee Reports Nos. 92 and 95 and Committee Proposals Nos. 29 and 30 are being considered, and that the report be referred to the Committee of the Whole having under consideration the above mentioned standing committee reports and committee proposals. Seconded by Delegate Wirtz, and carried.

Delegates Heen, Lee and Wirtz, the minority of the Committee on Legislative Powers and Functions, presented a report disagreeing with the majority report on the legislative article insofar as that report proposes a House of Representatives of 51 members, recommending the amendment of Committee Proposal No. 29 in accordance with the amendments set forth and attached to the said report of the minority members (see Sec. B, Standing Com. Rpt. No. 102). The report was received and referred to the Committee on Printing for printing.

Senator Silva, for the Committee on Printing, presented a report on the printing of Standing Committee Report No. 102 (see Sec. B, Standing Com. Rpt. No. 103). The report was received and placed on file.

Consideration of Standing Committee Report No. 102, from the three members of the minority of the Committee on Legislative Powers and Functions, disagreeing with the majority report on the legislative article insofar as that report proposes a House of Representatives of fifty-one members, recommending the amendment of Committee Proposal No. 29 in accordance with the amendments set forth and attached to the minority report:

Delegate Heen moved that the rules be suspended, and that the report be considered at the time Standing Committee Reports Nos. 92, 95 and 99 and Committee Proposals Nos. 29 and 30 are being considered; and that the report be referred to the Committee of the Whole having under consideration the above enumerated standing committee reports and committee proposals. Seconded by Delegate Lee, and carried.

At this time, Delegate Heen moved that the Convention resolve itself into a Committee of the Whole for the consideration of Standing Committee Reports Nos. 92, 95, 99, and 102, from the majority and minority of the Committee on Legislative Powers and Functions and Committee Proposals Nos. 29 and 30. Seconded by Delegate Smith, and carried; and at 1:58 o'clock p.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Anthony as chairman.

At 4:13 o'clock a.m., the committee rose and the Convention reconvened.

Delegate Anthony, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 92, 95, 99 and 102 and Committee Proposals Nos. 29 and 30, orally reported progress and asked leave to sit again. Upon motion by Delegate Dowson, seconded by Delegate Woolaway, and carried, the oral report of the committee was adopted.

At this time, Delegate Harold W. Rice moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Reports Nos. 79 and 81, from the majority and minority, respectively, of the Committee on Industry and Labor, and Committee Proposal No. 28, "Relating to Right of Persons to Organize." Seconded by Delegate Woolaway, and carried; and at 4:15 o'clock p.m., the Convention resolved itself into a Committee of the Whole for the further consideration of the said standing committee reports and said proposal, with Delegate Rice as chairman.

At 4:28 o'clock p.m., the committee rose and the Convention reconvened.

Delegate Harold W. Rice, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 79 and 81 and Committee Proposal No. 28 from the Committee on Industry and Labor, orally reported progress and asked leave to sit again, and stated that in the meantime the written report of the committee, which was before the Committee of the Whole for consideration today, with the amended form of Committee Proposal No. 28, was being printed and would be distributed to the members. Upon motion by Delegate Harold W. Rice, seconded by Delegate Dowson, and carried, the oral report of the committee was adopted.

At this time, Delegate Woolaway moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Reports Nos. 53, 54, 55, 56, 57, 58, 62, 63, 64, 65 and 66, Committee Proposals Nos. 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21, and Resolution No. 29, from the Committee on Miscellaneous Matters. Seconded by Delegate Sakakihara, and carried; and at 4:29 o'clock p.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Castro as chairman.

At 4:33 o'clock p.m., the committee rose and the Convention reconvened.



Delegate Castro, for the Committee of the Whole, presented a report recommending the passage of Committee Proposal No. 13, providing for a state flag; recommending the passage of Committee Proposal No. 15, relating to state boundaries; recommending the passage of Committee Proposal No. 16, relating to civil service; and recommending the passage of Committee Proposal No. 21, relating to equal rights; and further recommending that Standing Committee Reports Nos. 54, 56, 57 and 65 be adopted (see Sec. B, Com. of Whole Rpt. No. 11). Upon motion by Delegate Castro, seconded by Delegate Sakakihara, and carried, the report of the committee was adopted; Committee Proposals Nos. 13, 15, 16 and 21 thereupon passed second reading, and Standing Committee Reports Nos. 54, 56, 57 and 65 were thereby adopted. The President thereupon referred the committee proposals to the Committee on Style for consideration as to phraseology only, for report within five convention days, and ordered the report of the Committee of the Whole printed.

Delegate Castro, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 53, 55, 58, 62, 63, 64 and 66 and Committee Proposals Nos. 12, 14, 17, 18, 19 and 20 and Resolution No. 29, orally reported progress and asked leave to sit again for the further consideration thereof. Upon motion by Delegate Castro, seconded by Delegate Sakakihara, and carried, the oral report of the committee was adopted.

The President stated that all matters remaining undisposed of on today's calendar would be placed on the calendar for consideration tomorrow.

At 4:38 o'clock p.m. upon motion by Delegate Fong, seconded by Delegate Sakakihara, and carried, the Convention adjourned until 9:00 o'clock a.m., on Thursday, June 29, 1950.

#### **SIXTY-FIFTH DAY • Thursday, June 29, 1950**

The Convention convened at 9:10 o'clock a.m., with President King in the Chair.

After prayer by Chaplain Judd, the roll was called, showing all delegates present.

The President announced that the journal of the sixty-second and sixty-third days had been approved; and that he would report tomorrow on the journal of the sixty-fourth day as he had not yet had an opportunity to read it.

At this time, Delegate Heen moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Reports Nos. 92, 95, 99 and 102 and Committee Proposals Nos. 29 and 30, relating to legislative powers and functions. Seconded by Delegate Dowson, and carried; and at 9:14 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Anthony as chairman.

The committee rose at 4:18 o'clock p.m., and the Convention reconvened.

Delegate Anthony, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 92, 95, 99 and 102 and Committee Proposals Nos. 29 and 30, orally reported progress and asked leave to sit again. Upon motion by Delegate James K. Trask, seconded by Delegate Sakakihara, and carried, the oral report of the committee was adopted.

The President announced that all matters on the calendar for today which remained undisposed of would be placed on the calendar for tomorrow.

Upon motion by Delegate Sakakihara, seconded by Delegate Anthony, and carried, the Convention adjourned until 9:00 o'clock a.m., on Friday, June 30, 1950.

#### **SIXTY-SIXTH DAY • Friday, June 30, 1950**

The Convention convened at 9:17 o'clock a.m., with the President presiding.

The divine blessing was invoked by Chaplain Judd, after which the roll was called, showing all delegates present, with the exception of Delegates Kawakami and Okino, excused.

The President announced that he would report tomorrow on the journal of the sixty-fourth and sixty-fifth days, which he had not yet had time to read.

At this time, Delegate Harold W. Rice moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Reports Nos. 79 and 81, from the majority and minority, respectively, of the Committee on Industry and Labor, and Committee Proposal No. 28, "Relating to Right of Persons to Organize." Seconded by Delegate Dowson, and carried; and at 9:21 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Harold W. Rice as chairman.

At 9:23 o'clock a.m., the committee rose and the Convention reconvened.

Delegate Rice, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 79 and 81 from the majority and minority, respectively, of the Committee on Industry and Labor, and Committee Proposal No. 28, "Relating to Right of Persons to Organize," presented a report recommending: (1) that Standing Committee Report No. 79 be adopted, with the exception of the recommendation as to the adoption of Committee Proposal No. 28 as submitted by the Committee on Industry and Labor; (2) that Committee Proposal No. 28 be amended in the manner proposed in the report of the Committee of the Whole; (3) that said Committee Proposal No. 28, as amended, a copy of which was attached to the Committee of the Whole report, pass

second reading; and (4) that Standing Committee Report No. 81 from the minority of the Committee on Industry and Labor be placed on file (see Sec. B, Com. of Whole Rpt. No. 12). Upon motion by Delegate Harold W. Rice, seconded by Delegate Lai, the report of the committee was adopted; Committee Proposal No. 28, as amended, passed second reading; Standing Committee Report No. 79 was adopted, with the exception of the recommendation as to the adoption of Committee Proposal No. 28 as submitted by the Committee on Industry and Labor; and Standing Committee Report No. 81 was thereupon placed on file. The President referred the committee proposal, as amended, to the Committee on Style for consideration as to phraseology only, and report within five convention days, and ordered Committee of the Whole Report No. 12 printed.

At this time, Delegate Woolaway moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Reports Nos. 92, 95, 99 and 102 and Committee Proposals Nos. 29 and 30, from the Committee on Legislative Powers and Functions. Seconded by Delegate Dowson, and carried; and at 9:24 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Anthony as chairman.

At 3:50 o'clock p.m., the committee rose and the Convention reconvened.

Delegate Anthony, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 92, 95, 99 and 102 and Committee Proposals Nos. 29 and 30, from the Committee on Legislative Powers and Functions, orally reported progress and asked leave to sit again. Upon motion by Delegate James K. Trask, seconded by Delegate Dowson, and carried, the report of the committee was adopted.

Third Reading of Committee Proposal No. 7, designated "Article VI": Upon motion by Delegate Silva, seconded by Delegate Sakakihara, and carried, action on the Committee Proposal 7, designated as "Article VI," was deferred until Wednesday, July 5th.

Delegate Wist, for the Committee on Style, presented a report on Committee Proposal No. 11, relating to education, recommending the amendment of the said proposal, and submitting the same for consideration of the Convention in the amended form attached to the report, and designated "Article XI" (see Sec. B, Standing Com. Rpt. No. 104).

Upon motion by Delegate Wist, seconded by Delegate Noda, and carried, the report of the committee was adopted and ordered printed, with the amended form of Committee Proposal No. 11, designated "Article XI." The President gave notice at this time that the committee proposal, as amended, designated "Article XI," would be placed on the calen-

dar, on General Orders, for consideration on third reading on Monday, July 3, 1950.

Delegate Silva, for the Committee on Printing, presented a report on the printing of matters referred to it (see Sec. B, Standing Com. Rpt. No. 105). The report was received and placed on file.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, presented a report returning Proposal No. 53 with the recommendation that it be placed on file, for the reasons set forth in the report (see Sec. B, Standing Com. Rpt. No. 106). Upon motion by Delegate Yamauchi, seconded by Delegate Dowson, and carried, the report of the committee was adopted; and Proposal No. 53 was thereupon placed on file.

A communication from Rhoda V. Lewis, Assistant Attorney General of the Territory of Hawaii, calling attention to the problems raised by the inclusion of a new provision on H.R. 49, Committee Print C of June 26, 1950, relating to a provision to be included in the constitution relative to the right and title to all lands, title to which is held by the United States; and further, calling attention to the fact Committee Print C omits an amendment proposed by the Hawaii Statehood Commission, so that the state will be entitled to make its selections of 180,000 acres of land only from "public lands" as defined by the Hawaiian Organic Act, was read by the Clerk (see Sec. B, Dept. Com. No. 11). Upon motion by Delegate Silva, seconded by Delegate Sakakihara, and carried, the communication was referred to the Committee on Agriculture, Conservation and Land.

The President announced that all matters remaining undisposed of on today's calendar would be deferred until tomorrow.

At 4:03 o'clock p.m., upon motion by Delegate Woolaway, seconded by Delegate Noda, and carried, the Convention adjourned until 8:30 o'clock a.m., on Saturday, July 1, 1950.

## SIXTY-SEVENTH DAY • Saturday, July 1, 1950

The Convention convened at 8:38 o'clock a.m., after which the Chaplain invoked the divine blessing.

The President stated that the rules would be suspended in order that the delegates might have the privilege, before proceeding with the regular order of business, to hear an informal talk by Mrs. John E. Hayes, president of the National Congress of Parents and Teachers, who was present in the convention hall, and who is on her way to Japan as counselor, guide and advisor to the Parent-Teachers Association started in that country two years ago. He thereupon appointed Delegates Akau, Hayes, Kellerman and Corbett to escort the distinguished visitor to the rostrum, and asked that Delegate Akau present Mrs. Hayes to the delegates; and at 8:39

o'clock a.m., the President declared a recess, subject to the call of the Chair.

After hearing a brief and very interesting informal talk by Mrs. Hayes on the purpose of her mission, the Convention reconvened and proceeded with the business before it, at 8:53 o'clock a.m.

The roll was then called, showing all delegates present, with the exception of Delegates Castro, Cockett, Kawakami, Luiz, Mizuha, Nielsen, Okino, Charles A. Rice, Harold W. Rice, Richards, Sakai and White, excused. The journal of the sixty-fourth and sixty-fifth days was approved.

At 8:56 o'clock a.m., the Convention stood in recess, subject to the call of the Chair. At 9:04 o'clock a.m., the Convention reconvened.

At this time, Delegate Sakakihara moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Reports Nos. 92, 95, 99 and 102 and Committee Proposals Nos. 29 and 30, from the Committee on Legislative Powers and Functions. Seconded by Delegate Arashiro, and carried; and at 9:07 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Anthony as chairman.

At 10:52 o'clock a.m., the committee rose, and the Convention reconvened.

Delegate Anthony, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 92, 95, 99 and 102 and Committee Proposals Nos. 29 and 30, from the Committee on Legislative Powers and Functions, orally reported progress and asked leave to sit again. Upon motion by Delegate Dowson, seconded by Delegate Crossley, and carried, the oral report of the committee was adopted.

Delegate Wirtz then moved that the Convention again resolve itself into a Committee of the Whole for the further consideration of Committee Proposal No. 29 from the Committee on Legislative Powers and Functions. The motion was seconded by Delegate Smith.

Delegate Silva moved that the Convention adjourn until Monday, at 9:00 o'clock a.m. Seconded by Delegate Sakakihara, which motion was put by the Chair and lost, on a showing of hands.

The Chair thereupon put the motion made by Delegate Wirtz, which was duly seconded, that the Convention resolve itself into a Committee of the Whole for the further consideration of Committee Proposal No. 29 from the Committee on Legislative Powers and Functions, which was carried; and at 11:03 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Anthony as chairman.

At 11:40 o'clock a.m., the committee rose and the Convention reconvened.

Delegate Anthony, for the Committee of the Whole, having under consideration Committee Proposal No.

29, from the Committee on Legislative Powers and Functions, orally reported progress and asked leave to sit again. Upon motion by Delegate Dowson, seconded by Delegate Crossley, and carried, the oral report of the committee was adopted.

At 11:41 o'clock a.m., upon motion by Delegate Woolaway, seconded by Delegate Roberts, and carried, the Convention adjourned until 9:00 o'clock a.m., on Monday, July 3, 1950.

### SIXTY-EIGHTH DAY • Monday, July 3, 1950

The Convention convened at 9:00 o'clock a.m., with the President presiding.

The divine blessing was invoked by Chaplain Judd, after which the President announced that a recess would be declared at this time in order that the delegates might participate in a patriotic ceremony to be conducted by Mr. Thomas R. Shields, executive secretary of the Chamber of Commerce of Honolulu, interim custodian of one of 52 exact replicas of the original Liberty Bell which had proclaimed independence for our nation 176 years ago, which bell had been presented to Hawaii by the United States Treasury Department for use in the forthcoming bond drive.

At 9:01 o'clock a.m., the Convention stood in recess, subject to the call of the Chair.

The Convention reconvened at 9:23 o'clock a.m. after a brief, impressive ceremony which opened by the playing of "The Liberty Bell March" and "Hawaii Pono" by the Royal Hawaiian Band, followed by brief remarks by Mr. Shields on the significance of the Liberty Bell, and thereafter an inspiring address by Col. George F. Unmacht, U.S.A., retired, and which had closed by the tolling of the bell 49 times, from its position just outside the doors on the mauka end of the convention hall, and by the playing of the national anthem by the band.

The roll was then called by the Clerk, showing all delegates present, with the exception of Delegates Cockett, Kage, Kawakami, Luiz, Mizuha, Nielsen, Okino, Charles A. Rice, Harold W. Rice, Richards, Sakai, Serizawa, Silva and White, excused. The journal of the sixty-sixth and sixty-seventh days was approved.

At this time, President King asked Delegate Crossley to assume the Chair, which he did.

Delegate King then rose on a point of privilege of the Convention to comment on an editorial which had appeared in the *Honolulu Advertiser* on July 2nd relative to the work of the Convention and the length of time it was taking the Convention to draft the constitution, to which he took exception, particularly as to the accomplishments of the Convention. He substantiated his refutation of some of the statements in the editorial by enumerating the various proposals that had already passed third reading, those that were not pending before the Convention for third

reading, and those that were pending before this body on second reading.

As a matter of record, Delegate King pointed out that the committees had all worked long hours, and that the Committee on Style was still continuing to work long hours; and he felt that, all in all, such an editorial was a little unfair; and he felt sure the Convention was doing its best to expedite its work, and would do so from now on, so that its work could be completed within the date-line of its finances, and that it would be entirely completed by July 15th.

Delegate Crossley here retired; and President King resumed the Chair.

Delegate Roberts then rose to commend the President for his statement in officially replying to the editorial of July 2nd; and stated that to let this go unchallenged would not only be a disservice to the delegates but a disservice to the community. In addition, he made the observation that the community had been looking to the Convention to draft a constitution and he thought that it was doing a good job. The editorial, he said, in two specific respects, gave the impression that the Convention was taking too long in doing this job, and in this connection gave the length of time it took Missouri, Illinois, Georgia, New Jersey and New York to revise their respective constitutions, to show that this Convention had progressed with its work quite effectively as compared with other states.

Delegates Corbett, Ashford, Fong, Woolaway, Lai, Tavares and Anthony each rose to comment on the editorial and its criticism of the Convention.

The Chair closed the discussion by commenting that the Convention had received splendid coverage by the press, but felt that this editorial could not go by unchallenged because of the impression that it would leave with the people as a whole.

Consideration of Standing Committee Reports Nos. 68, 70 and 73 and Committee Proposals Nos. 23, 24 and 25, from the Committee on Ordinances and Continuity of Law, on General Orders: Delegate Shimamura moved that the above enumerated standing committee reports and committee proposals be referred to the Committee of the Whole. Seconded by Delegate Crossley, and carried.

At this time, Delegate Shimamura moved that the Convention resolve itself into a Committee of the Whole for the consideration of Standing Committee Reports Nos. 68, 70 and 73 and Committee Proposals 23, 24 and 25. Seconded by Delegate Crossley, and carried.

The President thereupon appointed Delegate Doi as chairman of said Committee of the Whole; and at 9:48 o'clock a.m., the Convention resolved itself into a Committee of the Whole for the consideration of said standing committee reports and said committee proposals, with Delegate Doi as chairman.

At 11:28 o'clock a.m., the committee rose and the Convention reconvened.

Delegate Doi, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 68, 70 and 73 and Committee Proposals Nos. 23, 24 and 25, orally reported progress and asked leave to sit again. Upon motion by Delegate Sakakihara, seconded by Delegate Dowson, and carried, the oral report of the committee was adopted.

At 11:30 o'clock a.m., upon motion by Delegate Ashford, seconded by Delegate Woolaway, and carried, the Convention stood in recess, subject to the call of the Chair.

At 11:49 o'clock a.m., the Convention reconvened.

Delegate Wist, for the Committee on Style, orally reported, requesting permission to submit the report of that committee on Committee Proposal No. 9, from the Committee on Revision, Amendments, Initiative, Referendum and Recall, on Wednesday, July 5th, instead of today, which report was due to be presented to the Convention today.

There being no objection, the President granted the request.

At this time, Delegate Castro moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Reports Nos. 53, 55, 58, 62, 63, 64 and 66, Committee Proposals Nos. 12, 14, 17, 18, 19 and 20 and Resolution No. 29 from the Committee on Miscellaneous Matters. Seconded by Delegate Hayes, and carried; and at 11:52 o'clock a.m., the Convention resolved itself into a Committee of the Whole for the further consideration of the above enumerated standing committee reports, committee proposals and Resolution No. 29, with Delegate Castro as chairman.

At 12:09 o'clock p.m., the committee rose and the Convention reconvened.

Delegate Castro, for the Committee of the Whole, having under consideration Standing Committee Report No. 58 and Committee Proposal No. 17, relating to intergovernmental relations, presented a report recommending the amendment of Committee Proposal No. 17, recommending the passage of said Committee Proposal No. 17 in the amended form attached to the report, on second reading, and further recommending that Standing Committee Report No. 58 be adopted, subject to the amendments made by the report of the Committee of the Whole (see Sec. B, Com. of Whole Rpt. No. 15). Upon motion by Delegate Dowson, seconded by Delegate Holroyde, and carried, the report of the committee was adopted; Committee Proposal No. 17 passed second reading as amended; and Standing Committee Report No. 58 was adopted, subject to the amendments made by the report of the Committee of the Whole. The President thereupon referred the committee proposal as amended, to the Committee on Style for consideration as to phraseology only and for report to the Convention within

five convention days, and ordered the report of the Committee of the Whole printed.

Delegate Castro, for the Committee of the Whole, having under consideration Standing Committee Report No. 63 and Committee Proposal No. 19 accompanying the same, relating to oath of office, presented a report recommending the amendment of Committee Proposal No. 19, and recommending the passage of the proposal on second reading in the amended form attached to the report; and further recommending the adoption of the Standing Committee Report No. 63, subject to the amendments made by the report of the Committee of the Whole (see Sec. B, Com. of Whole Rpt. No. 16).

Upon motion by Delegate Dowson, seconded by Delegate Holroyde, and carried, the report of the committee was adopted; Committee Proposal No. 19 passes second reading as amended; and Standing Committee Report No. 63 was adopted, subject to the amendments made by the report of the Committee of the Whole. The President thereupon referred the committee proposal as amended, to the Committee on Style for consideration as to phraseology only, and for report to the Convention within five convention days, and ordered the report of the Committee of the Whole printed.

Delegate Castro, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 53, 55, 62, 64 and 66 and Committee Proposals Nos. 12, 14, 18 and 20 and Resolution No. 29, orally reported progress and asked leave to sit again. Upon motion by Delegate Dowson, seconded by Delegate Holroyde, and carried, the oral report of the committee was adopted.

At 12:13 o'clock p.m., upon motion by Delegate Anthony, seconded by Delegate Sakakihara, and carried, the Convention adjourned until 9:00 o'clock a.m., on Wednesday, July 5, 1950.

### **SIXTY-NINTH DAY • Wednesday, July 5, 1950**

The Convention convened at 9:07 o'clock a.m., with President King presiding.

After prayer by Chaplain Judd, the roll was called, showing all delegates present, with the exception of Delegates Kawakami, Sakai and White, excused. The President stated that he would report tomorrow on the journal of the sixty-eighth day.

A communication from the Director of Cooperative Extension Work in Agriculture and Home Economics, Territory of Hawaii, expressing appreciation for the recognition given the 4-H Club member delegates when they recently appeared before the Convention, was read by the Clerk (see Sec. B, Misc. Com. No. 111). The communication was received and placed on file.

A communication from the chairman of the Molokai District Committee, County of Maui, Republican

Party, stating that this organization, representing the Republican Precinct Clubs on Molokai had gone on record as favoring the present system of electing representatives to the territorial legislature, as against the proposed system, unless Maui was divided into five separate districts, was read by the Clerk (see Sec. B, Misc. Com. No. 112). The communication was received and referred to the Committee of the Whole having under consideration Standing Committee Report No. 92 and Committee Proposal No. 29 from the Committee on Legislative Powers and Functions.

A communication from S. H. H. Ashford, Magistrate, Molokai District Court, opposing the proposed system of electing representatives to the Territorial Legislature, was read by the Clerk (see Sec. B, Misc. Com. No. 113). The communication was received and referred to the Committee of the Whole having under consideration Standing Committee Report No. 92 and Committee Proposal No. 29, relating to this subject matter.

A communication from the acting chairman of the Lanai Residents' Committee for Self-Government opposing the proposed plan to set up a separate representative district, composed of Molokai and Lanai, and electing five out of six from the County of Maui, and recommending three other approaches for the consideration of the Convention, was read by the Clerk (see Sec. B, Misc. Com. No. 114). The communication was received and referred to the Committee of the Whole having under consideration Standing Committee Report No. 92 and Committee Proposal No. 29, relating to this subject matter.

At this time, Delegate Bryan moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Report No. 67, with Standing Committee Reports No. 67-A, 67-B and 67-C attached thereto, and Committee Proposal No. 22 from the Committee on Executive Powers and Functions. Seconded by Delegate Hayes, and carried; and at 9:16 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Bryan as chairman.

At 10:51 o'clock a.m., the committee rose and the Convention reconvened.

Delegate Bryan, for the Committee of the Whole having under consideration Standing Committee Report No. 67, with Standing Committee Reports Nos. 67-A, 67-B and 67-C attached thereto, presented a report recommending: (1) that Committee Proposal No. 22 be amended as set forth in the report; (2) that, as so amended, Committee Proposal No. 22 pass second reading; (3) that Standing Committee Report No. 67 be adopted, except as the same may be inconsistent with this report of the Committee of the Whole; and that Standing Committee Reports Nos. 67-A, 67-B and 67-C be placed on file (see Sec. B, Com. of Whole Rpt. No. 17). Delegate Bryan, for the

Committee of the Whole, at this time, made an oral report, supplementing Committee of the Whole Report No. 17, recommending the further amendment of Committee Proposal No. 22, the passage of Committee Proposal No. 22, as amended, and asked leave to file a written supplemental report later covering these amendments.

Upon motion by Delegate Crossley, seconded by Delegate Dowson and carried, Committee of the Whole Report No. 17 was adopted, together with the oral report of the Committee of the Whole relating to the further amendment of Committee Proposal No. 22, to be filed later. Committee Proposal No. 22, as amended by Committee of the Whole Report No. 17 and the oral report of the Committee of the Whole, passed second reading; Standing Committee Report No. 67 was adopted, except as the same was inconsistent with the report of the Committee of the Whole Report No. 17 and the oral report of the Committee of the Whole; Standing Committee Reports Nos. 67-A, 67-B and 67-C were placed on file. The President thereupon referred the committee proposal, as amended, to the Committee on Style for consideration as to phraseology only and for report within five convention days, and ordered the report of the Committee of the Whole printed.

Delegate Silva, for the Committee on Printing, presented a report on the printing of Standing Committee Report No. 104 and Committee Proposal No. 11 (see Sec. B, Standing Com. Rpt. No. 107). The report was received and placed on file.

Delegate Silva, for the Committee on Printing, presented a report on the printing of Committee of the Whole Reports Nos. 13, 14, 15, 16 and 17 and Committee Proposals Nos. 12, 17, 19 and 22 and Resolution No. 29 (see Sec. B, Standing Com. Rpt. No. 108). The report was received and placed on file.

Under suspension of the rules, the Convention at this time took up the third readings of proposals on the calendar for today.

Third reading of Committee Proposal No. 7, relating to the establishment of the judiciary, designated "Article VI": Upon motion by Delegate Porteus, seconded by Delegate Woolaway, Proposal No. 7, as amended, relating to the establishment of the Judiciary, and designated as "Article VI," passed third reading on the following showing of ayes and noes: Ayes, 49. Noes, 11 (Akau, Doi, Ihara, Kawahara, Luiz, Nielsen, Phillips, Richards, Sakakihara, Silva and Yamauchi). Excused and not voting, 3 (Kawakami, Sakai and White).

The President announced that the committee proposal, as amended, designated "Article VI," having passed third reading, would be referred back to the Committee on Style for arrangement of sections and article or articles and for form, for report to the Convention.

Third reading of Committee Proposal No. 11, as amended, relating to education, designated as "Article XI": Upon motion by Delegate Anthony, seconded by Delegate Sakakihara, the proposal, as amended, designated "Article XI," passed third reading on the following showing of ayes and noes: Ayes, 59. Noes, 1 (Phillips). Excused and not voting, 3 (Kawakami, Sakai and White).

The President announced that the committee proposal, as amended, designated "Article XI," having passed third reading, would be referred back to the Committee on Style for arrangement of sections and article or articles and for form, for report to the Convention.

Delegates Silva and Sakakihara offered a resolution unequivocally commending and endorsing the action of the President of the United States in supporting the Republic of Korea and strongly urging the continuance of adequate military aid (see Sec. B, Res. No. 46). Delegate Silva moved for the adoption of the resolution. Seconded by Delegate Sakakihara.

Delegate Rice moved that the resolution be referred to the Committee on Miscellaneous Matters. Seconded by Delegate Nielsen, which motion was put by the Chair, and lost.

At 11:29 o'clock a.m., the Convention stood in recess, subject to the call of the Chair.

At 11:43 o'clock a.m., the Convention reconvened.

The President stated that the motion before the Convention was the adoption of Resolution No. 46, which was pending at the time of the recess.

The President thereupon put the motion to adopt the resolution, which was carried.

At 11:48 o'clock a.m., upon motion by Delegate Kauhane, seconded by Delegate Woolaway, and carried, the Convention stood in recess until 1:30 o'clock this afternoon.

#### AFTERNOON SESSION

The Convention reconvened at 1:56 o'clock p.m., with Vice-President Sakakihara in the Chair, in the temporary absence of President King, all delegates being present, with the exception of those delegates who had previously been excused, and President King, temporarily excused.

At this time, Delegate Castro moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Reports Nos. 55, 62 and 64, Committee Proposals Nos. 14, 18 and 20, and Resolution No. 29, from the Committee on Miscellaneous Matters. Seconded by Delegate Okino, and carried; and at 1:57 o'clock p.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Castro as chairman.

At 2:17 o'clock p.m., the committee rose and the Convention reconvened.

President King was in attendance at this time but did not assume the Chair.

Delegate Castro, for the Committee of the Whole, having under consideration Standing Committee Report No. 64 and Committee Proposal No. 20, from the Committee on Miscellaneous Matters, relating to the preamble of the constitution, presented a report recommending the amendment of the Committee Proposal No. 20 as set forth in the amended form attached to the committee report; and recommending that as so amended, Committee Proposal No. 20 pass second reading; and further recommending the adoption of Standing Committee Report No. 64, recommending the adoption of Committee Proposal No. 20, subject to the amendment to said proposal, as set forth in this report (see Sec. B, Com. of Whole Rpt. No. 19). Upon motion by Delegate Bryan, seconded by Delegate Kanemaru, the report of the committee was adopted; Committee Proposal No. 20, as amended, passed second reading; and Standing Committee Report No. 64 was adopted, subject to the amendment to Committee Proposal No. 20, as set forth in the report of the Committee of the Whole. The President thereupon referred the committee proposal as amended, to the Committee on Style, for consideration as to phraseology only and report within five convention days, and ordered the report of the Committee of the Whole printed.

Delegate Castro, for the Committee of the Whole, having under consideration Standing Committee Report No. 62 and Committee Proposal No. 18, from the Committee on Miscellaneous Matters, presented a report recommending that the report and proposal be placed on file for the reasons set forth in the report (see Sec. B, Com. of Whole Rpt.). Upon motion by Delegate Bryan, seconded by Delegate Kanemaru, and carried, the report of the committee was adopted; and Standing Committee Report No. 62 and Committee Proposal No. 18 were placed on file.

Delegate Castro, for the Committee of the Whole, having under consideration Standing Committee Report No. 55, Committee Proposal No. 14 and Resolution No. 29, from the Committee on Miscellaneous Matters, orally reported progress and asked leave to sit again thereon. Upon motion by Delegate Bryan, seconded by Delegate Kanemaru, and carried, the oral report of the committee was adopted.

Delegate Wist, for the Committee on Style presented a report on Committee Proposal No. 9, as amended, relating to revision and amendments, recommending the amendment of the said proposal, and submitting the same in an amended form for the consideration of the Convention, and designated as "Article XV" (see Sec. B, Standing Com. Rpt. No. 109). Upon motion by Delegate Wist, seconded by Delegate Doi, and carried, the report of the committee was adopted and ordered printed, with the amended form of Committee Proposal No. 9, designated as "Article XV." The President gave notice at this time that the committee proposal, as amended, designated "Article XV," would be placed on the calendar,

on General Orders, for consideration on third reading on Friday, July 7, 1950.

Delegate Wist, for the Committee on Style, presented a report on Committee Proposal No. 28, as amended, relating to Industry and Labor, recommending the amendment of the said proposal, and submitting the same in an amended form for the consideration of the Convention, and designated as "Article XII" (see Sec. B, Standing Com. Rpt. No. 110).

Upon motion by Delegate Wist, seconded by Delegate Doi, and carried, the report of the committee was adopted and ordered printed, with the amended form of Committee Proposal No. 28, designated as "Article XII." The President gave notice at this time that the committee proposal, as amended, designated "Article XV," would be placed on the calendar, on General Orders, for consideration on third reading on Friday, July 7, 1950.

At this time, Delegate Bryan moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Reports Nos. 92, 95, 99 and 102 and Committee Proposals Nos. 29 and 30 and Miscellaneous Communications Nos. 112, 113 and 114. Seconded by Delegate Arashiro, and carried; and at 2:21 o'clock p.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Anthony as chairman.

At 5:20 o'clock p.m., the committee rose and the Convention reconvened, with President King in the Chair.

Delegate Anthony, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 92, 95, 99 and 102, Committee Proposals Nos. 29 and 30 and Miscellaneous Communications Nos. 112, 113, and 114, orally reported progress and asked leave to sit again. Upon motion by Delegate Dowson, seconded by Delegate Sakakihara, and carried, the oral report of the committee was adopted.

The President stated that all matters remaining undisposed of on today's calendar would be deferred until tomorrow.

At 5:22 o'clock p.m., upon motion by Delegate Fong, seconded by Delegate Noda, and carried, the Convention adjourned until 9:00 o'clock a.m., on Thursday, July 6, 1950.

## SEVENTIETH DAY • Thursday, July 6, 1950

The Convention convened at 9:06 o'clock a.m., with President King presiding.

The divine blessing was invoked by Chaplain Judd, after which the roll was called, showing all delegates present with the exception of Delegates Kawakami, Luiz, Phillips and Sakai, excused; and Delegates White and Wirtz, temporarily excused.



The journal of the sixty-eighth day was approved; and the President announced that he would report tomorrow on the journal of the sixty-ninth day.

At this time, Delegate Lee moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Report No. 51 and Committee Proposal No. 10 from the Committee on Taxation and Finance. Seconded by Delegate James K. Trask, and carried; and at 9:12 o'clock a.m., the Convention resolved itself into a Committee of the Whole for this purpose, with Delegate Lee as chairman.

At 9:23 o'clock a.m., the committee rose and the Convention reconvened.

Delegate Lee, for the Committee of the Whole having under consideration Standing Committee Report No. 51 and Committee Proposal No. 10 from the Committee on Taxation and Finance, presented a report recommending that Standing Committee Report No. 51 be adopted, except as the same may be inconsistent with the recommendations and provisions of this report of the Committee of the Whole; that Committee Proposal No. 10 be amended in the manner proposed in the report; and that Committee Proposal No. 10, in the amended form attached to the report, pass second reading (see Sec. B, Com. of Whole Rpt. No. 18). Delegate Lee moved for the adoption of the report. Seconded by Delegate Dowson.

Delegate Fong offered the following amendment to Section 8 of Committee Proposal No. 10 as amended by the Committee of the Whole Report No. 18:

Substitute for the first two sentences of Section 8, the following sentences:

"The Auditor shall be elected by the legally qualified voters of this State. He shall possess the same qualifications as the Governor and his term of office shall be eight years, beginning at noon on the first Monday in December next following his election and ending at noon on the first Monday in December, eight years thereafter."

Delegate Fong moved that action on the committee report, the amended Proposal No. 10 and the pending amendment offered by him, be deferred until tomorrow. Seconded by Delegate Kauhane. The Chair put the motion to defer action on the report of the Committee of the Whole Committee Proposal No. 10 as amended, and the pending amendment offered by Delegate Fong, which was lost, on a rising vote.

Delegate Fukushima offered the following amendment to Delegate Fong's amendment:

Delete the second sentence of the amendment and insert in lieu thereof the following sentence:

"He shall possess a certificate as a certified public accountant and shall hold office for a term of eight years."

The amendment was seconded by Delegate Loper.

Delegate Sakakihara moved to table the amendment offered by Delegate Fukushima. Seconded by Delegate Yamamoto.

The Chair thereupon put the motion to table the amendment offered by Delegate Fukushima, which was lost, on a showing of hands.

The Chair then put the motion to adopt the amendment offered by Delegate Fukushima to the amendment offered by Delegate Fong.

A roll call being demanded, according to the rules of the Convention, the motion to adopt Delegate Fukushima's amendment carried, on the following showing of ayes and noes: Ayes, 29. Noes, 28 (Apoliona, Bryan, Cockett, Corbett, Dowson, Fong, Hayes, Kage, Kam, Kanemaru, Kauhane, Kido, Lai, Lyman, Mau, Okino, Porteus, Richards, Roberts, Sakakihara, Silva, Smith, St. Sure, Arthur K. Trask, Woolaway, Yamamoto, Yamauchi and Mr. President). Excused and not voting, 6 (Kawakami, Luiz, Phillips, Sakai, White, Wirtz).

Delegate White came into the session at this time.

The Chair stated that the motion now before the Convention was the adoption of the amendment offered by Delegate Fong, as amended by Delegate Fukushima.

A roll call being demanded, according to the rules of the Convention, the motion to adopt the amendment, as amended, was put, and lost, on the following showing of ayes and noes: Ayes, 23 (Akau, Apoliona, Bryan, Dowson, Fong, Hayes, Kage, Kauhane, Kawahara, Kido, Lai, Lyman, Mau, Nielsen, Noda, Porteus, Richards, Sakakihara, Smith, St. Sure, Woolaway, Yamauchi and Mr. President). Noes, 35. Excused and not voting, 5 (Kawakami, Luiz, Phillips, Sakai, Wirtz).

Delegate Loper offered the following amendment, and moved for its adoption:

After the first sentence of Section 8, add the following sentence:

"He shall be a certified public accountant."

The motion was seconded by Delegate Kanemaru. Delegate Charles A. Rice moved that the amendment be tabled. Seconded by Delegate Sakakihara. The motion to table the amendment was put, and carried, on a voice vote.

The Chair thereupon put the motion to adopt the report of the Committee of the Whole, which had been duly made and seconded, which was carried. Committee Proposal No. 10 was amended; and as so amended passed second reading; and Standing Committee Report No. 51 was adopted, except as the same was inconsistent with the recommendations and provisions of Committee of the Whole Report No. 18.

The President thereupon referred the committee proposal, as amended, to the Committee on Style for consideration as to phraseology only and report within five convention days, and ordered the report of the Committee of the Whole printed.



At 9:56 o'clock a.m., the President declared a recess, subject to the call of the Chair.

At 10:14 o'clock a.m., the Convention reconvened.

At this time, Delegate Richards moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Report No. 78 and Committee Proposal No. 27, from the Committee on Agriculture, Conservation and Land. Seconded by Delegate Bryan, and carried; and at 10:15 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Larsen as chairman.

At 11:06 o'clock a.m., the Committee rose and the Convention reconvened.

Delegate Wirtz came into the session at this time.

Delegate Larsen, for the Committee of the Whole, having under consideration Standing Committee Report No. 78 and Committee Proposal No. 27 from the Committee on Agriculture, Conservation and Land, orally reported progress and asked leave to sit again for the purpose of considering a further amendment to Committee Proposal No. 27, to be incorporated in the amended form of the said committee proposal. Upon motion by Delegate Larsen, seconded by Delegate Dowson, and carried, the oral report of the committee was adopted.

At 11:08 o'clock a.m., upon motion by Delegate Sakakihara, seconded by Delegate Nielsen, and carried, the Convention stood in recess until 1:30 o'clock this afternoon.

#### AFTERNOON SESSION

At 1:50 o'clock p.m., the Convention reconvened with President King in the Chair, and all delegates being present, with the exception of the delegates who were excused this morning.

Delegate Wist, for the Committee on Style, presented a report on Committee Proposals Nos. 13, 21, 15, 17 and 19, dealing with the state flag, equal rights, state boundaries, intergovernmental relations and oath of office, recommending that all five proposals be grouped under one heading, and designated as "Article XIV," and submitting the article in the form attached to the report, for the consideration of the Convention (see Sec. B, Standing Com. Rpt. No. 111).

Upon motion by Delegate Wist, seconded by Delegate Bryan, and carried, the report of the committee was adopted and ordered printed, with the amended form of Proposals Nos. 13, 21, 15, 17 and 19, designated "Article XIV." The President gave notice at this time that the Article designated as "Article XIV," consisting of Committee Proposals Nos. 13, 21, 15, 17 and 19, would be placed on the calendar, on General Orders, for consideration on third reading on Saturday, July 8, 1950.

At this time, Delegate Heen moved that the Convention resolve itself into a Committee of the Whole

for the further consideration of Standing Committee Reports Nos. 92, 95, 99 and 102, Committee Proposals Nos. 29 and 30, from the Committee on Legislative Powers and Functions, and Miscellaneous Communications Nos. 112, 113 and 114 on the same subject matter. Seconded by Delegate Bryan, and carried; and at 1:52 o'clock p.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Anthony as chairman.

The Committee rose at 5:04 o'clock p.m., and the Convention reconvened.

Delegate Anthony, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 92, 95, 99 and 102 and Committee Proposals Nos. 29 and 30 from the Committee on Legislative Powers and Functions, and Miscellaneous Communications Nos. 112, 113 and 114 on the same subject matter, orally reported progress and asked leave to sit again. Upon motion by Delegate Dowson, seconded by Delegate Charles A. Rice, and carried, the oral report of the committee was adopted.

At this time, Delegate Woolaway moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Report No. 53 and Committee Proposal No. 12, relating to the seat of government, Standing Committee Report No. 55 and Committee Proposal No. 14, relating to the state seal and Resolution No. 29, relating to heraldic symbols, and Standing Committee Report No. 66, relating to the disposition of various proposals, resolutions and other matters referred to the Committee on Miscellaneous Matters. Seconded by Delegate Porteus, and carried; and at 5:06 o'clock p.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Castro as chairman.

At 5:45 o'clock p.m., the Committee rose and the Convention reconvened.

Delegate Castro, for the Committee of the Whole, having under consideration Standing Committee Report No. 53 and Committee Proposal No. 12, relating to the seat of government, presented a report recommending the adoption of Standing Committee Report No. 53, except as the same may be inconsistent with the recommendations contained in Committee of the Whole Report No. 13, and recommending the passage, on second reading, of Committee Proposal No. 12, as amended (see Sec. B, Com. of Whole Rpt. No. 13).

Upon motion by Delegate Bryan, seconded by Delegate James K. Trask, and carried, the report of the committee was adopted; Committee Proposal No. 12, as amended, passed second reading; and Standing Committee Report No. 53 was adopted, except as the same might be inconsistent with the recommendations of the Committee of the Whole Report No. 13. The President thereupon referred the committee proposal, as amended, to the Committee on Style for consideration as to phraseology only, and for report within five

convention days, and ordered the report of the Committee of the Whole printed.

Delegate Castro, for the Committee of the Whole, having under consideration Standing Committee Report No. 55, Committee Proposal No. 14, relating to the state seal, and Resolution No. 29, relating to certain heraldic symbols, presented a report recommending that Committee Proposal No. 14 be placed on file; recommending that the Convention adopt an appropriate resolution recommending to the state legislature a state seal as described therein; and recommending the adoption of Resolution No. 29, as amended (see Sec. B, Com. of Whole Rpt. No. 14). Upon motion by Delegate Bryan, seconded by Delegate James K. Trask, and carried, the report of the committee was adopted. Committee Proposal No. 14 and Standing Committee Report No. 55 were thereupon placed on file; Resolution No. 29, as amended, was adopted; and the report of the committee was ordered printed.

Delegate Castro, for the Committee of the Whole, offered a resolution requesting and urging the first Legislature to convene under the constitution drafted by this Convention to pass a bill entitled: "An Act to Provide a Great Seal for the State of Hawaii," in substantially a form therein set forth (see Sec. B, Res. No. 45). Upon motion by Delegate Bryan, seconded by Delegate James K. Trask, and carried, the resolution was adopted.

Delegate Castro, for the Committee of the Whole, to which was referred Standing Committee Report No. 66 from the Committee on Miscellaneous Matters, reporting on the disposition of matters referred to it, reported orally, recommending that the report be accepted and placed on file. Upon motion by Delegate Bryan, seconded by Delegate James K. Trask, and carried, the oral report of the committee was adopted; and Standing Committee Report No. 66 was accepted and placed on file.

Delegate Silva, for the Committee on Printing, presented a report on matters referred to it (see Sec. B, Standing Com. Rpt. No. 112). The report was received and placed on file.

The President announced that all matters on the calendar for today which remained undisposed of, would be deferred until tomorrow.

At 5:47 o'clock p.m., upon motion by Delegate Woolaway, seconded by Delegate Noda, and carried, the Convention adjourned until 8:30 o'clock a.m., on Friday, July 7, 1950.

#### SEVENTY-FIRST DAY • Friday, July 7, 1950

The Convention convened at 8:35 o'clock a.m., with President King in the Chair.

The opening prayer was offered by Chaplain Judd, after which the roll was called, showing all delegates present, with the exception of Delegates Gilliland,

Lee and Richards, temporarily excused; and Delegate Phillips, excused.

The journal of the sixty-ninth day was approved, and the President announced that he would report tomorrow on the journal of the seventieth day.

At this time, President King asked Vice-President Charles A. Rice to take the Chair. Vice-President Charles A. Rice hereupon assumed the Chair. President King took the floor on a point of personal privilege and was recognized by the Vice-President.

President King stated that yesterday afternoon when the Committee of the Whole was trying to complete the discussion of Committee of the Whole Report No. 13 on Standing Committee Report No. 53 and Committee Proposal No. 12, relating to the Seat of Government, he had risen to question a point of order that was made by Delegate Porteus in asking for a reconsideration of the action taken by the Committee of the Whole on that particular matter at an earlier date. At the time he had questioned this, he was under the impression that the reconsideration was being asked for on the action of the Convention in adopting the report of the Committee of the Whole, but later had found out that the motion was as to the action of the Committee of the Whole taken on Monday when the same subject matter was being discussed. Therefore, he was in error in questioning the reconsideration of this action, and at this time wished to apologize to Delegate Porteus, for questioning his knowledge of parliamentary procedure, and to make his excuses to the Convention. The President stated, also, that he felt the action of the Committee of the Whole yesterday might have been a little hasty, and he wished to make his apologies to the Convention for trying to force the issue when it might have been wiser to have spent more time on this subject matter. He stated that he was prepared to move to reconsider the action taken by the Convention yesterday on Committee of the Whole Report No. 13 and Committee Proposal No. 12, as amended, in order that the subject matter thereof would again be before the Convention and could subsequently be taken up again in the Committee of the Whole. If such motion did not carry, it would mean that the Convention was satisfied with the Report of the Committee of the Whole and with Committee Proposal No. 12, as amended, which had been adopted by the Convention yesterday.

The President again expressed his regrets to Delegate Porteus for questioning his suggested procedure and his excuses to the Convention for being perhaps a little over-anxious to complete the discussion of the subject matter of Committee of the Whole Report No. 13 and Committee Proposal No. 12, as amended.

Delegate Porteus, then rose, on a point of personal privilege to say, for the purpose of the record, that the apologies of the President were not at all necessary, and he felt that the President was "lean-

ing over backwards" in making such apologies, and that, personally, he felt it was quite unnecessary for the President to take the floor for such purpose. The subject matter under discussion at that time had been rather in a state of confusion, and he was not so sure but that he had been out of order along the line too; and he repeated that he did not think an apology on the part of the President was necessary, although he appreciated what the President had said.

Delegate Silva, rising on a point of personal privilege, also, stated that he wished to thank the chairman of the Committee of the Whole, Delegate Castro, for not asking him to leave the Convention by reason of his "facetious" conduct on the floor in the Committee of the Whole Report and amended Committee Proposal No. 12.

Delegate Bryan, having voted with the majority in adopting Committee of the Whole Report No. 13 and Committee Proposal No. 12, as amended, moved that the Convention reconsider its action taken yesterday in adopting Committee of the Whole Report No. 13 and Committee Proposal No. 12, as amended. Seconded by Delegate Arthur K. Trask, and carried.

Delegate Porteus then moved that Committee of the Whole Report No. 13 and Committee Proposal No. 12, as amended, "relating to seat of government," be re-referred to the Committee of the Whole. Seconded by Delegate King, and carried.

Delegate King moved that the Convention at this time resolve itself into a Committee of the Whole for the further consideration of Committee of the Whole Report No. 13 and Committee Proposal No. 12, as amended. Seconded by Delegate Porteus, and carried; and at 8:48 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Castro as chairman.

At 9:14 o'clock a.m., the committee rose and the Convention reconvened.

Delegate Castro, for the Committee of the Whole, to which Committee of the Whole Report No. 13 and Committee Proposal No. 12, as amended, had been re-referred, orally reported progress and asked leave to sit again to consider the written report of the Committee of the Whole. Upon motion by Delegate Dowson, seconded by Delegate Apoliona, and carried, the oral report of the committee was adopted.

At this time, Delegate Trask moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Report No. 74 and Committee Proposal No. 26, from the Committee on Local Government. Seconded by Delegate Lai, and carried; and at 9:16 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Arthur K. Trask as chairman.

At 9:23 o'clock a.m., the committee rose and the Convention reconvened.

Delegate Arthur K. Trask, for the Committee of the Whole, having under consideration Standing Committee Report No. 74 and Committee Proposal No. 26 from the Committee on Local Government, presented a report recommending: (1) that Standing Committee Report No. 74 be adopted, with the exception of the recommendation as to the adoption of the Committee Proposal No. 26 submitted by the majority of the Committee on Local Government; (2) that the said Committee Proposal No. 26, from the majority of said committee be amended in the manner and form proposed in the report of the Committee of the Whole; (3) that said Committee Proposal No. 26, as amended by this Committee of the Whole, pass second reading in the form attached to this report; and (4) that Standing Committee Reports Nos. 84 and 91 from the minority members of the Committee on Local Government be placed on file (see Sec. B, Com. of Whole Rpt. No. 21).

Upon motion by Delegate Sakakihara, seconded by Delegate Lai, and carried, the report of the committee was adopted. Committee Proposal No. 26, as amended, passed second reading; Standing Committee Report No. 74 from the majority of the Committee on Local Government was adopted, with the exception of the recommendation as to the adoption of Committee Proposal No. 26 submitted by the majority of said Committee on Local Government; and Standing Committee Reports Nos. 84 and 91 from the minority of the Committee on Local Government were placed on file. The President thereupon referred the committee proposal, as amended, to the Committee on Style for consideration as to phraseology only, and for report within five convention days, and ordered the report of the Committee of the Whole printed.

Delegate Tavares stated that there was a slight error on page 8 of the Committee of the Whole Report, under the caption "Decision and Recommendation of the Committee of the Whole," wherein it is stated that the "so-called County of Kalawao, . . . is under the jurisdiction and control of the Board of Hospitals and Settlement . . .," whereas it was his recollection that the last session of the legislature had removed the control of the Leper (or Hansen's Disease) Settlement from the Board of Hospitals and Settlement and had placed it under the control of the Board of Health. He stated that it was not necessary to correct the report, but that he would like the record to show this minor error.

Delegate Arthur K. Trask stated that he also wished to call the attention of the Convention to another slight error appearing in line 5 of Section 1 of Committee Proposal No. 26, as amended—the word "procedure" should be "procedures;" but asked that the Convention leave this to the Committee on Style to correct when the proposal was before that committee. It was so ordered.

At this time, Delegate Sakakihara moved that the Convention resolve itself into a Committee of the

Whole for the further consideration of Standing Committee Reports Nos. 92, 95, 99 and 102, Committee Proposals Nos. 29 and 30 from the Committee on Legislative Powers and Functions, and Miscellaneous Communications Nos. 112, 113 and 114 on the same subject matter. Seconded by Delegate Lai, and carried; and at 9:26 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Anthony as chairman.

At 5:22 o'clock p.m., the committee rose, and the Convention reconvened.

Delegates Gilliland, Lee and Richards, who were temporarily excused this morning, were in attendance when the Convention reconvened at this time; and Delegates Doi, Fong, Hayes, Ihara, Kometani, Mizuha, Ohrt, Silva and Woolaway were excused, in addition to Delegate Phillips who was excused for the day.

Delegate Anthony, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 92, 95, 99 and 102, Committee Proposals Nos. 29 and 30, from the Committee on Legislative Powers and Functions, and Miscellaneous Communications Nos. 112, 113 and 114 on the same subject matter, orally reported progress and asked leave to sit again. Upon motion by Delegate Dowson, seconded by Delegate Smith, and carried, the oral report of the committee was adopted.

Third reading of Committee Proposal No. 9, designated as "Article XV," relating to Revision and Amendments: Delegate Noda moved that the proposal, designated "Article XV," pass third reading. Seconded by Delegate Smith.

Delegate Anthony moved that the rules be suspended and that he be granted unanimous consent to offer an amendment to Committee Proposal No. 9, in order to correct what he felt was a grievous error in the proposal. The motion was seconded by Delegate Arthur K. Trask.

After some discussion, it was moved by Delegate Fukushima, seconded by Delegate Lee, and carried, that action on the proposal be deferred until tomorrow.

Third reading of Committee Proposal No. 28, as amended, relating to the right of persons to organize, designated "Article XII:" Upon motion by Delegate Nielsen, seconded by Delegate Mau, the proposal passed third reading on the following showing of ayes and noes: Ayes, 50. Noes, 3 (Gilliland, Kellerman, White). Excused and not voting, 10 (Doi, Fong, Hayes, Ihara, Kometani, Mizuha, Ohrt, Phillips, Silva, Woolaway). The President announced that the committee proposal, as amended, designated "Article XII," having passed third reading, would be referred back to the Committee on Style for arrangement of sections and article or articles and for form for report to the Convention.

The President announced that all matters on the calendar for today which remained undisposed of would be deferred until tomorrow.

At 5:39 o'clock p.m., upon motion by Delegate Crossley, seconded by Delegate Sakakihara, the Convention adjourned until 9:00 o'clock a.m., on Saturday, July 8, 1950.

## SEVENTY-SECOND DAY • Saturday, July 8, 1950

The Convention convened at 9:03 o'clock a.m., with President King in the Chair.

After prayer by Chaplain Judd, the roll was called showing all delegates present, with the exception of Delegates Ihara, Mizuha, Phillips, Silva, White and Woolaway, excused; and Delegate Fong temporarily excused.

The President stated that he would report Monday on the journal of the seventieth and seventy-first days.

Under suspension of the rules, the Convention at this time proceeded with the third readings on the calendar for today.

Third reading of Committee Proposals Nos. 13, 15, 17, 19 and 21, relating, respectively, to State Flag, State Boundaries, Intergovernmental Relations, Oath of Office and Equal Rights, designated "Article XIV": Upon motion by Delegate Wist, seconded by Delegate Yamauchi, the said proposals, designated "Article XIV," passed third reading on the following showing of ayes and noes: Ayes, 54. Noes, none. Excused and not voting, 7 (Fong, Ihara, Mizuha, Phillips, Silva, White, Woolaway). Absent at Roll Call, 2 (Mau, Lee). The President announced that the committee proposals, designated as "Article XIV," having passed third reading, would be referred back to the Committee on Style for arrangement of sections and article or articles and for form for report to the Convention.

Third reading of Committee Proposal No. 9, relating to Revision and Amendments, designated "Article XV," deferred from July 7th: The Chair stated that if there was no objection, the third reading of committee proposal, designated as "Article XV," would be deferred until Monday, July 10th. There being none, action on third reading was deferred until Monday, July 10th.

At this time, Delegate Bryan moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Reports Nos. 92, 95, 99 and 102, Committee Proposals Nos. 29 and 30 from the Committee on Legislative Powers and Functions, and Miscellaneous Communications Nos. 112, 113 and 114 on the same subject matter. Seconded by Delegate Heen, and carried; and at 9:17 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Anthony as chairman.

The committee rose at 4:57 o'clock p.m., and the Convention reconvened.

Delegate Fong, who was temporarily excused this morning, was in attendance and Delegates Crossley,

Fukushima, Kawahara, Kawakami, Kometani, Lee, Mau, Charles A. Rice and Shimamura, excused, in addition to those who were excused from the morning session.

Delegate Anthony, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 92, 95, 99 and 102 and Committee Proposals Nos. 29 and 30, from the Committee on Legislative Powers and Functions, and Miscellaneous Communications Nos. 112, 113 and 114 on the same subject matter, orally reported progress and asked leave to sit again to consider the written report of the chairman of the Committee of the Whole on the above subject matters. Upon motion by Delegate Sakakihara, seconded by Delegate Smith, and carried, the oral report of the committee was adopted.

Delegate Wist, for the Committee on Style, presented a report on Committee Proposal No. 26, relating to Local Government, recommending the amendment of said Committee Proposal No. 26, and submitting the same for the consideration of the Convention in the amended form attached to the report and designated as "Article IX." (See Sec. B, Standing Com. Rpt. No. 113).

Upon motion by Delegate Wist, seconded by Delegate Sakakihara, and carried, the report of the committee was adopted, and ordered printed, with the amended form of Committee Proposal No. 26, designated as "Article IX." The President gave notice at this time that the committee proposal, as amended, designated "Article IX," and relating to Local Government, would be placed on the calendar, on General Orders, for consideration on third reading on Monday, July 10, 1950.

The President stated that all matters undisposed of on today's calendar would be deferred until Monday, July 10th.

At 4:58 o'clock p.m., upon motion by Delegate Noda, seconded by Delegate Sakakihara, and carried, the Convention adjourned until Monday, July 10, 1950 at 9:00 o'clock a.m.

### SEVENTY-THIRD DAY • Monday, July 10, 1950

The Convention convened at 9:02 o'clock a.m., with the President presiding.

The divine blessing was invoked by Chaplain Judd, after which the roll was called, showing all delegates present, with the exception of Delegates Ihara, Lee and Phillips, excused; and Delegates Mizuha, Charles A. Rice and Woolaway, temporarily excused.

The President stated that he would report tomorrow on the journal of the seventieth, seventy-first and seventy-second days.

Delegate White offered a resolution expressing appreciation to the firm of Wood, King & Dawson, attorneys and counsellors at law, of New York City, for their valuable contributions to the Convention in

connection with the Article on Taxation and Finance incorporated into the Constitution (see Sec. B, Res. No. 47). Upon motion by Delegate White, seconded by Delegate Castro, and carried, the resolution was adopted.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, to which was referred Resolution No. 44, requesting the Postmaster General of the United States to have a 6-cent airmail stamp and a 50-cent coin designed and issued in commemoration of the admission of Hawaii into the Union as a state, presented a report recommending the adoption of said resolution, with certain amendments (see Sec. B, Standing Com. Rpt. No. 114). Upon motion by Delegate Sakakihara, seconded by Delegate Yamauchi, and carried, the report of the committee was adopted; and Resolution No. 44, as amended, was thereby adopted.

Delegate Yamauchi, for the Committee on Miscellaneous Matters, to which was referred Proposal No. 6, relating to government office or employment, presented a report recommending that the proposal be placed on file for the reason set forth in the report (see Sec. B, Standing Com. Rpt. No. 115). Upon motion by Delegate Yamauchi, seconded by Delegate Dowson, and carried, the report of the committee was adopted, and Proposal No. 6 was thereupon placed on file.

Delegate Silva, for the Committee on Printing, presented a report on standing committee reports and committee proposals referred to it for printing (see Sec. B, Standing Com. Rpt. No. 116). The report was received and placed on file.

Delegate Silva, for the Committee on Printing, presented a report on Standing Committee Report No. 113 and Committee Proposal No. 26 referred to it for printing (see Sec. B, Standing Com. Rpt. No. 117). The report was received and placed on file.

At this time, Delegate Richards moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Report No. 78 and Proposal No. 27, from the Committee on Agriculture, Conservation and Land. Seconded by Delegate Sakakihara, and carried; and at 9:16 o'clock a.m., the Convention resolved itself into a Committee of the Whole for the consideration of said standing committee report and said committee proposal, with Delegate Larsen as chairman.

At 9:30 o'clock a.m., the committee rose and the Convention reconvened.

Delegate Larsen, for the Committee of the Whole, having under consideration Standing Committee Report No. 78 and Committee Proposal No. 27, presented a report recommending: (1) that Committee Proposal No. 27 be amended in the manner recommended in the report; (2) that, as so amended, said Committee Proposal No. 27 pass second reading; and (3) that Standing Committee Report No. 78 and

the recommendations thereof be adopted, except as the same may be inconsistent with the provisions and recommendations of this Committee of the Whole report (see Sec. B, Com. of Whole Rpt. No. 22).

Upon motion by Delegate Crossley, seconded by Delegate Dowson, and carried, the report of the committee was adopted. Committee Proposal No. 27 was amended as set forth in the report of the Committee of the Whole; and as so amended, passed second reading; and Standing Committee Report No. 78 was adopted, except as the same might be inconsistent with the provisions and recommendations of the Committee of the Whole report. The President thereupon referred the committee proposal, as amended, to the Committee on Style for consideration as to phraseology only and for report within five convention days, and ordered the report of the Committee of the Whole printed.

Delegate Silva, for the Committee on Printing, presented a report on the printing of Committee of the Whole Report No. 22 and Committee Proposal No. 27, as amended (see Sec. B, Standing Com. Rpt. No. 118). The report was received and placed on file.

Under suspension of the rules, the Convention at this time took up the third reading of committee proposals on the calendar for today.

Third reading of Committee Proposal No. 9, relating to Revision and Amendments, designated as "Article XV," deferred from July 8th: Delegate Fukushima objected to Proposal No. 9, as amended, designated "Article XV," as amended by the Committee on Style, and which was now pending before the Convention on third reading, stating that he felt the Committee on Style had made a change in the substance of the proposal by taking Section 4 out of the original committee proposal and attaching it as a paragraph of Section 3. He felt this should be a separate section and should be designated Section 4. He also stated that the word "section" should be deleted from the lastline of the amended proposal, and that the word "Article" should be inserted in lieu thereof. Delegate Porteus moved that the rules be suspended in order that these amendments might be offered. Seconded by Delegate Bryan, and carried.

Delegate Wist thereupon moved that the last paragraph of Section 3 of Committee Proposal No. 9, as amended, designated "Article XV," now pending before the Convention on third reading, be titled "Section 4"; that the word "section" appearing in the last line of the new Section 4 be deleted, and that the word "Article" be inserted in lieu thereof; and that the marginal note opposite to Section 3 be amended by placing a "period" after the word "legislature," and that the word "veto" be deleted therefrom; and that the word "veto" be placed as a marginal note opposite the new Section 4. The motion was seconded by Delegate Noda, and carried.

Delegate Wist moved that Committee Proposal No. 9, as amended, relating to Revision and Amendments, as further amended, pass third reading. Seconded by Delegate Bryan.

Delegate Roberts moved that the rules be suspended in order that he might offer a further amendment to Committee Proposal No. 9, as amended. Seconded by Delegate Akau.

A roll call being demanded according to the Rules of the Convention, the motion to suspend the rules as thereupon put, and lost, on the following showing of ayes and noes: Ayes, 31. Noes, 26 (Ashford, Bryan, Cockett, Crossley, Doi, Fukushima, Hayes, Holroyde, Kawahara, Kellerman, Kido, Lai, Luiz, Lyman, Okino, Porteus, Sakai, Sakakihara, Silva, Smith, St. Sure, Tavares, Wirtz, Wist, Yamamoto, Yamauchi). Excused and not voting, 6 (Ihara, Lee, Mizuha, Phillips, Charles A. Rice, Woolaway).

Delegate Charles A. Rice, who had been temporarily excused, came into the session at this time.

Delegate Anthony moved that action on Proposal No. 9, as amended, designated "Article XV," be deferred until after the legislative article is incorporated into the constitution. Seconded by Delegate Dowson. The Chair thereupon put the motion to defer action on this proposal, which was lost.

The previous question being called for, the Chair thereupon put the motion to pass Committee Proposal No. 9, as amended, relating to Revision and Amendments, designated "Article XV," which was carried on the following showing of ayes and noes: Ayes, 36. Noes, 22 (Akau, Anthony, Arashiro, Fong, Gilliland, Heen, Kam, Kauhane, Kawahara, Kometani, Luiz, Mau, Nielsen, Noda, Ohrt, Richards, Roberts, Serizawa, Shimamura, Arthur K. Trask, James K. Trask, White). Excused and not voting, 5 (Ihara, Lee, Mizuha, Phillips, Woolaway). The President announced that the committee proposal, as amended, designated "Article XV," having passed third reading, would be referred back to the Committee on Style for arrangement of sections and article or articles and for form, for report to the Convention.

Delegate Woolaway, who had been temporarily excused, came into the session at this time.

Third reading of Committee Proposal No. 26, as amended, designated as "Article IX": Upon motion by Delegate Wist, seconded by Delegate Noda, and carried, the proposal passed third reading on the following showing of ayes and noes: Ayes, 53. Noes, 6 (Fong, Kawahara, Mau, Ohrt, Sakakihara, Serizawa). Excused and not voting, 4 (Ihara, Lee, Mizuha, Phillips). The President announced that the committee proposal, as amended, designated "Article IX," having passed third reading, would be referred back to the Committee on Style for arrangement of sections and article or articles and for form, for report to the Convention.

At this time, Delegate James K. Trask moved that the Convention resolve itself into a Committee

of the Whole for the further consideration of Standing Committee Reports Nos. 68, 70 and 73 and Committee Proposals Nos. 23, 24 and 25 from the Committee on Ordinances and Continuity of Law. Seconded by Delegate Dowson, and carried; and at 10:14 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Doi as chairman.

At 10:38 o'clock a.m., the committee rose and the Convention reconvened.

Delegate Doi, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 68, 70 and 73 and Committee Proposals Nos. 23, 24 and 25, orally reported progress and asked leave to sit again. Upon motion by Delegate Sakakihara, seconded by Delegate Doi, and carried, the oral report of the committee was adopted.

At 10:39 o'clock a.m., upon motion by Delegate Fong, seconded by Delegate Bryan, and carried, the Convention stood in recess until 1:30 o'clock this afternoon.

#### AFTERNOON SESSION

The Convention reconvened at 1:42 o'clock p.m., with the President in the Chair and all delegates being present, with the exception of those excused this morning, and Delegates Arashiro and Dowson, excused from the afternoon session.

At this time, Delegate Kam moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Reports Nos. 68, 70 and 73 and Committee Proposals Nos. 23, 24 and 25. Seconded by Delegate Bryan, and carried; and at 1:44 o'clock p.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Doi as chairman.

At 2:14 o'clock p.m., the committee rose and the Convention reconvened.

Delegate Doi, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 68, 70 and 73 and Committee Proposals Nos. 23, 24 and 25, orally reported progress and asked leave to sit again. Upon motion by Delegate Sakakihara, seconded by Delegate Smith, and carried, the oral report of the committee was adopted.

At 2:17 o'clock p.m., upon motion by Delegate Bryan, seconded by Delegate Noda, and carried, the Convention adjourned until 9:00 o'clock a.m., on Tuesday, July 11, 1950.

#### SEVENTY-FOURTH DAY • Tuesday, July 11, 1950

The Convention convened at 9:05 o'clock a.m., with the President in the Chair.

After prayer by Chaplain Judd, the roll was called, showing all delegates present, with the exception of Delegates Lee, Mau, Phillips and White, excused.

The journal of the seventieth, seventy-first and seventy-second days was approved.

At this time, Delegate Porteus moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Reports Nos. 68, 70 and 73 and Committee Proposals Nos. 23, 24 and 25 from the Committee on Ordinances and Continuity of Law. Seconded by Delegate Shimamura, and carried; and at 9:14 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Doi as chairman.

At 4:03 o'clock p.m., the Committee rose and the Convention reconvened, with the President in the Chair and a quorum being present.

Delegate Doi, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 68, 70 and 73, and Committee Proposals Nos. 23, 24 and 25, from the Committee on Ordinances and Continuity of Law, orally reported progress and asked leave to sit again. Upon motion by Delegate Sakakihara, seconded by Delegate Dowson, and carried, the oral report of the committee was adopted.

Delegate Wist, for the Committee on Style, presented a report on Committee Proposal No. 22 as amended, relative to executive powers and functions, recommending the amendment of said proposal, and submitting for the consideration of the Convention the said proposal in the amended form attached to the report, designated "Article V—The Executive" (see Sec. B, Standing Com. Rpt. No. 119).

Upon motion by Delegate Wist, seconded by Delegate Anthony, and carried, the report of the committee was adopted and ordered printed, with the amended form of Committee Proposal No. 22, designated as "Article V—The Executive." The President gave notice at this time that the committee proposal, as amended, and designated "Article V—The Executive," would be placed on the calendar, on General Orders, for consideration on third reading, on Thursday, July 13th.

Delegate Silva, for the Committee on Printing, presented a report on matters referred to the Committee on Printing (see Sec. B, Standing Com. Rpt. No. 120). The report was received and placed on file.

At this time, Delegate Sakakihara moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Report No. 53 and Committee Proposal No. 12, relating to the Seat of Government, from the Committee on Miscellaneous Matters. Seconded by Delegate Castro, and carried; and at 4:05 o'clock p.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Castro as chairman.

At 4:07 o'clock p.m., the committee rose and the Convention reconvened.



Delegate Castro, for the Committee of the Whole, having under consideration Standing Committee Report No. 53 and Committee Proposal No. 12, relating to the Seat of Government, from the Committee on Miscellaneous Matters, presented a report, recommending the amendment of Committee Proposal No. 12; recommending that said proposal, as amended, pass second reading; that this report of the Committee of the Whole be adopted; that Committee of the Whole Reports Nos. 12 and 13 RD. 1 be placed on file; that Standing Committee Report No. 53 be adopted, except as the same may be inconsistent with the provisions and recommendations of this report (see Sec. B, Com. of Whole Rpt. No. 13, RD. 2).

Upon motion by Delegate James K. Trask, seconded by Delegate Noda, and carried, the report of the committee was adopted. Committee Proposal No. 12 was amended as set forth in the report of the Committee of the Whole; and passed second reading as thus amended; Committee of the Whole Reports Nos. 13 and 13 RD. 1 were placed on file; and Standing Committee Report No. 53 was adopted, except as the same was inconsistent with the provisions and recommendations of Committee of the Whole Report No. 13, RD. 2. The President thereupon referred the committee proposal, as amended, to the Committee on Style for consideration as to phraseology only, and for report within five convention days, and ordered the report of the Committee of the Whole printed.

At 4:09 o'clock p.m., upon motion by Delegate Anthony, seconded by Delegate James K. Trask, and carried, the Convention adjourned until 9:00 o'clock a.m., on Wednesday, July 12, 1950.

## SEVENTY-FIFTH DAY • Wednesday, July 12, 1950

The Convention convened at 9:09 o'clock a.m., with President King presiding.

Chaplain Judd invoked the divine blessing, after which the roll was called, showing all delegates present, with the exception of Delegates Mau and Phillips, excused; and Delegates Mizuha and White, temporarily excused.

The President announced that he would report tomorrow on the journal of the seventy-third and seventy-fourth days.

At 9:13 o'clock a.m., the President declared a recess, subject to the call of the Chair. At 9:28 o'clock a.m., the Convention reconvened.

At this time, Secretary Porteus presented to the Convention the flags of the States of Wisconsin, Colorado and Utah, on behalf of the people of those states.

Delegate Silva, for the Committee on Printing, presented a report on the printing of committee reports and committee proposals referred to said

committee for printing (see Sec. B, Standing Com. Rpt. No. 121). The report was received and placed on file.

Delegate Bryan, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 67, 67-A, 67-B and 67-C and Committee Proposal No. 22, from the Committee on Executive Powers and Functions, presented a report being a supplementary report to Committee of the Whole Report No. 17, which followed the oral report of the Committee of the Whole adopted on July 5th, recommending the amendment of sections 8 and 10 of Committee Proposal No. 22 as amended, in accordance with this supplementary report; and recommending the passage, on second reading, of Committee Proposal No. 22, as amended, pursuant to the recommendations of said Committee of the Whole Report No. 17, and as further amended by this supplementary report (see Sec. B, Com. of Whole Rpt. No. 23). The report of the committee was adopted, upon motion by Delegate Bryan, seconded by Delegate Noda, and carried; and thereafter placed on file, the oral report of the Committee of the Whole, covering the same recommendations as to the amendment of sections 8 and 10 of Committee Proposal No. 22, as amended, having been adopted on July 5th, and Committee Proposal No. 22, as so further amended, having passed second reading on that date.

At this time, Delegate Sakakihara moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Reports Nos. 68, 70 and 73 and Committee Proposals Nos. 23, 24 and 25, from the Committee on Ordinances and Continuity of Law. Seconded by Delegate Holroyde, and carried; and at 9:34 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Doi as chairman.

At 3:27 o'clock p.m., the committee rose and the Convention reconvened.

Delegate Mizuha, who had been excused temporarily, was in attendance at this time.

Delegate Doi, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 68, 70 and 73 and Committee Proposals Nos. 23, 24 and 25 from the Committee on Ordinances and Continuity of Law, orally reported progress and asked leave to sit again. Upon motion by Delegate James K. Trask, seconded by Delegate Noda, and carried, the oral report of the committee was adopted.

At 3:33 o'clock p.m., upon motion by Delegate Crossley, seconded by Delegate H.W. Rice, and carried, the Convention stood in recess, subject to the call of the Chair. The Convention reconvened at 4:46 o'clock p.m.

Delegate Wist, for the Committee on Style, presented a report on Committee Proposal No. 10, as amended, dealing with Finance and Taxation, recom-



mending the amendment of the said proposal, and submitting the same for the consideration of the Convention in the amended form attached to the report and designated "Article VIII" (see Sec. B, Standing Com. Rpt. No. 122).

Upon motion by Delegate Wist, seconded by Delegate Noda, and carried, the report of the committee was adopted and ordered printed, with the amended form of Committee Proposal No. 10, designated "Article VIII." The President gave notice at this time that the committee proposal, as amended, designated "Article VIII," would be placed on the calendar, on General Orders, for consideration on third reading on Friday, July 14, 1950.

Delegate Wist, for the Committee on Style, presented a report on Committee Proposals Nos. 12, as amended; 16, as amended; and 20, as amended, dealing with the Seat of Government, Civil Service and the Preamble, respectively, recommending the amendment of said committee proposals, and submitting the same for the consideration of the Convention in the amended form attached to the report and designated as "Article XIV" (see Sec. B, Standing Com. Rpt. No. 123).

Upon motion by Delegate Wist, seconded by Delegate Noda, and carried, the report of the committee was adopted and ordered printed with the amended form of Committee Proposals Nos. 12 as amended, 16 as amended and 20 as amended, designated "Article XIV." The President gave notice at this time that the committee proposals, as amended, designated "Article XIV," would be placed on the calendar, on General Orders, for consideration on third reading on Friday, July 14.

Delegate Sakakihara at this time moved that the Convention adjourn until 9:00 o'clock tomorrow morning. Seconded by Delegate Fong. The motion to adjourn was put by the Chair, and lost.

Delegate Bryan moved that the Convention stand in recess until 8:00 o'clock this evening. Seconded by Delegate Harold W. Rice, and carried, and at 5:09 o'clock p.m., the Convention so stood in recess.

#### EVENING SESSION

The Convention reconvened at 8:08 o'clock p.m. with the President in the Chair and a quorum being present.

At this time, Delegate Castro moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Reports Nos. 68, 70 and 73 and Committee Proposals Nos. 23, 24 and 25 from the Committee on Ordinances and Continuity of Law. Seconded by Delegate Noda, and carried; and at 8:08 o'clock p.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Doi as chairman.

At 10:55 o'clock p.m., the committee rose and the Convention reconvened.

Delegate Doi, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 68, 70 and 73 and Committee Proposals Nos. 23, 24 and 25, orally reported progress and asked leave to sit again. Upon motion by Delegate Crossley, seconded by Delegate Dowson, and carried, the oral report of the committee was adopted.

At 10:59 o'clock p.m., upon motion by Delegate Crossley, seconded by Delegate Lee, and carried, the Convention adjourned until 9:00 o'clock a.m., on Thursday, July 13, 1950.

#### SEVENTY-SIXTH DAY • Thursday, July 13, 1950

The Convention convened at 9:02 o'clock a.m., with President King in the Chair.

After prayer by Chaplain Judd, the roll was called, showing all delegates present, with the exception of Delegates Mau and Arthur K. Trask, excused on account of illness.

The journal of the seventy-third day was approved; and the President announced that he would report tomorrow on the journal of the seventy-fourth and seventy-fifth days.

The President informed the Convention that in a message from the Washington office of the Hawaii Statehood Commission received by wire this morning, he was assured that the statehood bill would be taken up on the floor of the Senate sometime next week—either Tuesday, Wednesday or Thursday. The same source of information indicated that the vote would be two to one in favor of statehood.

Delegate Okino at this time moved that the rules be suspended, and that the Convention at this time take up the consideration of Committee Proposal No. 22, designated "Article V—The Executive"—on the calendar for third reading today. Seconded by Delegate Lai, and carried.

Third reading of Committee Proposal No. 22, as amended, designated "Article V—The Executive":

Delegate Heen request unanimous consent to offer an amendment to the proposal. There being no objection, unanimous consent was granted in order that Delegate Heen might offer an amendment.

Delegate Heen moved that in line 4 of Section 4 of the Proposal, after the word "to," the words "exercise and" be inserted in the first paragraph of that section; and in the second paragraph of the same section, in line 3, after the word "to," the words "exercise and" be inserted. The motion was seconded by Delegate Hayes, and carried.

Delegate Silva suggested a further amendment to this proposal covering interim appointments by the governor which he felt was not covered in this proposal. After some discussion on this subject matter, Delegate Sakakihara moved that action on the amended committee proposal, be deferred until later on the calendar in order that a proper amendment might be

prepared for presentation to the Convention to cover Delegate Silva's suggestion. Seconded by Delegate Phillips, and carried.

At this time, upon the suggestion of the President, Delegate Lee moved that the rules be suspended in order that the Convention might take up the third reading of Committee Proposal No. 10, as amended, relating to Finance and Taxation, designated as "Article VII," on the calendar for consideration on third reading tomorrow. The motion was seconded by Delegate Lai, and carried.

Delegate Doi was temporarily excused at this time.

Third reading of Committee Proposal No. 10, as amended, relating to Finance and Taxation, designated "Article VIII": Delegate White moved that the committee proposal, as amended, pass third reading. Seconded by Delegate Crossley.

Delegate Tavares moved that he be granted unanimous consent to offer a further amendment to this proposal. Seconded by Delegate Lai, and carried.

Delegate Tavares thereupon offered the following amendment:

Amend Section 3 of Committee Proposal No. 10, R.D. 2, by adding before the first full paragraph on page 3 the following new paragraph:

"Instruments of indebtedness to meet appropriations for any fiscal period in anticipation of the collection of revenues for such period or to meet casual deficits or failures of revenue, which shall be payable within one year, may be issued by any political subdivision under authorization of law and of its governing body, without regard to the limits of debt hereinabove provided.

Upon motion by Delegate Tavares, seconded by Delegate Heen, and carried, the amendment was adopted.

Upon motion by Delegate Heen, seconded by Delegate Noda, the proposal, as amended, and as further amended, passed third reading on the following showing of ayes and noes: Ayes, 54. Noes, 2 (Nielsen, Roberts). Excused and not voting, 3 (Doi, Mau, Arthur K. Trask). The President announced that the committee proposal, as amended, designated "Article VIII," having passed third reading, would be referred back to the Committee on Style for arrangement of sections and article or articles and for form, for report to the Convention.

At this time, the President declared a recess, subject to the call of the Chair, at 9:58 o'clock a.m. At 10:18 o'clock a.m., the Convention reconvened.

Delegate Wist, for the Committee on Style, presented a report on Committee Proposal No. 27, as amended, dealing with Agriculture, Conservation and Land, recommending the amendment of the said proposal, and submitting the same for the consideration of the Convention in the amended form attached to the report and designated "Article XIII" (see Sec. B, Standing Com. Rpt. No. 124).

Upon motion by Delegate Shimamura, seconded by Delegate Noda, and carried, the report of the committee was adopted and ordered printed, with the amended form of Committee Proposal No. 27, designated as "Article XIII." The President gave notice at this time that the committee proposal, as amended, designated "Article XIII," would be placed on the calendar, on General Orders, for consideration on third reading on Saturday, July 15, 1950.

Delegate Shimamura, for the Committee on Ordinances and Continuity of Law, presented a report on Proposal No. 22, relating to the appointment of department heads and governmental officers, and Proposal No. 30, relating to compensation of holders of office established by the Constitution, recommending that said Proposals Nos. 22 and 30 be placed on file for the reasons set forth in the report (see Sec. B, Standing Com. Rpt. No. 125).

Upon motion by Delegate Shimamura, seconded by Delegate Noda, and carried, the report of the committee was adopted; and Proposals Nos. 22 and 30 were thereupon placed on file.

At this time, Delegate Wist moved that the rules be suspended in order that the Convention might take up the consideration, on third reading, of Committee Proposals Nos. 12, 16 and 20, relating, respectively, to Seat of Government, Civil Service and the Preamble, designated "Article XIV," on the calendar for third reading tomorrow. Seconded by Delegate Bryan, and carried.

Third reading of Committee Proposal No. 12, as amended, relating to "A State Capital," designated "Article XIV". Upon motion by Delegate Yamauchi, seconded by Delegate Yamamoto, the proposal passed third reading, as amended, on the following showing of ayes and noes: Ayes, 42. Noes, 17 (Arashiro, Ashford, Ihara, Kage, Kawahara, Kellerman, Kido, Luiz, Lyman, Okino, Sakai, Sakakihara, Silva, St. Sure, Wirtz, Yamamoto and Yamauchi). Excused and not voting, 3 (Doi, Mau, Arthur K. Trask). Absent at Roll Call, 1 (Loper).

Third reading of Committee Proposal No. 16, as amended, relating to "Civil Service," designated "Article XIV": Upon motion by Delegate Yamauchi, seconded by Delegate Yamamoto, the proposal passed third reading on the following showing of ayes and noes: Ayes, 46. Noes, 13 (Arashiro, Ashford, Fukushima, Kellerman, Luiz, Mizuha, Nielsen, Charles A. Rice, Harold W. Rice, Serizawa, Silva, St. Sure, Wirtz). Excused and not voting, 3 (Doi, Mau, Arthur K. Trask). Absent at Roll Call, 1 (Lee).

Third reading of Committee Proposal No. 20, as amended, designated as "Article XIV": Upon motion by Delegate Yamauchi, seconded by Delegate Dowson, the proposal passed third reading on the following showing of ayes and noes: Ayes, 55. Noes,

5 (Hayes, Kellerman, Larsen, Phillips, Wirtz). Excused and not voting, 3 (Doi, Mau, Arthur K. Trask).

The President announced that under the Committee Proposals Nos. 12, 16 and 20, as amended, designated "Article XIV," having passed third reading, would be referred back to the Committee on Style for arrangement of sections and article or articles, and for form, for report to the Convention.

At this time, Delegate Sakakihara moved that the Convention resolve itself into a Committee of the Whole for the further consideration of Standing Committee Reports Nos. 92, 95, 99 and 102, Committee Proposals Nos. 29 and 30, from the Committee on Legislative Powers and Functions, and Miscellaneous Communications Nos. 112, 113 and 114 on the same subject matter. Seconded by Delegate Noda, and carried; and at 10:38 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Anthony as chairman.

At 11:32 o'clock a.m., the committee rose and the Convention reconvened.

Delegate Anthony, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 92, 95, 99 and 102 and Committee Proposals Nos. 29 and 30 from the Committee on Legislative Powers and Functions, and Miscellaneous Communications Nos. 112, 113 and 114 relating to the same subject matter, presented a report recommending: the amendment of Committee Proposals Nos. 29 and 30, as set forth in the report of the Committee of the Whole; the passage of said committee proposals on second reading, as amended; the adoption of Standing Committee Report No. 92, save and except as the same may be inconsistent with the provisions and recommendations of this report; the filing of Standing Committee Reports Nos. 99 and 102 from the minority of the Committee on Legislative Powers and Functions, and the filing of Miscellaneous Communications Nos. 112, 113, and 114 (see Sec. B, Com. of Whole Rpt. No. 24). Delegate Anthony, for the Committee of the Whole, reported orally, recommending the further amendment of Committee Proposal No. 29, in accordance with the recommendations of the Committee of the Whole to be set out in a supplementary report to be filed later, and recommending the passage of Committee Proposal No. 29, as thus further amended, and asking leave to file a supplementary written report covering said amendments, at a later date.

Delegate Dowson moved for the adoption of Committee of the Whole Report No. 24 and for the adoption of the oral report recommending the further amendment of Committee Proposal No. 29, a written supplementary report on which is to be filed later. Seconded by Delegate Bryan.

Delegate Heen offered the following further amendment to Committee Proposal No. 29, as amended:

Amend Section 2 of Committee Proposal No. 29 to read as follows:

"Section 2. Senate; senatorial districts; number of members. The senate shall be composed of twenty-one members, who shall be elected by the qualified voters of the respective senatorial districts. The districts, and the number of senators to be elected from each, shall be as follows:

First senatorial district: That portion of the island of Hawaii known as Puna, Hilo and Hamakua, four;

Second senatorial district: that portion of the island of Hawaii known as Kau, Kona and Kohala, one;

Third senatorial district: the islands of Maui, Molokai, Lanai and Kahoolawe, four;

Fourth senatorial district: that portion of the island of Oahu lying east and south of Nuuanu Street and the Pali Road and the upper ridge of the Koolau range from the Nuuanu Pali to Makapuu Point, five;

Fifth senatorial district: that portion of the island of Oahu lying west and north of the fourth senatorial district, four; and

Sixth senatorial district: the islands of Kauai and Niihau, three."

Delegate Heen moved for the adoption of the amendment. Seconded by Delegate Lee.

Vice-President Fong here assumed the Chair, and the President took his place on the floor of the Convention Hall. Considerable debate ensued following the offering of this amendment. Delegate Phillips moved the previous question. Seconded by Delegate Fukushima, and carried.

A roll call being demanded, according to the rules of the Convention, the Chair put the motion to adopt the amendment offered by Delegate Heen, which was lost on the following showing of ayes and noes: Ayes, 13 (Anthony, Arashiro, Ashford, Corbett, Heen, Kage, Kanemaru, Kawakami, Kellerman, Lee, Harold W. Rice, White, Wirtz). Noes, 45. Excused and not voting, 2 (Mau, Arthur K. Trask). Absent at Roll Call, 3 (Kometani, Mizuha, Serizawa).

At 12:12 o'clock p.m., Delegate King moved that the Convention stand in recess until 1:30 o'clock this afternoon. Seconded by Delegate Phillips, and carried.

#### AFTERNOON SESSION

The Convention reconvened at 1:43 o'clock p.m., with the President in the Chair and a quorum being present.

The President announced that Delegate Kometani had been excused from the afternoon session.

At this time, by unanimous consent, Delegate Hayes, for the Committee on the Hawaiian Homes Commission Act, presented a report recommending that Petition No. 26 and Miscellaneous Communica-

tions Nos. 94, 98, 99 and 103, relating to the Hawaiian Homes Commission Act, be placed on file (see Sec. B, Standing Com. Rpt. No. 126). Upon motion by Delegate Hayes, seconded by Delegate Charles A. Rice, and carried, the report of the committee was adopted; and Petition No. 26 and Miscellaneous Communications Nos. 94, 98 and 103 thereupon were placed on file.

By unanimous consent, Delegate Silva, for the Committee on Printing, presented a report on the printing of committee reports and committee proposals referred to it for printing (see Sec. B, Standing Com. Rpt. No. 127). The report was received and placed on file.

At this time, the President recognized Delegate Heen who offered the following amendment to Committee Proposal No. 29, as amended:

Amend Section 3 of Committee Proposal No. 29 to read as follows:

"SECTION 3. House of representatives; representative districts; number of members; apportionment. The house of representatives shall be composed of forty-one members, who shall be elected by the qualified voters of the respective representative districts. The representative districts, and, until the next decennial reapportionment, the number of representatives to be elected from each, shall be as follows:

First representative district: that portion of the island of Hawaii known as Puna, one representative;

Second representative district: that portion of the island of Hawaii known as South Hilo, three representatives;

Third representative district: that portion of the island of Hawaii known as North Hilo and Hamakua, one representative;

Fourth representative district: that portion of the island of Hawaii known as Kau and South Kona and that portion of North Kona known as Keauhou, the latter being more particularly described in the schedule, one representative;

Fifth representative district: that portion of the island of Hawaii known as Kohala and that portion of North Kona not included in the fourth representative district, one representative;

Sixth representative district: the islands of Molokai and Lanai, one representative;

Seventh representative district: the islands of Maui and Kahoolawe, four representatives;

Eighth representative district: that portion of the island of Oahu known as Koolaupoko and Koolauloa, two representatives;

Ninth representative district: that portion of the island of Oahu known as Waialua, Wahiawa, Ewa and Waianae, three representatives;

Tenth representative district: that portion of the island of Oahu known as Kalihi and more

particularly described in the schedule, two representatives;

Eleventh representative district: that portion of the island of Oahu known as upper Nuuanu and more particularly described in the schedule, two representatives;

Twelfth representative district: that portion of the island of Oahu known as Kapalama, and more particularly described in the schedule, two representatives;

Thirteenth representative district: that portion of the island of Oahu known as Pauoa and more particularly described in the schedule, four representatives;

Fourteenth representative district: that portion of the island of Oahu known as Manoa and Waikiki and more particularly described in the schedule, five representatives;

Fifteenth representative district: that portion of the island of Oahu known as Kaimuki and Kapaehulu and more particularly described in the schedule, three representatives;

Sixteenth representative district: that portion of the island of Oahu known as Wilhelmina Rise, Kahala and Waialae, particularly described in the schedule, together with all other islands not included in any other representative district, two representatives;

Seventeenth representative district: the islands of Kauai and Niihau, three representatives."

Delegate Heen moved for the adoption of the amendment. Seconded by Delegate Lee. Some debate then ensued as to the amendment.

Delegate Sakakihara moved for the previous question. Seconded by Delegate Fukushima, and carried. A roll call being demanded, according to the rules of the Convention, the motion to adopt the amendment offered by Delegate Heen was put, and lost, on the following showing of ayes and noes: Ayes, 10 (Anthony, Ashford, Corbett, Heen, Kellerman, Lee, Harold W. Rice, Serizawa, James K. Trask, Wirtz). Noes, 43. Excused and not voting, 4 (Doi, Kometani, Mau, Arthur K. Trask). Absent at Roll Call, 6 (Ara-shiro, Gilliland, Kage, Kawakami, Mizuha, Phillips).

Delegate Fong then moved for the previous question. Seconded by Delegate Sakakihara, and carried.

The Chair thereupon put the previous question, which was the adoption of Committee of the Whole Report No. 24 and the oral report of the chairman of the Committee of the Whole recommending the further amendment of Committee Proposal No. 29, which was carried. Committee of the Whole Report No. 24 was adopted; Committee Proposal No. 29, as amended by the Report of the Committee of the Whole No. 24, and as further amended by the oral report of the chairman of the Committee of the Whole, passed second reading; Committee Proposal No. 30, as amended, passed second reading; Standing Com-

mittee Report No. 92 was adopted, save and except as the same was inconsistent with the provisions and recommendations of the Committee of the Whole Report No. 24 and the oral report of the said Committee of the Whole, to be followed by a supplementary written report; Standing Committee Reports Nos. 99 and 102 from the minority of the Committee on Legislative Powers and Functions were placed on file; and Miscellaneous Communications Nos. 112, 113 and 114 were placed on file.

The President thereupon referred Committee Proposals Nos. 29 and 30, both as amended, to the Committee on Style, for consideration as to phraseology only and for report within five convention days, and ordered the report of the Committee of the Whole printed.

Delegate Sakakihara moved at this time that the Convention take up the consideration of Committee Proposal No. 22, RD 2, on third reading, entitled: "Article V—The Executive," action on which was deferred this morning. Seconded by Delegate Silva, and carried.

Consideration, on third reading, of Committee Proposal No. 22, as amended, designated "Article V—The Executive," deferred from this morning:

Delegate Silva moved that he be granted unanimous consent to offer an amendment to said proposal. Seconded by Delegate Sakakihara, and carried. Delegate Silva thereupon offered the following amendment to Committee Proposal No. 22, as amended, designated "Article V—The Executive":

Amend the fifth paragraph of Section 6 of Committee Proposal No. 22 (RD 2) by adding the following sentence at the end thereof:

"No person nominated to any office shall be eligible for an interim appointment to such office if the senate does not consent to the appointment upon such information."

Delegate Silva moved for the adoption of the amendment. Seconded by Delegate Sakakihara.

Delegate Heen offered the following amendment to Delegate Silva's amendment:

No person who has been nominated for appointment to any office and whose appointment has not received the consent of the Senate shall be eligible to an interim appointment thereafter to such office.

Delegate Silva accepted this amendment. Considerable discussion followed as to whether this covered the situation which it was desired to correct.

The Chair put the motion to adopt the amendment proposed by Delegate Silva, as amended by Delegate Heen, which was carried.

Upon motion by Delegate Okino, seconded by Delegate Sakakihara, Committee Proposal No. 22, as amended, designated "Article V—The Executive,"

passed third reading on the following showing of ayes and noes: Ayes, 44. Noes, 10 (Anthony, Ashford, Crossley, Kauhane, Kawahara, Luiz, Nielsen, Charles A. Rice, Serizawa, Shimamura). Excused and not voting, 3 (Kometani, Mau, Arthur K. Trask). Absent at Roll Call, 6 (Arashiro, Gilliland, Lee, Mizuha, Phillips, White). The President announced that the committee proposal, as amended, designated "Article V—The Executive," having passed third reading, would be referred back to the Committee on Style for arrangement of sections and article or articles, and for form, for report to the Convention.

At this time, Delegate Anthony stated that he would like to record his dissent to Committee Proposal No. 22 which had just passed third reading, and to give his reason therefor. "As far as I know, there is not a state or nation in the Anglo-Saxon world that permits the executive to pardon in cases of impeachment," he said.

The President stated that the delegate's remarks would be in the record.

Delegate Shimamura asked the President if he might be permitted to record his reason for dissenting to the passage of this proposal. Delegate Shimamura was recognized by the Chair, and stated:

I am in agreement with the entire proposal except the last amendment made. I think that is identical in sense with the second sentence of the paragraph amended and has not provided for the situation called to the Convention's attention by Delegate Silva.

The President stated that these remarks would be recorded.

Delegate Kauhane was then recognized by the President and asked if he might state his reason for voting "no" on the proposal. He, being granted such permission, made the following statement:

I went along voting for the adoption of the committee proposal, but at the last minute the amendment was offered by Delegate Silva, which is contrary to the action taken by the Committee on Executive Powers and Functions, because we have gone over that matter and arrived at what we considered the best proposal to take care of the situation that is now being questioned by the amendment offered. I feel that the matter should have been voted down by this delegation.

The President stated that the delegate's remarks would be noted in the record.

Delegate Crossley, for the Committee on Submission and Information, offered a Resolution expressing the appreciation of the Convention to the representatives of the press for their reporting of the daily sessions of the Convention (see Sec. B, Res. No. 48). Upon motion by Delegate Crossley, seconded by Delegate Smith, the resolution was unanimously adopted.

Delegate Crossley, for the Committee on Submission and Information, offered a resolution expressing the appreciation of the Convention to radio stations KGU, KGMB and KULA for their generous contributions of free radio time to the Committee on Submission and Information for the purpose of informing the public of the progress of the Convention (see Sec. B, Res. No. 49). Upon motion by Delegate Crossley, seconded by Delegate Smith, the resolution was unanimously adopted.

Delegates Roberts, Corbett, Larsen, Harold W. Rice, Okino, Sakakihara, Yamamoto, St. Sure, Ihara and Yamauchi offered a resolution expressing the sincere appreciation of the delegates to this Constitutional Convention to the director and the members of the staff of the Legislative Reference Bureau for the services performed so excellently by them (see Sec. B, Res. No. 50). Upon motion by Delegate Sakakihara, seconded by Delegate Smith, the resolution was unanimously adopted.

At this time, the President announced that Delegate Ashford had submitted her resignation as a member of the Committee on Submission and Information in view of her pending absence from the territory; and stated that he had accepted the same with regret and had appointed in her place, as a member of that committee, Delegate Kage.

At 2:38 o'clock p.m., upon motion by Delegate Holroyde, seconded by Delegate Noda, and carried, the Convention adjourned until 11:00 o'clock a.m., on Friday, July 14, 1950.

## SEVENTY-SEVENTH DAY • Friday, July 14, 1950

The Convention convened at 11:15 o'clock a.m., with the President presiding.

The divine blessing was invoked by Chaplain Judd, after which the roll was called, showing all delegates present, with the exception of Delegate Mau, excused on account of illness. The journal of the seventy-fourth, seventy-fifth and seventy-sixth days was approved.

At this time Delegate Dowson moved that the Convention resolve itself into a Committee of the Whole, for the further consideration of Standing Committee Reports Nos. 68, 70 and 73, and Committee Proposals Nos. 23, 24 and 25, from the Committee on Ordinances and Continuity of Law. Seconded by Delegate James K. Trask, and carried; and at 11:19 o'clock a.m., the Convention resolved itself into a Committee of the Whole for such purpose, with Delegate Doi as chairman.

At 2:45 o'clock p.m., the committee rose and the Convention reconvened.

The President announced that Delegates Castro, Lee, Loper, Nielsen, Smith and James K. Trask were excused from the afternoon session; and that Delegates Holroyde and Wist were temporarily excused,

in addition to Delegate Mau, who was excused on account of illness. All other delegates were present.

Delegate Doi, for the Committee of the Whole, having under consideration Standing Committee Report No. 68 and Committee Proposal No. 23, from the Committee on Ordinances and Continuity of Law, presented a report recommending: (1) that Standing Committee Report No. 68 be adopted, except as the same might be inconsistent with the provisions and recommendations of this report of the Committee of the Whole; (2) that Committee Proposal No. 23, "Relating to Schedule on Continuity of Laws, Rights, Actions, etc.," be amended in the manner set forth in the amended form of the proposal attached to the report; and (3) that as so amended, Committee Proposal No. 23 pass second reading (see Sec. B, Com. of Whole Rpt. No. 25).

Upon motion by Delegate Sakakihara, seconded by Delegate Bryan, and carried, the report of the committee was adopted. Standing Committee Report No. 68 was thereupon adopted, except as the same was inconsistent with the provisions and recommendations of the report of the Committee of the Whole; Committee Proposal No. 23 was amended in the manner set forth in the amended form attached to the report; and Committee Proposal No. 23, as so amended, passed second reading. The President thereupon referred the committee proposal, as amended, to the Committee on Style for consideration as to phraseology only and for report within five convention days, and ordered the report of the Committee of the Whole printed.

Delegate Doi, for the Committee of the Whole, having under consideration Standing Committee Report No. 70 and Committee Proposal No. 24, from the Committee on Ordinances and Continuity of Law, presented a report recommending: (1) that Standing Committee Report No. 70 be adopted, except as the same is inconsistent with this report of the Committee of the Whole; and (2) recommending the amendment of Committee Proposal No. 24, "Relating to Ordinances and Continuity of Law," in the manner set forth in the amended form of the proposal attached to this report; and (3) recommending that as so amended, Committee Proposal No. 24 pass second reading (see Sec. B, Com. of Whole Rpt. No. 26).

Upon motion by Delegate Sakakihara, seconded by Delegate Bryan, and carried, the report of the committee was adopted. Standing Committee Report No. 70 was adopted, except as the same was inconsistent with the provisions and recommendations of the report of the Committee of the Whole; Committee Proposal No. 24, was amended in the manner set forth in the amended form of the proposal attached to the report; and as thus amended, Committee Proposal No. 24 passed second reading. The President thereupon referred the committee proposal, as amended, to the Committee on Style for consideration as to phraseology only and for report within five con-

vention days, and ordered the report of the Committee of the Whole printed.

Delegate Doi, for the Committee of the Whole, having under consideration Standing Committee Report No. 73 and Committee Proposal No. 25, presented a report recommending: (1) that Standing Committee Report No. 73 be adopted except as it was inconsistent with this Report of the Committee of the Whole; (2) that Committee Proposal No. 25 be amended in the manner set forth in the amended form of the proposal attached to the report of the Committee of the Whole; and (3) that as so amended, Committee Proposal No. 25, "Relating to the Initial Election in the State of Hawaii," pass second reading (see Sec. B, Com. of Whole Report No. 27).

Upon motion by Delegate Sakakihara, seconded by Delegate Bryan, and carried, the report of the committee was adopted. Standing Committee Report No. 73 was adopted, except as it was inconsistent with this report of the Committee of the Whole; Committee Proposal No. 25 was amended in the manner set forth in the amended form of the committee proposal attached to the report of the Committee of the Whole, and as thus amended, Committee Proposal No. 25 passed second reading. The President thereupon referred the committee proposal, as amended, to the Committee on Style for consideration as to phraseology only, and for report within five convention days, and ordered the report of the Committee of the Whole printed.

A communication from Delegate Arthur K. Trask, enclosing, for the records of the Convention, a copy of a cablegram which he had sent to Senator Denis Chavez, a member of the United States Senate, asking his help in bringing the Hawaii Statehood issue to a vote before the adjournment of Congress, was read by the Clerk (see Sec. B, Misc. Com. No. 115). The communication was received and placed on file.

Delegate Anthony, for the Committee of the Whole, having under consideration Standing Committee Reports Nos. 92, 95, 99 and 102, Committee Proposals Nos. 29 and 30, from the Committee on Legislative Powers and Functions, and Miscellaneous Communications Nos. 112, 113 and 114 on the same subject matter, presented a supplementary report to Committee of the Whole Report No. 24, an oral report having previously been made and adopted, recommending the further amendment of Committee Proposal No. 29, by the amendment of Section 17 thereof to read as set forth in the supplementary report; and recommending that as so amended, Committee Proposal No. 29 pass second reading; and further recommending the adoption of Standing Committee Report No. 95 covering the disposition of proposals and other matters referred to the Committee on Legislative Powers and Functions, in which it was recommended that these various matters be placed on file (see Sec. B, Com. of Whole Rpt. No. 28). Upon motion by Delegate Dowson, seconded by Dele-

gate Harold W. Rice, and carried, the report of the committee was adopted. The proposals and other matters enumerated in Standing Committee Report No. 95 were placed on file; and the supplementary report was placed on file, the oral report of the committee having previously been adopted.

Delegate Mizuha, for the Committee on Bill of Rights, presented a report recommending that Proposal No. 17, relating to women on juries, be placed on file for the reason set forth in the report (see Sec. B, Standing Com. Rpt. No. 128). Upon motion by Delegate Mizuha, seconded by Delegate Bryan, and carried, the report of the committee was adopted; and Proposal No. 17 was thereupon placed on file.

Delegate Richards, for the Committee on Agriculture, Conservation and Land, presented a report recommending that Departmental Communication No. 11 be placed on file (see Sec. B, Standing Com. Rpt. No. 129). Upon motion by Delegate Richards, seconded by Delegate Harold W. Rice, and carried, the report of the committee was adopted, and Departmental Communication No. 11 was thereupon placed on file.

At 2:59 o'clock p.m., upon motion by Delegate Kauhane, seconded by Delegate Noda, and carried, the Convention stood in recess until 4:30 o'clock this afternoon. At 4:47 o'clock p.m., the Convention reconvened. Delegate Holroyde, who had previously been temporarily excused, was in attendance at this time.

At this time, Delegate Tavares moved that the rules be suspended, and that the Convention take up the consideration, on third reading, of Committee Proposal No. 27, as amended, designated "Article XIII," which is on the calendar, on General Orders, for third reading tomorrow. The motion was seconded by Delegate Wirtz and carried on the affirmative vote of more than 32 delegates.

Third reading of Committee Proposal No. 27, as amended, designated "Article XIII": Delegate Yamamoto moved that Committee Proposal No. 27, as amended designated "Article XIII": pass third reading. Seconded by Delegate Silva.

Delegate Tavares moved that under the suspension of the rules, and by unanimous consent, he be permitted to offer an amendment to Section 5 of Committee Proposal No. 27, as amended, designated "Article XIII." Seconded by Delegate Holroyde, and carried, unanimously, by a rising vote.

Delegate Tavares thereupon offered the following amendment to Section 5 of Committee Proposal No. 27 as amended, designated "Article XIII":

Add at the end of Section 5, the following sentence:

"This section shall not prohibit the disposition or utilization, pursuant to law, of lands for other lawful or public purposes."

Accompanying the amendment was the following memorandum:

This simply clarifies the actual intent of Section 5, which some delegates, including the undersigned, fear might be construed so as to restrict the use to which lands that could possibly be usable for farms or homes can be put. This intent was expressed during the debate on second reading, in answer to questions by the undersigned, as not prohibiting public lands to be used for some other purposes than development of farm and home ownership. However, this is not expressed with sufficient clearness in the committee report or the Committee of the Whole report. Under the land laws which are continued in effect lands can be sold or leased for many other purposes, including pipe lines, irrigation ditches, pumping stations reservoirs, factories and mills, mercantile establishments, hotels, churches, and private schools, and many different public purposes. This amendment will make it clear that such other uses are not prohibited, even where some land, which might be suitable for farms or homes, is disposed of or set aside for such other uses.

Delegate Tavares moved for the adoption of the amendment. Seconded by Delegate Wirtz.

Delegate Roberts offered the following amendment to the amendment:

Delete the word "lawful" in the second line of the amendment, and delete the word "or" in the third line of the amendment.

Delegate Roberts moved for the adoption of the amendment to the amendment. Seconded by Delegate James K. Trask.

There was considerable debate, pro and con, as to the necessity for this amendment.

Delegate Tavares stated that if he could get a "sense vote" that the provisions of Section 5 read in the light of Section 4 did not prohibit the use or disposition of public lands, as permitted under the present Hawaiian Organic Act, he would be willing to withdraw his motion.

Delegate Roberts thereupon withdrew his amendment to Delegate Tavares, amendment, in order that the sense vote might be taken. Delegate James K. Trask then withdrew his second to Delegate Roberts' amendment. Delegate Tavares then withdrew his amendment; and Delegate Wirtz withdrew his second thereto.

Delegate Tavares thereupon made the following motion:

I move that the journal of this Convention shall show that it is the consensus of this Convention that the provisions of Section 5, read in the light of Section 4, do not prohibit the use or disposition of public lands as permitted under the present Hawaiian Organic Act, for public purposes and

for disposition for certain private purposes mentioned in the Organic Act.

The motion was seconded by Delegate Sakakihara, and carried.

Delegate Apoliona, for the record, stated that although he was in accord with the provisions of this article, if it is to be passed, all the "konohiki" rights in the sea waters of our state would some day go out of existence. This article directs the state to conserve and develop one of our natural resources, which is our fish supply, but at the same time the article provides that all fisheries in the sea waters of the state shall be free to the public. He asked that the record show that fish sanctuaries be permitted in the State of Hawaii to preserve the sea life so that the opihis, alamihis and opaes be not permanently destroyed.

Delegate Ashford stated that on the adoption of the Article on Continuity of Law, in her opinion, Section 3 of Part 1 of that Article, and Section 4 of Part II, relating to the opening of open sea fisheries and to the condemnation of the vested rights, would no longer be necessary inasmuch as the Organic Act relating thereto would be carried on.

Delegate Tavares moved for the passage, on third reading, of Committee Proposal No. 27, as amended, designated as "Article XIII." The motion was seconded by Delegate Richards, and carried, on the following showing of ayes and noes: Ayes, 43. Noes, 8 (Anthony, Ashford, Cockett, Kawahara, Kellerman, Luiz, Harold W. Rice, Wirtz). Excused and not voting, 12 (Castro, Fong, Kam, Kometani, Lee, Loper, Mau, Nielsen, Okino, Phillips, Smith, White). The President announced that the committee proposal, as amended, designated "Article XIII," having passed third reading, would be referred back to the Committee on Style for arrangement of sections and article or articles and for form, for report to the Convention.

At this time, Delegate Anthony stated that he wished to bring to the attention of the body a matter relating to Section 1 of Committee Proposal No. 7, as amended, designated "Article VI," which had passed third reading. Delegate Anthony quoted the following from Section 1 of the article:

The judicial power of the State shall be vested in one supreme court, circuit courts, and in such inferior courts as the legislature may from time to time establish. It shall extend to all cases arising under the constitution and laws of the United States or this State.

He stated that it had been called to his attention that possibly the last sentence was susceptible to the argument that causes of action arising under laws of other states might not be enforceable by the courts. He did not think that this would be so, but since the question had been raised by counsel, and since it would do no harm to delete the second sentence



from Section 1, he thought the thing to do was to delete the sentence. Therefore, he moved that the rules be suspended in order that he might make a motion to reconsider the action taken by the Convention in passing this proposal on third reading. The motion was seconded by Delegate Wirtz, and carried unanimously.

Delegate Porteus thereupon moved that the Convention reconsider its action in passing Committee Proposal No. 7, designated "Article VI," on third reading and in thereafter referring it to the Committee on Style for arrangement of sections and article or articles and for form and report to the Convention, and that Article VI be recalled from the Committee on Style. The motion was seconded by Delegate Wirtz and carried unanimously.

Pursuant to this action, Delegate Wist, for the Committee on Style, reported orally returning said Proposal No. 7, designated "Article VI," to the Convention.

Third reading of Committee Proposal No. 7, designated "Article VI."

By unanimous consent, Delegate Anthony offered the following amendment to Section 1 of said Article VI:

Delete the second sentence of Section 1 of Article VI, reading as follows:

"It shall extend to all cases arising under the constitution and laws of the United States or this state."

Upon motion by Delegate Anthony, seconded by Delegate James K. Trask, and carried, the amendment was adopted. Delegate Anthony moved for the adoption of Section 1 as amended. Seconded by Delegate Heen, and carried.

Upon motion by Delegate Anthony, seconded by Delegate Heen, Committee Proposal No. 7, as amended, designated "Article VI," passed third reading on the following showing of ayes and noes: Ayes, 49. Noes, 1 (Richards). Excused and not voting, 13 (Castro, Fong, Kam, Kometani, Larsen, Lee, Loper, Mau, Nielsen, Okino, Phillips, Smith and White). The President announced that the committee proposal, as amended, designated "Article VI," upon recall having passed third reading, would be referred back to the Committee on Style for arrangement of sections and article or articles and for form, for report to the Convention.

Delegate Wist, for the Committee on Style, presented a report on Committee Proposal No. 29, as amended, relating to legislative powers and functions, recommending the amendment of the said proposal, and submitting the same for the consideration of the Convention in the amended form attached to the report and designated "Article IV" (see Sec. B, Standing Com. Rpt. No. 130).

Upon motion by Delegate Wist, seconded by Delegate Dowson, and carried, the report of the commit-

tee was adopted and ordered printed, with the amended form of Committee Proposal No. 29, as amended, designated "Article IV." The President gave notice at this time that the committee proposal, as amended, designated "Article IV," would be placed on the calendar, on General Orders, for consideration on third reading on Monday, July 17th.

At 5:50 o'clock p.m., upon motion by Delegate Wirtz, seconded by Delegate Noda, and carried, the Convention stood in recess until 8:00 o'clock tonight.

#### EVENING SESSION

The Convention reconvened at 8:17 o'clock p.m., with all delegates being present, with the exception of Delegates Castro, Kam, Kometani, Larsen, Lee, Loper, Luiz, Mau, Mizuha, Nielsen, Okino, Phillips, Smith, St. Sure, White and Yamauchi, excused, and with President King in the Chair.

A communication from the President of the Chamber of Commerce of Honolulu congratulating the delegates for their painstaking and unselfish devotion to the task of drafting the constitution, and expressing the belief that the results of their labors were recognized and would be approved by the people of Hawaii and by the Congress of the United States, was read by the Clerk (see Sec. B, Misc. Com. No. 116). The communication was received and placed on file.

A communication from the legislative representative of the American Federation of Labor, enclosing copy of a resolution adopted by the Honolulu Typographical Union No. 37 (A. F. of L.), requesting the Convention to have the union label affixed on the proposed Constitution when awarding the contract for printing the same, was read by the Clerk (see Sec. B, Misc. Com. No. 117). After some discussion as to the proper reference of this communication and resolution, the Chair referred them to the Committee on Submission and Information, this being a continuing body of this Convention.

Delegate Wirtz, for the Committee on Rules and Order of Business to which was referred the verbal request of the chairman of the Committee on Submission and Information to have its membership increased from 15 members, presented a report recommending that subsection 17 of Rule 17, reading: "Committee on Submission and Information, 15 members," be suspended for the purpose of permitting the President of the Convention to appoint not more than six additional members to this committee (see Sec. B, Standing Com. Rpt. No. 131).

Delegate Crossley, chairman of the Committee on Submission and Information, spoke briefly in favor of the increase in the number of members of that committee. Upon motion by Delegate Wirtz, seconded by Delegate Apoliona, and carried, the report of the committee was adopted by the affirmative vote of more than 32 delegates.

The Chair called attention to a letter of which Delegate Dowson had circulated mimeographed copies, being the remarks of Benjamin Franklin after the Constitution of the United States had been drafted, which seemed very appropriate at this time when the delegates would be returning to their homes to solicit the support of the people of Hawaii for the Constitution which this Convention has drafted.

In this connection, Delegate Crossley stated that of the seven radio broadcasts sponsored by the Committee on Submission and Information, two had received a great deal of comment, and one of those was the broadcast by Delegate Dowson, on Benjamin Franklin, which had created a great deal of interest and very favorable comment.

Delegate Wirtz, for the Committee on Rules and Order of Business, presented a report on Resolution No. 42 relating to various types of assistance for the victims of the recent disastrous volcanic eruption in South Kona, Island of Hawaii, recommending that the same be placed on file for the reason that the subject matter thereof was not within the province of the Convention (see Sec. B, Standing Com. Rpt. No. 132). Upon motion by Delegate Wirtz, seconded by Delegate Apoliona, and carried, the report of the committee was adopted; and Resolution No. 42 was thereupon placed on file.

Delegate Wirtz, for the Committee on Rules and Order of Business, presented a report on Resolution No. 39 referred to that committee recommending that the resolution be amended in the form attached to the report, and that as so amended, it be adopted, which provided for the expression of gratitude by the Convention to the states which had sent their state flags for the purpose of hanging them in the Convention Hall during the session now drawing to a close, and further, directing the Secretary of the Convention to forward copies of the amended Resolution No. 39 to each of the governors of those states which had forwarded their state flags (see Sec. B, Standing Com. Rpt. No. 133). Upon motion by Delegate Wirtz, seconded by Delegate Apoliona, and carried, the report of the committee was adopted; and Resolution No. 39 was adopted in the amended form.

At this time, Delegate Ashford stated that the matter of the use, tentatively, of subtitles in the various articles of the Constitution was a matter that was of some concern to her; and that it had not been finally determined as to whether or not subtitles were to be used; and if they were, she felt that some provision should be made in the Schedule to show that those subtitles are not a part of the Constitution. Such a provision would eliminate all question of construction. She felt that there should be a determination by the Convention as to whether subtitles are to be used in the original Constitution, as distinguished from the printed copies that are to be distributed. Delegate Ashford therefore moved that subtitles

shall not be used in the original signed Constitution. Seconded by Delegate Woolaway.

Delegate Heen stated that he would like to see subtitles used in the original Constitution and thought this could be taken care of by making a motion at this time instructing the Committee on Style to insert in the Schedule a provision that all subtitles are not to be used in interpreting the provisions of the articles of the Constitution. Delegate Heen then moved an amendment to Delegate Ashford's motion, as follows:

The original Constitution shall have sub-titles; and the Committee on Style shall be instructed to insert in the Schedule a provision that the said subtitles shall not be considered as interpreting the provisions of the Constitution.

The motion was seconded by Delegate Kauhane.

The Chair thereupon put the amendment made by Delegate Heen to Delegate Ashford's motion, which was carried, whereupon the motion, as amended, was put and carried. The President stated that the Committee on Style would be instructed accordingly.

At 8:54 o'clock p.m., upon motion by Delegate Kauhane, seconded by Delegate James K. Trask, and carried, the Convention stood in recess, subject to the call of the Chair. At 10:06 o'clock p.m., the Convention reconvened. Delegates Kam and Larsen, who had previously been excused, were in attendance at this time.

Delegate Richards moved that the rules be suspended in order that the Convention might at this time take up the consideration, on third reading, of Committee Proposal No. 29, as amended, designated "Article IV," which had been placed on the calendar, on General Orders, for consideration on Monday, July 17th. Seconded by Delegate Wirtz, and carried unanimously by a rising vote.

Third reading of Committee Proposal No. 29, as amended, designated "Article IV": Upon motion by Delegate Bryan, seconded by Delegate Holroyde, the proposal, as amended, designated "Article IV": passed third reading on the following showing of ayes and noes: Ayes, 38, Noes, 10 (Arashiro, Heen, Kage, Kawahara, Kellerman, Harold W. Rice, Roberts, Serizawa, Shimamura and Wirtz). Excused and not voting, 15 (Castro, Kometani, Lee, Loper, Luiz, Mau, Mizuha, Nielsen, Okino, Phillips, Smith, St. Sure, Arthur K. Trask, White and Yamauchi). The President announced that the committee proposal, as amended, designated "Article IV," having passed third reading, would be referred back to the Committee on Style for arrangement of sections and article or articles, and for form, for report to the Convention.

At this time, Delegate Crossley, Chairman of the Committee on Submission and Information, reported orally that the proceedings of the Convention had been recorded on the recording machine for 74 of

the 77 days of the Convention, utilizing something over 86.4 miles of recording tape.

At 10:30 o'clock p.m., upon motion by Delegate Woolaway, seconded by Delegate Noda, and carried, the Convention adjourned until 11:00 o'clock a.m., on Saturday, July 15, 1950.

### SEVENTY-EIGHTH DAY • Saturday, July 15, 1950

The Convention convened at 11:17 o'clock a.m., with President King presiding.

After prayer by Chaplain Judd, the roll was called, showing all delegates present, with the exception of Delegates Castro, Mau, Nielsen, Okino, Phillips, Silva, Smith and St. Sure, excused; and Delegate Fong, temporarily excused.

The President stated that he would report at the next session of the Convention, tentatively set for Saturday, July 22nd, on the journal of the seventy-seventh day.

A communication from the Secretary to the President of the United States acknowledging receipt of certified copy of Resolution No. 38 which requested favorable action by Congress on House Joint Resolution No. 238 of the 81st Congress to provide the privilege of becoming a naturalized citizen of the United States to all immigrants having a legal right to permanent residence in the United States, was read by the Clerk (see Sec. B, Misc. Com. No. 118). The communication was received and placed on file.

A communication from United States Senator Pat McCarran, chairman of the Senate Committee on Judiciary acknowledging receipt of certified copy of Resolution No. 38 adopted by the Convention, was read by the Clerk (see Sec. B, Misc. Com. No. 119). The communication was received and placed on file.

A communication from the administrative assistant to the Speaker of the House of Representatives of the United States Congress acknowledging receipt of a certified copy of Resolution No. 38 adopted by the Convention, was read by the Clerk (see Sec. B, Misc. Com. No. 120). The communication was received and placed on file.

A communication from Honorable Alben W. Barkley, Vice-President of the United States and President of the United States Senate, acknowledging certified copy of Resolution No. 38 adopted by the Convention, and stating that the same would be brought to the attention of the United States Senate, was read by the Clerk (see Sec. B, Misc. Com. No. 121). The communication was received and placed on file.

A communication from the Secretary of State of the State of Utah expressing regret at the delay in forwarding a flag of that state for use in the Convention Hall, and stating that one was that day being mailed, was read by the Clerk (see Sec. B, Misc. Com. No. 122). The communication was received and placed on file.

A communication from Hon. Oscar Rennebohm, Governor of the State of Wisconsin, stating that a flag of that state was being forwarded to be hung in the Convention Hall, was read by the Clerk (see Sec. B, Misc. Com. No. 123). The communication was received, to be acknowledged with thanks, and thereafter placed on file.

A communication from Clarence A. White, son of Esther Spring White, deceased, expressing appreciation for the resolution of sympathy adopted by the Convention extending condolences to the late Mrs. White's family, was read by the Clerk (see Sec. B, Misc. Com. No. 124). The communication was received and placed on file.

A communication from Joseph B. Andrews, son of Joseph G. Andrews, deceased, expressing on behalf of the family of the deceased, gratitude and appreciation for the sympathy expressed in the resolution of condolence adopted by the Convention was read by the Clerk (see Sec. B, Misc. Com. No. 125). The communication was received and placed on file.

A communication from the administrative secretary to the Secretary of Defense, Washington, D. C., acknowledging receipt of the resolution adopted by the Convention with reference to the action of the President of the United States on Korea, was read by the Clerk (see Sec. B, Misc. Com. No. 126). The communication was received and placed on file.

A communication from the director of the Division of Territories and Island Possessions, United States Department of the Interior, Washington, D. C., acknowledging receipt of a certified copy of the resolution adopted by the Convention supporting the action of President Truman regarding the Korean situation, was read by the Clerk (see Sec. B, Misc. Com. No. 127). The communication was received and placed on file.

The President at this time stated that he would like to ask acting Governor Oren E. Long, who was seated on the rostrum, to say a few words to the delegates as the Convention was drawing to a close, particularly since he had addressed the Convention on the opening day, on April 4th.

The President thereupon presented Mr. Long to the assembly, and he then informally addressed the delegates as follows:

As a 33 year resident of these lovely islands, I want to say in all sincerity that I have taken tremendous pride in the accomplishments of this Constitutional Convention, and particularly in the attitude of every member and the evidence of the great desire to do the right thing. I think this Convention has been characterized by honesty and integrity and the great desire to serve the people, and every man and woman in it would be great in any great American deliberating body.

Delegate Arthur K. Trask at this time rose to a point of personal privilege to inform the delegates

that he had received a reply to his cablegram to United States Senator Denis Chavez, to which reference was made in yesterday's journal, in which Senator Chavez stated that he was for statehood for Hawaii and would do his best to obtain passage of the bill in the Senate.

At this juncture, the President informed the delegates that official movies would be taken this morning, instead of the day of the signing of the Constitution, showing the delegates leaving the Convention Hall on their way to Iolani Palace where the Constitution is to be officially signed, and again, the movie camera would take the delegation as they entered the Palace for the signing ceremonies, it being felt that, with the large crowd anticipated to be in attendance when the ceremony takes place, tentatively set for next Saturday, it would be simpler to take these movies today than at the time of the actual signing ceremonies.

The Convention thereupon stood in recess, at 11:27 o'clock a.m., subject to the call of the Chair, in order that these movies might be taken as outlined by the President. The Convention reconvened at 11:57 o'clock a.m., following the taking of the movies as above described.

At the suggestion of Delegate Arthur K. Trask, a vote of thanks was extended to Mr. William H. Heen, Jr., of the Kawaihoa Training School for Girls, for his kindness in supplying the Convention with several hundred beautiful hibiscus blossoms of countless varieties and hues, which decorated the desks of the delegates this morning.

Delegate Wist, for the Committee on Style, presented a report on Committee Proposal No. 30 from the Committee on Legislative Powers and Functions, recommending the amendment of the said proposal, and submitting the same for the consideration of the Convention in the amended form attached to the report and designated as "Article IV (Schedule)" (see Sec. B, Standing Com. Rpt. No. 134).

Upon motion by Delegate Wist, seconded by Delegate Noda, and carried, the report of the committee was adopted and ordered printed, with the amended form of Committee Proposal No. 30, designated in the report as "Article IV (Schedule)." The President gave notice at this time that the committee proposal, as amended, designated "Article IV (Schedule)" would be placed on the calendar, on General Orders, for consideration on third reading on Monday, July 17th.

Delegate Charles A. Rice moved that the rules be suspended in order that the Convention might at this time take up the consideration of Committee Proposal No. 30, as amended, designated "Article IV (Schedule)," on third reading. Seconded by Delegate Noda and carried unanimously, by a rising vote.

Third reading of Committee Proposal No. 30, as amended, designated "Article IV (Schedule)":

Upon motion by Delegate Sakakihara, seconded by Delegate Noda, the committee proposal, as amended, designated "Article IV (Schedule)," pass third reading on the following showing of ayes and noes: Ayes, 43. Noes, 10 (Ashford, Doi, Heen, Kawahara, Harold W. Rice, Roberts, Serizawa, Shimamura and Yamamoto). Excused and not voting, 10 (Castro, Fong, Mau, Nielsen, Okino, Phillips, Silva, Smith, St. Sure and Arthur K. Trask). Absent at Roll Call, 1 (Lee). The President announced that the committee proposal, as amended, designated "Article IV (Schedule)," having passed third reading, would be referred back to the Committee on Style for arrangement of sections and article or articles, and for form, for report to the Convention.

Delegate Wist, for the Committee on Style, presented a report on Committee Proposals Nos. 23, 24 and 25, as amended, recommending the amendment of said proposals, and submitting the same for the consideration of the Convention in the amended forms attached to the report and designated as "Article XVI, Parts I, II, and III," respectively (see Sec. B, Standing Com. Rpt. No. 135).

Upon motion by Delegate Wist, seconded by Delegate Noda, and carried, the report of the committee was adopted and ordered printed, with the amended forms of Committee Proposals Nos. 23, 24 and 25, designated, respectively, in the report as "Article XVI, Parts I, II and III." The President gave notice at this time that the committee proposals, as amended, designated, respectively, "Article XVI, Parts I, II and III," would be placed on the calendar, on General Orders, for consideration on third reading on Monday, July 17th.

Delegate Crossley moved that the rules be suspended in order that the Convention might at this time take up the consideration of Committee Proposals Nos. 23, 24 and 25, as amended, designated, respectively, "Article XVI, Parts I, II and III." Seconded by Delegate Noda, and carried, on an affirmative rising vote of more than 32 delegates. Delegate Shimamura moved that each of these proposals be considered separately. Seconded by Delegate Lee, and carried.

Under suspension of the rules, the Convention at this time took up the third reading of Committee Proposal No. 23, as amended, designated "Article XVI, Part I."

Third reading of Committee Proposal No. 23, as amended, designated "Article XVI, Part I": Delegate Shimamura moved for the passage on third reading of Committee Proposal No. 23, as amended, designated "Article XVI, Part I." Seconded by Delegate Noda.

Delegate Anthony moved that he be granted unanimous consent in order that he might offer an amendment to this proposal. Seconded by Delegate Noda, and carried unanimously, by a rising vote.

Delegate Anthony then briefly stated his reason for desiring to amend this proposal, and thereupon offered the following amendment thereto:

In the third line of Section 2 of Committee Proposal No. 23, as amended, tentatively designated as "Article XVI, Part I," delete the words "or incongruous," after the word "inconsistent."

Delegate Anthony moved for the adoption of the amendment. Seconded by Delegate Woolaway. Considerable discussion, pro and con, followed on the proposed amendment, participated in by Delegates Anthony, Doi, Crossley, Roberts and Tavares.

The Chair then put the motion for the adoption of the amendment, which was carried.

The Clerk then read Section 2, as amended, of Committee Proposal No. 23, designated "Part I" of "Article XVI."

Upon motion by Delegate Wirtz, seconded by Delegate Lai, Committee Proposal No. 23, as amended, designated "Part I" of "Article XVI," passed third reading on the following showing of ayes and noes: Ayes, 48. Noes, 5 (Akau, Kawahara, Larsen, Lyman and Shimamura). Excused and not voting, 10 (Castro, Fong, Mau, Nielsen, Okino, Phillips, Sakakihara, Silva, Smith, St. Sure). The President announced that the committee proposal, as amended, having passed third reading, would be referred back to the Committee on Style for arrangement of sections and article or articles and for form, for report to the Convention.

Delegate Wirtz moved that the rules be suspended and that the Convention at this time take up the consideration, on third reading of Committee Proposal No. 24, as amended, designated "Part II" of "Article XVI." Seconded by Delegate Noda and carried by a rising vote of more than 32 delegates.

Third reading of Committee Proposal No. 24, as amended, designated "Part II" of "Article XVI": Upon motion by Delegate Shimamura, seconded by Delegate Wirtz, the proposal, as amended, and designated "Part II" of "Article XVI," passed third reading on the following showing of ayes and noes: Ayes, 49. Noes, 4 (Arashiro, Ashford, Luiz, Mizuha). Excused and not voting, 10 (Castro, Fong, Mau, Nielsen, Okino, Phillips, Sakakihara, Silva, Smith, St. Sure). The President announced that the committee proposal, as amended, designated "Part II" of "Article XVI," having passed third reading, would be referred back to the Committee on Style for arrangement of sections and article or articles and for form, for report to the Convention.

Delegate Mizuha asked that the record show that he was under the impression that the Convention was voting on Part I of Committee Proposal No. 23 as amended, and for that reason had voted "No" thereon; and that his vote on Committee Proposal No. 24, designated "Article XVI, Part II" would have

been "Aye" had he not been so in error as to the document on which the vote was being taken.

Delegate Wirtz then moved that the rules be suspended, and that the Convention at this time take up the third reading of Committee Proposal No. 25, as amended, designated "Article XVI, Part III." Seconded by Delegate Noda, and carried by a rising vote of more than 32 delegates.

Third reading of Committee Proposal No. 25, as amended, designated "Article XVI, Part III": Upon motion by Delegate Shimamura, seconded by Delegate Wirtz, the proposal, as amended, designated "Article XVI, Part III," passed third reading on the following showing of ayes and noes: Ayes, 51. Noes, 2 (Yamamoto and Yamauchi). Excused and not voting, 10 (Castro, Fong, Mau, Nielsen, Okino, Phillips, Sakakihara, Silva, Smith, St. Sure). The President announced that the committee proposal, as amended, designated "Article XVI, Part III," having passed third reading, would be referred back to the Committee on Style for arrangement of sections and article or articles and for form, for report to the Convention.

Delegate Wist, for the Committee on Style, reported orally that the committee had set up a tentative order for the arrangement of the articles in the Constitution, and at this time there was distributed to the delegates a mimeographed sheet entitled: "Proposed arrangement of drafted Constitution for the State of Hawaii" covering this, as follows:

#### Preamble

#### Adoption of Federal Constitution

#### Article

- I. Bill of Rights
- II. Suffrage and Elections
- III. The Legislature
- IV. The Executive
- V. The Judiciary
- VI. Taxation and Finance
- VII. Local Government
- VIII. Public Health and Welfare
- IX. Education
- X. Natural Resources, Land
- XI. Hawaiian Home Lands
- XII. Organization, Collective Bargaining
- XIII. State Boundaries, Capital, Flag
- XIV. General and Miscellaneous Provisions
- XV. Revision and Amendment
- XVI. Schedule

Delegate Wist explained that the Preamble would not be listed as an article; neither would the adoption of the Federal Constitution. The purpose of speaking on this subject at this time was to get the consensus of the Convention as to the proposed arrangement of the articles in accordance with the list submitted, in order that the committee might proceed accordingly with a sense of assurance that

this arrangement would meet with the approval of the Convention. He stated that the "Schedule"—Article XVI—had been checked very carefully with the territorial Survey Department. Delegate Wist informed the Convention, also, that the Committee on Style would have all of the articles adopted by the Convention ready and proof-read and in a single document, ready by next Saturday morning.

Delegate Charles A. Rice suggested that a copy of the Constitution, in its final form, be mailed, by airmail, to each of the delegates on the outside Islands before Saturday; and the President so ordered.

Delegate Lee thereupon moved that the Convention instruct the Committee on Style to proceed with the arrangement of the articles of the Constitution in the order presented on the mimeographed sheet. The motion was seconded by Delegate Harold W. Rice, and carried unanimously.

At 1:06 o'clock p.m., the Convention stood in recess, subject to the call of the Chair. At 1:13 o'clock p.m., the Convention reconvened.

Delegate Crossley, for the Committee on Submission and Information, reported orally that although Resolution No. 49, adopted by the Convention last Friday, had expressed appreciation, specifically, to certain radio stations for their generosity in donating radio time for the weekly broadcasts covering the activities of the Convention, that all of the stations had given splendid covering of the Convention proceedings, and he would like the record so to state.

Delegate Wirtz, for the Committee on Rules, offered a resolution recording the appreciation of the Convention for the cooperation of the Hawaii National Guard in making available certain facilities at the Armory for the use of the Convention (see Sec. B, Res. No. 51). Upon motion by Delegate Wirtz, seconded by Delegate Noda, the resolution was adopted unanimously.

Delegate Wirtz, for the Committee on Rules and Order of Business, offered a resolution recording its appreciation and thanks to all the employees of the Convention for the splendid manner in which they had carried out their respective assignments (see Sec. B, Res. No. 52). Upon motion by Delegate Wirtz, seconded by Delegate Noda, the resolution was adopted unanimously.

The Chair added his personal thanks to the members of the staff, and particularly to the secretarial staff for their arduous and helpful performance of their duties which had helped the Convention to complete its work in a reasonable time.

Delegate Crossley offered a resolution providing for the submission of the Constitution, as approved in final form by the Convention, to the people for adoption or rejection as a whole; and providing that alternative proposals, if any, suggested by the legislature, also be presented to the people as a whole, so that the electorate may choose between such draft

if any, and that prepared by the Convention, and providing that certified copies of this resolution be transmitted to certain officials (see Sec. B, Res. No. 53). Upon motion by Delegate Crossley, seconded by Delegate Roberts, and carried, the resolution was adopted.

All of the delegates offered a resolution urging the Senate of the United States to take up the question of statehood for Hawaii before adjournment of the present session of the Congress, and to act favorably on H.R. 49 (see Sec. B, Res. No. 54). Upon motion by Delegate Wirtz, seconded by Delegate Noda, the resolution was adopted unanimously.

At this time, Delegate Apoliona stated that he felt the signing of the Constitution was such an important and historic event that the public should be permitted to witness it, and as the hall of the House of Representatives was too small to permit this, he thought that a platform should be erected in front of the Iolani Palace for this purpose; that there should be a great deal of publicity given to this ceremony, and that during the signing by the delegates the bells of Kawaiahao Church should be ringing. Delegate Anthony suggested that the suggestions of Delegate Apoliona be carried out as nearly as practicable through an appropriate committee.

Delegate Apoliona thereupon moved that the Constitution be signed on a platform to be erected over the front steps of Iolani Palace, in order that the general public might be able to witness the ceremony. The motion was seconded by Delegate Anthony. The motion was put by the Chair, and lost.

Delegate Serizawa moved that a special pen be provided the delegates for use in signing the Constitution, and that thereafter it be filed in the Archives for posterity. Seconded by Delegate Arashiro. In the discussion that followed, it appeared to be the consensus that the delegates preferred to sign with their own pens. The Chair thereupon put Delegate Serizawa's motion, which was lost.

At this time, Delegate Holroyde moved that a vote of thanks be extended to Delegate White for the daily supply of pineapple juice that had been supplied throughout the Convention through his courtesy, which had been enjoyed by everyone connected with the Convention. The motion was seconded by Delegate Bryan, and carried unanimously.

Delegate Noda, for Delegate Silva, for the Committee on Printing, presented a report on various committee reports and committee proposals referred to it for printing (see Sec. B, Standing Com. Rpt. No. 136). The report was received and placed on file.

A communication from Delegate Edward C. Bryan setting forth a few of his reasons for his support of a large legislature, was read by the Clerk (see Sec. B, Misc. Com. No. 128). The communication was received and placed on file, mimeographed copies thereof having been distributed to all of the delegates.

Delegate Porteus, Secretary of the Convention, reported orally, returning Resolution No. 8, action on which had been deferred at the time of its offering on April 6th, which expressed thanks and appreciation to Mr. George H. Lehleitner, a visitor from the mainland, for his ardent advocacy of statehood for Hawaii throughout the nation, with the recommendation that it be placed on file.

Upon motion by Delegate Porteus, seconded by Delegate Noda, and carried, the oral report of the Secretary was adopted, and Resolution No. 8 was thereupon placed on file.

At this juncture, President King announced that, pursuant to Standing Committee Report No. 131, adopted by the Convention, he had appointed Delegates Castro and Silva as two additional members on the Committee on Submission and Information.

At 1:32 o'clock p.m., upon motion by Delegate Porteus, seconded by Delegate Lee, and carried, the Convention adjourned until 10:30 o'clock a.m., on Saturday, July 22, 1950, at which time it will reconvene in Iolani Palace for the signing of the Constitution and such other matters as may come before the Convention at that time.

#### SEVENTY-NINTH DAY • Saturday, July 22, 1950

The Convention convened at 10:30 o'clock a.m., in the Throne Room of Iolani Palace, with President King presiding.

The delegates were seated alphabetically in rows, directly behind whom were their invited guests, one seat having been allotted to each delegate; and behind the guests were other interested persons, representing the general public, from all walks of life and of all races who overflowed onto the adjoining lanais.

The Convention Hall was resplendent with masses of colorful hibiscus and other lovely Island flowers arranged in bowls on the steps leading to the dais and other places in the hall. The delegates were bedecked with beautiful flower leis and garlands of fragrant maile which had been sent by the Department of Institutions and the families and personal friends of the members.

The session opened by the singing of the "Queen's Prayer" by a group of nine women in lovely holokus, under the leadership of Mrs. Bina Mossman, following which Chaplain Judd invoked the divine blessing.

The roll was called, showing all delegates present with the exception of Delegate Loper, excused, it having been necessary for him to leave earlier in the week to attend an important educational conference on the mainland; and Delegate Ashford, absent.

The journal of the seventy-seventh and seventy-eighth days was approved.

Delegate Castro, for the Committee on Accounts, presented a report on the accounts of the Convention as of this date (see Sec. B, Standing Com. Rpt. No.

138). Upon motion by Delegate Castro, seconded by Delegate Holroyde, and carried, the report was adopted.

At this time, President King addressed the Convention as follows:

About six months ago, 243 citizens of Hawaii, men and women, offered themselves for the task of drafting a Constitution for our community. In accordance with the provisions of the law authorizing a Convention for that purpose, 63 of us were selected by the voters of Hawaii to prepare a Constitution for their approval. With two vacancies filled by appointment, we have accepted the obligation to draft the best document our collective judgment could devise.

The people of this community have shown their interest in our labors, by the high vote cast in the elections that selected us, and by the close attention to our deliberations since we began on April 4th.

After 79 Convention days, covering a period of 110 calendar days, we have before us for our signatures the results of our work, a document which we shall as a body urge the people of Hawaii to ratify as their Constitution.

It may be that some of you are concerned at the exclusion of some provision which you may have considered essential, or possibly concerned over the inclusion of a proposal that you feel may occasion future difficulties. I feel strongly that no such misgivings are justified. The Constitution we have drafted is a splendid document, providing an excellent framework for the government of an American commonwealth. As well as can be, we have anticipated the problems of the future without seeking to bind that future irrevocably and provided sufficient elasticity in the Constitution to meet those problems. Those who administer the government we are founding may be trusted to apply the principles we have laid down in the light of their own times, just as the Federal Constitution has been interpreted to fit the needs of a great and growing nation.

To those who may for one cause or another hesitate to approve this document in its entirety, I recommend a perusal of Franklin's remarks on a similar occasion. Upon the completion of the drafting of the proposed Constitution for the United States, Franklin addressed his fellow delegates, in part, as follows:

"I confess that I do not entirely approve of this Constitution at present; but, sir, I am not sure I shall never approve of it, for, having lived long, I have experienced many instances of being obliged, by better information or fuller consideration, to change opinions even on important subjects, which I once thought right, but found to be otherwise."

And at the end of Franklin's remarks, he said:

"On the whole, sir, I cannot help expressing a wish that every member of the Convention who may still have objections to it, would, with me, on this occasion, doubt a little of his own infallibility, and, to make manifest our unanimity, put his name to this instrument."

Let me remind such hesitant delegates, if any there be, that this Constitution is not the product of any one person, or group of persons, but the considered judgement of all of us, to which every one of us has contributed his share. Every word in it, every section and article, has been examined and debated, in our several standing committees, in Committee of the Whole, and in the Convention. Debate has been unrestricted; every contention has been fully expressed; every alternative thoroughly explored.

In its final draft, this Constitution, in substance and in form, expresses the will of the majority of the Convention. This is the essence of democracy; the exemplification of the democratic processes that began with our selection for this task by the people, and was carried out in the organization and procedure of the Convention, to today's formal approval of the completed document.

I, therefore, feel that everyone of us can with a clear conscience sign this Constitution, and go from this final Convention session, in historic Iolani Palace, to our respective island homes and districts, to urge the people of Hawaii to ratify and confirm our work, and accept this Constitution for the State of Hawaii.

Despite differences of opinion, we have maintained a unity of purpose and adhered to the objective of providing Hawaii with the organic law essential for a dynamic future in the Union. We have been joined together in a great endeavor. We are fortunate in having had the privilege of being a part of this historic process. We may well look back upon our service in this Convention as one of the outstanding achievements of our lives.

May I think you all for the consideration extended me as President of this Convention. In the problems and difficulties that arose during the course of our long and arduous labors, I have been sustained and encouraged by your cooperation.

My warmest personal regards to you all.

Mahalo me ke Aloha Nui loa ia oukou apau.

A message, in the form of a radiogram, from Governor Ingram M. Stainback, who is presently in Washington, D.C., and therefore unable to be present today congratulating the Convention on its work well done, was read by the Clerk (see Sec. B, Gov.'s Message No. 6). The message was received and placed on file.

A communication, in the form of a radiogram, from Hon. Oscar L. Chapman, Secretary of the Interior, Washington, D.C., congratulating the Convention on successfully completing Hawaii's first important task in achieving statehood, and expressing the pride of the Department of the Interior, on the manner in which the proceedings were carried out in the best American tradition, commending all of the delegates for their earnest efforts, and expressing confidence that the 81st Congress would soon enact statehood legislation for Hawaii, was read by the Clerk (see Sec. B, Misc. Com. No. 129). The communication was received and placed on file; and the President stated that he would take pleasure in replying to this very splendid message from Secretary Chapman.

Delegate Heen offered a resolution authorizing the President of the Convention to appoint a committee of such number as he may determine, with authority to confer with the Congress, or any appropriate committee thereof, with regard to the provisions of clause "seventh" of Section 2, H. R. 49, and any other provisions thereof (see Sec. B, Res. No. 55). Upon motion by Delegate Heen, seconded by Delegate Tavares, and unanimously carried, the resolution was adopted.

At this time, President King presented to the Convention Honorable Joseph R. Farrington, Delegate to Congress from Hawaii, who had flown from Washington to be present at today's ceremonies. Lovely flower leis were placed about his shoulders in traditional Hawaiian custom.

Mr. Farrington thereupon addressed the Convention as follows:

To you of this convention who have completed the historic task of drafting a Constitution for the State of Hawaii I extend my warmest congratulations. You have earned the lasting gratitude of all of us of Hawaii and of the friends of free government everywhere. You have won a place in the history of these islands, this vitally important segment of our common country for whose future and welfare we share the same concern as the people of the 48 States.

We hope it will not be long now before we are one of the United States of America. The document you will sign today most certainly will hasten the day when we are admitted to the Union of the states. It is the complete and final demonstration that we are prepared in every respect to assume the responsibility of a state.

The election by which you were chosen was not held under the authority of a law of Congress. It was held under the authority of a law of our own legislature and at the expense of our own people. And so were your meetings and every step that has brought into being the Constitution for the State of Hawaii that you are to sign today. The entire



proceedings that brought this document into being are purely and entirely the work of our own people.

There is ample precedent for this. But this is not the road that has usually been followed in bringing about the admission of a state to the Union. The entire procedure, therefore, has become an unusual demonstration not only of the initiative and great creative ability of our people in the field of democratic government, but the determination of our people, the overwhelming majority of our people, to win statehood and win it now.

I am sure that it will be approved by our people by a vote that will be practically unanimous. It most certainly should be.

The action you are taking today in signing the Constitution is particularly timely. The bill to admit Hawaii to the Union as a state—H. R. 49—has passed the national House of Representatives and been favorably reported by the Senate Committee on Interior and Insular Affairs. As reported by this committee, it recognizes the work of this convention, provides the procedure for approval of the Constitution by federal authorities—the steps necessary for the admission of Hawaii to the Union as a state and the election of state officers. The bill is now on the calendar of the Senate.

The leadership of the Senate has announced that as soon as consideration of the Omnibus Appropriations bill, which provides funds for the operation of the federal government for the fiscal year 1951, is completed, the calendar will be called. On the calendar appears a list of all the legislation favorably reported to the senate. The bills providing statehood for Hawaii and for Alaska are on this calendar.

The customary procedure in the senate is for the leadership, representing as it does the majority, to decide which of the bills on the calendar will be called up for consideration and in what order. The present plan of the leadership is to call up some minor legislation that can be disposed of promptly, then call up, first, the bill providing statehood for Alaska, then the bill providing statehood for Hawaii.

Opponents of statehood have announced that they will oppose the attempts of the leadership to bring up the statehood bills by moving that the senate proceed instead to the consideration of the Mundt-Ferguson Anti-Communism bill. This is a measure about which there is much controversy and likely to be extended debate.

If this fails, then the leadership plans to call up the bill providing statehood for Alaska. Several reasons have been given for calling up Alaska first. The principal one is that the majority desire statehood for both Hawaii and Alaska. It is recognized generally that the case for Alaska is easily the weakest of the two. Those who are for both

believe, therefore, that the best way to win Alaska statehood is to require its consideration first. This procedure accomplished this result in the House and is therefore being used in the Senate.

Favorable action at this time on statehood for Hawaii, therefore, may very well turn on the result of action on statehood for Alaska. Close to two-thirds of the members of the Senate have already expressed in one way or another their belief in statehood for Hawaii. But there is a great question as to whether those who feel as strongly or more strongly about statehood for Alaska will continue to support statehood for Hawaii in the event statehood for Alaska fails.

It will be apparent from this that having completed the task of drafting a State Constitution much remains to be done in order that it be effective. The legislative battle ahead of us in Washington may be the last but will be one of the most difficult and one of the most important in our long fight for statehood. If this can be won, then the rest of the steps necessary can be readily taken.

The fact that this constitution has been drawn, the methods by which this has been done and the final result certainly should prove of telling importance in winning this fight. I am sure that every senator who takes the time to examine this record will have difficulty in finding any good reason for voting against us.

It is unthinkable that while American lives and American fortunes are being spent to protect free government in the Far East and other parts of the world, that the United States government should deny the full privileges of free government to its own people in Hawaii.

The position of Hawaii and its people in the world today is an extremely significant one. We are the Pacific frontier of our country. For half a century, if not more, we have been the proving ground of great experiment in democracy. The success with which our people have mastered the principles of democratic government could not be more completely or dramatically demonstrated than in the work you have done in drafting this Constitution. It stands today as a great tribute to Hawaii's people who chose you for this responsibility and to the great ability and patriotism with which you have discharged this responsibility.

It stands, too, as a great tribute to the American system of free government.

I am sure that I express the sentiments of all of our people when I say that we are not only grateful to you for a task well done, but proud of you fellow American citizens of Hawaii nei.

The President thanked Mr. Farrington for his fine message; and he was thereupon seated on the dais at the left of the President.

Delegate Wist, for the Committee on Style, presented a report submitting a complete Constitution of the State of Hawaii, as passed by the delegates, including all articles adopted on third reading by the Convention, recommending certain changes in arrangement, phraseology, punctuation, etc., and further recommending that as submitted, the Constitution be adopted and approved for submission to the people of Hawaii (see Sec. B, Standing Com. Rpt. No. 137). Upon motion by Delegate Wist, seconded by Delegate Noda, and unanimously carried, the report of the committee was accepted.

Secretary Porteus stated that after consultation with the Chairman of the Committee on Rules and Order of Business, with the President, and with other delegates, it had been felt desirable that the rules of the Convention be suspended before a motion was made to adopt the Constitution in its final form and before a roll call thereon. Secretary Porteus thereupon moved that, for the purpose of final adoption of the Constitution of the State of Hawaii, the rules of the Convention be suspended. Seconded by Delegate Woolaway, and carried, unanimously.

Delegate Wist then moved that the Constitution of the State of Hawaii be adopted for submission to the people of Hawaii in its final form. Seconded by Delegates Gilliland and Noda.

President King stated that in discussing the matter of the procedure to be followed by the Convention in adopting the Constitution with some of the officers of the Convention and the committee chairmen, it was agreed that the Constitution would be read by title, followed by the reading of the preamble and the adoption of the Constitution of the United States, and the final paragraph and attesting clause, which would satisfy the requirements for the reading thereof, and since the rules of the Convention had been suspended, there would be no breach of the rules in so doing.

Secretary Porteus presented the Constitution of the State of Hawaii to the assembly in its printed form and thereupon read the title and the Preamble, and the adoption of the Constitution of the United States as follows:

#### THE CONSTITUTION OF THE STATE OF HAWAII

##### *Preamble*

We, the people of the State of Hawaii, grateful for Divine Guidance, and mindful of our Hawaiian heritage, reaffirm our belief in a government of the people, by the people and for the people, and with an understanding heart toward all the peoples of the earth, do hereby ordain and establish this constitution for the State of Hawaii.

##### *Federal Constitution Adopted*

The Constitution of the United States of America is adopted on behalf of the people of Hawaii.

Secretary Porteus then made reference to the sixteen articles composing the Constitution, beginning with the Bill of Rights and ending with the Schedule; and thereafter read the paragraph covering the "Effective Date," as follows:

This Constitution shall take effect and be in full force immediately upon the admission of Hawaii into the Union as a State.

The Secretary concluded by the reading of the attesting clause as follows:

Done in Convention, at Iolani Palace, Honolulu, Hawaii, on the twenty-second day of July, in the year one thousand nine hundred fifty, and of the Independence of the United States of America the one hundred and seventy-fifth.

The President stated that after the motion was put to adopt the Constitution, and the roll was called thereon, and the results announced, the delegates would sign the original Constitution, beginning with the President, followed by the four Vice-Presidents and the Secretary, after which the remaining delegates would sign in alphabetical order as the Clerk called their names.

The President thereupon put the motion to adopt the Constitution for submission to the people of Hawaii, and to pass it on final reading, which was carried on the following showing of ayes and noes: Ayes, 60. Noes, 1 (Phillips). Excused and not voting, 1 (Loper). Absent and not voting, 1 (Ashford).

The President announced that the Constitution had been adopted on final reading on a vote of 60 ayes, 1 no, 1 excused and 1 absent, and would be submitted to the people of Hawaii for ratification.

At this time, Delegate Apoliona moved that the Convention stand in recess, subject to the call of the Chair. Seconded by Delegate Kauhane. The motion was put by the Chair, and lost.

At this juncture, Vice-President Charles A. Rice assumed the Chair in order that President King might affix his signature to the original Constitution which was spread on the desk of the Secretary below and in front of the dais on the floor of the Convention. Secretary Porteus supervised the signing by the delegates.

President King was the first to sign the Constitution, affixing his signature thereto at 11:11 o'clock a.m.,

Vice-President Sakakihara from the Island of Hawaii signed next, followed by Vice-President Woolaway from the Island of Maui, after which came Vice-President Fong from the Island of Oahu to affix his signature.

At this time, President King resumed the Chair, and Vice-President Charles A. Rice from the Island of Kauai, left the Chair and stepped to the desk to affix his signature. Following him was Secretary Porteus, who then signed. As their names were

called, alphabetically, by the Clerk, Delegates Akau, Anthony and Apoliona stepped to the desk and affixed their respective signatures.

During the signing by the delegates, appropriate Hawaiian melodies, typical of the islands from which the respective delegates came, were sung by the group of musicians.

At this time, the signing was interrupted by Delegate Fong, who was recognized by the President, and who moved that the Convention reconsider its action in adopting the Constitution and passing it on final reading, for the purpose of allowing Delegate Phillips to change his vote thereon. Seconded by Delegate Sakakihara, and carried, by a rising affirmative vote of 42 delegates.

Final reading, upon reconsideration, of the Constitution of the State of Hawaii: Delegate Fong then moved that the Convention adopt the Constitution and pass the same on final reading, for submission to the people of Hawaii. The motion was seconded by Delegate Sakakihara.

Delegate Phillips moved that the motion to adopt the Constitution be amended to provide that the Constitution be adopted unanimously. The Chair ruled the amendment out of order, stating that the vote would show this.

The motion to adopt the Constitution and pass the same on final reading was put by the Chair and carried by the unanimous vote of all delegates present, on the following showing of ayes and noes: Ayes, 61. Noes, None. Excused and not voting, 1 (Loper). Absent and not voting, 1 (Ashford). The Chair thereupon announced that the Constitution of the State of Hawaii had been adopted and passed on final reading by the unanimous vote of all delegates present.

Delegate Lee stated that to obviate any misunderstanding on the part of the public, the record should show that the change of vote on the part of Delegate Phillips was made of his own free will and according to his own conscience and believing it to be his own best judgment, after review.

The Chair stated that the record would show that Delegate Phillips had asked that the Constitution be adopted unanimously, which was an expression of his sentiments. Delegate Phillips stated that he would like to have the record contain the words of Delegate Lee, and the Chair replied that it would so show.

Delegate Fukushima suggested that the record indicate that the signatures already affixed to the Constitution were affixed subsequent to the unanimous adoption of this Constitution.

President King stated that the record would show that those who had already signed the Constitution signed as approving it prior to reconsideration and would ratify their signatures at this time.

Secretary Porteus thereupon read the names of those who had signed the Constitution prior to reconsideration, as follows: President King, Vice-President Sakakihara, Vice-President Woolaway, Vice-Pres-

sident Fong, Vice-President Charles A. Rice, Secretary Porteus, Delegates Akau, Anthony and Apoliona.

Delegate Porteus stated that there being no objection by the delegates in question, and with their assent, it could be considered that these delegates had hereby ratified and confirmed their signatures; and the Chair so ruled.

The signing ceremonies were continued at this time, beginning with Delegate Arashiro and continuing through the balance of the 52 delegates present. Delegate Loper being excused, and Delegate Ashford being absent.

The following Vice-Presidents assumed the Chair at intervals during the period of the signing: Vice-President Fong, Vice-President Woolaway and Vice-President Sakakihara.

The President resumed the Chair at 12:16 o'clock p.m., at which time the last signature was affixed, being that of Delegate Yamauchi.

Secretary Porteus thereupon announced that all delegates present had executed the Constitution of the State of Hawaii on the original sheet which he exhibited to the assembly; and stated that they had done so with pens provided for that purpose and with special ink to insure as much permanency as possible.

Delegate Crossley moved that, inasmuch as the Constitution had been adopted and signed, the acting Governor be informed of its adoption and signing and that he be invited to the Convention Hall to receive the document, in accordance with the provisions of Act 334 of the Session Laws of 1949. Seconded by Delegate Dowson.

Delegate Porteus stated that one delegate was absent from today's session and one had been excused, and that it was his understanding that it was the desire of the individual delegates to give Delegate Loper an opportunity to sign the Constitution upon his return from the mainland, and that he assumed, that the notification to the acting Governor would not preclude Delegate Loper from signing this document upon his return.

Delegate Crossley thereupon amended his motion to read as follows:

That the acting Governor be informed of the adoption and final reading and signing of the Constitution, and that he be invited to the Convention Hall to receive the document, in accordance with the provisions of Act 334 of the Session Laws of 1949; and that any member not having signed the Constitution today, by reason of absence from this session, be allowed to and including October 1st, 1950 to affix his signature to the Constitution.

The amended motion was seconded by Delegate Dowson.

The Chair stated that it was his understanding that Delegate Loper did wish to sign the Constitution upon his return to the Territory. The Chair there-

upon put the amended motion, which was carried unanimously.

At this time, the President appointed Delegates Crossley, Akau, Corbet, Hayes and Kellerman as a committee of five to notify the acting Governor that the Constitution of the State of Hawaii had been adopted and signed, and to escort him to the Convention Hall to receive the document.

The President announced that the presentation of the Constitution today to the acting Governor would be a pro forma one; and that the original document, signed by the delegates, would be delivered to Miss Maude Jones, Archivist, for safe keeping in the Archives of the Territory; and that Miss Jones, accompanied by Mr. R. G. Dodge, of the Legislative Reference Bureau, would take it to the *Advertiser* immediately upon adjournment today where the signatures would be photographed for reproduction on replicas of the original Constitution, and that such a replica, properly certified by the President and Secretary of the Convention, would be delivered to the acting Governor; and that replicas would be presented to each delegate.

Secretary Porteus stated that it was his understanding that the motion made and carried, which permitted the original Constitution to be signed, between now and October 1st, by either, or both, of the delegates not present at today's session, carried with it the authorization to the Secretary to withdraw this original document from the Archives in order to permit such signature, or signatures, to be affixed thereto. The President stated that this withdrawal would be authorized under that motion.

At this time, the committee of five appointed by the President to wait upon the acting Governor left the Convention hall to carry out its mission.

The President announced that the *Advertiser* photographer wished to photograph all of the delegates together on the front steps of the Palace immediately after adjournment.

The President here announced the personnel of the special committee to be appointed pursuant to Resolution No. 55, adopted earlier in the day, as follows: Delegates Anthony, Doi, Heen, Kauhane, Roberts, Tavares and the President.

Delegate Porteus moved that the President be named chairman of the committee. Seconded by Delegate Bryan, and carried unanimously.

At 12:30 o'clock p.m., the Sergeant-at-Arms announced the arrival of acting Governor Long, who thereupon entered the Hall, escorted by the committee of five delegates, and was greeted by the President as he mounted the dais.

The President thereupon presented to acting Governor Long the Constitution of the State of Hawaii, informing him that it had been adopted and signed by the 61 delegates present, and that the two delegates who were not present today would be permitted to sign the original document up to and including

October 1, 1950; and he then asked the acting Governor to return the original document to the Convention for delivery to the Archives for safe keeping; and further informed acting Governor Long that a replica of the original document, bearing the signatures of the delegates as affixed today, and properly certified by the President and Secretary of the Convention, would be delivered to him as soon as it could be processed.

The President then called upon the acting Governor to address the assembly. Acting Governor Long thereupon addressed the Convention as follows:

In behalf of the people of the Territory, it is my privilege to receive this Constitution for the State of Hawaii. I wish to assure you it is an unusual privilege, because in very truth, this is a significant occasion.

The document which you have just presented belongs neither to you nor to me. To you has been given the privilege of creating it; to me is given the opportunity of accepting it in behalf of the people of Hawaii. To the voters of Hawaii will be given the prerogative of adopting the principles, the concepts, the ideals, and the framework for government which makes this document a living, dynamic frame of reference for generations to come. Hawaii's State Constitution belongs to posterity.

Your accomplishments to date are the first step in a program that points to an event of great importance to the nation—the actual granting of statehood to this Territory. When this is done, it will show to the people of the world that the United States not only proclaims its belief in democracy, but practices democracy.

We who know Hawaii know, too, how American we are; how able we are in our capacity to live up to the precepts of democracy. Ours is, in all truth, an American tradition brought to our shores a century and more ago, from the very cradle of American democracy itself. But ours, too, is a Hawaiian tradition—a tradition of friendliness, of tolerance, and of good will toward all men—a tradition embodied in the word "Aloha." There remains but the formal action of the American Congress to enable us to demonstrate what our American heritage and our Hawaiian heritage can mean to us, to our country, and to the world at large.

Personally, I have but one regret with reference to this constitution. I regret that I have had no formal share in the deliberations, the debate, and the final decisions which brought it into being. While I cannot affix my signature to this historic document, I take pride nevertheless in having played a role in the drama of which it is the climax. I have seen it emerge through the successive stages of the enabling act of the Legislature, the

elections, the organization of the Convention, the individual proposals, the committee proposals, the free and democratic debates on the floor of the Convention, the painstaking scrutiny of the committee on style. I have seen emerge from more than four million spoken words on the floor of the Convention, and perhaps as many again in the committee meetings, a document of 14,000 words—a document pleasing to the eye, but one that is complete in its statement of principles, succinctly expressed.

On March 22nd, you were selected by the people of this Territory to perform a task of vital importance to the future of Hawaii. That task was the writing of the constitution in keeping with the best traditions of American life, a constitution that will enable the people to preserve all that is good in our tradition, and at the same time to provide for future social, political and economic growth.

As of this date, you have completed this assignment.

Only experience under this document can indicate the thoroughness of your deliberations and the soundness of your judgment. There are strong reasons for believing that the verdict of posterity will be favorable.

I wish to evaluate your accomplishment in the light of a statement it was my privilege to make at the opening of your Convention. At that time, I said:

“The Constitution which you will write should be an expression of faith—faith in the future, faith in the capacity of the people of tomorrow to cope with their own problems.

There should be no effort to fix the affairs of the government. Any effort to make the government static or to set up legislative blocks against change, would be the equivalent of announcing that you only have wisdom and that future representatives of the people will not have the ability to meet the problems of their day.

Any such attempt to legislate for the future would be an admission of fear of the future.

Your challenge, then, is not to solve the problems of tomorrow, but rather to provide a guide under which those problems may be worked out, a guide that will at the same time stimulate social growth and change in accordance with our democratic tradition.

It is this flexibility, this invitation to growth, that gives distinction to our Federal Constitution—the greatest document ever struck off by the minds of men. Its greatness was not that it contained all truth, but rather, it provided for growth in meeting changing conditions, for such great amendments as the Bill of Rights, and for other amendments that have served the best interests of the nation. You will wish to keep these qualities

before you as you work on a constitution for the State of Hawaii.”

It is my measured judgment that you have had these guiding principles in mind, and that your work is good.

While there have been sharp differences of opinion in your deliberations, this constitution represents a rather high degree of unanimity of thought, and you have wisely provided procedures for amendments that may seem desirable to meet the changes that are inevitable in our dynamic society.

One of the really significant parts of this constitution is Section 2, Article XV, which provides automatically that the people shall have an opportunity at least once every ten years to propose amendments. This provision represents wisdom that is unique in the state constitutions of America. Furthermore, it is significant that this section had the approval of almost every member of the Convention.

In connection with the lack of complete agreement, it is well to keep in mind that even the Federal Constitution was not approved until there was general agreement that a number of basic amendments, the Bill of Rights, would be submitted and supported for adoption. Hawaii is assured of this privilege, and, I am confident, will show the same wisdom in amending her constitution that the nation has shown in amending the Federal Constitution.

It is, of course, difficult to view this constitution in the light of historical perspective. It is possible, however, to evaluate it in terms of similar documents. And this I have tried to do. My observations lead me to believe:

First, that Hawaii's State Constitution will be noted for its conciseness, force of expression, and draftsmanship. In these respects, it really excels.

Second, that it is a people's constitution, rather than a lawyers' constitution. It is singularly free from statutory provisions; its various articles reflect those matters which are of concern to all the people; it is a document as free as one can be, of obtruse technicalities.

Third, it is a modern document—modern, without departure from traditions sacred in American thought and practice. I note, by way of example:

A Bill of Rights, guaranteeing the individual freedom so much a part of the American heritage, but a Bill of Rights that gives recognition to the dynamics of change in a modern world; a framework for legislation in the traditional bicameral pattern, but brought close to the will of the people; provisions for a strong and efficient executive, but with reasonable limitations to guard against abuse of power; a judiciary removed from partisan politics; the opportunity for the development of

local government in accord with the will of the people; provisions for the conservation of natural resources, and for improved and more universal land utilization; the expression of basic principles relating to the health and general welfare of the people; a framework for the development of public and higher education, confined to fundamental law and not restrictive in character.

These features indicate that, in the main, the constitution you have just signed is fairly conservative. I say fairly conservative, because it does contain provisions that are in keeping with liberal trends. You have not hesitated to recognize the principle of change in government.

For instance, you have indicated your belief in the youth of Hawaii, by lowering the voting age to 20 years. Only one State, Georgia, has departed from the traditional 21-year requirement.

You have assured labor the right to organize for the purpose of collective bargaining, a provision found only in three other State constitutions, New Jersey, New York and Missouri.

You have made certain the right of the people to amend their constitution, either through legislative action submitted to the people for ratification, or through the provision that every ten years they shall have the right to request amendments.

You have provided for more effective administration of the government by holding within twenty, the number of departments that may be established, thus assuring greater coordination of all functions of government.

You have laid the basis for improving legislation, by placing limitations on the pocket veto and by doing away with the practice of ice-boxing bills in legislative committees.

You have provided for the automatic reapportionment of representation every ten years, on the basis of registered voters in the various districts.

Hawaii's State Constitution may not be the best of such documents; but I know of none better. It is an indication of a belief in the right of the people to participate in government; it is an expression of faith in their capacity to deal intelligently with problems and opportunities as they arise. And this is as it should be. The purpose of a constitution is not to limit progress, but to serve as a basis for progress.

Mr. President: In behalf of the people of Hawaii, I accept this constitution in humble tribute to those

who throughout the years have dreamed of statehood, of those who have so ably represented the people of these islands in the preparation of this document, of the members of the Congress who have so valiantly fought for our cause, of the countless friends on the mainland, in and out of official life, who have stood by our side. We, the people of Hawaii, can now do no less than approve a work so well wrought.

Upon the conclusion of the delivery of the message, acting Governor Long was thanked by the President for his very splendid address.

At this time, the President announced the appointment of Delegate Gilliland as an additional member of the Committee on Submission and Information, authorized by the adoption of Standing Committee Report No. 131, adopted by the Convention previously.

Delegate Crossley, for the Committee on Submission and Information, presented a report on Miscellaneous Communication No. 117 from the Honolulu Typographical Union No. 37 (A. F. of L.), transmitting a resolution adopted by that union requesting the Convention to have the union label affixed on the Constitution when awarding the contract for the printing thereof, recommending that there be no label on the original or facsimiles of the Constitution, but that there was no objection to the use of the Typographical Union label on printed copies thereof (see Sec. B, Standing Com. Rpt. No. 139). Upon motion by Delegate Crossley, seconded by Delegate Arthur K. Trask, the report was unanimously adopted.

At this juncture, Delegate Crossley, on behalf of all of the delegates, presented to President King a beautiful fountain pen set, as a token of their aloha and respect.

In a few well-chosen words, the President thanked the members for this tribute of aloha.

The President then expressed, on behalf of the delegates, warm thanks to the musicians so ably led by Mrs. Bina Mossman, who had furnished such beautiful Hawaiian music throughout today's session, which had contributed so much to the typically Hawaiian atmosphere which had pervaded the ceremonies.

The journal of the seventy-ninth day was approved. Delegate Crossley then moved that the journal of the seventy-nine Convention days be approved. Seconded by Delegate Hayes and carried.

At 12:50 o'clock p.m., upon motion by Delegate Woolaway, seconded by Delegate Silva, and carried, the Convention adjourned, subject to the call of the Chair.



## Section B. JOURNAL DOCUMENTS

### 1. Resolutions

#### RESOLUTION NO. 1

BE IT RESOLVED that the persons named as delegates in the attached certificates of the Secretary of Hawaii, each from the representative district, precinct or combination of precincts therein set forth, be declared duly elected and, upon taking the oath required by chapter 13 of the Revised Laws of Hawaii 1945, as amended, legally qualified to take seats as delegates to the constitutional convention assembled at Honolulu on the fourth day of April 1950 to form a constitution and state government and otherwise prepare for the admission of the proposed State of Hawaii.

#### CERTIFICATE OF ELECTION OF DELEGATES

I, Oren E. Long, Secretary of the Territory of Hawaii, do hereby certify that the following were duly elected delegates to the Hawaii State Constitutional Convention to be held in Honolulu, Territory of Hawaii, beginning April 4, 1950, each from the representative district, precinct, or combination of precincts hereinafter set forth.

First Representative District: Nelson Kiyoshi Doi, at large; Tom T. Okino, at large; Richard J. Lyman, Jr., Precincts 1, 2, 3, 4, 5, 6, 7 and 36; Takao Yamauchi, Precincts 8, 9, 10, 11 and 35; James Kiyoji Yamamoto, Precincts 12, 13, 14 and 33; Thomas T. Sakakihara, Precincts 15, 16, 17, 30 and 34; Frank C. Luiz, Precincts 18, 19, 20, 21, 22 and 31; Teruo Ihara, Precincts 23, 24, 25, 26, 27, 28, 29 and 32.

Second Representative District: Earl A. Nielsen, at large; Charles H. Silva, at large; Sakuichi Sakai, Precincts 1, 2, 3, 4, 5, 6, 7, 8 and 16; Peter Kawahara, Precincts 9, 10, 11, 12, 13, 14 and 15.

Third Representative District: J. Pia Cockett, at large; Harold W. Rice, at large; Cable A. Wirtz, at large; Harold T. Kido, Precincts 1, 2, 3, 4 and 5; Kazuo Kage, Precincts 6, 7, 8, 10 and 11; W. O. Smith, Precincts 9, 12, 13 and 28; Richard St. Sure, Precincts 14, 15, 16 and 17; Arthur Davies Woolaway, Precincts 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27; Marguerite K. Ashford, Precincts 29, 30, 31, 32, 33 and 34.

Fourth Representative District: J. Garner Anthony, at large; William H. Heen, at large; Herbert K. H. Lee, at large; W. Harold Loper, at large; C. Nils Tavares, at large; Benjamin O. Wist, at large; Ann H. Corbett, Precincts 19, 20, 21, 22, 23, 25, 26 and 27; John K. Lai, Precincts 19, 20, 21, 22, 23, 25, 26 and 27; Flora Kaai Hayes, Precincts 11, 15, 16, 17, 18, 24 and 32; Richard M. Kageyama, Precincts 11, 15, 16, 17, 18, 24 and 32; Hebdon Porteus, Precincts 6, 7, 12, 13, 14 and 36; Harold S. Roberts, Precincts 6, 7, 12, 13, 14 and 36; Samuel K. Apoliona, Jr., Precincts 5, 8, 31, 34 and 35; Katsumi Kometani, Precincts 5, 8, 31, 34 and 35; Nils P. Larsen, Precincts 3, 4, 9, 10, 30 and 33; Henry

A. White, Precincts 3, 4, 9, 10, 30 and 33; Alexander H. F. Castro, Precincts 1, 2, 29 and 37; Elizabeth R. Kellerman, Precincts 1, 2, 29 and 37.

Fifth Representative District: Samuel Wilder King, at large; Chuck Mau, at large; Frederick Ohrt, at large; Herbert M. Richards, at large; Clarence Y. Shimamura, at large; Arthur K. Trask, at large; Edward B. Holroyde, Precincts 28 and 38, Fourth District, and Precincts 1, 2, 3 and 4, Fifth District; James K. Trask, Precincts 28 and 38, Fourth District, and Precincts 1, 2, 3 and 4, Fifth District; Yasutaka Fukushima, Precincts 5, 7, 30 and 31; Masao Kanemaru, Precincts 5, 7, 30 and 31; Edward C. Bryan, Precincts 6, 8, 9, 10, 29 and 32; George Dowson, Precincts 6, 8, 9, 10, 29 and 32; Frank Y. Kam, Precincts 11, 12, 13, 14, 15, 16, 26 and 33; Charles Ernest Kauhane, Precincts 11, 12, 13, 14, 15, 16, 26 and 33; Trude M. Akau, Precincts 18, 19, 20, 21 and 27; Hiram L. Fong, Precincts 18, 19, 20, 21 and 27; James F. Gilliland, Precincts 17, 22, 23, 24, 25 and 28; Steere G. Noda, Precincts 17, 22, 23, 24, 25 and 28.

Sixth Representative District: J. H. Mizuha, at large; Charles A. Rice, at large; H. S. Kawakami, Precincts 1, 2, 3 and 4; Frank G. Silva, Precincts 5 and 6; Randolph Crossley, Precincts 8, 9, 10 and 11; Toshio Serizawa, Precinct 7.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Seal of the Territory to be affixed this third day of April, A. D., 1950.

OREN E. LONG  
Secretary of Hawaii

#### RESOLUTION NO. 2

BE IT RESOLVED that temporary rules of the convention be adopted in the form attached hereto.

#### TEMPORARY RULES OF THE CONSTITUTIONAL CONVENTION TERRITORY OF HAWAII

Rule 1—Officers. The officers of The Convention shall be a President, Four Vice-Presidents (one from each Senatorial District) and a Secretary selected from the delegates by majority vote on ballot or resolution.

Rule 2—Powers & Duties of Officers. The officers shall have the powers and perform the duties usual to their offices.

Rule 3—Employees. A Chief Clerk, Assistant Clerk, Chaplain, and two Sergeants-at-arms, shall be selected by majority vote of the delegates.



Rule 4—Quorum. A quorum shall consist of 32 members of which a majority vote shall suffice save for adoption of a resolution or election of officers which shall require the vote of a majority of all members.

Less than a quorum may require the attendance of absent members and may adjourn from day to day.

Rule 5—Method of Voting. Voting shall be by raising of hands, by rising, by unanimous consent or by roll call or in case of election of officers or employees, by ballot. On request of ten delegates roll call shall be held.

Rule 6—Debate. No delegate shall speak more than twice on the same question or more than 10 minutes the first time or more than five minutes the second time.

Rule 7—Assignment of Seats. Each delegate shall be assigned a seat by the President.

Rule 8—Committee on Permanent Rules. A temporary Committee on Permanent Rules of seventeen members including the President as Chairman to prepare and recommend permanent rules to the Convention shall be appointed by the President on the day of his election.

Rule 9—Additional Rules. The rules of parliamentary practice comprised in Cushing's *Manual of Parliamentary Practice* shall govern where not inconsistent with the foregoing rules.

### RESOLUTION NO. 3

WHEREAS, the people of Hawaii are seeking admission of the State of Hawaii into the Union; and

WHEREAS, pursuant to Act 334 of the Session Laws of Hawaii of 1949, the people of Hawaii have duly elected their delegates to a convention for the purpose of forming a constitution and state government and otherwise preparing for the admission of said proposed state; and

WHEREAS, said convention, having assembled at Honolulu on April 4, 1950, has duly organized and is ready to proceed; now, therefore, be it

RESOLVED by the Constitutional Convention so assembled and organized that said Convention on behalf of the people of said proposed State of Hawaii does adopt the Constitution of the United States, and that said Convention does hereby reaffirm its adherence to the Constitution of the United States.

### RESOLUTION NO. 4

WHEREAS, the Honorable Harry S. Truman, President of the United States of America, has consistently supported and championed the great cause of Statehood for Hawaii; and

WHEREAS, the Honorable Harry S. Truman has firmly and convincingly demonstrated his support and championship of Statehood for Hawaii by his messages to the *Congress of the United States of America* on the State of the Union and by other official statements and documents issued by and prepared at the White House; and

WHEREAS, the people of the Territory of Hawaii and future State of Hawaii are deeply grateful for the splendid help and strong support of the President of the United States of America;

NOW, THEREFORE, BE IT RESOLVED by the Constitutional Convention of Hawaii:

That the people of the Territory and the future State of Hawaii by their Constitutional Convention delegates duly

assembled at Honolulu on April 4, 1950, do hereby express and convey their sincere gratitude and deep appreciation to the Honorable Harry S. Truman, President of the United States of America, for his consistent support and championship of the great cause of Statehood for Hawaii; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be transmitted forthwith to the Honorable Harry S. Truman, President of the United States of America, and to the Senate and House of Representatives of the Congress of the United States of America.

### RESOLUTION NO. 5

WHEREAS, the Honorable Oren E. Long, Secretary of the Territory of Hawaii, as required by the law establishing the Constitutional Convention of Hawaii, did supervise and conduct the primary and final elections for delegates to the Convention, did make the plans and arrangements for the holding of the Constitutional Convention, and did call together the delegates forming the Convention and did open and put into operation this historic convocation, and

WHEREAS, the Honorable Oren E. Long did ably, diligently, intelligently and fairly handle and decide all matters and problems connected with the election of delegates and placing into operation the Constitutional Convention of Hawaii,

NOW, THEREFORE, BE IT RESOLVED by the Constitutional Convention of Hawaii, duly assembled at Honolulu on this 4th day of April, 1950:

That the Honorable Oren E. Long be and he is hereby commended for his splendid and successful efforts in regard to all of the foregoing, and

BE IT FURTHER RESOLVED that the sincere appreciation and gratitude of the people of the Territory and future State of Hawaii be hereby extended to the Honorable Oren E. Long, and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be transmitted forthwith to the Honorable Oren E. Long, Secretary of the Territory of Hawaii.

### RESOLUTION NO. 6

BE IT RESOLVED by the Hawaii State Constitutional Convention here assembled this 5th day of April, 1950, that we do by this means respectfully request the respective Governors of the 48 states and of the territories of the United States of America, to furnish this Constitutional Convention with a flag of their respective states and territories to be hung in the Convention Hall in Honolulu, Territory of Hawaii, during the period in which this Convention remains in session for the purpose of drafting a Constitution for the proposed State of Hawaii.

### RESOLUTION NO. 7

BE IT RESOLVED by the Hawaii State Constitutional Convention that an official Register be provided by the Convention for the purpose of preserving the signatures of the 63 Delegates to the Convention and such guests of the Convention as may care to sign the same; and

BE IT FURTHER RESOLVED, that the first signatures appearing therein be those of the duly elected Delegates to

the Convention, following which will appear the names of the honored guests who were seated on the platform in the Convention Hall in the National Guard Armory on the opening day of the Convention, April 4th; and be it further

RESOLVED that the said official Register be placed in a place easy of access and to so remain open for signatures of Visitors during the entire session of the Convention; and be it further

RESOLVED, that upon final adjournment of the said Constitutional Convention the said official Register shall be filed with the Archives of Hawaii as a part of the records of the Convention.

#### RESOLUTION NO. 8

WHEREAS, Mr. George H. Lehleitner has proved himself a friend of Hawaii in promoting nationwide interest in Hawaii's bid for statehood; and

WHEREAS, Mr. George H. Lehleitner's ardent advocacy of statehood, has been instrumental in presenting the facts on which Hawaii bases her claim to Statehood to members of Congress and to the people of Louisiana; and

WHEREAS, Mr. Lehleitner, presently visiting Hawaii with a view towards making it his permanent home;

NOW, THEREFORE, BE IT RESOLVED by the Constitutional Convention of Hawaii of 1950, duly assembled at Honolulu on this 6th day of April, 1950;

That Mr. George H. Lehleitner be and he is hereby cordially invited to attend the Hawaii Constitutional Convention at his convenience, as an honored guest; and

BE IT FURTHER RESOLVED that the sincere appreciation and gratitude of the people of the Territory and future State of Hawaii be hereby extended to Mr. George H. Lehleitner; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be transmitted forthwith to Mr. George H. Lehleitner.

#### RESOLUTION NO. 9

BE IT RESOLVED, by the Delegates to the Hawaii State Constitutional Convention here assembled this 10th day of April, 1950, that we do by this means extend our deep sympathy to Delegate H. S. Kawakami and to his family, in the great sorrow which has come to them in the loss of their beloved daughter, Ellen; and be it further

RESOLVED, that a certified copy of this Resolution be transmitted to the family of the late Ellen Kawakami.

#### RESOLUTION NO. 10

RESOLVED, that the Secretary of the Convention shall be a member ex-officio without vote of the several committees to which he is not specifically appointed.

#### RESOLUTION NO. 11

BE IT RESOLVED, that it is the consensus of this Convention, without condoning any prior improper acts on his part, that the action of Richard M. Kageyama in cooperating with the House UnAmerican Activities Committee in testifying before the otherwise assisting it in the exposure of Communists and Communist activities in Hawaii has been of distinct service to his country.

#### RESOLUTION NO. 12

WHEREAS, questions concerning parliamentary procedure frequently arise during meetings of this Constitutional Convention; and

WHEREAS, the business of the Convention would be greatly expedited and unnecessary delays avoided if each delegate had available at all times a copy of the standard and generally accepted rules of parliamentary procedure; and

WHEREAS, Cushing's *Manual of Parliamentary Practice* has been adopted by the Constitutional Convention as its official guide in parliamentary procedure; now therefore

BE IT RESOLVED by the Constitutional Convention that a copy of the latest edition of said Cushing's *Manual of Parliamentary Practice* and also of Roberts' *Rules of Order* be purchased by this Convention and made available to each delegate.

#### RESOLUTION NO. 13

WHEREAS, the work of this Constitutional Convention may be expedited by having available to it facilities for obtaining information on the various subjects to be considered by the Convention; and

WHEREAS, the Legislative Reference Bureau of the University of Hawaii is an agency established to provide information and materials on governmental matters; now, therefore,

BE IT RESOLVED, that the Legislative Reference Bureau be, and hereby is, requested to make available to the delegates and committees of this Constitutional Convention its research facilities and materials, to supply such information on constitutional problems, and to render such other additional services as this Convention may from time to time require; and

BE IT FURTHER RESOLVED, that a copy of this resolution be delivered to the Director of Legislative Reference Bureau.

#### RESOLUTION NO. 14

WHEREAS, Tang Yau Fong, brother of Delegate Hiram L. Fong, and a member of a prominent Island family, was taken from his loved ones by death on April 7, 1950, now, therefore,

BE IT RESOLVED by the Delegates to the Hawaii State Constitutional Convention of 1950, here assembled this 13th day of April, 1950, that they do by this means express their deep regret at the passing of this worthy citizen and devoted husband and father, and do extend their sympathy to this bereaved family; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be transmitted to the widow and children of the late Tang Yau Fong, who are left to mourn his loss, and also to our colleague, Delegate Hiram L. Fong.

#### RESOLUTION NO. 15

WHEREAS, 34 of the 48 states have located their capitols in cities other than their largest city; and

WHEREAS, the largest city of a state usually presents conditions of overcrowding and is readily available to pressures from various groups and organizations; and

WHEREAS, conditions conducive to thoughtful and responsible legislation are more likely to exist in an area of the state with a smaller population density; now, therefore,

BE IT RESOLVED by the Constitutional Convention that the capitol of the future State of Hawaii be located on an island within said State other than Oahu.

#### RESOLUTION NO. 16

BE IT RESOLVED by the Hawaii State Constitutional Convention that a Special Committee of 11 members be appointed by the President to investigate the qualifications of Frank G. Silva to retain his seat as a Delegate to this Convention in view of his refusal to testify under oath before a legally constituted committee of the U. S. House of Representatives.

#### RESOLUTION NO. 17

WHEREAS, Act 334 Session Laws of Hawaii 1949, providing for a constitutional convention for Hawaii, requires that the constitution drafted by the convention be reported to the territorial legislature for its consideration; and

WHEREAS, submission of the constitution to the legislature has since been rendered unnecessary, and without purpose would lengthen the period of attaining full statehood, and would further place an unnecessary expense on the taxpayers of Hawaii; now, therefore,

BE IT RESOLVED by the Constitutional Convention of Hawaii of 1950, that Hawaii's delegate to Congress be, and hereby is, requested to introduce legislation in the United States Congress which would amend section 4 of Act 334 of the Session Laws of Hawaii of 1949, so as to eliminate the provision of said Act requiring the reporting to the Legislature of the constitution to be drafted by this convention; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be delivered to the Delegate to Congress from Hawaii.

#### RESOLUTION NO. 18

WHEREAS, Act 334 Session Laws of Hawaii 1949, providing for a constitutional convention for Hawaii, requires that the constitution drafted by the convention be reported to the territorial legislature for its consideration; and

WHEREAS, submission of the constitution to the legislature has since been rendered unnecessary, and without purpose would lengthen the period of attaining full statehood, and would further place an unnecessary expense on the taxpayers of Hawaii; and

WHEREAS, by resolution of this convention the Delegate to the Congress from Hawaii has been requested to introduce a bill to the Congress to amend said Act 334 to eliminate the requirement that the constitution be submitted to the territorial legislature; now, therefore,

BE IT RESOLVED by the Constitutional Convention of Hawaii of 1950, that the Congress of the United States be and it is hereby respectfully requested to give expeditious consideration to and to pass said bill when introduced by the Delegate from Hawaii; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the President of the United States, the President of the Senate and Speaker of the House

of Representatives of the Congress of the United States, the Secretary of the Interior, and to the Delegate to the Congress from Hawaii.

#### RESOLUTION NO. 19

BE IT RESOLVED by the Constitutional Convention of Hawaii that the Congress of the United States of America be and it is hereby requested to enact H.R.49, first amending it in the following particulars:

1. Delete section 2, and renumber the following sections;
2. Substitute for the first paragraph of section 3, the following: "The Convention which convened in Honolulu on the 4th day of April, 1950 to write a constitution for the proposed State of Hawaii having declared on behalf of the people of said proposed State that they adopt the Constitution of the United States, said Convention shall be, and is hereby, authorized to form a Constitution and State government for said proposed State."
3. Delete subsection "Sixth" of section 3 and redesignate the following subsection "Sixth";
4. Delete from subsection (d) of section 4 of the clause "for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended,".
5. Delete from section 15 the clause "except as hereinbefore provided with respect to the Hawaiian Homes Commission Act, 1920, as amended;," substituting for the comma immediately preceding said clause a semicolon; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be sent to the President of the United States of America, to the President of the Senate, to the Speaker of the House of Representatives of the Congress, to the Secretary of the Interior and to the Delegate to the Congress from Hawaii.

#### RESOLUTION NO. 20

WHEREAS, the constitution now being drafted by this convention will affect the lives and futures of every person in the Territory; and

WHEREAS, although public hearings are to be scheduled by the several committees to effect the widest possible participation by the people in its formulation, such meetings will be easily accessible only to residents of Oahu; and

WHEREAS, the vast majority of residents of the outlying counties and islands will be unable to join in this participation unless such hearings are scheduled in their own communities; now, therefore

BE IT RESOLVED by the Delegates to the Constitutional Convention of Hawaii here assembled, that the President and the several committee chairmen authorize committee members to conduct public hearings on pertinent matters of local concern on the members' home islands; and

BE IT FURTHER RESOLVED that the holding of such public hearings be encouraged to the end that the widest possible participation of the people may be achieved in the drafting of this constitution.

#### RESOLUTION NO. 21

WHEREAS, H. R. 49 requires that the constitution drawn for the proposed State of Hawaii "shall be republican in form and make no distinction in civil or political rights on

account of race, color, or sex, and not be repugnant to the Constitution of the United States and principles of the Declaration of Independence," and

WHEREAS, no race is forever in the ascendant, and

WHEREAS, the hope and future of Hawaii rests in the harmony of the various races whose members are citizens of Hawaii, and

WHEREAS, the Hawaiian Homes Commission Act 1920, as amended, discriminates between citizens entitled to public lands on the basis not only of race but a percentage of the blood of that race, and

WHEREAS, the Newlands Resolution of July 7, 1898, in accepting from the government of the Republic of Hawaii the cession and transfer to the United States of the absolute fee and ownership of all public, government, or Crown Lands, provides that "all revenue from or proceeds of the same, as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States, or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes;" and

WHEREAS, such resolution made no racial distinction between the inhabitants of the Hawaiian Islands, and

WHEREAS, the Hawaiian Homes Commission Act 1920, as amended, tends to create racial dissension, and

WHEREAS, it would be most unfair to the innocent homesteaders now occupying lands under said act, as lessees, to deprive them of such lands, now, therefore,

BE IT RESOLVED that the Congress of the United States of America be and it is hereby requested to repeal the Hawaiian Homes Commission Act 1920, as amended, and, in the same legislation, to provide for the granting of fee simple title in their lands to present holders and occupants of leasehold lands under said act, and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the President of the United States, to the President of the Senate and to the Speaker of the House of Representatives of the Congress, to the Secretary of the Interior and to the Delegate to the Congress from Hawaii.

#### RESOLUTION NO. 22

BE IT RESOLVED, that the Committee on Local Government be and it is hereby requested to give careful consideration to making the Island of Lanai a separate county.

#### RESOLUTION NO. 23

WHEREAS, the future State of Hawaii is comprised of non-contiguous lands separated by water; and

WHEREAS, vast sums of money have already been expended for territorial government office buildings in the city of Honolulu; and

WHEREAS, construction is presently in progress to provide additional government buildings in the city of Honolulu; and

WHEREAS, the city of Honolulu is the historic site of the seat of government of the people of Hawaii; and

WHEREAS, the seat of government of the Territory of Hawaii since its inception has been on the Island of Oahu; and

WHEREAS, the expense of building suitable offices on neighboring islands would involve an increased expenditure of public funds; now, therefore

BE IT RESOLVED by the Constitutional Convention of Hawaii that the capital of the future State of Hawaii be located in the Island of Oahu.

#### RESOLUTION NO. 24

WHEREAS, the framing of the constitution of Hawaii is an historic event; and

WHEREAS, it is appropriate that suitable records of the constitutional convention be preserved; and

WHEREAS, a photograph of the delegates who drafted the first state constitution of Hawaii will be of historic interest; and

WHEREAS, the delegates assemble daily and the time is propitious for the taking of a group photograph; now, therefore,

BE IT RESOLVED that the President of the constitutional convention authorize the taking of a group photograph of the delegates; and

BE IT FURTHER RESOLVED that a print of said photograph be distributed to the Governor, to each delegate, and to each Territorial Department head.

#### RESOLUTION NO. 25

RESOLVED, that Frank G. Silva, by reason of his contempt of the House UnAmerican Activities Committee in the recent proceedings of said Committee conducted at Iolani Palace, Honolulu, Hawaii, is hereby declared disqualified to sit as a member of this Convention and that he be and is hereby expelled from this Convention, that his seat be declared vacant, and the Governor be requested to fill the vacancy in the manner provided by law.

#### RESOLUTION NO. 26

WHEREAS, questions concerning parliamentary procedure frequently arise during meetings of this Constitutional Convention as demonstrated during the sessions and the hearings before the Committee of the Whole of this assembly occurring recently; and

WHEREAS, the business of the Convention would be greatly expedited and unnecessary delays avoided if each delegate had available at all times a copy of the standard and generally accepted rules of parliamentary procedure; and

WHEREAS, Cushing's *Manual of Parliamentary Practice* has been adopted by the Constitutional Convention as its official guide in parliamentary procedure; now, therefore,

BE IT RESOLVED by the Constitutional Convention that a copy of the latest edition of said Cushing's *Manual of Parliamentary Practice* and also of Roberts' *Rules of Order* be purchased by this Convention and made available to each delegate.

#### RESOLUTION NO. 27

BE IT RESOLVED that when certain delegates from this Convention go to Washington that the remaining delegates continue with the work of the Convention.

**RESOLUTION NO. 28**

BE IT RESOLVED by the Hawaii State Constitutional Convention of 1950, that leave of absence is hereby granted to those Delegates attending the Hearings before the Senate Committee on Interior and Insular Affairs on H. R. 49 to be held in Washington on May 1, 1950, for such time as may be necessary between April 24, 1950 and May 8, 1950.

**RESOLUTION NO. 29**

WHEREAS, each state has a heraldry consisting of symbols reflecting its past and present; and

WHEREAS, Hawaii has a very unique code of symbols from its royal background; now, therefore,

BE IT RESOLVED that the Legislature of Hawaii be and it is hereby respectfully requested to enact appropriate legislation for the adoption of the following heraldic symbols:

1. THAT Hawaii's official flag shall be that of the old monarchy; red, white and blue with eight stripes for the islands and the English jack in the corner; and
2. THAT the motto shall be "Ua mau ke ea o ka aina i ka pono." The translation of which is "The life of the land is perpetuated in righteousness"; and
3. THAT Hawaii's official seal shall be the Coat-of-Arms of the Territory of Hawaii as described and depicted in Section 12941, Revised Laws of Hawaii 1945, with the changes suggested in the accompanying sketch and comments; and
4. THAT Hawaii's official song shall be "Hawaii Pono!" with the same music as in the past but with words bringing it up to statehood; and including an old Hawaiian motto which indicates our present harmonious amalgamation of races: "Maluna a'e o na lahui apau, ke ola ke kanaka," the translation of which is "Above all nations in humanity."
5. THAT Hawaii's official flower shall be the Ilima, the flower of old royalty; and
6. THAT Hawaii's state color shall be orange (from the ilima and suggestive of the soil) and deep blue (our sky and ocean); and
7. THAT the official birthstone shall be the olivene. (This dates back to the birth of Hawaii when it crystallized out from the hot lava).

**RESOLUTION NO. 29, RD 1**

WHEREAS, each state has a heraldry consisting of symbols reflecting its past and present; and

WHEREAS, Hawaii has a very unique code of symbols from its royal background; now, therefore,

BE IT RESOLVED that the Legislature of Hawaii be and it is hereby respectfully requested to enact appropriate legislation for the adoption of the following heraldic symbols;

1. THAT the motto shall be "Ua mau ke ea o ka aina i ka pono." The translation of which is "The life of the land is perpetuated in righteousness"; and
2. THAT Hawaii's official song shall be "Hawaii Pono!" with the same music as in the past but with words bringing it up to statehood; and including an old Hawaiian motto which indicates our present harmonious amalgamation of races: "Maluna a'e o na lahui apau, ke ola ke kanaka," the translation of which is "Above all nations is humanity."

3. THAT Hawaii's official flower shall be the Ilima, the flower of old royalty; and

4. THAT Hawaii's state colors shall be orange (from the ilima and suggestive of the soil) and deep blue (our sky and ocean); and

5. THAT the official birthstone shall be the olivene. (This dates back to the birth of Hawaii when it crystallized out from the hot lava).

**RESOLUTION NO. 30**

BE IT RESOLVED, by the Constitutional Convention of Hawaii of 1950 that, pursuant to the provisions of Rule 6, in the case of the temporary absence of all Vice-Presidents, or in the event of the temporary inability on the part of all Vice-Presidents to discharge the duties of their offices, the Secretary of the Convention shall preside, and the Convention shall thereupon appoint an Acting Secretary to perform the duties of the Secretary.

**RESOLUTION NO. 31**

WHEREAS, upon granting of statehood to the Territory of Hawaii by the United States of America, the people of Hawaii will have realized a cherished goal of a half century; and

WHEREAS, on such an historic occasion it is most appropriate that a special day be set aside for the celebration, remembrance, and observance of this event; now, therefore,

BE IT RESOLVED by the Constitutional Convention of Hawaii of 1950 that the Governor of the Territory of Hawaii be and is hereby respectfully requested to set aside as a legal holiday a specific day to be known as "Statehood Day"; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be transmitted forthwith to the Honorable Ingram M. Stainback, Governor of the Territory of Hawaii.

**RESOLUTION NO. 31, RD 1**

WHEREAS, upon granting of statehood to the Territory of Hawaii by the United States of America, the people of Hawaii will have realized a cherished goal of a half century; and

WHEREAS, on such an historic occasion it is most appropriate that a legal holiday be proclaimed for the celebration, remembrance, and observance of this event; now, therefore,

BE IT RESOLVED by the Constitutional Convention of Hawaii of 1950 that the Governor of the Territory of Hawaii be and is hereby respectfully requested to proclaim a legal holiday to be known as "Statehood Day"; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be transmitted forthwith to the Honorable Ingram M. Stainback, Governor of the Territory of Hawaii.

**RESOLUTION NO. 32**

WHEREAS, the week of April 29th to May 6th, inclusive, has been declared "National Boys' and Girls' Week" by the Governor of the Territory; and

WHEREAS, "National Boys' and Girls' Week" is being approved by the Oahu Youth Council; and

WHEREAS, the promotion of youth welfare in the home, at school and in the community is a laudable and motivating objective; and

WHEREAS, the promotion of such an objective requires that youth be given ample opportunity to secure physical, intellectual, social and spiritual training; and

WHEREAS, these advantages may best be assured to youth through the cooperation of all territorial groups and associations who represent and promote youth activities; now, therefore,

BE IT RESOLVED, that the Delegates meeting in regular session at this Constitutional Convention go on record as officially endorsing "National Boys' and Girls' Week"; and

BE IT FURTHER RESOLVED that copies of this Resolution be disseminated to the press, and to all Territorial groups and associations which are organized for the purposes of promoting youth activities and welfare in the Territory of Hawaii.

### RESOLUTION NO. 33

WHEREAS, H. R. 49 entitled "An Act to enable the people of Hawaii to form a constitution and state government and to be admitted into the Union on an equal footing with the original States," is now pending before the Senate of the Congress of the United States; and

WHEREAS, by the terms of the Newlands Resolution of annexation, the public lands of Hawaii were ceded to and accepted by the United States upon a special trust for the uses of the inhabitants of the Hawaiian Islands; and

WHEREAS, said H. R. 49 provides that only 180,000 acres of those public lands shall be returned unconditionally to the State of Hawaii when it shall be formed; now, therefore,

BE IT RESOLVED by the Constitutional Convention of Hawaii of 1950 that the Senate of the United States be and it is hereby requested to pass H. R. 49 with such amendments as may be necessary, to return to the people of Hawaii, the public lands ceded to and accepted by the United States in trust for the inhabitants of the Hawaiian Islands; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the President of the United States, to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States, to the Secretary of the Interior and to the Delegate to the Congress from Hawaii.

### RESOLUTION NO. 34

BE IT RESOLVED by the Constitutional Convention of Hawaii of 1950 that Rule 56 of the Rules for Constitutional Convention be amended to read as follows:

Rule 56. No proposal shall be introduced after May 15, 1950, except on the report or recommendation of a Standing Committee, or by unanimous consent of the Convention.

### RESOLUTION NO. 35

BE IT RESOLVED by the Constitutional Convention of Hawaii of 1950, that not later than May 26, 1950, each General Standing Committee, except the Committee on Style, shall submit to the Convention its respective report or reports

in writing of the results of its deliberations in connection with the subject matters within its consideration under the rules and the proposals referred to it.

### RESOLUTION NO. 36

In the sunset years of a long and useful life Esther Spring White, mother of our colleague Henry A. White, passed into the Great Beyond on her 86th birthday.

Mrs. White was a Kamaaina in the fullest sense of the word, having lived in these Islands continuously from the colorful days of the Monarchy in 1888 to the eve of Hawaii's admission as a State of our Great Union. Here her five children were born; and after the death of her husband, the late Clarence M. White, in 1906, she raised her two sons and three daughters to manhood and womanhood, and lived to reap the rich reward of their love and devotion.

Mrs. White earned the high esteem of all with whom she came in contact and leaves as a worthy monument to her memory her two sons—Clarence A. White and Henry A. White; and her three daughters—Esther E. White, Mrs. Beatrice White Oliphant and Mrs. Florence White MacNicholl.

NOW, THEREFORE, BE IT RESOLVED by the members of the Hawaii State Constitutional Convention of 1950 here assembled this 16th day of May, A. D. 1950, that they do by this means extend their deepest sympathy to the sons and daughters of this devoted mother—Esther Spring White; and be it further

RESOLVED, that a certified copy of this Resolution be transmitted to each of the five children of the late Esther Spring White.

### RESOLUTION NO. 37

WHEREAS, this Convention has been informed by several petitions addressed to it by groups on Lanai of that island's claim to a separate county government; and

WHEREAS, a delegation from this Convention has met on Lanai with proponents of separate county status for that island and has had full opportunity to receive and consider their arguments; and

WHEREAS, there has been no opportunity for the delegates to this Convention to be informed of reasons arguing against separate county status for Lanai; now, therefore,

BE IT RESOLVED that this Convention does invite the Executive Chairman of the Board of Supervisors of the County of Maui, or such person as he may designate, to appear before this Convention to present additional information on the subject of creating a separate county government for the Island of Lanai.

### RESOLUTION NO. 38

WHEREAS, House Joint Resolution 238 of the 81st Congress of the United States to provide the privilege of becoming a naturalized citizen of the United States to all immigrants having a legal right to permanent residence, passed the House of Representatives on June 6th, 1949, and is now pending in the Senate; and

WHEREAS, under the present provisions of Section 303 of the Nationality Act of 1940, as amended, the right of naturalization is denied Japanese, Burmese, Koreans, Malaysians, Maoris, Polynesians and Samoans; and

WHEREAS, there are today in the United States some 90,000 aliens lawfully admitted for permanent residence who are denied the privileges of naturalization under Federal laws solely because of race; and

WHEREAS, most of these aliens who are ineligible to citizenship have resided in the United States and its territories for at least the greater part of a half century and have demonstrated their capacity for citizenship and allegiance and loyalty beyond all question of doubt, and have earned the right to naturalization by every standard of citizenship; now, therefore,

BE IT RESOLVED by the delegates to the Hawaii Constitutional Convention here assembled, that we go on record endorsing House Joint Resolution 238 of the 81st Congress providing the privilege of naturalization for all aliens lawfully admitted into the United States for permanent residence; and

BE IT FURTHER RESOLVED that we request favorable action, as speedily as possible, by the Senate of the United States; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the President of the United States of America, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Committee on Immigration and Naturalization, the Chairman of the Senate Committee on Interior and Insular Affairs and the Delegate to Congress from Hawaii.

#### RESOLUTION NO. 39

WHEREAS, this Convention having passed Resolution No. 6 whereby the Governors of the various States of the Union were requested to send to this Convention their State flags to be hung in the Convention Hall during the drafting of our proposed Constitution; and

WHEREAS, many of the States have generously responded to said request, by sending their flags, some on a loan basis and some as an outright gift to the Convention; and

WHEREAS, it is the feeling of this Convention, that when it finally adjourns, it would be most fitting and proper to present the various State flags to the National Military Cemetery at Punchbowl, Honolulu, Oahu, Territory of Hawaii, where they could be displayed in memory of the sons and daughters of the various States who passed through, were stationed on, and lost their lives upon, these Islands during World War II; now, therefore,

BE IT RESOLVED by the Constitutional Convention of Hawaii of 1950:

1. That this Convention hereby expresses its gratitude to the States which have given or loaned their State flags;
2. That the Secretary of this Convention forward to those States a copy of this Resolution;
3. That the Secretary of this Convention further request of those States which sent their flags on a loan basis that this Convention be permitted to deliver the same to the said National Military Cemetery at Punchbowl upon the final adjournment of this Convention, for use as herein set forth;
4. That the Sergeant-at-Arms be directed to deliver a copy of this Resolution, together with each of the respective State's flags which have been given to this Convention, and each of those for which such permission is granted, in accordance herewith, to the officials in charge of the said National Military Cemetery at Punchbowl for use and display in such manner as they may deem best.

#### RESOLUTION NO. 40

WHEREAS, the Hawaii State Constitutional Convention has completed more than one-half of its scheduled 60 day session; and

WHEREAS, the expenses prior to the Convention, namely \$113,642.45, which included expenses of election, were in excess of the estimate therefor in the amount of approximately \$30,000.00; and

WHEREAS, it appears that the cost of the Convention will result in a minimum deficit on its 60th day in excess of \$24,000.00; now, therefore,

BE IT RESOLVED by the Delegates of the Hawaii State Constitutional Convention of 1950, that this Convention request the Governor of Hawaii to make available to the Convention the amount of \$30,000.00 from the appropriation made for the 1949-51 Biennium under "Governor's Contingent Fund" it being understood that any unexpended moneys therefrom will be returned to the Fund upon the payment of all obligations of this Convention.

#### RESOLUTION NO. 41

BE IT RESOLVED that the sincere appreciation of the delegates to the Constitutional Convention of Hawaii be shown, by this Resolution, to the Honorable Governor Ingram M. Stainback for his consideration in making available to the Convention sufficient additional funds as requested by Resolution No. 40 of this Convention to enable it to fulfill its obligations to the people of Hawaii in drafting their new constitution; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to Governor Ingram M. Stainback.

#### RESOLUTION NO. 42

WHEREAS, in the wake of the disastrous volcanic eruption in South Kona, County of Hawaii, approximately 150 persons suffered loss of their homes and their property; and

WHEREAS, these people, unless they are relocated on land similar to that they lost and with suitable housing will face a life of poverty, want and affliction; and

WHEREAS, it is incumbent upon the Territory of Hawaii that efforts should immediately be made to rehabilitate these people;

BE IT RESOLVED that this Convention go on record recommending to the Public Lands Department, the Hawaiian Homes Commission, the Governor and other officers of the Territory that plans be expeditiously promulgated to provide for this emergency and that necessary lands be made available by transfer, purchase or otherwise, of equivalent value and usage as those destroyed by said eruption; and

BE IT FURTHER RESOLVED that every other effort permissible under the statutes of the Territory be made to secure to these victims of this disaster such aid and comfort as is possible; and

BE IT FURTHER RESOLVED that the Governor is urged to appropriate the sum of \$100,000 from his contingency fund to provide for the rehabilitation of the victims of the volcanic eruption; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Governor, the Commissioner of

Public Lands, the executive director of the Hawaiian Homes Commission, the President of the United States and the Secretary of the Interior.

**RESOLUTION NO. 43**

WHEREAS, Death has written the last chapter in the mortal life of Joseph G. Andrews, a native son of Hawaii, and a member of the House of Representatives of the Territorial Legislature from the First District, Island of Hawaii, during all of the regular and special sessions of the Legislature from 1943 through 1949; and

WHEREAS, Joseph G. Andrews spent the entire 61 years of his life in his native land, interesting himself in civic and political affairs of the Territory; and

WHEREAS, the Delegates to the Hawaii State Constitutional Convention of 1950 do regret the passing of this loyal American citizen of Hawaii; now, therefore,

BE IT RESOLVED by the members of the Hawaii State Constitutional Convention of 1950 here assembled this 15th day of June, 1950, that they do express their sympathy to the family of the late Joseph G. Andrews in the loss of their loved one; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be transmitted to the family of the late Joseph G. Andrews.

**RESOLUTION NO. 44**

WHEREAS, the issuing of stamps and minting of coins in commemoration of historic events is a practice long established in the United States of America; and

WHEREAS, the admittance of the State of Hawaii to the federal Union will be an event of both national and international importance, now, therefore,

BE IT RESOLVED by the Constitutional Convention of Hawaii of 1950, that the Postmaster General of the United States, upon the admission of Hawaii as a state of the Union, is respectfully requested to cause a 6-cent air mail stamp to be designed, embodying therein the Seal of the State of Hawaii, and to issue said stamps in commemoration of the admission of Hawaii into the federal Union; and

BE IT FURTHER RESOLVED that the Secretary of Treasury of the United States is respectfully requested, upon the admission of Hawaii as a state of the Union, to cause a 50-cent coin to be designed, embodying thereon the proposed Seal of the State of Hawaii and other appropriate designs, and to have said coin struck and issued in commemoration of the admission of Hawaii into the federal Union; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the President of the United States, the Secretary of Treasury of the United States, Postmaster General of the United States, the President of the Senate, the Speaker of the House of the Congress of the United States and to the Delegate to the Congress from Hawaii.

**RESOLUTION NO. 45**

BE IT RESOLVED by the Constitutional Convention of Hawaii of 1950 that the first legislature to convene under the constitution drafted by this convention is hereby requested and urged to adopt a bill in substantially the following form, to wit:

*AN ACT TO PROVIDE A GREAT SEAL  
FOR THE STATE OF HAWAII*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The Great Seal of the State of Hawaii shall be circular in shape, two and three-fourths inches in diameter, and of the design hereinbelow attached; being more particularly described, with the tinctures as a basis for the Coat-of-Arms, as follows:

Arms: An heraldic shield which is quarterly; first and fourth, stripes of the Hawaiian banner; second and third, on field or (1) a ball argent (2) pierced on staff sable, surtout; an escutcheon vert (3), on which a mullet (4) or (1), in fesse (5).

Supporters: On the dexter (6) side, Kamehameha I, statant, attitude as represented by sketch with palm of outstretched hand turned down; left hand holding spear; cloak and helmet or (1); figure proper (7). Sinister (8), Goddess of Liberty, wearing a Phrygian cap and with a laurel wreath in dexter hand, (6), and holding in sinister (8) hand the Hawaiian banner, partly unfurled.

Crest: A series of 23 (9) irradiating rays or (1);

Motto: "Ua mau ke ea o ka aina i ka pono" escroll (11), lettering or (1);

Further accessories: Below the shield, the bird Phoenix (12) overt (13), issuant from flames, body sable (14), wings half or (1), half murrey (15); Circular border, centered above with STATE OF HAWAII, lettering or (1), centered below, lettering or (1) 1950 (16). To either side of numerals, five blocks, each containing a symbol sable (14) as indicated in sketch (a) sugar, (b) pineapple, (c) flowers, (d) coffee and small fruit, (e) cattle, (f) fish, (g) coconut, calabash, kukui, (h) banana, (i) taro, (j) hala.

SECTION 2. This Act shall take effect upon its approval.

and

BE IT FURTHER RESOLVED that certified copies of this Resolution be given for safekeeping to the President and Secretary of this Convention, to be transmitted by them to the presiding officers of the respective houses of the first legislature to convene under the constitution of the State of Hawaii.

**RESOLUTION NO. 46**

WHEREAS, the Republic of Korea was brought into being under the auspices of the United Nations and the United States on August 15, 1948; and

WHEREAS, in its first few years of existence, the new Republic has been subjected to armed aggression and invasion by totalitarian communist forces from the north; and

WHEREAS, the United States is committed to a policy of promoting international peace and aiding democratic peoples; and

WHEREAS, in keeping with such policy, the President of the United States has authorized the use of the military forces of the United States to support the Republic in repelling the invaders and restoring peace in the embattled land; and

WHEREAS, the people of the Territory have strong sympathies for the people of the Republic; now, therefore,

BE IT RESOLVED by the Hawaii State Constitutional Convention of 1950 that the action of the President of the



United States in supporting the Republic of Korea be unequivocally commended and endorsed and that the continuance of adequate military aid be strongly urged; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the President of the United States, the Secretary of State, Secretary of Defense, Secretary of the Interior and the Delegate to the Congress of the United States from Hawaii.

#### RESOLUTION NO. 47

WHEREAS, Wood, King & Dawson, Attorneys and counselors at law, New York City, have for many years ably served as bond counselors for the Territory of Hawaii and its several political subdivisions,

WHEREAS, Wood, King & Dawson have evidenced their loyalty to and Aloha for Hawaii by offering their services and advices, without charge, to the Constitutional Convention for the State of Hawaii,

WHEREAS, Wood, King & Dawson have made valuable suggestions which have been incorporated in the Constitutional Article on Taxation and Finance, particularly in the section thereof on Debt Limitations, now, therefore,

BE IT RESOLVED by the delegates of the Hawaii State Constitutional Convention of 1950 here assembled this 10th day of July, A. D. 1950, that they do by this means record their sincere appreciation to Wood, King & Dawson for their valuable contributions, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be transmitted to Wood, King & Dawson.

#### RESOLUTION NO. 48

WHEREAS, throughout the sessions of the Constitutional Convention, representatives of the press have been in constant attendance; and

WHEREAS, the newspaper articles prepared by such press have given wide coverage to the work of the Convention and have been characterized by a high degree of accuracy of reporting; and

WHEREAS, such newspaper articles have provided an invaluable means in informing the people of Hawaii of the work of this Convention; now, therefore,

BE IT RESOLVED that the Delegates of the Constitutional Convention of Hawaii of 1950 do hereby express their appreciation for the excellent reporting of the work of this Convention; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be delivered to press representatives in attendance at this Convention.

#### RESOLUTION NO. 49

WHEREAS, the Constitutional Convention of Hawaii, through the Committee on Submission and Information, has disseminated weekly reports to the people of the Territory of Hawaii; and

WHEREAS, the Committee on Submission and Information requested that free radio time be donated by radio stations KGU, KGMB and KULA for the purpose of informing the public of the progress of the Constitutional Convention; and

WHEREAS, radio stations KGU, KGMB and KULA were most generous and cooperative in donating free radio time for the aforesaid purpose, whereby the people of Hawaii were kept informed of the work of this Convention; now, therefore,

BE IT RESOLVED by the delegates to the Constitutional Convention of Hawaii of 1950 that this means is hereby taken to record sincere appreciation to radio stations KGU, KGMB and KULA for their generous contributions of free radio time to the Committee on Submission and Information; and

BE IT FURTHER RESOLVED that copies of this Resolution be sent to the aforesaid radio stations.

#### RESOLUTION NO. 50

WHEREAS, the Legislative Reference Bureau, by Resolution No. 13 of this Constitutional Convention, was requested to make available to the Delegates its research facilities and reference materials; and

WHEREAS, the Legislative Reference Bureau has most expeditiously and earnestly fulfilled that request; and

WHEREAS, the members of the staff of the Legislative Reference Bureau have been untiring in their efforts to provide the Delegates with factual data necessary for the proper drafting of the Constitution; and

WHEREAS, the Legislative Reference Bureau anticipated the need for constitutional reference materials and assumed leadership over the past three years in accumulating and compiling such materials; and

WHEREAS, the "Manual on State Constitutional Provisions," prepared for this Constitutional Convention by the Legislative Reference Bureau, a partial result of that extended research, has been most helpful to the delegates; now, therefore,

BE IT RESOLVED that the sincere appreciation of the Delegates to this Constitutional Convention be extended to the Director and to the members of the staff of the Legislative Reference Bureau for the services performed so excellently by them; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the President of the University of Hawaii and to the Director of the Legislative Reference Bureau.

#### RESOLUTION NO. 51

WHEREAS, the Hawaii National Guard has been most cooperative in making available certain facilities at the Armory for the use of the Constitutional Convention of Hawaii of 1950; now, therefore,

BE IT RESOLVED by the delegates to the Constitutional Convention of Hawaii of 1950 that this means is taken to record their sincere appreciation to the Hawaii National Guard for the cooperation extended to the Constitutional Convention of Hawaii of 1950; and

BE IT FURTHER RESOLVED that a duly certified copy of this Resolution be sent to the Adjutant General of the Hawaii National Guard, Brigadier General Fred W. Makinney.

**RESOLUTION NO. 52**

WHEREAS, the employees of the Constitutional Convention of Hawaii of 1950 have performed their duties in a most capable and efficient manner; and

WHEREAS, our employees by their untiring efforts and unstinting cooperation have expedited the work of the Convention; and

WHEREAS, our employees have devoted many long hours in the faithful discharge of their duties; now, therefore,

BE IT RESOLVED that we, the delegates in Convention assembled do take this means to record our sincere appreciation and thanks to all our employees for the splendid manner in which they carried out their assignments.

**RESOLUTION NO. 53**

WHEREAS, the Constitution drafted by this Convention is an integrated document, whose various parts are related to the whole; and

WHEREAS, under provisions of Act 334 of the regular Session Laws of Hawaii 1949, this Constitution may be considered by the territorial legislature, which may suggest alternative or additional provisions; and

WHEREAS, the Rules of the Convention require that it agree upon the manner of submission of the Constitution; now, therefore,

BE IT RESOLVED by the Constitutional Convention of Hawaii of 1950 that the Constitution, as approved in final form by this Convention, be submitted to the people for adoption or rejection as a whole; and

BE IT FURTHER RESOLVED that it is the sense of this Convention that alternative proposals, if any, suggested by the legislature also be presented to the people as a whole, so that the electorate may choose between such draft if any and that prepared by this Convention.

BE IT FURTHER RESOLVED that certified copies of this resolution be transmitted by the President or by the Secretary of this Convention to the Governor of the Territory of Hawaii and to the presiding officers of the respective houses of the territorial legislature at the opening of such session at which the Constitution drawn by the Convention may be considered.

**RESOLUTION NO. 54**

WHEREAS, H. R. 49, of the 81st Congress of the United States, entitled "An Act to enable the people of Hawaii to form a constitution and State government and to be admitted into the Union on an equal footing with the original States," has passed the House of Representatives; and

WHEREAS, said bill has been favorably reported by the Senate Committee on Interior and Insular Affairs and is now on the Senate calendar; and

WHEREAS, favorable action by the House and by the Senate committee demonstrates that both of these bodies deem that Hawaii has met the requisite qualifications for statehood; and

WHEREAS, the people of Hawaii have shown by every possible means their ardent desire to become a State, and to help achieve that goal have elected this Constitutional Convention; and

WHEREAS, this Constitutional Convention has completed its work of drafting a Constitution for the State of Hawaii, meeting the appropriate requirements of H. R. 49; now, therefore,

BE IT RESOLVED by the Constitutional Convention of Hawaii of 1950, that the Senate of the United States be urgently requested to take up the question of Statehood for Hawaii before adjournment of the present session of Congress and to act favorably on H. R. 49; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be sent to the President of the United States; the President of the Senate; Senator Scott C. Lucas, Majority Leader of the Senate; Senator Joseph C. O'Mahoney, Chairman of the Committee on Interior and Insular Affairs; Senator Robert A. Taft; Senator Kenneth S. Wherry, Minority Leader of the Senate; the Secretary of the Interior; and to Delegate Joseph R. Farrington.

**RESOLUTION NO. 55**

BE IT RESOLVED by the Hawaii State Constitutional Convention of 1950 that the President of the Convention be and he is hereby authorized to appoint a committee of such number as he may determine, with authority to confer with the Congress, or any appropriate committee thereof, with regard to the provisions of clause "seventh" of Section 2, H. R. 49, 81st Congress, Second Session, reported June 29, 1950, by the Senate Committee on Interior and Insular Affairs (Report No. 1928), and any other provisions of H. R. 49.

## 2. Standing Committee Reports

**STANDING COMMITTEE REPORT NO. 1**

Your Committee on Rules and Order of Business to which was referred Misc. Com. No. 5 communication of Herbert M. Richards, Chairman of the Committee on Agriculture, Conservation and Land, dated April 11, 1950, begs leave to report that it has acted favorably upon the request that the members of the Committee on Agriculture, Conservation and Land be increased from 11 to 15.

Accordingly it is the recommendation of this Committee that sub-section 10, of Rule 17, of the Rules of the Consti-

tutional Convention of Hawaii, be amended to read as follows:

Committee on Agriculture and Land, 15 members.

—April 28, 1950

Cable A. Wirtz, Chairman

**STANDING COMMITTEE REPORT NO. 2**

Your Committee on Submission and Information begs leave to submit the following report:

After due and careful consideration, your Committee recommends that a weekly summary of the work of this Convention be prepared by your Committee on Submission and Information and made available to the public through news releases to the press, radio and to such organized groups as may request copies of same.

It is the unanimous recommendation of your Committee on Submission and Information that it be authorized to proceed forthwith with such a program. No expenditure of funds is anticipated beyond the services of the Convention staff.—April 19, 1950

Randolph Crossley,  
Chairman  
Arthur K. Trask  
C. E. Kauhane  
Hebden Porteus  
Harold S. Roberts  
Arthur D. Woolaway

J. Garner Anthony  
Marguerite K. Ashford  
Hiram L. Fong  
Nils P. Larsen  
Richard J. Lyman, Jr.  
Charles A. Rice  
Thos. T. Sakakihara

### STANDING COMMITTEE REPORT NO. 3

Your Committee on Accounts begs leave to submit its reports on the financial status of the Convention:

It should be noted that no special funds have been set up to care for the post-Convention work of the Committee on Submission and Information or for the publication in regular book form of the Convention Journal (or other publications). Your Committee believes such costs to be properly subjects of subsequent appropriations by the Legislature.

The Committee is of the mind that pre-Convention costs—and not Convention expenses—are in excess of the needs anticipated by the original appropriation.

Financial report is attached hereto.—April 24, 1950

Alexander Castro, Chairman

Total appropriation for elections and convention expenses as provided for in Act 334. . . . .		\$ 250,000.00
Expenses of Secretary of Hawaii for elections (See Schedule "A")		
Personal services . . . . .	\$ 47,095.77	
Other expenses . . . . .	53,883.03	
Equipment . . . . .	3,502.82	
Reserved for payroll . . . . .	1,654.03	
Outstanding bills (estimate) . . . . .	<u>8,515.20</u>	<u>114,650.85</u>
Balance of appropriation available for expenses of convention and compensation of delegates and employees . . . . .		135,349.15
Estimated convention expenses from April 1, 1950 (See Schedule "B")		
Personal services . . . . .	\$113,000.00	
Other expenses . . . . .	<u>47,400.00</u>	<u>160,400.00</u>
Estimated deficit of the convention . . . . .		\$ 25,050.85

**SCHEDULE "A"**  
**EXPENSES OF SECRETARY OF HAWAII FOR ELECTIONS**  
**AND PREPARATION FOR CONVENTION**  
*(Through March 31, 1950)*

**PERSONAL SERVICES:**

Pay of inspectors of elections, members of boards of registration, extra clerical help in offices of Secretary of Hawaii and clerks in the counties . . . . .		\$ 47,095.77
---------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--------------

**OTHER CURRENT EXPENSES:**

Public Works Department repairing voting booths . . . . .	\$ 982.59	
Stationery and office supplies . . . . .	9,650.58	
Communication service: postage and telephone . . . . .	1,185.21	
Travel expense: board and lodging, plane fare, auto hire . . . . .	2,086.04	
Transportation of things . . . . .	1,200.41	
Printing: ballots, lists of voters, etc. . . . .	23,189.38	
Advertising and publication of notices . . . . .	1,994.77	
Rents . . . . .	800.00	
Special and miscellaneous current expenses . . . . .	12,625.88	
Motor vehicles—upkeep . . . . .	<u>168.17</u>	<u>53,883.03</u>

**EQUIPMENT:**

Ballot boxes, tablets, booths . . . . .		3,502.82
-----------------------------------------	--	----------

RESERVED FOR PAYROLL . . . . .		1,654.03
--------------------------------	--	----------

OUTSTANDING BILLS (estimate) . . . . .		<u>8,515.20</u>
----------------------------------------	--	-----------------

TOTAL EXPENDITURES PAID . . . . .		<u><u>\$114,650.85</u></u>
-----------------------------------	--	----------------------------

**SCHEDULE "B"**  
**ESTIMATED CONVENTION EXPENSES FROM APRIL 1, 1950**  
*(All Items Figured on a 70-Day Session)*

**PERSONAL SERVICES:**

Delegates' pay .....	\$ 63,000.00	
Employees' pay .....	50,000.00	\$113,000.00

**OTHER EXPENSES:**

Delegates' Mileage .....	\$ 2,000.00	
Stationery and supplies .....	15,000.00	
Communications .....	3,000.00	
Repairs and alterations .....	5,000.00	
Printing and binding .....	6,000.00	
Equipment rental .....	3,000.00	
Public address system .....	7,500.00	
Rent - National Guard Armory .....	2,200.00	
Recording system .....	700.00	
Special purchases .....	1,000.00	
Special services .....	2,000.00	47,400.00

ESTIMATED TOTAL EXPENDITURES ..... \$160,400.00

**STANDING COMMITTEE REPORT NO. 4**

Your Committee on Accounts begs leave to report on Resolution No. 20, referred to it, which relates to authorizing Delegates from islands other than Oahu to hold public hearings from time to time within their home areas upon subjects being considered by the Convention.

Because the Resolution seeks only the cloak of authority and not the expenditure of funds the Committee believes that the Resolution does not come within its cognizance, but should be referred to the Committee on Rules and Order of Business. -April 24, 1950

Alexander Castro, Chairman

**STANDING COMMITTEE REPORT NO. 5**

Your Committee on Accounts begs leave to report on Resolution No. 12 and Resolution No. 26, both referred to it and both requesting that individual copies of Cushing's *Manual on Parliamentary Procedure* and Roberts' *Rules of Order* be supplied each Delegate at this Convention.

The Committee recommends that these requests be denied for the following reasons:

1. Because the Convention already faces a substantial deficit, only items which are absolutely essential to the work of this Convention should be approved by this Committee.
2. The Rules of the Convention provide an adequate guide for conduct of the business which will come before it.
3. Twelve copies of Cushing's and six copies of Roberts' have already been purchased and have been available at the Legislative Reference Bureau Library in the Armory for more than a week, and only one copy has been checked out during this time.
4. It occurs to the Chairman that the debates of the Convention to date indicate such extensive knowledge of Parliamentary procedure on the part of the leaders of these debates that a request for Cushing's would not be nearly so practical as a request for cushions. -April 24, 1950

Alexander Castro, Chairman

**STANDING COMMITTEE REPORT NO. 6**

Your Committee on Taxation and Finance, to which was referred Misc. Com. No. 32, from The Hawaii Education Association, enclosing a report on provisions on taxation and finance in the proposed constitution, begs leave to report as follows:

A great many of the provisions contained in this communication were taken from the Model State Constitution and have been considered by your Committee.

Your Committee recommends that Misc. Com. No. 32 be placed on file and that the President of the Convention express appreciation to the Hawaii Education Association for their report. -April 26, 1950

Henry A. White,  
 Chairman  
 Harold W. Rice,  
 Vice-Chairman  
 Chas. A. Rice  
 Arthur D. Woolaway  
 Masao Kanemaru

John K. Lai  
 Jack H. Mizuha  
 Alexander Castro  
 Herbert M. Richards  
 Frank Y. Kam  
 Sakuichi Sakai  
 James K. Yamamoto  
 C. Nils Tavares

**STANDING COMMITTEE REPORT NO. 7**

Your Committee on Rules and Order of Business begs leave to report on Res. No. 20 referred to it by Standing Com. Rpt. No. 4.

The Committee believes that the purpose of Res. No. 20 in extending public hearings beyond the confines of the Convention Hall can best be accomplished through the control of the various Standing Committees. Accordingly the Committee recommends that Res. No. 20 be amended to read as follows:

BE IT RESOLVED by the Delegates to the Constitutional Convention of Hawaii here assembled, that the several Standing Committees are hereby authorized to hold public hearings on the several islands without incurring expense to the Convention and for this purpose to designate members thereof to preside at public hear-

ings held away from the Convention Hall and to report results.

As so amended, your Committee recommends the adoption of the Resolution. —April 28, 1950

Cable A. Wirtz, Chairman	Trude M. Akau
Masao Kanemaru, Vice-Chairman	Samuel K. Apoliona, Jr. Nelson K. Doi Toshio Serizawa

#### STANDING COMMITTEE REPORT NO. 8

Your Committee on Miscellaneous Matters to which was referred Res. No. 32, requesting that the Convention go on record as officially endorsing "National Boys' and Girls' Week," begs leave to report as follows:

Your Committee is in full accord with the provisions of this Resolution and accordingly recommends its adoption.

—April 28, 1950

Takao Yamauchi, Chairman	W. O. Smith
George Dowson, Vice-Chairman	Masao Kanemaru
Kazuo Kage	Teruo Ihara Samuel K. Apoliona, Jr. H. S. Kawakami John Phillips

#### STANDING COMMITTEE REPORT NO. 9

Your Committee on Bill of Rights to which was referred Proposal No. 28 relating to Equal Rights begs leave to report as follows:

After considering this proposal, your Committee feels that it should be referred to the Committee on Miscellaneous Matters for its consideration and study and, therefore, recommends that it be so referred. —April 28, 1950

Jack H. Mizuha, Chairman	Nils P. Larsen
W. O. Smith	J. Pia Cockett
Frank C. Luiz	E. B. Holroyde
Earl A. Nielsen	James K. Trask
H. S. Kawakami	Katsumi Kometani E. C. Bryan

#### STANDING COMMITTEE REPORT NO. 10

Your Committee on the Hawaiian Homes Commission Act, to which was referred Petition No. 4 from 122 citizens and voters of the Territory of Hawaii from the Hamakua District requesting the deletion of the provisions of the Hawaiian Homes Commission Act, 1920, as amended, from the basic law of the Territory when drafting the local constitution, begs leave to submit the following report:

After due and careful consideration, your Committee feels that it is most important to hold public hearings as requested by the petitioners.

It is the unanimous recommendation of your Committee that this request for public hearings to be held in different parts of the Territory be referred to the Committee on Accounts. —May 1, 1950

Flora K. Hayes, Chairman	James F. Gilliland
J. Pia Cockett, Vice-Chairman	Peter Kawahara Richard Lyman, Jr. A. K. Trask Samuel K. Apoliona, Jr.

#### STANDING COMMITTEE REPORT NO. 11

Your Committee on Bill of Rights to which was referred Proposal No. 17, relating to Women on Juries, begs leave to report as follows:

After considering this proposal, your Committee feels that it should be referred to the Committee on Judiciary for its consideration and study and, therefore, recommends that it be so referred. —May 2, 1950

J. H. Mizuha, Chairman	Katsumi Kometani
W. O. Smith	Elizabeth R. Kellerman
J. Pia Cockett	E. B. Holroyde
E. C. Bryan	Nils P. Larsen
James K. Trask	H. S. Kawakami Frank C. Luiz Earl A. Nielsen

#### STANDING COMMITTEE REPORT NO. 12

Your Committee on Accounts, to which was referred Petition No. 4 and Standing Com. Rpt. No. 10, begs leave to report as follows:

Standing Com. Rpt. No. 10 is a recommendation of the Committee on the Hawaiian Homes Commission Act that it be authorized to hold public hearings in different parts of the Territory. The proposed itinerary of the Committee is as follows:

Thursday, May 11, Keaukaha, Hawaii, 7:30 o'clock p.m.  
Friday, May 12, Honokaa, Hawaii, 1:00 o'clock p.m.  
Waimea, Hawaii, 7:30 o'clock p.m.  
Saturday, May 13, Hoolehua, Molokai, 7:30 o'clock p.m.

The proposed hearings would be held by five committee members and one clerk.

After considering this recommendation, your Committee feels that it should be approved for the following reasons:

1. Because of the controversy which has arisen over this important subject, your committee believes there is justification in holding public hearings in the areas where the concern of the people is greatest.

2. The nature of the question is such that a consensus of the people affected is of great value to the Delegates who will be called upon to report to this Convention.

Accordingly, your Committee on Accounts recommends that this Convention pay the cost of transportation for five members of the Committee on the Hawaiian Homes Commission Act and one clerk, in accordance with the itinerary outlined above. —May 4, 1950

Alexander Castro, Chairman	Ann H. Corbett
Harold T. Kido, Vice-Chairman	James K. Yamamoto

#### STANDING COMMITTEE REPORT NO. 13

Your Committee on Executive Powers and Functions, to which was referred Proposal 94 relating to executive powers and functions, begs leave to report as follows:

After due and careful consideration, your committee feels that this proposal should be referred to the Committee on Local Government for consideration and study and, therefore, recommends that it be so referred. —May 4, 1950

Tom T. Okino, Chairman	Frederick Ohrt, Vice-Chairman
---------------------------	----------------------------------

John K. Lai	Kazuo Kage
Richard J. Lyman, Jr.	Katsumi Kometani
Yasutaka Fukushima	W. Harold Loper
Teruo Ihara	Richard St. Sure

**STANDING COMMITTEE REPORT NO. 14**

Your Committee on Rules and Order of Business to which was referred Res. No. 34 begs leave to report as follows:

Your Committee believes that the purpose of Res. No. 34 can best be accomplished under Rule 56 without the necessity of further amendment.

Accordingly your committee recommends that said Res. be amended to read:

BE IT RESOLVED by the Constitutional Convention of Hawaii of 1950 that, pursuant to Rule 56, no proposals shall be introduced, except by a committee, after May 19, 1950.

As so amended, your Committee recommends its adoption.—*May 10, 1950*

Cable A. Wirtz, Chairman	Trude M. Akau Toshio Serizawa
Masao Kanemaru, Vice-Chairman	Wm. H. Heen Garner Anthony
Samuel K. Apoliona, Jr.	Nelson K. Doi

**STANDING COMMITTEE REPORT NO. 15**

Your Committee on Rules and Order of Business to which was referred Res. No. 35 begs leave to report that said resolution be amended to read as follows:

BE IT RESOLVED by the Constitutional Convention of Hawaii of 1950, that not later than May 26, 1950, each General Standing Committee, except the Committee on Style and the Committee on Submission and Information, shall submit to the Convention its final report or reports in writing of the results of its deliberations; provided, however, the Convention may extend the time.

As so amended, your committee recommends its adoption.—*May 16, 1950*

Cable A. Wirtz, Chairman	Charles H. Silva Nelson K. Doi
Masao Kanemaru, Vice-Chairman	Samuel K. Apoliona, Jr. Trude M. Akau
Toshio Serizawa	Wm. H. Heen

**STANDING COMMITTEE REPORT NO. 16**

Your Committee on Health and Public Welfare was composed of the following 11 members: Trude M. Akau, Ann H. Corbett, George Dowson, Teruo Ihara, Frank Y. Kam, H. S. Kawakami, Nils P. Larsen, Harold S. Roberts, Richard St. Sure, Benjamin O. Wist, and James K. Yamamoto.

The experiences and education of these members represent an excellent cross section of this community. During all the meetings, we also had present one or more guest delegates.

The following proposals were received and considered by this Committee:

Proposal No. 19, "Providing for the Conservation of Natural Beauty, Historic Monuments, Sightliness, and Physical Good Order of the State of Hawaii."

Proposal No. 60, "Relating to Slum Clearance, Rehabilitation and Housing."

Proposal No. 90, "Relating to Historical Memorials and Monuments—Acquisition of Property."

Proposal No. 99, "Relating to Health and Public Welfare."

Proposal No. 122, "Relating to Health, Safety and General Welfare."

Proposal No. 126, "Relating to Public Health."

The content of each proposal was accepted and incorporated or changed as suggested below.

Nos. 19 and 90; regarding historic monuments, parks, etc. The content of these two proposals were incorporated in Section "E". Section "E" does not mention specifically the acquisition nor the reasonable regulation and control of private property for these purposes. The idea, however, is incorporated in the 'conserve and develop' clause of the section and the committee believes it should be left to the legislature, to determine more specifically how it should be done.

No. 60 is incorporated in Section "D".

No. 99 was accepted, but modified in the more concise form in Section "F".

Nos. 122 and 126. The question of limiting the health and welfare section to a bare minimum of words was discussed at length. The committee, after considerable deliberation and after realizing that Hawaii was already functioning in the five broad fields indicated, believed, in line with the constitutional practices of other states, that Hawaii should indicate its practices in the health field and preserve the advances made as a basic constitutional concept. It was, therefore, believed to the best interest of our constitution not to incorporate proposals 122 and 126.

The committee held 14 meetings, usually of two hours duration and participated in by all members present and frequently also by guest delegates.

The committee held one public hearing at which over a hundred people were present and at which representatives from the following organizations presented their views: Archives, American Society of Civil Engineers, American Red Cross, Hawaii Chapter, American Institute of Architects, Board of Health, Board of Water Supply, Board of Public Parks & Recreation, Bureau of the Budget, Child & Family Welfare Service, Department of Public Welfare, Department of Public Instruction, Hawaiian Pineapple Co., Hawaiian Electric Co., Medical Society, Mental Hygiene Society of the Territory of Hawaii, Outdoor Circle, Queen's Hospital, Social Service Bureau, and Territorial Hospital.

The Committee Chairman also met with representatives of the Outdoor Circle, the Parks Board, the Engineer's Society, the Architectural Society, and the Academy of Arts. These organizations were particularly interested in Sections "D" and "E", and were anxious to preserve the wording of public sightliness and good order. The committee finally removed this wording from Section "E", but believed it might well be retained in the title, since the concept is a basic one in maintaining an acceptable modern community. Besides this, the following citizens were asked to present their views before the Committee either individually or at the Public Hearing: Mr. John Akau, Veteran's Housing; Mrs. Alice Spalding Bowen, Outdoor Circle; Mr. Clinton Childs, Ret. Head, Alexander Settlement; Miss Margaret Catton, Social Service; Dr. Richard Durant, Medical Society; Mrs. Walter F. Dillingham, Parks Board; Mr. Carl Flath,

Business Administrator, Queen's Hosp.; Mr. M. G. Fox, Acting Director, Dept. of Public Welfare; Dr. F. L. Giles, Hawaii Terr. Medical Society; Dr. Marcus Guensberg, Territorial Hosp.; Mr. George Houghtailing, Director, City Planning Comm.; Mrs. Margaret D. Hackfield, Mental Hygiene Society; Mrs. Ellen S. Kahanu, Child & Family Service; Mr. Paul K. Miho, Social Welfare Assn. of Hawaii; Dr. Thomas Mossman, Head City & County Physician; Mr. Ted Nobriga, Director of Recreation; Dr. Forrest Pinkerton, Medical Society; Mr. Alfred Preis, American Institute of Architects; Mr. Tsuneo Tajima, Chairman, Legislative Com. of the local chapter, Social Workers; Mr. Thomas Vance, Director of Institutions; and Dr. Charles Wilbar, President, Board of Health.

The committee has also received lengthy communications from Mr. A. A. Guild, Executive Director, Hawaii Housing Authority. These reports are on file for the information of anyone interested, and are made part of the Constitutional report.

The Committee heard from many well qualified citizens from various fields related to the subjects under discussion.

Twelve publications from the Chamber of Commerce were received and placed on file for the use of the members of the Committee. These were developed by the post-war health committee of the Chamber. The Legislative Reference Bureau was used frequently for source material.

The Committee unanimously agreed that a State Constitution should indicate the concept of the type of health and welfare assistance that should be undertaken as far as our present enlightenment permits.

In describing these functions of government in relation to health and welfare, they tried to make the recommendations very general and to avoid all statutory clauses. They made them as concise as possible without losing content.

The Committee accepted the principle of Graves (1) "The work might be viewed as charting the way, as indicating the desirable lines of development in state constitutions."

They also agreed with Meller's (2) suggestion; "We must independently plan and erect our own constitutional structure, referring to the experience of other states as well as taking cognizance of Hawaii's own requirements and shaping our constitution to conform to these indigenous needs."

Meller also commented on the fact that one purpose of a constitution is to focus attention on the subjects with which it deals. And he adds, "Here in Hawaii, the Organic Act will provide the same functions, but to a more limited extent." He added that for various reasons this will "preclude sole reliance upon the Organic Act as furnishing the entire gamut of subjects for consideration in shaping Hawaii's constitution."

The sections, (sentences really) which we recommend, cover five distinct, but separate areas of activity which are usually accepted as a state responsibility in conserving and developing natural and human resources. These are well within Graves' definition, i.e. "the provisions are brief, they will be flexible and elastic, susceptible to adaptation to the changing needs of the people in a rapidly changing society."

The committee believes also that the function of a state constitution is to indicate these activities in this way rather than in the few words of the National Constitution, i.e. "The Congress shall have power to provide for . . . general welfare of the United States."

As this constitution is read in the various states, this committee believes it is important to indicate that Hawaii has adopted the generally accepted principles relating to the health and general welfare of its people. It is in this field one usually finds the first indication of the "Welfare State" or better termed "poor house" state philosophy which tends

to take from the people the sense of responsibility that is necessary in developing a strong government. The recommended six sentences we submit are necessary and basic in indicating the states' responsibility in health and welfare, but so worded that it leaves to the legislature the implementation of this concept, without hampering restrictions or mandating commands. How little or how much the state will do depends on the peoples' desire as expressed through the legislature. We recognize that (1) "A given constitution is good or bad, according to whether it encourages or impedes the body politic in its efforts to make those adjustments to changing social, economic, and political conditions, which are indicated by the application of reason and intelligence to the problems of modern society." We are also in full agreement with Justice Cardozo's statement, (3) "A Constitution should attempt to state principles of government for an expanding future." This is not accomplished under the simple clause statement of "protection and promotion of public health" etc.

We therefore present for your consideration, the following six sections.

(A) SECTION \_\_\_\_\_. Public Health. The state shall be responsible for the protection and promotion of the public health including preventive measures for all its inhabitant

This section includes all the functions usually covered by a State Board of Health. It is assumed that the state legislature will determine the form of organization which should be used to carry on this function.

(B) SECTION \_\_\_\_\_. General Welfare. The state shall have the power to make adequate provision for the development of preventive measures for treatment and rehabilitation as well as domiciliary care for mentally and physically handicapped persons who are unable to provide such care.

That this has been a policy in Hawaii for many years was indicated when Kamehameha IV urged his parliament to pass legislation to care for the sick in the country. His feeling of personal responsibility as head of the government is indicated in his words; "After all, the destitute and the sick are our brothers and sisters—our lot happier for the time being, but our liability to want and suffering the same. Society makes distinctions broad enough, but strip us of our artificial robes and we are one and all equally naked and equally exposed to the keen winds of want and the torments of disease."

This section denotes that in the care of its handicapped, in line with present day knowledge, confining these unfortunate in an institution is not sufficient since the majority of them, by treatment, can be rehabilitated, sometimes without the need of hospitalization. Hence, the suggestion of preventive measures is made so that hospitalization may not become necessary. It will also be noted that such care at state expense should only be for those people who are unable to provide it. This is in keeping with the general philosophy of a free enterprise state that those who are able to take care of themselves should do so and not be dependent on the state.

(C) SECTION \_\_\_\_\_. Social Security. The state shall be authorized to make provisions for persons unable to maintain a standard of living compatible with decency and health, in such manner and by such means as may be prescribed by law.

This section refers to the care of all these persons, at present, depending upon the welfare department, and is meant to exclude those who are able to care for themselves.

Kamehameha IV expressed it even in his day as follows: "Never close your doors to the hungry through sickness, misfortune or wrongs caused by others, but never help those who are too lazy to help themselves."

(D) SECTION \_\_\_\_\_. Slum Clearance, Rehabilitation and Housing. The state and its political subdivisions may provide for or assist in slum clearance and rehabilitation of substandard areas including housing for persons of low income.

The purpose of this section is to give recognition to the fact that the slums of all crowded areas in the world are the source of much illness, crime and juvenile delinquency, all three of which we consider a disease of the political body.

This is indicated by a quote from the annals of the American Academy of Political and Social Science (3): "Improvement of housing conditions . . . primarily for the counteraction of overcrowding are of vital importance to the community." And again, "The worst overcrowding affects the very persons for whom the risks of suffering physical and physical damages through bad housing conditions are greatest, namely, small and adolescent children." And to call attention to the fact that this is a real problem in Hawaii, I quote from Lewis Mumford's (4) book on "City Development"; "The slums themselves (in Honolulu) are among the filthiest, the most overcrowded, and the most degraded in the world; that they are not even viler, when the physical conditions are considered, is a tribute to the personalities of their inhabitants."

There are those in each community who, for some reason or other, are unable to earn the rent for quarters available at current rates. These people tend, therefore, to live in more and more crowded conditions and in more and more dilapidated houses. For the protection of the majority of the people as well as for those unable to provide adequate housing, it is necessary for the state to help in the building of such needed quarters. It is, therefore, imperative to allow for the development of legislation to eliminate the environment that breeds emotional and physical disease.

(E) SECTION \_\_\_\_\_. Public Sightliness and Good Order. The state shall have the power to conserve and develop objects and places of historic and cultural interest and the natural beauty, parks, public highways and beaches.

In order to maintain the proper health of a people, it is necessary that they shall have available to them parks, playgrounds, and beaches where everyone may obtain fresh air, sunshine and the opportunity for recreation. Parks, playgrounds, and public beaches are necessary in maintaining the health and well-being of the people. One purpose of this section is to emphasize that public sightliness is basic to the total health program of the community.

(F) SECTION \_\_\_\_\_. Powers of the State. The enumeration in this article of specified functions shall not be construed as limitations upon the powers of the state government for the good order, health, safety and general welfare of the people.

The final clause is designed to prevent the interpretation that the power of the state, in the specific areas relating to health and general welfare, is confined to the preceding five sections.

Bibliography: (1) Graves, Dr. W. Brooke, *What Should A Constitution Contain?* Monograph for N. J. Governor's Committee. (2) Meller, Norman, *A Constitution for Hawaii*. Report of Legislative Reference Bureau, Hawaii, 1949. (3) Johansson, Alf., "Social Housing Policy in

Sweden." *Annals, American Academy of Political and Social Science*, Vol. 197-1938. (4) Mumford, Lewis, *City Development*, Harcourt, Bruce & Company, N. Y., 1945.

-May 18, 1950

Nils P. Larsen,  
Chairman  
Frank Y. Kam,  
Vice-Chairman  
H. S. Kawakami  
Harold S. Roberts

Richard St. Sure  
Benjamin O. Wist  
James K. Yamamoto  
Trude M. Akau  
Ann H. Corbett  
George Dowson  
Teruo Ihara

#### COMMITTEE PROPOSAL NO. 1

#### RELATING TO HEALTH AND GENERAL WELFARE

RESOLVED, that the following be agreed upon as part of the State Constitution:

#### ARTICLE \_\_\_\_.

SECTION \_\_\_\_\_. Public Health. The state shall be responsible for the protection and promotion of the public health including preventive measures for all its inhabitants.

SECTION \_\_\_\_\_. General Welfare. The state shall have the power to make adequate provisions for the development of preventive measures for treatment and rehabilitation as well as domiciliary care for mentally and physically handicapped persons who are unable to provide such care.

SECTION \_\_\_\_\_. Social Security. The state shall be authorized to make provisions for persons unable to maintain a standard of living compatible with decency and health, in such manner and by such means as may be prescribed by law.

SECTION \_\_\_\_\_. Slum Clearance, Rehabilitation and Housing. The state and its political subdivisions may provide for or assist in slum clearance and rehabilitation of substandard areas including housing for persons of low income.

SECTION \_\_\_\_\_. Public Sightliness and Good Order. The state shall have the power to conserve and develop objects and places of historic and cultural interest and the natural beauty, parks, public highways and beaches.

SECTION \_\_\_\_\_. Powers of the State. The enumeration in this article of specified functions shall not be construed as limitations upon the powers of the state government for the good order, health, safety and general welfare of the people.

#### STANDING COMMITTEE REPORT NO. 17

Your Committee on Printing to which was referred Standing Com. Rpt. No. 16 and Committee Proposal No. 1, begs to leave to report that said Report and Proposal have this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention.—May 19, 1950

Charles H. Silva, Chairman

#### STANDING COMMITTEE REPORT NO. 18

Your Committee on Agriculture, Conservation and Land, to which was referred Proposal No. 53 entitled: "Lands to be Included in the State of Hawaii," begs leave to report as follows:

Inasmuch as the substance of this proposal is the same as Proposal 125, referred to the Committee on Miscellane-



ous Matters, which has done a substantial amount of work thereon, your committee returns herewith said proposal with the recommendation that it be referred to said Committee on Miscellaneous Matters.—*May 23, 1950*

Herbert M. Richards, Chairman	Edward B. Holroyde Teruo Ihara
Edward C. Bryan, Vice-Chairman	Harold T. Kido W. Harold Loper
Marguerite K. Ashford	Richard J. Lyman, Jr.
Alexander Castro	Earl A. Nielsen
Randolph Crossley	John R. Phillips
Flora K. Hayes	Chas. A. Rice
	James K. Trask

#### STANDING COMMITTEE REPORT NO. 19

Your Committee on Rules and Order of Business to which was referred Petition No. 22, requesting permission to present to this Convention for its consideration a draft Constitution on its approval by a duly elected and representative body of the International Longshoremen's and Warehousemen's Union, begs leave to report its recommendation that the Secretary, in acknowledging receipt of this Petition, inform the writer as follows:

1. That the right of submitting proposals resides in the delegates to the Convention only and the deadline for presenting proposals has been duly publicized and has expired as of May 20, 1950.

2. That however, it is not the policy of this Convention to preclude from the consideration of its member delegates any material relating to the Constitution for the State of Hawaii. Accordingly, if sufficient copies are filed with the document, the Secretary, if and as requested by the writer, will distribute them among the various committees of the Convention or the delegates or both.—*May 16, 1950 (sic)*

Cable A. Wirtz, Chairman	Nelson K. Doi Trude M. Akau
Masao Kanemaru, Vice-Chairman	Toshio Serizawa Samuel K. Apoliona, Jr.
Wm. H. Heen	J. Garner Anthony

#### STANDING COMMITTEE REPORT NO. 19-A

[Number supplied by editor]

Attached hereto are 18 of 19 sections proposed on Public Finance and Taxation which have received the tentative approval of the Committee on Public Finance and Taxation. Section 16—Debt Limitations—which is omitted, is now being worked on by the committee.

These proposals should not be considered as having by any means received the final approval of this committee, but are submitted at this time for the purpose of informing the other delegates of the current thinking of the Committee, and in order that we might have the benefit of comments, criticisms, suggestions and recommendations of these other delegates.

A public hearing is scheduled to be held on Thursday, May 25, 1950, at 7:30 p.m., at which time all interested persons and groups will be given an opportunity to express their views on these tentative proposals within the time available.

Your committee will then redraft the proposals to the extent necessary and will thereafter, as soon as possible, submit its final proposals to you.

It should be noted that it is not contemplated that the first four sections be included in the Constitution under the

article Public Finance and Taxation. These sections reflect the opinion of the Committee on the proper financial organization of the State and will be included in its report for the benefit of and as a guide to the legislature in defining the duties, authorities and responsibilities of the officers mentioned therein.—*May 22, 1950*

Henry A. White, Chairman	John K. Lai James K. Yamamoto
Harold W. Rice, Vice-Chairman	Arthur D. Woolaway Frank Y. Kam
C. Nils Tavares	Jack Mizuha
Herbert M. Richards	Chas. A. Rice
Sakuichi Sakai	Alexander Castro
Takao Yamauchi	Arthur K. Trask
	Masao Kanemaru

#### COMMITTEE PROPOSAL NO. 2

##### RELATING TO PUBLIC FINANCE AND TAXATION

RESOLVED, that the following be agreed upon as part of the State Constitution:

##### ARTICLE \_\_\_\_.

SECTION 1. Financial Organization. The financial organization of the state shall comprise three major divisions, headed respectively by a (1) Commissioner of Finance, (2) Treasurer and (3) Commissioner of Taxes, who shall be appointed by, and be directly responsible to, the Governor, who may remove them from office without approval of the Senate. The appointments of Treasurer and Commissioner of Taxes shall be subject to confirmation by the Senate.

SECTION 2. Commissioner of Finance. The Commissioner of Finance shall be responsible for analyzing the budgets presented by the departments, offices and agencies of the state (except public service enterprises) covering ordinary operating expenses and capital improvements proposed for the fiscal period, for consulting with the heads of the departments, offices and agencies concerning their respective budgets, for submitting his findings and recommendations to the Governor and thereafter compiling a budget for submission by the Governor to the legislature, for effecting periodic allocation of appropriated funds to departments, offices and agencies as directed by the Governor, for examining vouchers to determine the legality of expenditures before payment, for establishing accounting and purchasing policies and procedures for all departments, offices and agencies (except public service enterprises) of the state, and for such other administrative functions as may be prescribed by law.

SECTION 3. Treasurer. The Treasurer shall be responsible for the receipt, custody and disbursement of all state funds, for the sale of all state bonds authorized by law and for such other administrative functions as may be prescribed by law.

SECTION 4. Commissioner of Taxes. The Commissioner of Taxes shall be responsible for the assessment and collection of all taxes imposed by state law, provided the legislature may delegate to others this responsibility with respect to licenses and fees of departments, offices, agencies, public service enterprises or political sub-divisions. He shall also assume such other administrative functions as may be prescribed by law.

##### *Financial Control and Procedure*

SECTION 5. The Budget—Operating and Capital Expenditures. Within such period of time prior to the opening of

each regular session of the legislature as may be prescribed by law, the Governor shall submit to the legislature a budget setting forth a complete plan of proposed expenditures of all departments, offices and agencies of the state for the next ensuing fiscal period, together with all anticipated revenues. For the preparation of the budget the various departments, offices and agencies shall furnish the Governor such information, in such form, as he may require. The Budget shall be compiled in two parts, one of which shall set forth all operating expenses for the ensuing fiscal period and shall be referred to as the General Appropriations Budget. The other part shall set forth all expenditures proposed for capital improvements to be undertaken during said period and shall be referred to as the Capital Improvements Budget. A General Appropriations Bill to authorize expenditures proposed under the General Appropriations Budget and Bills to authorize expenditures proposed under the Capital Improvements Budget and for new or additional revenues or for borrowings by which the proposed expenditures are to be funded, shall be submitted by the Governor to the legislature and shall be introduced therein as soon as practicable after the opening of each session during which the budget is to be considered.

**SECTION 6. Legislative Appropriations Procedure.** No special appropriation bill other than bills to cover the expenses of the legislature shall be passed until the General Appropriations Bill shall have been enacted, unless the Governor shall recommend the passage of an emergency appropriation or appropriations, which shall continue in force only until the General Appropriations Bill shall become effective.

**SECTION 7. Power of Legislature to Alter the General Appropriations Bill.** The legislature may by amendment effect adjustments in the General Appropriations Bill provided such adjustments shall not result in increasing the total amount recommended by the Governor.

**SECTION 8. Special and Supplementary Appropriations.** An appropriation for a project not specified in the General Appropriations Bill shall be covered by a separate bill for each single object or purpose.

**SECTION 9. Power of Governor to Alter Appropriations.** The Governor may strike out or reduce items in appropriation bills passed by the legislature and the procedure in such cases shall be the same as in the case of the disapproval of an entire bill by the Governor.

**SECTION 10. Appropriations for Private Purposes Prohibited.** No public money or property shall be appropriated or used, nor shall any tax be levied either directly or indirectly, except for public purposes; provided, however, that the legislature may make special grants when it can be demonstrated that such grants are essential to the maintenance of the health and welfare standards of the state and that the state would be compelled to provide facilities for such purposes at greater costs if no such grants were made; and provided further that expenditures from such grants by the recipients shall be subject to audit by the State Auditor and his findings reported to the legislature and the Governor. Appropriations of public money or property to support community efforts in advertising and promoting Hawaii shall be deemed to be for public purposes.

**SECTION 11. Expenditure of Money.** No money shall be withdrawn from the Treasury except in accordance with appropriations made by law, nor shall any obligation for the payment of money be incurred except as authorized by law. No appropriation in itself shall confer authority to incur an

obligation after the termination of the fiscal year to which it relates; provided, however, that funds to take care of firm commitments may be carried forward from unexpended balances which would otherwise lapse; and provided further that this restriction shall not apply to any public service enterprise authorized by law. The Governor shall have authority to reduce expenditures of state departments, offices and agencies under appropriations whenever anticipated revenues fall below the revenue estimates upon which the appropriations were based, or when other changed circumstances warrant economies, and, through allotments or otherwise, to control the rate at which such appropriations are expended during the fiscal year, provided that the legislature, by resolution concurred in by a majority of all the members, may exempt specific appropriations for the legislative department from the exercise of this power by the Governor.

#### *Taxation*

**SECTION 12. Powers of Taxation.** The power of taxation shall never be surrendered, suspended, or contracted away.

**SECTION 13. Uniformity of Taxation.** Property shall be assessed and taxed under general laws and by uniform rules and according to the same standard of value; provided this requirement shall not preclude the establishment of different rates as applied to different types or classes of payers of excise taxes, nor the establishment of graduated rates for net income, inheritance, estate and gift taxes. The lands and other property belonging to citizens of the United States residing without this State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof.

**SECTION 14. Exemption from taxes.** Property of the state, counties and other political subdivisions may be exempted from taxation by law. Land and improvements thereon, not held for private or corporate profit and used exclusively for religious workship, for schools and colleges or for purposes clearly non-profitable or charitable in character, may be exempted from taxation by law.

Property dedicated to a forest reserve may be exempted by law, provided it is used for purposes not inconsistent with such dedication and in the interest of protecting the water resources of the state. Property set aside for reconstruction, redevelopment and rehabilitation of obsolete, decadent or blighted areas and the improvements thereon, may be exempted from taxation by law for such period or periods of time and upon such terms, conditions and restrictions as it may prescribe.

Property essential to the conduct of a business, together with the improvements thereon and all of the operations thereof may be exempted from taxation by law for such period or periods of time and upon such terms, conditions and restrictions as it may prescribe, if in the judgment of the legislature such action will serve to encourage new industrial or agricultural development in the state.

#### *Credit and Debt Limitations*

**SECTION 15. Credit.** The credit of the state or of any political sub-division thereof shall not in any manner, directly or indirectly, be given or lent to or used in aid of any individual, association or private corporation.

**SECTION 16. Debt Limitations.** (Under discussion in Committee).

**SECTION 17. Purchasing Methods.** All public purchases made by the government of this State, or any of its sub-

divisions, shall, so far as practicable, be centralized and made under a system of competitive bidding.

**SECTION 18. Excess Condemnation.** The state, or any sub-division thereof, appropriating or otherwise acquiring property for public use, may, in furtherance of such public use, appropriate or acquire an excess over that actually to be occupied by the improvement, where such additional acquisition will not result in unreasonably increasing the overall cost of condemning the property, and may exchange or sell such excess with such restrictions as shall be appropriate to preserve the improvement made. Bonds may be issued to supply the funds in whole or in part to pay for the excess property so appropriated or acquired; and such bonds, when made a lien only against the property so appropriated or acquired, shall not be subject to the restrictions or limitations on the amount of the indebtedness of the State or its sub-divisions.

**SECTION 19. Auditor.** The legislature shall, by a majority vote of all the members in joint session, appoint an auditor who shall hold a certificate as a Certified Public Accountant and who shall serve for a period of eight years and thereafter until a successor shall have been appointed. The legislature by two-thirds majority vote of the members in joint session may remove the auditor from office at any time for cause. It shall be the duty of the auditor to conduct post-audits of all transactions and of all accounts kept by or for all departments, offices and agencies of the State and its political sub-divisions, to certify to the accuracy of all financial statements issued by the respective accounting officers and to report his findings, criticisms and recommendations to the Governor and to the legislature at such time or times as shall be prescribed by law. He shall also make such additional reports and conduct such other investigation of the State, or its political sub-divisions, as may be directed by the legislature.

#### STANDING COMMITTEE REPORT NO. 20

Your Committee on Bill of Rights presents for your consideration the final draft of its recommendations on 22 sections to be written into the Article containing the Bill of Rights from proposals assigned to it under the rules of the Convention.

The Article is identified by the general heading "Bill of Rights," numbered by sections, and marked Exhibit "A" [Committee Proposal No. 3], which is attached hereto and made a part hereof. The committee still has three sections under consideration and will report on same at a later date.

The committee in submitting this report desires to incorporate as part of this document Exhibits 1 to 34, which are attached hereto and made a part hereof.

Section 1 carries the thought that the government is "we, the people" and that any failure of government becomes the responsibility of the people. It tends to discourage the belief of many that the state is a kind of fairy god-mother and emphasizes the American democratic idea that all government authority is in "the people."

Section 2 the terminology of this section has been modernized to carry in words what the original wording "all men are born free and equal" has come to mean.

The inalienable rights the committee believes should include "the right of acquiring and possessing property" since that not only helps to increase the individual's happiness, but tends to make a more stable state which is the best assurance of keeping the citizens free from "political oppression."

Section 3 grants to any citizen protection against loss of the vote and against loss of all other rights and privileges of citizens, unless "by the law of the land," a phrase derived from the English Petition of Right of 1628.

"The law of the land" has been declared by the Supreme Court of the United States to mean nothing more or less than "due process of law," a phrase also contained in our proposed Section 4.

This clause preserves to the citizen against action by Congress, against action by the President, and against action by the courts, not only the rights enumerated in the Constitution itself, but also those privileges and immunities to which he became entitled through the early adoption and application in America of English law.

Section 4 incorporates the second last clause of the 5th Amendment of the Federal Constitution in granting to all persons, (citizens and aliens), protection of life, liberty, and property unless deprived by "due process of law," as defined above in this report, and grants to all persons equal protection of the laws. The phrase "equal protection of the laws" is derived from the 14th Amendment of the Federal Constitution where it was designed to prevent a State from making discriminations between its own citizens—"to prevent any person or class of persons from being singled out as a special subject for discriminating and hostile legislation." But as this clause is construed by Federal and State Courts, it does not prevent reasonable, as distinguished from arbitrary, classification so long as all within the class are treated alike. Although the "equal protection of the laws" clause is unnecessary since the 14th Amendment of the Federal Constitution specifically requires every State to grant "equal protection of the laws" to its residents, your committee desired to include it as a reaffirmation of that protection to the residents of this State.

Section 5 incorporates the first clause of the 1st Amendment of the Federal Constitution.

Section 7 incorporates the second clause of the 1st Amendment of the Federal Constitution.

Section 8 incorporates the 4th Amendment of the Federal Constitution.

Section 9 incorporates the first three clauses of the 5th Amendment of the Federal Constitution.

Section 11 incorporates the 6th Amendment of the Federal Constitution.

Section 12 incorporates the 8th Amendment of the Federal Constitution with an additional sentence with reference to the detention of witnesses.

Section 13. In recommending the adoption of Section 13, it should be made clear that it was not the intent of the committee to prevent the imprisonment of any individual who was fined by any Court for the violation of a criminal statute or for contempt of court and who was unable to pay the fine for the criminal violation or contempt. It was the intention of the committee that the exemption of a reasonable amount of private property from seizure or sale for payment of any debt or liability should be determined by the state legislature.

Section 14 incorporates the second section of Section 9 of Article 1 of the Federal Constitution.

Section 15 incorporates the 2nd Amendment of the Federal Constitution. In adopting this language, it was the intention of the committee that the language should not be construed as to prevent the state legislature from passing legislation imposing reasonable restrictions upon the right of the people to keep and bear arms.

Section 16 incorporates the 3rd Amendment of the Federal Constitution.

Section 17 incorporates the promise that the military power of any state shall always be in strict subordination to the civil power and subject to the control of the representatives of the people at the state legislature.

Section 18 incorporates Section 3 of Article III of the Federal Constitution.

Section 19 incorporates the last clause of the 1st Amendment of the Federal Constitution.

Section 21 was intended to eliminate any irrevocable grant of special privileges or immunities by the State legislature that may prevent the power of the State to act on behalf of the general welfare of the people of the State.

Section 22 was intended to prevent the legislature from passing any law that will prevent intermarriages between individuals who are of different race, nationality, creed or religion.

Section 23 incorporates the last paragraph of the 5th Amendment of the Federal Constitution.

Section 24. The purpose of this section is to clarify in regard to all the rights guaranteed, the limits of their enjoyment. This has been done by court decision on the rights of assembly and freedom of speech.

Your committee feels that all rights guaranteed are subject to the same restraints for the good of the community and State; that they are designed to preserve liberty and not to permit license; and that the protection of the Constitution should not be a shield for extravagant and vicious conduct which would constitute, in its essence, an attack upon organized society.

Section 25 represents a general statement reserving to the people those rights and privileges not specifically enumerated in the Bill of Rights and to prevent any interpretation by the courts that because certain rights and privileges were not specifically enumerated, it was intended to deny them to the people.

Jack H. Mizuha,  
Chairman  
Herbert K. H. Lee,  
Vice-Chairman  
Earl A. Nielsen  
Frank C. Luiz  
Charles H. Silva

W. O. Smith  
James K. Trask  
Edward C. Bryan  
J. Pia Cockett  
Edward B. Holroyde  
H. S. Kawakami  
Katsumi Kometani  
Steere G. Noda

Nils P. Larsen—With objections to deleting sentence on obligation in Sec. 2 and lack of explanation of meaning of certain proposal.

Elizabeth R. Kellerman—With objection to excluding of sentence on obligation in Sec. 2 and objection upon the history of section.

COMMITTEE PROPOSAL NO. 3  
RELATING TO BILL OF RIGHTS

RESOLVED, that the following be agreed upon as part of the State Constitution:

ARTICLE \_\_\_\_\_.

SECTION 1. All political power of this State and the responsibility for the exercise thereof is inherent in the people and all government herein is founded on this authority.

SECTION 2. All persons are by nature free and are equal in their inherent and inalienable rights, among which are those of enjoying life, liberty and the pursuit of happiness and the right of acquiring and possessing property. These rights cannot endure unless the people recognize corresponding obligations and responsibilities.

SECTION 3. No citizen shall be disfranchised, or deprived of any of the rights or privileges secured to other citizens, unless by the law of the land.

SECTION 4. No person shall be deprived of life, liberty, or property without due process of law, nor be denied the equal protection of the laws.

SECTION 5. No law shall be passed respecting the establishment of religion, or prohibiting the free exercise thereof.

SECTION 6. No citizen shall be denied enlistment in any military organization of this State nor be segregated therein because of religious principles, race, color, ancestry, or national origin.

No person shall be denied the enjoyment of his civil rights, nor be discriminated against in the exercise of his civil rights, because of religious principles, race, sex, ancestry, or national origin.

SECTION 7. No law shall be passed abridging the freedom of speech or of the press.

SECTION 8. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

SECTION 9. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger, nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb, nor shall any person be compelled in any criminal case to be a witness against himself.

SECTION 10. Jury trial. In suits at common law where the value in controversy shall exceed one hundred dollars, the right of trial by jury shall be preserved; however, the legislature may provide for a verdict by not less than three-fourths of the members of the jury.

No person shall be disqualified to serve as a juror because of sex.

SECTION 11. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the judicial circuit wherein the crime shall have been committed, which judicial circuit shall have been previously ascertained by law; or of such other judicial circuit to which the prosecution may be removed with the consent of the accused in accordance with law; to be informed of the nature and cause of the accusation; to be confronted with witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

SECTION 12. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

SECTION 13. There shall be no imprisonment for debt.

SECTION 14. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

The power of suspending the laws, or the execution of the laws, shall never be exercised except by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly prescribe.

SECTION 15. A well regulated State Militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

SECTION 16. No soldier or member of the State Militia shall, in time of peace, be quartered in any house, without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

SECTION 17. The military power shall be in strict subordination to the civil power.

SECTION 18. The right of the people peaceably to assemble, and to petition the government, or any department thereof, shall never be abridged.

SECTION 19. The power of the State to act in the general welfare shall never be impaired by the making of any irrevocable grant of special privileges or immunities.

SECTION 20. Private property shall not be taken for public use without just compensation.

SECTION 21. The enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.—*May 24, 1950*

#### STANDING COMMITTEE REPORT NO. 21

Your Committee on Printing to which was referred Standing Com. Rpt. No. 20 and Committee Proposal No. 3, begs leave to report that said Report and Proposal have this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention.—*May 24, 1950*

Charles H. Silva, Chairman

#### STANDING COMMITTEE REPORT NO. 22

Your Committee on Submission and Information to which was referred Res. No. 17 and No. 18, begs leave to report as follows:

Res. No. 17 and No. 18 request Hawaii's Delegate to Congress to introduce legislation in the Congress of the United States to amend Section 4 of Act 334 of the Session Laws of Hawaii of 1949, so as to eliminate such provisions and provide the means for accomplishing this purpose.

In view of pending legislation, now before the Congress of the United States (H. R. 49 amended), your committee does not favor the adoption of Res. No. 17 and No. 18, and, therefore, recommends that they be filed.

Furthermore, your committee feels that if H. R. 49 does not pass, that it will be necessary and advisable to follow Act 334 in order to get the necessary funds to complete submission to, and ratification by the people, of the Constitution for the future State of Hawaii.—*May 24, 1950*

Randolph Crossley,  
Chairman  
J. Garner Anthony  
Marguerite K. Ashford  
C. E. Kauhane  
Samuel W. King  
Nils P. Larsen

Frank C. Luiz  
Richard J. Lyman, Jr.  
Hebden Porteus  
Chas. A. Rice  
Harold S. Roberts  
Thos. T. Sakakihara  
Arthur D. Woolaway

#### STANDING COMMITTEE REPORT NO. 23

Your Committee on Bill of Rights respectfully begs leave to report as follows on Proposal No. 195, which reads as follows:

#### ARTICLE \_\_\_\_\_

SECTION \_\_\_\_\_. Since the Communist Party is not a political party but is in fact a conspiracy to destroy governments of free men, it is hereby declared outlawed, and, the legislature shall prescribe laws therefore.

Your Committee finds that this Proposal No. 195 does not belong to this committee and therefore it is the recommendation of this committee that the Convention refer this proposal to the Committee on Ordinances and Continuity of Law, or to a special committee to consider this vital proposal which is styled, according to an amendment thereto, to conform with the new amendment adopted by the Senate Interior and Insular Affairs Committee, to H. R. 49.

—*May 24, 1950*

Jack H. Mizuha,  
Chairman  
Herbert K. H. Lee,  
Vice-Chairman  
Steere G. Noda  
James K. Trask  
H. S. Kawakami  
Frank C. Luiz

Elizabeth R. Kellerman  
J. Pia Cockett  
Earl A. Nielsen  
W. O. Smith  
Ed. Bryan  
Katsumi Kometani  
Charles H. Silva  
E. C. Holroyde

#### STANDING COMMITTEE REPORT NO. 24

The Committee on Bill of Rights presents for your consideration the final draft of its recommendations on two additional sections to be written into the article containing the Bill of Rights from proposals assigned to it under the rules of the Convention.

The two sections numbered Sections 6 and 10 [Committee Proposal No. 4], which is attached hereto and made a part hereof. The committee still has one section under consideration and will report on same at a later date.

Section 6 is divided into two sections. The first section provides that no citizen shall be denied enlistment in any military organization of this state nor be segregated therein because of religious principles, race, color, ancestry or national origin. In providing for this clause, it is the intention of the committee that this provision in the Constitution should not be construed as preventing the Legislature of the State of Hawaii in creating any military organization from authorizing such organization to adopt such rules and regulations relative to age, health and other qualifications for enlistment or to deny enlistment on the basis of security to this state and to the nation.

The second clause of Section 6 was adopted with the understanding that there was a difference between citizens and aliens with reference to the scope or extent of civil rights that they may enjoy in the future State of Hawaii. However, it was felt that there should be no denial of the enjoyment of whatever rights persons are entitled to in the future State of Hawaii on the basis of religious principles, race, sex, color, ancestry or national origin. Likewise, on the clause providing for non-discrimination in the exercise of civil rights, it was felt that whatever civil rights persons were entitled to, that there should be no discrimination against them in the exercise of their rights on the basis mentioned. It must be made clear that the denial of the enjoyment of civil rights and discrimination in the exercise of civil rights of individuals are placed merely on the basis of religious principles, race, sex, color, ancestry and national origin, and that nothing herein should be construed as to provide such reasonable classifications and regulations on the part of the state that would be conditions precedent for the enjoyment and exercise of their civil rights.

The second section of Section 6 is in conformity with the amendment by the Senate Interior and Insular Affairs Committee on May 22, 1950, which amended H. R. 49 to read as follows:

The constitution must be republican in form and make no distinction in civil or political rights on account of race, color, or sex. . . .

Section 10 provides for the right of trial by jury in all civil and criminal matters. It recognizes the provision for deciding the issue of mental incompetency without a jury that is now followed in the Territory of Hawaii.—*May 24, 1950*

Jack H. Mizuha, Chairman	Katsumi Kometani Steere G. Noda
Herbert K. H. Lee, Vice-Chairman	Nils P. Larsen Earl A. Nielsen
Edward C. Bryan	Frank C. Luiz
J. Pia Cockett	Charles H. Silva
Edward B. Holroyde	W. O. Smith
H. S. Kawakami	James K. Trask

COMMITTEE PROPOSAL NO. 4

ARTICLE \_\_\_\_ . BILL OF RIGHTS

SECTION 6. No citizen shall be denied enlistment in any military organization of this State nor be segregated therein because of religious principles, race, color, ancestry, or national origin.

No person shall be denied the enjoyment of his civil rights, nor be discriminated against in the exercise of his civil rights, because of religious principles, race, sex, color, ancestry, or national origin.

SECTION 10. The right of trial by jury shall remain inviolate. The Legislature may authorize the trial of the issue of mental incompetency without a jury.

STANDING COMMITTEE REPORT NO. 25

Your Committee on Agriculture, Conservation and Land herewith submits committee proposal entitled "Proposal Relating to the Continuation of the Land Laws" with the recommendation that the same be referred to the Committee on Ordinances and Continuity of Law.

It is obvious that during the interval between the time Hawaii becomes a State and the actual execution and delivery of the necessary documents for the securing of our lands from the United States, some continuity of law and administration should exist.

Your Committee has therefore prepared this proposal and feels that its consideration should be a part of the functions of the Committee on Ordinances and Continuity of Law.

—*May 25, 1950*

Herbert M. Richards, Chairman

COMMITTEE PROPOSAL NO. 5

RELATING TO THE CONTINUATION OF THE LAND LAWS

RESOLVED, that the following be agreed upon as part of the State Constitution:

ARTICLE \_\_\_\_ .

SECTION \_\_\_\_ . The laws of Hawaii relating to the lands in the possession, use and control of the Territory, as amended, modified or supplemented by Acts of Congress (which said Acts of Congress are hereby adopted as laws

of the State) shall continue in effect as laws relating to the lands owned by or under the control of the State, subject to amendment or repeal by the Legislature, except as otherwise provided in this Constitution.

SECTION \_\_\_\_ . Wherever in the laws of the State reference is made to any such Act of Congress or other land law, the same shall be deemed to refer to the laws continued in effect by section 1, and wherever in the laws of the State reference is made to any board or officer of the Territory having the management or disposition of or other function relating to said lands, the same shall be deemed to refer to the board or officer succeeding to such powers, duties and functions, except as the Congress may have otherwise provided with respect to lands owned by the United States in the control of the State.

STANDING COMMITTEE REPORT NO. 26

Your Committee on the Hawaiian Homes Commission Act, to which was referred Proposal No. 51, entitled: "Proposal Relating to Hawaiian Homes Commission Act," introduced by Delegates Flora K. Hayes, Ann H. Corbett, Samuel K. Apoliona, Jr., and Charles E. Kauhane, begs leave to report as follows:

The purpose of this proposal is to delete from subparagraph (f) of Section 213 of the Hawaiian Homes Commission Act, 1920, the provisions relating to the time and manner in which the Hawaiian Homes Commission shall submit its budget as those provisions now read and to substitute in lieu thereof language appropriate for a state government.

The present provisions of Section 213 (f) require submission to a Territorial Director of the Bureau of the Budget on or before November 15 preceding the biennial session of the Territorial Legislature, and contains other provisions based upon a Territorial system of government. This language obviously must be amended to fit the proposals adopted for the State of Hawaii with relation to budget procedure and State departmental practice.

The proposal is in the form of an ordinance and your Committee therefore recommends that it be approved in principle and referred to the Committee on Ordinances and Continuity of Law for approval as to form only.—*May 26, 1950*

Flora K. Hayes, Chairman	Peter Kawahara Richard Lyman, Jr.
J. Pia Cockett, Vice-Chairman	Chas. A. Rice C. E. Kauhane
Samuel K. Apoliona, Jr.	Arthur K. Trask

STANDING COMMITTEE REPORT NO. 27

Your Committee on Local Government is of the unanimous opinion that its Committee Report should be submitted in two parts. Therefore, your Committee on Local Government begs leave to present Part I of its Report, as attached.

Your Committee on Local Government asks for extension of time for a period of one week, at which time the Committee will present Part II of its Report.—*May 26, 1950*

C. E. Kauhane, Chairman

PART I

Your Committee on Local Government is composed of the following 15 members: Charles E. Kauhane, Chairman, Samuel K. Apoliona, Jr., Vice-Chairman, Matsuki Arashiro, Ann H. Corbett, Nelson K. Doi, Edward B. Holroyde, Frank

Y. Kam, Katsumi Kometani, John R. Phillips, Harold A. Rice, Herbert M. Richards, Sakuichi Sakai, Thomas T. Sakakihara, Toshio Serizawa, and Richard St. Sure.

The Committee was presented with nine Proposals, two Resolutions, 12 Petitions, and one Standing Committee Report.

A. Proposals: No. 88, pertaining to local government for the creation of political subdivision by the Legislature, etc. No. 94, prohibition on the Governor to appoint officers and officials in local county administrations. No. 111, pertaining to local government for the creation of political subdivisions by the Legislature and a prohibition on the Legislature to appoint officers and officials in local county administrations. No. 115, same as No. 111. No. 153, relating to local government. No. 167, relating to home rule. No. 186, relating to counties. No. 187, relating to local government. No. 188, relating to counties.

B. Resolutions: No. 22, requesting careful consideration in making Lanai a separate County. No. 37, inviting the Executive Chairman of the Board of Supervisors of the County of Maui to appear before this Convention to present additional information on the subject of creating a separate county government for the Island of Lanai.

C. Petitions: Lanai Rifle and Pistol Club, Lanai Education Association, West Kauai Lions Club, Lanai City Lions Club, Lanai Republican Precinct Club, Lanai Young Buddhist Association, Lanai Koele Flying Club, Lanai Civil Air Patrol, Lanai Veterans Club, Lanai AJA Club, Lanai Parent-Teachers Association, Lanai Social Club.

D. Standing Committee Report: No. 13, recommending the referral of Proposal No. 94 to the Committee on Local Government.

Number of Meetings: The Committee held eight meetings; three night meetings and five day meetings, usually of two or three hours duration.

Persons and Organizations appearing before the Committee: Mr. Paul K. Keppeler, Controller, City and County of Honolulu; Mr. C. F. Leicester, President of Lanai Residents' Committee for Self-Government; Mr. M. G. Monroe, representing Lanai Residents' Committee for Self-Government; Mr. D. B. Billings, representing Lanai Residents' Committee for Self-Government; Mr. James Dyson, representing Lanai Residents' Committee for Self-Government; Mr. Frederick Ohrt, Superintendent, Board of Water Supply, Honolulu; Mr. Michiro Watanabe, Deputy Attorney General; Mr. Suyeki Okumura, Acting City and County Attorney; Mr. Eddie Tam, Executive Chairman of the Board of Supervisors of Maui County; Mr. K. M. Ahana, Auditor, County of Kauai.

Public Hearings: The Committee held one public hearing at which approximately 300 people were present, and at which time representatives from the Lanai Residents' Committee for Self-Government presented their views.

Written Information Submitted to Committee: (1) Proposed Budget and Appropriation Ordinance of City and County of Honolulu, 1950, submitted by Controller, Paul K. Keppeler. (2) Memorandum of Paul K. Keppeler, Controller, City and County of Honolulu, April 26, 1950. (3) County of Kauai Budget for 1950. (4) Statement showing divisional real property tax rates and assessments as compared to divisional assessments based on an average territorial rate, submitted by the office of the Territorial Tax Commissioner. (5) Lanai's case for county status and voice in the Legislature. (6) The Lanai residents' Committee for Self-Government. (7) Public utilities tax submitted by City and County of Honolulu Controller's Office. (8) City and County of Honolulu detailed statement of revenues of

operating funds for 1948, 1949, and 1950. (9) Request No. 1212— Legislative Reference Bureau memorandum on problems of local government. (10) Problems in creating a county submitted by Delegate Cable A. Wirtz.

C. E. Kauhane,  
Chairman  
Samuel K. Apoliona, Jr.  
Ann H. Corbett  
Nelson K. Doi  
Sakuichi Sakai

Edward B. Holroyde  
Richard St. Sure  
Thos. T. Sakakihara  
Harold W. Rice  
Herbert M. Richards  
Matsuki Arashiro

#### STANDING COMMITTEE REPORT NO. 28

Your Committee on Printing to which was referred Standing Com. Rpt. No. 24 and Committee Proposal No. 4, begs leave to report that said Report and Proposal have this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention.—*May 26, 1950*

Charles H. Silva, Chairman

#### STANDING COMMITTEE REPORT NO. 29

Your Committee on Industry and Labor to which was referred Proposal No. 37, relating to the eight hour day on public works, No. 38, relating to minimum wage laws for women and minors, and No. 46, relating to qualifications for domestic stockholders, begs leave to report as follows:

It was unanimously agreed that these proposals are legislative matters and that they should not be included in the Constitution.

Your Committee, therefore, returns these proposals with the recommendation that they be placed on file.

—*May 27, 1950*

Chuck Mau,  
Chairman  
James F. Gilliland,  
Vice-Chairman  
Matsuki Arashiro  
Edward C. Bryan

Randolph Crossley  
Nils P. Larsen  
Frank C. Luiz  
Earl A. Nielsen  
Harold S. Roberts  
W. O. Smith  
Henry A. White

#### STANDING COMMITTEE REPORT NO. 30

Your Committee on Suffrage and Elections, to which was referred Miscellaneous Communications No. 88 entitled: "A Constitutional Proposal— State Constitution Can Curb Reds by Defining Political Parties," attached hereto, begs leave to report as follows:

Your Committee finds that said communication does not belong to this Committee and therefore it is the recommendation of this Committee that the Convention refer said communication to the Committee on Ordinances and Continuity of Law.—*May 31, 1950*

Katsumi Kometani,  
Chairman  
Trude M. Akau,  
Vice-Chairman

J. Pia Cockett  
Ann H. Corbett  
James F. Gilliland  
H. S. Kawakami  
Sakuichi Sakai

#### STANDING COMMITTEE REPORT NO. 31

Your Committee on Rules and Order of Business to which was referred Proposal No. 49, relating to a permanent



**STANDING COMMITTEE REPORT NO. 33**

written record of Convention and Legislative proceedings, begs leave to report that after due consideration it feels that the purpose and substance of this proposal, insofar as the record of the proceedings of this Convention is concerned, has been taken care of under Rules 7 and 10, and that no further action is necessary.

Your committee further feels that, insofar as this proposal relates to a permanent written record of Legislative proceedings, that it should be referred to and considered by the Committee on Legislative Powers and Functions in connection with Proposal No. 16 now under consideration by that committee.

Accordingly it is the recommendation of your Committee that Proposal No. 49, insofar as it refers to Legislative proceedings, should be referred to the Committee on Legislative Powers and Functions and that, insofar as it refers to the record of this Convention, Proposal No. 49 be placed on file.—*May 31, 1950*

Cable A. Wirtz,  
Chairman  
Masao Kanemaru,  
Vice-Chairman  
Charles H. Silva

Samuel K. Apoliona, Jr.  
Wm. H. Heen  
Trude M. Akau  
Toshio Serizawa  
Nelson K. Doi  
J. Garner Anthony

**STANDING COMMITTEE REPORT NO. 32**

Your Committee on Suffrage and Elections, to which was referred Proposal No. 70 entitled: "A Proposal Establishing Bribery as Disqualification for Office Holding," begs leave to report as follows:

Your committee feels that the consideration of said proposal should be a part of the functions of the Committee on Legislative Powers and Functions and, therefore, recommends that said proposal be referred to the Committee on Legislative Powers and Functions for its consideration.

—*May 31, 1950*

Katsumi Kometani,  
Chairman  
Trude M. Akau,  
Vice-Chairman

Ann H. Corbett  
J. Pia Cockett  
H. S. Kawakami  
Sakuichi Sakai

**STANDING COMMITTEE REPORT NO. 33**

Your Committee on the Hawaiian Homes Commission Act begs leave to report as follows:

The following proposals were referred to this Committee:

Proposal No. 51, relating to Hawaiian Homes Commission Act, introduced by Delegates Flora K. Hayes, Ann H. Corbett, Samuel K. Apoliona and Charles E. Kauhane.

Proposal No. 52, relating to Hawaiian Homes Commission Act, introduced by Delegates Flora K. Hayes, Ann H. Corbett, Samuel K. Apoliona and Charles E. Kauhane.

Proposal No. 156, relating to an ordinance on the Hawaiian Homes Commission Act, introduced by Delegate Clarence Y. Shimamura.

The following resolutions were referred to this Committee:

Portions of Res. No. 19, requesting the Congress to Amend H. R. 49, and then to enact said bill, offered by Delegate Marguerite K. Ashford.

Res. No. 21, requesting the Congress to repeal the Hawaiian Homes Commission Act, 1920, as amended, and to

grant fee simple title to the homesteaders under said act, offered by Delegates Marguerite K. Ashford and Harold W. Rice.

The following petitions were referred to this Committee:

Petition No. 4, petitioning the exclusion from the proposed State Constitution of all reference to the Hawaiian Homes Commission Act, 1920, as amended, signed by 122 persons.

Petition No. 8, petitioning the exclusion from the proposed State Constitution of all reference to the Hawaiian Homes Commission Act, 1920, as amended, signed by 94 persons.

Petition No. 9, petitioning the exclusion from the proposed State Constitution of all reference to the Hawaiian Homes Commission Act, 1920, as amended, signed by 100 persons.

Petition No. 10, petitioning the Senate of the Congress of the United States and its Committee on Interior and Insular Affairs to amend H. R. 49 by deleting Section 3 thereof relating to the Hawaiian Homes Commission Act, 1920, as amended, signed by 81 persons.

Petition No. 11, petitioning the Senate of the Congress of the United States and its Committee on Interior and Insular Affairs to amend H. R. 49 by deleting Section 3 thereof relating to the Hawaiian Homes Commission Act, 1920, as amended, signed by 125 persons.

Petition No. 12, petitioning the exclusion from the proposed State Constitution of all reference to the Hawaiian Homes Commission Act, 1920, as amended, signed by 91 persons.

Petition No. 13, petitioning the exclusion from the proposed State Constitution of all reference to the Hawaiian Homes Commission Act, 1920, as amended, signed by 27 persons.

Petition No. 20, protesting any measures or resolutions that would do away with the Hawaiian Homes Commission, and urging the continuance of the Hawaiian Homes project, signed by 31 homesteaders of Molokai.

Petition No. 21, petitioning that provision be made in the proposed State Constitution, as a compact with the United States, for the adoption as a law of the State of Hawaii the Hawaiian Homes Commission Act, 1920, as amended, signed by 10,033 persons.

The Committee also received many miscellaneous communications from individuals and organizations, all favoring the inclusion of the Hawaiian Homes Commission Act in the proposed State Constitution.

After careful consideration of all the above proposals, resolutions, petitions and communications, your Committee makes the following recommendations:

1. That the Committee favors the provisions of Proposal No. 52 with certain amendments and submits herewith a Committee Proposal for introduction on the subject matter contained in said proposal. The Committee recommends that Proposal No. 52 be placed on file.

2. That Proposal No. 156 be placed on file.

3. That Res. No. 19 and Res. No. 21 be placed on file.

4. That Petition No. 10 and Petition No. 11 be placed on file.

5. That Petitions Nos. 4, 8, 9, 12, 13, 20 and 21 and the miscellaneous communications received by the Committee be placed on file.

6. Proposal No. 51 has been separately reported on by your Committee.

Your Committee has held eight meetings on the matters within its jurisdiction. It has had the active assistance of



Miss Rhoda Lewis, Deputy Attorney General, Mr. Dan Ainoa, Executive Secretary of the Hawaiian Homes Commission, and Mr. Victor Houston, Chairman of the Hawaiian Homes Commission. In addition, your Committee held public hearings on the proposals and resolutions before it at Keaukaha on May 11th, Honokaa on May 12th, Waimea on May 12th, Hoolehua on May 13th, and Honolulu on May 18th. Your Committee believes that it has gone into the questions before it thoroughly and with full opportunity for all interested persons to be heard. The public hearings were all well attended, and the Committee has had the benefit of the views of almost every person in the Territory of Hawaii who is informed on the subject of the Hawaiian Homes project.

The Hawaiian Homes Commission Act, 1920, as amended, is presently part of the basic law of the Territory of Hawaii, on the same basis as the Hawaiian Organic Act. It is an act of Congress, and can only be amended or repealed by Congress. If Hawaii were to remain a Territory, the Hawaiian Homes Commission Act would remain in force. If Hawaii were to become a State without any mention being made of the Hawaiian Homes Commission Act or the Hawaiian Homes lands in the State Constitution, or in any enabling act passed by Congress, there would be an extremely ambiguous legal situation leading to endless confusion. We could no more adopt a Constitution from which all reference to the Hawaiian Homes Commission Act was excluded, than we could adopt a Constitution from which all reference to the public debt of the Territory of Hawaii was excluded. During some 30 years of operations under this Act, very extensive rights, duties, privileges, immunities, powers and disabilities have arisen by way of leases, loans, contracts and various other legal relationships.

According to the records of the Hawaiian Homes Commission, as of December 31, 1949 there were 1,337 lessees of Hawaiian Homes lands, with leases covering 8,064 acres and a total population on such lands of 6,517 people. Five thousand four hundred and eighty acres of these lands were planted in pineapples under contracts to several corporations, domestic and foreign. In addition, 103,150 acres were under lease through the Commissioner of Public Lands to private individuals. The Hawaiian Homes Commission had out on loans to lessees the sum of \$1,100,099.74 as of December 31, 1949. Recalling of land from the Commissioner of Public Lands, subdivision and developing of lands, construction of improvements, and promotion of private enterprises by lessees are all activities presently engaged in by the Hawaiian Homes Commission which are in various stages of completion and promotion.

It is therefore nonsense to propose, as some of the petitions referred to this Committee have proposed, that this Convention exclude from the proposed State Constitution all reference to the Hawaiian Homes Commission Act, 1920, as amended. Something must be said and done about the Hawaiian Homes program in the transition from a Territory to a State.

In recognition of this problem, the Hawaii Statehood Commission recommended, and H. R. 49, now pending in the United States Senate, now contains a provision that any convention formed under the provisions of H. R. 49 to draft a State Constitution:

... shall provide in said constitution:

Sixth. That, as a compact with the United States relating to the management and disposition of the Hawaiian home lands, the Hawaiian Homes Commission Act, 1920, as amended, is adopted as a law of said State, sub-

ject to amendment or repeal only with the consent of the United States, and in no other manner: Provided, That (1) sections 202, 213, 219, 220, 222, 224, and 225 and other provisions relating to administration, and paragraph (2) of section 204, sections 206 and 212, and other provisions relating to the powers and duties of officers other than those charged with the administration of said Act, may be amended in the original constitution or in the manner required for ordinary State legislation, but the Hawaiian home-loan fund and the Hawaiian home-development fund shall not be reduced or impaired, and the encumbrances authorized to be placed on Hawaiian home lands by officers other than those charged with the administration of said Act shall not be increased, except with the consent of the United States; (2) that any amendment to increase the benefits to lessees of Hawaiian home lands may be made in the original constitution or in the manner required for ordinary State legislation but the qualifications of lessees shall not be changed except with the consent of the United States; and (3) that all proceeds and income from Hawaiian home lands, shall be available to said State for use in accordance with the terms of said Act.

H. R. 49 passed the United States House of Representatives with the quoted language included. According to recent news reports from Washington, D. C., the Senate Committee on Interior and Insular Affairs has already considered amendments to H. R. 49 and has made certain amendments, none of which change or affect the quoted language. There is every reason to believe, therefore, that H. R. 49 as finally enacted will contain this requirement. If for any reason H. R. 49 should fail to be enacted into law, we have before us nevertheless the clear intent of Congress that any constitution for the proposed State of Hawaii shall provide for the continuation of the Hawaiian Homes program, and even the exact language which would be acceptable to the Congress in accomplishing this purpose.

Proposal No. 52 is a recognition of this anticipated mandate by the Congress. As introduced, it comprised three sections. The first section adopts the Hawaiian Homes Commission Act, 1920, as amended, as a law of the State and the language of H. R. 49 with such paraphrases as were necessary to fit it into a state constitution and to provide for the contingency that this language of H. R. 49 might be amended in some details. The second section accepted the compact with the United States as a compact or as a trust and agreed to carry out the spirit of the Hawaiian Homes project. The third section prohibited any legislation conflicting with the provisions or purposes of the first two sections.

Your Committee amended the first two sections of the proposal in certain technical aspects without changing their basic purpose and deleted the third section as unnecessary. The amended form of Proposal No. 52 submitted herewith will comply with any requirement of the Congress as presently discernible and will accomplish the purposes desired under H. R. 49 as that bill now reads.

Proposal No. 156 seeks to accomplish this same purpose by way of an ordinance instead of by way of incorporation directly into the State Constitution as a part thereof. Your Committee considered this alternative approach carefully and decided to adopt the method of Proposal No. 52 instead.

Your Committee's task, therefore, has been clear cut from the beginning. It has not even been a legitimate matter for debate whether the Hawaiian Homes Commission Act should be continued in force. Congress required that this be done as a condition of achieving statehood, and has sup-

plied the outline of the language it will accept in the accomplishment of this requirement.

Nevertheless, in view of the offering of Res. Nos. 19 and 21 asking the Congress to permit the liquidation of the Hawaiian Homes program, and of the receipt of several petitions obviously intending the same result if somewhat inartistically worded, your Committee did go into the history, purpose and philosophy of the Hawaiian Homes project in order to determine the desirability of its continuance on the remote possibility that Congress might accept a State Constitution which provided for the termination of the Hawaiian Homes project.

The Hawaiian Homes program was conceived in Hawaii and officially proposed to the United States Congress by Senate Concurrent Res. No. 2 of the Regular Session, 1919, Tenth Legislature, Territory of Hawaii. The Resolution petitioned the Congress

to make such amendments to the Organic Act of the Territory of Hawaii, or by other provisions deemed proper in the premises, that from time to time there may be set aside suitable portions of the public lands of the Territory of Hawaii by allotments to or for associations, settlements or individuals of Hawaiian blood in whole or in part, the fee simple title of such lands to remain in the government, but the use thereof to be available under such restrictions as to improvement, size of lots, occupation and otherwise as may be provided for said purposes by a commission duly authorized, or otherwise given preference rights in such homestead leases for the purposes hereof as may be deemed just and suitable by the Congress . . .

Senator John H. Wise of Hawaii was the principal spokesman and advocate for this program. With him were many other leaders of the community, including Prince Kuhio, Delegate to Congress. Their purpose in promoting this program was to rehabilitate the Hawaiian people by encouraging them to go back to the tilling of the soil. The evil sought to be corrected was the departure of the Hawaiian people from the soil and the consequent weakening of their structure of society under the impact of Western civilization. One of the basic causes of this evil was the complete change in the systems of land tenure whereby the Hawaiians were granted fee titles to land which they promptly alienated to a large extent through a lack of knowledge and understanding of the new land laws. An additional cause was the fact that the people did not actually receive one-third of the domain which was supposed to have been set aside for them at the time of the Mahele, so that many persons had no land of their own at all when the change from feudal land tenures to common law land tenures was made.

As a consequence of the agitation for this program, the Congress finally enacted the Hawaiian Homes Commission Act, 1920. The original Act provided for an experimental period of five years on certain lands on Molokai. No further lands were to be colonized unless the Congress and the Secretary of the Interior of the United States were satisfied that the first project was a success. This first project was pronounced a success and the program approved for continued operation. The Hawaiian Homes Commission and the Hawaiian Homes program have been part of the life of Hawaii ever since.

Until very recently, there has never been any suggestion that the Hawaiian Homes program should be discontinued. Then the use of certain Hawaiian Homes lands at Waimea, Hawaii, came up for discussion, and in the ensuing argument, some few persons brought into the question the very exist-

ence of the Hawaiian Homes Commission Act, 1920. The arguments raised against the Act have been as follows:

1. It is unconstitutional.
2. It is discriminatory.
3. The Hawaiian Homes program is a failure.
4. It is time to liquidate the Hawaiian Homes program.
5. A majority of the people of Hawaii are opposed to the Act.

The question of the constitutionality of the Act was considered at the time of its original introduction. The attorney general of Hawaii, the solicitor of the Department of Interior, and the Congress were satisfied that the Act is constitutional. These opinions are as valid today as they were then.

The Act is not discriminatory. It is a very progressive piece of legislation designed to aid an aboriginal people to survive the sudden impact of a new and highly complex civilization on their lives. It was passed to meet a very real problem and the fact that this problem is not apparent today is the best evidence that the Act is succeeding in its purpose. In some of the Polynesian areas, Western governments that took control enacted laws that no land could be alienated, as a measure of protecting the native peoples. In Hawaii, the effect of the Hawaiian Homes Commission Act is to preserve only a very small part (approximately one per cent) of the domain for the Hawaiians, and to permit the ready transfer of other lands. It would be more discriminatory to repeal the Act.

Those who claim that the Hawaiian Homes program is a failure are uninformed. The growth of the program from its inception to the present day is a matter of public record and is a sufficient answer to this claim.

So long as there are eligible applicants endeavoring to obtain Hawaiian Homes lands, there is every reason for continuing the program. When no lands are left and when no applicants remain unsatisfied, then it will be time to raise the question of whether the Hawaiians have been fully rehabilitated.

The hearings, petitions and communications before this Committee have demonstrated beyond any doubt that a majority of the people of Hawaii favor the inclusion of the Hawaiian Homes Commission Act, 1920, in the proposed State Constitution.

As an example, the following organizations supported the inclusion of the Act: Council of Hawaiian Civic Clubs on Oahu; West Maui Hawaiian Civic Club; Hawaiian Civic Club, Hawaii; Ewa Hawaiian Civic Club; Nanaikapono Hawaiian Civic Club; Hawaiian Civic Club, Hilo, Hawaii; Republican Party Platform; Republican Precinct Club, 13th Precinct, 5th District; Republican Precinct Club, 13th Precinct, 4th District; We, the Women of Hawaii; Women's Division, Oahu County Committee, Democratic Party of Hawaii; Imua; Honolulu Advertiser; Honolulu Star-Bulletin; Maui News; Hilo Tribune Herald; Native Sons; International Longshoremen's & Warehousemen's Union; Daughters and Sons of Hawaiian Warriors; Honolulu Chamber of Commerce; Molokai Community Association; Molokai Homesteaders Association; Nanaikapono Homesteaders Association; Halau O Keliiahonui, Hale O Na Alii O Hawaii, Helu 6, Kamuela, Hawaii; Council of Hawaiian Homesteaders; Waimanalo Homestead Community Club; Keaukaha Community Association; Kuliouou Lions Club.

Proposal No. 52, as amended by your Committee and as contained in the Committee proposal attached preserves the present situation, complies with the apparent will of Congress, and continues the recognition by the people of Hawaii

of the justice of the original enactment of the Hawaiian Homes Commission Act, 1920. —June 1, 1950

Flora Kaai Hayes, Chairman	Peter Kawahara Chas. A. Rice
J. Pia Cockett, Vice-Chairman	Richard Lyman, Jr. C. E. Kauhane
Samuel K. Apoliona, Jr.	James F. Gilliland Arthur K. Trask

COMMITTEE PROPOSAL NO. 6

RELATING TO HAWAIIAN HOMES COMMISSION ACT

RESOLVED, that the following be agreed upon as part of the State Constitution:

ARTICLE \_\_\_\_\_.

SECTION \_\_\_\_\_. Anything in this Constitution to the contrary notwithstanding, the Hawaiian Homes Commission Act, 1920, enacted by the Congress of the United States, as the same has been or may be amended prior to the admission of the state, is hereby adopted as a law of the state, subject to amendment or repeal by the legislature, provided, that if and to the extent that the United States shall so require, said law shall be subject to amendment or repeal only with the consent of the United States and in no other manner, provided, further, that if the United States shall have provided or shall provide that particular provisions or types of provisions of said Act may be amended in the manner required for ordinary state legislation, such provisions or types of provisions may be so amended. The proceeds and income from Hawaiian home lands shall be used only in accordance with the terms of said Act, and the Legislature may, from time to time, make additional sums available for the purposes of said Act by appropriating the same in the manner provided by law. Such appropriations for administration expenses of the Hawaiian Homes Commission shall never be less than, after due consideration of the receipts applicable to such expenses from the Hawaiian home lands, will accord said Commission equal treatment with other departments of the state in the funds available for its administration expenses.

SECTION \_\_\_\_\_. Compact with the United States. The state and its people do hereby accept, as a compact with the United States, or as conditions or trust provisions imposed by the United States, relating to the management and disposition of the Hawaiian home lands, the requirement that section \_\_\_\_\_ hereof be included in this Constitution, in whole or in part, it being intended that the Act or Acts of the Congress of the United States pertaining thereto shall be definitive of the extent and nature of such compact, conditions or trust provisions, as the case may be. The state and its people do further agree and declare that the spirit of the Hawaiian Homes Commission Act looking to the continuance of the Hawaiian homes projects for the further rehabilitation of the Hawaiian race shall be faithfully carried out.

STANDING COMMITTEE REPORT NO. 34

Your Committee on the Bill of Rights reports its deliberations and disposition of the following Proposals assigned to it under the rules of the Convention: No. 4, relating to the Bill of Rights; Nos. 5 and 12, relating to rights and privileges; No. 17, relating to women on juries; No. 25, relating to rights and privileges; No. 28, relating to equal rights; No. 42, relating to rights of foreigners in the Bill of Rights; No. 43, relat-

ing to the right to change the government in the Bill of Rights No. 44, relating to the Bill of Rights; No. 45, relating to special privileges or immunities; No. 47, relating to the right to marry; No. 50, relating to popular sovereignty in the Bill of Rights; Nos. 62, 63, 71, 83 and 86, relating to the Bill of Rights; No. 88, relating to Article I—Bill of Rights and Article IX—General Powers; Nos. 89, 93, 96, 97, 105, 106, 138, 139, 159, 161, 182, 194, 195, relating to Bill of Rights.

The content of each Proposal was accepted and incorporated, changed, or rejected as inserted below:

No. 4 was modified, changed, and incorporated as it appears in Committee Proposal No. 3. The Section on the Right to Organize and Collective Bargaining was referred to the Industry and Labor Committee by Committee Letter dated April 19, 1950.

No. 5 was modified as it appears in Section 6 of Committee Proposal No. 4.

No. 12. The first section was accepted and incorporated as Section 6 of Committee Proposal No. 4. The second Section was modified and incorporated in Committee Proposal No. 3 as Section 16. The third section was accepted and incorporated as Section 25 in Committee Proposal No. 3.

No. 17 was referred to the Committee on Judiciary by Committee Report No. 11 dated May 2, 1950.

No. 25. The first section was referred to the Industry and Labor Committee by Committee Letter dated April 19, 1950. The second section was rejected as it was felt that it was not proper for inclusion in the Bill of Rights.

No. 28 was referred to the Committee on Miscellaneous Matters by Committee Report dated April 28, 1950.

No. 42 was rejected as it was felt that some of the thoughts expressed were already covered in Section 4 of Committee Proposal No. 3, and it is recommended that it be placed on file.

No. 43 was rejected as it was felt that some of the thoughts expressed were already incorporated in Section 1 of Committee Proposal No. 3, and it is recommended that it be placed on file.

No. 44 was modified and incorporated in Section 9 of Committee Proposal No. 3.

No. 45 was modified and incorporated in Section 21 of Committee Proposal No. 3.

No. 47 was accepted and incorporated in Section 22 of Committee Proposal No. 3.

No. 50 was rejected as it was felt that some of the thoughts expressed are incorporated in Section 1 of Committee Proposal No. 3, and it is recommended that it be placed on file.

No. 62 was modified and incorporated in Section 11 of Committee Proposal No. 3.

No. 63 was modified and incorporated in Sections 15 and 17 of Committee Proposal No. 3.

No. 71 was modified and incorporated in Section 12 of Committee Proposal No. 3.

No. 83 was accepted and incorporated in Section 4 of Committee Proposal No. 3.

No. 86 was modified and incorporated in Section 23 of Committee Proposal No. 3.

No. 88, Article I—Bill of Rights and Article IX—General Powers, was modified, changed and incorporated in Committee Proposal No. 3.

No. 89 was modified and incorporated in Section 24 of Committee Proposal No. 3.

No. 93 was rejected as it was felt it is not the proper subject for the Bill of Rights, and it is recommended that it be placed on file.

No. 96. The thoughts expressed in this Proposal have been incorporated in Section 4 of Committee Proposal No. 3.

No. 97 was modified, changed, and incorporated in Committee Proposals Nos. 3 and 4, with the exception of Section 20 on the Right to Organize and Bargain Collectively, said section is still under consideration by this Committee.

No. 105. Some of the thoughts expressed in the two Sections of this Proposal appear in Sections 2, 3, and 4 of Committee Proposal No. 3 and Section 6 of Committee Proposal No. 4.

No. 106. Your committee recommends that this Proposal be placed on file inasmuch as the subject matter is similar to the Proposal on Collective Bargaining referred to the Industry and Labor Committee.

No. 138. Your committee recommends that this Proposal be placed on file inasmuch as the subject matter is for legislative consideration. However, your committee feels that the subject matter which is part of our statutory laws is in serious need of revision by the legislature.

No. 161. Your Committee recommends that this Proposal be placed on file inasmuch as the subject matter is for legislative consideration. However, your Committee feels that the subject matter which is part of our statutory laws is in serious need of revision by the legislature.

No. 162. Your Committee recommends that this Proposal be placed on file inasmuch as the subject matter is for legislative consideration. However, your Committee feels that the subject matter which is part of our statutory laws is in serious need of revision by the legislature.

No. 182. Your Committee recommends that this Proposal be placed on file inasmuch as the subject matter is similar to the Proposal on Collective Bargaining referred to the Industry and Labor Committee.

No. 194. The first sentence of the Proposal was modified and incorporated in Section 4 of Committee Proposal No. 3. The second sentence was modified and incorporated in Section 6 of Committee Proposal No. 4.

No. 195 was referred to the Committee on Ordinances and Continuity of Law by Committee Report No. 23, dated May 25, 1950.—June 1, 1950

Jack H. Mizuha,  
Chairman  
Herbert K. H. Lee,  
Vice-Chairman  
Earl A. Nielsen  
Nils P. Larsen  
Charles H. Silva  
Frank C. Luiz

W. O. Smith  
Edward C. Bryan  
J. Pia Cockett  
Edward B. Holroyde  
H. S. Kawakami  
Elizabeth R. Kellerman  
Katsumi Kometani  
Steere G. Noda  
James K. Trask

### STANDING COMMITTEE REPORT NO. 35

Your Committee on Printing to which was referred Standing Com. Rpt. No. 33 and Committee Proposal No. 6 begs leave to report that said report and proposal have this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention.—June 2, 1950

Charles H. Silva, Chairman

### STANDING COMMITTEE REPORT NO. 36

Your Committee on Miscellaneous Matters, to which was referred Misc. Com. No. 26, relating to the outlawing of the Communist Party or any party dedicated to the over-

throw of our government by force and violence, begs leave to report as follows:

Your Committee feels that said communication is similar in substance to that of Proposal No. 195, which has been referred to the Committee on Ordinances and Continuity of Law and, therefore, recommends that said communication be referred to that committee.—June 2, 1950

Takao Yamauchi, Chairman	Teruo Ihara Kazuo Kage
George Dowson, Vice-Chairman	Masao Kanemaru H. S. Kawakami
Samuel K. Apoliona, Jr.	W. O. Smith

### STANDING COMMITTEE REPORT NO. 37

Your Committee on Judiciary begs leave to report a complete judiciary article. Your Committee recognizes that it is dealing with a coordinate branch of government. It is the branch to which is entrusted the safe guarding of our civil liberties. Without a strong Judiciary, democratic processes would speedily disintegrate and the rights of the individual might be swallowed up in an all powerful state.

The article erects the framework of the judiciary branch of government. We have attempted to avoid statutory matters. It is agreed by all authorities, that to establish a strong judiciary and to attract men of competence and integrity on the bench, several basic principles must be observed.

First, the machinery for selection of judges must be calculated to attract the best available material to the bench; second, there must be security in office, so that judges will not be subject to the whims and changes that are engendered in the heat of partisan political campaigns; third, adequate provision must be made for the compensation of judges and for their pensioning upon their retirement.

Your Committee has studied the federal system and the varied systems that obtain in the several states. There is no uniformity in the state systems. The Federal system provides for appointment by the President, confirmation by the Senate and life tenure. By and large, that system has resulted in a judiciary that is probably not surpassed any place in the world with the possible exception of Great Britain.

The original states began with appointive systems but later the newer states turned to an elective system. This was the result of the political revolt in the "Age of Jackson." The battlecry was, "To the victors belong the spoils," and many state judicial systems (particularly in the west) adopted a system of popularly elected judges with short terms. Modern writers on the subject are in accord that the elective judiciary has been one of the prime ills of state governments. It is notable that within the past 25 years every change in state judicial systems has been an effort to get away from popularly elected judges and to return to an appointive system.

Hawaii, from its early days, has enjoyed an appointive judiciary. The earlier constitutions of Hawaii of 1852, 1864, 1887 and the constitution of the Republic all provided for an appointive judiciary. That tradition was continued when Hawaii became a Territory. However, the wise constitutional provisions for long tenure and laws providing for adequate compensation were changed, and the present short term of four years was adopted. Your Committee has reached the firm conviction that the selection of judges should be by appointment by the Governor and confirmation by the Senate, and that the terms of office should be long but nevertheless there should be an opportunity to get rid of a judge who for one reason or other has proved unsatisfactory. For this reason an initial term of 6 years and successive terms of

12 years were agreed upon. Your Committee believes that judges should be subject to impeachment and removal from office and, as a further safeguard, they should be subject to retirement if they become incapacitated.

Your Committee requested the opinion of the Bar of Hawaii on the subject of the judiciary article. The Bar Association held several meetings on the primary question of selection and tenure of judges and voted overwhelmingly in favor of the appointive system. It also voted in favor of a judicial council which would nominate a panel of three from which the chief executive would make his appointment. The Bar Association further voted against the proposition of confirmation by the Senate.

The chief justice is made the head of a unified court system. In order that he may discharge his duties he is provided with an administrative director of the courts. The rule-making power is deposited where it belongs—in the Supreme Court, which will make for an efficient and orderly dispatch of the business of the courts.

With the foregoing general principles in mind, your Committee has examined the proposals before it and, since Proposal No. 184 was a complete judicial article, it was taken as the draft from which the Committee worked. This proposal was taken from the New Jersey plan which was designed by Arthur Vanderbilt, Dean of the Law School of New York University and now Chief Justice of the Supreme Court of New Jersey. Your Committee has endeavored to reduce the article to the shortest compass consistent with covering the field. The several sections of the article will be briefly discussed.

Section 1 deposits the judicial power in the Supreme Court, circuit courts and such inferior courts as the Legislature may from time to time establish. Under this section, the number of circuit judges and judges of inferior courts will be fixed by the Legislature. Likewise the jurisdiction of the several courts is left to the Legislature.

Section 2 provides for a supreme court consisting of a chief justice and four associates. This is a change from our present supreme court of three. The reason for the change is that your Committee believes that a supreme court of five is desirable to keep to a minimum the number of cases in which justices of the supreme court are disqualified and their places filled by substitute judges. Only two states (Arizona and Wyoming) have a supreme court of three. In other states the number varies from five to nine. A supreme court of five will meet the needs of Hawaii. The cost of maintaining the judiciary is exceedingly small as compared with the executive and legislature branches of government. This section also provides for the substitution of circuit judges on the supreme court when necessary and the devolution of the duties of the chief justice upon any contingency. Thus the recent impasse occasioned by the death of Mr. Justice Cristy is provided for.

Section 3 provides for the appointment of justices of the supreme court and judges of the circuit courts by the Governor and confirmation by the Senate. No person is eligible for appointment who has not been admitted to the bar of the Territory or the State or both for more than ten years prior to his appointment. The Governor in making a nomination is required to give ten days' notice before sending the nominee's name to the Senate. This is to afford opportunity of public discussion even before the Senate begins its deliberative process of confirmation.

The provision relating to confirmation by the Senate does not prevent a recess appointment by the executive. He could make such an appointment, which would be subject to confirmation when the Senate convened.

The question of tenure was debated at length. The Committee was unanimous in favoring long tenure. It concluded that there should be an initial term of six years and upon reappointment, a term or successive terms of twelve years. Provision is also made for compulsory retirement at 70. The compulsory retirement provision is to prevent incapacitated judges from remaining on the bench after the time when they are no longer able fully to discharge their duties. The fixing of the compulsory retirement age at 70 is debatable. There have been great judges who have stayed on the bench until 90, witness, Mr. Justice Holmes. On the other hand, there have been judges who have become almost senile in their late 60's. Charles Evans Hughes (before he became chief justice) favored compulsory retirement at the age of 75. He stated, "The result of having judges who are unable properly to do their work and yet insist on remaining on the bench is too great to permit chances to be taken and any age selected must be somewhat arbitrary as the time of the failing in mental power differs widely." (*Hughes: The Supreme Court of the United States, 77*)

Section 4 provides for removal by the impeachment process. This is patterned after the Federal constitution. The House of Representatives makes the charge of impeachment by a simple majority vote. The trial on impeachment is had by the Senate sitting as a court and a concurrence of two thirds of the Senators present is necessary for a conviction. One additional provision which your Committee considers an improvement on the Federal system is that after impeachment (i. e. the charge) a judge will not exercise his office until acquitted. The impeachment process is contained in Proposal No. 142 pending before the Committee on Legislative Powers and Functions. Presumably that committee will recommend that the governor, all elected officials of the State and all judges of courts of record will be subject to removal upon impeachment and conviction.

Section 5 takes care of a situation in which a judge becomes mentally or physically incapacitated. Under this section, without resort to any drastic legislative or impeachment process, upon a certificate of the supreme court (a majority of the justices) that any judge or justice is incapacitated either mentally or physically, the Governor is obliged to appoint a commission to inquire into the matter and, upon the recommendation of the commission, the governor may retire such a judge from office even though his appointed term has not yet expired. This provision is in the present constitution of the State of New Jersey.

Section 6 authorizes the Legislature to fix the compensation of judges and provides that it shall not be diminished during their continuance in office. It also provides for pensioning of judges. Your committee is strongly in favor of pensioning judges when they reach the age of retirement or if they fail to be reappointed for any reason other than misconduct in office. The matter of fixing irrevocably in the constitution the subject of pensions was considered at length; whether it should be a pension with full salary, one-half salary or based on the number of years of service. Your committee finally concluded that this is a proper subject of legislation and should be left to the good judgment of the Legislature.

Section 7 prohibits a judge from holding any office of profit under the State or the United States. It does not prevent a judge from being appointed or elected to another public office which carries no compensation. It was pointed out that a reserve officer in the military service might not be able to hold a reserve commission and remain a judge. It is essential in a democracy that the military be forever subordinate to the civil power. If by chance a reserve officer should seek appointment to the bench, your committee be-

lieves he should resign his military commission, rather than permit himself to be called into active duty and hold both offices. The view was also expressed that no doubt either by regulation or legislation a means could readily be found whereby a reserve officer might resign his commission temporarily during his term of a judicial office. Rather than make an exception for a remote possibility, your committee concluded that the section should stand as drafted.

Section 8 makes the chief justice the administrative head of all the courts and authorizes him to appoint an administrative director, to serve at his pleasure. No attempt is made to define the duties of the administrative director since those are well understood by the courts. The office of an administrative director for the courts has gained widespread approval throughout the country. He attends to manifold administrative duties that are now a drain on the judicial process. The director would keep his pulse on the calendar of the courts and see that the business is expedited. This marks a distinct advance over our present system.

Section 9 authorizes the chief justice to make assignments from one circuit to another. This is our present system which works well and should be continued.

Section 10 deposits full rule-making power in the supreme court. Under this section, the court may by the promulgation of rules of court abolish archaic procedures relating to practice, procedure, process, appeals and general administration of the business of the courts. It has flexibility in that amendments to rules can be made from time to time by the court without resort to the slower legislative process.

Your Committee is unanimous in recommending the agreement of the Convention upon Sections 1, 2, 4, 5, 6, 7, 8, 9 and 10 of amended Proposal No. 184. A minority of your Committee is not in favor of Section 3 which provides for appointment of judges by the Governor and confirmation by the Senate, and this minority dissents from the reasons given in the report in support of the executive appointment of the judiciary.

Upon one other matter your Committee is also divided, and that is the establishment of a judicial council which will participate in the selection of judges. A minority believes that a judicial council substantially as set forth in Proposal No. 185 should be incorporated in the constitution, and this minority likewise dissents from the reasons given in the majority report for the non-inclusion of a judicial council.

Following the passage of this committee proposal on first reading by the filing thereof, your Committee recommends that the same pass on second reading.

*Disposition of Other Proposals  
Referred to Committee on Judiciary*

Proposals Nos. 68, 146, 185—A Judicial Council. Your committee debated the question of a judicial council. These exist in a number of states, mostly by legislation. In several States there are judicial councils that have to do with the selection of judges. Nothing in the judiciary article would prevent the Legislature from creating a judicial council for general supervision of the work of the courts. This is what is contemplated in Proposal No. 146. Your committee recommends against its adoption since it is the proper subject of legislation.

Proposal No. 185 provides for a judicial council of seven which would pass upon the qualifications of judges and submit a panel of three from which the executive must make his appointment. This plan was devised by the American Bar Association in 1937, and a modified version of it later became incorporated in the constitution of Missouri and is known as the Missouri Plan. It was adopted in an effort to correct the abuses of the elective system of judges.

In view of the fact that your committee has recommended an appointive system of judges, not an elective system either on a partisan or nonpartisan basis, a majority of the committee concluded that a judicial council to pass on the qualifications of judges is not desirable because it divides the responsibility for appointment. The judiciary article as drafted fixes the responsibility for appointing good judges, in the first instance, on an elected governor. Usually the chief executive, who is responsible to the people, will appoint a good man to office. A check against a possible poor appointment is to be found in confirmation by the Senate. This process is strengthened by requiring the governor to publish notice of nominations ten days before sending a name to the Senate.

One argument against a judicial council in Hawaii appears to have considerable validity, and that is the fact that we are a small community with a small Bar of approximately 200 lawyers. Most of the lawyers of prominence in the profession practice in all courts throughout the Territory. If a judicial council were created, prominent lawyers would in all likelihood be elected to the council and they would in all likelihood be elected to the council and they would exert a powerful influence in the selection of judges. In view of the fact that we are a small closely knit community and the Bar is close to the bench, your Committee concluded that it would be better not to have a council which would result in a member of the council practicing before a judge whose appointment the council member had advocated. This might possibly tend to incline a judge to favor a lawyer who had been instrumental in securing his appointment to the bench or might create that impression in the public mind. This would not be so in States like California, Missouri or other populous States which have adopted a judicial council dealing with the selection of judges.

Proposal No. 58—Advisory Opinions. Your committee has examined the subject of advisory opinions. Prior to the Organic Act, the supreme court of Hawaii rendered advisory opinions. This device never proved satisfactory either in our own court or in Massachusetts and Maine where it still exists. Our courts deal with cases and controversies. It is not the function of the Courts to render opinions in hypothetical cases, hence your Committee does not favor the proposal.

Proposal No. 17—Women on Juries. Your Committee points out that the only reason women may not serve on juries today is a legislative prohibition contained in the Organic Act. When the Organic Act goes out of existence, with it will go the prohibition. Hence there is no real necessity for any provision in the constitution on the subject.

However, if the Convention deems it preferable to have an express mandate in the constitution, your Committee is of the view that a simple sentence can be incorporated in the provision relating to the right of trial by jury, and your Committee recommends the following language: No person shall be disqualified to serve as a juror by reason of sex.

Proposal No. 3—Number on Supreme Court. This has been adopted in part and rejected in part in amended Proposal No. 184.

Proposal No. 9—Recall of Judges. Your Committee has provided for the removal of judges for cause by impeachment and for other causes. It believes this is a sufficient check on the judiciary and accordingly disapproves Proposal No. 9.

Proposal No. 14—Continuity of Laws has been incorporated in part in the proposal hereto attached. Your Committee

recommends that this proposal be referred to the Committee on Ordinances and Continuity of Law.

The subject matter of Proposals Nos. 3, 9, 15, 26, 58, 68, 92, 124, 146, 160, 185, Article V of Proposal No. 88 and Misc. Com. No. 28 has already been either adopted or rejected by decisions of the Committee and they are accordingly returned with the recommendation that they be placed on file. As to Proposal No. 17, your committee recommends that it be referred to the Committee on Bill of Rights.

—June 2, 1950

J. Garner Anthony,  
Chairman  
C. Nils Tavares,  
Vice-Chairman  
Nelson K. Doi  
Hiram L. Fong  
Yasutaka Fukushima  
Wm. H. Heen

Herbert K. H. Lee  
W. Harold Loper  
Chuck Mau  
Jack H. Mizuha  
Steere G. Noda  
Harold W. Rice  
Thos. T. Sakakihara  
Cable A. Wirtz

Takao Yamauchi—I do not concur on Sec. 2, page 4, as to the number of Supreme Court Justices.

#### COMMITTEE PROPOSAL NO. 7

##### FOR THE ESTABLISHMENT OF THE JUDICIARY

RESOLVED, that the following be agreed upon as part of the State Constitution:

#### ARTICLE \_\_\_\_\_

SECTION 1. The judicial power of the state shall be vested in one supreme court, circuit courts and such inferior courts as the legislature may from time to time ordain and establish. It shall extend to all cases arising under the constitution and laws of the United States or this state. The several courts shall have original and appellate jurisdiction as provided by law.

SECTION 2. The supreme court shall consist of a chief justice and four associate justices. When necessary, the chief justice shall assign a judge or judges of the circuit court to serve temporarily on the supreme court. In case of a vacancy in the office of chief justice or if he is ill, absent or otherwise unable to serve, an associate justice designated in accordance with the rules of the supreme court shall serve temporarily in his stead.

SECTION 3. The justices of the supreme court and the judges of the circuit courts shall be appointed by the governor by and with the advice and consent of the Senate. No nomination to such office shall be sent to the Senate until after ten days' public notice by the governor. No person shall be eligible to such office who shall not have been admitted to practice law before the supreme court of this state for at least ten years.

The justices of the supreme court and the judges of the circuit courts shall hold office for initial terms of six years and upon reappointment shall hold office for a term of twelve years.

SECTION 4. The justices of the supreme court and the judges of the circuit courts shall be removed from office on impeachment for, and conviction of, treason, bribery or other high crimes and misdemeanors. Any judicial officer impeached shall not exercise his office until acquitted.

SECTION 5. Whenever the supreme court shall certify to the governor that it appears any justice of the supreme court or judge of a circuit court is so incapacitated as substantially to prevent him from performing his judicial duties, the governor shall appoint a commission of three persons

to inquire into the circumstances and on their recommendation the governor may retire the justice or judge from office.

SECTION 6. The justices of the supreme court and the judges of the circuit courts shall receive for their services such compensation as may be provided by law which shall not be diminished during their continuance in office. They shall retire upon attaining the age of seventy years. Provisions for pensioning them shall be made by law.

SECTION 7. The justices of the supreme court and the judges of the circuit courts shall hold no other office or position of profit under this state or the United States. Any justice or judge who shall become a candidate for an elective office shall thereby forfeit his office.

SECTION 8. The chief justice of the supreme court shall be the administrative head of all the courts of this state. With the approval of the supreme court he shall appoint an administrative director to serve at his pleasure.

SECTION 9. The chief justice of the supreme court may assign judges from one circuit to another for temporary service.

SECTION 10. The supreme court shall have power from time to time to promulgate rules and regulations in all civil and criminal cases in all courts of this state relating to process, practice, procedure and appeals, which shall have the force and effect of law.

#### STANDING COMMITTEE REPORT NO. 38

Your Committee on Printing to which was referred Standing Com. Rpt. No. 37 and Committee Proposal No. 7 begs leave to report that said Report and Proposal have this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention.—June 3, 1950

Charles H. Silva, Chairman

#### STANDING COMMITTEE REPORT NO. 39

Your Committee on Suffrage and Elections was composed of the following seven members: Trude M. Akau, J. Pia Cockett, Ann H. Corbett, H. S. Kawakami, Katsumi Kometani, James F. Gilliland, and Sakuichi Sakai.

The following proposals and communications were received and considered by this Committee: Proposal No. 33, relating to suffrage and elections; No. 40, relating to qualification for voting; No. 70, establishing bribery as disqualification for office holding; No. 82, relating to persons excluded from the right of suffrage; No. 84, relating to suffrage and elections; and No. 88, (Article II) Suffrage and Elections. Misc. Com. No. 88, "A Constitutional Proposal—State Constitution Can Curb Reds by Defining Political Parties."

The content of each proposal and communication was accepted and incorporated or transmitted as hereinafter set forth: Proposal No. 33 is the basic proposal. No. 40 is incorporated in Proposal No. 33. No. 70 has been referred to the Committee on Legislative Powers and Functions. No. 82 is incorporated in Proposal No. 33. The legislature shall provide for statutory matters. No. 84 is incorporated in Proposal No. 33. No. 88 (Article II) is incorporated in Proposal No. 33. Misc. Com. No. 88 has been referred to the Committee on Ordinances and Continuity of Law.

The Committee held nine meetings, usually of two hours duration and participated in by all members present and frequently by guest speakers and delegates.



The following citizens presented their views: Honorable Gerald Corbett, former Secretary of Hawaii; Honorable Oren E. Long, Secretary of Hawaii; Dr. Allan Saunders, University of Hawaii; Mr. Tony Todaro, private citizen; Dr. Thomas B. Vance, Director of Institutions; Mr. Michiro Watanabe, Deputy Attorney General; Mr. Leon K. Sterling, Sr., City and County Clerk, Honolulu; Mr. Edward Leong, Deputy County Clerk of Honolulu; Mr. Edwin M. Desha, County Clerk of Hawaii; Mrs. Margaret M. Kaaua, Deputy County Clerk of Hawaii; Mr. James K. Burgess, Jr., County Clerk of Kauai; Mr. James Yamamoto, Deputy County Clerk of Kauai; Mr. Toshi Enomoto, County Clerk of Maui; Mr. Boniface Espinda, Deputy County Clerk of Maui.

The following delegates also took part in the meetings at various times: Samuel K. Apoliona, Jr., Nils P. Larsen, Hebden Porteus, Harold W. Rice, and C. Nils Tavares.

The following references were used: *Manual on State Constitutional Provisions, Legislative Reference Bureau, Univ. of Hawaii*. *Model State Constitution*, by the Committee on State Government of the National Municipal League. State of New Jersey [Constitution], Hawaii Model Constitution, by Associated Students of the University of Hawaii. Organic Act of Hawaii. Election Laws of Hawaii, Revised to 1950, issued by the office of the Secretary of Hawaii. Commonwealth of Massachusetts [Constitution]. Constitution of State of Missouri. Constitution of State of Nebraska. Constitution of State of Wisconsin. Written statement from the Secretary of Hawaii, Mr. Oren E. Long.

In all its deliberations and discussions at Committee meetings, the members were greatly benefited and assisted by Secretary of Hawaii, Oren E. Long, who is directly in charge of elections under the Organic Act. The county clerks and their deputies of our four counties appeared before this Committee and submitted many very helpful suggestions. We were also advised on different sections by several of our delegates and legislators and received the benefit of their experiences. The final draft was, however, reviewed by our Deputy Attorney General, Michiro Watanabe, who has carried out the basic principles of election and suffrage of the State of Hawaii as expressed by members of this Committee.

The Committee in drafting this section of the Constitution—Suffrage and Elections—considered Proposal No. 33 as its basic-working proposal. Proposals Nos. 40, 82, 84 and 88, referred to this Committee, have been incorporated into this draft of Proposal No. 33, while segments which were considered statutory were referred to the legislature for enactment into law.

The Committee, therefore, presents for your consideration, the following:

(A) SECTION \_\_\_\_\_. Qualifications of Voters. In order to be qualified to vote in any state or local election, a person

1. Shall be a citizen of the United States;
2. Shall have attained the age of 20 years;
3. Shall have resided in the state not less than one year next preceding the election;
4. Shall be able to speak, read and write the English or Hawaiian language, except for physical disability; and
5. Shall be registered as a voter in accordance with law.

The Committee established the age of 20 years as the qualification for voting. The Committee unanimously agreed that Hawaii should give the privilege of suffrage at the age of 20 years, which is the age of majority in Hawaii. A per-

son old enough to be married without parental consent, a person old enough to assume his own debts, a person old enough to enter into his own business by law, is old enough to enjoy the privilege of suffrage—let alone the fact that he is already a taxpayer and also is eligible for draft in the armed services of our country.

The voting age of 21 years was the extension of the English tradition from medieval times that was embodied in the constitution of all the states. While the age of 18 years was brought up for discussion, it was felt that a person is not politically mature at this age and two years will bring the necessary interest and understanding of the political life of Hawaii. Geographically speaking, maturity in the physical and mental make-up is attained faster in a temperate or warm climate.

The Committee agrees this residential clause of one year should be sufficient for qualification of voting. Any breakdown from the county into districts and precincts should be provided by the election laws enacted by the legislature. Many states restrict those who have attained citizenship from voting for a length of time—between 30—120 days, but the Committee agreed that a naturalized citizen should be given the privilege of suffrage immediately. The naturalization law will provide for residence, education, citizenship and other basic requirements. The Committee has given thought to our Filipino population who have been imported to Hawaii as laborers and who are entitled to citizenship.

Leon Sterling, Sr., County Clerk of the City and County of Honolulu called attention to the fact that many new citizens come to the Clerk's office for immediate registration upon being naturalized.

Because of the custom, tradition and history of Hawaii, the qualification to speak, read and write the Hawaiian language, in addition to English, has been inserted in the Constitution. After a careful study, it was felt that there are some Hawaiians, who will meet only this qualification, and so must not be denied the privilege of suffrage, particularly in their own state.

(B) SECTION \_\_\_\_\_. Disqualifications of Voters. No person who is non compos mentis and no person under conviction of felony, unless pardoned and restored to his civil rights, shall be qualified to vote.

After much discussion, the words "non compos mentis" were used as the basis of disqualification. Webster's Dictionary defines "non compos mentis" as: not of sound mind; a term including all forms of mental unsoundness. Delegate Nils P. Larsen, a medical doctor, reaffirmed the usage of this word.

Felony, a crime punishable by imprisonment of one year or more, was unanimously agreed by the Committee as a cause of disqualification from voting. This is a traditional cause for disqualification.

However, the Committee investigated other crimes, such as bribery, fraud and infamous crimes, treason, but concluded that felony will embody all crimes punishable for one year or more in prison, which should be cause for revoking the voting privilege until pardoned and restored to civil rights.

One phase which has been explored by the Committee has been the period when a patient, declared non compos mentis by court, is released on probation from an institution until such patient is given permanent release. It was the opinion of the Committee that the privilege of suffrage should be extended to these patients during this period of probation to assist the patients in mental rehabilitation.



This was strongly recommended by Mr. Thomas Vance, Director of Institutions of Hawaii.

(C) SECTION \_\_\_\_\_. Residence. No voter shall be deemed to have gained or lost residence simply by reason of his presence or absence while employed in the service of the United States; nor while engaged in navigation; nor while a student at any institution of learning.

The section on "Residence" will clarify the voting status of persons in armed services of our country, students absent from the state for schooling and persons who are in the service of maritime activities. It is universally found as a part of suffrage and elections in most status.

(D) SECTION \_\_\_\_\_. Registration; Voting. The legislature shall provide for the registration of qualified voters and prescribe the method of voting at all elections, provided that secrecy of voting shall be preserved. The legislature shall provide the manner in which a qualified voter who may be absent from the State or the island of his residence on any election day may vote.

The matter of registration of voters, the conduct of state and local elections, method of voting and absent voting have been considered as measures which should be provided by the legislature. However, the Committee did not eliminate these sections without thorough study.

The Committee recommends to the legislature that at least 30 days before any election be the time set for registration. This is to enable the county clerks sufficient time to prepare for an efficient publication of the list of voters. This is not only in the interest of the clerks, but for the general public.

The Committee agreed that absent voting should be liberalized and carried on in such manner as to insure our voters of their privilege. Because of the geographical make-up of our state, serious consideration should be given to voters absent from their respective islands and counties on any election day. The time element of 90 days prior to an election has been recommended for absent voting.

The election officers charged with the direction and administration of the election system of the state and its civil divisions shall be appointed according to merit and fitness. Pros and cons of election officers under the civil service system have been discussed and while there is merit on both sides, the Committee recommends that the legislature provide by law for the selection of election of officers that will best fit into the two-party system of our government and our isolated precincts.

(E) SECTION \_\_\_\_\_. General elections shall be held on the Tuesday after the first Monday in November, even-numbered years, and every second year thereafter. Primary elections shall be held not less than six weeks prior to the general election. Special elections may be held according to law. Contested elections shall be decided by the Supreme Court of the State of Hawaii according to law.

The term "general elections" is made to coincide with the Federal Law. This Committee strongly supports the proposal that primary elections be held six weeks or more before the general elections. Because of the need of time in campaigning over the entire state, due to our geographic make-up by islands, this proposal was unanimously adopted. Laws for special elections can be enacted by the legislature, while contested elections should be decided by the highest tribunal of our state, the Supreme Court.

Following the passage of this committee proposal on first reading by filing thereof, your Committee recommends that the same pass on second reading. —June 3, 1950

Katsumi Kometani,  
Chairman  
Trude M. Akau,  
Vice-Chairman

J. Pia Cockett  
Ann H. Corbett  
James F. Gilliland  
H. S. Kawakami  
Sakuichi Sakai

#### COMMITTEE PROPOSAL NO. 8

#### RELATING TO SUFFRAGE AND ELECTIONS

RESOLVED, that the following be agreed upon as part of the State Constitution:

#### ARTICLE \_\_\_\_\_.

SECTION \_\_\_\_\_. Qualifications of voters. In order to be qualified to vote in any state or local election, a person

1. Shall be a citizen of the United States;
2. Shall have attained the age of 20 years;
3. Shall have resided in the state not less than one year next preceding the election;
4. Shall be able to speak, read and write the English or Hawaiian language, except for physical disability; and
5. Shall be registered as a voter in accordance with law.

SECTION \_\_\_\_\_. Disqualifications of voters. No person who is non compos mentis and no person under conviction of felony, unless pardoned and restored to his civil rights, shall be qualified to vote.

SECTION \_\_\_\_\_. Residence. No voter shall be deemed to have gained or lost residence simply by reason of his presence or absence while employed in the service of the United States; nor while engaged in navigation; nor while a student at any institution of learning.

SECTION \_\_\_\_\_. Registration; Voting. The legislature shall provide for the registration of qualified voters and prescribe the method of voting at all elections, provided that secrecy of voting shall be preserved. The legislature shall provide the manner in which a qualified voter who may be absent from the State or the island of his residence on any election day may vote.

SECTION \_\_\_\_\_. General elections shall be held on the Tuesday after the first Monday in November, even-numbered years, and every second year thereafter. Primary elections shall be held not less than six weeks prior to the general election. Special elections may be held according to law. Contested elections shall be decided by the Supreme Court of the State of Hawaii according to law.

#### STANDING COMMITTEE REPORT NO. 40

Your Committee on Printing to which was referred Standing Com. Rpt. No. 39 and Committee Proposal No. 8 begs leave to report that said Report and Proposal have this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention. —June 5, 1950

Charles H. Silva, Chairman

#### STANDING COMMITTEE REPORT NO. 41

Your Committee on Taxation and Finance begs leave to report as follows:

After much study and deliberation, your Committee has voted to exclude homes from the classes of real property which may be exempted from taxes by the legislature. This action has been taken on the understanding that an ordinance to the effect that homes may nevertheless continue to be exempt from real property taxes up to and including December 31, 1959, under laws of the State of Hawaii, will be presented for adoption with the state constitution.

Your Committee therefore recommends that the Committee on Ordinances and Continuity of Law be instructed to prepare such an ordinance and submit it to the convention for adoption.—*June 5, 1950*

Henry A. White,  
Chairman  
Harold W. Rice,  
Vice-Chairman  
Alexander Castro  
Frank Y. Kam  
Masao Kanemaru

John K. Lai  
Charles A. Rice  
Herbert M. Richards  
Sakuichi Sakai  
C. Nils Tavares  
Arthur K. Trask  
Arthur D. Woolaway  
Takao Yamauchi

Jack H. Mizuha—I do not concur.  
James K. Yamamoto—I do not concur.

#### STANDING COMMITTEE REPORT NO. 42

Your Committee on Taxation and Finance, to which was referred Mis. Com. No. 82, being a letter under date of May 16, 1950 to you from James R. McDonough, Secretary pro tem of the Joint Tax Study Committee commenting on uniformity of taxes and debt limitations, and enclosing copies of two articles by that Committee, one on the subject of personal net income tax and the other on the real property tax and home exemption provision, begs leave to report as follows:

The Committee on Taxation and Finance is currently considering the section on debt limitations including, of course, Mr. McDonough's suggestions in connection therewith. While no decision has been reached as to the initial maximum limit and a method of adjustment to provide flexibility without impairing the credit of the State or any of its subdivisions, it is the consensus of your Committee that limitation on debt is an essential requirement of a sound state financial program.

The Committee on Taxation and Finance does not propose to recommend any provision be incorporated in the constitution which will prohibit the legislature from adopting inheritance, estate, gift or personal net income taxes. This action is in line with Mr. McDonough's recommendation in connection therewith and with the first article which opposes the elimination of the personal net income tax.

The article on the real property tax and home exemption provision presents arguments against exempting homes from real property taxes. The Committee on Taxation and Finance has voted to recommend that certain properties not including homes, be exempt from real property taxes. While homes are not included as one of the classes of real property which may be exempt, this Committee has voted to recommend that an ordinance be prepared and adopted which will permit the continued exemption of homes from real property taxes to and including December 31, 1959. This will provide a period of transition during which home owners relying on home exemption may make adjustments in their financing programs and budgets where necessary.

Your Committee appreciates the interest shown in these subjects by Mr. McDonough and the Joint Tax Study Com-

mittee, and recommends that copies of this letter be transmitted to them for their information.—*June 5, 1950*

Henry A. White,  
Chairman  
Harold W. Rice,  
Vice-Chairman  
Alexander Castro  
Frank Y. Kam  
Masao Kanemaru

John K. Lai  
Charles A. Rice  
Herbert M. Richards  
Sakuichi Sakai  
C. Nils Tavares  
A. K. Trask  
Arthur D. Woolaway  
Takao Yamauchi

Jack Mizuha—I do not concur on deleting home exemption.

James K. Yamamoto—I do not concur for deleting of home exemption.

#### STANDING COMMITTEE REPORT NO. 43

Your Committee on Taxation and Finance, to which was referred Dept. Com. No. 5, from the Treasurer of the Territory of Hawaii, stating that the firm of Wood, King & Dawson, New York, had offered their assistance to the Convention in the drafting of constitutional provisions with respect to Territorial and local borrowing, begs leave to report as follows:

Your Committee has consulted with the legal firm of Wood, King & Dawson, who for many years have been the bond attorneys for the Territory, and has received much helpful advice from them.

Your Committee recommends that Dept. Com. No. 5 be placed on file.—*June 5, 1950*

Henry A. White,  
Chairman  
Harold W. Rice,  
Vice-Chairman  
John K. Lai  
James K. Yamamoto  
J. Mizuha  
Masao Kanemaru

Frank Y. Kam  
Arthur D. Woolaway  
Takao Yamauchi  
C. Nils Tavares  
Alexander Castro  
Arthur K. Trask  
Herbert M. Richards  
Sakuichi Sakai  
Charles A. Rice

#### STANDING COMMITTEE REPORT NO. 44

Your Committee on Taxation and Finance, to which was referred Proposals Nos. 7, 13, 73, 74, 75, 76, 77, 78, 79, 80, 81, Article VI of Proposal No. 88 containing six sections on finance, Nos. 129, 140 and 141, has considered all of these proposals as well as the proposal attached to this Committee's Report No. 2, dated May 22, 1950, and begs leave to report as follows:

Proposal No. 13 was introduced by Mr. Henry A. White, Chairman of your Committee on Taxation and Finance as a tentative proposal for this committee covering Taxation and Finance, and has been used as a basis from which redrafts of various sections have been made. Under date of May 22, 1950 your Committee in its report No. 2, on the distinct understanding that it was only a tentative draft, submitted a complete proposal on this subject in order to acquaint the other delegates of the thinking of your Committee and in order to give this Committee the benefit of the criticism, comments and suggestions of these other delegates. Subsequent thereto, a public hearing was held on the subject and your Committee is now working on a complete and final redraft of the provisions on Taxation and Finance which will be embodied in your Committee's final report, together with its recommendations thereon and reasons therefor.

The purpose of this communication is to report the Committee's thinking with respect to the various other proposals which have been referred to it.

Proposal No. 7 provides for certain real and personal property tax exemption, in addition to other exemptions, for honorably discharged veterans, for service-disabled veterans and for widows of veterans. It is the opinion of your Committee that such provision should not be in the Constitution of the State of Hawaii, but should be left to the legislature. Blanket exemption as proposed appears to your Committee to be undesirable, for it does not give consideration to the individual needs of the veterans or to a veteran's ability to pay. To the extent that there is home exemptions, veterans or their widows who qualify as home owners will be entitled thereto. The legislature of the State of Hawaii or the Congress of the United States may provide general benefits to veterans and to their widows. Your Committee has no way of forecasting the scope of such general benefits, therefore, your Committee believes that benefits for veterans should be left to the sound discretion of the legislature who may act thereon from time to time, as conditions warrant.

Proposal No. 73, Section 3 of Proposal No. 88 and the sixth Section of Proposal No. 140 prohibit appropriations for private purposes. The substance of these proposals will be covered in the Committee's final report, which will contain a provision to the effect that no appropriations of public money or property shall be used, etc., except for a public purpose. If an appropriation cannot meet the test of being for "a public purpose," then such appropriation will be void.

Proposal No. 74 and the fifth section of Proposal No. 140 relate to legislative budget procedure. The Committee's final report will contain a section on legislative appropriations procedure which is in general agreement with the basic idea of these proposals except that such section will not provide that it shall be the duty of the Governor to appear with respect to the budget for it can be assumed that the Governor will always be more than willing to so appear.

The Committee's final report will contain a provision empowering the Governor to strike out or reduce items of appropriations, similar to that suggested in the last line of Proposal No. 74 and in the seventh section of Proposal No. 140.

Proposal No. 75 and the fourth section of Proposal No. 140 relate to the budget and the provisions thereof will be substantially covered in the Committee's final report.

Proposal No. 76 and the second section of Proposal No. 140 relate to borrowing power of the state. Similar prohibition against the use, etc. of the credit of the state or any subdivision thereof except for public purposes will be included in your Committee's final report.

Proposal No. 77, Section 6 of Article VI of Proposal No. 88, the eleventh section of Proposal No. 140, and Section 18 of Proposal No. 141, all refer to excess condemnation. Proposal No. 13 as originally introduced contained a section on excess condemnation, but upon the advice of the Attorney General to the effect that such a provision is unnecessary, since the state has the power to condemn property for public purposes as may be necessary, our Committee proposes not to include a section on excess condemnation in its final report.

Proposal No. 78 and the ninth section of Proposal No. 140 relate to purchasing methods. There will be a section on this subject, substantially as recommended in your Committee's final report.

Proposal No. 79, the tenth section in Proposal No. 140, and Section 19 in Proposal No. 141 all relate to post audit-

ing. There will be a section covering this subject in the Committee's final report. It will provide that the legislature in joint session shall appoint a certified public accountant as auditor for a term of eight years who will be subject to removal at any time for cause by two-thirds majority vote of the members in joint session. The duties of the auditor are also spelled out in that section.

Proposal No. 80, Section 1 of Article VI of Proposal 88, and the first section of Proposal No. 140, relate to powers of taxation and are identical in wording to a similar section in Proposal 13, which will be contained in your Committee's final report.

Proposal No. 81, Section 5 of Article VI of Proposal No. 88, and the eighth section of Proposal No. 140, all relate to the expenditure of money. Upon the advice of the Attorney General the portion thereof which provides that no money shall be withdrawn from the Treasury nor any obligation for payment of money incurred, except by law, has been eliminated as being unnecessary. With respect to suggested provisions which would prohibit the specific allocation of the proceeds of any particular tax or fund, the Committee has voted to leave such to the sound judgment of the legislature. The final report of the Committee will contain a section giving the Governor the authority to reduce expenditures and to control the rate of expenditures. It is the belief of the Committee that such a provision so empowering the Governor is most necessary and desirable in order to assure a sound financial program for the State of Hawaii.

Proposal No. 88, Article VI, contains 6 sections. Sections 1, 3, 5 and 6 thereof have been mentioned above. Section 2 which relates to the property of non-residents, is taken from H. R. 49, and a similar provision will be included in your Committee's final report.

Section 4 of Article VI of Proposal No. 88 and the third section of Proposal No. 140, and Section 16 of Proposal No. 141, relate to the public debt and limitations thereof. This subject is currently under consideration in your Committee and while no decision has been reached as to the initial maximum limit and a method of adjustment to provide flexibility without impairing the credit of the State or any of its subdivisions, it is the concensus of your Committee that limitation on debt is an essential requirement of a sound state financial program, and the Committee's final report will contain a section thereon.

Proposal No. 129 relates to the Employees' Retirement System and provides that the benefits therein shall be a diminished or impaired and that membership therein shall be a contractual relationship. It is the opinion of your Committee that to include such a provision in the Constitution would be unwise and unsound, for it would be committing the State forevermore, practically speaking, to continue the present benefits, and it is conceivable that some adjustments may become necessary at some future time. Further, it appears to be unsound as class legislation. Government employees are protected by law and it is the belief of your Committee that no provision should be placed in the Constitution which would interfere with the free action of the legislature who can take necessary action as the times may warrant, after they have had an opportunity to complete a careful review and analysis of the system and of the then financial condition of the State.

Proposal No. 140 relates to taxation and finance and is a complete article on this subject. All sections, except that on exemption from taxes, are covered in the comments above. Your Committee's final report will contain a section with respect to exemption from real property taxes and includes all of the property mentioned in Proposal No. 140.

Proposal No. 141 relates to taxation and finance and recommends certain changes in Proposal No. 13. Your Committee in its final report will recommend, in line with the first Section of Proposal No. 141, that all three appointments of the Treasurer, Commissioner of Taxation and Commissioner of Finance shall be by the Governor and confirmed by the Senate and that they shall serve at the pleasure of the Governor.

Sections 7 and 8 of Proposal No. 141 would empower the legislature to increase the total of the Government's general appropriation bill and to add new items therein and would eliminate a section in Proposal No. 13 which provided that the legislature may make additional appropriations but only by separate bills. Your Committee in its final report will recommend that the legislature may make amendments in the general appropriations bill provided that the total amount of the bill is not increased, and that the legislature may by separate bill covering one object or purpose make such appropriations as it deems advisable. Your Committee is strongly of the opinion that if the State of Hawaii is to have a sound financial program the total amount of the Governor's appropriation bill should not be increased within the general appropriations bill itself.

Section 13 of Proposal No. 141 recommends the inclusion of gift taxes in the section on uniformity of taxes in Proposal No. 13. Your Committee has voted not to include any constitutional provision on uniformity of taxation, leaving that to the legislature to act within the due process and equal protection clauses of the constitution, except that the provision with respect to taxation of nonresidents as provided in H. R. 49, will be included in your Committee's final report. Other provisions of Proposal No. 141 with respect to debt limitations, excess condemnation, and post auditing, are covered in comments on these subjects above.

Your Committee therefore recommends that Proposals Nos. 7, 13, 73, 74, 75, 76, 77, 78, 79, 80, 81, Article VI of Proposal 88, 129, 140 and 141, and Committee Proposal No. 2 attached to this Committee's Communication No. 93 [Standing Com. Rpt. No. 19A], be filed.—June 5, 1950

Henry A. White,  
Chairman  
Harold W. Rice,  
Vice-Chairman  
Alexander Castro  
Frank Y. Kam  
Masao Kanemaru

John K. Lai  
Charles A. Rice  
Herbert M. Richards  
Sakuichi Sakai  
C. Nils Tavares  
Arthur K. Trask  
Arthur D. Woolaway

Jack Mizuha—I do not concur with the deletion of Proposal No. 7.

James K. Yamamoto—I do not concur.

Takao Yamauchi—I do not concur on Proposal No. 7.

#### STANDING COMMITTEE REPORT NO. 45

Your Committee on Style to which was referred Committee Proposal No. 1, dealing with Health and General Welfare, has examined the action of the Convention and the report of the Committee of the Whole and begs leave to report as follows:

1. That the proposal entitled Health and General Welfare be adopted on Third Reading in the form attached (Com. Proposal No. 1, RD. 4).

The Committee calls the Convention's attention to its action which has been adopted as a matter of procedure in dealing with subsequent articles to be submitted to the Convention.

The Committee on Style has tentatively agreed, as a matter of simplicity and for ease in handling other sections as they come in, to incorporate them into 16 broad articles, these to be arranged later in such form and number as would best meet the needs of the final Constitution.

These are as follows: (1) Preamble, (2) Bill of Rights, (3) State Boundaries, (4) Legislative, (5) Executive, (6) Judiciary, (7) Suffrage and Election, (8) Taxation and Finance, (9) Local Government, (10) General Welfare and Health, (11) Education, (12) Labor and Industry, (13) Agriculture, Land and Conservation, (14) Miscellaneous, (15) Revision and Amendments, (16) Ordinances and Continuity.

2. The Committee on Style has tentatively agreed to use subtitles in the various articles as a matter of convenience and for the purpose of ease and locating information. The Committee has also agreed to recommend to the Convention the incorporation of language which would make it clear that the subtitles are not to be used in any way for judicial interpretation of the meaning of each of the sections.

The Committee has furthermore agreed to place these subtitles in the margin where they will be easily visible for reference purposes. The action as to the final use of subtitles will be left for later determination.

3. The Committee has tentatively agreed to use the United States Government Style Manual for purpose of form, but will make necessary changes where it is felt that the Style Manual does not meet the needs of the Constitution.

4. Your Committee calls attention to the following changes in style which have been made in the proposed article as adopted on the floor of the Convention. In comparing the recommended changes the Committee suggests that the delegates compare the Style Committee Proposal (No. 1, RD 4) with Committee Proposal No. 1, RD 3.

Section 1. No changes are suggested except that the word "state" has been capitalized to conform to the Style Manual. The same procedure will be followed throughout in the proposed article.

Section 2. Two changes are suggested in Section 2, placing a comma in the second line after the word "rehabilitation" and the substitution of the word "of" for the word "for."

Section 3. The only change suggested in Section 3 is the substitution of "Public Assistance" for "Social Security" in the subtitle, which more nearly describes the subject matter of the section.

Section 4. In line two a comma has been inserted after the word "for." In line 3 a comma has been inserted after the word "in." After the word "and" before the word "rehabilitation" the words "the development or" were added. A comma was placed after the word "areas."

The purpose of the commas in that Section is to make it clear that the power to provide for, or assist in, applies to all of the listed areas—slum clearance, development and rehabilitation of substandard areas.

Your Committee has added the word "development" in that Section since it was the intention of the Convention in the Committee of the Whole to cover not only the rehabilitation of substandard areas but also the development of such areas.

It was felt by your Committee that the inclusion of this term is not a change of substance. It incorporates the intent of the Convention and as a matter of style was included in the Section.

Section 5. In line 4 the Committee recommends a comma after the second "and" after the words "for that purpose."

Section 6. Your Committee recommends the changing of the subtitle by substituting the word "Construction" for the present subtitle "Powers of State."

The Committee felt that the powers of the state were not adequately descriptive of the substance of that Section. It felt that the Section was concerned primarily with the question of construction of powers rather than with the powers of state, as such.

The Committee on Style recommends that the proposed article, as presented by the Style Committee, be adopted on third reading.—June 6, 1950

Benjamin O. Wist,  
Chairman  
Nelson K. Doi,  
Vice-Chairman  
Herbert M. Richards  
Steere G. Noda  
Marguerite K. Ashford  
J. Garner Anthony

Tom T. Okino  
Clarence Y. Shimamura  
Cable A. Wirtz  
Wm. H. Heen  
Alexander Castro  
C. Nils Tavares  
Takao Yamauchi  
Randolph Crossley  
Harold S. Roberts

#### ARTICLE X.

SECTION 1. [Public Health] The State shall provide for the protection and promotion of the public health.

SECTION 2. [Handicapped] The State shall have power to provide for treatment and rehabilitation, as well as domiciliary care, of mentally or physically handicapped persons.

SECTION 3. [Public Assistance] The State shall have power to provide assistance for persons unable to maintain a standard of living compatible with decency and health.

SECTION 4. [Slum Clearance, Rehabilitation and Housing] The State shall have power to provide for, or assist in, slum clearance and the development or rehabilitation of sub-standard areas, including housing for persons of low income.

SECTION 5. [Public Sightliness and Good Order] The State shall have power to conserve and develop its natural beauty, objects and places of historic or cultural interest, sightliness and physical good order, and, for that purpose private property shall be subject to reasonable regulation.

SECTION 6. [Construction] The enumeration in this article of specified powers shall not be construed as limitations upon the powers of the State to provide for the general welfare of the people.

#### STANDING COMMITTEE REPORT NO. 46

Your Committee on Printing to which was referred Standing Com. Rpt. No. 45 from the Committee on Style begs leave to report that said report has this day been printed.—June 7, 1950

Charles H. Silva, Chairman

#### STANDING COMMITTEE REPORT NO. 47

Your Committee on Revision, Amendments, Initiative, Referendum and Recall, composed of the following members: Yasutaka Fukushima, Chairman, John K. Lai, Vice-Chairman, Matsuki Arashiyo, Alexander H. F. Castro, Hiram L. Fong, Peter Kawahara, Earl A. Nielsen, Frederick Ohrt, Richard St. Sure, C. Nils Tavares, and Cable A. Wirtz, begs

leave to report as follows, with respect to the so-called "statutory initiative and referendum" and the "recall."

Two measures on initiative and referendum, for enactment of both statutes and constitutional amendments—namely, Proposals Nos. 113 and 148 were referred to your Committee. No proposal for the recall was referred to your Committee.

The majority of your Committee has voted to recommend against the inclusion of the statutory initiative and referendum, or the recall, in the constitution, for reasons hereinafter stated.

#### Statutory Initiative

According to the Legislative Reference Bureau,

The initiative is a device whereby a stated number of voters, by petition, may frame a measure—an ordinary law or an amendment to the constitution—and cause it to be submitted to a popular vote. It is of two types, direct and indirect.

The Direct type places a proposed measure upon the ballot for submission to the electorate without legislative action. In the indirect type, the initiated measure goes to the legislature which must act upon it within a specified period. If it is passed unchanged and signed by the governor, it becomes law forthwith, unless a referendum is held. If amended or if not acted upon within the specified period, it must be submitted to the electorate for their "yes" or "no" vote.

— *Manual on State Constitutional Provisions*,  
Legislative Reference Bureau, University  
of Hawaii, 1950, page 119.

The foregoing quotation is a substantially correct general definition of the initiative, without going into the various ramifications of the systems of the nineteen states which have adopted this method of legislation.

While this portion of this majority report is addressed to the "statutory initiative," i.e., use of the initiative for enacting legislation, as opposed to use of the same for initiating constitutional amendments, most, if not all, of the reasons which have impelled the majority of your Committee to recommend against inclusion of the statutory initiative in our constitution are equally valid against inclusion of the same for constitutional amendments. The majority of your committee therefore has, in a separate report upon proposed methods of amending the constitution, also recommended against the initiative method for constitutional amendments.

The majority of your Committee recommends against the inclusion of the statutory initiative in the constitution for all or most of the reasons hereinafter stated.

1. It is interesting to note that constitutional provisions for initiative of statutes were adopted between 1898 and 1918, but that no new state since 1918 has adopted such measures, although some of the nineteen states that had the initiative have retained it in more recent revisions of their constitutions. While such failure of new states to adopt such measures for the last 32 years is not necessarily a conclusive indication of the undesirability thereof, your Committee, after examining the evidence and arguments pro and con, is inclined to believe that the failure of other states to adopt statutory initiative has been due (a) to the failure of this expedient to achieve as good results as had at first been claimed for it by those who believed that the cure for all of our ills was more direct democracy in all forms of government, (b) to the possible abuses and inherent defects of the system which have become more apparent in recent years, and (c) to the discovery and institution of means of improving

and streamlining the ancient legislative machinery to meet more adequately the needs of the times.

2. It is unfortunately true that, until quite recently, the legislative departments of a great many of the states and of Congress had failed to keep pace in efficiency and responsiveness to the needs of the community with the advances in the executive and judicial departments. In the latter two departments there had been for a long time continuous efforts at improvement through legislation and constitutional amendments, and much success in those efforts. The initiative and referendum were called into being as a means of attempting to remedy the situation caused by this lag of the legislative department in modernizing its own procedure and improving its efficiency. Since that time, however, notable advances have been made in some states and are being considered in others to so improve the legislative department's functioning as to render unnecessary the more costly cumbersome and impractical initiative. Among these improvements, have been automatic periodic reapportionment in at least one house to keep pace with changing population trends; more frequent sessions; constitutional or legislative provisions, or adoption of more modern rules of procedure to expedite legislation and minimize cumbersome and time-consuming procedures; more adequate compensation and technical and other assistance to legislators, including bill-drafting service, legislative councils, and legislative reference service; and even greater efficiency in the executive departments.

One of the witnesses in favor of statutory initiative before your Committee admitted that such improvement and streamlining of our legislative and executive departments, if carried to a sufficient degree would minimize, or even eliminate, the arguments in favor of popular initiative for legislation. This is the means which the majority of your Committee favors to meet the real or supposed shortcomings of the legislative and executive departments of the past, rather than the impractical popular initiative.

3. The majority of your Committee believes that the genius of the men who wrote the Federal Constitution is exemplified in the highest measure by their creation of the republican or representative form of government, as the most efficient and stable form of government between the undesirable extremes of tyranny or dictatorship on the one hand and government directly by the people—as in the case of the old New England Town Meeting and the pure democracy of Athens—on the other. The survival of this country and its leadership among all the nations of the world can well be laid in large part to the stability, consistency and balance of this representative form of government.

Under this system, the people initially set up a framework of government which does not change with every ebb and flow of the tide of popular opinion. This framework, which cannot be changed except with great effort and deliberation, produces an enduring stability not found in other types of government. Within this enduring framework, the people elect their legislators for short terms, and these lawmakers, together with the members of the executive and judicial departments, chosen in the manner provided by the basic document, rule for the people. The system of checks and balances between departments tends to prevent excesses, abuses and usurpations, and the short but certain tenure of the legislators and governor insures that, by and large, the government will be responsive to the true and enduring dictates and desires of the people, but will not necessarily follow the dangerous and often mistaken dictates of storms of hasty, temporary and changeable public emotion. Except in time of war and equally urgent disaster or crisis, laws should be

drawn, not solely for the apparent temporary need or the fleeting desires of the moment, but with deliberation and careful consideration of long-range needs and fair treatment to all classes as far as possible.

The proper manner of creating a feeling of responsibility in any agency such as the legislative department, is to give it full responsibility for making laws in the best interest and for the welfare of the people and holding its members responsible therefor. The initiative by-passes the legislature and thereby tends to lower popular respect for that body by lessening its importance and weakening its responsibility. Instead of concentrating upon the election of able persons and depending upon them to pass good laws, it encourages people to feel that legislators are not so important because the people can always directly do what they want and override the legislature. Such a situation does not tend to attract the ablest candidates or to encourage lawmakers to do their full duty.

The majority of your Committee believes that the cure for the shortcomings that exist in or are claimed against our legislative department or our government as a whole, lies, not in the adoption of the initiative, which is a step back toward the total democracy of Athens, which was one of the chief causes of the downfall of that greatest civilization of antiquity, but in the strengthening of our representative system through the adoption of the improved methods and measures mentioned above.

4. Under the American system of free enterprise under a republican form of government, which has made and kept this country great, it is necessary that the people be given as free rein as possible, consistent with the general welfare, to engage in business to earn a living wage, to produce goods and to perform all the other activities that make this nation strong economically. The operations of government require taxes, and taxes come, not from money furnished miraculously by the "government," but from the earnings and profits of the people. It is well known that elections and legislative sessions have a disturbing effect upon the community and upon business, big and small. All good citizens must, to some extent, neglect their everyday affairs, their work and their business, to take part in these important processes, whether it be to advocate good candidates or good laws, or oppose bad ones. This responsibility they must cheerfully accept as the price of liberty and efficient government. However, there must be some peace, some surcease, from these activities to enable the people to proceed normally with the work and business which will raise the taxes to support their government. The initiative, along with the referendum and recall, will tend to destroy that period of peace and normal operations between elections and sessions of the legislature, and to further disrupt the normal business and affairs of the people who are already struggling under an enormous burden of taxes and governmental red tape. With the large, cohesive, well-disciplined and militant pressure groups agitating for the initiative, it is almost certain that it will be much used, not only by them, but also by other groups which will be sure to organize as in other states in recent years, for pensions, "ham and egg" legislation, increased compensation, and other costly schemes, which should be carefully and deliberately considered in our legislature with full regard to the needs of other groups and of the public generally and the available resources of the Territory. Such consideration has never been, and never can be, adequately given by the people under the initiative system. With business now in an uncertain state, the prospect of continuous turmoil and strife which can be engendered by the initiative, in addition to all the

other trials and tribulations that must be suffered by citizens and taxpayers, is caused for sincere concern.

5. The use of the initiative eliminates the mature deliberation, amendment and compromise usually necessary to produce sound and lasting legislation. The people must vote "yes" or "no" on a proposal once submitted to the electorate. In the legislature, a bill may be amended any number of times after debate discloses its weaknesses, or opposition forces compromise to meet objections raised to its form or substance. After the initiative measure is submitted to the people, no matter how many weaknesses, evils or faults are discovered during the course of the campaign for or against its adoption, it can not be amended—the people must take it or leave it "as is."

Realizing this basic weakness, the proponents of the initiative have hit upon the "indirect initiative" as an alleged means of overcoming this defect. However, even this does not fully meet the situation. If an initiative measure appears to the legislature, to which it is submitted under the indirect initiative system, to be so improvident, impracticable or otherwise undesirable as to warrant its being entirely rejected, it is asking too much of human nature to expect them to spend days, perhaps weeks, of study, debate and redrafting, just to put the measure in as nearly perfect form as possible. The result will be a submission of the original, or some poorly redrafted substitute, to the electorate, to be voted on, without any further opportunity for amendment.

6. The initiative is expensive. The State must pay for printing the petitions, the ballots, the information pamphlets, the cost of mailing such information to voters, other advertising costs, the checking of the petitions to see that they have been signed by the requisite number of voters, and the election expenses.

An additional, and much greater expense falls on the sponsors and opponents of the measure. They must bear the cost of securing signers to the petition and underwrite an extensive campaign to inform and influence the voters on the issue. Your Committee was given figures indicating that the cost to defeat the Townsend pension plan in Oregon was \$44,000. Recently in California, because the taxpayers did not make available substantial private funds to oppose Proposal 4, which provided abnormally high payments to the aged, leaving insufficient funds for other government purposes, it was necessary to spend \$900,000 to bring the matter again before the electorate and defeat it.

The initiative has, according to some authorities, even produced professional publicists who, for stated fees of so much per head, or other considerations, undertake to secure the required number of signers to any petition, and to sway the election.

7. The small size of the proposed State of Hawaii (having a population less than that of many large cities) with its less complex problems than those of most of the states which has a very large number of counties, make it possible for our legislators, because of personal knowledge and contact, to consider adequately and with reasonable promptness all of the local and general problems which are likely to arise. The majority of your Committee believes that an unbiased examination of the history of Hawaii and the laws passed since the inception of the Territorial government will disclose that with but one notable exception—reapportionment (which will be much better remedied by automatic reapportionment than by initiative) our legislature has been fully responsive to the real needs of the Territory and the counties and to popular opinion when convinced that

such opinion is sustained and not transient. Considering the small size of the Territory, and the aids to more efficient legislation and government in general contemplated by the constitution, some of which are mentioned in this report, that tradition of legislative responsiveness can fully be expected to continue.

8. Assuming, as the majority of your Committee does, that this convention will approve the principle of full representation according to population in the House of Representatives of the State Legislature, and geographic representation in the Senate, thereby giving control of the House to the City and County of Honolulu and of the Senate to the other counties, the adoption of a statutory initiative provision in the constitution would destroy the balance of legislative representation, since, unlike the situation in any other state, one county here contains much more than one-half of the entire population of the state—about sixty-five percent. If the principle of such balance between population and geographic representation in the Legislature is sound, as the majority of your Committee believes it to be, in view of the special conditions prevailing in these Islands, then to give to the people of one city and county alone the power to enact legislation regardless of the needs or desires of those of the other counties would be to contradict that principle, unless so many restrictions should be written around the exercise of the initiative as to render it either unworkable or unrecognizable as compared to that of any other state system.

9. One of the necessary features of laws adopted by the legislature is the necessity for three readings and the opportunity for full debate in the open before committees and in each House, during the course of which the purposes of the measures, and their meaning, scope and probable effect, and the validity of the alleged facts and arguments given in their support can be fully examined and, if false or unsound, can be exposed, *before* any action of consequence is taken thereon. To be sure, bills can be introduced in the legislature with the same kinds of defects, improvident or impractical provisions, and selfish or improper motives, as might exist in initiative measures. But the expenses attendant upon the introduction of such a bill in the legislature and its decease by action or inaction of the members and the consequences of such introduction and defeat of the measure, are quite likely to be infinitesimal as compared to those attendant upon the initiation of a measure through the popular initiative. On the other hand, once an initiative petition is signed by the requisite number of electors, an irrevocable chain of circumstances is set up under which, even under the indirect initiative, the measure in some form or other *must* be submitted to the voters, (if it does not become law by overawing the legislature into its enactment) regardless of how unsound or improvident the whole scheme may be, and with all the large expenses, direct and indirect, attendant thereon. And how is this chain of circumstances so irrevocably forged? By the circulation of a petition by persons, often selfishly interested in a special group, either secretly or in such manner as to make it impossible for any opponents of the scheme to hear or know the representations of fact or arguments presented to the signers. The proponents are not interested in giving both sides of the controversy or, in many cases, even in truthfully stating the facts and arguments in favor of their proposal. They are interested only in making such representations and using such arguments and blandishments, possibly even threats, as will yield the requisite number of signatures.

The general public is unable to evaluate the representations made at the time signatures are obtained. This is be-



cause any possible opponent of the measure cannot be present at such time and consequently is unable to expose false statements of fact, unsound arguments and half-truths, or to present countervailing arguments, facts or other pertinent information. Nor are possible opponents able to enlighten the public as to the scope or possible consequences of the proposal—the probable cost and possible lack of adequate financing, and the effect upon other necessary governmental services affecting the public welfare. In none of the arguments advanced before your Committee in favor of the initiative was there suggested any effective means of remedying this defect, and your Committee does not believe that it can be effectively remedied without hedging the initiative about with so many restrictions as to render it practically unworkable.

The fact that, according to figures given to your Committee, in a number of cases, fewer persons voted on an initiative proposition than signed the petition, and the small number of persons that often vote on such questions, are further indications that the signing of an initiative petition is often procured without any real understanding of or interest in the measure on the part of the signer.

10. Most proponents of the initiative and referendum advocate adoption of such measures, not by a majority of the votes cast, but by a majority of those voting thereon, for the simple reason that they recognize that the requirement of any really substantial proportion of the voters or electorate for such adoption will in most cases render it impossible to secure legislation in this manner except in rare instances. This indicates that the initiative and referendum are primarily tools of minority or pressure groups who do not represent the wishes or desires of the general public, which is often indifferent to such measures, and large numbers of which fail to vote thereon, with the result that the pluralities or majorities which adopt or defeat initiated measures are frequently rather small. Your Committee was amazed to learn that in many instances of referenda of various measures, including constitutional amendments, the number of persons actually voting on such measures was very much lower than the number of persons voting for candidates at the *same election*. The fact of the matter is that a very large proportion of the public will not take the time or the trouble to be well enough informed on such complicated measures as laws proposed by initiative, and simply refuse to vote thereon.

11. Finally, in this Territory, which has not had the initiative and referendum, the figures indicate that our legislature had been liberal in "social legislation," including schools and teachers' salaries, unemployment compensation, workmen's compensation, labor legislation including the "Little Wagner Act," as well as many other progressive measures. The majority of your Committee believes that the facts show that our legislature has not been wanting in social consciousness or responsiveness to true public need and sentiment.

#### *Referendum*

According to the *Manual on State Constitutional Provisions*, hereinbefore quoted (p. 123),

The referendum is a device to permit the people to accept or reject a statute or constitutional amendment proposed either by the legislative body or by the people. . .

Under the optional form of referendum, which is the more common type established by constitutional provision, measures are placed on the ballot by petition,

while under the compulsory form certain types of measures must be re-referred to the people.

We do not here pass upon the merits of the referendum for ratification by the people of constitutional amendments, or for the calling of constitutional conventions, which is recommended in a separate report. We address this report to the so-called "statutory referendum."

1. Since the referendum is usually an integral part of the popular initiative system, all that has been said in opposition to the initiative in the foregoing pages applies pro tanto to the referendum as a part thereof.

2. However, independently of the initiative, the referendum, for many of the foregoing reasons is also objectionable, in the view of the majority of your Committee. In addition, it is believed that the referendum, whether compulsory or optional, tends to further weaken the legislature and to encourage it to "pass the buck" and thereby avoid the responsibility to make laws and decisions for which it is elected. A strong, responsible and responsive legislature can best be assured by giving it full and sole responsibility and holding its members thereto.

3. In this connection, unless the constitution otherwise expressly provides, there is nothing to prevent the legislature, if it so desires, from providing for the taking of an opinion poll, or advisory referendum, as was done with respect to Statehood sentiment in this Territory in 1940 under our Organic Act, which contains no specific provision for such advisory referendum. This is mentioned here, because of a suggestion made by a member of your Committee that we adopt an advisory referendum system. We consider this unnecessary for the reason just stated.

Accordingly, the majority of your Committee recommends against the inclusion in the constitution of any provision for the statutory referendum, believing, as it does, that the only effective remedy for legislative short-comings lies in improving the legislature and the other departments of government so as to make them more efficient and more responsive.

#### *The Recall*

According to the *Manual on State Constitutional Provisions*, supra (p. 125),

The recall is a device whereby the people, by petition, may order a special election to determine whether a certain official should continue in office or be immediately removed and superseded by a successor. The purpose of the recall is quite different from that of the initiative and referendum, its aim being to make officials more representative and responsive to the popular will by hold-over them the constant threat of removal from office. . .

1. The majority of your Committee also recommends against inclusion in the constitution of any provision for recall. Except in the case of judges, whose terms should be much longer than other state officials, in the majority of your Committee's view, the terms of elected officials will undoubtedly be not longer than four years, and some may be as short as two years. This is not such a long time to wait to get rid of an elective officer whose actions may have been such as to cause a substantial segment of the people to want him removed, yet who may not have been guilty of sufficiently serious misconduct to warrant impeachment or removal through regular means. The remedy for corrupt or incompetent officials is to provide for more efficient impeachment procedures, or for removal by the courts for stated types of misconduct such as conviction of crime, rather than the



costly, disruptive and partisan expedient of the recall election.

2. In the opinion of the majority of your Committee the recall can well be used, not as an instrument to serve the will of the people, but as a weapon in the hands of a loud, well organized minority to bludgeon a public official into submission to their will or face the agony of a recall election.

A conscientious public official often has to make unpopular decisions based upon his judgment as to the requirements of the constitution or laws which by oath he must support, or as to the righteousness of his position or the long-range advantage to the public. The public, if allowed to "cool off" after such a decision, may, and often does, recognize that the official was right, or that, even if he was wrong, he acted upon honest conviction and with good motives. But if the matter is forced to issue immediately after the unpopular decision, and the public whipped up to fever heat by interested demagogues, the public may well lose a conscientious and able official for one trivial mistake that no impartial tribunal would consider as justifying removal.

An official corrupt enough to deserve immediate ousting can, through proper constitutional or legal authorization, be removed by the usual proceedings of prosecution, or impeachment, or some other equally effective, fairer and less costly and disruptive method.

3. The public should understand that when they elect an official, he has been placed in office for a prescribed term and should be given the full responsibility for the opportunity of carrying out his functions for that term. He is far more likely to be fair and conscientious, according to his own best convictions, where his tenure is reasonably secure for his term and he can depend upon the time before the next regular election to prove the wisdom and propriety of his actions as the basis for his re-election, than where he is subject to the sword of Damocles of recall hanging over his head every time he makes a step that displeases a powerful minority.

Your Committee has been apprised of instances where the recall has been abused in recent times, but for classic examples of the disastrous possibilities of this system of attempted "direct government" by the people, acting under hasty emotional stress, we can again cite the experience of Athens, which lost several wars and finally sank into political oblivion through this very device, by recalling its able leaders in times of crisis through the influence of rabble-rousing rivals and demagogues.

4. Again, although the threat of recall may possibly at times have a deterring effect upon officials with respect to proposed actions by them, whether such actions might be proper or otherwise, there is no assurance that, through the exercise of this power, a successor will be elected who will be as good as or better than the removed official.

5. Finally, the majority of your Committee is of the distinct view that in view of the paucity of any proposals advocating recall, there is no substantial public demand for it.

#### *Conclusion*

In closing, the majority of your Committee wishes to state that, with respect to the statutory initiative and referendum, and the recall, the controversy between proponents of and authorities on these subjects is very great as to the merits and effectiveness of any of these measures, and the evidence as to such merits and effectiveness is far from conclusive. In the absence of a clear showing of great popular demand for any such measures, or convincing evidence of

the necessity for or merit and effectiveness of the same, none of which has been satisfactorily established in the minds of the majority of your Committee, we believe that such provisions should not be included in the constitution.

For all or some of the foregoing reasons the majority of your Committee therefore recommends against the inclusion in the constitution of the statutory initiative, the statutory referendum, and the recall and that Proposals Nos. 113 and 148 be placed on file.—*June 8, 1950*

John K. Lai,  
Vice-Chairman  
Alexander Castro

Hiram L. Fong  
Frederick Ohrt  
C. Nils Tavares  
Cable A. Wirtz

#### STANDING COMMITTEE REPORT NO. 48

Your Committee on Revision, Amendments, Initiative, Referendum and Recall to which was referred the following proposals, to-wit: Proposal No. 34, relating to Constitutional Conventions; No. 104, relating to the reconvening of Constitutional Conventions for the purposes of amending and reviewing the State Constitution; Nos. 119 and 170, relating to Constitutional amendment, and Article X of No. 88, relating to Constitutional revision, begs leave to report a complete article on Revision and Amendments.

In drafting this article for the consideration of the convention, your Committee recognized the absolute need of a reasonably workable means of amending and revising the Hawaii State Constitution. No constitution can effectively serve its function as a basic law without being adaptable to the changing times. Needed formal changes in a state constitution can be effected through by either amendment or revision; an amendment is usually employed to obtain specific changes and revision is reserved for general overhauling and reevaluation of the entire constitution.

This article provides the necessary machinery for revising and amending our State Constitution. Your Committee was mindful, during its deliberations, that the amending procedure should not be made too easy, since undue ease of amendment impairs the respect of the public for its basic law, tends to unduly lengthen and burden the constitution with legislative matters and minutiae, and encourages attempts by visionaries and selfish pressure groups to advance impracticable schemes and proposals. On the other hand, your Committee felt that it should not be so cumbersome as to render amendment practically prohibitive or impossible.

Your Committee heard various witnesses on this subject, and received valuable memoranda pro and con. It also studied the provisions of the various states relative to this subject and found no uniformity in state constitutions.

Generally speaking, the constitutions of the state distinguish between two separate processes in the revision or amendment of such constitutions. The first process may properly be referred to as "initiation" or "proposal" of amendments or revision, and the second process as "adoption" or "ratification" of such proposed amendments or revisions.

Three methods of initiating or proposing amendments or revisions are recognized in the various state constitutions. They are: (1) proposal by the legislature; (2) proposal by a constitutional convention; and (3) proposal by popular initiative.

Also, three methods of adopting amendments are recognized in the various states. They are: (1) adoption by the legislature; (2) adoption by constitutional conventions, when

such conventions have been assembled to consider revision or amendments; and (3) adoption by direct popular vote.

Your Committee was in general agreement that the method of adoption or ratification of an amendment or revision should be only by direct popular vote and has so provided in the proposal herewith submitted.

However, with regard to initiation or proposal of amendments and revision, your Committee firmly felt that there should be only two prescribed methods, namely, (1) by constitutional convention, and, (2) by the legislature. Your Committee acted unfavorably on constitutional amendments and revision by popular initiative on precisely the same grounds that it advanced against statutory initiative which have been more specifically set forth in another report (Standing Com. Rpt. No. 47) to which reference is hereby made. Your Committee was even more strongly opposed to constitutional initiative, than it was to statutory initiative, feeling that the weaknesses and dangers which render statutory initiative unwise would be greatly accentuated when such a scheme is applied to changes in the basic law.

With the foregoing principles in mind, your Committee has examined the aforementioned proposals before it and has drafted a complete article on revision and amendments. Proposal No. 34 has been used as the basis for the provisions of the committee proposal for amending or revising the constitution by the constitutional convention method, and Proposal No. 119 as the basis for the provisions relating to the legislative method. Both, however, have been considerably revised. The several sections of the article will be briefly discussed.

Section 1 provides for the procedure for proposing amendments to or revision of the state constitution by a constitutional convention or by the legislature.

#### *Revision or Amendment by Constitutional Convention*

Section 2 provides for the submission to the people by the legislature at any time on the question, "Shall there be a convention to propose a revision of or amendments to the constitution?" If the legislature does not submit the question to the people within any period of ten years then the state officer, whose duty it is to certify state-wide public questions for submission to the people, is required to certify the question to be voted on by the people at the first general election after the expiration of ten years from the date of the last submission. Your Committee felt that the 20 year period between mandatory submission provided for in Proposal No. 34 was too long and that a shorter period of ten years, together with the liberal and flexible machinery provided for proposing legislatively initiated amendments and for ratification, would provide sufficient assurance of opportunity by the people to adapt the constitution to new conditions within a reasonable time, if the legislature should fail to do so in the face of popular demand.

Section 2 also provides that if a majority of the ballots tallied upon the question favors the holding of a convention, delegates shall be chosen at the next regular election unless the legislature provides for a special election for that purpose.

It also provides for the qualifications of delegates, filling of vacancies, the determination by the convention of its own organization and rules of procedure, and removal or suspension of delegates for cause.

Act 334 of the Session Laws of Hawaii 1949 is set up as a guide to future conventions, with a self-executing provision that, if the legislature fails to provide therefor, the numerical and geographical representation in the convention shall

be the same, as nearly as practicable, as provided in that Act.

Your Committee was unanimous in its opinion that any qualified voter of the district concerned should be qualified to become a delegate, thereby permitting government officers and employees to sit as delegates; that a vacancy should be filled by a person representing the district in which the vacancy has occurred; and the convention should be empowered to determine its own rules and organization, should be the sole judges of the qualifications of its members, and should be empowered to suspend or remove a member for cause by a two-thirds vote.

This section also permits the convention to provide for the time and manner in which the proposed constitutional provisions shall be submitted to vote of the electors, but imposes the following limitations:

(a) Upon questions other than reapportionment of the Senate, if the vote is taken at a general election, the ratification must be by a majority of the votes tallied upon the question, but such majority must also constitute at least 35 per cent of the total vote cast at such election. The reason for using the term "votes tallied," is to exclude blank ballots and spoiled ballots on the ratification question only, thus requiring the majority of the votes actually tallied for or against ratification. This measure is used because of evidence submitted to your Committee showing that, in a great many general elections, the total number of votes cast for or against a constitutional amendment or revision is very much less than the total number of votes cast for candidates. This seems to be accounted for by the fact that many voters find little difficulty in voting to elect individuals, but are confused or unwilling to indulge in the mental labor of deciding difficult questions of constitutional policy, and therefore often either cast blank ballots or, in the case of voting machines, refuse to vote on the proposition. The result often is that, although an overwhelming majority of the persons actually voting for or against the proposition may approve it, the total of all such persons so voting is less than one half of the total number voting for candidates. Such tendencies have made practically impossible amendment of the constitutions of certain states, such as Tennessee and Illinois, which require a majority of the total number of persons voting at a general election, as a condition of ratification.

Under the circumstances, in order to render the system of ratification reasonably workable, your Committee has adopted the above mentioned method of determining a majority upon the basis of the total of votes tallied, rather than the requirement of a majority of all persons voting at the election. To reassure those who feel that at least a minimum number of the total electorate ought to ratify an amendment, your Committee has also added a requirement that such a majority must also equal at least 35 per cent of the total vote cast at the election.

Upon the basis of past experience in general elections in Hawaii, which shows that from 70 to 85 per cent of all registered electors turn out to vote, one half of 70 would be 35 per cent of the total votes cast. This indicates that the 35 per cent minimum is a fairly conservative one.

(b) Upon questions other than reapportionment of the Senate, if the vote on ratification is at a special election, at which, due to the probable lack of personal appeal to the voters engendered at a general election for numerous candidates, there might be a rather small turnout, a different standard is set. In such case, not only must the favorable vote be a majority of the total votes tallied on the question, but such majority must equal at least 35 per cent of the to-

tal registered voters for that special election. It is realized that this sets a higher minimum for ratification at a special election than at a general one. However, your Committee believes that such ratification at a special election should be discouraged, and that ratification at a general election, should be encouraged, first, because of larger number of electors usually votes at such an election, and secondly, because there is less additional expense at a general election.

(c) Upon any constitutional provision involving reapportionment of the Senate, in order to give some stability to the control of that body by the counties, which your committee understands is the policy favored by the Committee on Legislative Powers and Functions, this section provides a further safeguard in the requirement that such a measure must also be approved by a majority of the votes tallied upon the question in each of a majority of the counties.

This section is made self-executing, but the legislature is authorized to enact laws to facilitate its operation.

#### *Revision or Amendments by the Legislature*

Section 3 of the proposed article provides for initiation of proposed constitutional amendments by the legislature. Two alternative methods for doing this are provided:

(a) In order to propose such amendments through action at a single session, each house must pass the measure in the manner required for ordinary legislation, but with a two-thirds vote of the total membership of each house on final reading and after either or both houses shall have given the governor at least ten days written notice of the final form of the proposed amendment. The requirement of notice to the governor is to insure at least an opportunity for him and the attorney general to submit to the legislature, if he so desires, any suggestions or objections which seem appropriate to them.

(b) The legislature may also, by adopting such measure in the manner required for ordinary legislation, but by only a majority vote of each house, on final reading, at two successive sessions, regular or special, or both, propose such amendments. No requirement of notice to the governor is prescribed in such case, since the governor and attorney general will have ample time between sessions to consider the proposal and make his views known thereon.

If the proposed amendment is approved by the legislature by either of the methods prescribed above, the proposed amendments must then be entered on the journals, with the ayes and noes, and published in the press once in each of four successive weeks, within the two-month period immediately preceding the next succeeding general election for members of the legislature.

It is required that, at the general election at which the question of ratification is submitted to the voters, the amendments must be on a separate ballot. Some suggestion has been made, and Proposal No. 119 provided, that if there were two or more amendments proposed, they should be so submitted as to enable the electors to vote on each amendment separately. Your Committee, after careful consideration believes that such a mandatory provision would be unwise, as there might be some question as to what constituted "two or more amendments," and in some cases several amendments might be so interdependent as to render impracticable their submission in the manner contemplated by Proposal No. 119. It was thought that this ought to be left to the good judgment of the legislature.

Finally, section 3 imposes the same conditions and requirements, including the special condition with respect to amendments altering reapportionment of the Senate, as are imposed by section 2 with respect to ratification at a gener-

al election. Of course, as section 3 is drawn, no ratification of legislatively proposed amendments at a special election is authorized.

Section 4 makes it clear that the governor's veto power is not applicable to constitutional amendments proposed by either of the two methods provided by sections 2 and 3. Your Committee believes this appropriate, since ample consideration is provided for by either method, and ratification by the voters is also required for final adoption.

Upon one matter, your Committee is divided, namely the question of initiation of constitutional amendments by popular initiative. A minority of your Committee favors the popular initiative method in addition to the others proposed by this article.

Such minority concurs in the recommendations and reasons set forth in this report, with the exception of those relating to such popular initiative method, but does not concur in the omission of such popular initiative method or in the reasons advanced for such omission.

#### *Recommendations*

Subject to the foregoing qualification by the minority of your Committee, your Committee submits Committee Proposal No. 9, attached to this report, and recommends passage of the same.

Your Committee, having considered Proposals Nos. 34, 104, 119, 170 and Article X of Proposal No. 88, returns all of said proposals with the recommendation that they be placed on file for the following reasons:

(a) Proposals Nos. 34 and 119 have been largely incorporated in Committee Proposal No. 9 herewith submitted.

(b) Article X of Proposal No. 88 has been partially incorporated in Committee Proposal No. 9, being somewhat similar in subject matter to Proposal No. 119.

(c) Proposal No. 104 proposes the calling of constitutional conventions by the governor every ten years and the holding of general elections for the purpose of electing delegates to the convention.

This proposal has been rejected in view of the provisions of the Committee Proposal, allowing the legislature to submit the question at any time and requiring a mandatory election only if the legislature fails to do this in any ten-year period.

(d) Proposal No. 170 is substantially covered by section 3 of Committee Proposal No. 9, with a slightly different procedure.—June 8, 1950

Yasutaka Fukushima,  
Chairman  
John K. Lai,  
Vice-Chairman  
Matsuki Arashiro

Alexander Castro  
Peter Kawahara  
Earl A. Nielsen  
Richard St. Sure  
C. Nils Tavares  
Cable A. Wirtz

Hiram L. Fong  
Frederick Ohrt

We do not concur with the last half of the second to the last paragraph entitled (b) of Section 2.

#### *COMMITTEE PROPOSAL NO. 9*

#### **RELATING TO REVISION AND AMENDMENTS**

**RESOLVED**, that the following be agreed upon as part of the State Constitution:

#### **ARTICLE \_\_\_\_ . REVISION AND AMENDMENTS**

**SECTION 1.** Procedure. Amendments to or revisions of this constitution may be proposed by the Legislature, or by Constitutional Convention.

SECTION 2. Convention. The Legislature may submit to the people at any time the question, "Shall there be a convention to propose a revision of or amendments to the Constitution?" If any ten-year period shall elapse during which the question shall not have been submitted, the state officer whose duty it is to certify statewide public questions for submission to the people shall certify the question, to be voted on at the first general election following the expiration of such period.

If a majority of the ballots cast upon such question is in the affirmative, delegates shall be chosen at the next regular election unless the legislature shall provide for election of the delegates at a special election.

Any qualified voter of the district concerned shall be eligible to membership in the convention. The convention may provide for the filling of any vacancy due to death, resignation, or other cause, not otherwise provided for by law. The person selected for such vacant office shall have the qualifications required for the original incumbent.

Unless the Legislature shall otherwise provide, the delegates to such convention shall consist of the same number, and be elected from the same areas, as nearly as practicable, as specified by Act 334 of the Session Laws of Hawaii 1949.

The convention shall determine its own organization and rules of procedure; it shall be the sole judge of the qualifications of its members and, by a two-thirds vote, may suspend or remove any member for cause.

The convention shall provide for the time and manner in which the proposed constitutional provisions shall be submitted to a vote of the electors of the state, but no such proposal shall be effective unless approved, (a) at a general election, by a majority of all of the votes tallied upon the question, constituting at least thirty-five per cent of the total vote cast at such election, or (b) at a special election, by a majority of the total vote tallied upon such question, constituting at least thirty-five per cent of the total number of registered voters; provided, that no constitutional provision altering this proviso or the representation from any senatorial district in the Senate shall become effective, unless it shall also be approved by a majority of the votes tallied upon the question in each of a majority of the counties.

The provisions of this section shall be self-executing, but the Legislature shall appropriate money and may enact legislation to facilitate its operation.

SECTION 3. Amendments proposed by Legislature. The Legislature may propose amendments to the constitution in the following manner:

(a) By adopting the same, in the manner required for legislation, by a two-thirds vote of each house on final reading, after either or both houses shall have given the governor at least ten days written notice of the final form of the proposed amendment; or

(b) By adopting the same, in the manner required for legislation, with or without such notice to the governor, by a majority vote of each house on final reading, at each of two successive sessions of the Legislature.

Upon such adoption, the proposed amendments shall be entered on the journals, with the ayes and noes, and published once in each of four successive weeks, in at least one newspaper of general circulation in each senatorial district wherein such a newspaper is published, within the two month period immediately preceding the next general election for members of the Legislature.

At such general election the proposed amendments shall be submitted to the electors for approval or rejection upon

a ballot separate from that upon which the names of candidates appear.

The conditions of and requirements for ratification of such proposed amendments shall be the same as provided for in section 2 of this article relating to ratification at a general election.

SECTION 4. Veto Inapplicable. No proposal for amendment of the constitution adopted in either manner provided by this article shall be subject to veto by the governor.

#### STANDING COMMITTEE REPORT NO. 49

The following members of the Committee on Revision, Amendments, Initiative, Referendum and Recall, in disagreement with the recommendations of the majority report of said Committee, begs leave to report as follows:

We, the undersigned members of the committee, cannot accede to the majority report of the committee, reporting unfavorably on the inclusion of provisions for the Initiative and Referendum in the Constitution for the State of Hawaii.

We are well aware of the arguments that have been so carefully marshalled against these methods of popular government. We have no desire to afford them further publicity by repeating them here. It is our firm and considered opinion that none of them has any substantial merit.

We urge the adoption in our new Constitution of provisions for the Initiative and Referendum as well established, proven and workable methods of popular, democratic government.

We urge their adoption as a re-affirmation of our faith in the *American* way of life. We are appreciative of the limitless value of experimentation. We recognize fully that our democracy prospers, *not* on the premise that every individual is highly intelligent, but, rather on the basic assumption that no one person has the super-intelligence to decide for the people themselves what is best for them. We know that the people as a whole are as competent to judge the wisdom of their acts as any particular group of people, any spokesmen of the people, or any individual.

We urge their adoption, not because we believe they will be used indiscriminately, but because we feel that the possibility of their use will serve constantly to apprise our legislature and our legislators of their responsibilities to the people.

We urge their adoption because where they have been used with adequate safeguards, they have given impetus to progressive government, and have served as restraints on oppression.

We urge their adoption, in full recognition of the fact that the people might err, and that such error might have to be corrected, because we firmly believe that to prevent the possibility of committing error is to prevent experiment, prevent exploration, prevent progress and to prevent initiative.

We urge their adoption with ample precedent before us, not the least of which is the very fact that this Constitution, which we ourselves are now drafting, is to be subject to a referendum vote of the people. There is none among us who would wish it otherwise.

With all the conviction we possess, we urge that provision be made in our new Constitution to afford to the people of the State of Hawaii these tools with which to make democracy and democratic government prosper.

We, therefore, recommend that the Committee Proposal this day submitted by the majority of the Committee on Revision, Amendments, Initiative, Referendum and Recall with its final report, be amended to include the amended

form of proposal hereto attached and made a part of this report.—June 8, 1950

Earl A. Nielsen  
Peter Kawahara  
Matsuki Arashiro

(Proposed Amendment to Committee Proposal No. 9)

#### A PROPOSAL

#### RELATING TO INITIATIVE AND REFERENDUM

RESOLVED, that the following be agreed upon as part of the State Constitution:

#### ARTICLE \_\_\_\_\_

SECTION \_\_\_\_\_. The Initiative. The people reserve to themselves power by petition to propose laws and amendments to this constitution, and directly to enact or reject such laws and amendments at the polls. This reserved power shall be known as the initiative.

SECTION \_\_\_\_\_. Initiative Procedure. An initiative petition shall contain either the full text of the measure proposed, or an adequate summary thereof, and, to be valid, shall be signed by qualified voters of each county equal in number to at least eight percent of the total vote cast in each county for governor in the last preceding regular election at which a governor was chosen. An initiative petition proposing a constitutional amendment shall be signed by twelve percent of the qualified voters in each county of the state. Initiative petitions shall be filed with the clerk of the Senate who shall make proper record of them and then transmit them to the president of the Senate or the presiding officer whatever his official title may be, who shall introduce the petitions in the form of bills to the Senate floor for immediate record voting and shall also transmit copies of the bills to the Speaker of the House or the presiding officer of the House, who shall introduce similar bills in the House for immediate record voting. If the proposed measure is not enacted into law or, in the case of a constitutional amendment, if it is not passed and repassed in the following legislative session, the question of the adoption of the measure shall be submitted to the qualified voters at the first regular election after the end of the session which fails to take the indicated action. The legislature may provide by law for procedure by which the sponsors may withdraw an initiative petition any time prior to its submission to the people and the legislature may also present an alternate proposal at the time an initiative petition is submitted to the people.

Not more than two initiative proposals shall be placed on the ballot in each election and they shall be the two having the greatest number of signatures on them.

SECTION \_\_\_\_\_. The Referendum. The people also reserve to themselves power to require, by petition, that measures enacted by the legislature be submitted to the qualified voters for their approval or rejection. This reserved power shall be known as the referendum.

SECTION \_\_\_\_\_. Referendum Procedure. A referendum petition against any measure passed by the legislature shall be filed with the governor within 90 days after the adjournment of the session at which such measure was enacted and, to be valid, shall be signed by qualified voters equal in number to not less than eight per cent of the total vote cast in each county for governor at the last preceding regular election at which a governor was chosen. The question of

approving any measure against which a valid referendum petition is filed shall be submitted to the voters at the first regular or special election held not less than 30 days after such filing.

SECTION \_\_\_\_\_. Effect of Referendum. When the referendum is ordered upon an act, or any part of an act, it shall suspend the operation thereof until such act, or part, is approved by the voters. A referendum may be ordered except as to laws necessary for the immediate preservation of the public peace, health or safety, and laws making appropriations for the current expenses of the state government, for the maintenance of state institutions and for the support of public schools.

SECTION \_\_\_\_\_. Special Elections. Any referendum measure shall be submitted to the qualified voters at a special election if so ordered by the governor or if a separate petition requesting special election be signed by eight per cent of the qualified voters. Any such special election shall be held not less than one hundred and twenty nor more than one hundred and fifty days after the adjournment of the legislative session at which the act was passed.

SECTION \_\_\_\_\_. Passage of Constitutional Amendments and Laws by the Initiative and Referendum. Each measure shall be submitted by a ballot title, which shall be descriptive but not argumentative or prejudicial. The ballot title of any initiated or referred measure shall be prepared by the legal department of the state, subject to review by the courts. The veto power of the governor shall not extend to measures initiated by, or referred to, the qualified voters. Any measure submitted to a vote of the qualified voters shall become law or a part of the constitution only when approved by a majority of the votes cast thereon. Each measure so approved shall take effect 30 days after the date of the vote thereon, unless otherwise provided in the measure. If conflicting measures referred to the people at the same election shall be approved by a majority of the votes cast thereon, the one receiving the highest number of affirmative votes shall prevail to the extent of such conflict.

SECTION \_\_\_\_\_. Public Expenditure Proposals. When an initiative proposal involves financial expenditure, it must also include a definite provision for additional revenues created and provided for thereby.

SECTION \_\_\_\_\_. Restrictions on Direct Legislation Procedure. No law shall be enacted to hamper, restrict or impair the exercise of the power herein reserved to the people. No measure adopted by vote of the qualified voters under the initiative and referendum provisions of this constitution shall be repealed or amended by the legislature within a period of three years except by a two-thirds vote of all the members. The veto power of the governor shall not extend to measures referred to the people.

#### STANDING COMMITTEE REPORT NO. 50

Your Committee on Printing to which was referred Standing Com. Rpt. No. 47, Standing Com. Rpt. No. 48 and Committee Proposal No. 9 of the Committee on Revision, Amendments, Initiative, Referendum and Recall, and Standing Com. Rpt. No. 49 of a minority of said Committee, begs leave to report that said Reports and Proposal have this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention.—June 9, 1950

Charles H. Silva, Chairman

## STANDING COMMITTEE REPORT NO. 51

Your Committee on Taxation and Finance, composed of: Henry A. White, Chairman, Harold W. Rice, Vice Chairman, Alexander H. F. Castro, Frank Y. Kam, Masao Kanemaru, John K. Lai, Jack H. Mizuha, Charles A. Rice, Herbert M. Richards, Sakuichi Sakai, C. Nils Tavares, Arthur K. Trask, Arthur D. Woolaway, James K. Yamamoto, and Takao Yamauchi, begs leave to make this report with its recommendations with respect to (1) a financial organization for the State of Hawaii and (2) an Article on Taxation and Finance to be included in the Constitution of the State of Hawaii.

The Committee has held 14 meetings, participated in by all members present and also by guest delegates.

At the invitation of the Committee, Mr. Joseph Dickson, Territorial Auditor, Mr. Howard H. Adams, Territorial Deputy Treasurer, Mr. Wm. Borthwick, Territorial Tax Commissioner, Mr. Wm. Lederer, Territory Deputy Bank Examiner and Mr. Paul Thurston, Territorial Director of the Budget, gave the Committee the benefit of their views, comments and recommendations.

The Committee has solicited and received the advice and recommendations of Attorney General Walter D. Ackerman and Assistant Attorney General Rhoda V. Lewis.

The Committee held one public hearing at which approximately 100 persons were present and the following presented their views: Mr. Tony Todaro, taxpayer; Mr. Edward J. Collins, attorney speaking as a private citizen; Mr. Edward J. Burns, citizen and taxpayer; Mr. Joseph O'Donnell, taxpayer and property owner; Mr. Stanley Miyamoto of the Joint Tax Study Committee; Dr. Allan Saunders, citizen and student of government; Dr. Roy Brown, citizen; Dr. Paul Withington, citizen; Dr. Lindell O. Harris of the Hawaiian Baptist Convention; Mr. Edwin Rogers, representative of the Hawaiian Board of Missions; Dr. H. B. Ramsour, pastor of the Nuuanu Baptist Church; and Rev. Anson P. Stokes, of St. Andrew's Cathedral and Vice President of the Council of Churches.

The Committee has corresponded with the firm of Wood, King and Dawson, New York City, the Territory's counsel on Bonds, and has received suggestions and advice from them, particularly with respect to the provisions on debt limitations.

The Committee has considered all of the proposals referred to it by the President of the Convention and has acted thereon as detailed in its report dated June 5, 1950.

#### *Financial Organization*

Your Committee considered at some length and in detail proposals for the financial organization of the State of Hawaii for it firmly believes that a sound organization in this field is a fundamental requirement for an efficient, economical and workable state government. After obtaining the views of the public officials directly concerned with finances in the Territory of Hawaii, and after serious deliberations, your Committee strongly recommends that the financial organization of the State of Hawaii and the duties of the three officials provided for therein be established by the legislature of the State of Hawaii substantially in accordance with the four sections (A), (B), (C) and (D) hereinafter set forth.

(A) Financial Organization. The financial organization of the state shall comprise three major divisions, headed respectively by a (1) Commissioner of Finance, (2) Treasurer and (3) Commissioner of Taxes, who shall be appointed by the Governor with the advice and consent

of the Senate, and shall serve at the pleasure of the Governor.

This makes definite provision for the major finance officers of the state and provides for their method of appointment. The division of responsibility proposed recognizes the differences in the character of work to be performed by each. A strong chief executive is an essential requirement of good state government and we believe therefore that those finance officers vested with the responsibility of putting the governor's program into effect, with the custody of public funds, and with the collection of taxes, should be appointed by the governor and directly responsible to him. The Commissioner of Finance is concerned with both long range and immediate financial planning and control. His office will be responsible for the major portion of research in finance, for analyzing anticipated tax collections and trends in public spending and reporting thereon to the governor. The Commissioner of Finance is in effect the one individual that the governor must depend upon, not only for advice and suggestions, but for maintaining an equitable balance of spending and control. Consequently, he must be immediately subject to the will of the governor. Such mistakes as are made within the office of the Commissioner of Finance will be, and should be, laid at the doorstep of the governor. As the confidential consultant and advisor to the governor on finance, he should be removed so far as possible from all pressures, including the legislature, and therefore there is ample reason for his appointment to be made only by the governor without being subject to confirmation by the Senate. Your Committee seriously considered this method of appointment. However, in order to conform its recommendations on appointment with those of the Committee on Executive Powers and Functions, your Committee has revised this section to provide that the appointment be made by the governor with the advice and consent of the Senate and subject to removal at any time by the governor.

The Treasurer and Commissioner of Taxes as proposed will perform chiefly administrative functions, and they, too, should be appointed by the governor, with the advice and consent of the Senate, to serve at the pleasure of the governor.

(B) Commissioner of Finance. The Commissioner of Finance shall be responsible for analyzing the budgets presented by the departments, offices and agencies of the state (except public service enterprises) covering ordinary operating expenses and capital improvements proposed for the fiscal period, for consulting with the heads of the departments, offices and agencies concerning their respective budgets, for submitting his findings and recommendations to the governor and thereafter compiling a budget for submission by the governor to the legislature, for effecting periodic allocation of appropriated funds to departments, offices and agencies as directed by the governor, for examining vouchers to determine the legality of expenditures before payment, for establishing accounting and purchasing policies and procedures for all departments, offices and agencies (except public service enterprises) of the state, and for such other administrative functions as may be prescribed by law.

("Public service enterprises" is used herein to mean bodies such as the Board of Harbor Commissioners and any others which are chiefly self-supporting and are given somewhat autonomous powers in making expenditures.)

This official would assume the duties of the present Territorial Budget Director and in addition many functions

presently assigned to the Auditor, such as pre-auditing and accounting procedures, which logically fall within the scope of the chief finance officer of the state. The duties of the Auditor would thus be confined principally to post-auditing, as provided in Section 12 of the proposal attached hereto.

This section goes somewhat into more detail on the position of the Commissioner of Finance than would normally be expected from a Committee on Taxation and Finance of a Constitutional Convention. However, it is the feeling of the Committee that these details should be spelled out in order to inform the other delegates, and particularly the members of the First Legislature of the State of Hawaii of the proposed financial structure. Unless they are spelled out, the legislature might for lack of understanding fail to adequately provide for this position and seriously handicap the governor in administering the budgetary procedures and control measures hereinafter set forth, and thus destroy the objectives of centralized financial control.

(C) **Treasurer.** The Treasurer shall be responsible for the receipt, custody and disbursement of all state funds, for the sale of all state bonds authorized by law and for such other administrative functions as may be prescribed by law.

The Territorial Treasurer presently has these functions, as well as many others—some of which, such as those of the Fire Marshal, Insurance Commissioner and Bank Examiner, do not logically fall under the duties of a Treasurer, either because they are not related or because of their specialized nature. These functions require further study and analysis, which your Committee feels can best be done by the legislature, to determine whether they should continue under this official or be assigned to other departments. Some of the present functions, such as auditing of counties, in the opinion of this Committee, should be the responsibility of the Auditor, and we have so recommended.

(D) **Commissioner of Taxes.** The Commissioner of Taxes shall be responsible for the assessment and collection of all taxes imposed by state law, provided the legislature may delegate to others this responsibility with respect to licenses and fees of departments, offices, agencies, public service enterprises or political subdivisions. He shall also assume such other administrative functions as may be prescribed by law.

The duties set forth above represent some change in the present division of responsibility for tax collections—for instance, the Territorial Treasurer presently collects bank and estate taxes, which is obviously a tax department function. The present setup is cumbersome, as the Tax Office has the basic information and therefore is in a better position to compute and collect the latter taxes. Under the present system it has to furnish such information to the Treasurer, who then collects them.

There are and will be various licenses and fees to be collected and the section above leaves to the legislature the determination of whether to delegate this responsibility to others, and if so, to which counties, departments, agencies, etc.

Your Committee was initially of the opinion that the foregoing four sections should be embodied in the State Constitution and does so recommend, if the duties of any of the governor's appointive officials are to be enumerated. However, in the interest of brevity and in reliance on the legislators of the State of Hawaii, your Committee is not herein recommending that they be embodied in the Constitution. Your Committee believes that the foregoing represents a sound and workable financial organization for an efficient

and economical state government. The Committee has gone into detail on this subject in the report in the hope that its hours of deliberations and the conclusions reached will be of some benefit to the state legislature in drafting the necessary statutes to properly implement the constitutional provisions hereinafter set forth.

#### *Article on Taxation and Finance*

As mentioned above, the Committee has considered all of the proposals referred to it and has reported its actions thereon in its report dated June 5, 1950. After many hours of deliberation, during which all proposals, advices and recommendations were considered, the Committee has prepared an Article on Taxation and Finance which is embodied in the proposal attached hereto. Your Committee has endeavored to keep the Article as short as possible, consistent with clarity and adequate coverage of the subject.

The several sections of the Article are hereinafter discussed in order.

Section 1 provides for a budget, to be compiled in two parts, one setting forth the operating expenses, to be known as the "General Appropriations Budget" and the other expenditures for Capital Improvements, to be known as the "Capital Improvements Budget," for the ensuing period.

Provision must be made in the Constitution for adequate financial controls and procedures. As indicated above in this report, these regulations are based on the assumption that there will be a strong executive responsible for effective financial management. In writing the provisions of the Constitution which would establish a strong centralized system, your Committee has always been cognizant of the place and position of the legislature in financial matters. Great care has been taken to leave with the legislature jurisdiction in the field of policy making. With this body rests the authority to determine the taxes that are to be levied; the rates to be used, and the level of support of each of the several departments of the state government. In no manner do any of the provisions of this Article curtail these legislative prerogatives. However, once the tax rates have been established and the level of spending determined, it must of necessity fall upon administrative officials to see that the funds appropriated are legally and intelligently spent.

Of utmost importance in financial planning and control—both from the legislative point of view and from the point of view of the administration—is the executive budget. Up until a few decades ago, budgets were largely formulated by the legislature. The recent trend in governmental budgeting has been definitely in the direction of the executive budget and the Territory has followed this practice for a number of years. The budget, if well prepared, is a detailed document presenting the needs of the several departments. It must be drawn with great care, with each of the several spending divisions of the government making its recommendations to the budget director. These needs are then analyzed; the anticipated revenue is determined; and the overall budget as presented to the legislature represents the anticipated spending and anticipated revenue receipts for the next fiscal period.

Your Committee proposes that the budget be presented in two parts: the operating budget, which covers the current needs of each governmental division—such as salaries, wages, supplies and equipment, maintenance and other recurring expenditures; and the capital budget, which, as the term implies, covers permanent structures and improvements to be paid for either from current revenues or from borrowing. In the past years there has been in the Territory no comprehensive capital budget. A relatively small per-



cent—perhaps ten or fifteen—of the capital improvements to be paid from current revenues have been included in the governor's budget. Additional funds for capital improvements have almost without exception been presented as separate bills, either on the initiative of individual members of the legislature or through suggestions of the several departments. Your Committee feels that if a separate document covering needed capital improvements is presented, the legislature will be in a much better position to completely review the needs of the state. The legislature will be in a position to scrutinize these proposals, to add, modify or eliminate, and act much more intelligently than is possible at the present time. It is also felt that the establishment of a capital budget will result in long range planning for capital improvements. Each of the several departments from time to time has its needs, but usually only a portion of the desired improvement can be financed in any one fiscal period. Long term planning in capital improvements is as essential in government as it is in private industry. With the capital budget—as is true with the operating budget—the legislature has the prerogative of reducing or completely eliminating proposals. It also has the authority to introduce bills providing for additional capital expenditures not included in the governor's budget. The legislature has placed before it a proposed capital improvement plan which in fact has been proposed by the several agencies of the government in accordance with their needs; has been reviewed by the budget director; has his assurance that available resources can finance such a program; and has been approved by the chief executive. If successfully worked out, such a plan would result in a more equitable division of capital improvements among the several departments of the government and should very definitely provide for the most urgent projects to be constructed first.

The governor is also required, when submitting the General Appropriations Budget and Capital Improvements Budget, to submit bills providing for new or additional revenues or borrowings which may be necessary to provide funds for the recommended expenditures. An overall picture of proposed expenditures and proposed revenues is provided, thus making for a sound fiscal program.

It is felt by your Committee that the procedure proposed will represent a marked improvement over that now in effect.

Section 2 provides for legislative procedure on appropriations. In order that the General Appropriations Bill, which provides in effect for the housekeeping expenses of the State, will receive full, careful and deliberate consideration by the legislature, your Committee proposes that this will be passed prior to the passage of other appropriation measures, with the exception of appropriations for the expenses of the legislature and of special appropriations, the immediate passage of which is recommended by the governor, which it is assumed will usually be to provide for those departments that, due to unforeseen emergencies, have been or will be forced to exceed their current appropriations. Such special appropriations will continue in force only until the General Appropriations Bill becomes effective, which means, generally speaking, the beginning of the next fiscal period. This, of course, will not invalidate any items of such special appropriation which is duly encumbered during the effective period of such special appropriation.

Prior consideration of the General Appropriations Bill seems to your Committee to provide several distinct advantages—all of which are believed to be in line with good financial procedure. In the first place, it will focus the immediate attention of the legislature on the largest single appropriation. The amount of the General Appropriations

Bill tends to determine the total legislative appropriation and to a large degree what will be available for other purposes. Second, the General Appropriations Bill covers the most essential aspects of state spending. It goes without saying that the budget should include all normal operating expenses of the State. It covers each of the several major departments deemed to be essential services. The budget bill in effect provides for the "bread and butter" items of government expense. Quite obviously, spending for other purposes should be secondary to these necessities. Third, the passage of the General Appropriations Bill in the early period of the legislature is desirable in order to prevent the confusion, which in the past has taken place in Hawaii and takes place in many of the state legislatures, of passing the governor's budget in the dying moments of the legislative session. During this part of the session frequent compromises and changes may be made. Since no complete and accurate knowledge is then available as to the amount that has been authorized outside the budget, if the budget itself has not been adopted balancing revenues against anticipated expenditures is well nigh impossible. Finally, the appropriation bill should receive prior consideration in order that the legislature may be given ample time to intelligently review the action of the governor. Should the governor veto or reduce items after the legislature adjourns, the legislature is without redress. If, however, the budget bill receives early consideration, such changes as may be made by the governor are subject to review by the legislature, and items can be restored under normal procedures. This in effect greatly increases the authority of the legislature in determining the level of the state budget.

Your Committee considered including a provision to the effect that the legislature should take action on the General Appropriations Bill within 30 days after assembling. However, the recommendation of the Committee now provides that this measure be enacted before any other appropriation bills (with the exceptions above noted) are passed on final reading by either House. It was felt that, should a definite time provision be placed in the Constitution, it could lead to some difficulties. For instance, should the legislature be unable to organize and transact business within 30 days, it would not be possible for it to conform with such a constitutional provision, and question might then be raised as to the validity of a budget adopted at a later date than prescribed. Your Committee feels that the proposed provision offers adequate incentive for the early consideration and passage of the General Appropriations Bill.

Section 3 provides that the legislature shall have the power to amend the General Appropriations Bill, provided such amendments do not result in increasing the total amount of the bill. The legislature is given considerable latitude in making adjustments in the governor's operating budget, which is reflected in the General Appropriations Bill. By such adjustments the total amount requested by the governor can be decreased by the legislature, but such total cannot be exceeded. However, the legislature is given the prerogative of making such changes as are deemed advisable within this total figure. For example, the proposed appropriation item for any department could be decreased and that for a different department increased within the legislative power, within such overall limits. The same adjustments could be made within divisions of a department. It is felt that the legislature, in considering the governor's budget, should be in a position to exercise this authority but, at the same time, to give the budget real meaning, should keep within the overall figure. Any increases over the request made by the governor will need to be more care-



fully scrutinized by the legislature since some divisions of the government will then have to operate on a smaller sum than recommended by the budget. It is the belief of the Committee that there will be only minor changes in the proposed budget under this plan. Since the present practice of adding to the budget in toto is prohibited by this section, a strong case will have to be advanced before any spending agency will be given substantial additional sums in the General Appropriations Bill, over those discussed with and approved by the budget officer (Commissioner of Finance) and recommended by the governor.

Section 4 provides that the legislature may make other appropriations in addition to those in the General Appropriations Bill. The prerogative of the legislature to introduce measures providing for the expenditure of funds is not curtailed. This the Committee believes is a basic power of any legislative body and the provisions of the budget discussed above will in no way destroy this authority. However, it is provided that each proposed measure be only for one object or purpose. If it is the determination of the legislature that spending in any department be increased to such an extent that it would result in the total of the General Appropriations Bill being increased over and above that recommended by the governor, then a separate measure can be introduced for that purpose. Each new spending proposal or additional introduced separately over the governor's budget would stand on its own merits.

Section 5 gives the governor the power to strike out or reduce items in appropriation bills enacted by the legislature. The power of the governor to strike out, or to reduce items, once the appropriation bill has passed the legislature, is a common executive power and should be vested with the governor if a strong centralized financial system is to be established. This provision makes it possible for the governor to reduce items of expenditure in such fields as will not tend to impair effective administration. In several states, as in this Territory under its Organic Act, the governor has the power to veto, but not to reduce items. This frequently makes it necessary—where the governor feels an excessive amount has been appropriated—to eliminate the whole item. He may still have the idea that a lesser sum could and should be used for the purpose set forth, and this proposed section allows him to make reductions to the level he considers proper. The reducing of items can have the effect of a more equitable distribution of the state's financial resources. When the governor has seen fit to reduce the item of a proposed expenditure, presenting to the legislature his reasons, the legislature can still pass it over his veto should it disagree with his conclusions. One advantage of this type of veto is that it removes from discussion the need of spending in a certain area and narrows the issue to how much should be spent. If the governor is forced to veto the whole appropriation, he may be severely and unjustly criticized on the grounds that he opposes expenditure of moneys for suggested functions, while in reality his major objection may be to the excessive amount appropriated. There is nothing new or untried in Section 5 as recommended by your Committee. All authorities in the field of public finance agree that the power to veto items wholly or in part is good financial management.

Section 6 prohibits appropriations for private purposes. Your Committee considered in some detail the question of including in this section specific listings of the private purposes, including religious, for which public funds could not be spent. It also considered the inclusion of a provision which would specifically authorize grants to assist private hospitals and to support community efforts in advertising

and promoting Hawaii (such as the Hawaii Visitors Bureau). The speakers at the public hearing held by this Committee devoted most of their attention to the subject of grants in aid of sectarian hospitals open to the public.

Upon the advice of the Attorney General, that it is not necessary to specifically authorize the legislature to make grants to private institutions of an eleemosynary nature, or to specifically authorize it to spend money for advertising the Territory, since these powers have been repeatedly upheld under the doctrine of "public purposes," which doctrine is a part of the Due Process clause, this Committee recommends Section 6 in the form set forth in the proposal attached hereto. This section prohibits the levying of taxes, appropriation of public money or property, for use, loan or grant of the public credit, directly or indirectly, except for a "public purpose."

For the sake of clarity and to avoid any misunderstanding on the part of the electorate, a provision has also been included in this section prohibiting a grant contrary to or in conflict with Section 5 of the Bill of Rights article of this Constitution, relating to separation of the Church and State.

Copy of the letter of the Attorney General dated May 29, 1950, to Mr. Henry A. White, Chairman of this Committee, covering the above is attached hereto as Exhibit No. 1 in the appendix.

Section 7 governs the expenditure of money. In regard to the reduction of expenditures when revenue receipts fail to meet the estimate, your Committee is of the opinion that there should be vested in the chief executive the authority to reduce the level of expenditures when conditions dictate such action as essential in the interest of preserving financial stability. It was once felt that after an appropriation had been made, the spending department involved had not only the privilege but the right to spend the entire appropriation. Some people point out that if the legislature, after due consideration, provides funds for one of the several agencies of the state, the legislature expects the money to be spent for that particular service, and that any reduction through executive action in effect destroys the legislative intent. Under such arrangement many of our states and cities experienced considerable waste of public funds. Just as the legislature may under-appropriate, it may also over-appropriate. Departments sometimes discover that their functions could be performed on the level intended by the legislature by using only a portion of the grants made. When the entire amount appropriated is to be spent, it results in a great flurry of over-spending at the close of each fiscal period. Even though the chief executive might be fully aware of and opposed to this type of spending, he is powerless to act. In order to protect the government as a whole from a few irresponsible department heads, the method of allocating funds by the chief executive on a period basis—usually quarterly—is a widespread practice. Thus, if a department has an appropriation of \$4 million for a period of two years, it would be permitted to spend \$500,000—more or less—in each of the eight quarters. Each department prepares its anticipated work program for the quarter, estimates its financial requirements, and justifies its request to the budget director, who in turn approves an allotment. This assures that a large portion of the total appropriation will not be spent in the early part of the fiscal period, and that barring unforeseen emergencies, only the funds appropriated will be spent. Through a plan of allocation, two distinct advantages are secured. First, each department must carefully plan its quarterly and yearly work program; and second, the governor, acting through his budget director, can bring about reductions, if necessary. In

the Territory of Hawaii this allotment system has been successfully used for some time under statutory authority.

The power of the governor to reduce the spending of any department, either through the allotment system or by other means—when revenues are inadequate to meet legislative appropriations—is the only effective means of keeping a state solvent in periods of declining revenues. It is at best extremely difficult to accurately forecast revenues a year and a half to three years in advance. Inasmuch as the legislature bases appropriations on anticipated tax collections it assumes there will be adequate money to meet the obligations. If the legislature were assured that the revenue would be inadequate, they would obviously reduce the amount appropriated. We have many illustrations of the inability of the legislatures, attempting to do an honest, conscientious job, to determine accurately what the level of expenditure needs to be in any single department. In order to provide some flexibility upward, emergency or contingency funds under the supervision of the governor are invariably created. It is expected that when a department becomes financially embarrassed, through no fault of its own, a portion of these emergency funds will be used to supplement the needs of a department. If the legislature makes provision for under-financing of departments and places the responsibility with the governor to alleviate the difficulties, it obviously follows that when a department is over-financed, the governor should also have the responsibility of reducing the level of spending. More important than over- or under-appropriating is, of course, the drastic falling off of revenues. Serious economic disturbances, such as depressions, strikes, or wholesale unemployment, may within a few months throw intelligent estimates completely out of line. In order to keep reasonably close to the actual collections, provision should be made for curtailment of expenditures by the governor. It can be reasonably expected that this power will be seldom used. Governors are responsive to public opinion, as is the legislature. The governor normally looks upon the appropriation as the proper amount for the department to spend. It will be only under extraordinary conditions that he will be called upon to reduce the spending level established by the legislature.

To avoid the reduction of expenditures item by item, the governor is given the authority to reduce expenditures and control the rate of expenditures only to the extent "proper to effect economies." Thus, in the opinion of your Committee, any reduction authorized by the governor would be in total sums by departments, agencies, etc., and the respective heads thereof would determine which expenditures under their jurisdiction would be curtailed, unless the legislature specifically authorizes more detailed budget control. This provision on control of expenditures is definitely in line with good financial management.

Mr. A. E. Buck, one of the outstanding authorities in the field of public administration, says:

The governors of more than half the states have been empowered to reduce expenditures under legislative grants whenever estimated revenues failed to materialize or other conditions made it seem advisable. Allotments, that is, monthly or quarterly allocations, have been widely used as a method of controlling the rate of expenditure under appropriations for all operating purposes, and also as a means of producing work programs for the various administrative departments and agencies. The practice appears to be both efficacious and sound.

In order to protect the legislature from control by the governor and to keep the separation of powers intact, the

proposal is made by your Committee that the governor cannot interfere with appropriations made for legislative purposes or a legislative department.

Section 8 provides that the power of taxation shall never be surrendered, suspended, or contracted away. This section requires no explanation for its purpose is obvious. Similar provisions are contained in other state constitutions. However, this section does not prevent the legislature from making reasonable classifications for tax purposes and granting exemptions within other constitutional limits, subject to amendment or repeal.

Section 9 prevents the State from taxing property of non-resident citizens at a higher rate than that applicable to residents of Hawaii. This section complies with one of the requirements of the Statehood Bill (H. R. 49).

The Committee considered at some length a proposal that a provision be submitted for inclusion in the Constitution governing uniformity of state taxes, with specific exceptions as to certain taxes or classes, but, because of the difficulty of adequately covering all aspects of the subject, and because in the final analysis uniformity of taxation, and exceptions thereto, are governed by the due process and equal protection clauses in the Constitutions of the State of Hawaii and of the United States of America, your Committee has omitted such a provision. Such matters are thus left to the judgment of the legislature, within the constitutional limits mentioned above.

Your Committee had originally decided to recommend a section covering permissible exemptions from real property taxes, but eliminating the home exemption. Attached hereto as Exhibit No. 2 of the Appendix is letter dated May 31, 1950, from Assistant Attorney General Rhoda V. Lewis discussing the exemptions originally proposed and attaching a redraft—which redraft was to be embodied in the Committee proposal. In view, however, of the Convention's recent action in tabling Standing Com. Rpt. No. 41, indicating that a large majority of the members are opposed to eliminating the home exemption, your Committee has decided to eliminate the proposed section on exemptions, since the power to make exemptions is vested with the legislature in the absence of a constitutional prohibition.

Section 10 provides for debt limitations. One of the essential powers of any unit of government is to contract debt. This power is vested in practically every state government and in local units of government, either through constitutional provision or by legislative delegation. In a few of the state governments, including Florida for example, the constitution prohibits the state from contracting any debt. In practice this has been evaded, and in Florida the local units, such as the cities or the counties, construct the capital improvements which are then rented to the state, and after a period of time become the property of the state. This is at best a subterfuge and it is generally agreed that the state should enjoy the authority to contract debts.

There are three types of debts common to governmental units. They are:

a. Short term borrowing to meet temporary needs. These are usually in anticipation of tax collections and limits are placed upon the length of time for which such obligations may be contracted.

b. Revenue bonds issued by and against particular activities that are expected to pay their own cost of operation—e.g., water bonds, bonds for the development of harbors, airports, etc. The Constitution need not be too much concerned with this type of obligation, inasmuch as the general revenues of the state are not involved and the bonds normal-

ly cannot be sold unless there is assurance that the principal and interest will be paid from the revenues of these enterprises.

c. General obligation bonds which are paid for from general revenues and the proceeds of which are used to develop the capital improvements or activities considered purely governmental. It is with this final group that the section on debt limits is primarily concerned.

There are two general methods used in determining the overall debt limits, or a combination of the two methods. Some state constitutions fix a definite amount of the maximum indebtedness that can be contracted. The major disadvantage of this dollar amount is that economic conditions may shift and what may have been a reasonable amount at the time the constitution was promulgated becomes an unrealistic amount in later years. The second method is by using a fixed percentage of the assessed valuation of property. This has the advantage of raising the debt limit as property values increase. It is used almost exclusively in local units of government, such as school districts and townships, and by several of the states. Our Organic Act, section 55, contains such limits for both the counties and the Territory, but these limits have recently been exceeded under special acts of Congress.

Your Committee has considered the various methods used in establishing debt limits and is of the firm opinion (1) there should be a fixed dollar amount which will provide for a definite debt limit to apply at the time the Constitution goes into effect, and (2) that flexibility should be provided for by permitting this limit to be increased by an extraordinary vote of the legislature and by vote of the governing body and voters of the counties as economic conditions change. The Committee believes a flexible debt limit is conducive to good financial management, for otherwise the long-range credit of the state might be jeopardized as a result of a temporary local condition. Permitting the debt limit to be increased by using a fixed percentage of the assessed valuation will provide a much more stable ceiling than using revenues collected. For example, in 1940 the assessed valuation for rate purposes amounted to approximately \$183,000,000. In a period of ten years this has increased to approximately \$330,000,000. Thus on a percentage of the assessed valuation the debt limit would have almost doubled during that period.

The authorized debt of the Territory and its counties at present is extremely high due, in a large degree, to the inability of the Territory to maintain a continuing program of capital improvements during the war period and the years immediately following. This situation should be solved within a relatively short time and it would be quite unwise to place the debt limit at an abnormally high figure just to provide for a temporary condition. The present authorized indebtedness will be validated in the State Constitution, which in accordance with H. R. 49 will provide that the debts and liabilities of the Territory of Hawaii shall be assumed and paid by the State and all debts owed to the Territory of Hawaii shall be collected by said State.

Obviously there may be times when the State requires funds to meet an emergency caused by disaster or act of God, or for other extraordinary reasons, or to meet a casual deficit or failure of revenue, etc. The section permits the incurring of indebtedness for such purposes over and above the debt limits, provided that debts incurred for temporary purposes, such as failure of revenues, must be paid when incurred within a period of one year. No one can forecast when such emergencies will occur, nor the extent of the debts that will be incurred in connection therewith, so, as

is the case in many states, such debts are permitted over and above the debt limits.

Your Committee considered the desirability of providing that capital expenditures for schools should be made a responsibility of each county, so that the persons most affected would have the authority to decide which schools are to be improved or constructed. Resolving this question was a prerequisite to determining the initial debt limits for the State and its counties. In view of the fact that bonds for school improvements are now outstanding as territorial obligations and because the Committee on Education believes such capital expenditures are properly a state responsibility, this Committee has considered them as such in setting the debt limits for the State and counties. For data on this subject see schedule exhibit entitled "Public Debt, County, Territory and School Bonds, as of December 31, 1949," attached hereto as Exhibit No. 3 in the Appendix, and "Statements of Bonded Indebtedness—City and County of Honolulu, County of Maui, County of Hawaii and County of Kauai" attached hereto as Exhibits Nos. 4a, 4b, 4c and 4d, respectively in the Appendix.

The proposal herein recommended by this Committee fixes a debt limit of \$50,000,000 for the State, subject to being increased by two-thirds vote of all the members of each house on final reading, up to 15 percent of the total assessed value of the taxed real property within the State. If home exemption had been authorized by this Convention to be eliminated, this percentage could have been decreased to 12 percent.

The aggregate of the counties' debt limit is set at \$25,000,000, subject to being increased up to 7.5% of the total assessed value of taxed real property of each county by vote of the county governing body and approval by the voters therein. If home exemption were eliminated, this percentage could have been reduced to 6%.

As recommended, the maximum percentage indebtedness for the State (15%) and counties (7.5%) totals 22.5% of the total assessed value of taxed real property in the State. This is higher than authorities in the field of public finance generally believe should be allowed for State and local indebtedness in order to assure a ready sale of their bonds at reasonable rates of interest, and care should be exercised to keep the actual indebtedness as much below these limits as possible, and not to exceed them except for the greatest necessity, in order not to impair the ability of the State and the counties to float bonds, thereby adversely affecting their credit.

The limit of the total county indebtedness fixed at \$25,000,000 is to provide for the normal capital improvements of the county governments. This \$25,000,000 as the initial limit is to be apportioned at five year intervals among the several counties in the ratio of the assessed valuation of each county to the total taxable value of the State as a whole. This is the same method now used in the Organic Act, except that the initial dollar limit and the maximum percentage limit (7.5%) exceed the present limit of 5% for each county.

To determine the amounts to be initially allocated to each of the several counties, see schedule entitled "Territory of Hawaii—Real Property Tax Valuation and Percentages" attached hereto in the Appendix as Exhibit No. 5, which contains a table showing county debt limits of varying amounts prorated among counties on basis of percentages.

The debt limit of any county can be increased by the county board of supervisors upon approval by the voters therein, if and when the assessed valuation of that county provides an amount in excess of the original allocation.

Thus the same degree of flexibility is provided for the counties as for the State. Bonds to cover capital improvements can be issued by the governing body of the county, provided that the qualified voters of the county authorize the proposed project at an election. It should be noted that such election requires the approval of a majority of the voters tallied on the subject of such bond issue, which would exclude from the computation blank or unmarked ballots, electors not voting on the measure at all, and spoiled or rejected ballots. These provisions are in the opinion of the Committee essential and most desirable, so that the taxpayers and "owners" can voice their opinions as to whether the county needs to increase the debt limits, and then—specifically—whether the proposed improvement is essential and properly located and is within the county's ability to finance.

Your Committee recommends that all indebtedness for a term exceeding one year be in the form of serial bonds. This would not prohibit their being callable. It is the committee's opinion that the use of serial bonds rather than term bonds is a much sounder method of financing. In many governmental jurisdictions no adequate provision has been made for establishing sinking funds, or if sinking funds have been established, they have from time to time been dissipated and, when the bonds matured, no resources were available to pay them off. The only redress was to reissue the bonds, and in many instances the capital improvement had long since disappeared, but the public was still paying the interest on these obligations. Therefore a much sounder method is to make adequate provision for the paying off of a certain percent of the bonds each year. It is recommended and this section provides that the first installment on any bond be due not later than five years after date of issue, and that the final installment be paid not later than 35 years after the date of issue. Such an arrangement, it is felt, will do much toward maintaining stable credit for the State. Your Committee likewise recommends, and the section provides, that the payment of principal and interest on the funded debt from both the State and the county shall have first claim on the revenues of these governments. In the long run, nothing is more important to the credit of the State than the assurance to the bondholders that they will receive both their principal and interest when due.

Section 11 provides for purchasing methods. This provision emphasizes what has become a widespread practice during the last twenty years and is recognized as the most economical method of buying. Efficiency in this field would be encouraged and tax savings realized by having such a provision in the Constitution.

Section 12 provides for an auditor. One of the most important positions in the field of financial management is held by the State's auditor. The auditor is one of the important elements in financial management. It is his responsibility to analyze appropriations, authorizations and expenditures, to determine whether payments comply with legal requirements and to ascertain whether all revenues have been properly accounted for. It should also be the responsibility of an auditor to submit recommendations covering means and methods for improving financial management. His work can never be completely divorced from either budget making, expenditure controls, or financial planning. It is the feeling of the Committee that the office should be definitely provided for in the Constitution and that the lines of responsibility, the qualifications of the individual, and his term of office spelled out. Your Committee recommends that the auditor be responsible to the legislature, be selected for an eight-year term, be removed only by an extraordinary majority and be a certified public accountant.

a. Selection. The method of selecting the auditor is one of the most difficult of all administrative positions to determine. While he is in effect closely connected with the administrative organization, he still must maintain—to be effective—a degree of independence. There are at present three common methods used in the selection of this official.

(1) A majority of state constitutions drawn up during a period when it was felt that everyone should be elected provided for popular election of the auditor. This is quite contrary to the authorities in the field of financial management for three basic reasons: (i) it throws the auditor directly into politics and the usual result has been the selection of a strong politician rather than a qualified auditor; (ii) the auditor has no fixed lines of responsibility other than to the public, and as a result is more concerned with the political aspects of the office than the technical job assigned to him; and (iii) the electorate generally would be in no position to know of the qualifications of the individual and therefore his selection would be solely on the basis of popularity.

(2) The second method is that now followed in the territorial government, of appointment by the governor. Your Committee feels that this method is defective because the chief executive, who has the responsibility for the spending program, is in a position to select an individual with more emphasis on his amenability to the governor than upon his qualifications. Thus it might create the risk of having the auditor acquiesce in the wishes of the chief executive in the event that they held conflicting views. It is never good practice to have the accounts audited by the agency responsible for the spending. Your Committee feels, however, that in the Territory the existing plan has worked out much better than would normally be expected. Men of ability have held this position and their work as a whole has been of a high standard.

(3) The third method is that of selection by and responsibility to the legislature. Inasmuch as this body determines what moneys are to be spent for the several activities and is vested with the responsibility for determining state policy, it should be the agency to which accounting is made. The auditor, in his relationship to the legislature, is in very much the same position as auditors of a private corporation, who audit the administrative employees of the company and report to the owners or their representatives. Therefore, the Committee strongly recommends that the auditor be responsible to the legislature, and section 12 so provides.

b. Qualifications. It goes without saying that if we are to have good auditing it must be under the supervision of a well-qualified individual. For that reason your Committee strongly recommends that the legislature be restricted in its appointment to those who qualify as certified public accountants. It is well understood in your Committee that there may be individuals who are not certified public accountants who may be eminently qualified. However, it is felt that if no qualifications are established, the possibility exists that an individual who does not have the capabilities would be appointed to the position. The practice of requiring professional men for professional tasks is by no means unique in public administration. Almost without exception a person must be admitted to the Bar before he is qualified to serve as a judge. By statute, many of the positions in the medical field must be held by professionals. Similar professional requirements are established under the Classification Act and other laws. Therefore, your Committee feels that added protection both to the public and to the legislature will be

provided by requiring the appointment to be made from those having the status of a certified public accountant. It should here be pointed out that certified public accountants are licensed by a local board under a local statute, just as attorneys, physicians, dentists, engineers, architects, surveyors, etc., are licensed, and that this provision does not require that assistants to the auditor be certified public accounts.

c. Tenure. It seems to the Committee that a reasonably long term is essential in the field of auditing. Therefore, it is recommended that the auditor be appointed for a period of eight years. It is believed that there would be three distinct advantages from this length of term—first, the position would be attractive to a greater number of individuals; second, the government would profit from the long tenure since background and experience in public finance are indispensable; and, third, the long tenure should serve to remove the auditor from undue pressure by any one legislature.

This section provides that the auditor can be removed by a two-thirds majority vote of the members of the legislature in joint session at any time for cause. It is felt that this added protection offered the auditor would in most instances eliminate his removal for political reasons. The requirement that the legislature would have to present adequate reasons for his removal would of course increase the stability of the position. However the door is open for the elimination of an unqualified or incompetent individual. A long and fairly secure tenure should make it possible to develop sound auditing practices for the government. In addition, with a reasonably secure tenure the auditor will be in a position to offer suggestions and criticisms to the legislature. Your Committee is cognizant of the fact that any of these details in regard to length of term or method of removal is subject to differences of opinion. It is its feeling, however, that the provision recommended is the best solution to an extremely difficult problem.

d. Responsibilities. Being appointed by the legislature, the auditor will of course be basically responsible to them. He will provide the legislature with such information as it may need from time to time outside the regular audits, and will serve at all times as the "watchdog" of public spending.

In addition to the auditing of the accounts of the State, it is the opinion of your Committee that the auditor should have the same responsibility over the several units of local government. These units are now being audited by the Bank Examiner in the treasurer's office, but much could be gained by centralizing all post-auditing. It would provide for better utilization of skilled manpower, assure uniformity of audits, and make available to the legislature reports on county fiscal affairs.

Your Committee is aware of the fact that the Committee on Legislative Powers and Functions has under consideration a proposal requiring the State legislature to meet each year, one year for a general session and the next for budgetary purposes. The provisions on taxation and finance as herein recommended are equally applicable whether the legislature meets once a year, as proposed, or every other year, as is now the practice.

Your Committee recommends:

(a) That the proposal attached hereto (Committee Proposal No. 10) which reflects a composite of many of the proposals referred to your Committee and of the preliminary draft attached to Committee Report No. 51 be adopted by this Convention without referral back to this Committee.

(b) That the Committee on Ordinances and Continuity of Law be instructed to present to the Convention for adoption an ordinance which will provide for the assumption by the

State of all of the debts and liabilities of the Territory of Hawaii, and the collection by the State of all debts owed to said Territory, in accordance with the provisions of H. R. 49.—June 9, 1950

Henry A. White,  
Chairman  
Alexander Castro  
Frank Y. Kam  
Masao Kanemaru  
John K. Lai

Jack H. Mizuha  
Charles A. Rice  
Herbert M. Richards  
Sakuichi Sakai  
C. Nils Tavares  
Arthur D. Woolaway

Harold W. Rice, Vice-Chairman—I reserve the right to argue Sec. 10.

Arthur K. Trask—Will argue Sec. 10 and 12.

James K. Yamamoto—I reserve the right to argue Secs. 10 and 12.

Takao Yamauchi—I do not agree on Sec. 10 and Sec. 12 as is.

#### COMMITTEE PROPOSAL NO. 10

#### RELATING TO PUBLIC FINANCE AND TAXATION

RESOLVED, that the following be agreed upon as part of the State Constitution:

#### ARTICLE \_\_\_\_\_

SECTION 1. The Budget—Operating and Capital Expenditures. Within such period of time prior to the opening of each regular session of the legislature as may be prescribed by law, the governor shall submit to the legislature a budget setting forth a complete plan of proposed general fund expenditures and receipts of the State for the next ensuing fiscal period, together with such other information as the legislature may require. For the preparation of the budget the various departments, offices and agencies shall furnish the governor such information, in such form, as he may require. The budget shall be compiled in two parts, one of which shall set forth all operating expenses for the ensuing fiscal period and shall be referred to as the General Appropriations Budget. The other part shall set forth all expenditures proposed for capital improvements to be undertaken during said period and shall be referred to as the Capital Improvements Budget. A General Appropriations Bill to authorize expenditures proposed under the General Appropriations Budget, and bills to authorize expenditures proposed under the Capital Improvements Budget and for new or additional revenues or for borrowings by which the proposed expenditures are to be funded, shall be submitted by the governor to the legislature and shall be introduced therein as soon as practicable after the opening of each session during which the budget is to be considered.

SECTION 2. Legislative Appropriations Procedure. No appropriation bill, other than bills to cover the expenses of the legislature, shall be passed on final reading by either house until the General Appropriations Bill shall have been transmitted to the governor, unless the governor has recommended the immediate passage of such appropriation bill, in which case, such bill, if enacted, shall continue in force only until the General Appropriations Bill shall by its terms become effective.

SECTION 3. Power of Legislature to Amend the General Appropriations Bill. The legislature may make any amendments in the General Appropriations Bill, provided such amendments shall not result in increasing the total amount in the bill as recommended by the governor.

SECTION 4. Special and Supplementary Appropriations. Appropriation bills, other than the General Appropriations Bill, and other than any appropriation bill recommended by

the governor which expires when the General Appropriations Bill becomes effective, shall not appropriate money for more than one subject or purpose.

**SECTION 5. Power of Governor to Alter Appropriations.** The governor may strike out or reduce items in appropriation bills passed by the legislature and the procedure in such cases shall be the same as in the case of the disapproval of an entire bill by the Governor.

**SECTION 6. Appropriations for Private Purposes Prohibited.** No tax shall be levied, or appropriation of public money or property be made, nor shall the public credit be given, lent or used, either directly or indirectly, except for a public purpose. No grant shall be made which is contrary to or in conflict with Section 5 of Article \_\_\_\_\_ of this Constitution.

**SECTION 7. Expenditure of Money.** Whenever anticipated revenues fall below the revenue estimates upon which appropriations were based, or whenever the Governor is authorized by law to effect other economies, the Governor, to the extent proper to effect such economies, shall have authority to reduce expenditures of state monies below appropriations, and through allotments or otherwise, to control the rate at which such appropriations are expended during the fiscal period, provided, that the legislature, by resolution concurred in by a majority of the members of each House, may exempt specific appropriations for the legislative department from the exercise of this power by the Governor.

**SECTION 8. Powers of Taxation.** The power of taxation shall never be surrendered, suspended, or contracted away.

**SECTION 9. Uniformity of Taxation.** The land and other property belonging to citizens of the United States residing without this state shall never be taxed at a higher rate than the lands and other property belonging to residents thereof.

**SECTION 10. Debt Limitations.** Bonds or other instruments of indebtedness to fund appropriations for any fiscal period in anticipation of the collection of revenues for such period or to meet casual deficits or failures of revenue, which debts shall be payable within a period of one year, and bonds or other instruments of indebtedness to suppress insurrection, to repel invasion, to defend the State in war, or to meet emergencies caused by disaster or act of God, may be issued under legislative authorization in excess of the debt limitations hereinafter provided.

No bonds or other instruments of public indebtedness shall be issued except by or on behalf of the State or a county, and less authorized by the legislature or the county governing body; provided that no county bonds or other county instruments of indebtedness shall be deemed to be authorized until the issue thereof is approved by a majority of the registered voters whose votes are tallied on the subject at an election in the county concerned.

Fifty million dollars is hereby established as the debt limit of the State. Bonds and other instruments of indebtedness in excess of the debt limit may also be issued, provided such excess debt of the State is authorized by a two-thirds vote of all the members of each House of the legislature and such excess debt, at the time of authorization, would not cause the total of State indebtedness to exceed a sum equal to Fifteen Percent (15%) of the total of assessed values of taxes real property, in the State, as determined by the tax assessment rolls of the State, pursuant to law.

Twenty-five million dollars is hereby established as the aggregate total debt limit of the counties of the state, and is hereby allocated as of the date of the admission of the State, among the counties in the ratio which the assessed

values of taxed real property in each county for the year in which this Constitution takes effect, as determined by the tax assessment rolls of the State pursuant to law, bears to the total of assessed values of taxed real property in all counties. Each fifth year thereafter, the said twenty-five million dollars shall be and is hereby similarly reallocated in proportion to the respective assessed values then prevailing, and each county may contract indebtedness in accordance with its new allocation despite the fact that the same might cause the total indebtedness to exceed twenty-five million dollars. Bonds and other instruments of indebtedness in excess of that herein allocated may be issued by any county when authorized by a two-thirds vote of the members of the county governing body, provided such excess debt, at the time it was authorized by the governing body would not cause the total of indebtedness for the county to exceed a sum equal to seven and one-half percent of the total of the then assessed values of taxed real property in the county, as determined by the tax assessment rolls of the State pursuant to law, and provided further that such excess debt is approved by a majority of the registered voters whose votes are tallied on the subject at an election in the county concerned.

All bonds or other instruments of indebtedness for a term exceeding one year shall be in serial form maturing in substantially equal annual installments, the first installment to mature not later than five years from the date of the issue of such series, and the last installment not later than 35 years from the date of such issue.

Interest and principal payments shall be a first charge on the general revenues of the state or county, as the case may be.

The provisions of this Section shall not be applicable to indebtedness incurred for a public enterprise body when the only security for such indebtedness is the revenues of such body, or to indebtedness incurred for improvements when the only security for such indebtedness is the assessments upon properties benefited or improved.

Nothing in this Section shall prevent the refunding of any indebtedness at any time.

**SECTION 11. Purchasing Methods.** All public purchases made by the government of this state, or any of its subdivisions, so far as the legislature shall deem the same practicable, shall be centralized and made under a system of competitive bidding.

**SECTION 12. Auditor.** The legislature shall, by a majority vote of all the members in joint session, appoint an auditor who shall hold a certificate as a Certified Public Accountant and who shall serve for a period of eight years and thereafter until a successor shall have been appointed. The legislature by two-thirds majority vote of the members in joint session may remove the auditor from office at any time for cause. It shall be the duty of the auditor to conduct post-audits of all transactions and of all accounts kept by or for all departments, offices and agencies of the State and its political subdivisions, to certify to the accuracy of all financial statements issued by the respective accounting officers and to report his findings, criticisms and recommendations to the Governor and to the legislature at such time or times as shall be prescribed by law. He shall also make such additional reports and conduct such other investigation of the State, or its political subdivisions, as may be directed by the legislature.

Henry A. White,  
Chairman

Harold W. Rice,  
Vice-Chairman

Alexander Castro  
Frank Y. Kam  
John K. Lai  
Jack H. Mizuha

Charles A. Rice  
Herbert M. Richards  
Sakuichi Sakai  
C. Nils Tavares  
Arthur D. Woolaway

Arthur K. Trask—Sec. 10 and 12.  
James K. Yamamoto—I reserve the right to argue Sec. 10 and 12.  
Takao Yamauchi—I do not agree on Sec. 10 and 12 as is.

## EXHIBIT NO. 1

TERRITORY OF HAWAII  
DEPARTMENT OF THE ATTORNEY GENERAL  
HONOLULU

May 29, 1950

Mr. Henry A. White, Chairman  
Committee on Public Finance and Taxation  
Constitutional Convention  
Honolulu, T. H.

Dear Sir:

I wish to herewith confirm my oral opinion to you to the effect that it is not necessary to specifically authorize the Legislature to make grants to private institutions of an eleemosynary nature, or to specifically authorize it to expend money for advertising the Territory. These powers have been repeatedly upheld under the doctrine of "public purposes". This doctrine is a part of the due process clause. Hence, any expenditure which is prohibited under the doctrine would still be prohibited under the United States Constitution even if our Constitution authorized it. And there is no point in specifically conferring this particular power upon the Legislature, since all legislative power, except as prohibited by the Constitution and laws of the United States, or the Constitution of Hawaii, will be conferred upon our legislature.

With reference to the provision of section 10 that "No grant shall be made which is contrary to or in conflict with Section 5 of Article \_\_\_\_\_ of this Constitution," the section to which reference is made in turn providing that "No law shall be passed respecting the establishment of religion \* \* \*," it is my opinion that this clause adopts the construction placed on language of the First Amendment similarly prohibiting any law respecting the establishment of religion. That construction is that the Constitution erects "a wall of separation between church and state" which precludes support by the State of "any religious activities or institutions whatever they may be called, or whatever form they may adopt to teach or practice religion," in the words of the majority in *Everson v. Board of Education*, 330 U. S. 1, 16, and *McCullum v. Board of Education*, 333 U. S. 203, 210, or in the words of the minority, "the Amendment forbids any appropriation, large or small, from public funds to aid or support any and all religious exercises \* \* \* Legislatures are free to make, and courts to sustain, appropriations only when it can be found that in fact they do not aid, promote, encourage or sustain religious teaching or observances, be the amount large or small." *Everson v. Board of Education*, 330 U. S. 1, 41, 52-53, quoted in *McCullum v. Board of Education* 333 U. S. 203, 210, note 7.

Exactly how this doctrine applies in particular situations will have to be developed upon consideration of the relevant facts and judicial opinions. I believe that in confining yourselves to the general principle without attempting more

particularity you are in conformity with the best traditions in the drafting of constitutions.

Very truly yours,  
Walter D. Ackerman, Jr.  
Attorney General

EXHIBIT NO. 2

May 31, 1950

## MEMORANDUM

TO: Hon. Henry White, Chairman  
Committee on Public Finance and Taxation

SUBJECT: Exemptions presently granted by law.

Reference is made to the memorandum from the Assistant Tax Commissioner, dated May 29, 1950, listing exemptions, presently granted by law, which would be prohibited in whole or in part, or would be questionable, under the proposed Sec. 14.

I enclose herewith a proposed re-draft of Sec. 14, which would allow to be continued in whole or in part, the following exemptions presently allowed by law, listed by Mr. Westley as excluded by the present draft or as questionable, that is: Sec. 5149.05, homes of disabled veterans. Sec. 5150, property of lepers (but would be restricted to homes). Sec. 5150-A, property of persons with impaired sight (but would be restricted to homes). Sec. 5151, Par. 3, parsonages and camp sites; Sec. 5151, Par. 12, the Maui County Fair and Racing Association (if conducted for the benefit of the community); Sec. 5151, Par. 28, 29, 30, 31, parsonages; Sec. 5151, Par. 32, Moanalua gardens (but the golf links would not be exempt); Sec. 5151, Par. 33, this exemption, for Boy Scout and Girl Scout Organizations, would be allowed by the enclosed draft except for properties used for business enterprises; Sec. 5151, Par. 37, parsonage; Sec. 5151, Pars. 54 and 55, American Legion and Veterans of Foreign Wars (to the extent conducted for the benefit of the community but without exemption for business enterprises).

Hence under the enclosed draft the exemptions allowed by Sec. 5149 (Homes including Act 64, Special Session 1949, covering certain leaseholds) still would be excluded. There would be excluded, as business enterprises, the exemptions allowed by paragraphs 24 and 25 of section 5151. There also would be excluded that part of paragraph 32 which exempts the Moanalua golf links, because the golf links are operated for profit, and so much of paragraphs 12, 33, 54, and 55 as permits the exemption of profit making enterprises.

Respectfully submitted,  
Rhoda V. Lewis  
Assistant Attorney General

Encl.

P. S. A further change is suggested by the enclosed draft, last paragraph, where mention of "improvements" has been eliminated as covered by the word "property" and for conformity with the style of the rest of the section.

PROPOSED REDRAFT OF SECTION 14 OF ARTICLE \_\_\_\_\_  
PUBLIC FINANCE AND TAXATION

SECTION 14. Exemption from Real Property Taxes. No real property within the taxing power of the State shall be



exempted from any real property tax imposed by law, except by general classification, and then only if authorized by this section.

Property owned by, or leased to, or the subject of eminent domain proceedings brought by, any government or instrumentality thereof, may be exempted from taxation by law.

Property may be exempted by reason of the imposition of another tax in lieu of property taxes.

Property used exclusively for religious, cemetery, scientific, educational, literary, hospital, or charitable purposes or for the benefit of the community or the promotion of social welfare, or such part thereof as is used exclusively for such purposes or activities, may be exempted from taxation by law, but no such exemption shall be allowed for any portion of such property in excess of that actually so used, or for any property or part thereof operated for profit, irrespective of the purposes or activities for which such profit is used.

Property owned by any person who by reason of disease or any disability is permanently physically handicapped, and occupied as a home for himself or his family, may be exempted from taxation by law.

Property dedicated to a forest reserve may be exempted by law, provided it is used for purposes not inconsistent with such dedication.

Property set aside for reconstruction, redevelopment and rehabilitation of obsolete, decadent or blighted areas, and the improvements thereon, may be exempted from taxation by law for such period or periods of time and upon such terms, conditions and restrictions as it may prescribe.

Property essential to the conduct of a business may be exempted from taxation for such period or periods of time and upon such terms, conditions and restrictions as may be prescribed, if in the judgment of the legislature such action will serve to encourage new, or to preserve, industrial or agricultural development in the state.

#### EXHIBIT NO. 3

DEPARTMENT OF THE TAX COMMISSIONER  
HONOLULU 9, HAWAII  
May 29, 1950

#### MEMORANDUM

RE: Sec. 14 of Attached Constitutional Proposal

Proposed Sec. 14 prohibits the following exemptions presently granted by law: Sec. 5149, homes including Act 64, Special Session 1949, covering certain leaseholds; Sec. 5149.05, homes of disabled veterans; Sec. 5150, lepers; Sec. 5150-A, persons with impaired sight; Sec. 5151, Par. 3, parsonages and camp sites; Par. 12, the Maui County Fair and Racing Association; Par. 24, the Salvation Army's Industrial Center on Vineyard Street, Honolulu; Par. 25, the Kona Japanese Hospital, a privately owned institution, operated for profit; Par. 28, 29, 30, 31, parsonages; Par. 32, Moanalua golf links, Par. 33, this exemption would be somewhat restricted as to use and purpose; Par. 37, parsonage; Par. 54, American Legion; Par. 55, veterans.

Notes: We have included parsonages and camp sites in the above list of exclusions for the reason that they are not used exclusively for religious workshop, however, it's possible that these exemptions may be permissible under the wording "or for purposes clearly non-profitable."

The following have been excluded because we believe they are business enterprises: Paragraphs 24, 25, 32, 54 and 55, also par. 33 in part covers business enterprises.

We also wish to point out that the wording "or for purposes clearly non-profitable or charitable in character" is

very broad and if a liberal interpretation is put on this proposed provision, it may include all exemptions presently granted under Sec. 5151.

Torkel Westly  
Assistant Tax Commissioner

(Tables enclosed)

#### STANDING COMMITTEE REPORT NO. 52

Your Committee on Education begs leave to submit an article on education consisting of five sections. For the convenience of the delegates this report is submitted under separate headings.

#### *Separate Article on Education*

Your Committee recognizes that there are two positions with respect to the format of a state constitution, both of which have already been expressed on the floor of the Convention. One position is that a state constitution should concern itself basically with the three coordinate branches of government—legislative, executive, judicial—with reference to such matters as health and education briefly stated in an article on General Welfare. The other position is that a state constitution may well include separate articles expressing basic principles with reference to the subject matter concerned.

Your Committee on Education subscribes to the second position, especially insofar as public education is concerned. We believe that this position is supported by (1) H. R. 49, now before the Congress, (2) the electorate of Hawaii, and (3) the vote on the floor of this Convention on second reading of Committee Proposal No. 1 (Health and General Welfare).

H. R. 49 specifically mandates constitutional provision for public education, as follows: ". . .provisions shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of said State and free from sectarian control." This is a recognition of the unique function of public education in a democratic state—a function deserving more recognition than a word, a sentence, or a single paragraph. This recognition is further reflected in the official actions of such organizations as the Hawaii Education Association and the Chamber of Commerce of Honolulu, both of which have taken definite stands with respect to constitutional provisions relating to education.

Your Committee believes that the vote taken on the floor of this Convention on second reading of Committee Proposal No. 1 clearly indicates that a majority of the delegates support the thesis of separate articles on such matters as health, education, land, and others instead of including them incidentally by reference.

Your Committee is cognizant of the fact that public education could be left to legislative control; it recognizes that a short paragraph or even a word in a telescoped section under the heading of General Welfare might suffice to permit the State Legislature to provide for the support and the method of control over public education. Practices vary greatly. The Missouri constitution devotes 6 pages, including 15 sections, to education; the New Jersey constitution makes reference to education only under sections dealing with finance; the Model Constitution has a separate generalized section in the Article on General Welfare.

Your Committee on Education supports a separate article on Education of 5 sections, each dealing with basic



principles: (1) a general mandate upon the state to provide for publicly supported education; (2) a section on the selection of the Board of Education; (3) a section dealing with the functions of the Board of Education; (4) a section on the selection of the University Board of Regents; and (5) a section dealing with the powers and functions of the Board of Regents.

#### *Centralization*

Statewide control over the public school system of Hawaii, under a single board of education, has met with widespread approval. Centrally controlled public education in Hawaii (under Kingdom, Republic and Territory) has contributed greatly to the development of Hawaii as a democratic American community. Under centralized control a greater degree of equalization of educational opportunity exists than in any of the 48 states of the Union.

Your Committee on Education is unanimously and strongly of the opinion that this principle should be fixed in our Constitution. In support of this position we make reference to (1) a principle that has stood the test of time (105 years), (2) a trend away from decentralization in the States, and (3) the universal support of the feature of centralized control both in all published surveys of education in Hawaii and by professional educators who have visited the Islands. The concept of a single, statewide system of public schooling is so fundamentally sound, so widely acclaimed, and so proved in the light of Hawaiian history as to justify inclusion of the principle in the State constitution of Hawaii.

#### *Board of Education*

Section 2 of the Committee Proposal provides for the appointment of the Board of Education from a panel of names submitted by "local school advisory councils to be established by law." This provision is the result of prolonged discussion of the pros and cons of an elected school board. It not only resolved the controversy on this point within the committee, but has the additional merit of rendering possible some very wholesome "grass roots" participation in public school affairs.

Hawaii's public schools are not as close to the people who support and patronize them as is typically the case on the mainland. Your committee weighed carefully the arguments for an elected Board of Education as one means of effecting more community participation in the management of the public schools. In summary these arguments are as follows:

1. An elected board is more likely than an appointed one, to be representative and sensitive to the will of the people.
2. It provides for closer participation on the part of the people in school matters.
3. It is in line with the democratic concepts of our republican form of government.
4. Eighty-five percent of local school boards on the mainland are elected.

Against this position it was argued that an elected board might draw the school system into politics; that many persons otherwise available for board service would be unwilling or unable to spend the time and money required to run for election to a non-paid position and at the same time risk being defeated. Furthermore, it was pointed out that ours is a statewide system, and that state boards of education on the mainland are predominantly appointed.

A number of important matters, though discussed at considerable length, were left for statutory provision. For example, it is the recommendation of the Committee:

1. That the Board of Education be nine in number, and that the Chairman be designated by the Governor.
2. That the members be appointed for staggered or overlapping terms.
3. That two members of the Board be from the island of Hawaii, one each from Maui, Kauai, rural Oahu, and Honolulu, two from the State at large, and the Superintendent of Public Instruction serving ex officio.
4. That the local school council function as an advisory committee to meet with the local board member or members and the district superintendent.
5. That the panel be a combined list made up of a specified number of names submitted by each of the local school advisory councils, from which the Governor would appoint both the local Board member from each county or district, and the Board members at large.

Although local school advisory councils would be new in Hawaii, the idea is not new. The report of the Federal Survey of Education in Hawaii, made thirty years ago, recommended county boards of education to serve in an advisory capacity. It is the opinion of the Committee that the establishment of such local councils on an advisory basis would provide for the desirable local participation without destroying the advantages of centralized statewide control.

#### *Superintendent*

Section 3 of the Committee Proposal places the responsibility for the appointment of the Superintendent of Public Instruction in the Board of Education, but it also makes him a member ex officio of the Board with the privilege of voting.

With reference to the appointment of the Superintendent, your Committee gave consideration to the following factors: It is generally recognized that the executive officer of any department of government operating under a board of control can best carry out the policies established by such board if he is selected by the members thereof. In the present Territorial setup the Superintendent is appointed by the Governor. This creates an anomalous situation. As an officer of government directly responsible to the Governor, the Superintendent can refuse to carry out the policies of the Board of Education, and, in so doing, deny to that board the rights granted to it. The function of the Board of Education, under such circumstances, can become merely advisory.

In recommending that the Superintendent be appointed by the Board, your Committee also took cognizance of practice elsewhere. City school superintendents are almost universally appointed by the Board. In state systems where schools are decentralized as to control, and State boards exercise only general oversight, a considerable number of the superintendents are appointed.

It can be noted, too, that the appointment of the Superintendent of Public Instruction by the Board of Education has been repeatedly recommended by the teaching profession of Hawaii in resolutions of the education associations and in the several surveys (1920, 1930, 1940, 1943) of education in Hawaii.

Membership of the Superintendent on the Board of Education posed for your Committee a more difficult problem than the question of his appointment. In city school systems it has been typical practice for the Superintendent to be selected and appointed by the Board, but not to be a member thereof. In state school systems the practice varies, but membership on the Board is the prevalent practice.

In the recommendations of professional organizations and the surveys, referred to above, the assumption has been

that the Superintendent would not be a member of the Board. However, this conclusion has been based on a comparison of Hawaii's statewide school system with city systems. It has been the contention that under centralization of control over education the Territorial school system has been more like a city school system than a state school system.

Your Committee, however, has concluded that the comparison of Hawaii's statewide system with city school systems is invalid. It is like city school systems in the fact that it exercises control, but it is also like state school systems in the fact that it has supervisory power. A better comparison, it is felt, would be with state university practice, where both supervisory and control functions are vested in one and the same board. It is almost universal University practice for the executive officer to be appointed by the board and to be also a voting member.

Some consideration was given to the suggestion that the Superintendent be an ex officio member of the Board, but without vote. It was felt by the majority of the Committee, however, that such status would have little meaning.

The main argument advanced against the proposal being made was (1) that it might enable the Superintendent to exercise undue influence, or (2) that his position as a professional leader might be weakened by his fear of reprisal. It was felt, however, that it is a responsibility of a professional leader to exercise influence in behalf of his convictions, and that reprisal could be resorted to in either setup. It was felt, furthermore, that voting board membership would enable the Superintendent better to represent the profession he is supposed to represent before the group that establishes educational policy.

#### *Dual Control*

It is the intention of the Committee that the phrase "including all physical facilities therefor" as it appears in Section 1 refers to all educational institutions, including the public schools. It is indisputable that the physical facilities of a school system are as much a part of the system as the teaching staff and the curriculum, and therefore the State's responsibility for a statewide system of public schools necessarily includes the responsibility for the physical facilities. However, the Committee recommends that such responsibility be referred to in the constitution because today, although we have a statewide system of public education, responsibility for the buildings, grounds and other physical facilities has been delegated to the respective counties. The resulting dual control in our school system has led to the following disadvantages and inequalities:

1. The counties under their present sources of revenue are unable to finance new construction out of their general funds. Therefore, within the last two bienniums, the four counties have borrowed from the Territory approximately \$18,000,000 for school construction. Although the counties are obligated to repay the Territory both the principal and interest on these bonds, and therefore the bonds may be considered county obligations, the fact remains that \$18,000,000 of the Territory's borrowing power has been used up to obtain funds for the counties which legally they could not borrow under their own debt limitations as prescribed in the Organic Act.

2. Since the funds for new construction are, under our present system, requested by the respective counties from the Territory, the initiative lies with each county as to what and how much new construction, and where, when and how the county plans to build. The result is that one county has utilized Territorial credit to build facilities other than classrooms for its school children while in other counties

the children have not sufficient classrooms in which to go to school, or in some instances are going to school in fire-trap structures.

3. Because of county planning and financing of new school construction, many buildings constructed are inadequate even in minimum standards of functional soundness because of (a) lack of architectural and other specialized services in some of the counties, and (b) the fact that county engineers are concerned primarily with the structural soundness of the building and its maintenance costs and not with the adequacy of the design of the building or its equipment for the function of education. (As an example, some school buildings are without any closet or storage space in the classrooms and in a very recent case a county building department required the architect to change his specifications for good quality blackboards to composition blackboards which are practically worthless from the standpoint of use). These inequalities both in amount and kind of school facilities and in the minimum standard of school architecture and equipment are necessarily translated into unequal educational opportunities for the children of the Territory.

4. The expenditure of funds for poorly designed structures either from the standpoint of sound construction or inadequacy for the purpose for which they are built, is, to the degree of such unsoundness or inadequacy, a waste of the tax dollar.

5. Teachers' cottages are made available to the teachers on financial bases differing in each county. Therefore, although all teachers are paid on a uniform scale, in terms of "take home" pay they are actually receiving different salaries for the same classification.

6. With respect to maintenance, repair and upkeep of school buildings and grounds, there are arguments both in favor of centralized responsibility and in favor of county responsibility.

The arguments in favor of centralized responsibility are as follows:

1. Due to appreciable differences in the financial position of the several counties, the school building maintenance and repair needs are well cared for on one island, poorly cared for on another, and only fairly cared for on the third. In still another county, although funds are adequate, the county authorities have not seen fit to allocate enough for school maintenance purposes. Since inadequate maintenance and repair is wasteful of capital investment even to the extent of eventually necessitating replacement of existing structures, it would seem preferable that the responsibility for maintenance and repair also be vested in the Board of Education.

2. The present system where the counties are requested by the school department on each island to make the necessary repairs makes it possible for each agency to evade its responsibility. The fixing of responsibility solely in one agency would therefore seem to be highly desirable.

Arguments in favor of county responsibility are as follows:

1. The county boards of supervisors meet frequently and can therefore approve expenditures for repairs, etc., which cannot be anticipated long enough in advance to be itemized in a State budget.

2. Maintenance and repair needs can be met promptly if handled locally, but may be long delayed if State approval of the repair item is necessary.

3. Local pride in the school buildings would be killed if the counties do not have the responsibility of their upkeep.

4. It is, furthermore, somewhat paradoxical to argue for greater local participation in the school system by setting up local Advisory Councils and at the same time take over county responsibility for school facilities.

In view of the validity of arguments on both sides of this question a reasonable and acceptable solution could be worked out as follows:

In order to retain county participation in the maintenance, repair and upkeep of school buildings and grounds and yet derive the advantages of statewide control, it is the recommendation of the Committee that the responsibility be vested in the State but that the legislature consider favorably directing the utilization of the respective county building department maintenance and repair services, the counties to be reimbursed for the work performed from the State school budget. Furthermore, the use of the county building department's maintenance crews and equipment would save unnecessary duplication and would aid the counties in the financing of their full-time maintenance and repair employees.

#### *Finance*

The Committee also had before it various suggestions with respect to methods of financing public education. Upon consideration of these suggestions, however, the Committee came to the conclusion that in a state where public education is fully centralized as to control there would be no advantage in departing from the present practice. The Committee therefore recommends that the manner of financing public education be left to the legislature.

#### *Culture of Ethnic Groups—Language Schools Private Schools*

Your Committee considered two proposals relating to Hawaii's cultural background. The purpose of one of these (Proposal No. 164) was to encourage the dissemination of the facets of the cultures of the various ethnic groups which have contributed to Hawaii's unique position as an American community with a character none the less all its own.

The second of these proposals (No. 165) would have outlawed any abridgment of the establishment or administration of foreign language schools.

A third proposal (No. 163) would, if incorporated in the Constitution, have removed all privately supported and controlled educational institutions from government supervision.

Although sympathetic to the purpose back of the first of these proposals, your Committee felt that the subject-matter is more properly something which should be left for statutory law.

With reference to the second of these proposals, your Committee was of the opinion that United States Supreme Court decisions have already defined the limitations upon the State sought, and that the Proposal would therefore meet no purpose. Inclusion of the third proposal would, except for subversive teaching, deny to the State such control as the licensing of private schools and such nominal supervisory control as might be necessary in the interests of the public health.

#### *English Standard Schools*

While not recommended in a specific proposal, your Committee also gave consideration to the possibility of constitutional proscription against the practice of organizing English standard schools. Since such schools are being gradually eliminated under statutory law, it was decided not to include in the Article any section with reference to

English standard schools. It was the consensus of your Committee that the continuance of English standard schools is undesirable.

#### *Agricultural Education*

There was also a proposal (No. 131) for the establishment of a statewide agricultural education system. Since such a system would obviously have to operate under separate institutions of government, such as the public schools and the University, your Committee was of the opinion that the incorporation of the constitutional provision proposed would superimpose upon existing institutions undesirable limitations and controls. Your Committee, however, expressed its keen interest in the development of agricultural education and desired to go on record as recommending to the University Board of Regents all possible consideration of means for the improvement of agricultural education. The proposal does not therefore appear in the Education Committee Proposal.

#### *Anti-Segregation*

The anti-segregation clause in Section 1, is self-explanatory other than the omission of the word "sex," which has been omitted because our school system provides classes in specialized educational fields. The segregation in these and similar instances on the basis of "sex" constitutes a reasonable classification and is in no sense a deprivation of a right.

#### *Public Funds for Private Schools*

Your Committee has incorporated a prohibition against the appropriation of public funds "for the support or benefit of any sectarian, denominational or private educational institution." This provision is taken directly from the Organic Act and is usual in State Constitutions. It was not the intention of the Committee that this provision prohibit the present practice of the use of public money for dental and public health services in private schools within the Territory.

#### *University*

The Board of Regents of the University of Hawaii is herein created a body corporate for the purpose of giving it such legal continuity and corporate powers that it can better handle the financial affairs of the University. It is intended that the powers would include the power to contract, to accept gifts and agree to the terms thereof, to hold legal title to the real and personal property of the University, and to qualify under Federal Statutes for advantageous loans to the University, and such other powers as are inherent in a corporate body and applicable to the nature and purposes of a State University.

In making the above recommendation your Committee has taken into consideration the fact that all State Universities, except one, now have title to State University lands. Furthermore, had the University of Hawaii had these powers in the last few years, it could have borrowed from the Federal government for critically needed dormitory construction, some five million dollars on a self-liquidating loan basis at low rates of interest.

The University Board of Regents presented to your Committee two further suggestions, both of which were given consideration. One suggestion was to the effect that a constitutional provision reserve to the University Board of Regents control over all publicly supported higher education in the State of Hawaii. Such a provision would have placed

junior colleges, if and when established, under the jurisdiction of the Regents. It was the consensus of your Committee that the decision with respect to this matter is not immediately pressing and can well be left for future legislative action.

The University authority also presented to your Committee the problem of financial control. Data were presented which indicate that in all but two of the State Universities, the boards of regents have unrestricted control over funds appropriated for university expenditure. In the present Territorial set-up the Bureau of the Budget exercises certain controls over the Board of Regents. Your Committee felt that this problem is one faced by other departments of government as well as the University and that it should properly be referred by the University to the Committee on Taxation and Finance for consideration as to general fiscal policy, or be presented to the legislature for consideration and action.

Sections 4 and 5 of the Education Committee's Proposal relate to the University of Hawaii. It will be noted that no change from existing practice is recommended in the selection of members of the Board of Regents. Your Committee did consider the possibility of restricting the Governor's power of appointment by including some provision for selection to be made from a panel. There was some disposition to feel that if such practice is defensible in providing for the Board in control of the public school system the principle is equally valid for the Board of Regents.

A majority of your Committee, however, felt that the situations are not analogous. Public education is very close to the people, and all of the people have had close contact with public schooling. The adults of any community, therefore, are in position to share intelligently in the selection of the Board of Education. A very small proportion of the adults of a community have had similar contact with the problems relating to higher education.

#### *Disposition of Proposals*

- No. 1. General mandate to provide for public education—incorporated in Committee Proposal Section 1.
- No. 2. Higher Education—incorporated in Committee Proposal Sections 4 and 5, except: (a) "Regents . . . shall be in charge of all publicly supported higher education . . ." For the reasons set forth on page 17 this provision was deleted. (b) ". . . exclusive control of all funds" was deleted, leaving this matter to the legislature.
- No. 10. Sec. 1, Board of Education to be part appointed, part elected, filed in view of Committee Proposal Section 2. Sec. 2, Functions of the Board of Education—incorporated in Committee Proposal Section 3. Sec. 3, Superintendent of Public Instruction—incorporated in Committee Proposal Section 3, except "for a four-year term of office," leaving this to Board of Education or to law. Sec. 4, financial support except in general terms in Committee Proposal Section 1 "The state shall provide for the establishment, support and control, etc . . ." Sec. 5, Public Funds for Private Purposes—incorporated in Committee Proposal Section 1, "nor shall public funds be appropriated for the support of sectarian, denominational or private educational institutions."
- No. 32. Buildings, Grounds and Facilities—condensed into a brief reference in Committee Proposal, Section 1. "The state shall provide for the . . . support

and control . . . including all physical facilities therefor."

- No. 57. "Missouri Plan" for selection of Board Members—filed in view of agreement on Committee Proposal Sec. 2.
- No. 64. General mandate to provide for uniform system—incorporated in Committee Proposal Section 1.
- No. 66. Present method of appointment—filed as result of agreement on Committee Proposal Sec. 2.
- No. 88. Public Schools and University—filed as result of agreement on Committee Proposal.
- No. 110. Election of Board—filed as result of agreement on Committee Proposal Sec. 2.
- No. 117. Public Libraries—provision incorporated in Committee Proposal Section 1.
- No. 118. Segregation prescribed in Committee Proposal Section 1.
- No. 120. No Public Money for private schools—incorporated in Committee Proposal Section 1.
- No. 131. State-wide agricultural education—filed.
- No. 149. County Advisory Committees appointed by County Boards of Supervisors—filed as result of agreement on Committee Proposal Section 2.
- No. 163. No Control over private schools—filed.
- No. 164. Culture of Ethnic Groups—filed.
- No. 165. Language Schools—filed.

#### *List of Persons Who Met with the Committee and Spoke on Subjects Indicated*

Re: Board of Regents (Control over Funds; Title to Land)

April 26, 1950: Dr. Gregg M. Sinclair, President, University of Hawaii; Dr. Paul S. Bachman, Secretary, Board of Regents; J. Frank McLaughlin, Chairman, Board of Regents; Oren E. Long, Secretary of Hawaii; Dr. Deal Crooker, Deputy Superintendent, Department Public Instruction.

April 28, 1950: Herbert N. Hiroshige, Hawaii Farmers' Bureau; Joseph Dickson, Auditor, Territory of Hawaii.

May 1, 1950: Mrs. E. E. Black, Member, Board of Regents; Samuel K. Apoliona, Jr., Delegate, Constitutional Convention, Oahu.

Re: Method of Selecting the Board of Education

May 17, 1950: Mrs. Ann H. Corbett, Delegate, Constitutional Convention, Oahu.

May 18, 1950: Stanley Miyamoto, Principal, Waialae School; Oren E. Long, Secretary of Hawaii; Hal Sawyer, Teacher, Waialua High School; Dr. Deal Crooker, Deputy Superintendent, Department Public Instruction; Richard E. Meyer, Assistant Superintendent, Department Public Instruction; Dr. Seldon Gale Lowrie, Professor of Political Science, Cincinnati University; Mrs. Gertrude Dow, Hawaii Education Association; Dr. Cecil Dotts; Dr. Robert W. Clopton; Clayton Chamberlain; Edward N. Sylvia, Board of Education; Mrs. E. E. Black, Board of Education; Jack Owens, Board of Education; Les Van Nostrand, Honolulu Chamber of Commerce, Education Committee, Chairman; Richard J. Lyman, Jr., Delegate, Constitutional Convention, Hawaii.

Re: Dual Control or Single Control of Physical Facilities

May 22, 1950: William Ellis, Chairman, Board of Supervisors, Kauai; K. M. Ahana, Auditor, County of Kauai; Tai Hing Leong, Superintendent of Public Buildings, County of Kauai; Eddie F. Tam, Chairman, Board of Supervisors, Maui; Koichi Hamada, County Engineer, Maui; Sakuichi Sakai, Delegate, Constitutional Convention, Supervisor,

Hawaii; Suyeika Okamura, City and County of Honolulu Attorney; Henry A. Nye, Assistant City and County Comptroller; Lyman H. Bigelow, City and County Building Superintendent; Paul Keppeler, City and County Comptroller; Joseph Ferreira, Oahu District Administrative Assistant, Department of Public Instruction; Earl Nielsen, Delegate, Constitutional Convention, Hawaii.

Re: Superintendent's Place on the Board of Education

May 23, 1950: Dr. Gregg M. Sinclair, President, University of Hawaii; Dean Paul Bachman, Secretary, Board of Regents.

Re: Dual Control or Single Control of Physical Facilities

May 25, 1950: Joseph Ferreira, Oahu District Administrative Assistant, Department of Public Instruction; Samuel K. Apoliona, Jr., Delegate, Constitutional Convention, Oahu.

May 27, 1950: Edward N. Sylva, Board of Education, Jack Owens, Board of Education; Alfred Preis, Architect; Dr. Roy Brown, Chamber of Commerce of Honolulu; Joseph Ferreira, Oahu District Administrative Assistant, Department of Public Instruction; Eureka Forbes, Parent, Manoa, Oahu; Mary E. Couch, Principal, Kauluwela School, Oahu; Les Van Nostrand, Honolulu Chamber of Commerce, Chairman, Committee on Education.

Your Committee on Education recommends that Committee Proposal No. 11 pass on Second Reading.—June 9, 1950

W. Harold Loper,  
Chairman  
Kazuo Kage,  
Vice-Chairman  
Trude M. Akau  
Matsuki Arashiro

George Dowson  
Flora K. Hayes  
Masao Kanemaru  
Elizabeth R. Kellerman  
Harold W. Rice  
James K. Trask  
Benjamin O. Wist

Teruo Ihara—I do not concur with section of report dealing with dual control.

Peter Kawahara—I do not concur with section on dual control and Bd. of Regents.

Toshio Serizawa—I do not concur entirely with this report.

James K. Yamamoto—I do not concur with section of report dealing with dual control.

#### COMMITTEE PROPOSAL NO. 11

##### RELATING TO EDUCATION

RESOLVED, that the following be agreed upon as part of the State Constitution:

#### ARTICLE \_\_\_\_\_.

SECTION 1. Public Education. The State shall provide for the establishment, support and control of a statewide system of free non-sectarian public schools, a state university, public libraries, and such other educational institutions as may be deemed desirable, including all physical facilities therefor. There shall be no segregation in the public educational institutions of this state because of race, color or creed; nor shall public funds be appropriated for the support or benefit of any sectarian, denominational or private educational institution.

SECTION 2. Board of Education. There will be a Board of Education to be appointed by the Governor, by and with the consent of the Senate, from a panel nominated by local school advisory councils to be established by law.

SECTION 3. Powers of the Board of Education. The Board of Education shall be empowered to establish policy and to

exercise full control over the public school system through its executive officer, the Superintendent of Public Instruction, who shall be appointed by the Board, and shall be ex officio a voting member thereof.

SECTION 4. Board of Regents. There shall be a board, to be known as the "Board of Regents of the University of Hawaii," to be appointed by the Governor, by and with the consent of the Senate. The President of the University and the Superintendent of Public Instruction shall be ex officio voting members of the Board.

SECTION 5. Powers of the Board of Regents. The Board of Regents shall be empowered to establish policy and to exercise full control over the University of Hawaii through its executive officer, the President of the University, who shall be appointed by the Board. The Board of Regents of the University of Hawaii shall constitute a body corporate and shall have title in fee simple to all of the lands of the University.

Note: Signed by all committee members, except Delegate Kanemaru. Delegate Ihara and Yamamoto noted they did not concur with Section 1; Delegate Kawahara did not concur with Sections 1 or 4.

#### STANDING COMMITTEE REPORT NO. 53

Your Committee on Miscellaneous Matters, to which was referred Res. Nos. 15 and 23, and Proposal No. 65, all relating to the subject of the location of the State capital, begs leave to report as follows:

Your Committee is in accord that the seat of government be located on the Island of Oahu at the city of Honolulu for the following reasons:

1. The huge funds already expended for the establishment of our present territorial government at the city of Honolulu and the construction program of governmental buildings presently under progress at the present area, would make it contrary to economy at this period to shift the location of the present capital. To relocate the capital in another area would necessitate considerable expenditure of funds.

2. The present location of the capital is served by the largest harbor and airport facilities in Hawaii, strategic for the economic, military, and political control of the State. It is centrally located geographically in an area of non-contiguous islands and provided with highly developed transportation and communication facilities.

3. The present capital is located in an area where the vast majority of Hawaii's population is concentrated. This proximity to both lawmakers and administrators facilitates expression of the popular will to the agencies of government.

4. Since the bulk of the population is on Oahu, the larger part of the State's administrative apparatus must in any case remain on the island. Transfer of the capital to another island would separate the executive and legislative branches from the chief administrative offices.

Your Committee, however, feels that the seat of government should not be permanently set in the city of Honolulu by constitutional direction. Provision should be made in the constitution to permit relocation of the capital. This may prove desirable in the future for the following reasons:

1. An increase or shifting of population may eventually result in the growth of other cities comparable in size to

that of the city of Honolulu, one of which may well qualify for selection as the State capital.

2. Our government may expand to a point where it may prove desirable to relocate some governmental institutions and agencies elsewhere in the State. Such transfer would become less costly as present governmental structures required replacement.

In view of the above findings, your Committee presents the following committee proposal:

*Seat of Government*

The seat of government of this state shall be located at the city of Honolulu on the island of Oahu, unless otherwise provided by law.

The intent of your Committee is to provide a designated place for the convening of the first state legislature. It was unanimously agreed by this Committee that the city of Honolulu with its existent facilities as the territorial seat of government is the proper place to inaugurate the new State government.

Under the constitutional provision suggested by your Committee, in case of invasion, insurrection, conflagration, or epidemic, or for other emergency conditions resulting from an act of God, the legislature would be empowered to move the seat of government to a temporary location, until the emergency abated. It is also intended that provisions may be made by law for the governor to exercise this power in time of emergency, if the legislature is not convened.

It is also intended that the phrase "provided by law," shall authorize the legislature to establish methods to be employed in determining the location of the seat of government.

Your Committee recommends that Proposal No. 65, Res. No. 15, and Res. No. 23, all of which have been carefully considered in drafting the attached proposal, be placed on file.

Your Committee further recommends the adoption of the attached proposal.—June 9, 1950

Takao Yamauchi, Chairman	Teruo Ihara Kazuo Kage
George Dowson, Vice-Chairman	Masao Kanemaru H. S. Kawakami
Samuel K. Apoliona, Jr.	W. O. Smith

*COMMITTEE PROPOSAL NO. 12*

**RELATING TO SEAT OF GOVERNMENT**

RESOLVED, that the following be agreed upon as part of the State Constitution:

**ARTICLE \_\_\_\_\_.**

SECTION \_\_\_\_\_. The seat of government of this state shall be located at the city of Honolulu, on the island of Oahu, unless otherwise provided by law.

**STANDING COMMITTEE REPORT NO. 54**

Your Committee on Miscellaneous Matters, to which was referred Proposals Nos. 55 and 193 relating to the State Flag, submits herewith a committee proposal.

*Relating to the State Flag*

SECTION \_\_\_\_\_. State Flag. The emblem of the Territory of Hawaii, known as the Hawaiian flag, shall be the flag of the State of Hawaii.

A subcommittee on the state flag was appointed to explore this subject. This subcommittee reviewed the history of the present Territorial flag, and with the assistance of the Legislative Reference Bureau, traced the origin of the flag, and the representation of its design.

The flag of Hawaii dates back to the year 1812, when it was adopted during the reign of King Kamehameha I, to be retained by the Monarchy, Republic and the Territory. The eight horizontal stripes represent the major islands of the Hawaiian group. The colors, red, white and blue, were originally adopted from the British ensign, but retained as appropriate to a territory of the United States. Like most state flags, the design of the flag of Hawaii has remained unchanged over the decades. It has carried forth its historical significance, traditions and sentimental value.

Proposal No. 193 suggests that the Union Jack of the present flag be replaced by the State Seal of Hawaii. The State Seal, as described in Proposal No. 193, is the present territorial seal, modified by replacing with the words "State of Hawaii," the present legend "Territory of Hawaii," and changing the year "1900" to conform to the year in which Hawaii becomes a State.

Other suggestions of an entirely new flag for the State of Hawaii were made in committee discussion. After deliberation, however, a great majority of the committee members approved retention of the present territorial flag as our State flag. Your Committee recommends the adoption of the attached committee proposal, embodying this action.

Proposal No. 55 is substantially identical in substance with this committee proposal. It is, therefore, recommended that Proposal No. 55, as well as Proposal No. 193, suggesting a change in the present Territorial flag, as described above, be placed on file.—June 9, 1950

Takao Yamauchi, Chairman	Teruo Ihara Kazuo Kage
George Dowson, Vice-Chairman	Masao Kanemaru H. S. Kawakami
Samuel K. Apoliona, Jr.	W. O. Smith

*COMMITTEE PROPOSAL NO. 13*

**PROVIDING FOR A STATE FLAG**

RESOLVED, that the following be agreed upon as part of the State Constitution:

**ARTICLE \_\_\_\_\_.**

SECTION \_\_\_\_\_. State Flag. The emblem of the Territory of Hawaii, known as the Hawaiian flag, shall be the flag of the State of Hawaii.

**STANDING COMMITTEE REPORT NO. 55**

Your Committee on Miscellaneous Matters to which was referred Proposal No. 56, relating to the State seal and Res. No. 29, which in part also relates to the State seal, submits herewith a committee proposal, relating to a State Seal.

SECTION \_\_\_\_\_. State Seal. The seal of the Territory of Hawaii, modified to bear the legend, "The State of Hawaii," followed by the year in which Hawaii shall become a state, shall be the great seal of the State of Hawaii. The great seal shall be kept by the Governor and used by him.

Your Committee on Miscellaneous Matters created a subcommittee on the State seal for Hawaii, to explore this subject. This subcommittee recommended that the present territorial seal be adopted as the State seal by substituting

for the date "1900" now appearing in the territorial seal, the year in which Hawaii becomes a State, and by replacing the words "Territory of Hawaii" with the words "State of Hawaii."

Since its creation in 1896, the seal has been employed as a symbol of government in Hawaii throughout the period of the Republic and of the Territory. Your Committee feels that this tradition should be perpetuated by providing for adoption of the seal in the constitution of Hawaii, the State.

Such action would be in accord with the practice of most of our sister states. The subcommittee on the seal of Hawaii examined the constitutions of the 48 states and found that 37 have provisions relating to the seal in their constitutions, some including a detailed description of the seal. It may be noted that most of the states have not changed the design of their seal since it was originally devised and accepted.

Other versions of the State seal of Hawaii were presented to the Committee. The seal proposed by Res. No. 29 was reviewed by your Committee. A copy of this proposed seal, which is a modification of the present territorial seal, was circulated to all delegates. Delegate Phillips of this Committee presented an entirely new state seal for Hawaii, which was also considered.

After reviewing these seals, a great majority of your Committee on Miscellaneous Matters is in full accord with the attached committee proposal and recommends its adoption.

Inasmuch as Proposal No. 56 is identical in substance with the committee proposal, it is recommended that Proposal No. 56 be placed on file.

Elements of Res. No. 29, requesting the legislature to establish heraldic symbols for the new State of Hawaii, were adopted in substance in the attached committee proposal and in a companion proposal relating to a state flag. It is recommended, therefore, that Res. No. 29 be amended to delete its first and third sections, respectively relating to the flag and official seal, and that its remaining sections, relating to a State motto, song, flower, colors and birthstone, be renumbered appropriately. These amendments have been made in the attached redraft RD. 1 of Res. 29. (see under Resolutions) It is recommended that this resolution, as amended, be approved by the convention.

—June 9, 1950

Takao Yamauchi, Chairman	Teruo Ihara Kazuo Kage
George Dowson, Vice-Chairman	Masao Kanemaru H. S. Kawakami
Samuel K. Apoliona, Jr.	W. O. Smith

#### COMMITTEE PROPOSAL NO. 14

#### PROVIDING FOR A STATE SEAL

RESOLVED, that the following be agreed upon as part of the State Constitution:

#### ARTICLE \_\_\_\_\_.

SECTION \_\_\_\_\_. State Seal. The seal of the Territory of Hawaii, modified to bear the legend, "The State of Hawaii," followed by the year in which Hawaii shall become a state, shall be the great seal of this State. The great seal shall be kept by the Governor and used by him.

#### STANDING COMMITTEE REPORT NO. 56

Your Committee on Miscellaneous Matters to which was referred Proposal No. 125, relating to the Boundaries of the State of Hawaii, begs leave to report as follows:

A subcommittee on boundaries was appointed to explore into this subject and report back to the Committee. Valuable services and aid were received from the Legislative Reference Bureau and the Territorial Surveyor's office for facts and materials, and the Attorney General's office for its legal advice.

In our deliberations, we have attempted to confine those areas that are rightfully in the jurisdiction of the Territory of Hawaii.

In the clarification of the areas of the Territory of Hawaii the Territorial Surveyor's office offered three alternative plans with accompanying maps of detail descriptions of areas of the islands. These maps were distributed to the delegates of this Convention for their consideration.

After due consideration, your Committee submits this Committee's proposal for your consideration:

The islands and territorial waters heretofore constituting the Territory of Hawaii shall be known as the State of Hawaii.

It is the intent of this Committee that the word "island" includes all islands, islets, reefs and shoals.

The words "territorial waters" are meant to include those rightful water areas as inferred in the Hawaiian Organic Act by the "Joint Resolution providing for the annexing of the Hawaiian Islands to the United States" as approved on July 7, 1898, which includes not only the "3-mile limit" but the territorial waters between the named islands.

The phrase "heretofore constituting the Territory of Hawaii" is all inclusive of those areas of land and water that are defined as the Territory of Hawaii.

Your Committee recommends the adoption of this committee proposal and respectfully requests that Proposal No. 125, relating to the Boundaries of the State of Hawaii, be placed on file. Proposal No. 125 in substance has been incorporated in this committee proposal.—June 9, 1950

Takao Yamauchi, Chairman	W. O. Smith Samuel K. Apoliona, Jr.
George Dowson, Vice-Chairman	Kazuo Kage Masao Kanemaru
Teruo Ihara	H. S. Kawakami

#### COMMITTEE PROPOSAL NO. 15

#### RELATING TO STATE BOUNDARIES

RESOLVED, that the following be agreed upon as part of the State Constitution:

#### ARTICLE \_\_\_\_\_.

SECTION \_\_\_\_\_. The islands and territorial waters heretofore constituting the Territory of Hawaii shall be known as the State of Hawaii.

#### STANDING COMMITTEE REPORT NO. 57

Your Committee on Miscellaneous Matters begs leave to submit the following report:

The Committee on Miscellaneous Matters was composed of the following nine members: Takao Yamauchi, Chairman, George Dowson, Vice-Chairman, Samuel K. Apoliona, Jr., Teruo Ihara, Kazuo Kage, Masao Kanemaru, H. S. Kawakami J. R. Phillips, W. O. Smith.

During several of the committee meetings, we also had present one or more guest delegates.

A subcommittee composed of the following delegates considered proposals on Civil Service and submitted its report to the full Committee on Miscellaneous Matters:



George Dowson, Vice-Chairman, Kazuo Kage, Masao Kanemaru, H. S. Kawakami, W. O. Smith.

The following proposals were considered by the subcommittee and the Committee on Miscellaneous Matters: No. 72; relating to civil service employment, retention and advancement; No. 123; relating to civil service.

The content of each of the two proposals was studied and incorporated in principle with the deletion of details which a large majority of the committee thought was statutory in nature.

Your Committee, therefore, recommends that Proposals Nos. 72 and 123 be returned and placed on file.

Your Committee considered civil service matters at eight meetings participated in by all members present and frequently by guest delegates.

The following interested citizens were asked to present their views before the committee: Dr. Allan F. Saunders, Chairman of the Department of Government, University of Hawaii; Dr. Edmond Spellacy, Professor of Government, University of Hawaii; Dr. Harold S. Roberts, Dean of the College of Business Administration, University of Hawaii, (Delegate to Constitutional Convention); Mr. Arthur Akina, Director of Personnel Territorial Civil Service Commission; Mr. D. Ransom Sherretz, Director of Personnel and Classification, City and County Civil Service Commission; Mrs. Dorothea Lambert, Administrative assistant of the Hawaii Governmental Employees' Association; Mr. Samuel Lyman, Classification Executive, Territorial Civil Service Commission; Mr. Charles Kendall, Executive Director, Hawaii Governmental Employees' Association.

The Committee on Miscellaneous Matters presents for your consideration, the following committee proposal:

The employment of persons in the state civil service as defined by law shall be governed by the merit principle.

1. The word "employment," as used in this section, means the recruitment, advancement and retention of personnel in the state service.
2. The words "state civil service," as used in this section, means all state employees other than school teachers, members of the faculty of the University of Hawaii, elective officials, cabinet members of the governor, and those expressly excluded or who may subsequently be excluded therefrom by the legislature.
3. The words "as defined by law," includes existing laws not inconsistent with the provisions of the constitution and such future laws that the legislature may enact giving effect to this principle.
4. The words "merit principle," as used in this section, means a law which provides for the employment, retention, and advancement of persons in the civil service of the state or of the several counties and cities. It includes among other things the following: personal character, fitness and competence, without regard to political, religious or racial considerations. —June 9, 1950

Takao Yamauchi,  
Chairman  
George Dowson,  
Vice-Chairman  
Samuel K. Apoliona, Jr.

Teruo Ihara  
Kazuo Kage  
Masao Kanemaru  
H. S. Kawakami  
John R. Phillips  
W. O. Smith

COMMITTEE PROPOSAL NO. 16

RELATING TO CIVIL SERVICE

RESOLVED, that the following be agreed upon as part of the State Constitution:

ARTICLE \_\_\_\_\_.

SECTION \_\_\_\_\_. The employment of persons in the state civil service, as defined by law, shall be governed by the merit principle.

STANDING COMMITTEE REPORT NO. 58

Your Committee on Miscellaneous Matters begs leave to report relating to Intergovernmental Relations in Proposal No. 101 and Proposal No. 130.

Your Committee has approved a report of a subcommittee which subcommittee was composed of the following members: Masao Kanemaru, Chairman, Kazuo Kage, John R. Phillips, and W. O. Smith.

The members of this subcommittee have been fortunate in having the following qualified and experienced men who aided in the discussion. One or more of them were present at every meeting. They were: Delegate J. Garner Anthony, Attorney at Law; Delegate Hebden Porteus, Attorney at Law; Delegate Tom T. Okino, Attorney at Law; Mr. Charles R. Kendall, Executive Secretary Hawaiian Governmental Employees' Association; Dr. Allan F. Saunders, Professor of Government, University of Hawaii; Dr. Harold S. Roberts, Delegate, Professor, University of Hawaii; Dr. Seldon Gale Lowrie, Professor of Political Science, University of Cincinnati; Mr. M. Watanabe, Attorney General's Office; officials of the Legislative Reference Bureau.

Proposal No. 101 dealt with the cooperation of the state with other states.

Proposal No. 130 dealt with the cooperation of the Federal Government with the state, cooperation between states, cooperation between the Federal Government, the states and its political subdivisions, and finally the consolidation and cooperation of local units.

The subcommittee after due consideration and study accepted Proposal No. 130 in substance.

Proposal No. 101 pertaining to the cooperation on the part of the state with other states was similar to Section 2 of Proposal No. 130. Therefore, it was duly considered and recommended that it be returned and filed.

The subcommittee felt that Proposal No. 130 was too long and condensed it from four sections into two sections. Condensed Version:

SECTION 1. Inter Federal-State and Inter State Relations. The legislature may provide by law for cooperation with the United States, or with other states and territories, in all matters affecting the public health, safety, and general welfare.

SECTION 2. Cooperation of Governmental Units. Agreements may be made by any county, city or other civil division with any other such civil division or with the state, or with the United States for a cooperative or joint administration of any of its functions or powers, and the legislature shall have the power to facilitate such arrangements.

Sections 1 and 2 of Proposal No. 130 dealt with the cooperation of the Federal Government and the state, and the state with other states. These two sections were incorporated into Section 1 of the condensed version.

Section 3 was unchanged.



Section 4 was deleted since Hawaii did not have civil divisions which needed consolidation.

Striving for clarity and briefness, the final draft was adopted.

#### *Intergovernmental Relations*

The legislature may provide for cooperation with the United States, or other states and territories, and their political subdivisions in all matters affecting the public health, safety, and general welfare, and may appropriate such sums as may be necessary to finance its fair share of the cost of such activities.

The words "political subdivisions" were inserted to take care of the lesser governmental units.

The phrase "and may appropriate such sums as may be necessary to finance its fair share of the cost of such activities" was added to prevent any obstacle to arise if and when intergovernmental relations were necessary and promoted.

There is little reference to intergovernmental relations to be found in existing state constitutions. Recent developments have clearly indicated the desirability—indeed, the necessity—of such provisions, for the states now have important relations with the Federal Government on the one hand, with their own local units on the other, and with each other. The questions which arise in this field are so numerous and are frequently so pressing that provision should be made in advance to insure the constitutionality of such measures as may be thought necessary by responsible legislative and executive officers in dealing with them. (W. Brooke Graves, last paragraph).

Your Committee on Miscellaneous Matters after careful deliberation of the report of the subcommittee is in full accord with the Committee Proposal and recommends its adoption. —June 9, 1950

Takao Yamauchi,  
Chairman  
George Dowson,  
Vice-Chairman  
Samuel K. Apoliona, Jr.

Teruo Ihara  
Kazuo Kage  
Masao Kanemaru  
H. S. Kawakami  
John R. Phillips  
W. O. Smith

#### COMMITTEE PROPOSAL NO. 17

#### RELATING TO INTERGOVERNMENTAL RELATIONS

RESOLVED, that the following be agreed upon as part of the State Constitution:

#### ARTICLE \_\_\_\_\_

SECTION \_\_\_\_\_. The legislature may provide for cooperation with the United States, or other states and territories, and its political subdivisions in all matters affecting the public health, safety, and general welfare, and may appropriate such sums as may be necessary to finance its fair share of the cost of such activities.

#### STANDING COMMITTEE REPORT NO. 59

Your Committee on Miscellaneous Matters to which was referred Res. No. 31, relating to "Statehood Day," begs leave to report as follows:

That Res. No. 31 be amended. That this Convention request the Governor of the Territory of Hawaii to proclaim Statehood Day upon the Congress of United States granting statehood to Hawaii, instead of requesting that a day be set aside as "Statehood Day."

Your Committee is in full accord with Res. No. 31 that on such an historic occasion it is most appropriate that a day be proclaimed for the celebration, remembrance and observance of this event.

Your Committee, however, is in unanimous agreement that the request to set aside a day as "Statehood Day" be left in the jurisdiction of our legislature.

Accordingly, your Committee has amended said resolution in the form hereto attached, (Resolution No. 59, RD 1) and in such form recommends its adoption. —June 9, 1950

Takao Yamauchi,  
Chairman  
George Dowson,  
Vice-Chairman  
Samuel K. Apoliona, Jr.

Teruo Ihara  
Kazuo Kage  
Masao Kanemaru  
H. S. Kawakami  
John R. Phillips  
W. O. Smith

#### STANDING COMMITTEE REPORT NO. 60

Your Committee on Miscellaneous Matters to which was referred Proposal No. 85, entitled "A Proposal Relating to the State Song for Hawaii," begs leave to report as follows:

Proposal No. 85 provides for the adoption of "Hawaii Ponoï" as the State Song and that it be provided for in the Constitution.

Previous to the referral of Proposal No. 85, Res. No. 29 was referred to this Committee. Res. No. 29 recommended that this Convention request the Legislature to adopt certain heraldic symbols which includes the song "Hawaii Ponoï."

Your Committee considered and adopted Res. No. 29. In our deliberations on Res. No. 29, the Committee considered the question raised by Proposal No. 85.

Your Committee, therefore, returns Proposal No. 85, and respectfully requests that it be placed on file.

—June 9, 1950

Takao Yamauchi,  
Chairman  
George Dowson,  
Vice-Chairman  
Samuel K. Apoliona, Jr.

Teruo Ihara  
Kazuo Kage  
Masao Kanemaru  
H. S. Kawakami  
W. O. Smith

#### STANDING COMMITTEE REPORT NO. 61

Your Committee on Miscellaneous Matters to which was referred Proposal No. 192, "Relating to Weights and Measures," begs leave to report as follows:

It was unanimously agreed by your Committee that the subject of Proposal No. 192 is a legislative matter and that it should not be a part of this Constitution.

Your Committee, therefore, returns Proposal No. 192, with the recommendation that it be placed on file.

—June 9, 1950

Takao Yamauchi,  
Chairman  
George Dowson,  
Vice-Chairman  
Samuel K. Apoliona, Jr.

Teruo Ihara  
Kazuo Kage  
Masao Kanemaru  
H. S. Kawakami  
John Phillips  
W. O. Smith

#### STANDING COMMITTEE REPORT NO. 62

Your Committee on Miscellaneous Matters to which was referred Proposal No. 100, relating to Distribution of Powers of the three branches of government, begs leave to report as follows:

A subcommittee was appointed to explore into this subject and make a report of its findings. These are the findings:

1. It is traditional and basic that the three branches of government have separate powers, and that there be no over-concentration of powers in any one branch. This is to preserve the principle of check and balance which is the very essence of our representative form of government; that these powers so delegated be distinct and not over-lapping insofar as practicable.

2. The separation of these powers would provide for independence of each branch of government.

3. That in the event such functions as necessary be granted a branch of government, in principle not its own, such powers should be so expressed in the Constitution.

Your Committee on Miscellaneous Matters is in full accord with the subcommittee's findings and recommends the adoption of this committee proposal, [Committee Proposal No. 18, following].

Your Committee requests that this article be a part of this Constitution under a separate title entitled: "Distribution of Powers."

Inasmuch as Proposal No. 100 is identical in substance, your Committee respectfully requests that it be placed on file. —June 9, 1950

Takao Yamauchi,  
Chairman  
George Dowson,  
Vice-Chairman  
Samuel K. Apoliona, Jr.

Teruo Ihara  
Kazuo Kage  
Masao Kanemaru  
H. S. Kawakami  
John R. Phillips  
W. O. Smith

#### COMMITTEE PROPOSAL NO. 18

##### RELATING TO DISTRIBUTION OF POWERS

RESOLVED, that the following be agreed upon as part of the State Constitution:

##### ARTICLE \_\_\_\_ . DISTRIBUTION OF POWERS

SECTION \_\_\_\_ . The powers of government shall be divided into three separate and distinct departments, legislative, executive and judicial; and no person or persons belonging to or constituting one of these departments shall exercise any of the powers properly belonging to either of the departments, except as otherwise expressly directed or permitted in the Constitution.

#### STANDING COMMITTEE REPORT NO. 63

Your Committee on Miscellaneous Matters submits herewith a Committee Proposal "Relating to Oath of Office" for your consideration: [Committee Proposal No. 19, following, was set forth here].

It is the contention of your committee that an oath or affirmation to support the Constitution of the United States and of this State is vitally necessary before any officer of this State or its political subdivision assume his duties.

As relating to this proposal the phrase "all public officers" applies to political, as well as executive or judicial officers of this State, to officers of the political subdivision, i.e., counties, city and counties, municipalities or other subdivisions of this State, and to all employees therein.

The phrase "take and subscribe to the following oath or affirmation" is meant that either to swear to an oath or affirm to the belief and to subscribe therewith. It is the

intent of this committee that due to some religious sects not permitting subscribing or swearing to an oath that affirmation and subscribing be sufficient.

The phrase "Legislature may prescribe further oaths or affirmations" is meant to permit the legislature to prescribe other oaths or affirmations and that the legislature is not prevented from making further requirements not inconsistent with the Constitution.

Your committee recommends its adoption.—June 9, 1950

Takao Yamauchi,  
Chairman  
George Dowson,  
Vice-Chairman  
Samuel K. Apoliona, Jr.

Teruo Ihara  
Kazuo Kage  
Masao Kanemaru  
H. S. Kawakami  
John R. Phillips  
W. O. Smith

#### COMMITTEE PROPOSAL NO. 19

##### RELATING TO OATH OF OFFICE

RESOLVED, that the following be agreed upon as part of the State Constitution:

##### ARTICLE \_\_\_\_ .

SECTION \_\_\_\_ . Oath of Office. All public officers shall, before entering upon the duties of their respective offices, take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support and defend the constitution of the United States, and the constitution of the State of Hawaii, and that I will faithfully discharge the duties of the office of \_\_\_\_\_ to the best of my ability." The Legislature may prescribe further oaths or affirmations.

#### STANDING COMMITTEE REPORT NO. 64

Your Committee on Miscellaneous Matters to which was referred the proposals on the Preamble of the future State of Hawaii begs leave to report as follows:

A Subcommittee on the Preamble was created to explore into this subject and make a report thereto.

The Subcommittee on the Preamble was composed of the following members: John R. Phillips, Samuel K. Apoliona, Jr., Teruo Ihara, Kazuo Kage, and W. O. Smith.

The following proposals were received and considered by this Subcommittee:

No. 11. Provides for a preamble to the Constitution expressing, in the words of Kamehameha I, reverence to God and respect for all men.

No. 39. Provides constitutional preamble embodying acknowledgment of gratefulness to God for freedom and justice, freedom from harm as proclaimed by Kamehameha I, and ordains the constitution in order to insure justice, general welfare, liberty and freedom.

No. 61. Proposes following preamble:

We, the people of Hawaii, grateful to the Almighty for our freedom, to secure that freedom and to promote our common welfare, do establish this Constitution.

No. 88. Contains provisions relating to the Preamble, Bill of Rights, Suffrage and Elections, Legislative, Executive, Judiciary, Finance, Local Government, Public Education, General Matters, and Constitutional Revision, many of which have previously been introduced. Preamble identical with Proposal No. 11.

No. 132. Provides for a constitutional preamble embodying acknowledgment of gratefulness to the Divine Providence

for privileges under a democratic government and with pride of our heritage, ordain and establish the constitution. No. 166. Suggested preamble to constitution. Nos. 171-173. Alternative suggested preambles to the constitution.

The proposals were received by the Subcommittee and the following disposition is recommended to the Committee:

It was determined that the proposed preambles were individual units that could not be changed without destroying their unity or continuity. In addition, each approach incorporated a theme that would be destroyed if tampered with.

The Subcommittee finally directed its Chairman to confer with the delegates who submitted the proposals for the purpose of blending the ideas incorporated all into one main theme.

Your Chairman attempted to do this but met with little success. A preamble was then arbitrarily deduced from the apparent intent of all those submitted and presented to the delegates who composed them. It cannot be said that we ever found mutual agreement in all phrases because it was almost impossible to assemble them, due to their workload on other committees or in the Convention.

The following preamble is this Subcommittee's attempt at bringing Proposals Nos. 11, 39, 61, 88, 166, 171, 172, and 173 into a unified whole. (See Subcommittee's recommended preamble attached hereto.)

In the course of the Subcommittee's three meetings totaling approximately five hours, two were devoted to agreeing on objectives and collecting research material. Reference materials:

Texts: *The Legislative Processes*—Harvey Walker. *The Constitution of the United States with Comment and Explanation*—Alvin M. Higgins. *The Spoken Word*—William Brigrance. *The Hawaiian Kingdom*—Ralph S. Kuykendall.

Journals: *The American Journal of Speech* (quarterly). *Ethics, A Journal of Political and Social Ethics* (quarterly). *Vital Speeches* (semi-monthly).

The Subcommittee arrived at, and agreed upon, the following outlined approach to establishing a Preamble for the document:

I. THAT THE PREAMBLE, IN A WORD, MUST SET FORTH: *The Objects for Which the Document Is Established.* More specifically, the preamble would:

1. Cite the conditions which gave rise to the body of law.
2. Cite the purposes that the constitution has been designed to serve.
3. Cite reasons which impelled the constituent body to take the action contained in the document.

## II. FORM OF A PREAMBLE:

### A. Those of the Revolutionary Period.

1. They set forth the objects of Government.
2. They set forth the philosophical principles on which the body of law was based.

### B. Those of the Present Day.

1. In general, follow the old pattern.
2. Many set forth a simple declaratory statement.

## III. WHAT THE PREAMBLE MEANS TO A CONSTITUTION:

- A. It is consulted by the courts to determine the interest of the constituent body. However, it cannot expand or contract the scope of an act.
- B. It must not be placed after the enacting clause as it is then "embalmed" in the permanent law.

## IV. AMERICAN IDEALS OF GOVERNMENT:

(These are reiterated here as a check list for identifying the "objectives" that are to be set forth in the preamble.)

1. A constitutional democracy.
2. That control of the politically organized communities be centered in the community or unit of organization.
3. As a corollary to (2) above, a federal system of polity.
4. Supreme law of the land rests in a written constitution.
5. Individual rights guaranteed in the constitution.
6. A settled doctrine that no one is above the law.
7. A deep-seated repugnance to the depositing of unlimited governmental power anywhere, or in any one (i.e., checks and balances).

## V. WHAT ARE THE OBJECTIVES OF THE FUTURE HAWAIIAN STATE IN THE LIGHT OF:

1. Hawaii's territorial history under the Organic Act.
2. American ideals of Constitutional Government.
3. The sovereignty we create in the opening statements of our preamble.

### A. Importance of such identification in a preamble.

1. Identifying the objectives in a preamble informs every citizen why he has a court.
2. The absence of a preamble, or one too concise in stating general aims and objectives, forces the legislature to enact its laws without a clear concept of the aims of the State.
3. Lack of such true identification permits of (1) a meandering and diversion in administration and practice; and (2) incessant confusion on what is to be a basis of interpretation.
4. The American variety of political principles has developed an anatomy that is best understood when studied in its generic identifications.

### B. Summary and suggested approach.

1. Reiterate the objectives and aims of territorial government under the Organic Act and before, if feasible.
  - a. Are these the aims of the future State?
  - b. Are these aims comparable or identical to the aims of other state governments?
2. Base all major considerations of objectives or aims on Hawaii's unique and heterogenous racial population; i.e., East-West large scale mingling for the 1st time in history.
3. Proclaim the total sovereignty of the State (unique to territories just entering the Union) and important because we
4. Refer to the Creator to invoke spiritual sanction.
5. Inspect Hawaiian native government objectives for possible inclusion in the inimitable and established American principles of democracy.

VI. OF WHAT VALUE IS THE PREAMBLE TO THE CONVENTION'S IMMEDIATE OBJECTIVE:

A. At least three major functions.

1. Its effect upon the electorate.
  - a. It will be the first thing everyone reads. The electorate may ratify the document solely on the impression they get from the preamble. A very small minority will bother to go through the document.
  - b. If properly done, it is capable of inspiring enthusiasm in the aims of our future state.
2. Its effects upon the U.S. Congress and the American Public.
  - a. American democracy has shifted and developed; this offers the convention a golden opportunity to re-identify American State democracy as it *is* rather than as it was.
  - b. The value of first impression; the preamble, if inspirational, enthusiastic, terse, yet measured, realistic, and forceful, will assure the American people that we know what we're about.
3. Its effect upon the Convention.
  - a. It is logical that the aims set forth in the preamble should be the recipe and blue print for every provision that is placed in the document.

*Disposition of the Proposals*

No. 11.

We, the people of Hawaii, in organizing as a State do affirm our belief in a government for, of and by all the people,

This main idea was incorporated wholly with modified language.

and do express in the words of Kamehameha I our reverence to God, also our respect for the big man, the small man, the aged man, the women and the children who may ever walk the highways or sleep by the wayside without molestation.

This main thought is embodied totally in the succinct phrase "Hawaiian Traditions" in the Subcommittee's recommended preamble.

We, therefore, with an understanding heart toward all the people of this earth

This was believed to be at best a platitude without any real bearing on why we are forming a State government. This is to say, it will accomplish little that can be used as an end and aim of government.

No. 39.

grateful to Almighty God for our Freedom

In referring to the latest information in journals and other reference material, the best minds advocated that "grateful to God for our freedom" was not a correct phrase. This was on the premise that God creates man and man creates his devices of government, and that God does not give us freedom any more than He gives slaves slavery. The Committee had previously decided that references to the divine Creator did not use the word "God" but any other generic classification, such as Creator, the Almighty, etc.

and mindful of the principles of justice, liberty and freedom from harm proclaimed by that great law-giver, Kamehameha I.

This phrase has been incorporated in the Subcommittee's recommendation under the generic classification "Hawaiian Traditions."

in order to insure justice to all, promote the general welfare, and secure the blessings of liberty and freedom to ourselves and our posterity, do ordain and establish this Constitution.

Again the Subcommittee has thought to include this reiteration of the principles individually under the generic classification "constitutional government"

It can be seen here that both Proposals Nos. 11 and 39 above are adequately represented in the combined Subcommittee's preamble, which is submitted herewith.

No. 61 was placed on file by the motion and unanimous approval of the Subcommittee because it did not embody any main idea or new approach that had not been adequately covered in any one of the other proposals.

No. 132.

Grateful to Divine Providence for the privilege of democratic government

The Subcommittee was able to determine that democratic government is not a privilege to the people, in that "privilege" is a term used in the feudal period by kings. In other words, kings granted privileges to their subjects; democratic government, on the other hand, places sovereignty in the people.

The phrase "grateful to Divine Providence" is more in keeping with the Subcommittee's desire to have reference to the Deity included in the preamble. Therefore, it was incorporated in the Subcommittee's recommended preamble, which is herewith being placed before the Committee for approval.

under the aegis of the American flag, with pride in our heritage which

The analogy drawn here would, in the main, be obscure to most of the people and inherently it is doubtful that the American flag could be considered as a shield, although the meaning is understood by the Subcommittee that they were not certain that it would convey a simple, direct meaning into the preamble. Therefore, this phrase is not included in the Subcommittee's recommended preamble.

under Kingdom, Republic, and Territorial status has made possible economic prosperity and harmonious relations among residents of widely differing ethnic origin, we do hereby ordain and establish a constitution for the State of Hawaii.

The two phrases "economic prosperity" and "ethnic origin" impressed the Subcommittee as having an obscurity that would detract from the combined preambles founded in all the proposals. However, both these meanings have found their way into the Subcommittee's recommended preamble.

No. 166.

We, the people, who are the supreme political authority in the state of Hawaii

This is an attempt to establish immediately in the Preamble the source of democratic government just as it is frequently established in the first section of the Bill of Rights.

The rest of Proposal No. 166 has, in the main, found its way under greatly reduced wording into the recommended preamble of the Subcommittee.

Nos. 171, 172, and 173 contain essentially the same material as that found in Proposal No. 166, the only difference being in choice of words, phrasing, and in some instances an increase in length; but in no circumstances are they so much unlike that they would warrant individual comment. Of those four proposals, No. 173 was chosen by the Subcommittee as being most representative of them all. Subcommittee Chairman in attempting to compile all the proposals used No. 173 as being representative of the four proposals.

After due consideration of the various proposals on the preamble, the subcommittee submitted this preamble embodying the principle objectives that were cited in these preambles. Its emphases were placed on originality and "eye appeal." [Centered lines in the original.]

WE, THE PEOPLE / The Supreme Political Authority /  
In Accordance With The American Principles Of Federalism /  
Proclaim Our Sovereignty And Create This State  
WE ARE GATHERED / From The Earth's Every Corner  
In Brotherhood And Unity / To Teach And Be Taught, Each  
By The Other / The Blessings And Burdens Of Our Benign  
Democracy

WE SHALL EVER / Be Grateful To Our Creator, Perpetuate  
Our Hawaiian Traditions / Defend Our Constitutional Rule,  
And Follow The American Way / Of Liberty, Justice, Equality,  
And Freedom

WE, THEREFORE, DO / In Solemn Mutual Trust, Ordain  
And Establish / This Declaration Of Rights And Frame Of  
Government / As The Constitution Of Our Beloved State Of  
Hawaii

Your Committee on Miscellaneous Matters is of the opinion that the preamble should be simplified in language understandable to a vast majority of the people, even to the extent that our school children may readily acquire it, however, not losing sight of the basic elements and objectives for which the preamble stands.

The preamble that is submitted for your consideration is as follows: [Committee Proposal No. 20 was set forth here.] The intent of this Committee is to include the following basic objectives:

1. We, the people, are the sovereign political authority of this state as granted under our democratic government.
2. That we are grateful to our Creator for His guidance.
3. That we are proud of our Hawaiian heritage and traditions and we aim to perpetuate them as a state of the Union.
4. That we believe in a government of the people, by the people and for the people.

Your Committee recommends that this committee proposal be adopted. —June 9, 1950

Takao Yamauchi, Chairman	John R. Phillips W. O. Smith
George Dowson, Vice-Chairman	Samuel K. Apoliona, Jr. Teruo Ihara
H. S. Kawakami	Kazuo Kage

#### COMMITTEE PROPOSAL NO. 20

#### RELATING TO THE PREAMBLE

RESOLVED, that the following be agreed upon as part of the State Constitution:

#### ARTICLE \_\_\_\_\_.

SECTION \_\_\_\_\_. We, the people, of the State of Hawaii, grateful for Divine Guidance, and with pride in our Hawaiian heritage, reaffirm our belief in a government of, for and by the people do hereby ordain and establish this constitution for the State of Hawaii.

#### STANDING COMMITTEE REPORT NO. 65

Your Committee on Miscellaneous Matters to which was referred Proposal No. 28, relating to equal rights of persons of both sexes, begs leave to report as follows:

Your Committee finds that Proposal No. 28 is identical with Article X, Paragraph 4, of the New Jersey Constitution and with Article XII of the Model State Constitution of the National Municipal League, which is based on the New Jersey provision. The proposal states:

When in this constitution the term "person," "persons," "people," or any personal pronoun is used, the same shall be intended to include both sexes.

The intent of this provision is to guarantee that all protections, responsibilities and mandates established by this Constitution shall apply equally to both sexes. Adoption of this provision would preclude the necessity of spelling out in each section of the Constitution where they may be used that the terms "he," "person," "persons," "people," etc., are intended to include members of either sex.

It may be noted that a guarantee of equality of treatment of both sexes with respect to civil and political rights is required under H. R. 49. This guarantee, with respect to civil rights, is made under Section 6 of the Bill of Rights which has been proposed to this Convention. Equality of treatment, with respect to political rights and duties under our Constitution, would in turn be advanced by incorporation of the subject proposal, which is attached to this report.

Your Committee therefore recommends the adoption of this Committee Proposal. —June 9, 1950

Takao Yamauchi,  
Chairman  
George Dowson,  
Vice-Chairman

Teruo Ihara  
W. O. Smith  
H. S. Kawakami  
Samuel K. Apoliona, Jr.  
Kazuo Kage

#### COMMITTEE PROPOSAL NO. 21

#### RELATING TO EQUAL RIGHTS

RESOLVED, that the following be agreed upon as part of the State Constitution:

#### ARTICLE \_\_\_\_\_.

SECTION \_\_\_\_\_. Whenever in this constitution term "person," "persons," "people," or any personal pronoun is used, the same shall be interpreted [sic] to include persons of both sexes.

#### STANDING COMMITTEE REPORT NO. 66

Your Committee on Miscellaneous Matters was composed of the following nine members: Takao Yamauchi, Chairman, George Dowson, Vice-Chairman, Samuel K. Apoliona, Jr., Teruo Ihara, Kazuo Kage, Masao Kanemaru, H. S. Kawakami, John R. Phillips, and William O. Smith.

Your Committee was presented with 23 proposals, five resolutions, and one Misc. Com. No. 26; they are classified as follows:

Proposals:

- a. Relating to the Preamble for the State of Hawaii, Nos. 11, 39, 61, 88, 132, 166, 171, 172, 173, 174
- b. Relating to State Flag, Nos. 55, 193
- c. Relating to State Seal, No. 56
- d. Relating to State Capitol, No. 65
- e. Relating to Civil Service, Nos. 72, 123
- f. Relating to Equal Rights, No. 28
- g. Relating to State Boundaries, No. 125
- h. Relating to Distribution of Governmental Powers, No. 100
- i. Relating to Intergovernmental Relations, Nos. 101, 130
- j. Relating to State Song, No. 85
- k. Relating to Weights and Measures, No. 192

Resolutions:

- No. 15. Locating of the capital of the future State of Hawaii on an island within this state other than Oahu.
- No. 23. Locating of the capital of the State of Hawaii on the island of Oahu.
- No. 29. Requesting the legislature to adopt the following heraldic symbols for the State of Hawaii, official flag, motto, official seal, official song, official flower, state colors, official birthstone.
- No. 31. Requesting Governor to set aside as a legal holiday "Statehood Day."
- No. 32. Requesting Constitutional Convention to go on record as officially endorsing "National Boys' and Girls' Week" from April 29th to May 6, 1950.

Misc. Com. No. 26: Resolution from VFW, Post No. 1540, requesting the outlawing of the Communist Party or any organization dedicated to the overthrow of our government by force and violence.

This Committee has been presented with proposals and resolutions on varied, unrelated subject matters. To expedite the work, subcommittees were created to explore into the various subjects that were assigned to them and to have them report on their research and findings and to make recommendations thereon.

Number of Meetings: The Committee on Miscellaneous Matters held seventeen meetings usually from one-half to two-hour duration. The various subcommittees have met on frequent occasions. Individuals and representatives of various organizations and government appeared before the committee and subcommittees. Among those were: Mr. Arthur Akina, Director of Civil Service, Territory of Hawaii; Mr. T. Y. Awana, Territorial Surveyor's Office; Mr. James Dunn, Territorial Surveyor's Office; Mr. Rod Gudgel, Assistant Research Director, Legislative Holdover Committee; Mr. Herbert Hiroshige, Farm Bureau Representative; Mr. Charles Kendall, Executive Secretary, HGEA; Mrs. Dorothea Lambert, Administrative Assistant, HGEA; Mr. Samuel Lyman, Personnel Executive, Civil Service Commission; Dr. Edmund Spellacy, Professor of Government, University of Hawaii; Mr. Robert Kamins, Legislative Reference Bureau; Mr. Robert Dodge, Legislative Reference Bureau; Miss Rhoda Lewis, Deputy Attorney General; and Mr. Michiro Watanabe, Deputy Attorney General.

In addition, the following delegates of the Convention were requested to present their views on the subjects under discussion: Nils P. Larsen, Harold Roberts, J. Garner Anthony, and D. Hebden Porteus.

By separate committee reports this Committee has submitted for your consideration ten committee proposals on

(1) Preamble, (2) State Flag, (3) State Seal, (4) State Capital, (5) Civil Service, (6) Equal Rights, (7) State Boundaries, (8) Distribution of Governmental Powers, (9) Intergovernmental Relations and (10) Oath of Office.

After careful consideration and deliberations on all of the proposals, resolutions and communications, the subjects were in substance incorporated in the committee proposal, and therefore these proposals and resolutions were recommended to be placed on file.

Proposal No. 85 relating to the State Song has been recommended to be placed on file as action was taken by this committee on Res. No. 29 which, in part, relates to the same subject.

Proposal No. 192 relating to Weights and Measures was recommended to be placed on file as the committee believes it is a statutory matter.

Res. No. 31 relating to Statehood Day, was amended, and recommended for adoption, as amended.

Misc. Com. No. 26 was referred to the Committee on Ordinance and Continuity of Law.

Res. No. 32 endorsing National Boys' and Girls' Week from April 29, 1950 to May 6, 1950 was adopted by this Convention. —June 9, 1950

Takao Yamauchi,  
Chairman  
George Dowson,  
Vice-Chairman

Samuel K. Apoliona, Jr.  
Teruo Ihara  
Kazuo Kage  
H. S. Kawakami  
W. O. Smith

### STANDING COMMITTEE REPORT NO. 67

Your Committee on Executive Powers and Functions presents herewith its report and its Committee Proposal on its assigned subject.

Your Committee has held 28 meetings and in its deliberations has considered the provisions of model state constitutions, the Constitution of New Jersey which was recently revised, the 1950 Report of the Connecticut "Commission on State Government Organization" and other studies which show the modern trend of thinking on the organization of the executive branch of the government.

The fundamental principle upon which your Committee Proposal was drafted is that of concentration of executive power in the Governor, which would give the best government. Consistent with this principle, your Committee Proposal provides for the election of only the Governor and Lieutenant Governor and for the appointment of principal department heads to serve at the pleasure of the Governor. There shall then be a short ballot. The principle is comparable to that found in the management of corporate enterprises. Its advantages may be summed up in the statement that, in concentrating executive power, it fixes responsibility for the efficient conduct of governmental affairs and enables the electorate to judge the merits of the administration.

Your Committee has subscribed, by and large, to the principle that a constitution should state only basic fundamentals, and that many desirable matters, for which there is strong temptation to make constitutional provisions, should be left open for legislative treatment as future conditions may require. Your Committee believes that it is only through such delegation to the Legislature that the flexibility necessary to keep government in step with economic and social development is possible.

The ten sections contained in the Committee Proposal, hereto attached, will be briefly discussed.

Words in the masculine gender signify both the masculine and feminine gender.

Section 1 deals with the establishment of the executive.

The provision, "The executive power shall be vested in the Governor," is to be found in the Constitution of the United States and of each of the 48 States, in Section 66 of our Organic Act and in Article V, Section 500 of the Model State Constitution. The expression "executive power," has been defined to mean "the power to execute the laws." [State v. Hyde, 22 N.E. 644, 648 (Ind. 1889); Tucker v. State, 35 N.E. (2d) 270, 291 (Ind. 1941); Meyers v. U.S. 272 U.S. 52, 117 (1926).]

The second paragraph of said Section 1 provides for the election of the Governor by the legally qualified voters. At present, the Governor of the Territory of Hawaii is appointed by the President of the United States with the advice and consent of the Senate of the United States (Section 66, Organic Act). In all 48 States the Governor is elected by popular vote. Your Committee, therefore, adopted the traditional practice. No provision specifying the qualifications of a voter is included herein for the reason that your Committee has been advised by the Committee on Suffrage and Elections that this subject will be fully covered in its Committee Proposal.

In case of a tie vote or a contested election, the selection of a Governor shall be determined in such manner as may be provided by law. It was agreed by the Committee that the manner of deciding a tie vote or a contested election is a statutory matter, (refer to Sections 173, 277 and 280, R.L.H. 1945, as amended), and that the State would incur additional expenses incidental to a special election.

The Governor shall have a four-year term of office. A four-year term is provided in 27 states and a two-year term in 21 states. Our Organic Act (Section 66) provides for a four-year term. A four-year term rather than a two-year term gives the Governor greater opportunity to formulate and carry out a program. An election every two years is expensive and time consuming.

No provision has been included to limit eligibility of a Governor to succeed himself. The prohibition against reelection associated with the distrust of the Governor found in early United States history is disappearing, and 27 states now have no restrictions against a Governor succeeding himself. Your Committee believes that the people of the State should be the jury to express their approval or disapproval of a Governor at the end of his term. There seems to be no compelling reason why the people should restrict their choice.

Assuming that regular sessions of the Legislature will be held in February, following the general election in November of the preceding year, your Committee agreed that the term of the Governor should begin on the first Monday in December, thereby giving him time to work on and prepare his budget to the Legislature, meeting in February. No definite year for the first term of the Governor has been provided for in this paragraph by your Committee, believing that a general provision relating thereto will be expressly provided elsewhere in the Constitution.

Paragraph 4 of said Section 1 provides for the following qualifications which a candidate for Governor must meet: (a) the candidate for Governor must be a qualified voter, (b) 35 years of age, (c) a citizen of the United States for 20 years and (d) must have resided in this State for five years next preceding his election.

Section 66 of the Organic Act provides that the Governor shall be not less than 35 years of age and shall have resided in the Territory for at least three years. According to the

Manual on State Constitutional Provisions, the prevalent residence requirement is five years. Your Committee agreed to adopt the five-year requirement.

The provision restraining the Governor from holding any other office or employment, of profit, is found in the constitution of 16 states. The Governor should not be a member of the State Legislature, an employee of the State or Federal Government, etc., while serving as Governor and should devote his entire attention to the duties of his office.

Under the provision set forth in the last paragraph of Section 1, a person holding any other office under the State or United States could seek election to the office of Governor but would be required to resign such other office before qualifying as Governor. Conversely, the Governor would be eligible to seek other office or employment under the State or United States but would cease to be Governor on engaging in the duties of the other office or employment.

In a majority of states today, the Governor shares his executive authority with five or six other constitutional officers for whose actions he is generally held publicly responsible, but over whom he has little control because they are either elected by popular vote or by the Legislature. In the early 1920's leaders in many states realized that state administrations were badly organized and could not cope with growing state problems. As a consequence, reorganization plans were widely adopted. New Jersey, New York and Virginia are the principal examples of states which ratified constitutional amendments needed to eliminate the long ballot of elected officials and open the way for state-wide reorganization. The trend toward greater integration in administration continued throughout the early 1930's. Since late 1930 several states, notably Georgia, Missouri, New Jersey and New York, have adopted new constitutions, and Oklahoma and Idaho have made substantial changes in their executive article. Your Committee, following the trend, agreed that, in the executive branch, there should be only two elected officials, namely, the Governor and the Lieutenant Governor.

Section 2 provides for the office of Lieutenant Governor. A Lieutenant Governor shall have the same qualifications as the Governor and he shall be elected at the same time, for the same term and in the same manner as the Governor.

The office of Lieutenant Governor is one of the oldest in American state government. Thirty-seven states provide for a Lieutenant Governor. In these states the office is rooted in tradition and precedent. Moreover there is a feeling that the man upon whom the duties of Governor may fall in case of death, resignation, etc., should be elected by the people; therefore, the primary function of the Lieutenant Governor is to assume the office of Governor if it should become vacant.

Considering the fact that the Lieutenant Governor does not normally exercise any of the functions of the Governor's office, except upon certain contingencies, your Committee provided that "The Lieutenant Governor shall perform such duties as may be prescribed by law or as may be delegated to him by the Governor."

The office of Secretary of State, although it exists in all states, is no longer an important office. The Secretary is usually the custodian of the great seal of the state and carries on correspondence with other states. He is entrusted with certain duties in connection with legislation and elections. The duties of the office have come to be of such a miscellaneous nature that it may almost be described as a sort of scrap basket of governmental authority. Because the Lieutenant Governor has very little to do, your Committee recommends that the Legislature by law allocate the

usual duties of the Secretary, hereinabove mentioned, to the office of Lieutenant Governor.

When the vote on the question whether or not there shall be a Lieutenant Governor was taken, there were twelve Committee members present, of whom nine voted in the affirmative and three in the negative. On the next question, whether or not said officer shall be elected by the people or appointed by some other officer of the State, seven voted in the affirmative and five voted in the negative.

Section 3 deals with compensation for the Governor and Lieutenant Governor.

The Federal salary of the Governor is now set at \$15,000 a year. The Legislature of the Territory has provided an additional sum to make it \$16,000.

The salary of the Lieutenant Governor is set at \$12,000 since the Secretary of the Territory is now receiving about \$12,000.

The purpose of providing said minimum salaries is to induce capable and well-qualified persons to seek the offices of Governor and Lieutenant Governor.

Section 4 merely provides the order of succession to the governorship.

Section 5 charges the Governor with responsibility for the proper execution of the laws. A similar provision is contained in the constitutions of 47 states and in Section 67 of the Organic Act. As chief executive it would seem to follow that the Governor would be responsible for the proper execution of the laws; however, since such a provision is so generally stated in constitutions, it may well be included in the Hawaii State Constitution.

Section 6 imposes on the Governor the duty of reporting to the Legislature at each session on the condition of the State and recommending for the consideration of the Legislature such measures as he deems necessary. More than half of the states in the Union impose this duty on the Governor. Said Section also authorizes the Governor to report similarly from time to time.

The duty to submit to the Legislature a budget setting forth a complete plan of proposed expenditure and anticipated income of all branches, departments and agencies of the State for the next ensuing year or biennium was deleted from this Section upon the representation and assurance from the Chairman of the Finance and Taxation Committee that such a provision was included in the Proposal by the Committee on Finance and Taxation. Your Committee on Executive Powers and Functions will leave the matter of deciding where such a provision should be properly included to the Committee on Style.

The second paragraph of this Section empowers the Governor to veto bills approved by the Legislature. Your Committee following the Organic Act (Sections 49, 50, 51) agreed that said subject matter should be included in the Article relating to the Legislative Branch of the government. Accordingly, it has requested the Committee on Legislative Powers and Functions to provide for this function in its Committee Proposal and is merely making reference thereto.

Section 7 deals with the power of the Governor to call special sessions and to extend any regular or special session of the Legislature. All 48 States give the Governor power to convene extraordinary sessions of the Legislature. During the extraordinary session, no business may be considered by the Legislatures of 18 states except that which the Governor has recommended. According to said Section 7, the Legislature shall transact such other legislative busi-

ness as the Governor may call to the attention of the Legislature while in session.

Section 8, empowers the Governor to grant reprieves and pardons, after conviction, for all offenses except treason and cases of impeachment, subject to regulation by law. A similar provision is provided in the constitutions of 44 states and in Section 66 of the Organic Act.

Section 9 provides that the Governor shall be Commander-in-Chief of the armed forces and shall have the right under certain conditions to call out the militia. In all 48 States the Governor is designated as the chief of the state militia. A similar provision is made in Section 67 of the Organic Act.

The Governor is further empowered to place the State or any part thereof under martial law and suspend the privilege of the writ of habeas corpus.

Section 10 deals with executive and administrative offices and departments.

At the outset it should be declared that said Section 10 incorporates paragraphs 1, 2 and 4, Section IV, Article V of the New Jersey Constitution, with some modifications.

The number of principal departments in the executive branch shall be limited to not more than 20 and the Legislature shall be required to allocate the existing departments, boards and other agencies among and within the 20 or less principal departments.

Each principal department shall be headed by a single executive unless otherwise provided by law. The Legislature has the power to determine whether any principal department shall be headed by a single executive or by a board or commission. This would permit existing boards and commissions of control to continue as at present, as the heads of those respective departments.

The Governor shall appoint, with the confirmation of the senate, the heads of all principal departments, whether they be a single executive or a board or commission. Where a board or commission heading a department is authorized by law to appoint a principal executive officer, such appointee may be, ex officio, a voting member of the board or commission.

The Governor's power of removal of his subordinates will be strengthened by requiring single executive heads of principal departments to serve at the pleasure of the Governor.

Your Committee has followed the principle that the Governor should be strong in his branch of the government but that he should be precluded from infringing upon the other branches, for example, the power to remove members of the boards and commissions. The majority of your Committee believes that boards and commissions will not be established by the Legislature unless the administration of these functions by a board or commission, such as the Public Utilities Commission, is regulatory or involved the exercise of quasi-judicial or quasi-legislative powers. Any member, therefore, on any board or commission should not be removed by the Governor at his pleasure. Some limitations or restrictions on removal should be provided by law.

In this Section 10, there is the additional restriction upon the Governor that all officers appointed under the provisions of this Section shall be citizens of this State and shall have resided therein for at least three years next preceding their appointment.

The classical expression "by and with the advice and consent of" has been modified by your Committee to simply "with the confirmation of." The purpose of this modification is to



give the Governor a greater latitude in making his appointments. The senate still retains the power of confirmation.

Section 10 was not unanimously agreed on by the Committee members. The minority reports, two or three in number, are attached hereto and made a part of this report by reference.

In view of the foregoing conclusions, your Committee reports, with respect to the Proposals referred to it, as follows:

Proposal No. 6, relating to government office or employment, has been adopted in part. No person shall be appointed an officer under the provisions of Section 10 of this Committee Proposal unless such person is a citizen of this State and shall have resided in this State for at least three years. Your Committee recommends that the remainder of this Proposal No. 6 be referred to the Committee on Miscellaneous Matters for the reason that the subject matter is related to Civil Service laws which are now under consideration of said Committee on Miscellaneous Matters. (See Section 72, R.L.H. 1945).

Proposal No. 20, pertaining to Lieutenant Governor, has been incorporated in Sections 2 and 4 of the Proposal hereto attached.

Proposal No. 21, entitled "The Governor," has been incorporated in Sections 1, 3, 5, 8 and 9 of the Proposal hereto attached.

Proposal No. 22, entitled "Appointment, Removal and Tenure of Department Heads and High Governmental Officers," has been adopted in part. Refer to Section 10 of the Proposal hereto attached. Your Committee has rejected the following portions of Proposal No. 22:

a. Portion enumerating the following officers: Attorney General, Treasurer, Commissioner of Public Lands, Commissioner of Agriculture and Forestry, Superintendent of Public Works, Auditor, Surveyor.

b. Portion empowering the Governor to suspend from office any such officers and to remove them from office by and with the consent of the senate.

Your Committee recommends that the last paragraph of Proposal No. 22, relating to continuity of incumbents in office until their successors are appointed and qualified, be referred to the Committee on Ordinances and Continuity of Laws.

Proposal No. 30, relating to compensation of holders of office established by the Constitution, be referred to the Committee on Ordinances and Continuity of Laws.

That portion of Proposal No. 88, entitled "The Executive," has been adopted in part. This Proposal No. 88 insofar as it pertains to the executive branch of the government, is a composite of Proposals Nos. 20, 21 and 22 introduced by the same Delegate.

Proposal No. 94, pertaining to the appointment of officers and members of County boards, commissions or other bodies, has been referred to the Committee on Local Government.

Proposal No. 109, pertaining to Public Lands Commission has been rejected.

Proposal No. 143, pertaining to executive power, has been rejected.

Proposal No. 145, relating to executive clemency, has been incorporated in Section 8 of the Proposal attached hereto.

Proposal No. 169, relating to the Executive, has been rejected.

Proposal No. 176, relating to power of appointment to fill vacancies—tenure of appointees, has been incorporated

in the last two paragraphs of Section 10 of the attached Proposal.

Your Committee recommends that the Proposal, attached hereto, pass.—June 9, 1950

Tom T. Okino,  
Chairman  
\*Frederick Ohrt,  
Vice-Chairman  
\*Randolph Crossley  
Yasutaka Fukushima  
James F. Gilliland  
Teruo Ihara

\*Kazuo Kage  
Charles E. Kauhane  
Katsumi Kometani  
John K. Lai  
\*W. Harold Loper  
Richard J. Lyman, Jr.  
Charles A. Rice  
Richard St. Sure  
\*Henry A. White

\*Concurrence subject to views expressed in minority reports attached hereto.

#### STANDING COMMITTEE REPORT NO. 67-A

The undersigned members of your Committee on Executive Powers and Functions beg leave to submit this minority report.

We are in accord with the Committee's report in all respects, but take exception to the Committee's omission of provision for an administrative manager of state affairs and urge the inclusion of the section on this subject recommended by the National Municipal League in its "Model State Constitution."

The proposed addition is, in our judgment, most important. It recognizes the extent to which the business of government has advanced to a degree transcending old ideas of the responsibilities and functions of the Governor's office. The demands upon the Governor are such as to make it highly advisable that he be authorized to delegate any of his powers in the manner described.

The inclusion of the section in the Constitution would focus attention upon government as a profession and business requiring the highest of standards in its administration.

Accordingly, we propose that the Committee's report be amended as follows:

That there be inserted an additional section to read as follows:

SECTION 11. [Administrative Manager.] The Governor shall appoint an Administrative Manager of state affairs, whose term shall be indefinite at the pleasure of the Governor. The Governor may delegate any or all of his administrative powers to the Administrative Manager. The Administrative Manager shall be assisted by such aides as may be provided by law.—June 9, 1950

Frederick Ohrt  
Kazuo Kage  
W. Harold Loper

#### STANDING COMMITTEE REPORT NO. 67-B

I have signed the Committee Report with the reservation that I be allowed to make a minority report on Section 10 which you have included therein. This reads as follows:

We deal in this section with administration, adjudication and advice, which have been much confused in traditional practice in our Territorial government. This confusion has resulted in too many separate agencies, with too many appointive offices. It has resulted in a mingling of duties that should be distinct. If the duties are sorted out and well de-

finer better management will follow. It follows that a chief executive can more intelligently pick a smaller number to serve on the remaining appointive offices.

Running an agency or a division within an agency is administration and includes hiring and supervising people, deciding on programs and committing available funds. This is the realm of management and good management requires that such administrative powers at each level in the organization should be in the hands of one man. This is indispensable to clear responsibility. It is for this reason that a single executive for each department is recommended.

The same principle of clear responsibility and fundamental good management leads to the recommendation that such a single executive shall serve without term and be appointed by the Governor without confirmation.

A different principle of organization should govern when departments or agencies in the executive branch are called upon to determine private rights, to perform "quasi-judicial" duties. This is adjudication, the application of the law to a particular case or individual. The powers of adjudication are found in connection with the work of many major departments. Determining the lawfulness of public utility charges, revoking licenses and awarding compensation to claimants are common examples. It is sound management in such cases to vest significant powers of adjudication in boards rather than in single executives.

Accordingly it is recommended that in each department or office where "quasi-judicial" functions are found an administrative adjudication board shall be established, composed of five members to be appointed by the Governor and confirmed by the Senate. Board members needed to sit on a full term basis should be on an annual salary, and part-time boards on a per diem basis, at rates of compensation to be set by the Legislature.

There is a great distinction between advisory boards and adjudication boards and there is real virtue in having an advisory board in connection with the work of single executives. An advisory board allows for fuller citizen participation in the affairs of the State government as well as securing citizen advice of the problems of the single head of departments. Accordingly it is recommended that where there is no adjudication board there be an advisory board of five members to serve without compensation other than the reimbursement of necessary expenses.

Each of the above boards shall choose its own chairman.  
—June 9, 1950

Randolph Crossley

### STANDING COMMITTEE REPORT NO. 67-C

Although I have signed the report of the Committee on Executive Powers and Functions, to which is attached a Proposal relating to the Executive, I have done so with the understanding that I would be permitted to file a minority report in connection with those sections of the proposal on which I am not in agreement, and therefore I beg leave to file this minority report as follows:

My dissent applies to Sections 3, 4, 6, 8, 9 and 10 of the proposal relating to the Executive.

As I read Section 3, the Lieutenant Governor would only be entitled to receive the compensation of the office of Governor if he succeeded to that office for the remainder of the term, and would not be so entitled if he served during a disability of the Governor which might be for an extended period of time but less than the remainder of the term. Obviously, if he assumes all the powers and duties of the Governor, he should receive his compensation. I therefore believe that a distinction should be made between circum-

stances where he actually assumes all of the Governor's powers and duties and where he becomes Acting Governor only on a temporary basis. This can be done in Section 4. I therefore recommend that Section 3 be amended by changing the period at the end of the first sentence to a comma and adding the words, "except as provided in Section 4 hereof," and by deleting the last sentence thereof reading: "When the Lieutenant Governor succeeds to the office of Governor for the remainder of the term, the Lieutenant Governor shall receive the compensation for that office."

As I read the first paragraph of Section 4, it fails to make a distinction between a temporary absence of the Governor from the state and an absence more permanent in nature. Consequently, the provision could be construed as stripping the Governor of all power while temporarily absent from the state, even though he is absent on official business or authorized leave. I seriously question whether this was intended and therefore believe, in the interest of obviating misunderstanding and to take care of the situation referred to under Section 3, the first paragraph of Section 4 should be rewritten as follows:

Section 4. In case of the failure of the Governor to qualify, or inability to discharge the powers and duties of the office by removal from office or otherwise, or his impeachment, the powers and duties of the office shall devolve upon the Lieutenant Governor for the remainder of the term or until the disability be removed, and he shall receive the compensation of that office during such period. When the Governor is temporarily absent from the state on official business or otherwise, then the Lieutenant Governor shall perform all of the functions of the Governor within the state.

As in the case of the Governor, I believe the words "absence from this state," in the second paragraph of Section 4 could be construed to mean that temporary absence of the Lieutenant Governor from the state would deprive him of his powers, duties and salary, even though he may be on official business or authorized leave. I am sure this was not intended and this defect could be rectified by changing the wording of this paragraph to read as follows:

During the temporary absence of the Lieutenant Governor from the state on official business or on authorized leave, the duties of such office may be assigned by the Governor. In case of the failure of the Lieutenant Governor to qualify, or inability to discharge the powers and duties of the office by removal from office or otherwise, or his impeachment, the powers and duties of the office shall devolve upon such officers in such order of succession and in such manner as may be provided by law.

Section 6 provides for the power of veto as prescribed in Article \_\_\_ of this Constitution which refers to the Article on Legislative Powers and Functions. Under the proposal covering Taxation and Finance, provision is made for the item veto and therefore reference should be made in Section 6 to this Article as well.

Section 8 as now written does not provide safeguards to prevent abuse of executive power. Certainly there is nothing unreasonable in requiring the Governor to report to the Legislature on all actions he has taken in granting reprieves and pardons. Furthermore, it seems reasonable to empower the Governor to act in cases of treason and to remit fines and forfeitures under such regulation as may be prescribed by law, with the requirement that he make a report thereon at the following session of the Legislature. There are similar requirements in the constitutions of many states,

for instance in those of Colorado, Maine, North Carolina, Oregon, South Carolina, South Dakota, Utah, Virginia, Washington, West Virginia and Michigan. The provisions set forth in Section 14 of Act V of the Constitution of Oregon covers the subject fully and I recommend its substance be adopted in lieu of the proposed Section 8. This provision reads as follows:

Section 14. May Grant Reprieves, Pardons, Etc. He shall have power to grant reprieves, commutations, and pardons, after conviction, for all offenses except treason, subject to such regulations as may be provided by law. Upon conviction for treason he shall have power to suspend the execution of the sentence until the case shall be reported to the legislative assembly at its next meeting, when the legislative assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law; and shall report to the legislative assembly, at its next meeting, each case of reprieve, commutation, or pardon granted, and the reasons for granting same; and also the names of all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted.

Section 9 provides that the Governor may, when the public safety requires, place the state or any part thereof under martial law and suspend the privilege of the writ of habeas corpus. In order to be consistent with the provisions tentatively approved in Section 14 of the Bill of Rights by the delegates sitting as a Committee of the Whole, I recommend that the part of Section 9 following the word "invasion" be deleted and the following substituted in lieu thereof:

and he may suspend the privilege of the writ of habeas corpus, the laws, or the execution of the laws, as provided in Article \_\_\_\_\_. (Bill of Rights)

Section 10 provides for executive and administrative offices and departments and sets the number of principal departments at not more than 20.

While I originally felt that this number if applied only to principal administrative departments would adequately cover the situation and foster economies with the Government, I now believe that such requirement might unduly handicap the Governor and create confusion and uncertainty for it might be construed to include commissions, many of which are now doing effective work as appointees of the Governor. Such construction is quite likely for the first paragraph thereof includes "Instrumentalities of the States" and the third paragraph states that a commission or other body might be the head of a principal department of the state. What is included in the word "instrumentalities" and who is to determine what a principal department is? In the absence of any definition, there is no way of determining just what these terms do mean as used in this section. Therefore, I now feel the number of principal departments should not be stated in the Constitution, but should be left to the sound judgment of the legislature.

Further, I believe that appointees to policy making, quasi-judicial or regulatory boards or commissions such as the Board of Regents, Commission of Public Instruction and Public Utilities Commission—and such others as this Convention may decide—should not be subject to removal by the Governor. Members of these bodies should serve for staggered terms in order to provide for continuity of policy, as they administer functions that should be kept free from executive influence or control. Therefore, in my opinion they should have a reasonably secure tenure of office and

should be removed during their terms only because of misfeasance or malfeasance.

On the other hand, I feel that if the Chief Executive is to be effective, he should have the power to remove, in his discretion, his appointees to purely administrative bodies. Otherwise, the legislature could, by placing all administrative functions under Boards and Commissions, defeat the objective of a strong executive and create an undesirable decentralization of government.

The Governor will be mindful of the fact that, in a majority of cases, the senate must confirm the new nominee to replace the one removed and this places a practical restraint upon any abuse of the power to remove.

In all cases, the Governor should be consulted by each of various Boards and Commissions as to the person it wishes to appoint as its principal executive officer, and who, once appointed, may be a voting member of the Commission—just as the Governor is required to get confirmation of the senate to many of his appointees, so should the Governor have the authority to confirm, or reject, nominees of Commissions and Boards which are appointed by him.

Further, I believe that if we are to have a really efficient government, the Governor, whose responsibility it is to properly administer the affairs of the state, should have the authority to make changes in the administrative structure and in the assignment of functions, subject to being modified or disapproved by the legislature.

In order to provide for the foregoing, I recommend the first three paragraphs of Section 10 be deleted and the following substituted therefor:

Section 10. There shall be an Attorney General, a Commissioner of Finance, a Treasurer, a Commissioner of Taxes, a Superintendent of Public Works, a Board of Regents, Commissioners of Public Instruction, and a Public Utilities Commission, each of whom shall be in charge of a principal department of the state and their respective functions, powers and duties shall be as provided by law.

All other executive and administrative offices, departments and instrumentalities of the state government and their respective functions, powers and duties shall be established by law in such manner as to group the same according to major purposes so far as practicable.

The legislature from time to time may assign new powers and functions to departments, boards and instrumentalities, and it may increase, modify, or diminish the powers and functions of such bodies, but the Governor shall have power to make such changes in the administrative structure or in the assignment of functions as he may deem necessary for efficient administration. Such changes shall be set forth in executive orders which shall become effective as of the dates set forth therein and shall continue until modified by executive orders or specifically modified or disapproved by a resolution adopted by a majority of each House of the legislature. The legislature may create temporary commissions for special purposes or, except for those established herein, reduce the number of departments or boards by consolidation or otherwise.

Each principal department shall be under the supervision of the Governor. The head of each principal department shall be a single executive unless otherwise provided herein or by law. Such single executives shall be nominated and appointed by the Governor, with the advice and consent of the Senate, to serve at the pleasure of the Governor.

Whenever a Board, Commission or other body shall be vested with the responsibility for the administration of a principal department of the state, the members thereof shall be nominated and appointed by the Governor with the advice and consent of the Senate. Members of the Board of Regents and of the Public Utilities Commission, and Commissioners of Public Instruction shall serve for staggered terms, as provided by law, and shall be subject to removal only for misfeasance or malfeasance in office. All other appointees of the Governor to boards, commissions or other bodies shall serve at the pleasure of the Governor. Each board, commission, or other body may, with the advice and consent of the Governor, appoint a principal executive officer who may be ex officio a voting member of such board, commission or other body, when authorized by law. Such principal executive officer may be removed by a majority vote of the members appointed by the Governor.—June 9, 1950

Henry A. White

COMMITTEE PROPOSAL NO. 22

RELATING TO THE EXECUTIVE

RESOLVED, that the following be agreed upon as part of the State Constitution:

ARTICLE \_\_\_\_\_. THE EXECUTIVE

SECTION 1. [Establishment of the Executive.] The executive power shall be vested in a Governor.

The Governor shall be elected by the legally qualified voters of this State. The person receiving the greatest number of votes shall be the Governor. In case of a tie vote or a contested election, the selection of Governor shall be determined in such manner as may be provided by law.

The term of office of the Governor shall be four years beginning at noon on the first Monday in December next following his election and ending at noon on the first Monday in December, four years thereafter.

No person shall be eligible to the office of Governor, unless such person is a qualified voter who shall have attained the age of 35 years, and shall have been for 20 years a citizen of the United States of America and shall have been a resident of this State for five years next preceding his election.

The Governor shall not hold any other office or employment, of profit, under this State or the United States of America during his term of office.

SECTION 2. [Lieutenant Governor.] There shall be a Lieutenant Governor, who shall have the same qualifications as the Governor. The Lieutenant Governor shall be elected at the same time, for the same term, and in the same manner as the Governor. The Lieutenant Governor shall perform such duties as may be prescribed by law or as may be delegated to him by the Governor.

SECTION 3. [Compensation for the Governor and Lieutenant Governor.] The compensation of the Governor and Lieutenant Governor shall be set by the Legislature but in no event shall be less than \$18,000 and \$12,000 respectively, per annum, and shall not be increased or decreased for the term for which they shall have been elected. When the Lieutenant Governor succeeds to the office of Governor for the remainder of the term, the Lieutenant Governor shall receive the compensation for that office.

SECTION 4. [Succession to Governorship.] In case of the failure of the Governor to qualify, or his removal from office, death, resignation, inability to discharge the powers

and duties of the office, or absence from this State, the powers and duties of the office shall devolve upon the Lieutenant Governor for the remainder of the term or until the disability be removed. In case of his impeachment, he shall not exercise his office until acquitted.

In case of the failure of the Lieutenant Governor to qualify, or his removal from office, death, resignation, inability to discharge the powers and duties of the office, shall devolve upon such officers in such order of succession and in such manner as may be provided by law. In case of his impeachment, he shall not exercise his office until acquitted.

SECTION 5. [Executive Powers.] The Governor shall be responsible for the proper execution of the laws.

SECTION 6. [Legislative Powers.] The Governor shall, at the commencement of each session, and may at other times, give to the Legislature information as to the affairs of this State, and may recommend such measures as the Governor shall deem expedient.

The Governor shall have the power of veto over bills approved by the Legislature, as prescribed in Article \_\_\_\_\_ of this Constitution.

SECTION 7. [Special Sessions and Extended Sessions.] The Governor may call special sessions of the Legislature by proclamation and shall state to both houses, when organized, the purpose for which they have been convened, and the Legislature shall transact no legislative business except that for which they were especially convened, and such other legislative business as the Governor may call to the attention of the Legislature while in session.

The Governor shall have power to extend any regular or special session of the Legislature, for such period or periods of time as may be prescribed by law.

SECTION 8. [Pardons and Reprieves.] The Governor may grant reprieves and pardons, after conviction, for all offenses except treason and cases of impeachment, subject to regulation by law as to the manner of applying for the same.

SECTION 9. [Armed Forces.] The governor shall be Commander-in-Chief of the armed forces of this State, and may call out such forces to execute the laws, to suppress actual or prevent threatened insurrection, violence, rebellion, or to repel invasion, and he may, when the public safety requires, place this State or any part thereof under martial law and suspend the privilege of the writ of habeas corpus.

SECTION 10. [Executive and Administrative Offices and Departments.] All executive and administrative offices, departments and instrumentalities of the State government and their respective functions, powers and duties shall be allocated by law among and within not more than 20 principal departments, in such manner as to group the same according to major purposes so far as practicable. Temporary commissions for special purposes may, however, be established by law and such commissions need not be allocated within a principal department.

Each principal department shall be under the supervision of the Governor. The head of each principal department shall be a single executive unless otherwise provided by the Governor, subject to the confirmation of the senate, and shall serve at the pleasure of the Governor.

Except as otherwise provided in this Constitution, whenever a board, commission or other body shall be the head of a principal department of the State government, the members thereof shall be appointed by the Governor, subject to the

confirmation of the senate. The term of office and removal of such members shall be as prescribed by law. Such board, commission or other body may appoint a principal executive officer who may be ex officio a voting member of such board, commission or other body, when authorized by law, and who may be removed by a majority vote of the members appointed by the Governor.

The Governor shall grant commissions to all officers elected or appointed pursuant to this Constitution. He shall appoint, subject to the confirmation of the senate, all officers for whose election or appointment provision is not otherwise made by this Constitution or by law.

When the senate is not in session and a vacancy occurs in any office, appointment to which requires the confirmation of the senate, the Governor may fill the office by granting a commission, which shall, unless such appointment is confirmed, expire at the end of the next session of the senate. No person appointed to any office shall be eligible for a recess appointment to such office if the appointment shall have failed of confirmation by the senate.

All officers appointed under the provisions of this section shall be citizens of this State and shall have resided therein for at least three years next preceding their appointment.

#### STANDING COMMITTEE REPORT NO. 68

Your Committee on Ordinances and Continuity of Law, to which was referred Proposals Nos. 157, 183, 135, 24, 158, 181, 179, 177, 180, 178, 27, 136, and Committee Proposal No. 5, begs leave to report as follows:

The Committee was composed of the following seven members: Clarence Y. Shimamura, Chairman, Marguerite K. Ashford, Vice-Chairman, Herbert K. H. Lee, Jack Mizuha, Thomas T. Sakakihara, C. Nils Tavares, and Arthur K. Trask.

The foregoing proposals, with the exception of Proposal No. 24, have been incorporated in a complete Article entitled "Schedule" which is attached hereto, made a part hereof, and marked Exhibit "A" [Committee Proposal No. 23, following].

Proposal No. 157 is a statement that the Constitution of the United States is adopted on behalf of the people of the Territory of Hawaii. This proposal is incorporated in Section 1 of the Article after the deletion of the word "Territory" and insertion of the word "State" in lieu thereof. This section incorporates the requirements of Section 3, Act 334 of the Session Laws of 1949 and of H. R. 49 in the Congress of the United States, Section 3, prior to its amendment by the Senate Committee on Interior and Insular Affairs. This amendment was made after the adoption of the Federal Constitution by the Constitutional Convention. Although there is no requirement either in Act 334 or H. R. 49 that such a statement be embodied in the Constitution, the Committee favored inclusion of such a declaration.

Proposal No. 183, which is incorporated in Section 2 with the addition of the word "orders," relates to the continuance of all rights, actions, suits, proceedings, prosecutions, judgments, sentences, orders, decrees, claims, demands, and contracts existing at the time of the admission as a state, as if issued in the name of the State.

The purpose of this section is to preserve rights, actions, suits, proceedings, prosecutions, judgments, sentences, orders, decrees, claims, demands, and contracts as if the change from a territorial to a state form of government had not occurred. It is also intended that the administration of law should proceed unaffected by the change in government. It is also the obvious purpose of this section to give

validity to all process previously issued under the name of the Territory of Hawaii in the same manner and to the same extent as process issued under the authority of the state. This will have the effect of validating all writs, warrants, summons, subpoena, and other process issued in the name of the Territory of Hawaii previous to its admission into the Union as a state, and is necessary to the orderly administration of law and justice. It is, however, not intended to validate any defective process previously issued in the name of the Territory of Hawaii.

Proposal No. 135, which is incorporated within Section 3, except for the deletion of the proviso at the end of the proposal, and the insertion of the words "mutatis mutandis" in line 4, relates to the continuance in full force of all existing laws of the Territory of Hawaii in effect at the time of its admission into the Union, which are not inconsistent with the Constitution of Hawaii.

This section continues in force as laws of the state all laws of the Territory of Hawaii not inconsistent with the State Constitution. It does not permit territorial laws repugnant to the Constitution to be carried forward as State laws. The term "laws" is intended to include, without limitation of its generality, ordinances and rules and regulations having the force and effect of law.

The use of the words "mutatis mutandis" is not intended to permit substantial changes in any of the present laws of the Territory of Hawaii. It is intended to continue in force Territorial laws, not inconsistent with the Constitution, as laws of the state, with only such changes as may be necessary. Such changes may be the substitution of the word "state" for "territory," the words "State of Hawaii" for "Territory of Hawaii," "Treasurer of the State of Hawaii" for "Treasurer of the Territory of Hawaii," etc. These changes are merely illustrative and are by no means intended to be exhaustive or exclusive. The proviso at the end of the proposal was deleted before incorporation of the proposal in Section 3, for the reason that the words "mutatis mutandis," in the opinion of the Committee, would fulfill the purpose of the proviso.

The latter portion of this section is intended to limit the duration of Territorial laws, and not the power to enact laws, which resides in the Legislature. The word "altered" in this section is interchangeable with and includes the words "amended" and "changed."

Proposal No. 24, which relates to the continuance of existing laws and all rights, claims, actions, etc., has been rejected and disapproved by the Committee, for the reason that the subject matters of this proposal are fully covered in Proposal No. 135, as amended, which is incorporated in Section 3, and in Proposal No. 183, which is incorporated in Section 2. For this reason, the Committee recommends that Proposal No. 24 be placed on file.

Proposal No. 158, which is incorporated in Section 4, in a slightly amended form, relates to the disposition of debts, fines, penalties, forfeitures, and escheats accruing to the Territory of Hawaii. This section provides that all such debts, fines, penalties, forfeitures, and escheats shall inure to the State of Hawaii, or its corresponding political subdivision; that is, a county or city and county, as the case may be. This is obviously a necessary provision and is incorporated in the Constitutions of many states.

Proposal No. 181, which is incorporated in Section 5, with minor amendments, relates to the vesting in the State of Hawaii of all property belonging to the Territory of Hawaii, with the right of recovery and enforcement in the State. It is intended that all property and all property rights and interests of whatever kind or description, including money, judgments, bonds, etc., shall pass to the State, with-

out limitation of the generality of the words used by the enumeration of specific kinds of property or rights, such as judgments, bonds, etc. The word "belonging" is here used in its widest meaning and application and should be so interpreted, irrespective of whether or not any property or rights and interests are vested, reduced to possession, etc.

Proposal No. 179, which is incorporated in the Article as Section 6, with the words "State law" at the end thereof amended to "laws of the State," relates to the continuance and validity of recognizances, bonds, and other obligations executed to the Territory of Hawaii or to any political subdivision thereof or to any officer, board, commission, or court. A recognizance is an obligation entered into before a court with a condition to do some act required by law, which is specified in the instrument. All such recognizances, bonds, etc., remain entirely valid under the State and may be enforced and sued upon by the proper or corresponding authority under the laws of the State. For example, a surety bond executed to the Treasurer of the Territory of Hawaii will be succeeded to by the Treasurer of the State of Hawaii and may be enforced by the latter; and a recognizance or appearance bond executed to the Circuit Court of the Territory of Hawaii will be succeeded to by the Circuit Court of the State of Hawaii with all incidental rights thereto. It is intended that the word "officer" in this Section shall be given the broadest meaning and definition and shall include clerks of courts and others in whose names recognizances, bonds, and other obligations may be executed.

Proposal No. 177, which is incorporated in Sections 7, 8 and 9 in an amended form, relates to pending criminal and civil actions. Under Section 7, all criminal cases pending at the time of the admission of Hawaii as a state, shall be prosecuted to judgment and execution in the name of the State. A portion of the second sentence of this proposal relating to violations of Territorial laws prior to the change in government, not prosecuted before such change, has been deleted, since the subject is covered by Proposal No. 180, which is incorporated in Section 10 of the Article.

Under Section 8, all civil causes, including actions at law and suits in equity and all other legal proceedings, pending in Territorial courts at the time of the change in the form of government, shall be continued and transferred to the appropriate court of the State having jurisdiction thereof.

Under Section 9, all books, papers, records and proceedings relating to the cases mentioned in Sections 7 and 8 shall be transferred to the appropriate state courts. It is intended that the words "books, papers, records, and proceedings" shall include all papers in the files of such causes and all testimony whether taken fully or in part.

It is intended by these sections that there shall be no lapse or failure of any pending criminal prosecution or civil causes through any technicality incident to the change in the form of government by the admission of Hawaii as a State.

Proposal No. 180, relating to civil causes of action accrued and criminal offenses committed, is incorporated in Section 10. This section provides for the continuance of those civil causes of action and all criminal offenses which may have arisen or been committed prior to the admission of Hawaii as a State, but as to which no suit, action, or prosecution is pending at the date of its admission.

Proposal No. 178, which is incorporated in Section 11, relates to the continuance in office of all Territorial, City and County, and County officers and judges of the Territory of Hawaii. This section is intended to facilitate the change of government from a Territory to a State without the suspension of governmental functions. This section extends the term of Territorial officers and makes them, in effect,

State officers, until such time as their successors are appointed or elected and qualify.

Section 12 is a redraft of Committee Proposal No. 5, which was referred to this Committee upon the recommendation of the Committee on Agriculture, Conservation and Land.

It is necessary that provision be made for the administration of lands placed in the control of the State by the United States, pending the obtaining of title to such lands by the State. The Enabling Bill now pending in Congress, H. R. 49, if enacted in its present form, would require that such lands be administered in accordance with the present laws, except as otherwise provided by Congress. This requirement of H. R. 49 is incorporated in Proposal 67, which we understand will be reported by the Committee on Agriculture, Conservation and Land. That the legislature may not be free to amend the land laws as to lands so owned by the United States and only under the control of the State is recognized in this section by the words "except as otherwise provided in this Constitution."

A further matter covered by this section is the adoption of the present land laws as laws of the State governing the lands owned by the State. Because so many of the present land laws were enacted by Congress, the general provision continuing, in effect laws of the Territory of Hawaii will not suffice, and it is necessary for continuity that land laws enacted by Congress be adopted as laws of the State. By the words "except as otherwise provided in this Constitution" it is recognized that there may be exceptions to the continuation in effect of the present laws, as well as exceptions to the power of the legislature to amend or repeal. One such exception has been incorporated in this section, the effect of which is to suspend, as to the public domain of the State, Section 73 (m) of the Hawaiian Organic Act for a period of five years, during which period the legislature will be enabled to determine whether and to what extent land sales may be mandated by petition or other means, Section 73 (m) becoming effective at the end of the five-year period only if the legislature takes no contrary action.

Section 13, which provides for a Law Revision Commission, is entirely new and is not based on any proposal previously introduced. It is however, an important provision to insure conformance of our laws to the Constitution.

Section 14 is Proposal No. 27 in an abbreviated, amended form. This section is intended, wherever possible, to make the various provisions of the Constitution operative without the aid of supplemental or enabling legislation. It is a definite declaration showing the express intent of the framers of the Constitution that its provisions are self-executing, and this must be given effect.

Proposal No. 136, which relates to the effective date of the Constitution, is incorporated in Section 15. This section is inserted with an abundance of caution so as to avoid unnecessary litigation and confusion as to the correct effective date of the Constitution.

Your Committee recommends the passage of this Committee Proposal. —June 9, 1950

Clarence Y. Shimamura, Chairman	Herbert K. H. Lee Jack H. Mizuha
Marguerite K. Ashford, Vice-Chairman	Thomas T. Sakakihara C. Nils Tavares

COMMITTEE PROPOSAL NO. 23

RELATING TO SCHEDULE ON CONTINUITY OF LAWS,  
RIGHTS, ACTIONS, ETC.

RESOLVED, that the following be agreed upon as part of the State Constitution:

## ARTICLE \_\_\_\_ . SCHEDULE

SECTION 1. The Constitution of the United States is adopted on behalf of the people of the State of Hawaii.

SECTION 2. All rights, actions, suits, proceedings, prosecutions, judgments, sentences, orders, decrees, claims, demands, and contracts, existing at the time of the admission of this State into the Union shall continue as if the change in the form of government had not occurred; and all process which may have been issued under the authority of the Territory of Hawaii, previous to its admission into the Union, shall be as valid as if issued in the name of the State.

SECTION 3. All laws of the Territory of Hawaii in force at the time of its admission into the Union as a State, not repugnant to this Constitution, shall remain in force, mutatis mutandis, until they expire by their own limitation, or are altered or repealed by the Legislature.

SECTION 4. All debts, fines, penalties, forfeitures, and escheats which have accrued, or may hereafter accrue, to the Territory of Hawaii, or its political subdivision, shall inure to the State of Hawaii, or its political subdivision.

SECTION 5. All property, real, personal, and mixed, and all moneys, credits, judgments, decrees, bonds, specialties, choses in action, claims, and demands of whatever description, and any and all other rights or interests therein, belonging to the Territory of Hawaii, shall inure to and vest in the State of Hawaii, and may be sued for, recovered, and enforced by the State of Hawaii in the same manner, and to the same extent, as the same might or could have been by the Territory of Hawaii.

SECTION 6. All recognizances, bonds, obligations, and undertakings entered into or executed to the Territory of Hawaii, or to any county or city and county, or to any officer, board, commission, or court shall remain valid according to the terms thereof, and may be sued upon and recovered by the proper or corresponding authority under the laws of the State.

SECTION 7. All criminal prosecutions and penal actions which may have arisen, or which may arise, before the change from a Territorial to a State government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the State, with like effect as though such change had not taken place; and all penalties incurred and punishments inflicted shall remain the same as if this Constitution had not been adopted.

SECTION 8. All civil causes which may be pending in any of the courts of the Territory of Hawaii at the time of the change from a Territorial to a State government, shall be continued and transferred to the court of the State having jurisdiction thereof.

SECTION 9. All books, papers, records, and proceedings relating to the cases mentioned in the preceding two sections shall be transferred in like manner to the appropriate courts.

SECTION 10. All civil causes of action and all criminal offenses which shall have arisen or been committed prior to the admission of this State, but as to which no suit, action, or prosecution shall be pending at the date of such admission, shall be subject to prosecution in the appropriate courts of the State or of the United States, in like manner, to the same extent and with like right of appellate review, as if the State had been created and said State courts had been established prior to the accrual of such causes of action or the commission of such offenses.

SECTION 11. All territorial, county, and city and county officers and judges of the courts of the Territory of Hawaii who may be in office at the time of the admission of this State into the Union shall continue to discharge the duties of their respective offices until their successors shall have qualified in accordance with this Constitution or the laws enacted pursuant thereto.

SECTION 12. The laws of Hawaii relating to the lands in the possession, use and control of the Territory, as amended, modified or supplemented by Acts of Congress (which said Acts of Congress are hereby adopted as laws of the State) shall, except as otherwise provided in this Constitution, continue in effect as laws relating to the lands owned by or under the control of the State, subject to amendment or repeal by the Legislature. Provided, however, that for the period of five years after the admission of this State unless otherwise provided by the legislature no sale or other transfer of the public domain of the State or any interest therein shall be deemed to be mandated by any law adopted by this section, or by any petition presented thereunder, notwithstanding any provision of such law to the contrary.

SECTION 13. The Governor shall appoint, within 30 days after the effective date of this Constitution, a Law Revision Commission of five members whose duty it shall be to examine all the laws of the Territory of Hawaii in force immediately prior to such effective date, and to make a report to the legislature or legislatures sitting during the period of two years immediately following said date recommending such amendments or repeals of such existing laws and the enactment of such other laws as may be necessary in their judgment to conform to or carry out the requirements of this Constitution.

The sums necessary for the purposes of this section shall be paid out of any moneys in the Treasury of the State not otherwise appropriated, upon vouchers signed by the chairman or acting chairman of such Commission. The compensation of the members of the commission shall be fixed by the governor, and the commission, with the approval of the governor, shall have power to engage such assistants and employees at such compensation as shall be determined by the commission with the approval of the governor. Such assistants and employees shall not be subject to the civil service and classification laws relating to public officers and employees.

SECTION 14. The provisions of this constitution shall be self-executing to the fullest extent that their respective natures permit.

SECTION 15. This Constitution shall take effect and be in full force immediately upon the admission of Hawaii into the Union as a State.

**STANDING COMMITTEE REPORT NO. 69**

Your Committee on Printing to which was referred the following Standing Committee Reports and Committee Proposals, begs leave to report that said Reports and Proposals have this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention: Standing Com. Rpt. No. 51, Proposal No. 10 of the Committee on Taxation and Finance. Standing Com. Rpt. No. 52, Proposal No. 11 of the Committee on Education. Standing Committee Reports: No. 53, Proposal No. 12; No. 54, Proposal No. 13; No. 55, Proposal No. 14; No. 56, Proposal No. 15; No. 57, Proposal No. 16; No. 58, Proposal



No. 17; No. 59, Res. No. 31 RD1; No. 60; No. 61; No. 62, Proposal No. 18; No. 63, Proposal No. 19; No. 64, Proposal No. 20; No. 65, Proposal No. 21; and No. 66 of the Committee on Miscellaneous Matters. Standing Com. Rpt. No. 67, Proposal No. 22 of the Committee on Executive Powers and Functions. Standing Com. Rpt. No. 68, Proposal No. 23 of the Committee on Ordinances and Continuity of Law.

—June 10, 1950

Charles H. Silva, Chairman

### STANDING COMMITTEE REPORT NO. 70

Your Committee on Ordinances and Continuity of Law, to which were referred Proposals Nos. 195, 155, 154, 156 and 51, begs leave to report as follows:

Your Committee submits and reports herewith a complete article entitled "Ordinances," which is attached hereto, made a part hereof, and marked Exhibit "A" [Committee Proposal No. 24, following.]

Sections 1 to 7 are in compliance with the mandatory provisions of H. R. 49, the Hawaii Statehood Enabling Act.

Section 1 disqualifies any person who advocates, or who belongs to any party, organization, or association which advocates, the overthrow by force or violence of the government of the State of Hawaii or of the United States, from holding any public office or public employment under the State Constitution. This provision was inserted in H. R. 49 as an amendment thereto by the Senate Committee on Interior and Insular Affairs. This section substantially amends Proposal No. 195.

Section 2 incorporates Section 1 of Proposal No. 155. This relates to the guarantee of religious tolerance and of freedom from molestation in person and property on account of the mode of religious worship. Although a section in the Bill of Rights contains a provision against any law respecting the establishment of religion or prohibiting the free exercise thereof, it is the opinion of this Committee that the mandatory provision of H. R. 49 should be separately inserted. This procedure has been followed in other state constitutions, notably those of Arizona, New Mexico and Nevada.

Section 3 incorporates Section 2 of Proposal No. 155 in an amended form. This section provides for the establishment and maintenance of a public school system free from racial segregation and sectarian control. Although the proposal in the original form provided that the schools shall be open to all children of the State and would, therefore, prohibit racial segregation, it was felt by the Committee that the additional clause would fortify this interpretation.

Section 4 incorporates Section 3 of Proposal No. 155, with the insertion of the second clause, which was included in an amendment to H. R. 49 in the Senate Committee on Interior and Insular Affairs. This assumption and payment of all Territorial debts by the State is proper and such a provision is universally included in state constitutions.

Section 5 incorporates Section 4 of Proposal No. 155 and provides for equality of taxation of property of residents and non-resident citizens.

Section 6 incorporates Section 1 of Proposal No. 154, as amended to conform to revisions made to H. R. 49 by the Senate Committee on Interior and Insular Affairs. This section provides for the cession to the United States of property in Hawaii set aside by Act of Congress or by Executive Order or proclamation of the President or the Governor of Hawaii for the use of the United States.

Section 7 incorporates Section 2 of Proposal No. 154, as revised to conform to amendment of H. R. 49 made by the

Senate Committee on Interior and Insular Affairs. By this section authority is granted to and acknowledged in the United States to the exercise of the power of exclusive Congressional legislation over all tracts of land owned by the United States and held for military, air, naval, or coast guard purposes. However, provision is made for the service of civil or criminal process within such military or naval reservations for all rights acquired, obligations incurred, or crimes committed within the State but outside of the reservations. Also provision is made for the State's right of taxation of all persons and corporations, their franchises and property, within the reservations. All persons within the reservations are guaranteed the right to vote at all elections.

Section 8 incorporates Section 3 of Proposal No. 154 and makes irrevocable the foregoing sections of the Constitution without the consent of the United States and the people of the State. Although there is no express provision in H. R. 49 to this effect, other state constitutions of Western states admitted into the Union from a territorial status have contained such a clause.

Proposal No. 156, relating to the adoption of the Hawaiian Homes Commission Act, 1920, as amended, is recommended to be placed on file, inasmuch as Committee Proposal No. 6 which has been favorably reported, covers the same subject matter. It is however, felt that Committee Proposal No. 6 may well be included within this Article, since it is one of the mandatory provisions under H. R. 49.

Proposal No. 51, relating to amendment of the Hawaiian Homes Commission Act, 1920, as amended, is recommended to be placed on file, inasmuch as H. R. 49 provides for amendment of Section 213 of the Act, and such amendment may well be made by the State Legislature. Although this Convention, under H. R. 49, has authority to amend Section 213 of the Act, either in the Constitution or by ordinance, it was the opinion of the Committee that it was preferable to leave matters of such statutory nature to the Legislature, and that inclusion of such matters may tend to confuse the electors who have the right and duty of ratification of the Constitution.

The purpose of Section 9 is to maintain the claim of the State to all of the remaining public lands and other property ceded by the Republic of Hawaii, and to designate representatives to present those claims and to make selections of lands as and when directed by Congress until the Legislature shall make other provisions.

Your Committee recommends the passage of this Committee Proposal.—June 13, 1950

Clarence Y. Shimamura,  
Chairman  
Jack H. Mizuha

Thos. T. Sakakihara  
C. Nils Tavares  
Arthur K. Trask

### COMMITTEE PROPOSAL NO. 24

#### RELATING TO ORDINANCES AND CONTINUITY OF LAW

RESOLVED, that the following be agreed upon as part of the State Constitution:

#### ARTICLE \_\_\_\_ . ORDINANCES

#### BE IT ORDAINED BY THE PEOPLE OF HAWAII:

SECTION 1. That no person who advocates, or who belongs to any party, organization, or association which advocates, the overthrow by force or violence of the government of this State or of the United States of America shall be qualified to hold any public office of trust or profit or any public employment under this Constitution.



**SECTION 2.** That perfect toleration of religious sentiment shall be secured, and that no inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship.

**SECTION 3.** That provision shall be made for the establishment and maintenance of a system of public schools, in which no segregation shall be made by reason of race, and which shall be open to all the children of this State and free from sectarian control.

**SECTION 4.** That the debts and liabilities of the Territory of Hawaii shall be assumed and paid by the State of Hawaii, and all debts owed to said Territory of Hawaii shall be collected by said State.

**SECTION 5.** That the lands and other property belonging to citizens of the United States residing without the State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof.

**SECTION 6.** That the property in the Territory of Hawaii set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Hawaii for the use of the United States and remaining so set aside immediately prior to the admission of the State of Hawaii into the Union is ceded to the United States, as more particularly provided in the next section of this Ordinance.

**SECTION 7.** That authority is granted to and acknowledged in the United States to the exercise by the Congress of the United States of the power of exclusive legislation, as provided by Article I, Section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels of land as, immediately prior to the admission of the State, are owned by the United States and held for military, air, naval, or coast-guard purposes, whether title to such lands was acquired by cession and transfer to the United States by the Republic of Hawaii and set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Hawaii for the use of the United States, or acquired by the United States by purchase, condemnation, donation, exchange, or otherwise: Provided, That the State of Hawaii shall have the right to serve civil or criminal process within said tracts or parcels of land in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed within the State but outside of the said tracts or parcels of land; and shall have the right to tax persons and corporations, their franchises and property, within the said tracts or parcels of land; and that persons now or hereafter residing on the said tracts or parcels of land shall not be deprived thereby of the right to vote at all elections held within the political subdivisions where they respectively reside.

**SECTION 8.** The foregoing sections are irrevocable without the consent of the United States and the people of this State.

**SECTION 9.** Having full faith that the Congress of the United States will accord to the State of Hawaii all of the powers and prerogatives of a sovereign state and will, in its determination of the disposition of the public lands and other public property in Hawaii, give due consideration to the terms and provisions of the cession and transfer thereof by the Republic of Hawaii, the people of Hawaii do hereby authorize, empower and direct their representatives, who until and unless the Legislature shall otherwise provide shall be the Governor of Hawaii, the Commissioner of Public Lands, and the President of the Board of Commissioners of Agriculture and Forestry (as officers of the Territory of Hawaii or as officers of the State of Hawaii succeeding to

their duties and functions), or any two of them, to present to the Congress of the United States or to such committees or executive departments as the Congress may direct, the claims of the people of Hawaii to the lands and other public property and interests in property, not disclaimed or encumbered by the provisions of this Constitution. Said Governor of Hawaii, the Commissioner of Public Lands, and the President of the Board of Commissioners of Agriculture and Forestry (as officers of the Territory of Hawaii or as officers of the State of Hawaii succeeding to their duties and functions), or any two of them, until and unless the Legislature shall otherwise provide, are further authorized, empowered and directed, to make selections of lands on behalf of the people of Hawaii, as and at the times directed by the Congress of the United States.

#### STANDING COMMITTEE REPORT NO. 71

Your Committee on Ordinances and Continuity of Law, to which was referred Misc. Com. No. 88, entitled "A Constitutional Proposal—State Constitution can Curb Reds by Defining Political Parties," begs leave to report as follows:

Misc. Com. No. 88 is from Mr. Tony Todaro and seeks to outlaw the Communist Party "by striking the Party off the ballot" and recommends the inclusion, in the section on Suffrage and Elections of the State Constitution the definition and requirements of political parties. This Communication was originally referred to the Committee on Suffrage and Elections, and by that Committee recommended to be referred to this Committee. Your Committee feels that the subject matter of this communication is peculiarly within the province of the Committee on Suffrage and Elections and should have been acted upon by said Committee.

Your Committee has, in accordance with the amended provisions of H. R. 49, the Hawaii Statehood Enabling Act, submitted and reported a proposal disqualifying any person who advocates, or who belongs to any party, organization, or association which advocates the overthrow by force or violence of the government of the State of Hawaii or of the United States, from holding any public office or public employment.

Inasmuch as Misc. Com. No. 88 calls for a proposal outlawing the Communist Party "by striking the Party off the ballot" and "under the Suffrage and Elections section of our new Constitution, spell out the definition and requirements of political parties," your Committee feels that this matter is peculiarly within the province of the Committee on Suffrage and Elections and recommends that this Communication be referred back to the Committee on Suffrage and Elections for action thereon.—*June 13, 1950*

Clarence Y. Shimamura, Chairman	Thos. Sakakihara C. Nils Tavares
Herbert K. H. Lee	Arthur K. Trask

#### STANDING COMMITTEE REPORT NO. 72

Your Committee on Ordinances and Continuity of Law, to which were referred Paragraphs (1) and (2) of Res. No. 19 and Misc. Com. No. 26, begs leave to report as follows:

Paragraph (1) of Res. No. 19 requested of the Congress of the United States the amendment of H. R. 49, the Hawaii Statehood Enabling Act, by deleting Section 2 thereof relating to the election of delegates to a State Constitutional Convention, their qualifications, and method of election.

Paragraph (2) of Res. No. 19 requested the amendment of the first paragraph of Section 3 of H. R. 49.

Inasmuch as both Section 2 and the first Paragraph of Section 3 of H. R. 49 have been deleted by the Committee on Interior and Insular Affairs of the United States Senate, it is recommended that Res. No. 19, insofar as reference was made to this Committee, be placed on file.

Misc. Com. No. 26 was originally referred to the Committee on Miscellaneous Matters, and by that Committee recommended to be referred to this Committee. The Communication is from Honolulu Post No. 1540, of the Veterans of Foreign Wars of the United States, which submits a Resolution calling for the inclusion in the State Constitution of a suitable provision "outlawing the Communist Party and any and all organizations advocating the overthrow, by force and violence, of our form of government."

In accordance with the amended provisions of H. R. 49, your Committee has already submitted and reported a proposal disqualifying any person who advocates or who belongs to any party, organization, or association which advocates the overthrow by force or violence of the government of the State of Hawaii or of the United States, from holding any public office or public employment.

Your Committee, therefore, recommends that this Communication and Resolution be placed on file.—*June 13, 1950*

Clarence Y. Shimamura, Chairman	Jack H. Mizuha Thos. Sakakihara
Herbert K. H. Lee	C. Nils Tavares Arthur K. Trask

### STANDING COMMITTEE REPORT NO. 73

Your Committee on Ordinances and Continuity of Law begs leave to report as follows:

Your Committee was composed of the following seven members: Clarence Y. Shimamura, Chairman, Marguerite K. Ashford, Vice-Chairman, Herbert K. H. Lee, Jack Mizuha, Thomas T. Sakakihara, C. Nils Tavares, and Arthur K. Trask.

Your Committee submits and reports herewith an Election Ordinance, which is attached hereto, made a part hereof and marked Exhibit "A" [Committee Proposal No. 25, following].

This Ordinance is in compliance with H. R. 49, the Hawaii Statehood Enabling Act, which requires that such a provision be made by this Constitutional Convention. There is no express requirement, however, that such provision be made in the form of an ordinance. Such a provision might well have been included in the section on Suffrage and Elections.

This Ordinance provides the machinery for the election of all State officers to be elected under the Constitution and laws of the state, together with two United States Senators and two Representatives in Congress. It is made incumbent upon the Governor of the Territory to issue a proclamation for an election, or primary and general elections, within 30 days after receipt of notification from the President of the United States certifying his approval of the State Constitution.

The election must take place not earlier than 60 days nor later than 90 days after the Governor's proclamation ordering the election. If a primary election is to be held, it must take place not earlier than 60 days nor later than 90 days after such proclamation, and the general election must take place within 40 days after the primary election.

Such elections and the qualifications of voters are to be governed by the Constitution and laws of the State relating to election of members of the State legislature.

It is made the duty of the Governor to certify the result of the elections to the President of the United States. Under H. R. 49, the President of the United States must issue his proclamation announcing the result of the election, and upon the issuance of such a proclamation by the President, the proposed State of Hawaii is deemed admitted by Congress into the Union on an equal footing with the other states.

Upon the issuance of the proclamation by the President, the officers elected shall proceed to exercise all the functions pertaining to their offices.

Your Committee recommends the passage of this Committee Proposal.—*June 13, 1950*

Clarence Y. Shimamura, Chairman	Jack H. Mizuha Thomas T. Sakakihara
Herbert K. H. Lee	C. Nils Tavares Arthur K. Trask

### COMMITTEE PROPOSAL NO. 25

#### RELATING TO AN ELECTION ORDINANCE

RESOLVED, that the following be agreed upon as part of the State Constitution:

#### ARTICLE \_\_\_\_ . ELECTION ORDINANCE

SECTION 1. That in case the people of the Territory of Hawaii ratify this Constitution and the President of the United States approves the same, the Governor of the Territory of Hawaii shall, within 30 days after receipt of notification from the President certifying such approval, issue his proclamation for an election, or primary and general elections, as may be required, at which officers for all elective offices provided for by this Constitution and laws of this State, except those officers for which this Constitutional Convention, by ordinance duly ratified by the people, shall have made other temporary provisions, shall be chosen by the people; but the officers so to be elected shall in any event include two Senators and two Representatives in Congress and unless and until otherwise required by ordinance of this Convention duly ratified by the people, or by this Constitution or laws of this State, said Representatives shall be elected at large.

SECTION 2. Said election shall take place not earlier than 60 days nor later than 90 days after said proclamation by the Governor ordering the same, or if a primary election is to be held, then the primary election shall take place not earlier than 60 days nor later than 90 days after said proclamation by the Governor, and the general election shall take place within 40 days after the primary election. Such election or elections shall be held, and the qualifications of voters thereat shall be, as prescribed by this Constitution and the laws of this State for the election of members of the State legislature, except as otherwise provided by ordinance of this Constitutional Convention duly ratified by the people. The returns thereof shall be made, canvassed, and certified in the same manner as hereinbefore prescribed with respect to the election for the ratification or rejection of this Constitution.

SECTION 3. When said election of said officers above provided for shall be held and the returns thereof made, canvassed, and certified as hereinbefore provided, the Governor of the Territory of Hawaii shall certify the result of said election, as canvassed and certified as herein provided, to the President of the United States.

SECTION 4. Upon the issuance by the President of the United States of his proclamation announcing the result of said election so ascertained and the admission of the State

of Hawaii into the Union, the officers elected at said election, and qualified under the provisions of this Constitution and laws of this State, shall proceed to exercise all the functions pertaining to their offices in or under or by authority of the governor of this State, and officers not required to be elected at said initial election shall be selected or continued in office as provided by ordinances of the Constitutional Convention duly ratified by the people, or by the Constitution and laws of this State.

SECTION 5. The Governor and secretary of this State, or other officer thereunto authorized, shall certify the election of the Senators and Representatives in the manner required by law.

#### STANDING COMMITTEE REPORT NO. 74

Your Committee on Local Government is composed of the following 15 members: Charles E. Kauhane, Chairman, Samuel K. Apoliona, Jr., Vice-Chairman, Nelson K. Doi, Ann H. Corbett, Edward B. Holroyde, Richard St. Sure, Herbert M. Richards, Toshio Serizawa, Frank Y. Kam, Katsumi Kometani, Harold W. Rice, Thomas T. Sakakihara, Matsuki Arashiro, John R. Phillips, and Sakuichi Sakai.

The following Proposals, Resolutions, Petitions and Standing Committee Reports were submitted to this Committee for consideration:

A. Proposals: No. 88, Pertaining to Local Government for the Creation of Political Subdivisions by the Legislature, etc.; No. 94, Prohibiting the Governor to appoint Officers and Officials in Local County Administration; No. 111, Pertaining to Local Government for the Creation of Political Subdivisions by the Legislature and Prohibiting the Legislature to Appoint Officers and Officials in Local County Administrations; No. 115, Same as No. 111; No. 153, Relating to Local Government; No. 167, Relating to Home Rule; No. 186, Relating to Counties; No. 187, Relating to Local Government; No. 188, Relating to Counties.

B. Resolutions: No. 22, Requesting Careful Consideration to be given to making Lanai a separate County; No. 37, Inviting the Chairman and Executive Officer of the Board of Supervisors of the County of Maui to appear before this Convention to present additional information on the subject of creating a separate county Government for the Island of Lanai.

C. Petitions: No. 5, Lanai Rifle and Pistol Club; No. 3, Lanai Education Association; No. 19, West Kauai Lions Club; No. 18, Lanai City Lions Club; No. 17, Lanai Republican Precinct Club; No. 16, Lanai Young Buddhist Association; No. 15, Lanai Koele Flying Club; No. 14, Lanai Civil Air Patrol; No. 7, Lanai Veterans Club; No. 1, Lanai AJA Club; No. 2, Lanai Parent-Teachers Association; No. 6, Lanai Social Club; No. 23, Lanai Mutual Improvement Association; No. 24, Lanai Relief Society; No. 25, Lanai Community Welfare Association.

D. Standing Committee Reports: No. 13, Recommending the Referral of Proposal No. 94 to the Committee on Local Government; No. 27, Part 1—Report of the Committee on Local Government.

Number of Meetings: The Committee held eighteen meetings, usually of two and a half to four hours duration, and one public hearing.

Persons and Organizations Appearing Before the Committee: Mr. Paul K. Keppeler, Controller, City and County of Honolulu; Mr. C. F. Leicester, President of Lanai Residents' Committee for Self-Government; Mr. M.

G. Monroe, representing Lanai Residents' Committee for Self-Government; Mr. D. B. Billings, representing Lanai Residents' Committee for Self-Government; Mr. James Dyson, representing Lanai Residents' Committee for Self-Government; Mr. Frederick Ohrt, Manager, Board of Water Supply, Honolulu, T. H.; Mr. Michiro Watanabe, Deputy Attorney General; Mr. Suyeki Okumura, Acting City and County Attorney; Mr. Eddie Tam, Chairman and Executive Officer of the Board of Supervisors of Maui County; Mr. K. M. Ahana, Auditor, County of Kauai; Mr. J. Edward Lyons, Administrator, Board of Public Parks and Recreation; and Mr. Frank A. McKinley, Acting City and County Attorney.

Public Hearings: The Committee held one public hearing on the Island of Lanai, at which approximately three hundred people were present, when representatives from the Lanai Residents' Committee advocated self-government for Lanai.

Conferences: The Committee held one conference with members of the Board of Supervisors of the City and County of Honolulu.

Various Writings Submitted to Committee, hereto attached and made a part of this report, as follows: Proposed Budget and Appropriation Ordinance of City and County of Honolulu, 1950, submitted by Controller, Paul K. Keppeler; Memorandum dated April 26, 1950, from Paul K. Keppeler, Controller, City and County of Honolulu; County of Kauai Comparative Statement of Revenues and Expenditures for 15 years; Statement showing Divisional Real Property Tax Rates and Assessments as compared to Divisional Assessments based on an average Territorial Rate, submitted by the Office of the Territorial Tax Commissioner; Lanai's Case for County Status and Voice in the Legislature; Memorandum from the Lanai Residents' Committee for Self-Government; Memorandum on Public Utilities Tax—submitted by City and County of Honolulu Controller's Office; City and County of Honolulu—detailed Statement of Revenues of Operating Funds for 1948, 1949, and 1950; Request No. 1212—Legislative Reference Bureau—Memorandum on Problems of Local Government; Memorandum from the Mayor, Board of Supervisors and other officials of the City and County of Honolulu, dated May 26, 1950; Problems in Creating a County, submitted by Delegate Cable A. Wirtz; The Lanaiian, published by the Lanai Community Welfare Association, May 12, 1950.

Miscellaneous Communications: Miscellaneous Communication No. 27; Miscellaneous Communication No. 95.

The urge for self-government is inherent in every American. This country has been made great by an abiding faith in the principle that the people have the ability and have a right to manage their own affairs. It is the purpose of the Committee to give form and life to this urge in the Constitution.

The question before the Committee was to determine the kind and extent of such self-government. In arriving at an answer different theories and philosophies of local government were considered.

The Committee realized that theories alone were inconclusive. Therefore, careful study was given to pertinent matters as they now exist or may exist in the future in Hawaii. Theories and local conditions were compared and the proposal offered by your committee was tailored to obtain a workable form of local self-government.

It may fairly be said that the consensus of the Committee members was to allow as much independent local self-government as the welfare of the state would permit. For example, it was felt that local taxing power is a desirable feature of self-government, but that in Hawaii, if this were

permitted without limitation, it would be injurious to other local governments and to the state. Such being the case, the taxing power was left to the legislature, the legislature to delegate portions of that power to local governments and to apportion state revenues in such manner and in such amounts as the legislature in its discretion might consider proper.

The Committee felt very strongly that a local governmental unit should have strong powers of self-government with minimum interference from the legislature. Thus, we find the provision that, once defined, a political subdivision of the state shall have full authority to provide for its form of government and management of its own affairs.

The problem of who should be entitled to local government was studied and the legislature was given the power to set up uniform qualifications, and any area or local unit meeting those qualifications would then be entitled to draft and submit to the people a charter for local self-government without further legislative action. Discrimination as to particular localities is consequently prohibited.

Each section of the Committee's proposal is herein explained in fuller detail. The phrase "political subdivisions" has been used often in the proposal and this report. The phrase refers to counties and cities and counties as now constituted and other local units of government including municipal corporations.

**SECTION 1.** The legislature shall define political subdivisions of the state by general and uniform laws.

This first section is strictly confined to the definition of political subdivisions. It does not empower the legislature to go beyond the definition, that is, no provision shall be made by the legislature as to the form and detailed management of the local subdivisions, except as provided in Section 2 in action on special requests and Section 3 on the taxing power. The legislature is limited to defining standards, and that power may be exercised only by laws general and uniform in their application. The political effect of this limitation is that there will be no discrimination between localities. No locality meeting such standards will be precluded from becoming a political subdivision. The legislature will adopt by uniform laws, the conditions that a locality will have to meet before it can become a political subdivision. After the locality meets such conditions, it will be automatically entitled to status as a political subdivision, without further action by the legislature.

**SECTION 2.** Each political subdivision so defined shall have power to provide for the selection of its officials and the form and management of its own affairs, by charter, approved by majority of the voters registered therein. Unless the governing body of a political subdivision so requests, the legislature shall enact no law affecting the property, finances or government of such subdivision which shall be special or local in its terms or in its effect.

The first sentence of Section 2 deposits a constitutional right with each political subdivision to adopt a charter of its own choosing. The Committee feels that the legislature should establish mechanics for this including the manner of electing a charter commission, the composition of this group, their method of procedure and the means for referring the charter to the people and should also provide the funds therefor. This does not give the legislature authority to detail what shall be contained in a charter or to interfere in any way with the self-determination of each political subdivision. If a political subdivision has the power to frame and adopt its own charter, even in the ab-

sence of complete taxing power, it is considered to have at least some degree of home rule. This is the political philosophy strongly endorsed by your Committee.

The Committee feels that any board, commission or department of a local government should be a constituent part of such local government and that all appointments to such boards, commissions or departments should be made by the duly constituted authorities of such local government. The Committee discussed Proposal No. 188 which reads as follows:

All officials of the several local units of government shall be elected by the electors of the said units or appointed by the authorities thereof.

This was not included in the final proposal here submitted because it was felt that Section 2 covered this, and that it would be unnecessary to state it separately.

The second sentence of Section 2 was included after the Committee had heard of the difficulties encountered in the performance of their duties by many officers, both elected and appointed, of the various local governments in the territory. We wish to note that some of the Committee members have served as either elected or appointed officials of the presently constituted political subdivisions and they concur in these conclusions.

It is possible that there might be abuses of the present overall power now vested in the Territorial legislature. This could hamper local officials in serving the best interests of the voters of their respective political subdivisions. Funds could be earmarked for particular purposes thereby depriving the political subdivisions of improvements deemed more important by the locally elected officials. Your Committee feels that policies of local expenditure should not be determined by a government body controlled by non-residents.

**SECTION 3.** The taxing power shall be reserved to the state except so much thereof as may be delegated by the legislature to the political subdivisions, and the legislature shall have the power to apportion state revenues among the several political subdivisions.

Your Committee gave the subject matter of this section extensive consideration. It considered the financial statements of the several counties and the ideas presented to the Committee by the finance officers of the respective counties. Your Committee recognizes that complete home rule would grant broad powers of taxation to the local units of government. Applied to the situation which exists in Hawaii, the Committee found it impractical to advocate such broad local tax power. The facts show that much of the wealth is produced on islands other than Oahu; that much of the taxes paid in Oahu could be attributed to the other islands; and that many business concerns have property located on several islands. On the basis of those findings the committee felt that it would be inequitable to base the power of taxation of the political subdivisions on the present status of property and earnings. Moreover, any attempt in the Constitution to apportion property and earnings for taxation purposes between the several political subdivisions would make for further confusion and injustice because of the great interdependence of these political subdivisions. The Committee also felt that a wealthy county owed an obligation to the state to aid the development of a poorer county. These considerations constrained the Committee to leave the entire taxing power to the state.

This section should not be construed to give any constitutional power of taxation to the political subdivisions. It permits the legislature in its discretion to delegate portions

of the taxing power to the political subdivisions. The legislature also has the power to apportion state revenue in amounts and on such basis as it deems wise. The Committee felt very strongly that the idea expressed in this section must be incorporated in some part of the Constitution. If it has been incorporated in some other part of the Constitution, the Committee will consent to its deletion from this proposal.

**SECTION 4.** This article shall not limit the power of the legislature to enact laws of statewide concern.

The Committee felt that this section should be inserted to make clear the Committee's position, that Section 2 of this Committee's proposal does not restrict any of the powers of the legislature on state matters.

Consideration of Lanai: Careful consideration was given to Lanai's petition for local self-government. Your Committee felt that the Constitution should not grant a specific charter to any specific locality within the state. The legislature will adopt by uniform laws, the conditions that a locality will have to meet before it can be a political subdivision. After the locality meets those conditions, it will be automatically entitled to a status as a political subdivision, even without the consent of the legislature. For example, should Lanai come within those uniform laws, it would be entitled to local self-government. The Committee, therefore, recommends that the proposals and resolutions relating to Lanai's request be accepted and placed on file.

As to other proposals and resolutions above referred to, your Committee recommends that they be placed on file.

Following the passage of this Committee's Proposal on First Reading by the filing thereof, your Committee recommends that the same pass on Second Reading.—*June 13, 1950*

C. E. Kauhane, Chairman	Richard St. Sure
Samuel K. Apoliona, Jr., Vice-Chairman	Toshio Serizawa
Nelson K. Doi	Frank Y. Kam
Ann H. Corbett	Katsumi Kometani
Herbert M. Richards	Harold W. Rice
Edward B. Holroyde	Matsuki Arashiro
	Sakuichi Sakai

Thos. T. Sakakihara—I do not concur.

John R. Phillips—I do not concur.

#### COMMITTEE PROPOSAL NO. 26

#### RELATING TO LOCAL GOVERNMENT

**RESOLVED**, that the following be agreed upon as part of the State Constitution:

#### ARTICLE \_\_\_\_\_

**SECTION 1.** The legislature shall define political subdivisions of the state by general and uniform laws.

**SECTION 2.** Each political subdivision so defined shall have power to provide for the selection of its officials and the form and management of its own affairs, by charter, approved by a majority of the voters registered therein. Unless the governing body of a political subdivision so requests, the legislature shall enact no law affecting the property, finances or government of such subdivision which shall be special or local in its terms or in its effect.

**SECTION 3.** The taxing power shall be reserved to the state except so much thereof as may be delegated by the legislature to the political subdivisions, and the legislature shall have the power to apportion state revenues among the several political subdivisions.

**SECTION 4.** This article shall not limit the power of the legislature to enact laws of statewide concern.

#### STANDING COMMITTEE REPORT NO. 75

Your Committee on Printing to which was referred the following Standing Committee Reports and Committee Proposals, begs leave to report that said Reports and Proposals have this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention: Standing Com. Rpt. No. 70, Ordinances and Continuity of Law—with Committee Proposal No. 24; Standing Com. Rpt. No. 72—Ordinances and Continuity of Law; Standing Com. Rpt. No. 73—with Committee Proposal No. 25; Committee on Ordinances and Continuity of Law; Standing Com. Rpt. No. 74—with Committee Proposal No. 26—Committee on Local Government.—*June 14, 1950*

Charles H. Silva, Chairman

#### STANDING COMMITTEE REPORT NO. 76

Your Committee on Style to which was referred Committee Proposal No. 6, dealing with the Hawaiian Homes Commission Act, has examined the action of the Convention and the report of the Committee of the Whole, and begs leave to report as follows:

1. That the proposal entitled Hawaiian Homes Commission Act be referred to the Convention for third reading in the form attached (Com. Proposal No. 6, RD 1).

2. Your Committee calls attention to the following changes in style which have been made in the proposed article as adopted on the floor of the Convention. (In reviewing the recommended changes the Committee suggests that the delegates compare the Style Committee's Article XIII, Com. Proposal No. 6 RD 1, with Committee Proposal No. 6).

a. The two sections of this proposed article have been numbered Section 1 and Section 2.

b. Two minor changes are suggested in Section 1.

(1) Placing a comma in the seventh line after the word "that" immediately following the word "provided," and

(2) Placing a comma in the eleventh line after the word "that," immediately following the word "further."

c. One minor change is suggested in Section 2.

(1) That the numeral "1" be inserted in the blank space in line six after the word "Section" and immediately after the word "hereof."

Your Committee on Style submits the proposed article, as attached, for the consideration of the Convention.

—*June 15, 1950*

Benjamin O. Wist,  
Chairman  
Nelson K. Doi,  
Vice-Chairman  
J. Garner Anthony  
Marguerite K. Ashford  
Alexander Castro  
Randolph Crossley

Wm. H. Heen  
Steere G. Noda  
Tom T. Okino  
Herbert M. Richards  
Harold S. Roberts  
Clarence Y. Shimamura  
C. Nils Tavares  
Cable A. Wirtz  
Takao Yamauchi

## COMMITTEE PROPOSAL NO. 6, RD 1

## ARTICLE XIII.

SECTION 1. [Hawaiian Homes Commission Act.] Anything in this Constitution to the contrary notwithstanding, the Hawaiian Homes Commission Act, 1920, enacted by the Congress of the United States, as the same has been or may be amended prior to the admission of the State, is hereby adopted as a law of the State, subject to amendment or repeal by the legislature, provided, that, if and to the extent that the United States shall so require, said law shall be subject to amendment or repeal only with the consent of the United States and in no other manner, provided, further, that, if the United States shall have provided or shall provide that particular provisions or types of provisions of said Act may be amended in the manner required for ordinary State legislation, such provisions or types of provisions may be so amended. The proceeds and income from Hawaiian home lands shall be used only in accordance with the terms of said Act, and the Legislature may, from time to time, make additional sums available for the purposes of said Act by appropriating the same in the manner provided by law.

SECTION 2. [Compact with the United States.] The State and its people do hereby accept, as a compact with the United States, or as conditions or trust provisions imposed by the United States, relating to the management and disposition of the Hawaiian home lands, the requirement that Section 1 hereof be included in this Constitution, in whole or in part, it being intended that the Act or Acts of the Congress of the United States pertaining thereto shall be definitive of the extent and nature of such compact, conditions or trust provisions, as the case may be. The State and its people do further agree and declare that the spirit of the Hawaiian Homes Commission Act looking to the continuance of the Hawaiian homes projects for the further rehabilitation of the Hawaiian race shall be faithfully carried out.

## STANDING COMMITTEE REPORT NO. 77

Your Committee on Printing begs leave to report that Standing Com. Rpt. No. 76 and Article 13 of the Committee on Style have this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention.

—June 15, 1950

Charles H. Silva, Chairman

## STANDING COMMITTEE REPORT NO. 78

Your Committee on Agriculture, Conservation and Land was composed of the following 15 members: Herbert M. Richards, Chairman; Edward C. Bryan, Vice-Chairman; Marguerite K. Ashford, Alexander H. F. Castro, Randolph Crossley, Flora K. Hayes, Edward B. Holroyde, Teruo Ihara, Harold T. Kido, W. Harold Loper, Richard J. Lyman, Jr., Earl A. Nielsen, John R. Phillips, Charles A. Rice and James K. Trask.

The following proposals and a resolution were received and considered by your Committee:

Proposals No. 18, relating to Constitutional limitation on concentration of land ownership; No. 41, relating to land; No. 53, relating to land to be included in the State of Hawaii; No. 54, relating to public lands; No. 67, relating to public lands and other property; No. 91, relating to fishing rights; No. 99, relating to health and public welfare (first section);

No. 103, relating to agriculture, conservation and land; No. 107, relating to water; No. 108, relating to agriculture, natural resources and conservation; No. 114, relating to the economic development of Hawaii; No. 116, relating to lands; No. 121, relating to water rights; No. 127, relating to public lands; No. 134, relating to the Departments of Agriculture and Natural Resources; No. 168, relating to residential lands; Resolution No. 33, requesting the Senate of the United States to amend H. R. 49 to return to Hawaii its public lands, and as so amended, to pass said Bill.

The following communications were received by your Committee: a letter from Mr. Walter D. Ackerman, Jr., Attorney General, Territory of Hawaii, dated April 17, 1950; a letter from Dr. Gregg M. Sinclair, President, University of Hawaii, dated April 25, 1950; a letter from Mr. Colin G. Lennox, President, Board of Agriculture and Forestry, dated April 27, 1950; a letter from Hawaii Farm Bureau Federation, dated May 4, 1950; a letter from Chamber of Commerce, dated May 12, 1950; a letter from Mr. Robert C. Hogan, Attorney-at-law, dated May 31, 1950; a letter from Mr. Frank G. Serrao, dated June 1, 1950; letters from Delegate Frederick Ohrt, dated June 6, 1950 and June 13, 1950.

The Committee held 24 meetings, usually of two hours duration and participated in by all members present and frequently by guest speakers and delegates.

The following persons appeared to present their views: Mr. Dan Ainoa, Executive Secretary, Hawaiian Homes Commission; Mrs. Jean Gilbert, former City and County attorney; Mr. William Jan Hull, Engineer, Castle and Cooke, Ltd.; Mr. A. D. Castro, Chairman, Board of Public Lands; Mr. Archie Kaaua, member, Board of Public Lands; Mr. Herbert Hiroshige, Executive Secretary, Hawaii Farm Bureau Federation; Mr. Colin G. Lennox, President, Board of Agriculture and Forestry; Mr. Will N. King, Director, Hawaiian Area Office, U. S. Department of Agriculture; Mr. Walter E. Sykes, Territorial Conservationist, U. S. Department of Agriculture, Production and Marketing Administration; Dr. E. Vernon Brock, member, Board of Agriculture and Forestry; Mr. Richard Toyoshiba, member, Board of Agriculture and Forestry; Mr. O. E. Settee, Pacific Ocean Fisheries Investigation; Mr. William Kakanui, Manager, Tuna Boat Owner's Association; Mr. George Premo, Jr., Hawaii Fish and Game Association; Dr. L. D. Baver, Professor, College of Agriculture; Dr. Eugene C. Aughter, President, Pineapple Research Institute of Hawaii; Dr. Harold A. Wadsworth, Dean, College of Agriculture; Dr. James H. Shoemaker, Director, Department of Business Research, Bank of Hawaii; Mr. John A. Meek, Territorial Lands Department; Dr. Gregg M. Sinclair, President University of Hawaii, Delegate Frederick Ohrt, Chief Engineer and Manager, Board of Water Supply; Delegate Herbert K. H. Lee; Delegate Wm. H. Heen; Honorable Samuel W. King, President, Constitutional Convention; Mr. Robert C. Hogan, Attorney-at-law.

A great many of the meetings were attended by Miss Rhoda Lewis, Assistant Attorney General, and the Chairman and the members of the Committee have been in continuous consultation with her and we wish to express our sincere appreciation for her help. The Committee also wishes to specifically thank Delegate C. Nils Tavares for his contribution in their deliberations.

Matters Referred to the Committee: The Committee recommends that all proposals and resolution be filed, save as to Proposal No. 53, and wishes to report specific action on each proposal as listed below.

Proposal No. 18. Relating to Constitutional Limitations on Concentration of Land Ownership. This proposal was

felt to be a philosophical statement and that the legislature had sufficient power to act on matters contained therein.

No. 41. Relating to Land. The purpose of this proposal is that the public lands be so selected as to further small farming. Part I of the Committee Proposal, Section 5, provides that the public lands be used to further small farming and will serve as a guide in the selection of lands.

No. 53. Lands to be included in the State of Hawaii. This proposal was referred to the Committee on Miscellaneous Matters.

No. 54. Relating to Public Lands. This proposal was redrafted as Committee Proposal No. 5; providing for the continuation of the present land laws, and referred to the Committee on Ordinances and Continuity of Law.

No. 67. Relating to Public Lands and Other Property. This proposal having been originally prepared by the Attorney General's department was used as a basis for the compilation of Part II of the Committee Proposal.

No. 91. Relating to Fishing Rights. This proposal was amended and a portion included in Part I of the Committee Proposal and a portion included in Part II.

No. 99. Relating to Health and Public Welfare, of which the first section was referred to this Committee, was felt to be covered by Section 1 of Part I of the Committee Proposal and by the general powers and functions of the legislature.

No. 103. Relating to Agriculture, Conservation and Land. The subject matter is included in the Committee Proposal, Part I.

No. 107. Relating to Water was felt to be so broad, in the light of many old Hawaiian cases as to the ownership of surface waters, as to be an appropriation of private property without just compensation and in violation of the federal constitution.

No. 108. Relating to Agriculture, Natural Resources and Conservation. The subject matter is covered in the Committee Proposal, Part I.

No. 114. Relating to Economic Development of Hawaii. The Committee discussed the subject matter of this proposal at great length but the consensus of opinion was that such matter was a legislative matter, however, the Committee, without going into a detailed study of the various points in the proposal recommends that this be given legislative consideration.

No. 116. Relating to Lands. This proposal is of the same nature as Proposal No. 54. It was discussed in considerable detail together with other proposals relating to public lands but the Committee decided that it was sufficient to continue the present land laws and leave matters of this nature to the legislature.

No. 121. Relating to Water Rights. The Committee, after due consideration of the subject matter, felt that the legislature, under Section 1, Part I of the Committee Proposal, has full power to act.

No. 127. Relating to Public Lands. Although the Committee approved this Proposal in principle, it felt that it was a legislative matter and therefore is not included in the Committee Proposal.

No. 134. Relating to the Department of Agriculture and Natural Resources. This proposal was used as a basis for much of the consideration by the Committee but was felt by a majority of the Committee to contain matters which should be left to the legislature. The subject matter of parts of it are contained in the Committee Proposal.

No. 168. Relating to Residential Lands. The subject matter was taken into consideration together with the communication on the subject and it was felt that the legislature will have sufficient authority to act. The Committee agreed

with the theory of making residential lands available to the public but felt that public lands should first be made available and that the matter of condemnation of private lands on any island should wait until the parts of the public domain suitable for the purpose have been exhausted.

Resolution No. 33. Requesting the Senate of the United States to amend H. R. 49 to return to Hawaii its Public Lands, and as so amended, to pass said Bill. The Committee understands that the point was developed before the Committee of the Senate and although the Committee is in complete agreement with the purpose of this Resolution, it feels it should not be addressed to the present Congress as it might result in delaying consideration of H. R. 49.

COMMITTEE PROPOSAL—Part I: The Committee felt that it had two problems with which to deal, one, the problem pertaining to the legislative powers and functions and executive powers and functions, and two, the covering of certain requirements of ordinances and continuity of law with particular reference to certain mandates contained in the Statehood Enabling Act, H. R. 49. We, therefore, have broken down our proposal into two parts; we recommend that Part I be incorporated in the main body of the Constitution as a separate article, and that Part II be incorporated in the Schedule of Ordinances, (the nomenclature to be determined by the Committee on Style) which, although an integral part of the Constitution not subject to change by the legislature, is placed at the end because of the fact that the subject matters contained therein are of less importance or will become functus. Your Committee, therefore, presents for your consideration the following to be included as Part I:

SECTION 1. The legislature shall promote the conservation, development and utilization of agricultural, mineral, forest, water, land, fish, game and other natural resources.

This is a general statement of principle which your Committee feels should be emphasized in the Constitution. You will note that there is no restrictive language limiting the application of this philosophy only to public lands. It is the feeling of this Committee that the State should promote conservation, development and utilization of all resources of the State regardless of whether said assets are publicly or privately owned. Your Committee feels that, should conditions warrant, the State, for the public good, should be able to acquire private interests to promote the over-all conservation, development and utilization.

Section 2. The first sentence reads as follows:

SECTION 2. The legislature shall commit to one or more executive boards or commissions full powers for the management of all natural resources owned or controlled by the State, and such powers of disposition thereof as may be authorized by law.

This language definitely relates to publicly owned or publicly controlled assets as it is not the intention of the Committee to infringe upon property rights although as indicated in Section 1 the power of the State is not restricted in acquiring control in legal manner should conditions warrant.

This section was much discussed. Debate centered on the general principle as to whether the details of the administration of the State resources should be included in the Constitution or whether this detail should be left up to the legislature, subject to certain over-all methods of management.

Your Committee feels that the problems of dealing with the natural resources of the State differ somewhat from



those of the other administrative functions. To the extent that the laws permit the disposition, destruction or dissolution of these resources such laws are not like laws which, if unjust, are subject to correction at the next meeting of the legislature. Once a piece of land is disposed of it is gone. It might take generations to remedy a destroyed forest or a contaminated water supply. Hence there was a desire by certain of the members of the Committee to place fairly rigid restrictions on the administration of those assets.

After much study by the Committee of the problems involved, the Committee felt that even though it might be desirable to include certain restrictions on the disposition of these assets the problem was so great that time did not permit adequate study. However, it was felt that even though the scope of the laws was not restricted, by committing the management of these resources to an executive board or boards rather than to an individual, greater continuity of purpose would be achieved and there would be less opportunity for unwise action than there might be with a single executive. The Committee, in its deliberations considered the possibility of setting up specific divisions of administration of these assets in order to obtain the greatest possible efficiency with particular reference to conservation, but, after study, the majority rejected this idea feeling that the legislature should have more leeway to consider the various ramifications.

The Committee understands indirectly that there is a section being considered by the Committee on Executive Powers and Functions limiting the number of boards or commissions to be contained in the Government of the State and respectfully requests that it not preclude the establishment of sufficient boards to administer the resources of the State in their most efficient manner giving due consideration to the conservation of the same.

You will also note that provision is made for the sale or leasing of these assets as may be provided by law.

Section 2. The second sentence and second paragraph read as follows:

The legislature need not commit to such boards or commissions the jurisdiction over resources set aside for public purposes other than those of conservation.

Resources which by authority of the legislature are owned by or under the control of a political subdivision, or a department or agency thereof, are not covered by this section.

The second sentence and the second paragraph of Section 2 merely permit the legislature to omit from committing to boards or commissions assets under the control of political subdivisions or set aside for specific public purposes other than those of conservation, for example, land set aside for airports.

**SECTION 3.** All fisheries in the sea waters of the State not included in any fish pond or artificial inclosure shall be free to the public, subject to vested rights and the right of the State to regulate the same.

In some State constitutions the subject of fishing, included in Section 3, is covered under the Bill of Rights. The continuity of the purpose is expressed in the Organic Act relative to sea fishing. Your Committee feels that this is a matter of concern which not only governs the rights of individuals to fish but also permits the State regulation of the conservation and development of a natural resource.

**SECTION 4.** The legislative power of the State shall extend to lands owned by the State and its political sub-

divisions, and to lands under the control of the State and its political subdivisions, except as otherwise provided in this Constitution, but such legislative power shall be exercised only by general law, except in respect of transfers to or for the use of the State or a political subdivision, or a department or agency of either.

This section reiterates the legislative power of the State but does provide for the restriction that in administering or disposing of the natural resources the legislature must do so by general law. This is to control dissipation of assets by land exchanges under private laws or by homestead laws governing a particular tract of land and the like, however, it does not require a general law for a land transfer between departments of government.

**SECTION 5.** The public lands shall be used for the development of farm and home ownership on as widespread a basis as possible, in accordance with procedures and limitations to be established by law.

This section represents the telescoping of many ideas and proposals considered by this Committee. The Committee unanimously agreed that for the public good, fee simple homes and farms should be made available on as widespread basis as possible, however, it was felt by the Committee that reasonable judgment should be exercised in the manner of making these lands available. The Committee considered placing in the Constitution restrictions similar to those now imposed in section 73 of the Organic Act, somewhat modified to fit present day requirements, but, as stated earlier in this report, it felt that the field was so large that perforce the matter should be decided upon by the legislature. However, the Committee would like to recommend to the legislature that full consideration be given to certain of the restrictions, and to amendments of the restrictions now contained in section 73 of the Organic Act. The consensus of opinion was that the present limitation on the size of households was entirely too great in general at three acres, and in the main, should be much smaller, also new developments in intensive agricultural practices and emphasis on diversified farming should generally permit the reduction in the maximum size of farms from the present 80 acres of agricultural land, as well as the reduction in size of homesteads of first class pastoral lands from a maximum of 500 acres per homestead. The thought of the Committee is that the more families are placed as independent land owners on the public domain, the more stable the economy of the State will be. One other temporary disposition of assets, namely, leases and licenses, was discussed. There were differences of opinion as to whether the present restriction of 15 years on government leases on agricultural lands and 21 years on other leases and licenses permitted the best utilization of those areas. The Committee felt that this deserves further study by the legislature although some felt that longer leases should be granted because it would permit the lessee to be subjected to greater requirements of improvements to be made, which would accrue to the benefit of the State. Such improvements would not only increase the value of the assets themselves, but also in some cases would lead to greater ultimate utilization by the people of the State, for example, by improvements such as the filling or draining of swamps or destruction of noxious growth on pasture lands. It was also felt by some members that where the lease required the expenditure of substantial sums for improvement and development, that the legislature could empower the administrative board to fix, by the vote of substantially more than a majority of the board, a longer term of lease than otherwise would be authorized.



Some of the members were not in accord with the conclusions set forth but felt that the agricultural lands, if developed for homesteading purposes to the fullest extent possible, would render the leasing of lands unnecessary within a relatively short term of years.

Restrictions as to the acquisition of homestead lands by corporations were also discussed and it was felt that since this was closely aligned with financing and other problems of the individual homesteader that the extent of such restriction should be left to the legislature. It was felt by the majority members that the legislature should provide for the reactivation of the Farm Loan Board.

The wording at the end of the sentence "in accordance with procedures and limitations to be established by law" was installed to definitely indicate to the legislature that the mandate contained in the first portion of the sentence did not mean immediate disposition of the resources but that it should be handled in an orderly manner which should not disrupt the over-all economy of the State, or lead to the development of farms that have no prospect of permanent success. For example, the Committee discussed the matter of breaking up large tracts of public lands now being operated by a single corporation which is providing livelihood for many of the citizens of the State. The partial subdivision of such a tract, if improperly made, might destroy the corporation and the jobs created by it without benefit to the homesteaders themselves, similar to that which occurred in Waiakea. Such a situation could occur at Kekaha. The Committee felt that these are problems as to which the legislature should be cautioned, it being the intent of this section that the legislature shall develop a sound plan before putting this section into execution.

**COMMITTEE PROPOSAL—Part II:** Part II is a redraft of Proposal 67 and is for inclusion in the Schedule at the end of the Constitution.

The purpose of Part II is to incorporate in the Constitution provisions as to the public lands and other public property required in order to conform with the Statehood Enabling Bill, H.R. 49, in the form now pending before the Senate Committee on Interior and Insular Affairs, including proposed amendments being considered by that Committee. (References in this report are to "Committee Print A" of May 23, 1950.)

The first section of Part II is derived from the second section of Proposal 67 and carries out the provisions of the Enabling Bill appearing on Page 9, lines 13 to 19, Page 12, lines 12 to 23 and Page 13, line 20 to Page 14, line 17, insofar as such provisions of the Enabling Bill relate to the cession to the United States, or retention by the United States, of property set aside for use of the United States. Minor changes have been made in this section to conform to the proposed amendments contained in the committee print to which reference already has been made.

The second and third sections of Part II are derived from the third section of Proposal 67 and carry out the provisions of the Enabling Bill, Page 15, line 11 to Page 16, line 6 and Page 13, lines 2 to 5. Your Committee has omitted Section 3-C of Proposal 67 which was framed with the intent of conforming to any new and further conditions imposed by Congress with respect to the use by the State of the proceeds of its lands. The reason for omitting this subsection is that your Committee deems it unwise to attempt to anticipate such further conditions or to agree to them in advance. Other changes have been made to more closely conform these sections to the provisions of the Enabling Bill as proposed to be amended.

The first, fourth and sixth sections of Proposal 67 have been omitted as unnecessary.

The fifth section of Proposal 67 also has been omitted; your Committee is informed that the Committee on Ordinances and Continuity of Law has framed a Committee Proposal having to do with authorization to represent the Territory in the matter of selection of lands and the obtaining of title to lands, pending action by the legislature with respect to such representation.

The fourth section of Part II is a new provision framed by the Committee, requiring the condemnation of vested rights in sea fisheries.

Following the passage of this Committee Proposal on First Reading by filing thereof, your Committee recommends that the same pass on Second Reading.—*June 15, 1950*

Herbert M. Richards, Chairman	Teruo Ihara
Edward C. Bryan, Vice-Chairman	Harold T. Kido
Alexander Castro	W. Harold Loper
Randolph Crossley	Richard J. Lyman, Jr.
Flora K. Hayes	Earl A. Nielsen
Edward B. Holroyde	John R. Phillips
	Charles A. Rice
	James K. Trask

Marguerite K. Ashford—I disagree with Section 2, Part II on the ground that it recognizes the propriety of classification by the accident of race, disregards the trust in our public lands with which the United States is charged by the Newlands Resolution, and constitutes a restraint upon the sovereignty of the State.

#### COMMITTEE PROPOSAL NO. 27

#### RELATING TO AGRICULTURE AND NATURAL RESOURCES

RESOLVED, that the following be agreed upon as part of the State Constitution:

#### ARTICLE \_\_\_\_ . PART I

**SECTION 1.** The legislature shall promote the conservation, development and utilization of agricultural, mineral, forest, water, land, fish, game and other natural resources.

**SECTION 2.** The legislature shall commit to one or more executive boards of commissions full powers for the management of all natural resources owned or controlled by the State, and such powers of disposition thereof as may be authorized by law. The legislature need not commit to such boards or commissions the jurisdiction over resources set aside for public purposes other than those of conservation.

Resources which by authority of the legislature are owned by or under the control of a political subdivision, or a department or agency thereof, are not covered by this section.

**SECTION 3.** All fisheries in the sea waters of the State not included in any fish pond or artificial inclosure shall be free to the public, subject to vested rights and the right of the State to regulate the same.

**SECTION 4.** The legislative power of the State shall extend to lands owned by the State and its political subdivisions, and to lands under the control of the State and its political subdivisions, except as otherwise provided in this Constitution, but such legislative power shall be exercised only by general law, except in respect of transfers to or for the use of the State or a political subdivision, or a department or agency of either.

**SECTION 5.** The public lands shall be used for the development of farm and home ownership on as widespread

a basis as possible, in accordance with procedures and limitations to be established by law.

## PART II

**SECTION 1.** Any lands or other property in the Territory of Hawaii, set aside by Act of Congress or by Executive Order or Proclamation of the President or the Governor of Hawaii, pursuant to law, for the use of the United States, whether absolutely or subject to limitations, and remaining so set aside immediately prior to the admission of the State, shall be and become the property of the United States, absolutely or subject to such limitations, in the manner following, that is to say, that insofar as, immediately prior to the admission of the State, the title to such lands or other property is in the Territory of Hawaii or a political subdivision thereof, the State and its people do hereby cede to and vest in the United States absolute title thereto or an interest therein conformable to such limitations, as the case may be, and insofar as, immediately prior to the admission of the State, the title to such lands or other property is in the United States, the State and its people do hereby agree and declare that, if such land or other property is not restored to its previous status by direction of the President of the United States within the period provided by the Congress of the United States for the continuation in effect of the provisions of section 91 of the Hawaiian Organic Act, as amended, which authorize the President to so restore lands set aside for the use of the United States, the United States may retain absolute title thereto or an interest therein conformable to such limitations, as the case may be.

**SECTION 2.** The lands for which the State, upon its admission, is to be issued patents, and the income from and proceeds of such lands, shall be held or used for one or more of the following purposes as the legislature may provide: for the support of the public schools or other public educational institutions, which schools and other educational institutions, so supported in whole or in part, shall forever remain under the exclusive control of the State; for the betterment of the condition of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended; for the development of farm or home ownership on as widespread a basis as possible; for the making of public improvements; or for the provision of lands for public use. No part of such proceeds or income shall be used for the support of any sectarian school, college or university.

**SECTION 3.** The lands and other property the final determination and disposition of which shall not have been made by the Congress of the United States upon the admission of the State, shall, pending such final determination and disposition, continue to be administered in accordance with the laws applicable thereto immediately prior to the admission of the State, except as the Congress may consent to an amendment of said laws, and no provision of this Constitution for the discharge of powers or functions other than in accordance with such laws, shall, without the consent of Congress, apply to the lands or property so administered.

**SECTION 4.** All vested rights in fisheries in the sea waters not included in any fish pond or artificial inclosure shall be condemned to the use of the public upon payment of just compensation, which compensation when lawfully ascertained shall be paid out of any money in the treasury of the State of Hawaii not otherwise appropriated.

## STANDING COMMITTEE REPORT NO. 79

Your Committee on Industry and Labor to which was referred section 4 of Proposal No. 4 and section 20 of Proposal No. 97, begs leave to report as follows:

The following communications were referred to your Committee:

Miscellaneous Communication No. 5: a letter from Mr. Henry B. Epstein, Regional Director, United Public Workers of America, C. I. O., dated April 4, 1950. Miscellaneous Communication No. 7: a letter from Mr. A. S. Reile, Secretary, Central Labor Council of Honolulu, dated April 12, 1950; a letter from Delegate Jack H. Mizuha, Chairman, Committee on Bill of Rights, dated April 19, 1950; a letter from Mr. A. S. Reile, Secretary, Central Labor Council of Honolulu, dated May 8, 1950; a letter from Mr. Dwight C. Steele, President, Hawaii Employers Council, dated May 16, 1950.

The following persons appeared to present their views: Mr. J. Edward Collins of Smith, Wild, Beebe and Cades, Attorney, speaking in behalf of industry; Mr. Charles H. Kendall, Executive Director of the HGEA; Mr. John A. Owens, representing Central Labor Council of Honolulu; Mr. Lawrence Shigeura, representing Central Labor Council of Honolulu; and Mr. Dwight C. Steele, President, Hawaii Employers Council.

The Committee held 15 meetings, two of which were held jointly with the Committee on Bill of Rights, usually of two hours duration and participated in by all members present and frequently by guest speakers and delegates.

Section 4 and Section 20 of said Proposals relate to the right to organize and bargain collectively.

At the very outset there was strenuous opposition to incorporation of the right into the Bill of Rights. Those in opposition to incorporation felt that it was not one of the inherent rights, particularly as it related to collective bargaining; that the words "collective bargaining" had no fixed meaning and the concept was, in fact, in a fluid state, being constantly subject to interpretation by administrative boards and the courts of the country; and that the right was covered by other provisions in the Constitution, to wit: The right to peaceful assembly, civil rights, etc.

Those who favored incorporation believed the right to be an inherent one; that the right to organize carries with it the corollary right to bargain collectively; that even members of industry who testified before the committee stated that the right to organize is an inherent right.

By a 6 to 5 vote, the Committee decided against incorporation of the right to organize and bargain collectively in the Bill of Rights.

Those voting against incorporation are as follows: James F. Gilliland, Edward C. Bryan, Randolph Crossley, Nils P. Larsen, W. O. Smith and Henry A. White, 6. Those voting for incorporation are as follows: Matsuki Arashiro, Frank C. Luiz, Earl A. Nielsen, Harold S. Roberts and Chuck Mau, 5; total, 11.

The Committee then considered whether the right should be incorporated into the Constitution.

By a vote of 6 to 5, the Committee agreed to incorporate the right into the Constitution.

Those voting for are as follows: Matsuki Arashiro, Nils P. Larsen, Frank C. Luiz, Earl A. Nielsen, Harold S. Roberts and Chuck Mau, 6. Those voting against are as follows: James F. Gilliland, Edward C. Bryan, Randolph Crossley, W. O. Smith and Henry A. White, 5; total, 11.

Section 4 of Proposal No. 4 reads as follows:

Citizens shall have the right to organize, except in military or semi-military organizations not under the supervision of the state, and except for purposes of resisting the duly constituted authority of this State or of the United States. Employees shall have the right to organize and to bargain collectively through representatives of their own choosing.

Section 20 of Proposal No. 97 reads as follows:

Persons in private employment shall have the right to organize and bargain collectively. Persons in public employment shall have the right to organize, present to and make known to the State or any of its political subdivisions or agencies, their grievances and proposals through representatives of their own choosing.

Since Proposal No. 182, although not officially referred to your Committee, seeks to declare the same right stated in section 4 of Proposal No. 4 and section 20 of Proposal No. 97, and was discussed in detail by your Committee, we feel that a report on Proposal No. 182 will cover and dispose of said sections 4 and 20.

Proposal No. 182 reads as follows:

All persons shall have the right to organize, except in military or semi-military organizations not under the supervision of the State, and except for purposes of resisting the duly constituted authority of this State or of the United States. Persons in private employment shall have the right to organize and bargain collectively. Persons in public employment shall have the right to organize, to present to and make known to the State, or any of its political subdivisions or agencies, their grievances and proposals.

As will be noted, Proposal No. 182 consists of three sentences:

The first sentence recognizes the right of all persons to organize, and recognizes the right of free association for mutual objectives. A limitation is placed on the right to organize where military or semi-military organizations not under the supervision of the state are involved. An exception is also made of organizations which have for their purpose, and are organized to resist the duly constituted authority of the state or of the United States. The purpose of such an exception is to deny the right of organization to military or semi-military organizations which seek to overthrow our form of government by force or violence. Although the Constitution recognizes the right of groups to organize, it specifically limits that right where the organization threatens the welfare and security of the state or of the Federal government through violence or force of arms. After discussion it was decided to eliminate this first sentence. It was pointed out that the Bill of Rights Committee also recommended its deletion.

The second sentence states that persons in private employment shall have the right to organize and bargain collectively. During the discussions of the committee, the suggestion was made that the wording be modified to read: "The right to organize for the purpose of collective bargaining." The language was not intended to limit the right of organization but to indicate the major purposes of organizations of persons in private employment which is directed to collective bargaining.

The question was also raised as to whether or not the recognition of this right to organize and bargain collectively would preclude any regulation by the State in the public interest. Language was therefore incorporated which would

recognize that this right like many others is not an absolute right but subject to reasonable regulation in the public interest. It was suggested that the section read: "Employees in private employment and employers shall have the right to organize for the purpose of bargaining collectively, subject to reasonable regulation by the legislature in the public interest."

On motion it was voted to read as follows: "Persons in private employment shall have the right to organize for the purpose of collective bargaining, as prescribed by law."

During the discussion, it was generally agreed that the words "as prescribed by law" permitted the legislature to prescribe reasonable regulations concerning the right to organize for the purpose of collective bargaining.

On motion to adopt the amendment, the vote was 6 to 2. Those voting for are as follows: Edward C. Bryan, Randolph Crossley, James F. Gilliland, Nils P. Larsen, W. O. Smith and Henry A. White, 6. Those voting against are as follows: Harold S. Roberts and Chuck Mau, 2. The following were absent: Matsuki Arashiro, Frank C. Luiz and Earl A. Nielsen, 3; total, 11.

The third sentence states that employees in public employment shall have the right to organize and to present and make known to the state its grievances and proposals.

The Committee recognizes that the rights of private employees and public employees have to be regarded in a different light. Public employees have many of their conditions of employment prescribed by ordinances or statutes and do not, in the full sense of the term, bargain collectively with employers. The employers technically are the state and its political subdivisions and there has been no recognition of the use of economic power by employees in the public service such as has been recognized between private employees and private employers.

It was not the intent of the Committee to limit the rights of public employees but to recognize rights which are at present accepted. The same, of course, is true of the rights of private employees. The right to organize and to bargain collectively is recognized in national policy, both under the Wagner Act and under the Taft-Hartley Act. The right has been recognized by the decisions of the Supreme Court of the United States.

Attached to, and made part of this report are separate statements setting forth the majority and minority opinions on the question "Should the Constitution contain a provision on the Right to Organize and Bargain Collectively?" The majority of the Committee voted for its inclusion.

Following this action by the majority, those voting in the minority agreed, that if the article is to be written into the Constitution it should be in a separate article on Industry and Labor and should be in the form set forth in the Committee Proposal. Those voting in the majority for the inclusion of the article did not all agree on the language. Their first preference was for the draft of Proposal 97, section 20; their second preference was for the qualifying language "subject to reasonable regulation by the legislature, in the public interest."

Your Committee, therefore, recommends that the Committee Proposal, attached hereto, be adopted and placed under an article designated "Industry and Labor."

Disposition of Other Proposals: Other proposals had been referred to your Committee and as to them, your Committee begs leave to report as follows: No. 37, relating to the eight hour day on public works; No. 38, relating to minimum wage laws for women and minors; No. 46, relating to qualifications for domestic stockholders.

Your Committee filed the above proposals because they contained purely legislative matters. (Standing Com. Rpt. No. 29)

Proposal No. 29, Relating to Labor: This proposal covers the right of every person to be free to obtain employment whenever possible, the right to work regardless of membership or non-membership in any labor union and the right to organize and bargain collectively.

Your Committee recommends that this proposal be filed on the grounds that the subject matters involved are either not proper for inclusion in the Constitution or are covered by other proposals before your Committee.

Proposal No. 25, Relating to the right to organize and the right to work: Your Committee recommends that this Proposal be filed since the subjects mentioned therein are covered by other proposals submitted to your Committee.

Proposal No. 191, Relating to full employment: This proposal was introduced by Delegate James K. Trask at the instance and during the absence of the Chairman. The latter stated that the wording did not set forth his ideas. Your Committee recommends that this proposal be filed.

The Chairman thereafter submitted two alternative proposals. The first set up an Economic Board limited to making recommendations to the Executive and the Legislature on the ways and means of developing the economic resources of the State and to meet unemployment and its attendant consequences. Objections thereto were based on the proposition that the Executive and Legislative now have the power to do what is called for in the proposal; and that private industry is constantly studying ways and means to improve and develop economic resources; and that this creates another "bureaucratic" department.

The second proposal was the creation of a board consisting of representatives of Management, Labor and the Public to recommend to the Governor and the Legislature ways and means to combat unemployment. Similar objections were raised to this proposal, including the mandatory nature of the proposal.

The Chairman and Delegate Nils P. Larsen stated that unemployment was fraught with danger to our government; that the unemployed become easily susceptible to ideas foreign to those in a democracy; that the proponents of such ideas or the "rabble-rousers" seek to set the stage for the acceptance of foreign "isms;" that therefore such a board or commission should be created in the Constitution so that the Executive and the Legislative cannot avoid continuous attention to a problem vital to the well being of the community.

No member of the Committee disagreed with the purpose of the proposal, but objectors maintained, however, that the Executive or the Legislative could handle the problem.

The Committee gave serious consideration to constitutional provisions looking to economic development in the Territory and increase of employment opportunities.

Members of the Committee have surveyed activities presently in progress in that field.

The Committee is impressed with the work of the Territorial Full Employment Committee, appointed by the Governor December 1, last, to "formulate and coordinate a program to alleviate unemployment." This Committee includes representatives of labor, management and the government.

Reports of the Territorial Full Employment Committee show that it has been engaged in intensive effort to stimulate employment, working on both short range and long range prospects. Its task force of technical experts, headed by Mr. James H. Shoemaker, is making careful studies of Hawaiian potentials.

The Committee's efforts have been successful in such directions as recruitment of workers for military projects in the forward areas of the Pacific in Hawaii, in achieving cooperation of military authorities to place higher priorities on projects within the Territory which will create maximum employment, in encouraging and expediting public works, urban redevelopment and conservation projects in the Islands, in initiating a program to stimulate renovation and improvement of property by individuals in the community, and action in other potentially productive directions.

It is notable that at least a start has been achieved in reducing unemployment in the Territory. The Department of Labor and Industrial Relations estimated 33,451 unemployed on January 31, and 29,985 unemployed on March 31.

Further, we believe that the long range studies, sponsored by the Territorial Industrial Research Advisory Council, created by the 1949 session of the Legislature, with an appropriation of \$370,000 may create means to accelerate agricultural and industrial development in Hawaii. This Council has already allocated \$256,364 for developmental research projects, described as forming the following pattern:

1. Development of superior processed products, through the work of a canning and freezing laboratory, studies in the handicraft field, and research on production of animal feed from fishery and sugar cane by-products.
2. Development of improved treating, packing, packaging, and handling of a wide range of products such as tropical fruits, flowers and foliage to assure utmost salability and prevention of spoilage.
3. Studies of market possibilities on the mainland for Hawaiian products, with the development of the most effective sales methods.

In addition we find that well over \$3,000,000 annually is being spent in the Territory on continuing research and developmental activities by such public and private bodies as the Extension Service and Experiment Station at the University, the Board of Agriculture and Forestry, the Visitors Bureau, and the activities of the sugar, pineapple and other industries, Chambers of Commerce and the Hawaiian Economic Foundation.

It is encouraging that the islands' tourist business, in recent seasonal peak months, has broken all previous records, aided by the Visitors Bureau, for which the Legislature appropriated \$500,000 for the biennium. It is notable that the Bureau announces it is making concentrated efforts to encourage the building of medium-priced tourist facilities, and directing its promotional efforts to reach the large numbers of middle income travelers who might come to Hawaii.

Having studied the work underway, it is the consensus of the majority of this Committee that stimulation and coordination of efforts to achieve economic development and full employment for the people of the Territory has been, and should continue to be, regarded as a major responsibility of the government of Hawaii.

Nevertheless, the majority of the Committee believes that any effort to specify in the Constitution, beyond the general welfare provision setting forth the responsibility of the state government to act in the general welfare, would be impractical, and might handicap the legislature in the future. It appears highly impractical to set down specific permanent principles, or specify certain governmental agencies to act in such a broad and constantly changing field as economic development over the years ahead.

The majority of the Committee, however, having thoroughly explored this problem, takes this occasion to recommend

the following for the serious consideration of the next session of the Legislature:

1. The work of the Industrial Research Advisory Council should be continued. While major developmental activities should be carried out by such public and private organizations as now exist, there is a clear need for a coordinating activity, as provided by the Industrial Research Advisory Council.

2. Consideration should be given to legislative provision for an Employment Opportunity Committee, or similar public body. The present committee is voluntary, and appears to have been somewhat handicapped by the necessity of entire reliance upon voluntary staff assistance. Nevertheless, the major activity of such a group should be based on achieving the fullest possible voluntary participation of all available community groups, because it can be successful only as it achieves such broad participation, but an adequately paid staff should be provided.

Department of Labor: It is the consensus of your Committee that labor and industrial relations lie at the core of our economic problems and their vital importance to our people as a whole cannot be minimized.

Your Committee, therefore, strongly recommends that a Department of Labor and Industrial Relations be provided for with full powers to meet the problems involved in labor and industrial relations, and that if specific provision is not made for such department in the Constitution, then a recommendation to that effect be submitted to the Legislature.

Industrial Accident Board: The Chairman introduced for discussion a provision on an Industrial Accident Board similar to the provision in the California Constitution.

Your Committee recommends filing this proposal on the ground that it is legislative in character.—June 15, 1950

Chuck Mau,  
Chairman  
James F. Gilliland,  
Vice-Chairman  
Edward C. Bryan

Randolph Crossley  
Nils P. Larsen  
Earl A. Nielsen  
Harold S. Roberts  
W. O. Smith  
Henry A. White

#### COMMITTEE PROPOSAL NO. 28

#### RELATING TO RIGHTS OF PERSONS TO ORGANIZE

RESOLVED, that the following be agreed upon as part of the State Constitution:

#### ARTICLE \_\_\_\_\_.

SECTION \_\_\_\_\_. Industry and Labor. Persons in private employment shall have the right to organize for the purpose of collective bargaining, as prescribed by law. Persons in public employment shall have the right to organize, to present to and make known to the State, or any of its political subdivisions or agencies, their grievances and proposals.

#### APPENDIX NO. 1

Statement in support of the majority that "The right to organize and bargain collectively" should be included in the Constitution of the new State of Hawaii.

The majority has examined the arguments of those opposed to the inclusion of such a section. These may be summarized as follows:

1. The right is already accepted by statutory enactments.  
2. The right is already protected in other sections of the Bill of Rights.

3. The right is not fixed or well defined.

4. The right will prevent the State to protect itself from abuse by unions or employers.

5. The right is not found in many constitutions.

The majority suggests to the members of the Convention that these arguments are of insufficient weight compared to the vital need of protecting the right to organize and to bargain collectively in our fundamental law. Let us briefly examine these arguments.

1. The right is already accepted by statutory enactments: It has been contended by some that since this right has been accepted by the Federal government in existing statutes and by the Territory of Hawaii in territorial laws, that there is no need for its incorporation in the Constitution. Such reasoning is, of course, equally applicable to many provisions which may be incorporated in the Constitution. A Constitution, it is recognized, deals with more fundamental questions than matters subject to statutory regulation and constant change. It is the position of those who favor the inclusion of this section that the right to organize and bargain collectively is of fundamental importance. It is, for that reason, that we urge its incorporation in the Constitution.

2. The right is already protected in other sections of the Bill of Rights: It has been contended by some of those opposing the incorporation of this section that this right has already been incorporated in other sections of the Bill of Rights, and, there is no need therefore, for any further elaboration of this right. It might be equally well argued that since this proposal is already incorporated that there ought to be no further objections to its inclusion in a form which clarifies and succinctly presents the concept which has been widely accepted, with which employers and unions are in general accord, and which may be easily understood by employees, employers and the general public, which ultimately has to ratify this Constitution.

3. The right is not fixed or well defined: It has been contended by some that the concept of collective bargaining is a concept which is not static or fixed. That is quite true. The fact that a concept is not completely fixed or adjudicated does not mean that it has no place in our fundamental law, such as our Constitution. One has but to read recent decisions of the Supreme Court of the United States which is still adjudicating questions on the meaning and application of the rights of free speech, religious freedom, etc., in our changing times to recognize that many concepts in our Bill of Rights are not fixed. There are no fixed or unchanging concepts in a dynamic and changing society.

The decision of the Supreme Court in the Whitney case recognizes that fixed standards are hard to establish.

This court has not yet fixed the standard by which to determine when a danger shall be deemed clear; how remote the danger may be and yet be deemed present; and what degree of evil shall be deemed sufficiently substantial to justify resort to abridgment of free speech and assembly as the means of protection. To reach sound conclusions on these matters, we must bear in mind why a state is, ordinarily, denied the power to prohibit dissemination of social, economic and political doctrine which a vast majority of its citizens believes to be false and fraught with evil consequence.—Brandeis, J. concurring in *Whitney v. People of State of California*, 274, U.S. 357, 374, 47 S. Ct. 641, 648, 71 L.Ed. 1905 (1927).

4. The right will prevent the State to protect itself from abuse by unions or employers: It has been contended by

some that this section should not be incorporated in the Constitution because it would take away the right of the state to regulate, in the public interest, the activities of employers and employees in the field of labor and management regulation. This group contends that rights established in the Constitution are rights which the legislature may under no circumstances qualify.

Those of us who favor the inclusion of this section recognize that the incorporation of a provision in the Constitution does limit regulation by the state. We recognize that these limitations are not absolute limitations. Rights are relative terms and must be examined in the light of other parts of the Constitution and the total public interest. Such a concept has been generally recognized by the Courts. The Supreme Court of the United States has said:

It is a fundamental principle, long established, that the freedom of speech and of the press which is secured by the Constitution, does not confer an absolute right to speak or publish, without responsibility, whatever one may choose, or an unrestricted and unbridled license that gives immunity for every possible use of language and prevents the punishment of those who abuse this freedom.—Sanford, J., in *Gillow v. People of State of New York*, 268, U.S. 652, 666, 45 S. Ct. 625, 630, 69 L. Ed. 1138 (1925).

The same is also expressed in the Schenck case, in which Justice Holmes made the following announcement.

The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic.

The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree.—*Schneck v. United States*, 249 U.S. 47, 52, 39 S. Ct. 247, 249, 63 L. Ed. 470 (1919).

5. The right is not found in many constitutions: It has been contended by some that since such a provision is to be found in only three state constitutions that the section, therefore, should not be included. In reply, it might be pointed out that the question as to whether or not a provision should be included in the Constitution does not rest on its frequency in other Constitutions but rests on its desirability and importance in framing our Constitution in order to have it adopted by the people of the Territory to meet their problems and their needs.

It might also be pointed out that the three states which have incorporated the right to organize and bargain collectively are the three states which have most recently revised their Constitutions and have incorporated these sections to indicate the general recognition and acceptance of this concept in present political and economic thinking. The three states are New York, Missouri and New Jersey.

The State of New Jersey in 1947 completely revised its Constitution and included the provision which it later publicized to the people as one of the grounds for ratification of the revised document. The provisions of the three states on the right to organize and bargain collectively are as follows:

a. New York, Article I, Section 17: . . . Employees shall have the right to organize and to bargain collectively through representatives of their own choosing.

b. Missouri, Article I, Section 29: Organized Labor and Collective Bargaining.—That employees shall have the right to organize and to bargain collectively through

representatives of their own choosing.

c. New Jersey, Article I, Section 19: Persons in private employment shall have the right to organize and bargain collectively. Persons in public employment shall have the right to organize, present to and make known to the State, or any of its political subdivisions or agencies, their grievances and proposals through representatives of their own choosing.

It might also be pointed out that although these states have specifically recognized the right of employees to organize and bargain collectively that such recognition has not prevented reasonable regulation by the state. The courts have recognized that reasonable regulation in the public interest is within the power of the state in carrying out its general functions in the interest of all its citizens.

The Supreme Court of the State of Missouri in 1947 in the case of *City of Springfield, Missouri vs. H. Clowes et al* (356 Missouri 1239) held that Article I, Section 29 of the Missouri Constitution which provides that "employees shall have the right to organize and to bargain collectively through representatives of their own choosing" (Missouri Constitution adopted in 1945, Article I, section 29) does not apply to municipal employees but was intended merely to safeguard collective bargaining as the term was usually understood. The same Court in the case of *King et al vs. Priest et al* (357 Missouri 68) reaffirmed its position in holding that the Constitution did not give employees of the police department the right to organize and bargain collectively.

The original proposal at the Missouri Constitutional Convention stated that there was to be "no abridgment" of the right of employees to organize. This proposal was rejected by the Convention on the ground that the language was too comprehensive and might be construed as a limitation of the police power of the state. The Supreme Court of the State of Missouri commented as follows on the provision in the Missouri Constitution:

Section 29 . . . was intended to safeguard collective bargaining as that term was usually understood in employer and employee relations in private industry. It is in the exact language of the N.I.R.A. Act of 1933 [48 Stat. 195, 198 Chapter 90, section 7 (a) (1)] the stated purpose of which was "promoting organization of industry . . . to induce and maintain united action of labor and management."

The real purpose of such bargaining is to reach agreements and to result in binding contracts between unions representing employees and their employer. But legislative discretion cannot be lawfully bargained away and no citizen or group of citizens have any right to a contract for any legislation or to prevent legislation.

The Missouri Supreme Court based its conclusions on two United States Supreme Court decisions: [Allen Bradley et al vs. Wisconsin Employment Relations Board (237 Wis. 164, 295, N.W. 791 affirmed 315 U.S. 740) *Amalgamated Utility Workers vs. Consolidated Edison Company* (309 U.S. 261, 84 L. Ed. 732)]

The Missouri Supreme Court further stated that all citizens had the right preserved by the first amendment to the United States Constitution to "organize for any proper purpose as well as to speak freely" and to present their views and desires to any public officer or legislative body. The Missouri Supreme Court concluded that employees had these rights before these rights were written in the section in the Missouri Constitution.

In New York state which also has adopted language in its constitution to the effect that "employees shall have the right to organize and to bargain collectively through re-

representatives of their own choosing," (New York Constitution, Article I, section 17, adopted in 1938), the court stated that the constitutional provision is a

guarantee, in the form of the fundamental right, of something that both legislative policy and prevailing court decisions had previously recognized.—*Trustees of Columbia University et al vs. Herzog et al* (46 N.Y.S. 2d 130, 53 N.Y.S. 2d 617).

In that case, it was contended that certain portions of the State Labor Relations Act were in derogation of that part of the Constitution. The court in passing on the constitutionality of the New York State Labor Relations Act said that the constitutional provision in the New York Constitution accords "recognition to the right of labor to organize and bargain collectively which, in 1935 had found expression in the Labor Relations Act. The amendment was not intended to invalidate existing legislation which imposed a duty on employers to bargain collectively with employees even though that obligation by reason of certain exemptions or exceptions was not in all respects co-extensive with the rights of labor."

In the *Tiofilo* case, the Court qualified the collective bargaining rights of the employees as guaranteed by the Constitution and the New York State Labor Relations Act by stating that

such methods must be to further lawful labor objectives by lawful means . . . but the use of these weapons must not be abused. Picketing must not exceed peaceful persuasion, and where it cannot be disassociated from violence, its use will be prohibited. The means as well as the end must be lawful.—*New York vs. Muller and Tiofilo* (286 N.Y. 281 at 287); see also *Milk Wagon Drivers Union vs. Meadowmoor Dairy* (312 U.S. 287).

It should be clear from this that a provision in the Constitution which recognizes the right to organize and to bargain collectively does not thereby preclude the legislature from dealing with the problems of labor and management nor restrain the Courts in giving reasonable construction to the basic purposes in the constitution protecting the rights to organize and to bargain collectively.

The majority therefore urges the inclusion, in the Constitution, of a section guaranteeing the right to organize and bargain collectively.

Chuck Mau,  
Chairman

Nils P. Larsen  
Earl A. Nielsen  
Harold S. Roberts

#### APPENDIX NO. 2

##### Minority Report on Action of Committee on Industry and Labor Recommending Inclusion in the Constitution a Proposal Relating to Right of Persons to Organize

On May 31 by a 6-5 vote the Committee decided to incorporate a provision on the right to organize and bargain collectively in the Constitution.

Those voting for incorporation were as follows: Delegates Matsuki Arashiro, Nils P. Larsen, Frank C. Luiz, Earl A. Nielsen, Harold S. Roberts and Chuck Mau.

Those voting against incorporation were as follows: Delegates Edward C. Bryan, Randolph Crossley, James F. Gilliland, W. O. Smith and Henry A. White.

The minority voting against the inclusion of any constitutional provision with respect to the right to organize and bargain collectively hereby submits a summary of their reasons for being in opposition thereto.

Collective bargaining is a method of arriving at a bargain more frequently referred to as an agreement or contract. Freedom of contract is a right of all the people. Bargaining is not now and never has been illegal. Collective bargaining is not now and never has been illegal. Neither is organization for any lawful purpose illegal. Our present day labor laws that deal with organization and collective bargaining do not make lawful that which was unlawful. What those laws do is to create a duty to bargain and set forth the conditions under which the duty shall exist. They make it unlawful to refuse to bargain if certain conditions are met. This duty imposed by law impairs the freedom of those whom it affects. The Federal Government justifies this in the exercise of its power to regulate inter-state commerce. State governments justify it in the exercise of reserved state power to curtail the rights of individuals (within limits) in the interest of the general welfare of all the people. It is strictly a legislative function to determine the extent to which individual rights should be curtailed in the interest of the general welfare. It is a judicial function to determine whether or not the legislature has exceeded constitutional limits in the exercise of its powers.

As stated above it was proposed to write into the constitution a provision that persons in private employment shall have the right to organize and bargain collectively. We oppose the inclusion of any such provision because we believe that it is apt to be construed by the courts to place limitations upon the regulatory power of the legislature to a degree adverse to the best interests of all the people. Some proponents say that the provision only spells out the rights which already exist and that the legislative function would remain the same. If this is so, then the provision is meaningless and should not clutter up the constitution. The courts, however, are not apt to presume that constitutional provisions are or were intended to be meaningless and they will be called upon to construe all regulatory legislation in the light of the constitutional provision if included.

Suppose a provision were written into the constitution to the effect that all persons shall have the right to drink whiskey, or all persons shall have the right to drive automobiles. Those rights exist today subject to some important exceptions and conditions. Therefore, if such provisions were included in the constitution, they must be construed to be either meaningless or as intended to restrict legislative restraint upon the free exercise of said rights. The latter result will be injurious to the public good. The former result would be known only after years of litigation.

"Persons in private employment" constitute only a segregated group of the people for whom the constitution is being written. Why should they be singled out for special treatment? The only legitimate motive would be if it is calculated to benefit the people as a whole. We submit that the exact opposite would be the case. As a state, all interstate employment will cease to be subject to the Federal Labor-Management Relations Act, and will be subject to the Hawaii Employment Relations Act if it continues to be the law. Immediately all provisions of that act which make exception to or curtail and condition the exercise of the right of collective bargaining will be subject to question. Even if ultimately by judicial interpretation such provisions are upheld and the constitutional provision is thus determined to mean nothing, you will have invited years of uncertainty and perhaps chaos. If on the other hand, the courts find that the constitution has deprived the legislature of its present power to regulate, that would mean special privilege has been conferred upon one group at the expense of the public good.



Under the present law there is a duty to bargain with the chosen representative of a majority of the employees who are employed in a unit deemed appropriate for bargaining purposes. Certain classes of employees are excluded from such units. Thus the minority in the unit and the employees excluded therefrom are not given the same rights as the others. These regulations are of the utmost practical importance. Would such regulations stand up under the proposed constitutional provision? Only time would tell.

We submit that:

1. It has been demonstrated that the right to organize and bargain collectively exists without express constitutional reference.
2. That those rights have been and are now protected and enforced by appropriate legislation.
3. That reference to those rights in the constitution will inevitably cause a long period of uncertainty and may very well result in an undue curtailment of legislative power, diametrically opposed to the best interest of all the people.

Edward C. Bryan  
Randolph Crossley

James F. Gilliland  
W. O. Smith  
Henry A. White

#### STANDING COMMITTEE REPORT NO. 80

Your Committee on Printing to which was referred the following Standing Committee Reports and Committee Proposals, begs leave to report that said Reports and Proposals have this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention: Standing Com. Rpt. No. 78—with Committee Proposal No. 27; Standing Com. Rpt. No. 79—with Committee Proposal No. 28.

—June 16, 1950

Charles H. Silva, Chairman

#### STANDING COMMITTEE REPORT NO. 81

I, the undersigned member of the Committee on Industry and Labor cannot agree with the majority on the committee proposal for the following reasons:

1. The majority report is an excellent statement on why the right to bargain collectively should be in the constitution.
2. I have no objection to the majority report as it is written.
3. This minority report, however, is in opposition to the language of the final proposal attached to the majority report, and most particular to that language which states that persons in private employment shall have the right to organize for the purpose of collective bargaining "as prescribed by law."
4. The reasons I object to the addition of these four small but highly significant words are as follows:

a. They are entirely unnecessary. If the right to bargain collectively is to be a right in fact, then it cannot be limited *as a right* by some legal prescription. We do not have "freedom of speech, as prescribed by law." If we did, it would take away the very right of freedom of speech.

b. Other basic rights are not similarly limited by the "four little words." Why? Again the answer is the same. Either you have a right or you do not. The function of law is not to establish or limit a basic right, but to administer and protect that right.

c. In the majority report the constitutions of New York, New Jersey, and Missouri are cited and the sections dealing with the right to bargain collectively are quoted. It will be noted that in no instance is there any limitation on the right to bargain, *as a right*, "as prescribed by law." It will also be noted that these sections are contained in the "Bill of Rights" under those constitutions.

d. The lawyers in this convention well know that the four words "as prescribed by law" could, and I venture to guess, would be interpreted to mean that the legislature could, by law, completely remove the right to bargain collectively! It would leave the entire matter in the hands of the legislature.

e. The addition of the four little but potent words "as prescribed by law" is, in my opinion, a deliberate affront to those who basically believe in the right of collective bargaining for labor. It is an effort to convince labor that they have actually achieved the recognition of a right for which they have fought and struggled for so long. But, in fact, they have not. It is simply a "now you see it, now you don't" affair. It is a way of saying, "why yes, you have the right to bargain collectively—if the law, the legislature, will let you." Those four words "as prescribed by law" could well suck the entire yolk and white from the egg, leaving only a thin meaningless shell. Viewed from a distance, the proposed clause may appear to have form and meaning . . . but in practical application and meaning it is completely without substance.

f. The majority report points out, and quite properly, the reasons why the Constitution of the future State of Hawaii should explicitly state the right to bargain collectively. What a foolish thing to do—to point out the need for that right, the justice of the right, and then to take it away by the addition of four small but in this case sinister and poisonous words.

g. If the right to bargain collectively is indeed a right, if indeed it properly belongs in the Constitution—then put it in the Constitution as it stands, a pure, simple and clear statement.

h. This Constitutional Convention can do much towards bringing about greater understanding between labor and management through a simple and honest statement in that labor does have the right to bargain collectively. This is a right, the recognition of which labor in Hawaii is not yet assured. A statement by this Convention, with no curves attached, no legislative power to take away that right or re-prescribe right "by law," would be a fine and true expression which would greatly ease and relieve the present conviction of many in Hawaii that the right to bargain collectively has not yet been accepted here in the Territory, soon to be State of Hawaii.

5. While this is a minority report to the proposal submitted through the Committee on Industry and Labor, I should like to again emphasize to the Convention as a whole, my deep feeling that the section dealing with the right to bargain collectively most properly belongs in the Bill of Rights, rather than under Industry and Labor. It is included in the Bill of Rights in the three constitutions cited in the majority report. It is a clarification and expressed statement of a right which is implicit within other portions of the Bill of Rights. However, whether or not it is placed in the Bill of Rights section of the Constitution or under a separate section on Industry and Labor, I am firmly opposed to any limitation of the right through the present "four little words" formula or any other formula.

6. For the above reasons, among others, I feel compelled to submit to the Convention this minority report in



opposition to the proposal as worded submitted with the majority report.

7. I offer the following proposal on language as a substitute for the language proposed by the majority report:

**SECTION 7 (a).** Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection. USCA, Title 29, section 157.

—June 16, 1950

Frank C. Luiz

#### STANDING COMMITTEE REPORT NO. 82

Your Committee on Printing to which was referred Standing Com. Rpt. No. 81 begs leave to report that said Report has this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention. —June 17, 1950

Charles H. Silva, Chairman

#### STANDING COMMITTEE REPORT NO. 83

Your Committee on Legislative Powers and Functions, to which was referred Proposal No. 69 entitled: "A Proposal Relating to Legislative Powers and Functions," and Proposal No. 175 entitled: "A Proposal Relating to Legislative Powers and Functions," begs leave to report as follows:

Your Committee feels that the consideration of said proposals should be a part of the functions of the Committee on Agriculture, Conservation and Land and, therefore, recommends that said proposals be referred to the Committee on Agriculture, Conservation and Land for its consideration.

—June 17, 1950

Wm. H. Heen, Chairman

#### STANDING COMMITTEE REPORT NO. 84

The undersigned member of your Committee on Local Government begs leave to file this minority report.

The report of the majority of your Committee on Local Government states that the Committee has been guided by its belief that "the people have the ability and have a right to manage their own affairs" and that it was the consensus of the members that the Committee should "allow as much independent local self-government as the welfare of the state would permit." Although the Committee's Proposal is drafted upon strong "home-rule" lines, it does reserve to the Legislature the power "to enact laws of statewide concern."

We are in full accord with the principle of increased local self-government, but are unable to agree with the manner in which the majority would achieve this end. The majority report would prohibit the Legislature from enacting any law, beneficial or not, respecting the activities of an individual unit of government unless that action had been first requested by the Board of Supervisors or other governing body of the local unit. Everyone of us will recognize that the individual citizen is frequently unable to obtain a satisfactory solution to particular problems presented to his local governing body. It is in recognition of this that the members of your territorial legislature have for many years constituted an agency which not only listens to requests of individual citizens but furnishes in many respects

the only solution to such problems. The majority report would have the citizens' only recourse against his local government's failure to take action on the vote that he casts at election time. There are many who would say that this recourse is sufficient. In practice, and without depreciating in the least the intelligence of the voter, it just does not work that way. We feel very strongly that there must be an alternative available to the individual citizen, and we feel equally strongly that the Legislature has, as that alternative, efficiently performed that function in the past and should not be limited in the future.

In our Territory which is, after all, substantially a state-type of government (excepting for the presidential appointment of the Governor, Secretary, and Judges) the present division of functions and responsibilities of government between the Territory and the counties is the result of steady development since 1905 when county government was first instituted. Such development by acts of the Legislature has given us a system of government in which the details of operation of the following functions and activities which are often considered of a "local government" character are conducted basically under territorial statutes and not under county ordinance: airports, principal highways, libraries, civil service, fixing of public salaries, retirement system, police department, liquor control, public housing (H.H.A.), public parks and recreation (City and County of Honolulu only), public waterworks (excepting rural Oahu and Kauai), property taxes, schools and public welfare.

Some might even argue that certain of the functions for which the Board of Health and the Board of Commissioners of Agriculture and Forestry are now responsible are properly within the scope of county or town government.

At the time of writing this minority report the report of the Committee on Legislative Powers and Functions had not been released. The report of the majority of the Committee on Local Government includes a proposal with respect to taxes (to be a state matter) and the reports of other committees have provided, or are understood to provide, for state control of schools and public welfare. Proposals with respect to health and agriculture and forestry activities may or may not be in sufficient detail to fix the functions of those departments so definitely as to leave no question as to whether or not certain of the present activities thereof may, under the Committee on Local Government's proposal, be considered "local" in character.

With respect to most of the functions above listed, it seems to be the present consensus of this Convention that details ought not to be "spelled out" in the Constitution; thus, it seems clear that, if the report of the majority of the Committee on Local Government is adopted, there will be a perpetual invitation to local governments to assume control of many of the functions which are now either operated by the Territorial government or boards or commissions under Territorial statutes or operated by the county governments or boards or commissions in a manner prescribed by Territorial statutes.

The committee's proposal that each political subdivision "shall have power to provide for the . . . form and management of its own affairs" and that the article "shall not limit the power of the legislature to enact laws of statewide concern" is most impracticable. The indefiniteness of the line that would be established between the constitutional scopes of state and local governments, respectively, would give the courts and attorneys a perpetual field day.

It is the belief of the undersigned that the entire subject under discussion should be delegated to the Legislature which, according to present indications, will be comprised of a House in which the City and County of Honolulu will

have a majority, and a Senate in which the outer islands will have a majority. Such a plan should assure well-considered legislation because it would mean that fundamental governmental policies and organization (other than as fully set forth in the Constitution) would be determined by the people of Oahu alone. This Convention will be remies if it adopts a Constitution worded in a manner to make it possible for Oahu alone to bring about drastic changes in presently effective laws under the claim that "its own affairs" included this or that function theretofore within the scope of the territorial government.

The several functions and activities listed herein are actually "of statewide concern." If they were otherwise the laws would not be effect. Adoption of Committee Proposal 26, as presented, however, would result in continuous questioning by chartered areas as to the classification of functions as "of statewide concern."

It is recommended that there be substituted for the four sections of Committee Proposal 26 the following (one section only):

**SECTION 1.** The legislature may create counties and town and city municipalities within the State and provide for the government thereof, and all officials thereof shall be appointed or elected, as the case may be, in such manner as shall be provided by the legislature.

The foregoing is identical with Section 56 of the Organic Act excepting as follows:

1. The opening word "That" of Section 56 is eliminated.
2. "State" is substituted for "Territory of Hawaii."
3. The words "governor and" are eliminated from just prior to the last word "legislature" in the above.
4. The words "of the Territory" are eliminated after the last "legislature." —June 17, 1950

Thos. T. Sakakihara

#### STANDING COMMITTEE REPORT NO. 85

Your Committee on Agriculture, Conservation and Land to which was referred Proposals Nos. 69 and 175, both entitled: "A Proposal Relating to Legislative Powers and Functions," begs leave to report as follows:

The subject matter of both proposals is the same, both dealing with the power of eminent domain for the purpose of condemning private land for subdivision into farms and houselots. Although there is no specific reference to it in our Committee Proposal, the Committee Report at the top of Page 8 specifically indicates that it is the feeling that the legislature "for the public good" has the powers to carry out the suggestions contained therein.

The Committee, therefore, recommends that the foregoing proposals be filed. —June 19, 1950

Herbert M. Richards, Chairman	Edward B. Holroyde
Edward C. Bryan, Vice-Chairman	Teruo Ihara
Marguerite K. Ashford	Harold T. Kido
Alexander Castro	W. Harold Loper
Randolph Crossley	Richard J. Lyman, Jr.
Flora K. Hayes	Earl A. Nielsen
	John R. Phillips
	Charles A. Rice
	James K. Trask

#### STANDING COMMITTEE REPORT NO. 86

Your Committee on Printing begs leave to report that Standing Com. Rpt. No. 84, submitted by Delegate Thomas

T. Sakakihara, Member of the Committee on Local Government, as a minority report in connection with Committee Proposal No. 26, has been printed in accordance with the second paragraph of Rule 47 (c) of this Convention.

—June 19, 1950

Charles H. Silva, Chairman

#### STANDING COMMITTEE REPORT NO. 87

Your Committee on Printing to which was referred Committee of the Whole Report No. 7 and Committee Proposal No. 8, begs leave to report that said Report and Proposal have this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention. —June 20, 1950

Charles H. Silva, Chairman

#### STANDING COMMITTEE REPORT NO. 88

Your Committee on Style to which was referred Committee Proposal No. 3, dealing with the Bill of Rights, has examined the action of the Convention and the report of the Committee of the Whole, and begs leave to report as follows:

1. That the proposal entitled Bill of Rights be referred to the Convention for third reading in the form attached (Com. Proposal No. 3, RD 1).

2. Your Committee calls attention to the following changes in phraseology and arrangement which have been made in the proposed article as adopted on the floor of the Convention. (In reviewing the recommended changes the Committee suggests that the delegates compare the Style Committee's Article I, Com. Proposal No. 3, RD 1, with Committee Proposal No. 1).

3. The proposed article has been designated Article I.

4. Each section has been given a subtitle.

5. In view of the fact that in several sections of the original proposal the exact language of the Federal Constitution is used, the shifting of commas to conform to modern style standards should not be interpreted as the intention of the Committee on Style to depart from any interpretations based in judicial decisions.

6. The following changes in arrangement appear in the proposed article:

a. Sections 5, 7 and 18 have been combined into a single section, numbered 3 in the proposed article (RD 1). The purposes of this rearrangement are:

- (1) To bring related matters together, and
- (2) To follow the more traditional practice of the Federal Constitution.

b. Section 4 of the original proposal has been combined with the second sentence of Section 6 in the proposed article, as Section 4. The purposes of this rearrangement are:

- (1) To conform to the traditional practice of the Federal Constitution, and
- (2) To bring together in one section the basic protection to all persons, both citizens and non-citizens.

c. The last sentence of Section 10 of the original proposal is removed from that section and set up as a separate section: Section 12 (RD 1).

d. A new sequence of sections had been followed in the proposed article, as follows: Section 1, no change; Section 2, no change; Section 3, original 5, 7, 18; Section 4, original 4 and part of 6; Section 5, original 8; Section 6, original 3; Section 7, original 6; Section 8, original 9; Section 9, original 12; Section 10, no change in order;

original second sentence made a separate section; Section 11, no change; Section 12, second sentence of original 10; Section 13, original 14; Section 14, original 17; Section 15, original 16; Section 16, no change; Section 17, original 13; Section 18, original 20; Section 19, no change; Section 20, original 21.

The purpose of the above is to effect a more logical arrangement of sections, setting forth the more general rights before those of a specific nature.

7. Your Committee on Style recommends the changes in phraseology and punctuation indicated below. Where line numbers are mentioned reference is made to new sections as they appear in Article I (Com. Proposal RD. 1). It is the judgment of the committee that none of these changes affects the substance of the original proposal of the Committee on Bill of Rights.

Section 1. Subtitle proposed: Political Powers; a comma after the word "State" in line 2; a comma after the word "thereof" in line 3; a period after the word "people" in line 3; delete the word "and" in line 3; capitalize the letter "A" in word "All" in line 3; delete the word "herein" in line 4.

Section 2. Subtitle proposed: Rights of Man; transpose the word "free," making it the fourth instead of the sixth word in the sentence; change the word "inalienable" to "unalienable" in line 2, to conform to Federal style; substitute a period for the comma after the word "rights" in line 3; capitalize the letter "A" in the word "Among" in line 3; substitute the words "these rights" for the word "which" in line 3; substitute the words "enjoyment of" for the word "enjoying" in line 3; delete the words "right of" after the word "the" in line 5; insert the word "of" after the word "possessing" in line 5; insert the word "their" after the word "recognize" in lines 6-7.

Section 3. Subtitle proposed: Freedom of Religion, Speech, Press, Assembly and Petition; substitute the word "enacted" for the word "passed" in line 1; delete the comma after the word "religion" in line 2; substitute a comma for the period after the word "thereof" in line 3; substitute the word "or" for the words "no law shall be passed" in line 3; substitute a comma for the period after the word "press" in line 4, adding the word "or" before the word "the" and a small "t" in the word "the" before the word "right" in line 4; delete the words "or any department thereof shall never be abridged" and substitute the words "for a redress of grievances."

Section 4. Subtitle proposed: Due Process and Equal Protection; delete the comma after the word "liberty" in line 2; delete the period after the word "laws" in line 4; substitute the word "or" for the words "No person shall be denied" in line 4; substitute the word "or" for the word "nor" after the word "rights" in line 4; substitute the word "thereof" for the words "of his civil rights" in lines 4-5; substitute the words "race, religion, sex or ancestry" for the words "religious principles, race, sex, ancestry, or national origin" in line 6.

Section 5. Subtitle proposed: Searches and Seizures; delete the comma after the word "searched" in line 7; substitute the word "persons" for the word "person" in line 7.

Section 6. Subtitle proposed: Rights of Citizens.

Section 7. Subtitle proposed: Enlistment, Segregation; substitute the words "race, religious principles or ancestry" for the words "religious principles, race, color, ancestry, or national origin" in lines 3-4.

Section 8. Subtitle proposed: Indictment, Trial by Jury, Criminal Cases; delete the comma after the word "capital" in line 2; use a small "g" and "j" in words "grand jury" in line 3; substitute the word "armed" for the words "land or

naval" and "or in the militia" in line 4; substitute a semicolon for a comma after the word "danger" in line 5; delete the words "of life and limb" in line 7; substitute a semicolon for a comma after the word "jeopardy" in line 7.

Section 9. Subtitle proposed: Bail, Excessive Punishment.

Section 10. Subtitle proposed: Trial by Jury, Civil Cases; delete the subtitle "Jury Trial;" delete the comma after the word "law" in line 1; substitute a period for the semicolon after the word "preserved" in line 4; delete the word "however" and the comma immediately following; capitalize the letter "T" in the word "The" immediately preceding the word "legislature" in line 4.

Section 11. Subtitle proposed: Rights of Accused; insert a comma after the word "trial" in line 3; substitute the word "district" for the words "judicial circuit" in lines 4, 5 and 6; delete the words "in accordance with law" after the word "accused" in line 8; insert the word "the" after the word "with" in line 10.

Section 12. Subtitle proposed: Jury Service.

Section 13. Subtitle proposed: Habeas Corpus and Suspension of Laws; substitute the word "privileges" for the word "privilege" in line 1; delete the comma after the word "laws" in line 5; substitute the word "thereof" for the words "the laws" in line 6; delete the comma after the word "laws" in line 6.

Section 14. Subtitle proposed: Supremacy of Civil Powers; insert the word "held" after the word "be" in line 2.

Section 15. Subtitle proposed: Right to Bear Arms; delete the word "State" in line 1; substitute a small "m" for capital "M" in the word "militia" in line 1.

Section 16. Subtitle proposed: Quartering of Soldiers; delete the word "State" in line 2, substitute a small "m" for capital "M" in the word "militia" in line 2.

Section 17. Subtitle proposed: Imprisonment for Debt.

Section 18. Subtitle proposed: Eminent Domain.

Section 19. Subtitle proposed: Limitations on Special Privileges.

Section 20. Subtitle proposed: Construction.

Your Committee on Style submits the proposed article, as attached, for the consideration of the Convention.

—June 20, 1950

Benjamin O. Wist,  
Chairman  
Nelson K. Doi,  
Vice-Chairman  
J. Garner Anthony  
Marguerite K. Ashford  
Alexander Castro  
Randolph Crossley

Wm. H. Heen  
Steere G. Noda  
Tom T. Okino  
Herbert M. Richards  
Harold S. Roberts  
Clarence Y. Shimamura  
C. Nils Tavares  
Takao Yamauchi

## ARTICLE I.

SECTION 1. [Political Power.] All political power of this State, and the responsibility for the exercise thereof, is inherent in the people. All government is founded on this authority.

SECTION 2. [Rights of Man.] All persons are free by nature and are equal in their inherent and unalienable rights. Among these rights are the enjoyment of life, liberty and the pursuit of happiness, and the acquiring and possessing of property. These rights cannot endure unless the people recognize their corresponding obligations and responsibilities.

SECTION 3. [Freedom of Religion, Speech, Press, Assembly and Petition.] No law shall be enacted respecting

an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

SECTION 4. [Due Process and Equal Protection.] No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws or the enjoyment of his civil rights or be discriminated against in the exercise thereof because of race, religion, sex or ancestry.

SECTION 5. [Searches and Seizures.] The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

SECTION 6. [Rights of Citizens.] No citizen shall be disfranchised, or deprived of any of the rights or privileges secured to other citizens, unless by the law of the land.

SECTION 7. [Enlistment, Segregation.] No citizen shall be denied enlistment in any military organization of this State nor be segregated therein because of race, religious principles or ancestry.

SECTION 8. [Indictment, Trial by Jury, Criminal Cases.] No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the armed forces when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy; nor shall any person be compelled in any criminal case to be a witness against himself.

SECTION 9. [Bail, Excessive Punishment.] Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

SECTION 10. [Trial by Jury Civil Cases.] In suits at common law where the value in controversy shall exceed one hundred dollars, the right of trial by jury shall be preserved. The legislature may provide for a verdict by not less than three-fourths of the members of the jury.

SECTION 11. [Rights of Accused.] In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the district wherein the crime shall have been committed, which district shall have been previously ascertained by law; or of such other district to which the prosecution may be removed with the consent of the accused; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

SECTION 12. [Jury Service.] No person shall be disqualified to serve as a juror because of sex.

SECTION 13. [Habeas Corpus and Suspension of Laws.] The privileges of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

The power of suspending the laws or the execution thereof shall never be exercised except by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly prescribe.

SECTION 14. [Supremacy of Civil Power.] The military power shall be held in strict subordination to the civil power.

SECTION 15. [Right to Bear Arms.] A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

SECTION 16. [Quartering of Soldiers.] No soldier or member of the militia shall, in time of peace, be quartered in any house, without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

SECTION 17. [Imprisonment for Debt.] There shall be no imprisonment for debt.

SECTION 18. [Eminent Domain.] Private property shall not be taken for public use without just compensation.

SECTION 19. [Limitations on Special Privileges.] The power of the State to act in the general welfare shall never be impaired by the making of any irrevocable grant of special privileges or immunities.

SECTION 20. [Construction.] The enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

## STANDING COMMITTEE REPORT NO. 89

Your Committee on Style to which was referred Committee Proposal No. 8, RD 1, dealing with Suffrage and Elections, has examined the action of the Convention and the report of the Committee of the Whole, and begs leave to report as follows:

1. That the proposal entitled Suffrage and Elections be referred to the Convention for third reading in the form attached (Com. Proposal No. 8, RD 2).

2. Your Committee calls attention to the following changes in arrangement, phraseology and punctuation which have been made in the proposed article as adopted on the floor of the Convention. (In reviewing the recommended changes the Committee suggests that the delegates compare the Style Committee's Article VII, Com. Proposal No. 8, RD 2, with Committee Proposal No. 8, RD 1).

3. The proposed article has been designated Article VII.

4. The following changes and additions have been made in subtitles:

Section 1 "Qualifications" is substituted for "Qualification of Voters;" Section 2, "Disqualifications" is substituted for "Disqualification of Voters;" Section 3, no change; Section 4, "Registration, Voting" is substituted for "Registration; Voting;" Section 5, the subtitle "Elections" is added.

5. Your Committee on Style recommends the changes in arrangement, phraseology and punctuation indicated below. Where line numbers are mentioned reference is made to the revised sections as they appear in Article VII (Com. Proposal No. 8, RD 2). It is the judgment of your committee that none of these changes affects the substance of the original proposal of the Committee on Suffrage and Elections, as approved by the Convention on second reading.

Section 1. The phrases separated by semicolons (numbered 1, 2, 3, 5) have been merged into a single sentence to include the whole substance of these phrases. This has been done to avoid the unnecessary use of numbers, to avoid the duplication of the words "shall be," and for purpose of better language construction. Item 4 of the original draft has been retained as a separate sentence, but not numbered. The words "and a registered voter" have been changed to "and is a voter registered." The comma after the word "voters" has been deleted. The original words "In order to be qualified to vote in any state or local elec-

tion, a person" have been changed to read "shall be qualified to vote" in both sentences 1 and 2 and have been incorporated as the final words of the first sentence in the redraft, and after the word "person" in the second sentence.

Section 2. The word "convicted" has been substituted for the words "under conviction." This change reflects the consensus of the Convention, as indicated in the debate of the Committee of the Whole, that a person would not be disqualified on grounds of being charged with felony.

Section 3. The word "because" has been substituted for the words "by reason" to conform to usage already adopted in other articles of the Constitution. Commas have been substituted for semicolons in lines 4 and 5, and the word "nor" in these two lines has been changed to "or." These changes have been made for purpose of clarity and improved language construction.

Section 4. The word "qualified" has been deleted in line 2. It is the consensus of your committee that such deletion does not change the meaning of the section. Its inclusion, however, makes the meaning ambiguous in view of the fact that registration, which is the subject-matter of the section, is one qualification for voting. Your Committee interprets the meaning of the words "registration of voters" as persons otherwise qualified to vote. The last sentence of the original section has been shifted to line 3, after the word "voters," as a parenthetical phrase "and for absentee voting." The comma after the word "elections" has been replaced by a period. The words "provided that" have been deleted, and the words "secrecy of voting be preserved" have been replaced by a new sentence: "The secrecy of voting shall be preserved." The above changes have been made in the interest of improved language construction and do not affect substance.

Section 5. The words "first Tuesday after" have been substituted for the words "Tuesday next after," of the original draft. It is the consensus of your Committee that the latter wording is archaic and an awkward expression. The words "according to law" in line 5 have been replaced by the words "in accordance with law" to conform to practice already adopted in other sections of the Constitution. None of the above changes affect substance.

Your Committee on Style submits the proposed article, as attached, for the consideration of the Convention.

—June 22, 1950

Benjamin O. Wist,  
Chairman  
Nelson K. Doi,  
Vice-Chairman  
J. Garner Anthony  
Marguerite Ashford  
Alexander Castro  
Randolph Crossley

Wm. H. Heen  
Steere G. Noda  
Tom T. Okino  
Herbert M. Richards  
Harold S. Roberts  
Clarence Y. Shimamura  
C. Nils Tavares  
Takao Yamauchi

#### COMMITTEE PROPOSAL NO. 8, RD 2

#### ARTICLE VII. SUFFRAGE AND ELECTIONS

SECTION 1. [Qualification.] Every citizen of the United States, who shall have attained the age of 20 years, and has been a resident of this State not less than one year next preceding the election, and is a voter registered in accordance with law, shall be qualified to vote in any State or local election. No person shall be qualified to vote unless he is also able, except for physical disability, to speak, read and write the English or Hawaiian language.

SECTION 2. [Disqualifications.] No person who is non compos mentis and no person convicted of felony, unless

pardoned and restored to his civil rights, shall be qualified to vote.

SECTION 3. [Residence.] No person shall be deemed to have gained or lost residence simply because of his presence or absence while employed in the service of the United States, or while engaged in navigation, or while a student at any institution of learning.

SECTION 4. [Registration, Voting.] The legislature shall provide for the registration of voters, and for absentee voting, and prescribe the method of voting at all elections. The secrecy of voting shall be preserved.

SECTION 5. [Elections.] General elections shall be held on the first Tuesday after the first Monday in November in all even-numbered years. Special elections may be held in accordance with law. Contested elections shall be determined by a court of competent jurisdiction in such manner as shall be provided by law.

#### STANDING COMMITTEE REPORT NO. 90

Your Committee on Printing to which was referred Standing Com. Rpt. No. 89 and Committee Proposal No. 8, RD 2, begs leave to report that said report and proposal have this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention.—June 23, 1950

Charles H. Silva, Chairman

#### STANDING COMMITTEE REPORT NO. 91

The undersigned member of your Committee on Local Government begs leave to file this minority report:

As a member of your Committee on Local Government, this minority report is being submitted with the view to bringing into full maturity in Hawaiian Government the advantages of 75 years of American local government experience. The major premise of this report shall be throughout that: *The more the local people are permitted to do for themselves, the better will be the state and its citizenry.*

It is at the local level that government is most closely identified with the citizens' everyday life. In fact the local governments are in a direct sense the extension of the home.

This fundamental doctrine has been the end of American government since it was instituted; that the opportunity for self-government, initiative, experiment and civic pride are the foremost prerequisites of a democratic people; that this doctrine was inherited from successive Anglo-Saxon generations over a period of 600 years since the Magna Charta and culminated in the overthrow of despotic government from afar by the colonists who founded the nation simply because they were being governed by an authority that was situate 3,000 miles from the governed.

Our system of government is inextricably bound to this doctrine, and the legislative tyranny and despotism of "special legislation" practiced in the past on our Hawaiian divisions of government under the Organic Act is obnoxious to this concept just as it has been to almost half the states in the Union who have written *Home Rule* provisions into their constitutions. Therefore, any contention that *Home Rule* is still a "theory" is at best a platitude. Right-about-face, instead of being a mere "theory," it is a basic American concept of government, and to continue the outmoded methods set forth in certain provisions offered in Committee Proposal No. 26 would be tantamount to tying the hands and

feet of Hawaiian State Government for many years to come. Hawaiian State Government can be no more than the sum total of the efficiency of its local administrative units.

Government *must* be set up with the approval of the persons concerned and over whom that government is to operate.

Government *must* be close to the people in order to insure responsibility and efficiency and the perpetuation of our democracy.

Government is intricate and complex; requires local decisions and judgments; arbitrarily demands responsibility and "know-how." When it is performed for the people by someone else (i.e., the state legislature) it is a departure from democracy, an encouragement of weakness and lethargy, an intrigue for special favors, a legislative meddling in local affairs, and a behind-the-scenes totalitarianism that will stunt and stifle our future Hawaiian State.

Finally, the *training grounds* and *schools* of State Government lie singularly in the local subdivisions.

Early territorial government was a highly centralized government. A combination of economic, racial, and military considerations required it to be centralized. But those considerations are no longer in evidence, and even as far back as 1905 and 1907 Congress saw fit to alleviate such centralization by dividing the territory into counties. In reality, it would have been almost impossible to administer the territory without them; every State of the Union is divided into counties. The county performs, as its primary task, functions which are of concern chiefly to the State as a whole. It is the most conspicuous agency of that decentralized administration which characterizes the States in general. The chief criticism of the county in this minority report is *the form of our County Governments: There is no single responsible head which results in lack of co-ordination. In addition, the elected officials are far in excess of the need for that type of selection. County Home Rule is a step in the right direction. By this means a government can be built to fit the peculiar needs of each locality. But County Home Rule will not disturb the functions the county performs in behalf of the State as an agent of its administration. The Legislature shall provide by statute the terms under which the county may devise its own form of organization.*

Therefore any worry regarding an allotment of complete autonomy to county government is ungrounded and is not, under any circumstances, the intention of Home Rule for counties.

By their nature counties must be considered separately from municipalities. However, Hawaiian territorial local government actually affected a reform in local government when the City and County of Honolulu was consolidated by Congressional statute; that the combination of citizens and counties throughout the territory is a beneficial type of local government is one of the main theses of this report.

*The following postulates are assumed throughout the Report:*

1. That the State is supreme in all governmental matters.
2. That all references to "Home Rule" will mean Constitutional Home Rule (as against legislative home rule as advocated in the majority report).
3. That Home Rule for cities has a much broader meaning than Home Rule for counties.
  - a. That County Home Rule must be more limited than that for cities, due to their "agent-of-the-state" relationship, and their creation by the state for administrative, political, and judicial purposes.
  - b. That cities are geographical phenomena of chiefly an economic and sociological nature, and are recognized

and incorporated for the purpose of supplying local needs and solving problems peculiar to municipalities rather than mere agents of administration for the state. *Herein lies the reason for requesting freedom from undue interference from the State.*

4. That the decentralization of authority that Home Rule poses is, and has always been, a doctrine of American Government.

5. That the word charter in reality means constitution; the reasons for saying charter is that it derives its power from the State Legislature rather than from the people.

6. That *Dillon's Rule* will act as a safeguard against any contention that home rule will permit a city and county to usurp state supremacy in all state matters. *Dillon's Rule:*

It is a general and undisputed proposition of law that a municipal corporation possesses and can exercise the following powers, and no others:

First, those granted in express words;

Second, those necessarily or fairly implied in or incident to the powers expressly granted;

Third, those essential to the accomplishment of the declared objects and purposes of the corporation,—not simply convenient, but indispensable. Any fair, reasonable, substantial doubt concerning the existence of power is resolved by the courts against the corporation, and the power is denied.

Two major questions are posed in the report: (1) Does Home Rule have value? (2) Can it fit the Hawaiian situation?

The Legislative Reference Bureau, upon request from the Standing Committee on Local Government (Request No. 1212) set forth the reasons why Home Rule would be valuable to Hawaiian government. For example, the legislative record consistently shows that:

The Legislature forbids the counties by special statute to issue bonds unless approved by 65% of the qualified voters therein. This same body then proceeds to require the county to issue a great number of county bond authorizations without the question being referred to the voters in the counties at all.

In addition, these counties are also mandated by the legislature to make expenditures with money borrowed from loan funds, and then the county is obligated to repay both the principal and interest. This is an example of the "Legislative Tyranny" that has caused practically every State in the Union to write all manner of restrictions on the legislature into their Constitutions, viz., Home Rule for local government.

The legislature, by mandated law, forces counties to make appropriations for: (1) The salaries of many county officials. (2) That Kauai appropriate not less than an amount in excess of a quarter-million dollars (\$290,000) for its police department. (3) The purchase of mobile dental units and their operation. (4) Make appropriations for War Memorials. (5) The operation of fire departments. (6) Over-time pay for county employees . . . and many others.

(Please note that this is by no means an attack on the legislature but an exposition of the faulty system that necessitates the legislature to perform these functions for the subordinate units.)

Examples other than those pertaining to appropriations and finance are:

1. The divided authority in administration, such as the appointment by the Governor of members to county boards and commissions when those members are not responsible to, nor need they be attentive to the local county inhabitants.

2. The number of, and manner of selection of county officers.

3. The numerous other acts of special legislation so rife under our present inadequate system.

The Legislative Reference Bureau sums it up concisely in Request No. 1212 when it states that centralization weakens the potential effectiveness of local government, and that "sound, efficient local government, responsible to local needs is impossible of achievement with such a system."

The Council of State Governments has said that "Constitutional Home Rule probably offers a greater scope of municipal freedom than general laws, and correct schemes of home rule can be made to operate more effectively. The uses of special legislation are the least desirable means of giving corporate existence and authority to localities." And they specifically point out that . . . but prohibitions against special legislation are relatively ineffective unless balanced by appropriately *broad powers for localities*.

All of us remember the conference held in June, 1939, in which representatives of all the counties met to discuss the problems of county Home Rule, and they decided by vote at that time to petition Congress to amend the Organic Act to provide for it. Specifically, they wanted (1) to prohibit special legislation, and (2) legislation directing counties to appropriate funds for certain purposes. In this same conference, the possibility of requesting independent charters and the power to tax was also discussed. The war intervened and unfortunately this effort was relegated to a later date until Statehood was realized.

Our own Mayor Wilson, in his 1948 Message expressed the desire of the people when he said:

Unlike cities of comparative size on the mainland, the City and County government of Honolulu has no real autonomy. We are dependent almost entirely upon the territorial legislature for funds required for any major improvement. In the State constitution Honolulu's status as a municipality would be definitely established under a charter and there is no doubt but what the people would demand that such a charter grant us full autonomy.

From the above, it can be seen that not only does Home Rule have value, but also the Hawaiian situation is in dire need of it. It is apparent that a city possessing Home Rule powers operates at a great advantage over cities or counties which do not enjoy Home Rule. In the latter, the local units have no powers beyond such as are granted by the state legislature or necessarily implied. In the former, the city is supreme in certain fields; and, even in others where the state retains jurisdiction, it is still supreme as long as there is no conflict to a material degree with state enactments. There is no conflict where the state has not acted in a field reserved to it, and there is no fatal conflict in all instances between state and municipal enactments on the same subject. If the cities, and cities and counties, and counties of our new State are to perform well the vital function of local self-government essential to the democratic process, *They must have more Home Rule*.

The Mayor, the Board of Supervisors and other officials of the City and County of Honolulu presented the Standing Committee on Local Government their views concerning "Home Rule" for the City and County of Honolulu is provided for by only Proposal No. 167. Consequently, Proposal No. 167, with amendments and additions is herewith submitted to the Convention for consideration. Before going into the reasons why Proposal No. 167 will answer Hawaii's need for a proper degree of local autonomy, it is not impertinent to point out that the C & C Controller, Paul K.

Keppeler, in a written statement to the standing committee earnestly recommended that the State Constitution of Hawaii provide for the following:

1. That the Counties and City and County of Honolulu be put on a home rule form of government.
2. Eliminate mandates on the counties by the State.
3. Broaden local powers of taxation so that local legislative bodies can solve their own budget problems.

In quoting Harold L. Henderson, Executive Director, Minnesota Institute of Governmental Research, the Controller, Mr. Keppeler said:

Local units of government must be independent financially if they are to maintain strong and virile self government. It is true that many local officials do not relish the prospect of levying local taxes. Nevertheless, the necessity for doing so would promote economy and preserve their independence.

It is recommended that there be substituted for the four sections of Committee Proposal No. 26 of the Standing Committee on Local Government the following article:

**SECTION 1. Organization of Local Government.** Provisions for the incorporation of counties, cities, and other local units of government, and the alteration of boundaries, consolidation of neighboring local governmental units, and dissolution of any local governmental unit shall be made by general law of uniform application; but no such law shall become operative in any local governmental unit until submitted to the qualified voters thereof and approved by a majority voting thereon.

**SECTION 2. Home Rule for Local Units.** Any city or city and county may adopt or amend a charter for its own self-government by submitting such charter or amendment to its qualified voters at an election to be held as determined by general law of uniform application. The legislature shall make provisions by general law of uniform application for the adoption of a charter, but shall not prescribe any requirements concerning the form of government, the manner of the selection of officers and employees, or their compensation, powers and duties which must be incorporated into such charter; however, the legislature may require that members of the legislative body of a city and county be elected from districts based upon population.

**SECTION 3. County and Unchartered City.** The legislature shall provide by general law of uniform application for the government of counties, cities, and other local governmental units which do not adopt locally framed and adopted charters in accordance with the provisions contained in Section 2.

**SECTION 4. City, and City and County Government.** Each chartered city or city and county is granted full power to pass laws and ordinances relating to its local affairs; and no law passed by the legislature shall limit the general grant of authority hereby conferred; but this grant of authority does not limit the power of the state to enact laws of state-wide concern which are uniformly applicable to all cities, and cities and counties. The following shall be deemed to be part of the powers conferred upon cities, and city and counties by this section:

- (1) To adopt and enforce police, sanitary, and other regulations and to furnish all local services deemed necessary for the public peace, health, safety, welfare, and morals.
- (2) To levy, assess and collect taxes, and to borrow and issue bonds, within the limits prescribed by general laws of uniform applications.



(3) To make local public improvements and to acquire by condemnation or otherwise, property within its corporate limits necessary for such improvements, and also to acquire an excess over that needed for any such improvements, and to sell or lease such excess property shall first be offered to the original owner at the price it was obtained from him, including all capital improvements.

**SECTION 5. Transfer of Powers Among Local Units.** Provisions shall be made for the voluntary transfer of functions or powers between local governmental units by general law of uniform application.

**SECTION 6. Debt Limitation.** Provision shall be made by general law of uniform application to limit indebtedness of all local governmental units, including chartered units, and all classification therein shall be reasonable and be based upon assessed valuation, population, or both.

**SECTION 7. Counties, and Cities and Counties, and other civil divisions shall adopt an annual budget in such form as the legislature shall prescribe, and the legislature shall by general law provide for the examination by qualified auditors of the accounts of all such civil divisions and of public utilities owned or operated by such civil divisions, and provide for reports from such civil divisions as to their transactions and financial conditions.**

The fact has never been lost sight of that municipal corporations created by the state derive all their powers from the source of their creation. They possess no powers or securities not conferred upon them either expressly or fear (sic) implication by the law which creates them, or by other statutes applicable to them. "Dillon's Rule" is the standard for court interpretation of the powers of local government:

It is a general and undisputed proposition of law that a municipal corporation possesses and can exercise the following powers, and no others:

First, those granted in express words;

Second, those necessarily or fairly implied in or incident to the powers expressly granted;

Third, those essential to the accomplishment of the declared objects and purposes of the corporation,—not simply convenient but indispensable. Any fair, reasonable, substantial doubt concerning the existence of power is resolved by the courts against the corporation, and the power is denied.—J. F. Dillon, *Commentaries on the Law of Municipal Corporations*.

It must be remembered by the Convention that a rather strict construction has been applied by the courts to powers granted to local unit. Dillon states that:

... the fundamental and universal rule ... is, that while the construction is to be just, seeking first of all for the legislative intent in order to give it fair effect, yet any ambiguity or fair, reasonable, substantial doubt as to the extent of the power is to be determined in favor of the State or general public, and against the State's grantee.

This should allay any fears that the local units of Hawaiian government will ever become autonomous or be able to set up any rock-bound republics within the state.

If the local governmental units attempt to act beyond powers granted by the Legislature, their act will be declared void by the court.

*Conclusion:* The seven sections contained in this article are:

1. Concise—as little enumeration as possible has been incorporated in them. When we think of the California, Missouri, and Michigan statutes which include as many as 33 sections, we can see that this article is at a workable minimum.

2. The article is in complete accord with the history of Hawaiian local government and has been based on the local government situation as it exists today in Hawaii. Readjustment would be simple and easy.

3. Local taxation was forbidden in Proposal No. 26 of the Standing Committee, with the exception that the legislature would be empowered to delegate so much thereof as it deemed advisable. In your minority member's recommendation on taxation, essentially the same thing is affected but stated more positively and limited by general law. It must always be remembered that the assessment and collection of taxes is, in all instances, performed in behalf of the state. Local units must have the means to accomplish their endeavors or they will not even be inspired to plan and improve their units. This is deemed by your minority member to be one of the most important factors for insuring responsibility and understanding of Hawaiian government in the future.

—June 23, 1950

John R. Phillips

## STANDING COMMITTEE REPORT NO. 92

Your Committee on Legislative Powers and Functions submits herewith a committee proposal for a complete article on legislative powers and functions. The proposal embodies what your Committee believes necessary or desirable in establishing the legislative department of the state government. Before arriving at its proposal your Committee studied the several proposals referred to it, as well as those provisions of the Hawaiian Organic Act, the Model State Constitution and the constitutions of several of the states pertaining to the legislature. Your Committee has decided to retain the framework provided in the Organic Act without substantial change, except in a few particulars.

Your Committee believes that the legislature should remain bicameral, but recognizing the desirability of wider representation of the population, which has greatly increased since the adoption of the Organic Act, has provided for an increase in the membership of both houses of the legislature. However, while it was unanimously agreed that there should be an increase in membership, your Committee was unable to agree as to the extent of the increase. A majority of your Committee approved a senate of 25 members and a house of representatives of 51 members, while a minority insisted that the house should not be larger than 41 members nor the senate larger than 21 members.

In fixing the composition of the two houses your Committee was faced with the problem of reapportionment, which, with the increase and shift of population since 1900, has become complicated as well as acute. Your committee has agreed that the house of representatives must be apportioned on the basis of the number of registered voters among the several major island divisions (the present counties) but that the present ratio of representation among the four existing senatorial districts should be maintained in the senate. In districting your Committee made but one change as to senatorial districts, that being the splitting of the island of Oahu into two districts roughly corresponding to the present representative districts, but completely revised the representative districts, which are increased from six to eighteen.



A major departure proposed by your Committee from the provisions of the Organic Act is the provision for annual, as distinguished from biennial, sessions of the legislature. Your committee proposes that of the annual regular sessions, only those held in the odd numbered years, which shall be known as "general sessions," shall be open to all kinds of legislation and that those held in the even numbered years, to be known as "budget sessions," shall be confined to the general appropriations bill and bills to authorize proposed capital improvement expenditures, revenue bills necessary therefor, bills to provide for the expenses of such session, urgency measures deemed necessary in the public interest, bills calling elections and proposed constitutional amendments. In addition, special sessions are provided for.

The provision for annual sessions is a recognition of the need today for more frequent, if not continuous, sessions of the legislature, particularly in view of the difficulties of projecting estimate of revenues and expenses for two years and more in advance, as is the case at present. The provision for a budget session in those years in which a general session is not held, makes it possible to limit appropriations for the expenses of the government to a single fiscal year.

A similar thought underlies your Committee's action in providing for the establishment of a legislative council. While such a provision might be considered legislative and the inclusion of such provision objected to on that ground, your Committee believes that the work of the legislature must be implemented by a continuous study by some agency under the control of the legislature in the interim between sessions and that it is a matter of such importance that it should not be left entirely to legislation.

Another important change is in the provision for reapportionment. The provision of the Organic Act for reapportionment has been, as is notorious, totally ineffective. Your Committee proposes that reapportionment be practically automatic every ten years.

Following is a summary of each of the several sections of the proposed article, with some comment.

**Section 1. Legislative powers.** Section 1 vests the legislative power in the legislature, which is to consist of a senate and a house of representatives. The legislative power is extended to "all rightful subjects of legislation not inconsistent with the constitution of this state or the constitution of the United States," which phrase is intended as the broadest possible grant. Unlike section 55 of the Organic Act, from the first sentence of which said phrase is derived, and the constitutions of many of the states, the restrictions on the legislative power are not to be found in this article but, if at all, in other parts of the constitution.

**Section 2. Senate; senatorial districts; number of members.** Section 2 fixes the membership of the senate, delineates the several senatorial districts and fixes the number of senators to be elected from each. The senatorial districts, with the exception of those on the island of Oahu, are the same as now exist for the Territory. Oahu has been divided into two senatorial districts, the boundaries of which are the same as the boundaries for the present fourth and fifth representative districts except that all of windward Oahu is included in the old fifth representative district. Your Committee contemplates no automatic reapportionment of the senate. These districts and the members to be elected from each district will therefore remain until changed by constitutional amendment.

The Committee proposal increases the membership of the senate from its present 15 to 25. Early in the deliberations of your committee on the question of the composition of each house of the legislature, there was unanimous agree-

ment that the house of representatives should be apportioned according to some fixed principle, and that the senate was to be apportioned on some other basis. The majority of the members of the Committee felt that the present size of the senate, 15 members, was too small. There was general agreement that it should be larger. There was, however, no unanimity as to the exact size that it should be.

The proposed membership of 25 was arrived at by an agreement that the same proportion of Oahu members to neighbor island members be continued. With six members at present being elected from Oahu out of a total senate membership of 15, that proportion today is forty per cent for Oahu as against sixty per cent for the neighbor islands. By selecting a senate of 25 members, that proportion remains unchanged.

This was not the only size for the senate that was considered. The Committee discussed retaining the present 15 member senate, a senate of 19 members, a senate of 20 members with the Lieutenant Governor as its presiding officer, a senate of 21 members and a senate of 23 members. The 20 member senate, while it would have retained the present 40-60 proportion, was rejected as placing legislative authority and responsibility in the Lieutenant Governor, a member of the executive department. Some of the members felt it inadvisable to go beyond a senate of 21 members, with a distribution of nine for Oahu and twelve for the neighbor islands. However, because this distribution would have given Oahu slightly more than forty per cent of the total senate, a majority of your committee voted to reject this plan. The retention of a 15 member senate was vigorously proposed by some members, but was rejected by a majority of the committee members.

The division of the island of Oahu into two senatorial districts was agreed upon, although not unanimously, in an effort to limit the area that would have to be covered in campaigns and to reduce campaign expenses. The inclusion of the Kailua and Waimanalo areas in the old fifth representative district follows a pattern set by the election districts for the election of Oahu delegates to this convention.

**Section 3. House of representatives; representative districts; number of members; apportionment.** Section 3 fixes the number of members of the house of representatives. It further describes the 18 representative districts from which the members of the house will be elected. As the descriptions of some districts are necessarily long, they will be included in the schedule of the constitution, but are nevertheless to be considered as a part thereof. The number of members to which each of these districts will be entitled until reapportionment is based on the number of voters registered in each district in 1950.

From a very early point in your Committee's deliberation on the question of apportionment and reapportionment of the house of representatives, your Committee was unanimous in its decision to apportion the members among the several major island divisions on a realistic basis and in accordance with the principle that representation should be as nearly uniform as possible.

One of the reasons why the reapportionment directed by the Organic Act was not carried out was because that Act required reapportionment on the basis of citizen population. A breakdown of the population according to this standard has not been locally available. Total population figures for the Territory are shown by census tracts which do not necessarily coincide with locally defined areas. As a practical matter, the number of registered voters was found to bear a reliable and fairly uniform relationship to total population, although it favors slightly the neighbor

islands where the percentage of persons who have registered to vote is from one to two per cent higher than for Oahu. It was in recognition of the potential difficulty in obtaining figures which would show citizen population, or figures which would show total population by desirable districts, that the basis for apportionment of the members of the house was chosen as the number of registered voters.

A majority of the members of your Committee was of the opinion that the present representation enjoyed by the neighbor islands should not, at least for the present time, be decreased. With a 51-member house, apportioned equally among the several major island units, the present representation is maintained, although the representation for the island of Oahu is increased from twelve members to 33 members.

The cost to the state of a Legislature, with a 51-member house and a 25-member senate, was discussed at some length by your committee incident to the question of having biennial or annual sessions of the legislature. Some of the members of the committee felt that this larger size would, on a cost basis, make it inadvisable to provide for annual sessions; however, the majority of the members of the committee felt that the state could afford to have both a large legislature and annual sessions.

Section 4. Reapportionment of the house of representatives; mandamus. Some history of the reapportionment problem in the Territory may be outlined here. Under the 1894 Constitution of the Republic of Hawaii, the house of representatives consisted of 15 members, as did the other house. There is no positive proof that the apportionment of the members of the house was on a straight population basis; however, the very high correlation between the number of members from each major island division and the total population of those divisions, as shown by the 1890 census, indicates that total population was probably the standard used. The drafters of the Organic Act, in recognizing that a 15-member house was too small for effective work, increased the membership to 30. This was done by merely doubling the number of representatives from each representative district. The drafters further provided that, upon the completion of the next decennial census, and from time to time thereafter, both the house and the senate should be reapportioned by the legislature in accordance with citizen population. It is, of course, well known that this was not done by any succeeding legislature. The reapportionment problem has thus been aggravated by inaction over the years and the inequalities in the representation of the major island divisions have become more and more pronounced. By adopting, as the committee has done unanimously, the principle of uniform representation with periodic reapportionment to meet changing conditions, your committee sincerely feels that the problem has been finally solved. Where there was disagreement in the committee, it was on the total membership of the house and not upon the method of reapportionment.

Section 4 sets out the methods and the procedure for automatic reapportionment, and involves two steps, both of which have been spelled out. Step one is to take the total number of members of the house and to apportion those members among the four major island divisions (which have been defined as "basic areas") on the basis of the number of registered voters in each division. Step two is to take the number of representatives to which each basic area is entitled and to further apportion those members among the several representative districts within each basic area as those districts are defined in Section 3. This second apportionment is also based on the number of registered

voters. The result of this procedure is to achieve what is deemed to be the most equitable distribution of members among the several representative districts. The mathematical process, known as "the method of equal proportions," is the identical method used in apportioning the members of the United States house of representatives among the several states (55 Stat. 761-2; 2 U.S.C.A., 2a, 2b) and has been proven by expert mathematicians to result in the least possible discrimination.

The initial apportionment, as set out in Section 3, maintains the present neighbor island representation in the house. However, there is no guarantee that upon reapportionment any area or district will continue to be entitled to elect the same number of representatives. Should the number of registered voters in any district, for example, drop in proportion to the number of registered voters in the State as a whole, the number of representatives to which that district would be entitled would be proportionately less.

It was not deemed advisable by your Committee to provide for complete redistricting of the State at the time of each reapportionment. To obviate the necessity for periodic redistricting, representative districts were fixed in such manner that it appears highly improbable that any district in the next few decades will not be entitled, on the basis of registered voters, to elect at least one representative. Should, however, the number of registered voters fall below the number which would logically entitle it to elect a representative, provision is made for the redistricting of the basic area within which such a district lies. Maps showing the boundaries of these districts have been filed with the convention secretary.

The duty for affecting reapportionment and such redistricting as might be necessary has been placed on the Governor. In order to assure that this duty, which is of a ministerial nature, will actually be carried out, the Governor has been made specifically subject to mandamus by the Supreme Court. This is the only way in which a constitution can guarantee reapportionment and is consequently the method considered by this committee to be the most desirable.

Section 5. Election of members; term of office. Section 5 provides for the election of members of the legislature at general elections and fixes the term of office of members of the house of representatives at two years and that of members of the senate at four years.

Section 6. Vacancies. Section 6 provides that vacancies in the legislature shall be filled for the unexpired term in such manner as may be prescribed by law, but if no such provision is made, then by appointment by the governor for the unexpired term. This is a change from the Organic Act (sections 31 and 37), which required vacancies to be filled by election.

Section 7. Qualifications of members. Section 7 states the qualifications for members of the senate and the house of representatives. The requirements are the same as in the Organic Act (sections 34 and 40), namely, (1) attainment of the age of 30 years in case of senators and 25 years in case of members of the house, (2) residence in the State for not less than three years and (3) a requirement that the person be a qualified voter of the district, senatorial or representative, as the case may be, from which he seeks to be elected. The requirement of American citizenship is, of course, implied in the third requirement.

Section 8. Disqualification of public officers and employees. Section 8, which is derived from but somewhat broader than section 17 of the Organic Act, disqualifies any person while holding any public office, position or em-

ployment from being elected to or from taking or holding a seat in the legislature, the difference being that the proposed section applies to persons holding public positions or employment as well as public offices. It is not to be construed, however, to prevent a member of the legislature from being re-elected or to prevent a member of either house from being elected to the other.

Section 9. Privileges of members. Section 9 sets forth the privileges of members of the legislature. The immunity from liability of members of the legislature has been enlarged to include "any statement made or action taken" in the exercise of legislative functions, as compared to section 28 of the Organic Act, which limits the immunity to "words uttered." The proposed section is intended to cover written as well as oral statements and any action taken in the exercise of legislative functions, in the broadest sense. The provision for exemption from arrest is the same as contained in section 29 of the Organic Act, except that the ten-day limitation on going to and returning from sessions has been omitted.

Section 10. Disqualification of members. Section 10 disqualifies members of the legislature (1) from holding any other public office, position or employment of profit while holding their legislative office and (2) during the term for which they are elected or appointed, from being elected or appointed to any public office, position or employment of profit which is created, or the emoluments whereof are increased, by legislative act during such term. The first disqualification corresponds to a similar disqualification in the judiciary article. The second disqualification is derived from section 16 of the Organic Act but the Organic Act disqualification applies only to "any office of the Territory." The provision under consideration is different in that (1) the disqualification of a member applies to a position or employment, as well as an office, of profit of the State or any local government or any agency thereof, but (2) on the other hand, it will apply only to an office, position or employment of profit that has been created, or the emoluments whereof increased, by the legislature during the term for which such member was elected or appointed.

Section 11. Salary of members. Section 11 fixes the salary of members of the legislature as follows: \$1,500 for each general session, \$1,000 for each budget session and \$750 for each special session of the legislature. No salary is to be payable when the senate alone is convened in special session. The salaries are to be payable in such installments as may be prescribed by law. The term "salary" has been used advisedly. While the legislature will have no authority to change the amount of the salaries fixed in this section, it is not intended to preclude the legislature from providing for the payment of per diem allowances and allowances for or reimbursement of travel and other expenses.

Section 12. Sessions of legislature. Section 12 provides for regular sessions to be held annually, as well as special sessions of the legislature or of the senate alone. As briefly stated above, the annual sessions are to be "general sessions" and "budget sessions" in alternate years. The budget sessions are to be limited to the consideration and enactment of the general appropriations bill for the succeeding fiscal year and bills to authorize proposed capital expenditures, revenue bills necessary therefor, urgency measures deemed necessary in the public interest, bills calling elections, proposed constitutional amendments and bills to provide for the expenses of such session. Special limitations are imposed with respect to urgency measures, first, that each urgency measure must contain in a separate section a

statement of the facts constituting the urgency, and, second, that no such measure may be considered by either house until such section is first approved by each house. Furthermore, in the approval of such section and upon the final passage of the measure in each house, a two-thirds vote of all the members to which such house is entitled is required. The term "approval," as used in this respect, is not intended to require anything more than a single reading and vote, as distinguished from the passage of the measure itself, which will require three readings. The time for the commencement of regular sessions has been fixed at 10:00 o'clock a.m., on the third Wednesday in February, the date being the same as provided in section 41 of the Organic Act. General sessions are limited to 60 days, while budget sessions and special sessions are limited to 30 days, but the governor is authorized to extend any session for not more than 30 days. Sunday and holidays do not count in computing the number of days in any session.

Section 13. Adjournments. Section 13, which is substantially the same as section 42 of the Organic Act, simply provides that neither house may adjourn for more than three days, or sine die, without the consent of the other.

Section 14. Organization; seating and punishment of members; officers; rules; journal; record of vote. Section 14 includes a number of provisions contained in several sections of the Organic Act. The provision that each house shall be the judge of the elections, returns and qualifications of its own members is the same as section 15 of the Organic Act. The provision that each house shall have power to punish any member for misconduct, disorderly behavior, or neglect of duty is derived from section 27 of the Organic Act. The grounds for punishment have been enlarged to include misconduct, which term is to be taken in its broadest sense. Punishment may be by censure or by suspension or expulsion, but a two-thirds vote of all the members to which the house is entitled is required for suspension or expulsion. The provision that each house shall choose its own officers, determine the rules of its proceedings and keep a journal is substantially the same as section 20 of the Organic Act. The provision that the vote on any question shall be entered upon the journal at the request of one-fifth of the members present is the same as section 21 of the Organic Act.

Section 15. Quorum; number required to act; compulsory attendance. Section 15 is also taken from several sections of the Organic Act. The requirement of a majority of the number of members to which each house is entitled for a quorum for the conduct of ordinary business, that of a majority of such quorum for action on ordinary business, and the requirement of a majority vote of all the members to which each house is entitled for the final passage of a bill are the same as in section 22 of the Organic Act. The provision for the taking of the vote by ayes and noes and the entry thereof in the journal upon the final passage of a bill is taken from section 46 of the Organic Act. The provision that a smaller number than a quorum may adjourn from day to day and may compel the attendance of absent members is the same as section 23 of the Organic Act.

Section 16. Bills; enactment by bill; subject and title; enacting clause. Section 16 contains one new provision, to wit, that no law shall be passed except by bill. This provision would eliminate the practice of legislating by joint resolutions. This section further requires that each law shall embrace but one subject, which is required to be expressed in its title, as is provided by section 45 of the Organic Act. The description of the enacting clause of laws

is substantially the same as that specified in section 44 of the Organic Act.

Section 17. Passage of bills. Section 17 sets forth the requirement of passage on three readings in each house on separate days for any bill to become law, as is provided in section 46 of the Organic Act. The provision for certification of bills from one house to the other upon passage is the same as in section 47 of the Organic Act.

Section 18. Action by governor; approval; veto; failure to approve or veto. Section 18 is derived from sections 49 and 51 of the Organic Act, both of which relate to action on a bill by the governor after passage by the legislature and certification and presentation thereof to him. A bill becomes law upon approval by the governor, which is indicated by his signing the same. A bill is vetoed by the governor if he returns it, with his objections, to the legislature. The veto power, in the case of any bill appropriating money for specific purposes, is applicable to any specific item or items and may be exercised by striking out or reducing the same, but as to other bills the veto must be of the bill as a whole. Such provisions are the same as the provisions of the Organic Act, except the provision for reduction of specific items as stated above. If any bill is neither signed nor returned by the governor within ten days, Sundays and holidays excepted, after it has been presented to him, it becomes law unless the legislature by adjournment prevents its return, in which case it does not become law. This provision is in substance the same as the second paragraph of section 51 of the Organic Act, except that holidays as well as Sundays are to be excluded in computing the ten day period.

Section 19. Procedure upon veto. Section 19 sets forth the procedure upon veto and is substantially the same as section 50 of the Organic Act. The requirement of a two-thirds vote of all the members to which each house is entitled for the over-riding of the governor's veto is retained.

Section 20. Punishment of persons not members. Section 20 provides for the summary punishment of persons not members of the legislature for contempt of either house or any committee thereof, the punishment therefor being limited to a fine of not more than \$100 or imprisonment for not more than 30 days. The parallel section in the Organic Act is section 25, but there are substantial differences. The proposed section is intended as a declaration of the inherent power of the legislature to punish for contempt, but is not intended to prevent the legislature from enacting legislation to provide for judicial proceedings as an alternative method of vindicating the authority of the legislature, with such penalties as may be provided by such law.

Section 21. Impeachment of elective executive officers. Section 21 provides for the impeachment of the governor and other elective officers of the executive department of the State, as distinguished from the judicial and the legislative branches. Grounds for impeachment are limited to treason, bribery and other high crimes and misdemeanors. The power to impeach is vested in the house of representatives but the power to try all impeachments is vested in the senate. The chief justice presides in case the governor is being tried. Conviction requires concurrence of two-thirds of the members present and judgments upon conviction are limited to removal from office and disqualification from holding office. Conviction upon impeachment, however, does not preclude further prosecution and punishment according to law. The foregoing provisions are patterned after the provisions of the Federal Constitution on this subject.

Section 22. Legislative council; duties; salary. Section 22 establishes a legislative council, to be composed of such members of the legislature as may be provided by law. The duties of the council are to collect information concerning the government and general welfare of the State and to report thereon to the legislature, to study and report on such measures for proposed legislation as may be submitted to it and such other duties as may be assigned by law. The council is authorized to recommend such legislation as in its opinion the welfare of the State may require. Members of the council may receive, in addition to their salary as legislators, such salary as may be provided by law.

In conclusion, your Committee believes that this proposal provides a suitable structure for the legislative branch of the State government that has been, in the main, proved by our experience under the Organic Act. Your Committee therefore recommends that this Committee proposal pass on second reading, subject, however to such amendments as may be made thereto.—June 23, 1950

Wm. H. Heen,  
Chairman  
E. B. Holroyde,  
Vice-Chairman  
Edward C. Bryan

Randolph Crossley  
Hiram L. Fong  
Flora K. Hayes  
Frederick Ohrt  
Thos. T. Sakakihara  
Arthur D. Woolaway

Herbert K. H. Lee and Wm. H. Heen—We do not concur as to those portions of Sections 2 and 3 of the proposal which fix the total membership of the senate and house of representatives, and, unless such membership is reduced, we do not concur in the provision for annual sessions contained in Section 12.

Elizabeth R. Kellerman and Cable A. Wirtz—We do not concur with sections 2 and 3.

Toshio Serizawa—I do not concur with section 2.

Peter Kawahara—I do not concur with sections 2 and 3.

#### COMMITTEE PROPOSAL NO. 29

#### RELATING TO LEGISLATIVE POWERS AND FUNCTIONS.

RESOLVED, that the following be agreed upon as part of the State Constitution:

#### ARTICLE \_\_\_\_\_

SECTION 1. Legislative power. The legislative power of the State shall be vested in a legislature, which shall consist of two houses, a senate and a house of representatives. Such power shall extend to all rightful subjects of legislation not inconsistent with this constitution or the constitution of the United States.

SECTION 2. Senate; senatorial districts; number of members. The senate shall be composed of 25 members, who shall be elected by the qualified voters of the respective senatorial districts. The districts, and the number of senators to be elected from each, shall be as follows:

First senatorial district: the island of Hawaii, seven.

Second senatorial district: the islands of Maui, Molokai, Lanai and Kahoolawe, five;

Third senatorial district: that portion of the island of Oahu, lying east and south of Nuuanu Street and Pali Road and the upper ridge of the Koolau range from the Nuuanu Pali to Makapuu Point, five;

Fourth senatorial district: that portion of the island of Oahu, lying west and north of the third senatorial district, five; and

Fifth senatorial district: the islands of Kauai and Niihau, three.

**SECTION 3.** House of representatives; representative districts; number of members; apportionment. The house of representatives shall be composed of 51 members, who shall be elected by the qualified voters of the respective representative districts. The representative districts, and, until the next decennial reapportionment, the number of representatives to be elected from each, shall be as follows:

First representative district: that portion of the island of Hawaii known as Puna and Keaukaha, the latter being more particularly described in the schedule, one representative;

Second representative district: that portion of the island of Hawaii known as south Hilo, excluding Keaukaha, four representatives;

Third representative district: that portion of the island of Hawaii known as north Hilo and Hamakua, one representative;

Fourth representative district: that portion of the island of Hawaii known as Kau, Kona and Kohala, two representatives;

Fifth representative district: the islands of Molokai and Lanai, and that portion of the island of Maui known as Lahaina, two representatives;

Sixth representative district: that portion of the island of Maui known as Wailuku that lies south and west of Pulehu road extended northwest to the sea, two representatives;

Seventh representative district: the island of Kahoolawe and that portion of the island of Maui lying east and south of the sixth representative district, two representatives;

Eighth representative district: that portion of the island of Oahu known as Koolaupoko and Koolauloa, two representatives;

Ninth representative district: that portion of the island of Oahu known as Waiialua and Wahiawa, two representatives;

Tenth representative district: that portion of the island of Oahu known as Ewa and Waianae, two representatives;

Eleventh representative district: that portion of the island of Oahu known as Kalihi and more particularly described in the schedule, three representatives;

Twelfth representative district: that portion of the island of Oahu known as upper Nuuanu and more particularly described in the schedule, three representatives;

Thirteenth representative district: that portion of the island of Oahu known as Kapalama, and more particularly described in the schedule, three representatives;

Fourteenth representative district: that portion of the island of Oahu known as Pauoa and more particularly described in the schedule, five representatives;

Fifteenth representative district: that portion of the island of Oahu known as Manoa and Waikiki and more particularly described in the schedule, six representatives;

Sixteenth representative district: that portion of the island of Oahu known as Kaimuki and Kapahulu and more particularly described in the schedule, four representatives;

Seventeenth representative district: that portion of the island of Oahu known as Wilhelmina Rise, Kahala and Aina Haina and more particularly described in the schedule, three representatives;

Eighteenth representative district: the islands of Kauai and Niihau, four representatives.

**SECTION 4.** Reapportionment of the house of representatives; mandamus. On or before June 1 of the year 1959, and of each tenth year thereafter, the governor shall reapportion the members of the house of representatives in the following manner:

(a) The total number of representatives shall first be reapportioned among four basic areas; namely, (1) the is-

land of Hawaii, (2) the islands of Maui, Molokai, Lanai and Kahoolawe, (3) the island of Oahu, and (4) the islands of Kauai and Niihau, on the basis of the number of voters registered at the last preceding general election in each of such basic areas and computed by the method known as the method of equal proportions, no basic area to receive less than one member.

(b) Upon the determination of the total number of representatives to which each basic area is entitled, such total shall be reapportioned among the one or more representative districts within each basic area on the basis of the number of voters registered at the last preceding general election within each of such representative districts and computed by the method known as the method of equal proportions, no representative district to receive less than one member. Upon any reapportionment, should the total number of voters registered in any representative district be less than one-half of the ratio obtained by dividing the total number of voters registered in the State by the total number of members to which the house is entitled, then, as a part of such reapportionment, the basic area within which such representative district lies shall be re-districted by the governor in such manner that the total number of voters registered in each new representative district therein shall be more than one-half of such ratio.

The governor shall thereupon issue a proclamation showing the results of such reapportionment, and such reapportionment shall be effective for the election of members to such house for the next five succeeding legislatures.

Original jurisdiction is hereby vested in the supreme court of the State to be exercised on the application of any registered voter (a) made within 30 days following the date specified above, to compel, by mandamus or otherwise, the governor to perform the above duty, and (b) made within 30 days following the date of such proclamation, to compel, by mandamus or otherwise, the correction of any error made by him in such reapportionment.

**SECTION 5.** Election of members; term of office. The members of the legislature shall be elected at general election. The office of members of the house of representatives shall be for a term of two years beginning with their election and ending on the day of the next general election, and the office of members of the senate shall be for a term of four years beginning with their election and ending on the day of the second general election after their election.

**SECTION 6.** Vacancies. Any vacancy in the legislature shall be filled for the unexpired term in such manner as may be prescribed by law, or, if no provision is made by law, by appointment by the governor for the unexpired term.

**SECTION 7.** Qualifications of members. No person shall be eligible to serve as a member of the senate unless he shall have attained the age of 30 years, have been a resident of the State for not less than three years and be a qualified voter of the senatorial district from which he seeks to be elected. No person shall be eligible to serve as a member of the house of representatives unless he shall have attained the age of 25 years, have been a resident of the State for not less than three years, and be a qualified voter of the representative district from which he seeks to be elected.

**SECTION 8.** Disqualification of public officers and employees. No person while holding any public office, position or employment shall be eligible to election to, or to a seat in, the legislature.

**SECTION 9.** Privileges of members. No member of the legislature shall be held to answer before any other tribunal

for any statement made or action taken in the exercise of his legislative functions in either house; and members of the legislature shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same.

**SECTION 10. Disqualification of members.** No member of the legislature shall hold any other public office, position or employment of profit, nor shall he, during the term for which he is elected or appointed, be elected or appointed to any public office, position or employment of profit which shall have been created, or the emoluments whereof shall have been increased, by legislative act during such term.

**SECTION 11. Salary of members.** The salary of members of the legislature shall be as follows: the sum of \$1,500 for each general session, the sum of \$1,000 for each budget session and the sum of \$750 for each special session of the legislature, which sums shall be payable in such installments as may be prescribed by law. No salary shall be payable when the senate alone is convened in special session.

**SECTION 12. Sessions of legislature.** Regular sessions of the legislature shall be held annually. The governor may convene the legislature, or the senate alone, in special session. All sessions shall be held at the capital of the State and, in case the capital shall be unsafe, the governor may direct that any session shall be held at some other place. Regular sessions in odd numbered years shall be known as "general sessions" and regular sessions in even numbered years shall be known as "budget sessions."

At a budget session the legislature shall be limited to the consideration and enactment of the general appropriations bill for the succeeding fiscal year and bills to authorize proposed capital expenditures, revenue bills necessary therefor, urgency measures deemed necessary in the public interest, bills calling elections, proposed constitutional amendments and bills to provide for the expenses of such session. No urgency measure shall be considered unless a statement of facts constituting such urgency shall be set forth in one section thereof and until such section shall have been first approved by each house. The approval of such section and the final passage of such measure in each house shall require a two-thirds vote of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal.

Regular sessions shall commence at 10:00 o'clock a.m., on the third Wednesday in February. General sessions shall be limited to a period of 60 days and budget sessions and special sessions shall be limited to a period of 30 days, but the governor may extend any session for not more than 30 days. Sundays and holidays shall be excluded in computing the number of days of any session.

**SECTION 13. Adjournments.** Neither house shall adjourn during any session of the legislature for more than three days, or sine die, without the consent of the other.

**SECTION 14. Organization; seating and punishment of members; officers; rules, journal; record of vote.** Each house shall be the judge of the elections, returns and qualifications of its own members and shall have, for misconduct, disorderly behavior or neglect of duty of any member, power to punish such member by censure or, upon a two-thirds vote of all the members to which such house is entitled, by suspension or expulsion of such member. Each house shall choose its own officers, determine the rules of its proceedings and keep a journal. The ayes and noes of the members

on any question shall, at the desire of one-fifth of the members present, be entered upon the journal.

**SECTION 15. Quorum; number required to act; compulsory attendance.** A majority of the number of members to which each house is entitled shall constitute a quorum of such house for the conduct of ordinary business, of which quorum a majority vote shall suffice; but the final passage of a bill in each house shall require the vote of a majority of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal. A smaller number than a quorum may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

**SECTION 16. Bills; enactment by bill; subject and title; enacting clause.** No law shall be passed except by bill. Each law shall embrace but one subject, which shall be expressed in its title, and the enacting clause of each law shall be, "Be it enacted by the legislature of the State of Hawaii."

**SECTION 17. Passage of bills.** No bill shall become law unless it shall pass three readings in each house, on separate days. Every bill when passed by the house in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the presiding officer and clerk and sent to the other house for consideration.

**SECTION 18. Action by governor; approval; veto; failure to approve or veto.** Every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses and shall thereupon be presented to the governor. If he approves it, he shall sign it and it shall become law. If the governor does not approve such bill, he may return it, with his objections, to the legislature. He may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same; but he shall veto other bills, if at all, only as a whole.

If any bill is neither signed nor returned by the governor within ten days, Sundays and holidays excepted, after having been presented to him, it shall become law in like manner as if he had signed it, unless the legislature by its adjournment prevents its return, in which case it shall not become law.

**SECTION 19. Procedure upon veto.** Upon the receipt of a veto message from the governor, each house shall enter the same at large upon its journal and proceed to reconsider the vetoed bill, or the item or items vetoed, and again vote upon such bill, or such item or items, by ayes and noes, which shall be entered upon its journal. If after such reconsideration such bill, or such item or items, shall be approved by a two-thirds vote of all the members to which each house is entitled, the same shall become law.

**SECTION 20. Punishment of persons not members.** Each house may summarily punish, by fine not exceeding one hundred dollars or by imprisonment not exceeding 30 days, any person not a member of the legislature who shall be guilty of contempt of such house or of any committee thereof.

**SECTION 21. Impeachment of elective executive officers.** The governor and other elective executive officers of the State shall be removed from office on impeachment for and conviction of treason, bribery or other high crimes and misdemeanors.

The house of representatives shall have the sole power of impeachment. The senate shall have the sole power to



try all impeachments and when sitting for that purpose, the members thereof shall be on oath or affirmation. If the governor is being tried, the chief justice shall preside. No person shall be convicted without the concurrence of two-thirds of the members present.

Judgments in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the State; but the person convicted may nevertheless be liable and subject to indictment, trial, judgment and punishment according to law.

SECTION 22. Legislative council; duties; salary. There shall be a legislative council whose members shall be selected by and from the members of each house as provided by law.

It shall be the duty of the legislative council to collect information concerning the government and general welfare of the State and to report thereon to the legislature. Measures for proposed legislation may be submitted to it at any time, and shall be considered and reported to the legislature with its recommendations thereon. The legislative council may also recommend such legislation as in its opinion the welfare of the State may require. Other powers and duties may be assigned to the legislative council by law.

Members of the legislative council shall receive such salary, additional to their salary as members of the legislature, as may be provided by law.

COMMITTEE PROPOSAL NO. 30\*

RELATING TO A SCHEDULE DESCRIBING  
REPRESENTATIVE DISTRICTS

RESOLVED, that the following be agreed upon as part of the State Constitution:

ARTICLE \_\_\_\_\_.

SECTION \_\_\_\_\_. As provided in Article \_\_\_\_\_, Section \_\_\_\_\_, the following representative districts are more particularly described herein:

(a) That portion of the first representative district known as Keukaha: (1) From the junction of the Northerly side of the 40-foot Right of Way of the Hawaii Consolidated Railway, Limited and the South Hilo-Puna boundary running Northwesterly along the Northerly side of said 40-foot Right of Way to the Northerly boundary of the Hawaiian Home Land of Keukaha, Tract 2; (2) Easterly along the Northerly boundary of the Hawaiian Home Land of Keukaha, Tract 2 to the Easterly side of Silva Street Extension; (3) Northerly along the Easterly side of Silva Street Extension and Silva Street to the Southeasterly side of Kalaniana'ole Street; (4) Northerly across Kalaniana'ole Street and along the Easterly side of Kuhio Wharf Road to Pier 1; (5) Easterly and Southeasterly along the seacoast to the South Hilo-Puna boundary; (6) Southwesterly along the South Hilo-Puna boundary to the point of beginning.

(b) The eleventh representative district: (1) From the North corner of Kalihi and Auiki Streets running Westerly along the Northerly side of Auiki Street to the Northwesterly side of Mokauea Street; (2) Southwesterly

along the Northwesterly side of Mokauea Street Extension to the Westerly side of Sand Island Road; (3) Southeasterly along the Westerly side of Sand Island Road; (4) Southwesterly along the line of the Southeasterly side of Mokauea Street Extension extended to a point of the outer edge of the reef; (5) Westerly along the outer edge of the reef to a point on the Moanalua-Halawa boundary; (6) Northerly and Northeasterly along the Moanalua-Halawa boundary to the top of Koolau Range; (7) Southeasterly along the top of Koolau Range to a place called "Puu Lanihulu"; (8) Southwesterly along the top of ridge between the lands of Kalihi, Kapalama and Nuuanu to the Northwesterly side of Kalihi Street; (9) Southwesterly along the Northwesterly side of Kalihi Street to the point of beginning.

(c) The twelfth representative district: (1) From the East corner of King and Kalihi Streets running Northwesterly along the Southeasterly side of Kalihi Street to ridge between Kalihi, Kapalama and Nuuanu; (2) Northwesterly along top of ridge between Kalihi, Kapalama and Nuuanu to a point on the Koolau Range called "Puu Lanihulu"; (3) Easterly along top of Koolau Range to the Northwesterly side of Nuuanu Avenue at the Pali; (4) Southwesterly along the Northwesterly side of Nuuanu Avenue to the Northeasterly side of School Street; (5) Northwesterly along the Northeasterly side of School Street to the Southeasterly side of Kapalama Drainage Canal (Waikiki Branch); (6) Southwesterly along the Southeasterly side of Kapalama Drainage Canal (Waikiki Branch); (7) Southwesterly along the Southeasterly side of the main Kapalama Drainage Canal to the Northeasterly side of King Street; (8) Northwesterly along the Northeasterly side of King Street to the point of beginning.

(d) The thirteenth representative district: (1) From the junction of the Honolulu Harbor Channel and the reef running Westerly along the outer edge of the reef to a point on the line extended of the Southeasterly side of Mokauea Street; (2) Northeasterly along the line extended of the Southeasterly side of Mokauea Street to the Easterly side of Sand Island Road; (3) Northeasterly along the Southeasterly side of Mokauea Street Extension to the Southerly side of Auiki Street; (4) Easterly along the Southerly side of Auiki Street to the Southeasterly side of Kalihi Street; (5) Northeasterly along the Southeasterly side of Kalihi Street to the Southerly side of King Street; (6) Southeasterly along the Southwesterly side of King Street to the Southeasterly side of Kapalama Drainage Canal; (7) Northerly along the Easterly side of the main Kapalama Drainage Canal; (8) Northeasterly along the Southeasterly side of the Kapalama Drainage Canal (Waikiki Branch) to the Southwesterly side of School Street; (9) Southeasterly along the Southwesterly side of School Street to the Northwesterly side of Nuuanu Avenue; (10) Southwesterly along the Northwesterly side of Nuuanu Avenue to the Southwesterly side of Queen Street; (11) Southwesterly along the middle of Honolulu Harbor and Honolulu Harbor Channel to the point of beginning.

(e) The fourteenth representative district: (1) From the junction of the Honolulu Harbor Channel and the outer edge of the reef running Northeasterly along the middle of Honolulu Harbor Channel and Honolulu Harbor to the Southerly side of Queen Street; (2) Northeasterly across Queen Street and along the Southeasterly side of Nuuanu Avenue to the top of Koolau Range at the Pali; (3) Easterly and Southerly along the top of Koolau Range to a point called "Puu Konahuanui"; (4) Southwesterly along top of ridge between the lands of Nuuanu-Pauoa and Manoa to a mountain peak called "Puu Ohia" or Tantalus; (5) Southwesterly along top of ridge between the lands of

\*This report introduced on June 27, 1950, after Standing Com. Rpt. No. 92 and Committee Proposal No. 29, but was joined to them for consideration by Committee of the Whole.

Makiki and Kalawahine to the Northerly side of Nehoa Street; (6) Southerly across Nehoa Street along the Westerly side of Lewalani Drive and Piikoi Street to the Southerly side of Wilder Avenue; (7) Easterly along the Southerly side of Wilder Avenue to the Westerly side of Punahou Street; (8) Southerly along the Westerly side of Punahou Street to the Northerly side of King Street; (9) Westerly along the Northerly side of King Street to the Westerly side of Kalakaua Avenue; (10) Southerly along the Westerly side of Kalakaua Avenue to the Southerly side of Ala Wai (canal); (11) Westerly along the Southerly side of Ala Wai (canal) and along the line of said Southerly side of Ala Wai (canal) extended to the outer edge of the reef; (12) Westerly along the outer edge of the reef to the point of beginning.

(f) The fifteenth representative district: (1) From the junction of the Northeasterly side of Kalakaua Avenue and the Southerly side of Ala Wai (canal) running Northerly along the Easterly side of Kalakaua Avenue to the Southerly side of King Street; (2) Easterly along the Southerly side of King Street to the Easterly side of Punahou Street; (3) Northerly along the Easterly side of Punahou Street to the Northerly side of Wilder Avenue; (4) Westerly along the Northerly side of Wilder Avenue to the Southeasterly side of Piikoi Street; (5) Northerly along the Easterly side of Piikoi Street; (6) Northerly along the Easterly side of Lewalani Drive to the Northerly side of Nehoa Street; (7) Northeasterly along top of ridge between the land of Makiki and Kalawahine to a mountain peak called "Puu Ohia" or Tantalus; (8) Northeasterly along top of ridge between the lands of Pauoa-Manoa and Nuuanu to a point on the Koolau Range called "Puu Konahuanui"; (9) Southeasterly along top of Koolau Range to a place called "Mt. Olympus"; (10) Southwesterly along top of Waahila Ridge; (11) Southwesterly along top edge of Palolo Valley to the forest reserve boundary; (12) Southwesterly along the southeasterly boundary of St. Louis Heights Tract, Series 2 (File Plan 464) to the southerly boundary of said St. Louis Heights Tract, Series 2, 100 feet Southeasterly from Alencastre Street; (13) Southwesterly parallel to and 100 feet from the southeasterly side of Alencastre Street and St. Louis Drive to the northerly side of Waialae Avenue; (14) Westerly along the northerly side of Waialae Avenue; (15) Southerly across Waialae Avenue and along the Westerly side of Kapahulu Avenue to the Southwesterly side of Kalakaua Avenue; (16) Westerly along the line of the Northerly side of Kapahulu Avenue extended to the outer edge of the reef; (17) Northwesterly along the outer edge of the reef to a point on the line extended of the Southerly side of Ala Wai (canal); (18) Easterly along the line extended of the Southerly side of Ala Wai (canal) to the Southerly side of channel; (19) Easterly along the Southerly side of Ala Wai (canal) to the point of beginning.

(g) The sixteenth representative district: (1) From a point at the seacoast at a place called "Black Point" running westerly along the seacoast to a point on the Southwesterly side of Kalakaua Avenue opposite Kapahulu Avenue; (2) Easterly across Kalakaua Avenue and Easterly and Northerly along the Southerly and Easterly side of Kapahulu Avenue to the Southerly side of Waialae Avenue; (3) Easterly along the Southerly side of Waialae Avenue to a point 100 feet Easterly of St. Louis Drive; (4) Northeasterly across Waialae Avenue then parallel to and 100 feet from the Southeasterly side of St. Louis Drive and Alencastre Street to the Southerly boundary of St. Louis Heights Tract Series 2, File Plan No. 464; (5) Northeasterly along the Southeasterly boundary of

said St. Louis Heights Tract Series 2 to the Forest Reserve boundary; (6) Northeasterly along top edge of Palolo Valley to the top of Waahila Ridge; (7) Northeasterly along top of Waahila Ridge to a point on Koolau Range called "Mt. Olympus"; (8) Easterly along top of Koolau Range; (9) Southwesterly along top of ridge between the land of Waialae Nui and Palolo to a place called "Kalepeamo"; (10) Southwesterly along the Westerly edge of Mauumae Ridge to the Northwesterly side of Sierra Drive; (11) Southwesterly along the Northwesterly side of Sierra Drive to the Southerly side of Waialae Avenue; (12) Easterly along the Southerly side of Waialae Avenue to the Northwesterly side of 13th Avenue; (13) Southwesterly along the Northwesterly side of 13th Avenue and Ocean View Drive to the Northerly side of Kilauea Avenue; (14) Westerly along the Northerly side of Kilauea Avenue to the Northwesterly side of Makapuu Avenue; (15) Southwesterly along the Northwesterly side of Makapuu Avenue to the Southwesterly side of Diamond Head Road; (16) Southeasterly along the Southwesterly side of Diamond Head Road; (17) Southeasterly across Diamond Head Road and along the Southerly side of the Military Road and the same extended to point of beginning.

(h) The seventeenth representative district: (1) From the junction of the Koolau Range and the seacoast at a place called "Makapuu Point" on the Maunaloa-Waimanalo boundary and at the most eastern point of the island of Oahu and running southwesterly along the seashore to a point on seashore called "Black Point"; (2) Northwesterly along the line of the Military Road extended and along the northerly side of said Military Road crossing Kahala Avenue to the junction of said Military Road and Diamond Head Road; (3) Northwesterly along the Northeasterly side of Diamond Head Road to the Southeasterly side of Makapuu Avenue; (4) Northeasterly along the Southeasterly side of Makapuu Avenue to the Southerly side of Kilauea Avenue; (5) Easterly along the Southerly side of Kilauea Avenue to the Easterly side of Ocean View Drive; (6) Northerly along the Easterly side of Ocean View Drive and 13th Avenue to the Northerly side of Waialae Avenue; (7) Westerly along the Northerly side of Waialae Avenue to the Southeasterly side of Sierra Drive; (8) Northeasterly along the Southeasterly side of Sierra Drive to Mauumae Ridge; (9) Northeasterly along the Westerly edge of Mauumae Ridge to a place called Kalepeamo; (10) Northeasterly along top of ridge between the land of Waialae Nui and Palolo to the top of Koolau Range; (11) Easterly along Koolau Range to point of beginning.

#### STANDING COMMITTEE REPORT NO. 93

Your Committee on Printing to which was referred Standing Com. Rpt. No. 92 and Committee Proposal No. 29 begs leave to report that said Report and Proposal have this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention.—June 24, 1950

Charles H. Silva, Chairman

#### STANDING COMMITTEE REPORT NO. 94

Your Committee on Printing to which was referred Committee of the Whole Report No. 8 and Committee Proposal No. 7 begs leave to report that said Report and Proposal



have this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention. —June 24, 1950

Charles H. Silva, Chairman

### STANDING COMMITTEE REPORT NO. 95

The following proposals were referred to the Committee on Legislative Powers and Functions for its consideration: Proposals Nos. 8, 16, 23, 31, 35, 36, 48, 49, 59, 69, 70, 87, 88 (Article III, Sections 1-22), 95, 98, 102, 112, 128, 133, 137, 142, 144, 147, 150, 151, 152, 175, 189 and 190. Concerning the disposition of such proposals, your Committee begs leave to report as follows:

With respect to Proposals Nos. 8, 35, 59, 137 and 151, relating to representation in the legislature and apportionment and reapportionment, the subject matter of said proposals is covered by the Standing Committee Report of this Committee and your Committee Proposal. In so far as such proposals were consistent with the Committee's views on the subject, they were incorporated in the committee proposal and, as to those provisions of such proposals which were at variance with the committee's final determination of the matter, they have been rejected by the committee. Your committee, therefore, recommends that the above proposals be filed.

With respect to Proposals Nos. 16 and 49, which would have required each committee of the legislature to keep a journal of its proceedings and to publish in advance an agenda of subjects to be considered, it was felt by a majority of your committee members that this might be better handled through legislative rules rather than making it a part of the constitution. A majority of your committee therefore recommends that the Convention urge the legislature to provide, by its rules, a procedure for accomplishing the intent of these proposals. Proposal No. 16 further contained a provision that upon a one-fifth vote of the members of either house any bill which had been referred to a committee must be reported out by that committee. Again, a majority of the members of your committee felt that this was a matter for determination by the legislature under its rules. There is at the present time, for example, a rule which requires a committee to return a bill to the house upon the demand of the majority of the members of that house. A majority of your committee, however, felt that the Convention should request the legislature to liberalize the rule so that a smaller number could demand the return of a bill. Subject to these qualifications, your committee recommends that these proposals be filed.

With respect to Proposal No. 23, relating to a grant of authority to the legislature to create a board of censors, your committee felt that this was a legislative matter and that the legislature needed no specific authorization to have the power to create such a board if it so desired. The proposal was therefore rejected, and your committee recommends that it be filed.

With respect to Proposal No. 31, relating to urban redevelopment, members of your committee believed that this subject was amply covered by Committee Proposal No. 1 submitted to the Convention by the Committee on Health and General Welfare, and therefore recommends that it be filed.

With respect to Proposal No. 36, relating to the regulation of lobbying, your committee felt that this was a matter which was more properly the concern of the legislature and would be more properly taken care of through legislative

act than by constitutional provision. Your committee therefore recommends that this proposal be filed.

With respect to Proposal No. 70, establishing bribery as a disqualification for office holding, your committee felt that inasmuch as the Committee on Executive Powers and Functions, in its proposal, has left to the legislature the responsibility for determining the scope of the pardoning power of the governor, the legislature should be given that same discretion in dealing with the permanent disqualification of office holding envisaged by this proposal. It is therefore recommended that Proposal No. 70 be filed.

With respect to Proposal No. 87, granting authority to the legislature to enter into cooperative agreements between the several states and the federal government, your committee felt that this was unnecessary inasmuch as the legislature has such power without specific constitutional authority. It is recommended that this proposal be filed.

With respect to Proposal No. 88, and in particular to sections 1 to 22 of Article III thereof, substantial portions of this proposal have been incorporated in your committee's proposal which adopt, in substance, the Hawaiian Organic Act provisions relating to the legislature.

Proposal No. 95, one provision of which would prohibit the legislature from enacting any bill of attainder, *ex post facto* law or law impairing the obligation of contract, was considered unnecessary in a state constitution inasmuch as it is repetitious of Section 10 of Article I of the federal constitution which contains the same prohibition against state action. A second provision, which would limit the power of the legislature to change any remedy for the enforcement of a contract which existed when the contract was made, is contained in only one state constitution, that of New Jersey, and contemplates such a complete reversal of the otherwise uniform judicial interpretation respecting the power of the legislature to affect pre-existing remedies that the members of your committee were reluctant to propose such a change. The entire proposal was therefore rejected, and it is therefore recommended that it be filed.

With respect to Proposal No. 98, your committee believed that the several administrative agencies of the State should continue to have power to make rules having the force and effect of law and continue to attach to such rules penalties for their violation as may be provided by the legislature. While your committee saw no need for incorporating this provision into the constitution, inasmuch as the practice in the Territory has been to leave to the legislature the authority to prescribe such penalties, it nevertheless felt, and recommends, that wider publicity be given to the adoption of such rules as do carry penalties. Subject to this qualification, your committee recommends that Proposal No. 98 be filed.

One provision of Proposal No. 102, which provided that no law shall be passed by the legislature except by bill and that each law shall embrace but one subject, has been incorporated in Section 16 of the committee proposal. The second part of Proposal No. 102, relating to the enactment of compilations and revisions of law was considered unnecessary in view of two territorial Supreme Court decisions holding that this was within the power of the territorial legislature, similarly restricted to the passage of single subject bills under the Organic Act.

With respect to Proposals Nos. 48, 112 and 133, each of which relates to legislative sessions and the duration of such sessions, your committee has incorporated in its committee proposal substantially the provisions of Proposal No. 112. The other proposals, in so far as they are at variance with Proposal No. 112 and your committee proposal, have been rejected, and it is recommended that they be filed.

Proposal No. 128, concerning the establishment of a legislative council, has been incorporated in your committee proposal in an amended form.

With respect to Proposal No. 142, those provisions dealing with impeachment of executive officers have been incorporated in your committee proposal. In view of the action of the Convention in its adoption of the Article on Judiciary those provisions relating to the impeachment of judges have not been included.

With respect to Proposal No. 144, this proposal dealt in part with the limitation on the power of the legislature to grant divorces and in part to a limitation of the power of the legislature to include provision of a private, special or local character within a law of otherwise general application. Concerning the provision regarding legislative divorces, a majority of the members of your committee felt that such a specific limitation was entirely unnecessary. It was, to those members, inconceivable that any legislature of the State of Hawaii would ever consider granting a divorce by statute. Concerning the second prohibition on the legislative power a majority of the members of your committee felt that this was satisfied by the provision contained in your committee proposal that each law shall deal with but one subject of legislation which is to be expressed in its title. It is therefore recommended that Proposal No. 144 be filed.

With respect to Proposal No. 147, which would grant authority to public servants to engage in political activity, members of your committee were unanimous in their feeling that this would be entirely contrary to the principle of the merit system which is now in effect in the Territory and which, by another committee proposal, is hereby recommended for continuation in the State of Hawaii. The proposal was therefore rejected, and it is recommended that this proposal be filed.

Proposal No. 150. This proposal contained at least ten provisions which either restricted the legislative power of the State or attempted to add to it, in each instance by reference to particular subjects. Your committee felt that in view of the broad grant to the legislature by Section 1 of the committee proposal, any attempt to expand or limit that grant by specific language was inadvisable. It is therefore recommended that Proposal No. 150 be filed.

With respect to Proposal No. 152, which would give constitutional status to a public utility commission, your Committee felt that this was a matter for legislative determination and had no part in the constitution, and recommends that it be filed.

Proposal No. 189. The essential element of this proposal would be to incorporate the initiative and referendum into the constitution and it was rejected by your Committee as an issue already determined by the Convention as a whole. It is therefore recommended that it be filed.

With respect to Proposal No. 190, relating to the privilege from arrest to be enjoyed by members of the legislature, substantially this same immunity has been incorporated in your committee proposal. Your committee did not feel it advisable to include immunity from any civil process and this portion of the proposal was therefore rejected.

Proposals Nos. 69 and 175 were referred, by this committee, to the Committee on Agriculture, Conservation and Land, respectively.—*June 24, 1950*

Wm. H. Heen	Toshio Serizawa
E. B. Holroyde	Flora K. Hayes
Hiram L. Fong	Arthur D. Woolaway
Thomas T. Sakakihara	Randolph Crossley
Edward C. Bryan	Frederick Ohrt
	Herbert K. H. Lee

Elizabeth R. Kellerman—I do not concur with paragraph 3.

Cable A. Wirtz—I do not concur with paragraph 3.

Peter Kawahara—I do not concur with paragraph 19.

### STANDING COMMITTEE REPORT NO. 96

Your Committee on Suffrage and Elections, to which was re-referred Miscellaneous Communication No. 88 entitled: "A Constitutional Proposal—State Constitution can curb Reds by defining political Parties," recommends that the same be placed on file.

Misc. Com. No. 88, dealing with the outlawing of the Communist Party by striking such political party off the election ballot, is not in the realm of this committee. However, this thought is adequately covered by the Committee on Ordinances and Continuity of Law and the Committee on Legislative Powers and Functions which deal with the qualification of candidates for office.—*June 24, 1950*

Katsumi Kometani,  
Chairman

Trude M. Akau,  
Vice-Chairman

J. Pia Cockett

Ann H. Corbett

James F. Gilliland

H. S. Kawakami

### STANDING COMMITTEE REPORT NO. 97

Your Committee on Printing to which was referred Committee Proposal No. 30 and Res. No. 44 begs leave to report that said Proposal and Resolution have this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention.—*June 29, 1950*

Charles H. Silva, Chairman

### STANDING COMMITTEE REPORT NO. 98

Your Committee on Ordinances and Continuity of Law, to which was referred Proposal No. 14, originally referred to the Committee on Judiciary and upon the recommendation of said committee, referred to this committee, begs leave to report as follows:

The first sentence of this proposal has been incorporated in section 1 of the Article on Judiciary, Committee Proposal No. 7, with the change of the word "Territory" to "State." The second sentence of the proposal seeks to continue in force the laws of the Territory of Hawaii concerning the courts, their jurisdiction and procedure. Inasmuch as your committee has provided for the continuation of all laws of the Territory of Hawaii not repugnant to the constitution and also for the continuation of judges of territorial courts until their successors shall have qualified in accordance with the Constitution or the laws enacted pursuant thereto, your committee feels that it is unnecessary to include in the constitution the second sentence of Proposal No. 14. Therefore, your committee recommends that Proposal No. 14 be filed.—*June 27, 1950*

Clarence Y. Shimamura,  
Chairman  
Marguerite K. Ashford,  
Vice-Chairman

Herbert K. H. Lee  
Jack H. Mizuha  
Thos. Sakakihara  
C. Nils Tavares  
Arthur K. Trask

## STANDING COMMITTEE REPORT NO. 99

We, the undersigned members of your Committee on Legislative Powers and Functions, do not concur with the majority report of the committee insofar as it establishes a senate of 25 members.

A senate of 25 members was chosen by the majority of the committee to assure that the precise ratio of 40.0 per cent Oahu members to 60.0 per cent neighbor island members would be retained.

That ratio is the mathematical result of the present senatorial apportionment, not the underlying reason for it, and we are unable to discover any justification for its unequivocal retention.

That exact ratio was not intended to become a sacred and inviolate standard. The framers of the Organic Act stipulated that the Senate, as well as the house, was to be periodically reapportioned on the basis of citizen population. An apportionment, if made today on the basis of total population (citizen population statistics are not available) would result in the following distribution of members:

a. For a senate of 25 members: first senatorial district, 3; second, 2; third, 18; fourth, 2; and the ratio would be 72.0 per cent for Oahu, 28.0 per cent for the neighbor islands.

b. For a senate of 21 members: first, 3; second, 2; third, 15; fourth, 1; and the ratio would be 71.4 per cent for Oahu, 28.6 per cent for the neighbor islands.

It may be seriously doubted that the use of citizen population, if available, would have any material effect on the above apportionments.

We accept the proposition that no single major island group should be in a position to control legislation for the state. We are not advocating such control when we propose a senate membership of 21.

The apportionment of members among the several senatorial districts as proposed by the amendment submitted as a part of this minority report is the same as that contained in Senate Concurrent Resolution No. 21, adopted on third reading by the territorial senate during the 1949 regular session. While the senate was unable to concur in a conference committee report on that resolution, no better plan was proposed.

We agree with the apportionment attempted in 1949. The ratio under such an apportionment is 42.9 per cent for Oahu members and 57.1 per cent for neighbor island members. We believe this apportionment eminently fair to all concerned.

We therefore recommend the adoption of the amendment attached hereto. —June 28, 1950

Wm. H. Heen  
Herbert K. H. Lee  
Cable A. Wirtz

## AMENDMENT TO COMMITTEE PROPOSAL NO. 29

Amend Section 2 thereof to read as follows:

**SECTION 2.** Senate; senatorial districts; number of members. The senate shall be composed of 21 members, who shall be elected by the qualified voters of the respective senatorial districts. The districts, and the number of senators to be elected from each, shall be as follows:

First senatorial district: the island of Hawaii, five;

Second senatorial district: the islands of Maui, Molokai, Lanai and Kahoolawe, four;

Third senatorial district: the island of Oahu, nine;  
Fourth senatorial district: the islands of Kauai and Niihau, three.

## STANDING COMMITTEE REPORT NO. 100

Your Committee on Style to which was referred Committee Proposal No. 7, RD 1, dealing with the Judiciary, has examined the action on the Convention and the report of the Committee of the Whole, and begs leave to report as follows:

1. That the proposal entitled Judiciary be referred to the Convention for third reading in the form attached (Committee Proposal No. 7, RD 2).

2. Your committee calls attention to the following changes in arrangement and form which have been made in the proposed article as adopted on the floor of the Convention.

a. The proposed article for convenience only has been designated Article VI.

b. The following subtitles have been added:

SECTION 1. Judicial Power  
SECTION 2. Supreme Court  
SECTION 3. Appointment of Judges  
Qualifications  
Tenure  
Compensation  
Retirement  
Removal

SECTION 4. Retirement for Incapacity

SECTION 5. Administration

SECTION 6. Rules

c. The following re-arrangement of subject matter has been made to effect better organization, conservation of space, brevity, and the grouping of related materials:

Section 3 of Redraft 2:

(1) First and second sentences, no change.

(2) Third sentence taken from first sentence of Section 7, RD 1.

(3) Fourth sentence taken from third sentence of Section 3, RD 1.

(4) Fifth sentence taken from second sentence of Section 7, RD 1.

(5) Sixth sentence taken from second paragraph of Section 3, RD 1., and made the first sentence of a new paragraph.

(6) Seventh sentence taken from first sentence of Section 6, RD 1.

(7) Eighth sentence taken from second sentence of Section 6, RD 1.

(8) Ninth sentence taken from third sentence of Section 6, RD 1.

(9) Tenth sentence taken from sentence one of Section 4, RD 1.

Section 4 of Redraft 2:

Taken from Section 5, RD 1.

Section 5 of Redraft 2:

(1) First sentence taken from first sentence of Section 8, RD 1.

(2) Second sentence taken from first sentence of Section 9, RD 1.

(3) Third sentence taken from second sentence of Section 8, RD 1.

Section 6 of Redraft 2:

Taken from Section 10, RD 1.

It is the judgment of your committee that none of the above changes affects the substance of the original proposal of the Committee on Judiciary, as approved by the Convention on second reading.

3. Your Committee recommends the changes in phraseology and punctuation indicated below. Where line numbers are mentioned reference is made to the revised sections as they appear in Article VI (Com. Proposal No. 7, RD 2). It is the judgment of your committee that none of these changes affects the substance of the original proposal, as approved by the Convention on second reading.

Section 1. A comma has been placed after the word "courts" in sentence 3, and the word "in" has been inserted after the word "and" in line 3 for purpose of clarity. This form is identical with Section 81 of the Organic Act and will continue the construction heretofore placed upon this language recognizing the power of the legislature to increase or decrease the number of circuit courts as well as to increase or decrease the number of circuit judges. The words "ordain and" have been deleted in line 5, as redundant. It is recognized that the word "establish" is generic and includes the power to alter or abolish.

Section 2. The article "a" has been substituted for the article "the" in line 4, to conform to the obvious intent of the Convention that the chief justice may select any judge from any circuit court, or more than one judge from any one or more circuit courts, for temporary service.

Some question was raised as to whether additional language should be inserted in this section expressly empowering an associate justice temporarily serving in the stead of an absent or incapacitated chief justice, to perform the functions of the chief justice, but your committee decided that such insertion was unnecessary because such power is clearly implied.

Section 3. The first sentence of Section 3 (RD 1) has been rephrased from "The justices of the supreme court and the judges of the circuit courts shall be appointed by the governor by and with the advice and consent of the senate" to "The governor shall nominate and, by and with the advice and consent of the senate, appoint the justices of the supreme court and the judges of the circuit courts." The recommended language conforms to the language of the Organic Act. Your committee is of the opinion that it was the consensus of the Convention that the appointment in this instance should be a joint or shared responsibility, rather than by the Governor with the confirmation by the State senate.

A comma has been inserted after the word "senate" in line 6, and the clause "and no interim appointment shall be made when the senate is not in session," has been added in the second sentence. It is the consensus of your committee that the addition of this clause does not change substance, and is necessary to conform to the applicable provision on interim appointments (Sec. 10, Com. Proposal No. 22) in the Article on Executive Powers and Functions, and in accordance with the conclusions reached in the debate of the Committee of the Whole on the Judiciary.

The third sentence of Section 3 has been rephrased from "The justices of the supreme court and the judges of the circuit courts shall hold no other office or position of profit under this State or the United States" (See Sec. 7, RD 1) to read "No justice or judge shall hold any other office or position of profit under this State or the United States." There is no change in meaning.

The third paragraph of Section 2 (RD 1) has been rephrased from "The justices of the supreme court shall hold office for a term of 7 years and the judges of the circuit

courts shall hold office for a term of 6 years" to read "The term of office of a justice of the supreme court shall be seven years and that of a judge of a circuit court shall be six years." (RD 2, sentence 6). The rephrasing and the use of words instead of numerals do not change substance.

The sentence referring to compensation has been rephrased by deleting the words "The justices of the supreme court and the judges of the circuit courts" (Sec. 6, RD 1) and substituting in lieu thereof the word "they" (reference to compensation in Section 3, RD 2); the word "general" has been inserted between the words "by" and "law"; the words "in equal measure" have been deleted; and the word "salaried" inserted between the words "all" and "officers." The above changes have been made in the interest of brevity and improvement of language construction. There is no change in substance. It is the judgment of your committee that general reductions in salary under general laws applicable, on the basis of comparable and reasonable classifications not aimed at discriminatory action against judicial officers, to all salaried officers of the State, would meet the intent of the Convention under this sentence. Your committee believes that the Convention had in mind that general salary reductions, such as the ten per cent reduction made by the Territorial legislature in 1932, do not usually apply to small classes of temporary or part-time officers such as jury commissioners, jurors, etc., who are usually paid on a per diem basis.

The first sentence referring to retirement has been changed to read "They shall be retired upon attaining the age of 70 years" instead of "They shall retire upon attaining the age of 70 years." (Sec. 6, RD 1). The sentence "They shall be included in any retirement law of the State" has been substituted for the sentence "Provision shall be made by law for the inclusion of such justices and judges in any retirement law of the State." (Sec. 6, RD 1). There is no change in substance.

In the final sentence of Section 3 (RD 2), the word "they" has been substituted for the words "The justices of the supreme court and the judges of the circuit courts" (Sec. 4, RD 1) for the purpose of brevity and language construction; the words "house" and "legislature" are not capitalized; and a comma is inserted after the word "legislature." The changes referred to immediately above are for the purpose of improvement in language construction. None of the changes affect substance.

Section 4. The words "it appears" have been deleted in line 3, and the words "is so" have been deleted in line 4. In lieu thereof the words "appears to be so" have been inserted after the words "circuit court" in line 5 (RD 2). This change is for purpose of improved language construction.

Section 5. The words "of this State" have been deleted from the first sentence, as redundant. The sentence, appearing as Section 9, of the original (RD 1) has been made the second sentence of the new Section 5 (RD 2), with the word "He" substituted for the words "The chief justice of the supreme court." These changes do not affect substance, but group two related matters in one section and effect brevity.

Section 6. The words "from time to time" have been deleted after the word "power" in line 2 as redundant; the word "for" has been substituted for the word "in" after the word "cases" in line 3, for purpose of improvement in language construction; and the words "of this State" have been deleted after the word "courts" in line 4, as redundant.

Your committee deems it proper to remind the Convention of the statement made on pages 10-11 of Committee of

the Whole Report No. 5, with reference to the power of the Supreme Court of the State, under rules of procedure to be adopted by it under this section to permit by stipulation the trial of civil or criminal cases by a jury of less than 12, and a verdict by less than the proportion required by law, etc.

Your Committee on Style submits the proposed article, as attached, for the consideration of the Convention.

—June 28, 1950

Benjamin O. Wist,  
Chairman  
Nelson K. Doi,  
Vice-Chairman  
J. Garner Anthony  
Marguerite K. Ashford  
Alexander Castro  
Randolph Crossley

Wm. H. Heen  
Steere G. Noda  
Tom T. Okino  
Herbert M. Richards  
Harold S. Roberts  
Clarence Y. Shimamura  
C. Nils Tavares  
Takao Yamauchi  
Cable A. Wirtz

COMMITTEE PROPOSAL NO. 7, RD 2\*

ARTICLE VI

SECTION 1. [Judicial Power.] The judicial power of the State shall be vested in one supreme court, circuit courts, and in such inferior courts as the legislature may from time to time establish. It shall extend to all cases arising under the constitution and laws of the United States or this State. The several courts shall have original and appellate jurisdiction as provided by law.

SECTION 2. [Supreme Court.] The supreme court shall consist of a chief justice and four associate justices. When necessary, the chief justice shall assign a judge or judges of a circuit court to serve temporarily on the supreme court. In case of a vacancy in the office of chief justice, or if he is ill, absent, or otherwise unable to serve, an associate justice designated in accordance with the rules of the supreme court shall serve temporarily in his stead.

SECTION 3. [Appointment of Judges.] The governor shall nominate and, by and with the advice and consent of the senate, appoint the justices of the supreme court and the judges of the circuit courts. No nomination shall be sent to the senate, and no interim appointment shall be made when the senate is not in session, until after ten days' public notice by the governor.

[Qualifications.] No justice or judge shall hold any other office or position of profit under this State or the United States. No person shall be eligible to such office who shall not have been admitted to practice law before the supreme court of this State for at least ten years. Any justice or judge who shall become a candidate for an elective office shall thereby forfeit his office.

[Tenure, Compensation, Retirement, Removal.] The term of office of a justice of the supreme court shall be seven years and that of a judge of a circuit court shall be six years. They shall receive for their services such compensation as may be provided by law, which shall not be diminished during their respective terms of office, unless by general law applying to all salaried officers of the State. They shall be retired upon attaining the age of 70 years. They shall be included in any retirement law of the State. They shall be subject to removal from office upon the concurrence of two-thirds of the membership of each

\*Amended by Convention on third reading to delete second sentence of Section 1, and RD 3 passed.

house of the legislature, sitting in joint session, for such causes in such manner as may be provided by law.

SECTION 4. [Retirement for Incapacity.] Whenever a commission or agency, authorized by law for such purpose, shall certify to the governor that any justice of the supreme court or judge of a circuit court appears to be so incapacitated as substantially to prevent him from performing his judicial duties, the governor shall appoint a board of three persons to inquire into the circumstances and on their recommendation the governor may retire the justice or judge from office.

SECTION 5. [Administration.] The chief justice of the supreme court shall be the administrative head of the courts. He may assign judges from one circuit court to another for temporary service. With the approval of the supreme court he shall appoint an administrative director to serve at his pleasure.

SECTION 6. [Rules.] The supreme court shall have power to promulgate rules and regulations in all civil and criminal cases for all courts relating to process, practice, procedure and appeals, which shall have the force and effect of law.

STANDING COMMITTEE REPORT NO. 101

Your Committee on Printing to which was referred Standing Com. Rpt. No. 99 begs leave to report that said Report has this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention.

—June 28, 1950

Charles H. Silva, Chairman

STANDING COMMITTEE REPORT NO. 102

We, the undersigned members of the Committee on Legislative Powers and Functions, do not agree with the majority report on the legislative article insofar as that report proposes a house of representatives of 51 members. Our objection was noted in Standing Com. Rpt. No. 92 and we beg leave to file a minority report as follows:

The majority of your committee members proposes a 51 member house in order that the present membership from the neighbor islands will not be reduced. This is a concession to a 50-year period of legislative inaction that we believe this convention is unjustified in making.

All evidence points to the fact that the initial apportionment of the house, both under the 1894 Constitution of the Republic of Hawaii and under the Organic Act, was on the basis of population. The Organic Act further provided for periodic reapportionment on the basis of citizen population.

With a house of 51 members apportioned among the major island divisions, in accordance with 1950 United States Census Population Statistics, the present neighbor island representation is reduced by three, one member from each neighbor island group. For a house of 41 members, that representation is further reduced by four members, one from Hawaii, one from Maui, and two from Kauai. Thus, if the directive of the Organic Act were to be carried out today on the basis of total population (instead of citizen population), the apportionment would be as follows:

*Apportionment of the House of Representatives  
on the Basis of 1950 Population Statistics*

	1950 Population	Percent of Total	No. of Members	
			51	41
Hawaii . . . . .	67,683	13.7	7	6
Maui . . . . .	48,387	9.8	5	4
Honolulu . . . . .	347,440	70.4	36	29
Kauai . . . . .	29,838	6.1	3	2

By this convention adopting, as we hereby recommend, a house of 41 members, apportioned among the several island units on the basis of registered voters, the neighbor islands will have the same representation as they would be entitled to receive if the membership were increased by ten and set at 51 and the apportionment based upon total population.

The neighbor islands would receive only three of those ten added members, seven would go to Oahu. We believe the additional cost to the Territory, by reason of having those three members, unsupportable by reason.

The proposal submitted for the legislative article by your committee establishes a salary of \$2500 for members of the legislature for a biennium. By statute, there is now a provision authorizing the payment of \$15 per day for neighbor island members and \$5 per day for Oahu members for each day of a legislative session. During the 1949 regular session, this amounted to \$1100 for each neighbor island member and \$370 for each Oahu member or a total for the session of \$24,420. Taking into consideration only salaries and per diem expenses, the cost of the state, by reason of having those three additional neighbor island members, would amount to over \$34,000 per biennium—over \$11,000 per member. The total legislative employee cost for the 1949 session of the house amounted to \$5514, computed as an average cost per member. When this amount is added for each of the additional members necessary to retain present neighbor island membership, an additional \$55,000 for a general session and perhaps \$20,000 for a budget session would be required. Total additional cost, therefore, would approximate \$110,000 per biennium. Surely, a great price to pay for adding three additional neighbor island members.

We appreciate the need for a somewhat larger membership in the house of representatives. We do not believe it necessary to go beyond a 41 member house to achieve this end.

Your committee has unanimously agreed that the distribution of representatives among the major island divisions shall be on a realistic and equitable basis. We do not depart from that principle in advocating a membership of 41 in the house of representatives.

The representative districts for the 41 member house remain the same as in Committee Proposal No. 29 with two exceptions. Lanai and Molokai would constitute one district and the islands of Maui and Kahoolawe would likewise constitute one district within that basic area, from which there would be elected one representative and four representatives, respectively.

The rural districts of Wahiawa and Waialua and of Ewa and Waianae, on the island of Oahu, have been combined and will be entitled to elect three representatives.

The total number of representative districts in the state are thus reduced from eighteen to sixteen.

We therefore recommend the adoption of the amendment attached hereto.—June 28, 1950

Wm. H. Heen  
Cable A. Wirtz  
Herbert K. H. Lee

*AMENDMENT TO COMMITTEE PROPOSAL NO. 29*

Amend Section 3 thereof to read as follows:

**SECTION 3.** House of representatives; representative districts; number of members; apportionment. The house of representatives shall be composed of 41 members, who shall be elected by the qualified voters of the respective representative districts. The representative districts, and, until next decennial reapportionment, the number of representatives to be elected from each, shall be as follows:

First representative district: that portion of the island of Hawaii known as Puna and Keaukaha, the latter being more particularly described in the schedule, one representative;

Second representative district: that portion of the island of Hawaii known as South Hilo, excluding Keaukaha, three representatives;

Third representative district: that portion of the island of Hawaii known as North Hilo and Hamakua, one representative;

Fourth representative district: that portion of the island of Hawaii known as Kau, Kona and Kohala, two representatives;

Fifth representative district: the islands of Molokai and Lanai, one representative;

Sixth representative district: the islands of Maui and Kahoolawe, four representatives;

Seventh representative district: that portion of the island of Oahu known as Koolaupoko and Koolauloa, two representatives;

Eighth representative district: that portion of the island of Oahu known as Waialua, Wahiawa, Ewa and Waianae, three representatives;

Ninth representative district: that portion of the island of Oahu known as Kalihi and more particularly described in the schedule, three representatives;

Tenth representative district: that portion of the island of Oahu known as upper Nuuanu and more particularly described in the schedule, two representatives;

Eleventh representative district: that portion of the island of Oahu known as Kapalama, and more particularly described in the schedule, two representatives;

Twelfth representative district: that portion of the island of Oahu known as Pauoa and more particularly described in the schedule, four representatives;

Thirteenth representative district: that portion of the island of Oahu known as Manoa and Waikiki and more particularly described in the schedule, five representatives;

Fourteenth representative district: that portion of the island of Oahu known as Kaimuki and Kapahulu and more particularly described in the schedule, three representatives;

Fifteenth representative district: that portion of the island of Oahu known as Wilhelmina Rise, Kahala and Aina Haina and more particularly described in the schedule, two representatives;

Sixteenth representative district: the islands of Kauai and Niihau, three representatives.

**STANDING COMMITTEE REPORT NO. 103**

Your Committee on Printing to which was referred Standing Com. Rpt. No. 102 begs leave to report that said

Report has this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention.

—June 28, 1950

Charles H. Silva, Chairman

### STANDING COMMITTEE REPORT NO. 104

Your Committee on Style to which was referred Committee Proposal No. 11, dealing with Education, has examined the action of the Convention and the report of the Committee of the Whole, and begs leave to report as follows:

1. That the proposal entitled Education be referred to the Convention for third reading in the form attached (Com. Proposal No. 11, RD. 1).

2. Your committee calls attention to the following changes in arrangement and form which have been made in the proposed article as adopted on the floor of the Convention.

a. The proposed article has been tentatively designated Article XI.

b. The subtitle for Section 4 has been changed from "Board of Regents" to "University of Hawaii" and the subtitle for Section 5 has been changed from "Powers of the Board of Regents" to "Board of Regents; Powers."

Without affecting substance, much of the subject matter dealt with in Section 5 in the original proposal, passed by the Convention on second reading, has been placed in Section 4; also some of the subject matter in the original Section 4 has been placed in the new Section 5. The re-arrangement is indicated below. The re-arrangement has been made to bring all subject matter relating to the University as a corporate body under one heading and all subject matter relating to the board of regents under another heading.

(1) Reference to the University as a body corporate has been transferred from Section 5 to Section 4.

(2) Reference to title to real and personal property has been transferred from Section 5 to Section 4; as well as the reference to the University holding such property in public trust and administering such property in accordance with law.

(3) Reference to the establishment of a board of regents has been transferred from Section 4 to Section 5; as well as the reference to board membership representing geographic subdivisions of the State.

(4) Reference to the appointment of the regents has been transferred from Section 4 to Section 5.

(5) Reference to the ex officio voting membership of the president and the superintendent of public instruction on the board of regents has been transferred from Section 4 to Section 5.

(6) Reference to the powers of the board of regents has been transferred from the first sentence of Section 5 to the fourth sentence of Section 5.

(7) Reference to the appointment of the president by the board and his service as the executive officer of the board has been transferred from sentence one of Section 5 to sentence four of Section 5.

3. Your committee recommends the changes in phraseology and punctuation indicated below. Where line numbers are mentioned reference is made to the revised sections as they appear in Article XI (Com. Proposal No. 11, RD. 1). With one exception, to be noted later in this report as questionable, it is the judgment of your committee that the

proposed changes do not affect the substance of the original proposal, as approved by the Convention on second reading.

Section 1. The letter "s" in the word "state" (line 4) has been capitalized, and the comma after the word "libraries" (line 5) has been deleted for the purpose of improved language construction; the words "religion or ancestry" (line 10) have been substituted for the words "color or creed" to conform to the language of Section 4, of Article I (Bill of Rights), adopted on third reading by this Convention; the comma after the word "sectarian" (line 12) has been deleted for purpose of improved language construction, and the word "denominational" has been deleted as redundant and covered by the broader term "sectarian."

Section 2. The sentence, "There shall be a board of education, at least part of the membership of which shall represent geographic subdivisions of the State, to be appointed by the governor, by and with the consent of the Senate, from panels nominated by local school advisory councils to be established by law" has been changed to read "There shall be a board of education, the members of which shall be nominated and, by and with the advice and consent of the senate, appointed by the governor from panels submitted by local school advisory councils to be established by law. At least part of the membership of the board shall represent geographic subdivisions of the State." Your committee calls attention to the following:

a. The proposed language conforms to the language used in the present Organic Act of Hawaii and is the language adopted for use in other articles of this constitution.

b. The words "and advice" have been added.

c. The letter "S" in the word "Senate" is not capitalized in the redraft.

Your committee is of the opinion that the above changes do not affect substance.

Section 3. The comma after the word "board" in line 7 has been deleted in the redraft for purpose of improved language construction.

Section 4. Your committee calls attention once more to the transposition of sentences in Sections 4 and 5 (See last paragraph, page 1 of this report). Reference below is to the position of these sentences in the redraft which appears as Article XI, attached to this report.

After the initial sentence the period has been replaced by a comma, followed by the clause "and constituted a body corporate." This sentence is substituted for the first sentence of Section 4 and the clause "constituted a body corporate" in the second sentence of original Section 5; the word "and" in the original sentence of the proposal has been deleted; the word "It" has been substituted as the first word of a new sentence after the word "corporate;" commas have been inserted after the words "it" and "purposes" in lines 6 and 7.

Your committee is of the opinion that none of the above changes affect substance.

Your committee calls attention to the addition of the words "and disposed of" in the last line of Section 4. The question was raised as to whether under the original phraseology, without the actual inclusion of these words, the University might be placed in the position of being unable to comply with legislative authorization to make such disposal. The University might find itself in the position of being unable to dispose of property no longer needed. The minutes do not clearly reflect whether the power to own land and the power of administration also include the right of disposal.



If such right was the intent of the Convention, the addition of the words "and disposed of" would obviously be a prerogative of the Committee on Style. If, on the other hand, such was not the intent of the Convention, the addition of the words would affect substance.

The minutes of the Committee of the Whole indicate that the power of the legislature by statute to release University property from the "public trust" sufficiently to permit grant or disposal of such property was at least implied. It would, of course, be necessary for the legislature to grant such power of disposal before it could be exercised, and the legislature would furthermore have power to impose such conditions as it deemed in the public interest upon such disposal.

There was some division of opinion with respect to this matter in your committee. Some members felt that proper disposal under legislative authorization was clearly intended under the provisions of public trusteeship and the right to administer "in accordance with law" in the light of the context. Other members felt that inclusion of the words "and disposed of" would leave no doubt with reference to future interpretation.

In view of the above, your committee decided to insert the words "and disposed of" in Section 4 of the Article, to refer to the problem in the report of the Committee on Style, and to leave to the Convention the final decision as to whether the words "and disposed of" should be added.

Section 5. The first sentence has been rephrased to read "There shall be a board of regents of the University of Hawaii," the words "to be known as the 'Board'" deleted as redundant; the letter "r" in the word "regents" is not capitalized. The language used with reference to the appointment of the members of the board of regents has been modified to conform with the language used in Section 2 of this article, the explanation for the change being the same as for the board of education (see p. 4 of this report). The words "of the board" have been substituted for the words "of which" in line 6; the clause referring to geographic representation has been made a complete sentence. In the final sentence of the section the words "of regents" (line 11) and "of Hawaii" (line 13) have been deleted as redundant.

Your Committee on Style submits the proposed article, as attached, for the consideration of the Convention.

—June 30, 1950

Benjamin O. Wist,  
Chairman  
Nelson K. Doi,  
Vice-Chairman  
J. Garner Anthony  
Marguerite K. Ashford  
Alexander Castro

Randolph Crossley  
Wm. H. Heen  
Steere G. Noda  
Harold S. Roberts  
Clarence Y. Shimamura  
C. Nils Tavares  
Cable A. Wirtz  
Takao Yamauchi

COMMITTEE PROPOSAL NO. 11, RD 2

ARTICLE XI

SECTION 1. [Public Education.] The State shall provide for the establishment, support and control of a state-wide system of public schools free from sectarian control, a State university, public libraries and such other educational institutions as may be deemed desirable, including physical facilities therefor. There shall be no segregation in the public educational institutions of this State because of race, religion or ancestry; nor shall public funds be appropriated for the support or benefit of any sectarian or private educational institution.

SECTION 2. [Board of Education.] There shall be a board of education, the members of which shall be nominated and, by and with the advice and consent of the senate, appointed by the governor from panels submitted by local school advisory councils to be established by law. At least part of the membership of the board shall represent geographic subdivisions of the State.

SECTION 3. [Powers of the Board of Education.] The board of education shall have power, in accordance with law, to formulate policy, and to exercise control over the public school system through its executive officer, the superintendent of public instruction, who shall be appointed by the board and shall be ex officio a voting member thereof.

SECTION 4. [University of Hawaii.] The University of Hawaii is hereby established as the State university and constituted a body corporate. It shall have title to all the real and personal property now or hereafter set aside or conveyed to it, which shall be held in public trust for its purposes, to be administered and disposed of according to law.

SECTION 5. [Board of Regents: Powers.] There shall be a board of regents of the University of Hawaii, the members of which shall be nominated and, by and with the advice and consent of the senate, appointed by the governor. At least part of the membership of the board shall represent geographic subdivisions of the State. The president of the University and the superintendent of public instruction shall be ex officio voting members of the board. The board shall have power, in accordance with law, to formulate policy, and to exercise control over the University through its executive officer, the president of the University, who shall be appointed by the board.

STANDING COMMITTEE REPORT NO. 105

Your Committee on Printing to which was referred the following standing committee report, committee proposals and Committee of the Whole reports, begs leave to report that said reports and proposals have this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention: Standing Com. Rpt. No. 100—with Committee Proposal No. 7, RD. 2; Committee of the Whole Report No. 11—with Committee Proposals Nos. 13, 15, 16, 21—with History of the Hawaiian Flag; Committee of the Whole Report No. 12—with Committee Proposal No. 28, RD. 1.

—June 29, 1950

Charles H. Silva, Chairman

STANDING COMMITTEE REPORT NO. 106

Your Committee on Miscellaneous Matters to which was referred Proposal No. 53, "Relating to Lands to Be Included in the State of Hawaii," begs leave to report as follows:

Inasmuch as this subject matter was included in Committee Proposal No. 15, "Relating to State Boundaries," your committee, therefore, returns this proposal with the recommendation that it be placed on file. —June 30, 1950

Takao Yamauchi,  
Chairman  
George Dowson,  
Vice-Chairman

Samuel K. Apoliona, Jr.  
Teruo Ihara  
Kazuo Kage  
Masao Kanemaru  
W. O. Smith



**STANDING COMMITTEE REPORT NO. 107**

Your Committee on Printing to which was referred Standing Com. Rpt. No. 104 and Committee Proposal No. 11, RD. 2, Article II, begs leave to report that said report and proposal have this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention.

—July 5, 1950

Charles H. Silva, Chairman

**STANDING COMMITTEE REPORT NO. 108**

Your Committee on Printing to which was referred the following Committees of the Whole and Committee Proposals, begs leave to report that said reports and proposals have this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention: Committees of the Whole No. 13, Proposal No. 12, RD. 1; No. 14, Resolution No. 29, RD. 2; No. 15, Proposal No. 17, RD. 1; No. 16, Proposal No. 19, RD. 1; No. 17, Proposal No. 22, RD. 1.

—July 5, 1950

Charles H. Silva, Chairman

**STANDING COMMITTEE REPORT NO. 109**

Your Committee on Style to which was referred Committee Proposal No. 9, RD 1, dealing with Revision and Amendments, has examined the action of the Convention and the report of the Committee of the Whole, and begs leave to report as follows:

1. That the proposal entitled Revision and Amendments be referred to the Convention for third reading in the form attached (Com. Proposal No. 9, RD 2).
2. Your committee calls attention to the following changes in arrangement and form which have been made in the proposed article as adopted on the floor of the Convention.
  - a. The proposed article has been tentatively designated Article XV.
  - b. The following changes have been made in subtitles:
    - Section 1: "Revision and Amendments" has been substituted for "Procedure." Section 2: "Constitutional Convention" has been substituted for "Convention." Section 3: "Amendment by Legislature; Veto" has been substituted for "Amendments Proposed by Legislature."
    - c. Section 4 of RD 1 has been made a concluding sentence of Section 3 in RD 2.
    - d. The sentence "The governor shall fill any vacancy in such membership by appointment of a qualified voter from the district concerned." has been taken out of the third paragraph of Section 2 and placed in the fifth paragraph of the same section.
    - e. In the printed form of Committee Proposal No. 9, RD 1, a portion of paragraph 6, reading as follows: "vote cast at such election, or (b) at a special election, by a majority of the total vote tallied upon such question, constituting at least 35 per cent of the total" does not appear.

Your committee, however, calls to the attention of the Convention the facts that (1) these words do appear in the report of the Committee of the Whole, and (2) the minutes of the Committee of the Whole show that it was the report of said committee that was adopted. It is the consensus of your committee, therefore, that the omission

referred to above is in the nature of a typographical error, and that the addition of the words referred to in Redraft 2 does not affect substance.

f. The designation of paragraphs 2 and 3 of Section 3 as (a) and (b) has been adopted by your committee for purpose of convenience only. Such form may not be used in the final draft of the Constitution.

3. Your committee recommends the changes in phraseology and punctuation indicated below. Where line numbers are mentioned reference is made to the revised sections as they appear in Article XV (Com. Proposal No. 9, RD 2). It is the judgment of your committee that none of these changes affects the substance of the original proposal, as approved by the Convention on second reading.

Section 1. The words "or revisions of" in the first sentence have been deleted; the words "Revision of or" have been added as the first words of the sentence. The first letters of the words "amendments," "legislature," "constitutional," and "convention" are not capitalized in the redraft in this or other sections of this article. The above changes have been made for purpose of improved language construction.

The words, "the Legislature, or by" have been deleted in lines 3-4, and the words "or by the legislature" have been added after the word "convention" in line 3. This change has been made to conform to the order used in other sections of the article. (Section 2 deals with revision or amendments by constitutional convention; Section 3 deals with revision or amendments by the legislature).

Section 2. A comma has been inserted after the word "question" in line 8. This change has been made for purpose of improved language construction.

In paragraph two of Section 2 the word "be" has been substituted for the word "is" in line 2, and the words "to the convention" have been inserted after the word "delegates" in lines 2-3; the article "the" has been inserted after the word "for" and the same article has been deleted after the word "of" in line 5. These changes have been made for purpose of improvement in language construction.

In paragraph three a comma has been inserted after the word "contrary" in line 2. Section and Article numbers which refer to the constitutional provision required by H. R. 49, denying a member of any organization which supports the overthrow of government by subversive action the right to hold public office, will be inserted in this section at a later time.

In paragraph four the word "convened" in line 5 has been substituted for the words "called and conducted." Your committee is of the opinion that this substitution does not affect substance, that the word "conducted" in this instance refers to action taken before a constitutional convention has been organized for work, and not to its operation after such organization. The word "were" has been deleted in line 6 as redundant.

In paragraph five a period has been substituted for the semi-colon after the word "procedure" in line 2; and the letter "i" in the word "It" immediately following has been capitalized. The words "of such membership" have been deleted in the redraft of the final sentence, as redundant. The above changes have been made for purpose of improved language construction. The words "elections, returns and" have been inserted before the word "qualifications" in line 4. Your committee is of the opinion that it was the intent of the Committee of the Whole that the word "qualifications" would include also the right to pass judgment on elections and returns. It was felt, furthermore, that the phraseology

In this section should conform to a similar provision in the article on Legislative Powers and Functions, and that the inclusion of the words "elections, returns and" in this sentence are not a change in substance.

In paragraph six the words "revision or amendments" have been substituted for the word "provisions," in line 3, and the word "proposal" in line 5, as being more precise in meaning. The word "amendment" in line 15 has been substituted for the word "provision." In the opinion of your committee the reference here can only apply to an amendment and not to a general revision, and that this was the intent of the Convention. The word "electorate" has been substituted for the word "electors" in line 4, and the words "of the state" have been deleted as redundant. The letter "S" in the word "senate" (line 17) is not capitalized in the redraft.

Section 3. An apostrophe has been placed after the word "days" in line 5, of paragraph two, and after the word "months" in line 7 of paragraph four to conform to the usage recommended in the United States Government Style Manual.

In paragraph five the word "electorate" has been substituted for the word "electors" in lines 2-3, and the word "separate" inserted before the word "ballot" in line 4. The words "separate from that upon which the names of candidates appear" have been deleted from the sentence as redundant.

In paragraph six the word "for" after the word "provided" in line 3, has been deleted, and the word "for" has been substituted for the words "relating to" after the word "article" in line 4. These changes have been made for purpose of improved language construction.

In paragraph seven the word "section" has been substituted for the word "article" in line 3. By placing this sentence in Section 3, the only reference to proposals relating to amendment appear in this section.

Your Committee on Style submits the proposed article, as attached, for the consideration of the Convention.

—July 5, 1950

Benjamin O. Wist,  
Chairman  
Nelson K. Doi,  
Vice-Chairman  
J. Garner Anthony  
Marguerite K. Ashford  
Alexander Castro  
Randolph Crossley

Wm. H. Heen  
Steere G. Noda  
Tom T. Okino  
Herbert M. Richards  
Harold S. Roberts  
Clarence Y. Shimamura  
C. Nils Tavares  
Cable A. Wirtz  
Takao Yamauchi

COMMITTEE PROPOSAL NO. 9, RD 2\*

ARTICLE XV

SECTION 1. [Revision and Amendments.] Revisions of amendments to this constitution may be proposed by constitutional convention or by the legislature.

SECTION 2. [Constitutional Convention.] The legislature may submit to the electorate at any general or special election the question, "Shall there be a convention to propose a revision of or amendments to the constitution?" any ten-year period shall elapse during which the question shall not have been submitted, the lieutenant governor shall certify the question, to be voted on at the first general election following the expiration of such period.

Amended by Convention on third reading by making last sentence Section 4, and changing word "section" to "article," and RD 3 passed.

If a majority of the ballots cast upon such question be in the affirmative, delegates to the convention shall be chosen at the next regular election unless the legislature shall provide for the election of delegates at a special election.

Notwithstanding any provision in this constitution to the contrary, other than Section \_\_\_\_\_ of Article \_\_\_\_\_, any qualified voter of the district concerned shall be eligible to membership in the convention.

Unless the legislature shall otherwise provide, the delegates to such convention shall consist of the same number, and be elected from the same areas, and the convention shall be convened in the same manner, as nearly as practicable, as required for the Hawaii State Constitutional Convention of 1950.

The convention shall determine its own organization and rules of procedure. It shall be the sole judge of the elections, returns and qualifications of its members and, by a two-thirds vote, may suspend or remove any member for cause. The governor shall fill any vacancy by appointment of a qualified voter from the district concerned.

The convention shall provide for the time and manner in which the proposed constitutional revision or amendments shall be submitted to a vote of the electorate, but no such revision or amendments shall be effective unless approved, (a) at a general election, by a majority of all of the votes tallied upon the question, constituting at least 35 per cent of the total vote cast at such election, or (b) at a special election, by a majority of the total vote tallied upon such question, constituting at least 35 per cent of the total number of registered voters; provided, that no constitutional amendment altering this proviso or the representation from any senatorial district in the senate shall become effective, unless it shall also be approved by a majority of the votes tallied upon the question in each of a majority of the counties.

The provisions of this section shall be self-executing, but the legislature shall make the necessary appropriations and may enact legislation to facilitate its operation.

SECTION 3. [Amendment by Legislature: Veto.] The legislature may propose amendments to the constitution in the following manner:

(a) By adopting the same, in the manner required for legislation, by a two-thirds vote of each house on final reading, after either or both houses shall have given the governor at least ten days' written notice of the final form of the proposed amendment; or

(b) By adopting the same, in the manner required for legislation, with or without such notice to the governor, by a majority vote of each house on final reading, at each of two successive sessions of the legislature.

Upon such adoption, the proposed amendments shall be entered on the journals, with the ayes and noes, and published once in each of four successive weeks, in at least one newspaper of general circulation in each senatorial district wherein such a newspaper is published, within the two months' period immediately preceding the next general election for members of the legislature.

At such general election the proposed amendments shall be submitted to the electorate for approval or rejection upon a separate ballot.

The conditions of and requirements for ratification of such proposed amendments shall be the same as provided in Section 2 of this article for ratification at a general election.

No proposal for amendment of the constitution adopted in either manner provided by this section shall be subject to veto by the governor.

## STANDING COMMITTEE REPORT NO. 110

Your Committee on Style to which was referred Committee Proposal No. 28, RD 1, dealing with Industry and Labor, has examined the action of the Convention and the report of the Committee of the Whole, and begs leave to report as follows:

1. That the proposal entitled Industry and Labor be referred to the Convention for third reading in the form attached (Com. Proposal No. 28, RD 2).
2. Your committee calls attention to the following changes in arrangement and form which have been made in the proposed article as adopted on the floor of the Convention.

a. The proposed article has been tentatively designated Article XII.

b. The proposed article has been divided into two sections. This division has been made in view of the nature of the subject matter, the first sentence of the original article dealing with rights of persons in private employment, the second sentence dealing with the rights of persons in public employment.

c. The sub-title "Private Employees" has been given to Section 1; the sub-title "Public Employees" has been given to Section 2.

The original sub-title "Industry and Labor" has been deleted.

It is the judgment of your Committee that the above changes do not affect substance.

3. Your committee recommends the change in phraseology indicated below. The line number refers to the revised section as it appears in Article XII (Com. Proposal No. 28, RD 2). It is the judgment of your committee that the suggested change does not affect the substance of the original proposal, as approved by the Convention on second reading.

Section 2. The word "to" after the word "organize" in line 3, has been deleted. This deletion has been made for purpose of improved language construction.

Your Committee on Style submits the proposed article, as attached, for the consideration of the Convention.

—July 5, 1950

Benjamin O. Wist,  
Chairman  
Nelson K. Doi,  
Vice-Chairman  
J. Garner Anthony  
Marguerite K. Ashford  
Alexander Castro  
Randolph Crossley

Wm. H. Heen  
Steere G. Noda  
Tom T. Okino  
Herbert M. Richards  
Harold S. Roberts  
Clarence Y. Shimamura  
C. Nils Tavares  
Cable A. Wirtz  
Takao Yamauchi

## COMMITTEE PROPOSAL NO. 28, RD 2

## ARTICLE XII

SECTION 1. [Private Employees.] Persons in private employment shall have the right to organize for the purpose of collective bargaining.

SECTION 2. [Public Employees.] Persons in public employment shall have the right to organize, present to and make known to the State, or any of its political subdivisions or agencies, their grievances and proposals.

## STANDING COMMITTEE REPORT NO. 111

Your Committee on Style to which was referred Committee Proposals Nos. 13, 21, 15, and RD 1 of Proposals Nos. 17, and 19, dealing with miscellaneous matters (State Flag, Equal Rights, State Boundaries, Intergovernmental Relations, Oath of Office) has examined the action of the Convention and the report of the Committee of the Whole, and begs leave to report as follows:

1. That the several proposals under the above headings be referred to the Convention for third reading in the form attached (Com. Proposal No. 13, RD 1; Com. Proposal No. 21, RD 1; Com. Proposal No. 15, RD 1; Com. Proposal No. 17, RD 2; and Com. Proposal No. 19, RD 2).

2. Your committee has tentatively grouped all five proposals under one heading and for purpose of temporary convenience (a) has designated the series as Article XIV, and (b) referred to each of the individual proposals as sections, instead of separate proposals, as passed on second reading by the Convention.

3. With reference to the action above, your committee calls to the attention of the Convention that these sections may (a) appear as separate articles, or (b) be incorporated as separate sections of other articles in the final draft of the Constitution, instead of appearing in an article on miscellaneous matters.

4. Your committee also calls to the attention of the Convention the fact that other proposals submitted by the Committee on Miscellaneous Matters have not as yet been acted upon by the Convention. When such proposals shall have passed second reading they will be reviewed by the Committee on Style and referred back to the Convention for consideration and third reading under the tentative article designation used for other proposals of the Committee on Miscellaneous Matters (Article XIV).

5. Your committee calls attention to the following changes in form, arrangement, phraseology and punctuation which have been made in each of the proposals, as adopted on the floor of the Convention.

a. State Flag: This article (Com. Proposal No. 13) has been tentatively designated Section 1. The words "emblem of the Territory of Hawaii, known as the" have been deleted, as redundant and for purpose of brevity. It is the judgment of your committee that the Hawaiian flag, which was adopted in the days of the monarchy, and is defined by Section 12940 of the Revised Laws of Hawaii, 1945, is so well-known as to make reference to it as the emblem of the Territory of Hawaii unnecessary. The comma after the word "flag" has been deleted, in view of the reconstruction of the sentence.

b. Equal Rights: This article (Com. Proposal No. 21) has been tentatively designated Section 2. The words "the term 'person,' 'persons,' 'people,' or" have been deleted, as redundant. The word "appears" has been substituted for the words "is used"; the word "it" has been substituted for the words "the same"; and the parenthetical phrase "in this constitution" has been inserted between the word "appears" and the word "it" in line 2. The changes have been made for purpose of improved language construction. The words "persons of," in line 3, have been deleted, as redundant.

c. State Boundaries: This article (Com. Proposal No. 15) has been tentatively designated Section 3. The last four words of the sentence have been made the first four words, the letter "t" having been capitalized the first time and made a small letter the second time the article "the" is used in the sentence. The words "shall

include" have been substituted for the words "shall be known as" and inserted after the word "Hawaii" in lines in lines 1-2. The last named change has been made to differentiate between the use of the word "State" as a geographical area and the use of this word elsewhere in this Constitution. The other changes have been made for purpose of improved language construction.

d. Intergovernmental Relations: This article (Com. Proposal No. 17) has been tentatively designated Section 4. The word "funds" has been inserted between the words "and" and "may" in lines 7-8, the word "appropriate" has been changed to "appropriated" in line 8, and the words "such sums as may be necessary to finance its fair share of the cost of such activities" have been replaced by the words "to effect such cooperation" in lines 8-9.

The above changes have been made in the interests of improved language construction. It is the judgment of your committee that the changes do not affect substance.

e. Oath of Office: This article (Com. Proposal No. 19) has been tentatively designated Section 5. A comma has been inserted before the words "to the best" in line 10. These changes have been made for purpose of improved language construction and do not affect substance.

Your Committee on Style submits the proposed article, as attached, for the consideration of the Convention.

—July 6, 1950

Benjamin O. Wist,  
Chairman  
Nelson K. Doi,  
Vice-Chairman  
J. Garner Anthony  
Marguerite K. Ashford  
Alexander Castro  
Randolph Crossley

William H. Heen  
Steere G. Noda  
Tom T. Okino  
Herbert M. Richards  
Harold S. Roberts  
Clarence Y. Shimamura  
C. Nils Tavares  
Cable A. Wirtz  
Takao Yamauchi

#### ARTICLE XIV

##### COMMITTEE PROPOSAL NO. 13, RD 1

SECTION 1. [State Flag.] The Hawaiian flag shall be the flag of the State of Hawaii

##### COMMITTEE PROPOSAL NO. 21, RD 1

SECTION 2. [Equal Rights.] Wherever any personal pronoun appears in this constitution, it shall be interpreted to include both sexes.

##### COMMITTEE PROPOSAL NO. 15, RD 1

SECTION 3. [State Boundaries.] The State of Hawaii shall include the islands and territorial waters heretofore constituting the Territory of Hawaii.

##### COMMITTEE PROPOSAL NO. 17, RD 2

SECTION 4. [Inter-Governmental Relations.] The legislature may provide for cooperation on the part of this State and its political subdivisions with the United States, or other states and territories, and their political subdivisions in matters affecting the public health, safety and general welfare, and funds may be appropriated to effect such cooperation.

##### COMMITTEE PROPOSAL NO. 19, RD 2

SECTION 5. [Oath of Office.] All public officers shall, before entering upon the duties of their respective offices, take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support

and defend the constitution of the United States, and the constitution of the State of Hawaii, and that I will faithfully discharge my duties as \_\_\_\_\_, to the best of my ability." The legislature may prescribe further oaths or affirmations.

#### STANDING COMMITTEE REPORT NO. 112

Your Committee on Printing to which was referred the following Standing Committee Report, Committee Proposals and Committee of the Whole Reports begs leave to report that said reports and proposals have this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention: Standing Com. Rpt. No. 110—with Committee Proposal No. 28, RD. 2; Committee of the Whole No. 17, RD. 1—with Committee Proposal No. 22, RD. 2; Committee of the Whole No. 18—with Committee Proposal No. 10, RD 1; and Committee of the Whole No. 19—with Committee Proposal No. 20, RD. 1.—July 6, 1950

Charles H. Silva, Chairman

#### STANDING COMMITTEE REPORT NO. 113

Your Committee on Style to which was referred Committee Proposal No. 26, RD 1, dealing with local government, has examined the action of the Convention and the report of the Committee of the Whole, and begs leave to report, as follows:

1. That the proposal entitled Local Government be referred to the Convention for third reading in the form attached (Committee Proposal No. 26, RD 2).
2. Your committee calls attention to the following changes in arrangement and form which have been made in the proposed article as adopted on the floor of the Convention.

a. The proposed article has tentatively been designated as Article IX.

b. The following subtitles have been added: Section 1—Political Subdivisions; Creation, Powers. Section 2—Local Self-Government; Charter. Section 3—Taxation and Finance. Section 4—Mandates; Accrued Claims. Section 5—Statewide Laws.

c. The third sentence of Section 1, RD 1, has been taken out of that section and has been designated as Section 4.

d. The portion of the second sentence of Section 1 which refers to the power of political subdivisions to frame and adopt charters has been taken out of Section 1 and placed in Section 2. The purpose of this change is to refer separately to the powers of the legislature to create counties and the power of counties to frame and adopt charters.

e. Section 2 of the original proposal has been re-numbered and appears as Section 3 in the proposed article.

f. Section 3 of the original proposal appears in the proposed article as Section 5.

It is the judgment of your committee that none of the above changes affects the substance of the original proposal of the Committee on Local Government, as approved by the Convention on second reading.

3. Your committee recommends the changes in phraseology and punctuation indicated below. Where line numbers are mentioned reference is made to the revised sections as

they appear in Article IX (Committee Proposal No. 26, RD 2).

It is the judgment of your committee that none of these changes affects the substance of the original proposal, as approved by the Convention on second reading.

a. The words "and exercise such" have been inserted after the word "have" in lines 5-6, and the word "power" in line 6 has been changed to "powers."

b. The words "as shall be conferred under the provisions of general laws" have been added immediately following the word "powers" in line 6.

c. In Section 2 the words "Each political subdivision shall have power" appear as the first words of the sentence comprising this section.

d. In Section 3 of the redraft, the letter "s" in the word "state" in line 6 is not capitalized. The word "state" is used here as an adjective.

Your Committee on Style submits the proposed article, as attached, for the consideration of the Convention.

—July 8, 1950

Benjamin O. Wist,  
Chairman  
Nelson K. Doi,  
Vice-Chairman  
J. Garner Anthony  
Marguerite K. Ashford  
Alexander Castro  
Randolph Crossley

William H. Heen  
Steere G. Noda  
Tom T. Okino  
Herbert M. Richards  
Harold S. Roberts  
Clarence Y. Shimamura  
C. Nils Tavares  
Cable A. Wirtz  
Takao Yamauchi

#### COMMITTEE PROPOSAL NO. 26, RD 2

##### ARTICLE IX

**SECTION 1. [Political Subdivisions: Creation, Powers.]** The legislature shall create counties, and may create other political subdivisions within the State, and provide for the government thereof. Each political subdivision shall have and exercise such powers as shall be conferred under the provisions of general laws.

**SECTION 2. [Local Self-Government; Charter.]** Each political subdivision shall have power to frame and adopt a charter for its own self-government within such limits and under such procedures as may be prescribed by law.

**SECTION 3. [Taxation and Finance.]** The taxing power shall be reserved to the State except so much thereof as may be delegated by the legislature to the political subdivisions, and the legislature shall have the power to apportion state revenues among the several political subdivisions.

**SECTION 4. [Mandates: Accrued Claims.]** No law shall be passed mandating any political subdivision to pay any previously accrued claim.

**SECTION 5. [Statewide Laws.]** This article shall not limit the power of the legislature to enact laws of statewide concern.

#### STANDING COMMITTEE REPORT NO. 114

Your Committee on Miscellaneous Matters, to which was referred Res. No. 44, requesting the Postmaster General of the United States to have a six-cent airmail stamp and a 50-cent coin designed, embodying therein the Seal of the

State of Hawaii as a State of the Union and to issue said stamps and coin in commemoration of the admission of Hawaii into the federal Union, begs leave to report as follows:

Your committee is in full accord with the purposes of this Resolution but in order to accomplish such purposes, your committee is of the opinion that this Resolution should be amended in the following respects:

1. Insert the word "Proposed" before the words "Seal of the State of Hawaii" wherever the phrase appears in said Resolution.
2. Insert the word "the" before the words "Postmaster General" in the last paragraph of said Resolution.

Your committee is also of the opinion that this Resolution should be signed by all members of this Convention who are in agreement with its purposes.

Your committee accordingly recommends the adoption of this Resolution in the amended form hereto attached.

—July 10, 1950

Takao Yamauchi,  
Chairman  
George Dowson,  
Vice-Chairman

Samuel K. Apoliona, Jr.  
Kazuo Kage  
Masao Kanemaru  
H. S. Kawakami  
W. O. Smith

#### RESOLUTION

WHEREAS, the issuing of stamps and minting of coins in commemoration of historic events is a practice long established in the United States of America; and

WHEREAS, the admittance of the State of Hawaii to the federal Union will be an event of both national and international importance; now, therefore,

BE IT RESOLVED by the Constitutional Convention of Hawaii of 1950, that the Postmaster General of the United States, upon the admission of Hawaii as a state of the Union, is respectfully requested to cause a six-cent airmail stamp to be designed, embodying therein the Proposed Seal of the State of Hawaii, and to issue said stamps in commemoration of the admission of Hawaii into the federal Union; and

BE IT FURTHER RESOLVED that the Secretary of Treasury of the United States is respectfully requested, upon the admission of Hawaii as a state of the Union, to cause a 50-cent coin to be designed, embodying thereon the Proposed Seal of the State of Hawaii and other appropriate designs, and to have said coin struck and issued in commemoration of the admission of Hawaii into the federal Union; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the President of the United States, the Secretary of Treasury of the United States, the Postmaster General of the United States, the President of the Senate, the Speaker of the House of the Congress of the United States and to the Delegate to the Congress from Hawaii.

#### STANDING COMMITTEE REPORT NO. 115

Your Committee on Miscellaneous Matters to which was referred Proposal No. 6, relating to government office or employment, begs leave to report as follows:

This proposal was referred to your committee upon the recommendation of the Committee on Executive Powers and Functions (Standing Com. Rpt. No. 57).

Your committee accordingly discussed and deliberated the subject matter of said proposal, which relates to the three years' residence requirement for governmental employees, and inasmuch as your committee feels that this is of a statutory nature, it respectfully recommends that this proposal be placed on file.—*July 10, 1950*

Takao Yamauchi,  
Chairman  
George Dowson,  
Vice-Chairman

H. S. Kawakami  
W. O. Smith  
Samuel K. Apoliona, Jr.  
Kazuo Kage  
Masao Kanemaru

#### STANDING COMMITTEE REPORT NO. 116

Your Committee on Printing to which was referred the following Standing Committee Report, Committee Proposals and Committee of the Whole Report, begs leave to report that said Reports and Proposals have this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention: Standing Com. Rpt No. 111—with Committee Proposal No. 13 RD 1 and Committee Proposal No. 19 RD 2; Committee of the Whole No. 21—with Committee Committee Proposal 26 RD 1.—*July 10, 1950*

Charles H. Silva, Chairman

#### STANDING COMMITTEE REPORT NO. 117

Your Committee on Printing to which was referred Standing Com. Rpt. No. 113 and Committee Proposal No. 26, begs leave to report that said Report and Proposal have this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention.—*July 10, 1950*

Charles H. Silva, Chairman

#### STANDING COMMITTEE REPORT NO. 118

Your Committee on Printing to which was referred Committee of the Whole Report No. 22 and Committee Proposal No. 27 RD 2 begs leave to report that said Report and Proposal have this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention.

—*July 10, 1950*

Charles H. Silva, Chairman

#### STANDING COMMITTEE REPORT NO. 119

Your Committee on Style to which was referred Committee Proposal No. 22, RD 1, dealing with Executive Powers and Functions has examined the action of the Convention and the report of the Committee of the Whole, and begs leave to report as follows:

1. That the proposal entitled "The Executive" be referred to the Convention for third reading in the form attached (Committee Proposal No. 22, RD 2).
2. Your committee calls attention to the following changes in arrangement and form which have been made in the proposed article as adopted on the floor of the Convention.
  - a. The proposed article has been tentatively designated Article V.
  - b. The number of sections has been reduced from eleven to six.

c. The following subtitles have been given to the sections: Section 1: Establishment of the Executive. Section 2: Lieutenant Governor. Section 3: Compensation, Governor, Lieutenant Governor. Section 4: Succession to Governor. Section 5: Executive Powers. Section 6: Executive and Administrative Offices and Departments.

d. The following rearrangement of subject matter has been made to effect brevity, better organization and the grouping of related materials.

- (1) The subject matter of Sections 6, 7, 8 and 9 has been dealt with in a single section in the redraft (Section 5).
- (2) The subject matter of Section 11 has been made the concluding paragraph of Section 5.

Under the above arrangement, the several sections dealing with the powers of the executive have been condensed into a single section. In the judgment of your committee, the rearrangement does not affect substance. Your committee recommends the following rearrangement of the subject matter of the several sections of the proposed article.

Section 4: The last sentences in the first and third paragraphs of Section 4, respectively, referring to impeachment have been combined as the concluding paragraph of this section.

Section 5:

- a. Reference to the powers of the governor as commander in chief of the armed forces has been made the second sentence in the new Section 5 (see Section 9, under the subtitle Armed Forces of the original proposal).
- b. The third sentence of the first paragraph of Section 5 deals with the subject matter of the original Section 6 (Subtitle: Legislative Powers).
- c. The fourth sentence of the first paragraph of Section 5 deals with the subject matter of the original Section 7 (Subtitle: Special Session and Extended Session).
- d. The second paragraph of Section 5 deals with the subject matter of the original Section 8 (Subtitle: Pardons and Reprieves).
- e. The words "Except as otherwise provided in this constitution" originally appearing at the beginning of the third paragraph of Section 10, have been deleted.

At the time of the adoption of the report on Executive Powers and Functions the manner to be followed in the selection of the board of education had not been determined. The words which have been deleted in the redraft were provided in the original draft to care for the possibility of a board of education being selected in some other manner than by appointment by the governor.

In view of the fact that this Constitution makes no exception in the case of the selection of school board members, and in view likewise of the fact that there are no other exceptions, your committee is of the opinion that the reference to exceptions is unnecessary. Your committee calls to the attention of the delegates, however, that such deletion does not, in its judgment, affect in any way the restriction placed upon the governor to nominate members to the board of education from panels submitted by local school advisory committees.

3. Your committee recommends the changes in phraseology and punctuation indicated below. Where line numbers are mentioned, reference is made to the revised sections as they appear in Article V (Committee Proposal No. 22, RD 2). It is the judgment of your committee that none of these changes affects the substance of the original proposal as approved by the Convention on second reading.

Section 1. The letter "g" in the word "governor," wherever it appears in this article is not capitalized.

The word "legally" (line 1 of paragraph 2) has been deleted as unnecessary and to conform to language used in the article on Suffrage and Elections.

The words "such manner as may be provided by" have been changed to read "accordance with," to conform to similar usage elsewhere in this constitution.

The word "begin" has been substituted for the words "be four years beginning" in the second line of paragraph 2, and the word "end" has been substituted for the word "ending" in the third line of the same paragraph.

The word "He" has been substituted for the words "Such person" in the second line of the third paragraph, a comma has been inserted after the word "voter" in the same line, and the word "has" has been substituted for the words, "who shall have" in line 3 and again in line 4.

The words "for twenty years" have been shifted from their position in line 4, after the word "been," to line 5, after the words "United States for."

The above changes have all been made in the interest of improved language construction.

The words "of America" have been deleted after the words "United States" (H. R. 49 refers to the country as the United States without using the words "of America"). The same deletion has been made in the third line of paragraph 4.

The comma after the word "employment" in line 2 in this paragraph has been deleted as unnecessary.

Section 2. The letters "l" and "g" in the words "lieutenant governor" are not capitalized, wherever they appear in this section.

The word "He" has been substituted for the words "the lieutenant governor" in the third line, and again in the fifth line of this section. A comma has been inserted after the word "manner" in the fifth line.

The above changes have been made for purpose of improved language construction.

Section 3. The word "of" has been substituted for the word "for" in the first line of the first paragraph, the words "of the" have been inserted before the words "lieutenant governor," and the word "fixed" has been substituted for the word "set" in the second line.

The words "shall not" have been substituted for the words "in no event shall" in the third line.

The words "eighteen thousand dollars" and "twelve thousand dollars" have been substituted for the figures "\$18,000" and "\$12,000" in the fourth and fifth lines. Commas have been inserted after the word "dollars" in both lines 4 and 5, and a period has been substituted for the comma after the word "annum" in the fifth line.

The words "Such compensation" have been substituted for the word "and" in the fifth line, as the first words of a new sentence.

The word "diminished" has been substituted for the word "decreased" in the sixth line, and the words "their respective" have been substituted for the word "the" in lines 6-7.

In the seventh line of this section the word "terms" has been substituted for the word "term," the words "for which they shall have been elected" have been deleted after the word "terms," and the word "general" has been inserted before the word "law."

The words "in equal measure" have been deleted in lines 7-8, and the word "salaried" has been inserted between the words "all" and "officers" in line 8.

A comma has been inserted after the word "governor" in the tenth line of this section.

The words "for the remainder of the term" have been deleted, and the word "he" has been substituted for the words "lieutenant governor" in line 10.

The above changes have been made in the interest of improved language construction. It is the consensus of your committee that they do not affect substance.

Section 4. The first sentence of paragraph 4 has been reconstructed for purposes of clarity and improved language construction. This sentence deals with provisions for the transfer of the powers of the governor to the lieutenant governor. Such transfer of authority can take place when (a) a vacancy exists, (b) the governor is absent from the State, or (c) the governor is unable to perform his duties although physically present in the State.

It is the consensus of your committee that the proposed wording of this sentence covers all of the subject matter of the original draft, but does this without specific reference to the varied conditions which could be the cause of vacancy or absence. The words "qualify," "death," "removal from office" and "resignation" have been deleted. In the opinion of your committee, the failure of a person elected to the governorship to qualify for the office or the death, resignation or removal of the governor from office would in each case result in a vacancy.

The word "When" has been substituted for the words "In case of" in the first line of the sentence and the word "vacant" has been substituted for the words "failure to qualify," "removal from office," "death" and "resignation."

A new first sentence, "When the office of governor is vacant, the lieutenant governor shall become governor," has been substituted. Absence of the governor from the State or his inability to serve have been provided for in a new second sentence in this paragraph: "In the event of the absence of the governor from the State, or his inability to discharge the powers and duties of his office, such powers and duties shall devolve upon the lieutenant governor during such absence or disability." The words "for the remainder of the term or until the disability is removed" have been deleted.

The third sentence of the original draft, referring to impeachment has been deleted from the first paragraph, the subject matter of this sentence being cared for in a new third paragraph which has been added to the section.

The second paragraph of Section 4 has been reconstructed, to conform to the changes made in the first paragraph. The first sentence of this paragraph, which relates to succession to office in the event of a vacancy in the position of lieutenant governor, or his inability to serve because of absence from the State or for other reason, has been simplified by the same deletion of unnecessary words and the same language reconstruction.

The second sentence of paragraphs 1 and 2, respectively, have been combined into a new paragraph. The words "In the event of the" have been substituted for "In case of his," and the words "of the governor or of the lieutenant governor" have been substituted for the word "he."

It is the judgment of your committee that the above condensation does not affect substance.

Section 5. The word "He" has been substituted for the words "The Governor" in the second line of the first paragraph (See Section 9 of original draft); the word "the" has been substituted for the word "this" in line 2, and the word "or" has been substituted for the comma after the word "insurrection" in line 5 for purpose of improved language construction. The word "rebellion" has been deleted, as unnecessary, the words "insurrection" and "rebellion" being synonyms.



It is the judgment of your committee that none of the above changes affect substance.

In the third sentence of Section 5 (See Section 6 of original draft) the word "beginning" has been substituted for the word "commencement" in the seventh line, and a comma has been inserted after the word "may." In the eighth line the letter "l" in the word "legislature" is not capitalized in the redraft and the word "concerning" has been substituted for the words "as to." In the ninth line the word "the" has been substituted for the word "this" before the word "State"; the comma after the word "State" has been deleted, and the word "may" before the word "recommend" has been deleted. The words "to their consideration" have been inserted between the words "recommend" and "such" in lines 9-10. The word "he" has been substituted for the words "the Governor" in line 10.

The above changes have been made for purpose of improved language construction and do not affect substance.

In the fourth sentence of the first paragraph of Section 5 (See Section 7 of original draft), the word "He" has been substituted for the words "The Governor" in the first line, the letter "l" in the word "legislature" is not capitalized; the comma after the word "legislature" has been deleted. The comma after the word "alone" in line 12 has been deleted; the period after the word "proclamation" has been replaced by a comma, and the words "and may" have been substituted for the words "The Governor shall have power to" in line 12. The comma after the word "regular" has been deleted in line 13, and the first letter of the word "legislature" is not capitalized. The first letter of the word "constitution" is not capitalized in line 14.

The word "budget" (line 13) has been deleted, as redundant. (A budget session is also a regular session.) All other changes have been made in the interest of improved language construction.

In the second sentence of paragraph 2 of Section 5 (See Section 8 of original draft), a comma has been inserted after the word "may"; the word "provide" has been deleted and a comma has been inserted after the word "law" in the fourth line.

The words "authorize the governor to grant pardons before convictions, to grant reprieves, commutations and pardons for impeachment" have been substituted for the words "for granting commutations and pardons by the Governor before a conviction and for the granting of reprieves, commutations and pardons for impeachment" in lines 5-7. In line 7, a comma has been inserted after the word "impeachment"; the words "to restore" have been substituted for the words "for the restoration"; the words "by order of the Governor of" have been deleted; the word "rights" has been substituted for the word "right," and the word "denied" has been substituted for the word "lost." In line 8, the article "the" before the word "conviction" has been deleted, and the word "tribunals" has been substituted for the word "jurisdiction." The words "those of" have been substituted for the word "by" in line 9.

Except for the use of the lower case "g" in the word "governor," no change has been made in the third paragraph of Section 5 (See Section 11 of original draft).

It is the judgment of your committee that the changes proposed for Section 5 improve language construction, clarify the intent of the Convention in its adoption of this section, and do not affect substance.

Section 6. (See Section 10 of original draft). The letter "s" in the word "state" (second line of paragraph 1) is not capitalized in the redraft, the word "state" in this instance being used as an adjective. The words "or agencies" have been inserted between the words "commissions" and "for"

in lines 7-8, to conform to what your committee believes to have been the intent of the Convention.

The word "however," together with the commas setting it apart, have been deleted in line 8.

The words "such commissions" have been deleted before the word "need" in line 9, as unnecessary in view of the reconstruction of the sentence.

In the second line of the second paragraph a comma has been substituted for the period after the word "governor"; and the word "and" and a comma have been inserted after the word "governor" in the same line.

The clause "unless otherwise provided in this constitution or by law" has been shifted from its former position to follow the words "the governor and" in lines 2-3 of the redraft. The words "shall be headed by" have been substituted for the words "the head of each principal department shall be" in lines 3-4, and a period has been placed after the word "executive." The word "his" has been deleted in line 7, as redundant.

In the first sentence of the third paragraph the words "Except as otherwise provided in this Constitution" have been deleted. (See page 3 of this report.) The letter "w" in the word "When" has been capitalized in line 1. A small "s" has been used in the word "state" in line 2, the word here being used as an adjective.

The language "shall be nominated and, by and with the advice and consent of the senate" has been substituted for "shall be appointed by the Governor subject to the confirmation of the senate" in lines 3-4, to conform to similar usage in this constitution and in accord with the authorization in the Convention.

In the first sentence of paragraph 4, the modification in language, referred to immediately above, appears in lines 1-2. The words "by law" are deleted after the word "provide" in line 5, as redundant. Lower case "s" is used in the word "senate" (line 8).

In paragraph 5, the words "an interim" have been substituted for the words "a recess" before the word "appointment" in lines 7-8, as more exact in meaning. (The state legislature, unlike the Congress, does not recess between sessions.)

In the third line in paragraph 6, the words "been residents of the State" have been substituted for the words "resided therein," as conforming more exactly to the intent of the Convention in acting upon this section.

Your Committee on Style submits the proposed article, as attached, for the consideration of the Convention.

—July 11, 1950

Benjamin O. Wist,  
Chairman  
Nelson K. Doi,  
Vice-Chairman  
J. Garner Anthony  
Marguerite K. Ashford  
Alexander Castro  
Randolph Crossley

William H. Heen  
Steere G. Noda  
Tom T. Okino  
Herbert M. Richards  
Harold S. Roberts  
Clarence Y. Shimamura  
C. Nils Tavares  
Cable A. Wirtz  
Takao Yamauchi

#### COMMITTEE PROPOSAL NO. 22, RD 2

#### ARTICLE V. THE EXECUTIVE

SECTION 1. [Establishment of the Executive.] The executive power shall be vested in a governor.

The governor shall be elected by the qualified voters of this State at a general election. The person receiving the greatest number of votes shall be the governor. In case of



a tie vote, the selection of governor shall be determined in accordance with law.

The term of office of the governor shall begin at noon on the first Monday in December next following his election and end at noon on the first Monday in December, four years thereafter.

No person shall be eligible to the office of governor, unless he is a qualified voter, has attained the age of 35 years, and has been a citizen of the United States for 20 years and a resident of this State for five years, next preceding his election.

The governor shall not hold any other office or employment of profit, under this State or the United States during his term of office.

**SECTION 2. [Lieutenant Governor.]** There shall be a lieutenant governor, who shall have the same qualifications as the governor. He shall be elected at the same time, for the same term, and in the same manner, as the governor. He shall perform such duties as may be prescribed by law.

**SECTION 3. [Compensation, Governor, Lieutenant Governor.]** The compensation of the governor and of the lieutenant governor shall be fixed by the legislature, but shall not be less than \$18,000, and \$12,000 respectively, per annum. Such compensation shall not be increased or diminished for their respective terms unless by general law applying to all salaried officers of the State. When the lieutenant governor succeeds to the office of governor, he shall receive the compensation for that office.

**SECTION 4. [Succession to Governorship.]** When the office of governor is vacant, the lieutenant governor shall become governor. In the event of the absence of the governor from the State, or his inability to discharge the powers and duties of his office, such powers and duties shall devolve upon the lieutenant governor during such absence or disability.

When the office of lieutenant governor is vacant, or in the event of his absence from the State, or his inability to discharge the powers and duties of his office, such powers and duties shall devolve upon such officers in such order of succession as may be provided by law.

In the event of the impeachment of the governor or of the lieutenant governor, he shall not exercise the powers of his office until acquitted.

**SECTION 5. [Executive Powers.]** The governor shall be responsible for the faithful execution of the laws. He shall be commander in chief of the armed forces of the State and may call out such forces to execute the laws, to suppress or prevent insurrection or lawless violence or to repel invasion. He shall, at the beginning of each session, and may, at other times, give to the legislature information concerning the affairs of the State and recommend to their consideration such measures as he shall deem expedient. He may call special sessions of the legislature or the senate alone by proclamation, and may extend any regular or special session of the legislature as provided in this constitution.

The governor may grant reprieves, commutations and pardons, after conviction, for all offenses, subject to regulation by law as to the manner of applying for the same. The legislature may, by general law, authorize the governor to grant pardons before conviction, to grant reprieves, commutations and pardons for impeachment, and to restore civil rights denied by reason of conviction of offenses by tribunals other than those of this State.

The governor shall appoint an administrative director to serve at his pleasure.

**SECTION 6. [Executive and Administrative Officers and Departments.]** All executive and administrative offices, departments and instrumentalities of the state government and their respective functions, powers and duties shall be allocated by law among and within not more than 20 principal departments, in such manner as to group the same according to major purposes so far as practicable. Temporary commissions or agencies for special purposes may be established by law and need not be allocated within a principal department.

Each principal department shall be under the supervision of the governor and, unless otherwise provided in this constitution or by law, shall be headed by a single executive. Such single executive shall be nominated and, by and with the advice and consent of the senate, appointed by the governor and he shall hold office for a term to expire at the end of the term for which the governor was elected. The governor may, by and with the advice and consent of the senate, remove such single executive.

Whenever a board, commission or other body shall be the head of a principal department of the state government, the members thereof shall be nominated and, by and with the advice and consent of the senate, appointed by the governor. The term of office and removal of such members shall be as prescribed by law. Such board, commission or other body may appoint a principal executive officer who may be ex officio a voting member of such board, commission or other body. When authorized by law, and who may be removed by a majority vote of the members appointed by the governor.

The governor shall nominate and, by and with the advice and consent of the senate, appoint all officers for whose election or appointment provision is not otherwise made by this constitution or by law. The legislature may provide for the suspension or removal for cause, by the governor, of any officer for whose removal the consent of the senate is required by this constitution.

When the senate is not in session and a vacancy occurs in any office, appointment to which requires the confirmation of the senate, the governor may fill the office by granting a commission, which shall, unless such appointment is confirmed, expire at the end of the next session of the senate. No person appointed to any office shall be eligible for an interim appointment to such office if the appointment shall have failed of confirmation by the senate.

All officers appointed under the provisions of this section shall be citizens of this State and shall have been residents of the State for at least three years next preceding their appointment.

#### STANDING COMMITTEE REPORT NO. 120

Your Committee on Printing to which was referred the following Standing Committee Report, Resolution, Committee of the Whole Report and Committee Proposal, begs leave to report that said reports, proposal and resolution have this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention: Standing Com. Rpt. No. 114—with Res. No. 44, RD 1; Committee of the Whole Report No. 23—with Committee Proposal No. 22, RD 3.

—July 11, 1950

Charles H. Silva, Chairman

## STANDING COMMITTEE REPORT NO. 121

Your Committee on Printing to which was referred the following Committee of the Whole Reports, Committee Proposals and Standing Committee Report, begs leave to report that said reports and proposals have this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention: Committee of the Whole Report No. 13, RD 2—with Committee Proposal No. 12, RD 1; Committee of the Whole Report No. 24—with Committee Proposal No. 29, RD 1 and Committee Proposal No. 30, RD 1; Standing Com. Rpt. No. 119—with Committee Proposal No. 22, RD 2.

—July 12, 1950

Charles H. Silva, Chairman

## STANDING COMMITTEE REPORT NO. 122

Your Committee on Style to which was referred Committee Proposal No. 10, RD 1, dealing with Finance and Taxation, has examined the action of the Convention and the report of the Committee of the Whole, and begs leave to report as follows:

1. That the proposal entitled Finance and Taxation be referred to the Convention for third reading in the form attached (Committee Proposal No. 10, RD 2).
2. Your committee calls attention to the following changes in arrangement and form which have been made in the proposed article as adopted on the floor of the Convention.

a. The proposed article has been tentatively designated as Article VIII.

b. The order of the various sections has been changed as follows:

(1) Section 5 of the original draft has been made Section 1.

(2) Section 6 of the original draft has been made Section 2.

(3) Section 7 of the original draft has been made Section 3.

(4) Section 1 of the original draft has been made Section 4.

(5) Section 2 of the original draft has been made Section 5.

(6) Section 3 of the original draft has been made Section 6.

(7) Section 4 of the original draft has been made Section 7.

(8) The final section of the original draft, which bore no number, has been designated as Section 9.

c. The following changes in section subtitles have been made: Section 1. Taxing Power Inalienable (original, Powers of Taxation). Section 2. Taxation, Non-Resident Citizens (original, Uniformity of Taxation). Section 7. Expenditure Controls (original, Expenditure of Money). Section 9. Employees' Retirement System (Subtitle added).

It is the judgment of your committee that none of the above changes affects the substance of the original proposal of the Committee on Finance and Taxation, as approved by the Convention on second reading.

3. Your committee recommends the changes in phraseology and punctuation indicated below. Where line numbers are mentioned reference is made to the revised sections as they appear in Article VI (Committee Proposal No. 10, RD 2).

It is the judgment of your committee that none of these changes affects the substance of the original proposal, as approved by the Convention on second reading.

Section 1. The comma after the word "suspended" in line 2 has been deleted, for purpose of improved language construction.

Section 3. The word "and" has been substituted for the words "provided that" in line 5 of the first paragraph.

The word "hereby" has been deleted before the word "established" in line 1 of the second paragraph, and the word "such has been substituted for the words "this State debt" in line 5. The word "when" has been substituted for the words "provided such excess debt of the State is" in line 5; the words "to which" have been substituted for the word "of" after the word "members" in line 7; and the words "is entitled" have been inserted after the word "legislature" in lines 7-8. The word "provided" has been substituted for the word "and" before the word "such" in line 8. The letter "s" in the word "state" is not capitalized, the word here being used as an adjective in line 10. The words "Fifteen per cent (15%)" have been replaced by the words "fifteen percent" in line 11.

In the third paragraph the word "meet" has been substituted for the word "fund" in the first line of the first sentence; the word "debts" after the word "which" in line 5 has been deleted and the words "a period of" have been deleted in line 6. The words "any debt" have been substituted for the words "the limits on debt" in line 13. The words "and excess debt hereinabove provided" have been deleted as the concluding words of the sentence, as redundant.

In paragraph 4, the words "ten percent" have been substituted for the words "Ten per cent (10%)" in line 1, and the word "any" has been substituted for the word "the" in line 3, and a comma has been inserted after the word "subdivision" in line 4. The word "then" has been deleted before the word "last" in line 4, and the word "hereby" has been deleted before the word "established" in lines 5-6. The semicolon after the word "unpaid" in line 8 has been replaced by a period; the words "provided that" in the same line have been deleted. The letter "T" in the word "The" (line 8) before the word "aggregate" has been capitalized; the word "however," set off by commas, has been inserted between the words "aggregate" and "of" in lines 8-9. The word "such" has been substituted for the word "said" in line 9, and the article "a" has been substituted for the word "any" before the word "fiscal" in line 10; the word "percent" has been substituted for the words "per cent (2%)" in line 11; and the word "such" has been substituted for the word "said" in line 12.

The sixth paragraph of the original draft has been added to the fifth paragraph of the redraft as the concluding sentence. In the sixth and seventh paragraphs of the redraft the letter "s" in the word "section" is not capitalized.

All of the above changes have been made in the interest of improved language construction.

Section 4. The words "Operating and Capital Expenditures," which appear as a special sub-heading under the subtitle "The Budget" in the original draft have been deleted as redundant and unnecessary. The clause "as may be prescribed by law," which appears in line 3 of the original draft has been shifted to follow the word "session" in lines 2-3 of the redraft. The words "of the legislature," which originally appeared after the word "session" have been deleted as unnecessary (line 4). The letter "g" in the word "governor," in line 3 and throughout this article, is not capitalized in the redraft. The word "anticipated" has been

inserted between the words "and" and "receipts" in lines 6-7, as more exact in meaning. The word "next" before the word "ensuing" in line 7 has been deleted. The letter "b" in the word "budget" in line 10, and elsewhere in this article, is not capitalized in the redraft. The word "setting" has been substituted for the words "of which shall set" in line 11; and the word "proposed" has been inserted between the words "all" and "operating" in the same line. The word "proposed" originally appearing after the word "expenditures" in line 12 has been deleted and a comma has been substituted for the words "shall set forth" in line 13. The word "such" has been substituted for the word "said" after the word "during" in line 15. The clause "upon the opening of the session," set off by commas, has been inserted after the word "also" in line 16. The letter "b" in the word "bills" in line 17 is not capitalized in the redraft. The words "provide for" have been substituted for the word "authorize" in line 17 and the words "any recommended" have been substituted for the words "new or" in line 18. The word "for" before the word "borrowings" in line 19 has been deleted. The word "met" has been substituted for the word "funded" in line 20, and a period has been substituted for the comma after the word "met." The words "Such bills" have been substituted for the words "which Bills" in line 21. The word "upon" has been substituted for the words "as soon as practicable after" in line 22 after the word "legislature," and the word "regular" has been inserted after the word "each" in the same line. A period has been inserted after the word "session" in line 23, and the final words of the original section "during which the budget is to be considered" have been deleted.

The above changes have been made in the interest of improved language construction.

Section 5. The word "except" has been substituted for the words "other than" in line 2. The words "recommended by the governor for immediate passage, or" have been inserted between the words "bills" and "to" in lines 2-3 to replace the words "unless the Governor has recommended the immediate passage of such appropriation bill" which appear as the concluding words of the paragraph in its original form. The words "by either house" in line 5 after the word "reading" have been deleted. The first letters of the words "Bill," "General," "Appropriations" and "Governor" which appear in lines 5, 8 and 9 are not capitalized in the redraft. A period has been substituted for the comma after the word "governor" in line 9.

The above changes have all been made in the interest of improved language construction.

Section 6. The comma after the word "levied" in line 1 has been deleted. The word "be" after the word "property" in lines 2-3 and the words "given," "lent" and "or" have been deleted before the word "used" in line 4. The words "in violation of" have been substituted for the words "which is contrary to or in conflict with" in line 6. The letter "c" in the word "constitution" in line 7, is not capitalized in the redraft. The numeral "3" has been substituted for the numeral "5" in line 6, and the numeral "1" has been placed in the blank space following the word "Article" in the same line.

Except for the correction immediately above, other changes in Section 6 of the redraft have been made for the purpose of improved language construction.

Section 7. The words "The legislature shall provide means" have been replaced by the word "Provision" in line 1. The letter "s" in the word "state" in line 3 is not capitalized, the word here being used as an adjective. The

words "under prescribed" have been substituted for the words "in such manner and under such" in line 4. A comma has been substituted for the period after the word "conditions" in line 5, and the words "shall be made by law" have been substituted for the words "as it may prescribe" as the concluding words of the section.

The above changes have all been made in the interest of improved language construction.

Section 8. A comma has been inserted after the word "legislature," and the word "shall" and the comma immediately thereafter have been deleted in line 1. The word "shall" has been inserted before the word "appoint" in line 3. A comma has been inserted before the word "by" and the article "a" has been inserted immediately after this word in line 6. The word "majority" has been deleted before the word "vote" in line 7, and a comma has been inserted after the word "session" in line 8. A comma has been inserted in line 16 after the word "officers," and the comma together with the word "criticisms" have been deleted in line 17. The words "time or" in line 19 have been deleted. The word "investigation" has been substituted for the word "investigations" in lines 21-22. The words "of the State, or its political subdivisions," have been deleted in line 22.

The above changes have been made in the interest of improved language construction and do not affect substance.

Section 9. The word "thereof" has been deleted in line 3.

Your Committee on Style submits the proposed article, as attached, for the consideration of the Convention.

—July 12, 1950

Benjamin O. Wist,  
Chairman  
Nelson K. Doi,  
Vice-Chairman  
Marguerite K. Ashford  
Alexander Castro

Randolph Crossley  
Steere G. Noda  
Tom T. Okino  
Herbert M. Richards  
Harold S. Roberts  
Cable A. Wirtz  
Takao Yamauchi

#### COMMITTEE PROPOSAL NO. 10, RD 2

#### ARTICLE VIII

SECTION 1. [Taxing Power Inalienable.] The power of taxation shall never be surrendered, suspended or contracted away.

SECTION 2. [Taxation, non-Resident Citizens.] The land and other property belonging to citizens of the United States residing without this State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof.

SECTION 3. [Debt Limitations.] All bonds and other instruments of indebtedness issued by or on behalf of the State or a political subdivision thereof must be authorized by the legislature, and bonds and other instruments of indebtedness of a political subdivision must also be authorized by its governing body.

Sixty million dollars is established as the limit of the funded debt of the State at any time outstanding and unpaid. Bonds and other instruments of indebtedness in excess of such limit may be issued, when authorized by a two-thirds vote of all the members to which each house of the legislature is entitled, provided such excess debt, at the time of authorization, would not cause the total of state indebtedness to exceed a sum equal to 15 per cent of the total of assessed values for tax rate purposes of real property in the State.

as determined by the last tax assessment rolls pursuant to law.

Instruments of indebtedness to meet appropriations for any fiscal period in anticipation of the collection of revenues for such period or to meet casual deficits or failures of revenue, which shall be payable within one year, and bonds or other instruments of indebtedness to suppress insurrection, to repel invasion, to defend the State in war, or to meet emergencies caused by disaster or act of God, may be issued by the State under legislative authorization without regard to any debt limit.

A sum equal to ten per cent of the total of the assessed values for tax rate purposes of real property in any political subdivision, as determined by the last tax assessment rolls pursuant to law, is established as the limit of the funded debt of such political subdivision at any time outstanding and unpaid. The aggregate, however, of such debts contracted by any political subdivision during a fiscal year shall not exceed two percent of the total of such assessed values in such political subdivision.

All bonds or other instruments of indebtedness for a term exceeding one year shall be in serial form maturing in substantially equal annual installments, the first installment to mature not later than five years from the date of the issue of such series, and the last installment not later than 35 years from the date of such issue. Interest and principal payments shall be a first charge on the general revenues of the State or political subdivision, as the case may be.

The provisions of this section shall not be applicable to indebtedness incurred under revenue bond statutes by a public enterprise of the State or political subdivision, or by a public corporation, when the only security for such indebtedness is the revenues of such enterprise or public corporation, or to indebtedness incurred under special improvement statutes when the only security for such indebtedness is the properties benefited or improved or the assessments thereon.

Nothing in this section shall prevent the refunding of any indebtedness at any time.

SECTION 4. [The Budget.] Within such time prior to the opening of each regular session as may be prescribed by law, the governor shall submit to the legislature a budget setting forth a complete plan of proposed general fund expenditures and anticipated receipts of the State for the ensuing fiscal period, together with such other information as the legislature may require. The budget shall be compiled in two parts, one setting forth all proposed operating expenditures for the ensuing fiscal period and the other, all capital improvements expenditures proposed to be undertaken during such period. The governor shall also, upon the opening of the session, submit bills to provide for such proposed expenditures and for any recommended additional revenues or borrowings by which the proposed expenditures are to be met. Such bills shall be introduced in the legislature upon the opening of each regular session.

SECTION 5. [Legislative Appropriations Procedure] No appropriation bill, except bills recommended by the governor for immediate passage, or to cover the expenses of the legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal period, to be known as the general appropriations bill, shall have been transmitted to the governor.

SECTION 6. [Appropriations for Private Purposes Prohibited.] No tax shall be levied or appropriation of public money or property made, nor shall the public credit be used, directly or indirectly, except for a public

purpose. No grant shall be made in violation of Section 3 of Article I of this constitution.

SECTION 7. [Expenditure Controls.] Provision for the control of the rate of expenditures of appropriated state moneys, and for the reduction of such expenditures under prescribed conditions, shall be made by law.

SECTION 8. [Auditor.] The legislature, by a majority vote of each house in joint session, shall appoint an auditor who shall serve for a period of eight years and thereafter until a successor shall have been appointed. The legislature, by a two-thirds vote of the members in joint session, may remove the auditor from office at any time for cause. It shall be the duty of the auditor to conduct post-audits of all transactions and of all accounts kept by or for all departments, offices and agencies of the State and its political subdivisions, to certify to the accuracy of all financial statements issued by the respective accounting officers, and to report his findings and recommendations to the governor and to the legislature at such times as shall be prescribed by law. He shall also make such additional reports and conduct such other investigations as may be directed by the legislature.

SECTION 9. [Employees' Retirement System.] Membership in any employees' retirement system of the State or any political subdivision shall be a contractual relationship, the accrued benefits of which shall not be diminished or impaired.

#### STANDING COMMITTEE REPORT NO. 123

Your Committee on Style to which was referred Committee Proposals Numbers 12, RD 1; 16, RD 1; and 20, RD 1; dealing with miscellaneous matters (Seat of Government, Civil Service, Preamble) has examined the action of the Convention and the report of the Committee of the Whole, and begs leave to report as follows:

1. That the several proposals under the above headings be referred to the Convention for third reading in the form attached (Com. Proposals Nos. 12, RD 2; 16, RD 2; 20, RD 2).

2. Your committee has tentatively grouped the three proposals under one heading and for purpose of temporary convenience has designated the series as part of Article XIV. Each of the three proposals has been referred to as a section, instead of an individual proposal, as passed on second reading by the Convention.

3. With reference to the action above, your committee calls to the attention of the Convention that these sections may (a) appear as separate articles, or (b) be incorporated as separate sections of other articles in the final draft of the Constitution, instead of appearing in an article on miscellaneous matters.

4. Your committee calls attention to the following changes in form, phraseology and punctuation which have been made in each of the proposals, as adopted on the floor of the Convention.

a. Seat of Government: This article has been tentatively designated Section 6 of Article XIV. The subtitle "State Capital" has been tentatively adopted for this section. The language of the section has been changed from "The seat of government of this State shall be located at the city of Honolulu, on the island of Oahu" to "Honolulu, on the island of Oahu, shall be the capital of the State." It is the consensus of your committee that no change in substance has been made in the reconstruction of the language of this section. In the opinion of your committee

the language proposed is preferable to the language adopted by the Convention on second reading.

b. Civil Service: The reference to civil service has been tentatively designated Section 7 of Article XIV. The following changes have been made. The words "the State" have been deleted in line 2; and the words "of or under the State," have been inserted between the words "law," and "shall" in line 3. In the opinion of your committee the language proposed more accurately describes the intent of the Convention in the adoption of this article on second reading. It is the opinion of your committee that it was the intent of the Convention that both statewide systems of civil service and such systems as might be established in political subdivisions of the State should be governed by the merit system.

c. Preamble: This article has been tentatively designated Section 8 of Article XIV. Your committee assumes that the Preamble will appear as the first portion of the Constitution and will not be designated as an article. In the final draft of the Constitution the word "Preamble" will appear as a general heading and not as a subtitle to a section. The only changes proposed by your committee are the insertion of three commas, as follows: between the words "people" and "and" in line 6; between the words "and" and "with" in lines 6-7; and between the words "earth" and "do" in lines 8-9. In the judgment of your committee, these changes do not affect substance.

Your Committee on Style submits the proposed article, as attached, for the consideration of the Convention.

—July 12, 1950

Benjamin O. Wist,  
Chairman  
Nelson K. Doi,  
Vice-Chairman  
Marguerite K. Ashford  
Alexander Castro

Randolph Crossley  
Steere G. Noda  
Tom T. Okino  
Herbert M. Richards  
Harold S. Roberts  
Cable A. Wirtz  
Takao Yamauchi

#### ARTICLE XIV

##### COMMITTEE PROPOSAL NO. 12, RD 2

SECTION 6. [State Capital.] Honolulu, on the island of Oahu, shall be the capital of the State.

##### COMMITTEE PROPOSAL NO. 16, RD 2

SECTION 7. [Civil Service.] The employment of persons in civil service, as defined by law, of or under the State, shall be governed by the merit principle.

##### COMMITTEE PROPOSAL NO. 20, RD 2

SECTION 8. We, the people of the State of Hawaii, grateful for Divine Guidance, and mindful of our Hawaiian heritage, reaffirm our belief in a government of the people, by the people and for the people, and, with an understanding heart toward all the peoples of the earth, do hereby ordain and establish this Constitution for the State of Hawaii.

#### STANDING COMMITTEE REPORT NO. 124

Your Committee on Style to which was referred Committee Proposal No. 27, RD 2, dealing with Agriculture, Conservation and Land, has examined the action of the Convention and the report of the Committee of the Whole, and begs leave to report as follows:

1. That the Proposal entitled Agriculture, Conservation and Land be referred to the Convention for third reading in the form attached (Com. Proposal No. 27, RD 3).

2. Your committee calls attention to the arrangement and form adopted tentatively by your committee.

a. The proposed Article has tentatively been designated Article XIII.

b. The division into Part I and Part II has been made in view of the probability that the sections listed under Part II may later be shifted to the Article on Ordinances and Continuity of Law.

c. The following subtitles have been added:

PART I: Section 1. Resources; Conservation, Development and Use. Section 2. Natural Resources; Management and Disposition. Section 3. Sea Fisheries. Section 4. General Laws Required; Exceptions. Section 5. Farm and Home Ownership.

PART II: Section 1. Title of United States; Extent. Section 2. Compliance with Trust. Section 3. Administration of Undisposed Lands. Section 4. Condemnation of Fisheries.

3. Your committee recommends the changes in phraseology and punctuation indicated below. Where line numbers are mentioned reference is made to the revised sections as they appear in Article XIII (Committee Proposal No. 27, RD 3).

It is the judgment of your committee that these changes do not affect the substance of the original proposal, as approved by the Convention on second reading.

#### Part I

Section 1. The word "resources" has been inserted after the word "agricultural" in line 3. This insertion has been made to make a distinction between agriculture which is not a natural resource and the other resources mentioned in the section which are natural resources. The words "fish" and "game" have been placed in line 2 immediately following the word "resources," and the word "and" has been inserted immediately before the word "fish."

Except as noted in sentence 1 above, other changes in this section have been made for purpose of improved language construction.

Section 2. The words "vest in" have been substituted for the words "commit to" in line 1 of the first paragraph. A "semicolon" has been substituted for the "coma" after the word "law" in line 5 and the word "but" has been substituted for the words "provided that" in the same line. In line 8, the words "placed under" have been substituted for the words "committed to."

In the second paragraph of this section the words "are not covered by this section" which appear in lines 2-3 of the original draft, have been deleted. They have been replaced by the words "the mandatory provisions of this section shall not apply to the" as the beginning words of the first sentence of the paragraph. The word "natural" has been inserted before the word "resources" in line 2.

It is the judgment of your committee that the above changes improve language construction and do not affect substance.

Section 4. The "commas" after the words "by" and "or" in line 2 have been deleted; and a "comma" has been inserted after the word "laws" in line 4. These changes have been made in the interest of improved language construction.

Section 5. The word "prescribed" has been substituted for the words "to be established" in line 4, in the interest of improved language construction.

*Part II*

Section 1. The "comma" after the word "Hawaii" in line 4 has been deleted. The letter "a" in the word "act" in line 7 and the letter "r" in the word "resolution" in line 8 are not capitalized in the redraft.

These changes have been made for purpose of improved language construction.

Section 2. The word "the" has been inserted between the words "which" and "Congress" in lines 1-2, and the word "in" has been substituted for the word "with" in line 3.

These changes have been made in the interest of improved language construction.

Section 3. A "comma" has been inserted after the word "property" in line 1. The words "of the United States" after the word "Congress" in line 3 have been deleted as redundant. The word "final" in line 5, before the word "determination" has been deleted as unnecessary. The word "any" has been substituted for the word "an" before the word "amendment" in line 9, and the letter "c" in the word "constitution" in line 10 is not capitalized in the redraft. The word "exercise" has been substituted for the word "discharge" in line 10. The "comma" after the word "laws" in line 12 has been deleted, and the word "the" has been inserted before the word "Congress" in the same line.

The above changes have been made for the purpose of improved language construction.

Section 4. The words "of Hawaii" after the word "State" in line 7 have been deleted, to conform to usage elsewhere in this constitution.

Your Committee on Style submits the proposed Article, as attached, for the consideration of the Convention.

—July 13, 1950

Benjamin O. Wist,  
Chairman  
Nelson K. Doi,  
Vice-Chairman  
Alexander Castro  
Randolph Crossley  
Wm. H. Heen

Steere G. Noda  
Tom T. Okino  
Herbert M. Richards  
Harold S. Roberts  
Clarence Y. Shimamura  
C. Nils Tavares  
Takao Yamauchi

J. Garner Anthony—I do not concur as to Section 1 either as to style or substance.

## COMMITTEE PROPOSAL NO. 27, RD 3

## ARTICLE XIII

*Part I*

SECTION 1. [Resources: Conservation, Development and Use.] The legislature shall promote the conservation, development and utilization of agricultural resources, and fish, game, mineral, forest, water, land and other natural resources.

SECTION 2. [Natural Resources: Management and Disposition.] The legislature shall vest in one or more executive boards or commissions powers for the management of natural resources owned or controlled by the State, and such powers of disposition thereof as may be authorized by law; but land set aside for public use, other than for a reserve for conservation purposes, need not be placed under the jurisdiction of such a board or commission.

The mandatory provisions of this section shall not apply to the natural resources owned by or under the control of a political subdivision or a department or agency thereof.

SECTION 3. [Sea Fisheries.] All fisheries in the sea waters of the State not included in any fish pond or artificial

inclosure shall be free to the public, subject to vested rights and the right of the State to regulate the same.

SECTION 4. [General Laws Required: Exceptions.] The legislative power over the lands owned by or under the control of the State and its political subdivisions shall be exercised only by general laws, except in respect of transfers to or for the use of the State, a political subdivision thereof, or any department or agency of government.

SECTION 5. [Farm and Home Ownership.] The public lands shall be used for the development of farm and home ownership on as widespread a basis as possible, in accordance with procedures and limitations prescribed by law.

*Part II*

SECTION 1. [Title of United States: Extent.] The United States shall be vested with or retain title to or an interest in or shall hold the property in the Territory of Hawaii set aside for the use of the United States and remaining so set aside immediately prior to the admission of the State, in all respects as and to the extent set forth in the act or resolution providing for the admission of this State to the Union.

SECTION 2. [Compliance with Trust.] Any trust provisions which the Congress shall impose, upon the admission of the State, in respect of the lands patented to the State by the United States or the proceeds and income thereof, shall be complied with by appropriate legislation.

SECTION 3. [Administration of Undisposed Lands.] The lands and other property, the final determination and disposition of which shall not have been made by the Congress upon the admission of the State, shall, pending such determination and disposition, continue to be administered in accordance with the laws applicable thereto immediately prior to the admission of the State, except as the Congress may consent to any amendment of said laws, and no provision of this constitution for the exercise of powers or functions other than in accordance with such laws shall, without the consent of the Congress, apply to the lands or property so administered.

SECTION 4. [Condemnation of Fisheries.] All vested rights in fisheries in the sea waters not included in any fish pond or artificial inclosure shall be condemned to the use of the public upon payment of just compensation, which compensation when lawfully ascertained shall be paid out of any money in the treasury of the State not otherwise appropriated.

## STANDING COMMITTEE REPORT NO. 125

Your Committee on Ordinances and Continuity of Law to which was referred, from the Committee on Executive Powers and Functions, Proposal No. 22 relating to the appointment of department heads and governmental officers, and Proposal No. 30 relating to compensation of holders of office established by the Constitution begs leave to report as follows:

Proposal No. 22 is covered very largely by the Article on Executive Powers and Functions. The provision that certain officers shall be citizens of the State with a residence therein of at least three years preceding their appointment has been expressed by the Committee of the Whole as a matter to be left to legislation rather than to be

incorporated in the Constitution. The provision for continuance in office, until otherwise provided by law, of those of officers holding office upon the effective date of the Constitution is already provided for in an Article submitted to the Convention.

Proposal No. 30 prohibiting the diminution of compensation during his term of any holder of office established by the Constitution has been cared for in the Articles on Judiciary and Executive Powers and Functions.

Your committee, therefore, recommends that Proposals Nos. 22 and 30 be filed.—*July 13, 1950*

Clarence Y. Shimamura,  
Chairman  
Marguerite K. Ashford,  
Vice-Chairman

H. K. H. Lee  
Jack H. Mizuha  
Thos. T. Sakakihara  
C. Nils Tavares  
Arthur K. Trask

#### STANDING COMMITTEE REPORT NO. 126

Your Committee on the Hawaiian Homes Commission Act, to which was referred Petition No. 26, signed by 1,000 petitioners, Misc. Com. Nos. 94, 98, 99 and 103 from various organizations, urging the inclusion of the Hawaiian Homes Commission Act in the Constitution of the State of Hawaii, begs leave to report as follows:

The Convention has adopted Committee Proposal No. 6, as Article XIII, adopting the Hawaiian Homes Commission Act, 1920 as a law of the State.

Your committee therefore recommends that Petition No. 26 and Misc. Com. Nos. 94, 98, 99 and 103 be placed on file.—*July 13, 1950*

Flora K. Hayes,  
Chairman  
J. Pia Cockett,  
Vice-Chairman  
C. E. Kauhane

James F. Gilliland  
Richard J. Lyman, Jr.  
Samuel K. Apoliona, Jr.  
Peter Kawahara  
Chas. A. Rice

#### STANDING COMMITTEE REPORT NO. 127

Your Committee on Printing to which were referred the following Standing Committee Reports and Committee Proposals begs leave to report that said reports and proposals have this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention: Standing Com. Rpt. No. 121; Standing Com. Rpt. No. 122—with Committee Proposal No. 10, RD 2; Standing Com. Rpt. No. 123—with Committee Proposal No. 12 RD 2.—*July 13, 1950*

Charles H. Silva, Chairman

#### STANDING COMMITTEE REPORT NO. 128

Your Committee on Bill of Rights to which was referred Proposal No. 17, relating to women on juries, begs leave to report as follows:

This proposal was referred to your committee upon the recommendation of the Committee on Judiciary (Standing Com. Rpt. No. 37).

Inasmuch as this subject matter has already been covered, your committee recommends that this proposal be placed on file.—*July 14, 1950*

Jack H. Mizuha,  
Chairman  
Nils P. Larsen

Frank C. Luiz  
Steere G. Noda  
Charles H. Silva

James K. Trask  
Edward C. Bryan  
J. Pia Cockett

H. S. Kawakami  
Elizabeth R. Kellerman  
Katsumi Kometani

#### STANDING COMMITTEE REPORT NO. 129

Your Committee on Agriculture, Conservation and Land, to which was referred Dept. Com. No. 11, begs leave to report as follows:

Inasmuch as this section may be amended, your committee returns herewith said communication with the recommendation that it be placed on file.—*July 14, 1950*

Herbert M. Richards,  
Chairman  
Edward C. Bryan,  
Vice-Chairman  
Marguerite K. Ashford  
Randolph Crossley

Flora K. Hayes  
Teruo Ihara  
Harold T. Kido  
Richard J. Lyman, Jr.  
John R. Phillips  
Charles A. Rice  
James K. Trask

#### STANDING COMMITTEE REPORT NO. 130

Your Committee on Style to which was referred Committee Proposal No. 29, RD 1 and RD 2, dealing with Legislative Powers and Functions, has examined the action of the Convention and the report of the Committee of the Whole, and begs leave to report as follows:

1. That the proposal entitled Legislative Powers and Functions be referred to the Convention for third reading in the form attached (Committee Proposal No. 29, RD 3).
2. Your committee calls attention to the following changes in arrangement and form which have been made in the proposed article as adopted on the floor of the Convention.

- a. The proposed article has been tentatively designated Article IV.

- b. That portion of Section 3 beginning with the second paragraph, referring to representative districts, and ending with paragraph 19 has been deleted from this article of the constitution and will be inserted in the Schedule. The material referred to begins at the bottom of page 2 and ends at the bottom of page 4 of Committee Proposal No. 29, RD 1. The action above has been taken in view of the fact that representative districts and the number of representatives are subject to change without constitutional provisions for reapportionment.

- c. The two paragraphs headed by "(a)" and "(b)" (pages 5-6 of Committee Proposal No. 29, RD 1) have been modified by deleting the letters in parenthesis and by indentation of the subject matter. This change has been made in the interest of improved form.

- d. In Section 11 of this article subtitles have been added in the margins at the left of paragraphs two and three, as well as at the beginning of the section itself. This change has been made in conformity with the practice in other articles of this constitution (see Article on Judiciary).

- e. The entire paragraph starting with the words "If any bill" and ending with the words "Sundays and holidays excluded," on page 12 of RD. 1, has been replaced by the amended paragraphs (RD. 2) adopted by the Convention previous to second reading. The amended material is set up in two paragraphs and has not been modified as to substance. (See pages 10 and 11 of Article IV).



f. The following changes in subtitles have been made: Section 2. Senate; Districts; Composition (original, Senate; senatorial districts; number of members). Section 3. House of Representatives; Composition (original, House of representatives; representative districts; number of members; apportionment). Section 4. Reapportionment of House; Mandamus (original, Reapportionment of the house of representatives; mandamus). Section 5. Election of Members; Term (original, Election of Members; term of office). Section 10. Salary and Allowances (original, Compensation of members). Section 11. Sessions (original, Sessions of legislature). New subtitle for Paragraph 2: Budget Sessions. New subtitle for Paragraph 3: Sessions; Commencement; Duration. Section 13. Organization; Discipline; Rules Procedure (original, Organization; seating and punishment of members; officers; rules; journal, record of vote; committees). Section 14. Quorum; Compulsory Attendance (original, Quorum; number required to act; compulsory attendance). Section 15. Bills; Enactment (original, Bills; enactment by bill; subject and title; enacting clause). Section 17. Veto; Reconsideration after Adjournment (original, Action by governor; approval; veto; failure to approve or veto). Section 19. Punishment of Non-Members (original, Punishments of persons not members). Section 20. Impeachment (original, Impeachment of officers).

g. The paragraph at the bottom of page 12 of the original proposal has been shifted to Section 10 in the redraft and made a part of the second sentence of that section.

In the judgment of your committee this reference to salary belongs in the section of this article which deals with salary and allowances.

It is the judgment of your committee that none of the above changes in form or arrangement affects the substance of the original proposal of the Committee on Legislative Powers and Functions as approved by the Convention on second reading.

3. Your committee recommends the changes in phraseology and punctuation indicated below. Where line numbers are mentioned reference is made to the revised sections as they appear in Article IV (Com. Proposal No. 29, RD 3).

It is the judgment of your committee that none of these changes affects the substance of the original proposal as approved by the Convention on second reading.

Section 3. In the second sentence of this section the word "decennial" before the word "reapportionment" in line 5 has been deleted as unnecessary. The words "the representative districts, and" have been placed after the word "reapportionment" in lines 5-6, the beginning words of the sentence being "Until the next reapportionment." The letter "t" in the word "the" before the word "representative" in line 5 is not capitalized in the redraft. The commas before and after the word "and" in that sentence have been deleted. The comma after the word "each" in line 7 has been deleted. The word "follows" and the colon after the word "follows" in line 7 have been deleted. The words "set forth in the Schedule" have been added after the word "as" in lines 7-8 as the concluding words of the sentence.

Your committee calls attention to the deletion of the next eighteen paragraphs of this section, which will be included in the Schedule (see Item 2b, pages 1 and 2 of this report). Other changes made in Section 3 have been in the interest of improved language construction.

Section 4. In the fifth paragraph the words "by him" in line 10 have been deleted, as redundant.

Section 6. The word "be" has been substituted for the word "is" in line 4. This change has been made for the purpose of improved language construction.

Section 7. The comma after the word "years" in line 3 has been deleted, in the interest of improved language construction.

Section 9. The word "prescribe" has been substituted for the words "provide for" after the word "may" in line 14. This change has been made for the purpose of improved language construction.

Section 10. The words "or when the legislature convenes in special session pursuant to Section 17 of this article" have been added to the second sentence. A comma has been substituted for a period after the word "session" in line 8. The words referred to above contain the substance of the final paragraph of Section 17 of the original draft. (see page 6 (g) of this report). The above change does not affect substance.

Section 11. In the first line of paragraph 2 the article "a" before the word "budget" has been deleted and the word "sessions" has been substituted for the word "session." The words "of this article" have been inserted between the numeral "17" and the period at the end of the sentence. The words "at such budget session" in line 13 have been deleted, as redundant. The changes referred to above have been made in the interest of improved language construction.

Section 15. A period has been substituted for the comma after the word "title" in line 4. The word "and" after the word "title" in line 4 has been deleted and the letter "T" in the word "The" before the word "enacting" has been capitalized. These changes have been made for the purpose of improved language construction.

Section 17. In line 2 of the second paragraph (amended form RD 2) the words "Sundays and holidays excluded," have been deleted, and the comma before the word "Sundays" and the one after the word "excluded" have been deleted. Reference to this exception has been included at the end of this section. The word "days" in lines 2-3 has been placed after the word "more" and deleted before the word "or."

In the third paragraph of this section (amended form) the words "Sundays and holidays excluded," and the comma after the word "excluded" have been deleted (see notation above). The words "by proclamation" have been inserted between the words "governor" and "shall" in lines 7-8 and deleted after the word "given" in line 8. The commas after the words "given" and "proclamation" have been deleted. The words "shall be excluded in computing the number of days designated in this section" have been added after the word "holidays" in lines 24-26, in the final sentence of this paragraph. A period has been substituted for the comma after the word "presentation" in line 24.

The above changes have all been made in the interest of improved language construction.

Section 19. In the second paragraph the word "Any" has been substituted for the words "But the" in line 1, and the words "such an" have been substituted for the article "the" before the word "offense." The commas which set off the words "in writing" in line 2 have been deleted.

These changes have been made for the purpose of improved language construction.

Section 20. In the third paragraph, the words "hereinabove mentioned" have been deleted after the word "officers" in line 3, as redundant. In the fourth paragraph, the word "beyond" has been substituted for the words "further than to" in line 2 for the purpose of improved language construction.



Your Committee on Style submits the proposed article, as attached, for the consideration of the Convention.

—July 14, 1950

Benjamin O. Wist,  
Chairman  
Nelson K. Doi,  
Vice-Chairman  
J. Garner Anthony  
Marguerite K. Ashford  
Randolph Crossley

Wm. H. Heen  
Steere G. Noda  
Tom T. Okino  
Herbert M. Richards  
Clarence Shimamura  
C. Nils Tavares  
Cable A. Wirtz  
Takao Yamauchi

Harold S. Roberts—Dissent from action putting House Districts in schedule without same treatment for Senate.

COMMITTEE PROPOSAL NO. 29, RD 3

ARTICLE IV.

SECTION 1. [Legislative Power.] The legislative power of the State shall be vested in a legislature, which shall consist of two houses, a senate and a house of representatives. Such power shall extend to all rightful subjects of legislation not inconsistent with this constitution or the constitution of the United States.

SECTION 2. [Senate; Districts; Composition.] The senate shall be composed of 25 members, who shall be elected by the qualified voters of the respective senatorial districts. The districts, and the number of senators to be elected from each, shall be as follows: First senatorial district: that portion of the island of Hawaii known as Puna, Hilo and Hamakua, five; Second senatorial district: that portion of the island of Hawaii known as Kau, Kona and Kohala, two; Third senatorial district: the islands of Maui, Molokai, Lanai and Kahoolawe, five; Fourth senatorial district: that portion of the island of Oahu lying east and south of Nuuanu Street and the Pali Road and the upper ridge of the Koolau range from the Nuuanu Pali to Makapuu Point, five; Fifth senatorial district: that portion of the island of Oahu lying west and north of the fourth senatorial district, five; and Sixth senatorial district: the islands of Kauai and Niihau, three.

SECTION 3. [House of Representatives: Composition.] The house of representatives shall be composed of 51 members, who shall be elected by the qualified voters of the respective representative districts. Until the next reapportionment, the representative district and the number of representatives to be elected from each shall be as set forth in the Schedule.

SECTION 4. [Reapportionment of House: Mandamus.] On or before June 1 of the year 1959, and of each tenth year thereafter, the governor shall reapportion the members of the house of representatives in the following manner:

The total number of representatives shall first be reapportioned among four basic areas, namely, (1) the island of Hawaii, (2) the islands of Maui, Molokai, Lanai and Kahoolawe, (3) the island of Oahu and all other islands not specifically enumerated, and (4) the islands of Kauai and Niihau, on the basis of the number of voters registered at the last preceding general election in each of such basic areas and computed by the method known as the method of equal proportions, no basic area to receive less than one member.

Upon the determination of the total number of representatives to which each basic area is entitled, such to-

tal shall be reapportioned among the one or more representative districts within each basic area on the basis of the number of voters registered at the last preceding general election within each of such representative districts and computed by the method known as the method of equal proportions, no representative district to receive less than one member. Upon any reapportionment, should the total number of voters registered in any representative district be less than one-half of the quotient obtained by dividing the total number of voters registered in the State by the total number of members to which the house is entitled, then, as part of such reapportionment, the basic area within which such representative district lies shall be redistricted by the governor in such manner that the total number of voters registered in each new representative district therein shall be more than one-half of such quotient.

The governor shall thereupon issue a proclamation showing the results of such reapportionment, and such reapportionment shall be effective for the election of members to such house for the next five succeeding legislatures.

Original jurisdiction is hereby vested in the supreme court of the State to be exercised on the application of any registered voter (a) made within 30 days following the date specified above, to compel, by mandamus or otherwise, the governor to perform the above duty, and (b) made within 30 days following the date of such proclamation, to compel, by mandamus or otherwise, the correction of any error made in such reapportionment.

SECTION 5. [Election of Members; Term.] The members of the Legislature shall be elected at general elections. The term of office of members of the house of representatives shall be two years beginning with their election and ending on the day of the next general election, and the term of office of members of the senate shall be four years beginning with their election and ending on the day of the second general election after their election.

SECTION 6. [Vacancies.] Any vacancy in the legislature shall be filled for the unexpired term in such manner as may be prescribed by law, or, if no provision be made by law, by appointment by the governor for the unexpired term.

SECTION 7. [Qualifications of Members.] No person shall be eligible to serve as a member of the senate unless he shall have attained the age of 30 years, have been a resident of the State for not less than three years and be a qualified voter of the senatorial district from which he seeks to be elected. No person shall be eligible to serve as a member of the house of representatives unless he shall have attained the age of 25 years, have been a resident of the State for not less than three years and be a qualified voter of the representative district from which he seeks to be elected.

SECTION 8. [Privileges of Members.] No member of the legislature shall be held to answer before any other tribunal for any statement made or action taken in the exercise of his legislative functions; and members of the legislature shall, in all cases except felony or breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same.

SECTION 9. [Disqualifications of Members.] No member of the legislature shall hold any other public office under the State, nor shall he, during the term for which he is elected or appointed, be elected or appointed to any public office or employment which shall have been created, or

the emoluments whereof shall have been increased, by legislative act during such term. The term "public office," for the purposes of this section, shall not include notaries public, reserve police officers and officers of emergency organizations for civilian defense or disaster relief. The legislature may prescribe further disqualifications.

SECTION 10. [Salary and Allowances.] The members of the Legislature shall receive such salary and allowances as may be prescribed by law, but any increase or decrease in the amount thereof shall not apply to the legislature which enacted the same. No salary shall be payable when the senate alone is convened in special session, or when the legislature convenes in special session pursuant to Section 17 of this Article.

SECTION 11. [Sessions.] Regular sessions of the legislature shall be held annually. The governor may convene the legislature, or the senate alone, in special session. All sessions shall be held at the capital of the State and, in case the capital shall be unsafe, the governor may direct that any session shall be held at some other place. Regular sessions in odd numbered years shall be known as "general sessions" and regular sessions in even numbered years shall be known as "budget sessions."

[Budget Sessions.] At budget sessions the legislature shall be limited to the consideration and enactment of the general appropriations bill for the succeeding fiscal year and bills to authorize proposed capital expenditures, revenue bills necessary therefor, urgency measures deemed necessary in the public interest, bills calling elections, proposed constitutional amendments and bills to provide for the expenses of such session and the special session to be convened thereafter in accordance with the provisions of Section 17 of this article. The legislature shall also be authorized to consider and act upon matters relating to the impeachment or removal of officers. No urgency measure shall be considered unless a statement of facts constituting such urgency shall be set forth in one section thereof and until such section shall have been first approved by each house. The approval of such section and the final passage of such measure in each house shall require a two-thirds vote of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal.

[Sessions; Commencement; Duration.] Regular sessions shall commence at 10:00 o'clock a.m., on the third Wednesday in February. General sessions shall be limited to a period of 60 days and budget sessions and special sessions shall be limited to a period of 30 days, but the governor may extend any session for not more than 30 days. Sundays and holidays shall be excluded in computing the number of days of any session.

SECTION 12. [Adjournments.] Neither house shall adjourn during any session of the legislature for more than three days, or sine die, without the consent of the other.

SECTION 13. [Organization; Discipline; Rules; Procedure.] Each house shall be the judge of the elections, returns and qualifications of its own members and shall have, for misconduct, disorderly behavior or neglect of duty of any member, power to punish such member by censure or, upon a two-thirds vote of all the members to which such house is entitled, by suspension or expulsion of such member. Each house shall choose its own officers, determine the rules of its proceedings and keep a journal. The ayes and noes of the members on any question shall, at the desire of one-fifth of the members present, be entered upon the journal.

Twenty days after a bill has been referred to a committee in either house, the same may be recalled from such

committee by the affirmative vote of one-third of the members to which such house is entitled.

SECTION 14. [Quorum; Compulsory Attendance.] A majority of the number of members to which each house is entitled shall constitute a quorum of such house for the conduct of ordinary business, of which quorum a majority vote shall suffice; but the final passage of a bill in each house shall require the vote of a majority of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal. A smaller number than a quorum may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

SECTION 15. [Bills; Enactment.] No law shall be passed except by bill. Each law shall embrace but one subject, which shall be expressed in its title. The enacting clause of each law shall be, "Be it enacted by the legislature of the State of Hawaii."

SECTION 16. [Passage of Bills.] No bill shall become law unless it shall pass three readings in each house, on separate days. Every bill when passed by the house in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the presiding officer and clerk and sent to the other house for consideration.

SECTION 17. [Veto; Reconsideration After Adjournment.] Every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses and shall thereupon be presented to the governor. If he approves it, he shall sign it and it shall become law. If the governor does not approve such bill, he may return it, with his objections, to the legislature. He may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same; but he shall veto other bills, if at all, only as a whole.

The governor shall have ten days to consider bills presented to him ten or more days before the adjournment of the legislature sine die, and if any such bill is neither signed nor returned by the governor within that time, it shall become law in like manner as if he had signed it.

The governor shall have 45 days, after the adjournment of the legislature sine die, to consider bills presented to him less than ten days before such adjournment, or presented after adjournment, and any such bill shall become law on the 45th day unless the governor by proclamation shall have given ten days' notice to the legislature that he plans to return such bill with his objections on the said 45th day. The legislature may convene at or before noon on the said 45th day in special session, without call, for the sole purpose of acting upon any such bill returned by the governor. In case the legislature shall fail to so convene, such bill shall not become law. Any such bill may be amended to meet the governor's objections and, if so amended and passed, only one reading being required in each house for such passage, it shall be presented again to the governor, but shall become law only if he shall sign it within ten days after presentation. Sundays and holidays shall be excluded in computing the number of days designated in this section.

SECTION 18. [Procedure Upon Veto.] Upon the receipt of a veto message from the governor, each house shall enter the same at large upon its journal and proceed to reconsider the vetoed bill, or the item or items vetoed, and again vote upon such bill, or such item or items, by

eyes and noses, which shall be entered upon its journal. If after such reconsideration such bill, or such item or items, shall be approved by a two-thirds vote of all the members to which each house is entitled, the same shall become law.

**SECTION 19. [Punishment of non-Members.]** Each house may punish by fine, or by imprisonment not exceeding 30 days, any person not a member of either house who shall be guilty of disrespect of such house by any disorderly or contemptuous behavior in its presence or that of any committee thereof; or who shall, on account of the exercise of any legislative function, threaten harm to the body or estate of any of the members of such house; or who shall assault, arrest, or detain any witness or other person ordered to attend such house, on his way going to or returning therefrom; or who shall rescue any person arrested by order of such house.

Any person charged with such an offense shall be informed in writing of the charge made against him, and have an opportunity to present evidence and be heard in his own defense.

**SECTION 20. [Impeachment.]** The governor and lieutenant governor, and any appointive officer for whose removal the consent of the senate is required, may be removed from office upon conviction of impeachment for such causes as may be provided by law.

The house of representatives shall have the sole power of impeachment of the governor and lieutenant governor and the senate the sole power to try such impeachments, and no such officer shall be convicted without the concurrence of two-thirds of the members of the senate. When sitting for that purpose, the members of the senate shall be on oath or affirmation and the chief justice shall preside. Subject to the provisions of this paragraph, the legislature may provide for the manner and procedure of removal by impeachment of such officers.

The legislature shall by law provide for the manner and procedure of removal by impeachment of the appointive officers.

Judgments in cases of impeachment shall not extend beyond removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the State; but the person convicted may nevertheless be liable and subject to indictment, trial, judgment and punishment according to law.

#### STANDING COMMITTEE REPORT NO. 131

Your Committee on Rules and Order of Business to which was referred the verbal request of the Chairman of your Committee on Submission and Information for leave to have its membership increased, recommends that subsection 17 of Rule 17 reading: "Committee on Submission and Information, fifteen members," be suspended for the purpose of permitting the President of this Convention to appoint not more than six additional members of this Committee.

— July 14, 1950

Cable A. Wirtz,  
Chairman  
Masao Kanemaru,  
Vice-Chairman  
Trude M. Akau

J. Garner Anthony  
Samuel K. Apoliona, Jr.  
Nelson K. Doi  
Wm. H. Heen  
Toshio Serizawa  
Charles H. Silva

#### STANDING COMMITTEE REPORT NO. 132

Your Committee on Rules and Order of Business to which was referred Res. No. 42 recommends that the same be filed for the reason that the subject matter thereof is not within the province of this Convention. — July 14, 1950

Cable A. Wirtz,  
Chairman  
Masao Kanemaru,  
Vice-Chairman  
Trude M. Akau

J. Garner Anthony  
Samuel K. Apoliona, Jr.  
Nelson K. Doi  
Wm. H. Heen  
Toshio Serizawa  
Charles H. Silva

#### STANDING COMMITTEE REPORT NO. 133

Your Committee on Rules and Order of Business to which was referred Res. No. 39 recommends that said Resolution be amended as attached, and as so amended, your Committee recommends its adoption. — July 14, 1950

Cable A. Wirtz,  
Chairman  
Masao Kanemaru,  
Vice-Chairman  
Trude M. Akau

J. Garner Anthony  
Samuel K. Apoliona, Jr.  
Nelson K. Doi  
Wm. H. Heen  
Toshio Serizawa  
Charles H. Silva

#### RESOLUTION

WHEREAS, this Convention adopted Res. No. 6 whereby the Governors of the various States of the Union were requested to send to this Convention their State flags to be hung in the Convention Hall during the drafting of our proposed Constitution, and

WHEREAS, many of the States have generously responded to said request, by sending their flags; now, therefore,

BE IT RESOLVED by the Constitutional Convention of Hawaii of 1950:

That this Convention hereby express its gratitude to the States which have been sent their State flags for the purpose stated; and that the Secretary of this Convention be directed to forward a copy of this Resolution to each of the Governors of those States.

#### STANDING COMMITTEE REPORT NO. 134

Your Committee on Style to which was referred Committee Proposal No. 30, RD 1, dealing with the schedule describing representative districts and the number of members to be elected from each and setting the compensation of members of the legislature for the first session, has examined the action of the Convention and the report of the Committee of the Whole, and begs leave to report as follows:

1. That Committee Proposal No. 30, RD 1, entitled "A Proposal Relating to a Schedule Describing Representative Districts and to the Compensation of Members of the Legislature" be referred to the Convention for third reading in the form attached (Com. Proposal No. 30, RD 2).

2. The proposed article has been tentatively designated Article IV (Schedule) inasmuch as it relates to a schedule of the legislative article. It can be appropriately numbered and arranged later by your Committee on Style.

3. Section 1: Your Committee calls attention to the fact that the portion of Section 3 of Article IV as reported by the Committee on Style, beginning with the second paragraph

thereof referring to representative districts, and ending with paragraph 19, was deleted from that article to be inserted in the schedule. The action taken by your Committee pursuant thereto was as follows:

a. The first paragraph was amended to read as follows:

SECTION 1. As provided in Section \_\_\_\_\_ of Article \_\_\_\_\_, until the next reapportionment, the representative districts and the number of members to be elected from each shall be as follows:

b. The descriptions of the several representative districts, previously a part of Committee Proposal No. 30 have been incorporated with that portion of Section 3 of Article IV where applicable in the interests of style and uniformity.

c. The precise metes and bounds descriptions have been simplified by using, as a common boundary of adjoining districts, the centerline of roadways and canals. A new sentence has been added at the end of this section to accomplish this. The changes in the metes and bounds descriptions have been in the interest of improved language construction and in order to comply with the Convention's obvious intent to leave no area unassigned to a representative district.

4. Your Committee recommends that the descriptions of the representative districts, as stated in the schedule attached to this report, and the maps of Hawaii and Oahu delineating each representative district described by metes and bounds, both of which have been certified to by the territorial surveyor and filed with the clerk, be approved and adopted by the Convention.

5. Section 2: Section 2 was amended by deleting the words "Article 10, Section 3," and inserting in lieu thereof "Section \_\_\_\_\_ of Article \_\_\_\_\_"; and the words "two thousand five hundred dollars," "one thousand five hundred dollars" and "seven hundred fifty dollars" have been substituted for the figures "\$2500," "\$1500" and "\$750." The section was designated by the subtitle, "Legislative Salaries."

Your Committee on Style submits the proposed article, as attached, for the consideration of the Convention and recommends that it be adopted as amended. —July 15, 1950

Benjamin O. Wist,  
Chairman  
Nelson K. Doi,  
Vice-Chairman  
J. Garner Anthony  
Marguerite K. Ashford  
Randolph Crossley

Wm. H. Heen  
Steere G. Noda  
Herbert M. Richards  
Harold S. Roberts  
Clarence Y. Shimamura  
C. Nils Tavares  
Cable A. Wirtz  
Takao Yamauchi

#### COMMITTEE PROPOSAL NO. 30, RD 2

#### ARTICLE IV (SCHEDULE)

SECTION 1. [Representative Districts; Number of Members.] As provided in Section 3 of Article IV, until the next reapportionment, the representative districts and the number of members to be elected from each shall be as follows:

First representative district: That portion of the island of Hawaii known as Puna, one representative;

Second representative district: That portion of the island of Hawaii known as South Hilo, four representatives;

Third representative district: That portion of the island of Hawaii known as North Hilo and Hamakua, one representative;

Fourth representative district: That portion of the island of Hawaii known as Kau and South Kona and that portion of North Kona for convenience herein referred to as Keauhou, the latter being more particularly described as follows: From a point at seashore between the lands of Holualoa 1 and 2 and Puapuaa 2 running northeasterly along the boundary of Holualoa 1 and 2 to Puu Laalaau; (2) easterly in a straight line to a point called "Naohueleelua" being the common corner of the lands of Puuanahulu, Kaohe, and Keauhou 2nd; (3) southeasterly along the common boundary between Hamakua and North Kona districts to the summit of Mauna Loa; (4) westerly along the common boundary between Kau and North Kona districts to the easterly boundary of South Kona district; (5) northerly and westerly along the boundary between North and South Kona districts to the seashore; and (6) northerly along the seashore to the point of beginning, one representative;

Fifth representative district: That portion of the island of Hawaii known as Kohala and that portion of North Kona not included in the fourth representative district, one representative;

Sixth representative district: The islands of Molokai and Lanai, one representative;

Seventh representative district: The islands of Maui and Kahoolawe, five representatives;

Eighth representative district: That portion of the island of Oahu known as Koolaupoko and Koolauloa, two representatives;

Ninth representative district: That portion of the island of Oahu known as Waialua and Wahiawa, two representatives;

Tenth representative district: That portion of the island of Oahu known as Ewa and Waianae, two representatives;

Eleventh representative district: That portion of the island of Oahu for convenience herein referred to as Kalihi and more particularly described as follows: From the intersection of Kalihi and Auiki Streets running westerly along Auiki Street to Mokauea Street; (2) southwesterly along Mokauea Street Extension extended to a point on the outer edge of the reef; (3) westerly along the outer edge of the reef to a point on the Moanalua-Halawa boundary; (4) northerly and northeasterly along the Moanalua-Halawa boundary to the top of Koolau Range; (5) southeasterly along the top of Koolau Range to a place called "Puu Lanihuli"; (6) southwesterly along the top of ridge between the lands of Kalihi, Kapalama and Nuuanu to Kalihi Street; and (7) southwesterly along Kalihi Street to the point of beginning, three representatives;

Twelfth representative district: That portion of the island of Oahu for convenience herein referred to as upper Nuuanu and more particularly described as follows: From the intersection of King and Kalihi Streets running northeasterly along Kalihi Street to the ridge between the lands of Kalihi, Kapalama and Nuuanu; (2) northeasterly along the top of said ridge to a point on the Koolau Range called "Puu Lanihuli"; (3) easterly along the top of said Range to Pali Road at the Nuuanu Pali; (4) southwesterly along Pali Road to Nuuanu Avenue and southwesterly along Nuuanu Avenue to School Street; (5) northwesterly along School Street to the center line of the Kapalama Drainage Canal (Waikiki Branch); (6) southwesterly along said Canal to the center line of the main Kapalama Drainage Canal; (7) southwesterly along said Canal to King Street; and (8) northwesterly along King Street to the point of beginning, three representatives;

Thirteenth representative district: That portion of the island of Oahu for convenience herein referred to as Kapalama and more particularly described as follows: From the junction of the Honolulu Harbor Channel and the reef running

westerly along the outer edge of the reef to Mokauea Street Extension extended; (2) northeasterly along Mokauea Street Extension extended to Sand Island Road; (3) northeasterly along Mokauea Street Extension to Auiki Street; (4) easterly along Auiki Street to Kalihi Street; (5) northeasterly along Kalihi Street to King Street; (6) southeasterly along King Street to the center line of the main Kapalama Drainage Canal; (7) northerly along said Canal to the center line of the Kapalama Drainage Canal (Waikiki Branch); (8) northeasterly along the said Canal to School Street; (9) southeasterly along School Street to Nuuanu Avenue; (10) south westerly along Nuuanu Avenue to the sea; and (11) southwesterly along the middle of Honolulu Harbor and Honolulu Harbor Channel to the point of beginning, three representatives;

Fourteenth representative district: That portion of the island of Oahu for convenience herein referred to as Pauoa and more particularly described as follows: From the junction of the Honolulu Harbor Channel and the outer edge of the reef running northeasterly along the middle of Honolulu Harbor Channel and Honolulu Harbor to the intersection of Queen Street and Nuuanu Avenue; (2) northeasterly along Nuuanu Avenue to Pali Road and northeasterly along Pali Road to the top of the Koolau Range at the Nuuanu Pali; (3) easterly and southerly along the top of the Koolau Range to a point called "Puu Konahuanui"; (4) southwestly along the top of the ridge between the lands of Nuuanu, Pauoa and Manoa to a mountain peak called "Puu Ohia" or Tantalus; (5) southwestly along the top of the ridge between the lands of Makiki and Kalawahine to the intersection of Nehoa Street and Lewalani Drive; (6) southerly along Lewalani Drive and Piikoi Street to Wilder Avenue; (7) easterly along Wilder Avenue to Punahou Street; (9) westerly along King Street to Kalakaua Avenue; (10) southerly along Kalakaua Avenue to the center line of the Ala Wai Canal; (11) westerly along said Canal and along the line of said Canal extended to the outer edge of the reef; and (12) westerly along the outer edge of the reef to the point of beginning, five representatives;

Fifteenth representative district: That portion of the island of Oahu for convenience herein referred to as Manoa and Waikiki and more particularly described as follows: From the intersection of Kalakaua Avenue and the center line of the Ala Wai Canal running northerly along Kalakaua Avenue to King Street; (2) easterly along King Street to Punahou Street; (3) northerly along Punahou Street to Wilder Avenue; (4) westerly along Wilder Avenue to Piikoi Street; (5) northerly along Piikoi Street to Lewalani Drive; (6) northerly along Lewalani Drive to Nehoa Street; (7) northeasterly along the top of the ridge between the lands of Makiki and Kalawahine to a mountain peak called "Puu Ohia" or Tantalus; (8) northeasterly along the top of ridge between the lands of Pauoa, Manoa and Nuuanu to a point on the Koolau Range called "Puu Konahuanui"; (9) southeasterly along top of said Range to a place called "Mt. Olympus"; (10) southwestly along the top of Waahila Ridge to top edge of Palolo Valley; (11) southwestly along the top edge of said Valley to the forest reserve boundary; (12) southwestly along the southeasterly boundary of St. Louis Heights Tract, Series 2 (File Plan 464) to the southerly boundary of said St. Louis Heights Tract 100 feet southeasterly from Alencastre Street; (13) southwestly parallel to and 100 feet from Alencastre Street and St. Louis Drive to Waialae Avenue; (14) westerly along Waialae Avenue to Kapahulu Avenue extended; (15) southerly across Waialae Avenue and along Kapahulu Avenue to Kalakaua Avenue; (16) westerly along Kapahulu Avenue extended to the outer edge of the reef; (17) northwesterly along the outer edge of the

reef to a point on the line extended of the center line of the Ala Wai Canal; and (18) easterly along said line to the point of beginning, six representatives;

Sixteenth representative district: That portion of the island of Oahu for convenience herein referred to as Kaimuki and Kapahulu and more particularly described as follows: From a point at the seacoast at a place called "Black Point" running westerly along the seacoast to Kapahulu Avenue extended to the sea; (2) easterly across Kalakaua Avenue and easterly and northerly along Kapahulu Avenue to Waialae Avenue; (3) easterly along Waialae Avenue to a point 100 feet easterly of St. Louis Drive; (4) northeasterly across Waialae Avenue then parallel to and 100 feet from St. Louis Drive and Alencastre Street to the southerly boundary of St. Louis Heights Tract, Series 2 (File Plan 464); (5) northeasterly along the southeasterly boundary of said Tract to the forest reserve boundary; (6) northeasterly along top edge of Palolo Valley to the top of Waahila Ridge; (7) northeasterly along the top of Waahila Ridge to a point of Koolau Range called "Mt. Olympus"; (8) easterly along the top of the Koolau Range to the top of the ridge between the lands of Waialae Nui and Palolo; (9) southwestly along the top of said ridge to a place called "Kalepeamoa"; (10) southwestly along Mauumae Ridge to Sierra Drive; (11) southwestly along Sierra Drive to Waialae Avenue; (12) easterly along Waialae Avenue to 13th Avenue; (13) southwestly along 13th Avenue and Ocean View Drive to Kilauea Avenue; (14) westerly along Kilauea Avenue to Makapuu Avenue; (15) southwestly along Makapuu Avenue to Diamond Head Road; and (16) southeasterly along Diamond Head Road to the Military Road and along the Military Road extended to the point of beginning, four representatives;

Seventeenth representative district: That portion of the island of Oahu not included in any other representative district on the island of Oahu, together with all other islands not included in any other representative district, three representatives;

Eighteenth representative district: The islands of Kauai and Niihau, four representatives.

Wherever a roadway, or the intersection of one or more roadways, is designated as a boundary in any of the above descriptions, the center line of such roadway or intersection is intended as such boundary.

SECTION 2. [Legislative Salaries.] Until otherwise provided by law in accordance with section \_\_\_\_\_ of Article \_\_\_\_\_ the salary of members of the legislature shall be as follows: The sum of \$2500 for each general session, the sum of \$1500 for each budget session and the sum of \$750 for each special session of the legislature.

#### STANDING COMMITTEE REPORT NO. 135

Your Committee on Style to which was referred Committee Proposals Nos. 23 (RD 1), 24 (RD 1), dealing with Ordinances, Continuity of Law, Schedules and Initial Elections, has examined the action of the Convention and the report of the Committee of the Whole, and begs leave to report as follows:

1. That the proposal dealing with the matters above be referred to the Convention for third reading in the form attached, (Committee Proposal Nos. 23 RD 2; 24, RD 2; 25, RD 2).

2. Your Committee calls attention to the following change in arrangement and form which have been made in the proposals as adopted on the floor of the Convention.

- a. The proposed article for convenience only has been designated Article XVI.
- b. The article has been tentatively set up in three parts: Part I deals with the subject matter of Committee Proposal No. 23; Part II deals with the subject matter of Committee Proposal No. 24; Part III deals with the subject matter of Committee Proposal No. 25.
- c. Your Committee calls to the attention of the Convention the fact that some of the subject matter dealt with in this article (No. XVI) will be set up in the Schedule.
- d. Separate section numbers have been given to each of the three parts of this article.
- e. Sections 9 and 10 of Part I have been condensed into a single section (Section 9).
- f. Sections 2 and 3 of Part III have been condensed into a single section (Section 2).
- g. In conformity with instructions from the Convention your Committee has added a new section in Part III of this article, dealing with the construction of subtitles. (See page 10 of Article XVI, RD 2).
- h. The following subtitles have been added:

PART I: Section 1. Federal Constitution Adopted. Section 2. Continuity of Laws; Transitional Provisions. Section 3. Continuance of Officers. Section 4. Bond Acts. Section 5. Lieutenant Governor; Secretary. Section 6. Allocation of Departments. Section 7. Residence; other Qualifications. Section 8. Compensation of Judges. Section 9. Effective Date; Self-Executing.

PART II: Section 1. Disqualification for Disloyalty. Section 2. Debts. Section 3. Tax Exemptions; United States. Section 4. Hawaii National Park. Section 5. Reservations; Judicial Rights.

PART III: Section 1. Elections. Section 2. Election Procedure; Certification. Section 3. Proclamation of Admission; Assumption of Office. Section 4. Certification; U. S. Senators and Representatives. Section 5. First Session. Section 6. Governor and Lieutenant Governor; First Term. Section 7. First Legislature; Terms of Office. Section 8. Subtitles; Construction.

It is the judgment of your Committee that none of the above changes affects the substance of the original proposals, as approved by the Convention on second reading.

3. Your Committee recommends the changes in phraseology and punctuation indicated below. Where line numbers are mentioned reference is made to the revised sections as they appear in Articles XVI (Committee Proposals Numbers 23, RD 2; 24, RD 2 and 25, RD 2).

It is the judgment of your Committee that none of these changes affects the substance of the original proposal as approved by the Convention on second reading.

Attention is also called to the entire new subject matter contained in Section VIII of Part III, as authorized by the Convention.

#### *Part I*

Section 2. The word "limitation" in line 9 of the first paragraph has been substituted for the word "limitations," for purpose of improved language construction. In the second line of the second paragraph the letter "c" in the word "constitution" is not capitalized; nor is the letter capitalized when this word is used elsewhere in this article. The word "titles" has been substituted for the word "title" in line 6 of this paragraph. The words "of Hawaii" have been deleted after the word "Territory" in line 10.

The above changes have been made for purpose of improved language construction and to make the language conform to usage elsewhere in this constitution.

Section 3. The words "of Hawaii" have been deleted after the word "Territory" in line 3.

Section 4. In line 3 the words "of Hawaii" have been deleted after the word "Territory." The word "hereby" before the word "approved" in line 4 has been deleted, and the word "such" before the word "bonds" in line 6 has been deleted.

These changes have been made in the interest of improved language construction.

Section 5. The words "of Hawaii" have been deleted after the word "Territory" in line 4.

Section 6. The numerals for the blank spaces after the words "Section" and "Article" in line 2 of the first paragraph will be inserted when the articles and sections of the constitution are assembled as a whole for presentation to the Convention. The words "of admission" after the word "date" have been deleted, as well as the comma immediately after the word "admission" in line 6. The comma after the word "duties" in line 10 has been deleted. The letter "s" in the word "section" in line 12 is not capitalized in the redraft. The words "of Article," and the lines before and after these two words have been deleted.

The beginning letters of the words "Executive" and "Order" in line 4 of the second paragraph are not capitalized in the redraft.

The above changes have been made for purpose of improved language construction.

Section 7. The commas after the words "qualifications in" in line 3 and the words "the authority of" have been deleted in line 3. The comma after the word "of" has also been deleted.

Section 8. The numeral after the word "Article" in line 3 will be inserted when all parts of this constitution are assembled in final form. The words "seventeen thousand five hundred dollars," "seventeen thousand dollars" and "fifteen thousand dollars" have been substituted for the figures "\$17,500," "\$17,000" and "\$15,000" in lines 7-9.

Section 9. The portion of this section which formerly comprised Section 10 has been made the beginning portion of the reconstructed Section 9. The word "and" has been inserted after the word "State" in line 4, and the letter "t" in word "the" immediately following is not capitalized. The word "thereof" has been substituted for the words "of this constitution" in line 5.

#### *Part II*

Section 1. The words "of America" have been deleted after the words "United States" in line 6, and the words "any public" have been deleted before the word "employment" in line 7. These deletions have been made in the interest of improved language construction and to make the language conform to usage elsewhere in this constitution.

Section 2. The words "of Hawaii" following the word "Territory" in lines 2 and 4 have been deleted, after the word "State" in line 3 to make the language of this section conform to usage elsewhere in this constitution.

Section 4. The letters "a" and "r" in the words "act" and "resolution" in line 2 are not capitalized. This change has been made to make the language conform to usage elsewhere in this constitution. The same changes have been made in Section 5.

#### *Part III*

Section 1. The comma after the words "United States" in line 4 has been deleted. The article "a" has been substituted for the pronoun "his" in line 9.

Section 2. The word "less" has been substituted for the word "more" and the word "more" has been substituted for the word "later" in lines 2-3. The word "days" has been deleted after the word "sixty." The comma after the word "held" in line 7 has been deleted, and the comma after the word "be" in line 8 has also been deleted. The words "same" and "as" before and after the word "manner" in line 13 have been deleted. The letter "T" in the word "The" in line 16 has been capitalized, and the word "thereupon" has been inserted between the words "shall" and "certify" in lines 16-17. The word "results" has been substituted for the word "result" in line 18.

The above changes have all been made for purpose of improved language construction.

Section 3. The word "results" has been substituted for the word "result" in line 3. The words "under the provisions of this Constitution and the laws of this State" have been deleted after the word "qualified" in line 5, as redundant.

Section 4. The words "of the State" have been inserted between the words "governor" and "and" in lines 1-2. The second paragraph of this section has been added to the first paragraph.

These changes have been made for the purpose of improved language construction.

Section 6. The word "first" has been inserted before the word "governor" in line 1, and the article "the" before the word "lieutenant" in line 2 has been deleted. The comma after the word "election" and the word "each" after the word "shall" in line 2 have been deleted. The word "their" has been substituted for the word "his" before the word "election" in line 3.

These changes have been made for purpose of improved language construction.

Section 7. In the first paragraph the word "first" has been inserted before the word "legislature" in line 2 and the words "elected at the first election" have been deleted.

In the third paragraph words have been substituted for numerals after the word "district" wherever this word appears. The words "to the senate at such election" in line 13 have been deleted. The word "and" has been substituted for the comma and the word "who" in line 15.

These changes have been made for purpose of improved language construction and to avoid redundancy.

Section 8. The new language for this section reads as follows:

Titles and subtitles shall not be used for purposes of construing this constitution.

Your Committee on Style submits the proposed article, as attached, for the consideration of the Convention.

—July 15, 1950

Benjamin O. Wist,  
Chairman  
Nelson K. Doi,  
Vice-Chairman  
Randolph Crossley  
Wm. H. Heen

Steere G. Noda  
Herbert M. Richards  
Harold S. Roberts  
Clarence Y. Shimamura  
C. Nils Tavares  
Cable A. Wirtz  
Takao Yamauchi

J. Garner Anthony—I dissent from the inclusion of the words "or incongruous" in section 12 of Art. XVI.

## ARTICLE XVI.

### PART I.—Committee Proposal No. 23 (RD. 2)\*

SECTION 1. [Federal Constitution Adopted.] The constitution of the United States is adopted on behalf of the people of the State of Hawaii.

SECTION 2. [Continuity of Laws: Transitional Provisions.] All laws in force at the time this constitution takes effect and not inconsistent or incongruous therewith, including, among others, acts of the Congress relating to the lands in the possession, use and control of the Territory of Hawaii, shall be the laws of the State and remain in force, mutatis mutandis, until they expire by their own limitation, or are altered or repealed by the legislature.

Except as otherwise provided by this constitution, all existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights shall continue unaffected notwithstanding the taking effect of this constitution, except that the State shall be the legal successor to the Territory in respect thereof, and may be maintained, enforced or prosecuted, as the case may be, before the appropriate or corresponding tribunals or agencies of or under the State or of the United States, in the name of the State, political subdivision, person or other party entitled to do so, in all respects as fully as could have been done prior to the taking effect of this constitution.

SECTION 3. [Continuance of Officers.] Except as otherwise provided by this constitution, all executive officers of the Territory or any political subdivision thereof and all judicial officers who may be in office at the time of admission of this State into the Union shall continue to exercise and discharge the powers and duties of their respective offices until their successors shall have qualified in accordance with this constitution or the laws enacted pursuant thereto.

SECTION 4. [Bond Acts.] All acts of the legislature of the Territory authorizing the issuance of bonds by the Territory or its political subdivisions are approved, subject however to amendment or repeal by the legislature, and bonds may be issued by the State and its political subdivisions pursuant to said acts. Whenever in said acts the approval of the President or of the Congress is required, the approval of the governor shall suffice.

SECTION 5. [Lieutenant Governor; Secretary.] Unless otherwise provided by law, the lieutenant governor shall exercise and discharge the powers and duties of the secretary of the Territory.

SECTION 6. [Allocation of Departments.] The provisions of Section \_\_\_\_\_ of Article \_\_\_\_\_ shall not be mandatory until four years from the date of admission of this State to the Union. The legislature shall within three years from said date allocate and group the executive and administrative offices, departments and instrumentalities of the state government and their respective functions, powers and duties among and within the principal departments pursuant to said section.

If such allocation and grouping shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make such allocation and grouping.

\*Amended by the Convention on third reading by deleting words "or incongruous" in Section 2, and RD3 passed.



SECTION 7. [Residence; Other Qualifications.] Requirements as to residence, citizenship or other status or qualifications in or under the State prescribed by this constitution shall be satisfied pro tanto by corresponding residence, citizenship or other status or qualifications in or under the Territory.

SECTION 8. [Compensation of Judges.] Until the legislature shall otherwise provide under Article \_\_\_\_\_ of this Constitution, the chief justice, justices of the supreme court and judges of the circuit courts shall receive as compensation for their services the sums of \$17,500, \$17,000 and \$15,000 per annum, respectively, which shall, notwithstanding the provisions of Article \_\_\_\_\_ of this constitution, be subject to increase or decrease by the first session of the legislature of the State.

SECTION 9. [Effective Date; Self-Executing.] This constitution shall take effect and be in full force immediately upon the admission of Hawaii into the Union as a State and the provisions thereof shall be self-executing to the fullest extent that their respective natures permit.

*Part II. —Committee Proposal No. 24 (RD 2)*

SECTION 1. [Disqualification for Disloyalty.] No person who advocates, or who aids or belongs to any party, organization, or association which advocates, the overthrow by force or violence of the government of this State or of the United States shall be qualified to hold any public office or employment.

SECTION 2. [Debts.] The debts and liabilities of the Territory shall be assumed and paid by the State, and all debts owed to said Territory shall be collected by said State.

SECTION 3. [Tax Exemption; United States.] No taxes shall be imposed by the State upon any lands or other property now owned or hereafter acquired by the United States, except as the same shall become taxable by reason of disposition thereof by the United States or by reason of the consent of the United States to such taxation.

SECTION 4. [Hawaii National Park.] All provisions of the act or resolution admitting this State to the Union, or providing for such admission, which reserve to the United States jurisdiction of Hawaii National Park, or the ownership or control of lands within Hawaii National Park, are consented to fully by the State and its people.

SECTION 5. [Reservation; Judicial Rights.] All those provisions of the act or resolution admitting this State to the Union, or providing for such admission, which reserve to the United States judicial rights or powers, are consented to fully by the State and its people; and those provisions of said act or resolution which preserve for the State judicial rights and powers are hereby accepted and adopted, and such rights and powers are hereby assumed, to be exercised and discharged pursuant to this constitution and the laws of the State.

*Part III. —Committee Proposal No. 25 (RD 2)*

SECTION 1. [Elections.] In case the people of the Territory ratify this constitution and the same is approved by the duly constituted authority of the United States whose approval thereto may be required, the governor of the Terri-

tory shall, within 30 days after receipt of the official notification of such approval, issue a proclamation for primary and final elections, as hereinafter provided, at which officers for all state elective offices provided for by this constitution shall be nominated and elected; but the officers so to be elected shall in any event include two senators and two representatives to the Congress, and unless and until otherwise required by law, said representatives shall be elected at large.

SECTION 2. [Election Procedure; Certification.] Said primary election shall take place not less than 60 nor more than 90 days after said proclamation, and the final election shall take place within 40 days after the primary election. Such elections shall be held and the qualifications of voters thereat shall be as prescribed by this constitution and by the laws relating to the election of members of the legislature at primary and general elections. The returns thereof shall be made, canvassed and certified in the manner prescribed by law with respect to the election for the ratification or rejection of this constitution. The governor shall thereupon certify the results thereof to the President.

SECTION 3. [Proclamation of Admission; Assumption of Office.] Upon the issuance by the President of a proclamation announcing the results of said election and the admission of this State to the Union, the officers elected and qualified shall proceed to exercise and discharge the powers and duties pertaining to their respective offices.

SECTION 4. [Certification; U.S. Senators and Representatives.] The governor of the State and secretary of state shall certify the election of the senators and representatives to the Congress in the manner required by law. For this purpose, the lieutenant governor of this State shall be deemed ex officio secretary of state.

SECTION 5. [First Session.] Ten days after the admission of this State to the Union, the legislature shall convene in special session.

SECTION 6. [Governor and Lieutenant Governor; First Term.] The first governor and lieutenant governor shall hold office for a term beginning with their election and ending at noon on the first Monday in December following the second general election.

SECTION 7. [First Legislature; Terms of Office.] The terms of office of the members of the first legislature shall be as follows:

Members of the house of representatives shall hold office for a term beginning with their election and ending on the day of the second general election held thereafter.

Members of the senate shall be divided into two classes. The first class shall consist of the following number elected with the highest number of votes from their respective senatorial districts: first district, three; second district, one; third district, two; fourth district, three; fifth district, two; and sixth district, two. Members of the first class shall hold office for a term beginning with their election and ending on the day of the third general election held thereafter. The remaining members elected shall constitute the second class and shall hold office for a term beginning with their election and ending on the day of the second general election held thereafter.

SECTION 8. [Subtitles; Construction.] Titles and subtitles shall not be used for purposes of construing this constitution.



**STANDING COMMITTEE REPORT NO. 136**

Your Committee on Printing to which was referred the following Standing Committee Report, Committee Proposals and Committees of the Whole Reports, begs leave to report that said reports and proposals have this day been printed in accordance with the second paragraph of Rule 47 (c) of this Convention: Standing Com. Rpt. No. 130—with Committee Proposal No. 29, RD 3, Committee of the Whole Report No. 25—with Committee Proposal No. 23, RD. 1, Committee of the Whole Report No. 26—with Committee Proposal No. 24, RD. 1, Committee of the Whole Report No. 27—with Committee Proposal No. 25, RD. 1.—*July 15, 1950*

Charles H. Silva, Chairman

**STANDING COMMITTEE REPORT NO. 137**

Your Committee on Style, to which was referred all articles as passed on third reading by the Constitutional Convention, has examined these articles and begs leave to report as follows:

1. Your committee submits herewith a complete Constitution for the State of Hawaii, as passed by the delegates, including all the articles adopted on third reading by the Convention.
2. Your committee has followed the order proposed by the Committee on Style and approved by the Convention. (This order appears in the Table of Contents, immediately preceding page 1 of the Constitution.)
3. Your committee has effected a number of changes in arrangement, such as (a) the transfer of materials from one article to another, where such transfer brings related subject matter more closely together, and (b) modifications in form. (Such changes have been made under the authority granted to the Committee on Style by the Convention. Wherever they appear reference will be made to them in this report.)
4. Your committee has made a number of changes with respect to phraseology and punctuation. (Such changes have been made to avoid duplications or redundancy, to effect consistency in style, and to improve language construction.)
5. Your committee has attached a Title Page and a page on Table of Contents. (These pages have been added for purpose of convenience and are not to be regarded as a part of the constitution itself.)
6. In the copy of the Constitution submitted to the Convention, paragraphs have been numbered consecutively from 1 to 206. (This numbering of paragraphs is for purpose of the convenience of the delegates. Paragraph numbers are not to be regarded as part of the constitution itself, and will not appear in the original document proposed for adoption by the convention.)
7. Four items do not appear under article numbers or titles. These are one, Preamble; two, the statement of adoption of the Federal Constitution; three, the statement with respect to the effective date of the constitution; and four, the concluding statement, "Done in Convention, at Iolani Palace. . . . the one hundred and seventy-fifth." (The above items are incorporated as part of the constitution.)
8. The signatures which will appear at the bottom of the original document are not, of course, included in the document being submitted herewith.
9. For the convenience of the delegates all modifications or corrections which will be referred to in this report are

dealt with in the order in which they appear in the constitution. (Preamble; Federal Constitution Adopted; Articles I—XVI, respectively; Effective Date; concluding statement, "Done in Convention at Iolani Palace.")

10. It is the judgment of your committee that none of the changes which have been made affect the substance of the subject matter as approved by the Convention on third reading.

Preamble. The only change which appears in the Preamble is the use of a small "c" in the word "Constitution" in line 5 instead of a capital "C." The purpose of this change is for consistency in style throughout the constitution.

Federal Constitution Adopted. The statement with reference to the adoption of the Constitution of the United States has been taken from Res. No. 3, which was adopted by the Convention on April 4, 1950, and signed by all delegates to the Convention.

**ARTICLE I**

This article has been given the title "Bill of Rights."

Section 1. This section has been rephrased in the interest of improved language construction and without change in substance.

Section 2. The only change in this section is the use of the word "inalienable" instead of the more archaic word "unalienable."

Section 3. No change has been made.

Section 4. No change has been made.

Section 5. The only change in this section is the deletion of the comma after the word "papers" in line 2.

Section 6. No change has been made.

Section 7. No change has been made.

Section 8. No change has been made.

Section 9. No change has been made.

Section 10. The only change in this section is the addition of a comma after the word "Jury" in the subtitle.

Section 11. The only change in this section is the substitution of a semicolon for a comma after the word "favor" in the second to the last line.

Section 12. No change has been made.

Section 13. The only change in this section is the deletion of the comma after the word "it" in the third to the last line.

Section 14. The word "power" in the first line has been deleted as redundant.

Section 15. The letter "s" in the word "state" is not capitalized in this section, the word here referring to a political entity and not a State of the Union.

Section 16. No change has been made.

Section 17. No change has been made.

Section 18. No change has been made.

Section 19. No change has been made.

Section 20. No change has been made.

**ARTICLE II**

This article was originally Article VII, as passed on third reading by the Convention. The title Suffrage and Elections has been given to this article.

Section 1. The numerals "(20)" and "(1)" appearing in lines 3 and 5 of the article as adopted on third reading have been deleted as redundant. The word "and" in line 3 has been deleted and the word "have" has been substituted for the word immediately thereafter. The comma after the word "election" in line 4 of the redraft has been deleted and the word "be" has been substituted for the word "is" in the same line. The letter "s" in the word "state" in line 6

is not capitalized, the word here being used in the adjective form.

Section 2. No change has been made.

Section 3. No change has been made.

Section 4. The comma after the word "voters" has been deleted and a semicolon has been substituted for the comma after the word "voting" in line 2. The word "shall" has been inserted between the words "and" and "prescribe" in line 3. The article "The" appearing as the first word of the final sentence has been deleted, and a capital "S" has been used in the word "Secrecy."

Section 5. No change has been made.

### ARTICLE III

This article was originally Article IV, as passed on third reading by the Convention. The title "The Legislature" has been given to this article.

Section 1. The only change in this section is the substitution of the word "Power" for "Powers" in the subtitle.

Section 2. The article "the" has been deleted before the word "Pali" in line 3 of the fifth paragraph. The letter "r" in the word "range" has been capitalized, and the following words have been added to the sentence, "and all other islands not specifically enumerated." This insertion, although not acted upon, was clearly the intent of the Convention in view of the fact that the same provision was adopted with respect to (3) paragraph 2, Section 4, of this article.

Section 3. No change has been made.

Section 4. The only change in this section is the deletion of the word "Mandamus" and the semicolon preceding the word from the subtitle opposite the heading Section 4, and placing it as a separate sub-heading opposite the last paragraph of the section.

Section 5. No change has been made.

Section 6. No change has been made.

Section 7. No change has been made.

Section 8. No change has been made.

Section 9. The only change made in this section is the substitution of the word "or" for the word "and" in line 9, as more exact in the meaning intended.

Section 10. The letter "s" in the word "section" in line 7 has been capitalized and the letter "A" in the word "Article" in line 8 has not been capitalized. These changes have been made for the purpose of conformity in style.

Section 11. A period has been inserted after the word "State" in line 4. The word "and" immediately following has been deleted together with the comma. The letter "i" in the word "in" before the word "case" has been capitalized. The letter "a" in the word "article" in line 10, paragraph 2, is not capitalized. The words "shall" and "be authorized to" have been deleted in line 11, and the word "may" has been substituted. The words "shall be limited" have been deleted in the fourth line of the third paragraph.

Section 12. No change has been made.

Section 13. No change has been made.

Section 14. No change has been made.

Section 15. No change has been made.

Section 16. No change has been made.

Section 17. The sub-heading immediately opposite Section 17 has been changed to read "Approval or Veto." The words "Reconsideration after Adjournment," which were previously a part of this subtitle have been made a special subtitle for paragraph 3 of this section. The words "that day" have been substituted for the words "the said forty-fifth day" in line 8, and the word "said" has been deleted before the word "forty-fifth" in line 9. The last sentence of the original third paragraph has been made a separate final paragraph of the section.

Section 18. No change has been made.

Section 19. The only change in this section has been the deletion of the comma after the word "arrest" in line 9 of the first paragraph.

Section 20. No change has been made.

### ARTICLE IV

This article was originally Article V, as passed on third reading by the Convention. The title "The Executive" has been given to this article.

Section 1. The words "of the State" have been added after the word "power" in the first paragraph.

The words "shall be" have been substituted for the words "is a" in the second line of the fourth paragraph, and the word "have" has been substituted for the word "has." The word "the" has been substituted for the word "this" before the word "State" in the final paragraph of this section.

Section 2. No change has been made.

Section 3. The words "prescribed by law" have been substituted for the words "fixed by the legislature," to conform to language usage throughout this constitution. A comma has been added after the word "terms" in line 6.

Section 4. In the second paragraph, the words "the absence of the lieutenant governor" have been substituted for the words "his absence" in line 2. The word "the" has been inserted between the words "in" and "event" in the first line of the third paragraph. These changes have been made in the interest of improved language construction.

Section 5. The word "to" has been deleted before the words "suppress" and "repel" in lines 4-5. The word "its" has been substituted for the word "their" in line 9. The sentence "He may call special sessions of the legislature or the senate alone by proclamation and may extend any regular or special session of the legislature as provided in this constitution," has been deleted. This deletion does not constitute a change in substance, in view of the fact that the same provision is set up in the article on the legislature. (The Committee on Style has been delegated the responsibility for avoiding duplication of material.)

In the second paragraph of this section the words "reprieves, commutations and" have been deleted before the word "pardons" in line 6, as redundant. The comma after the word "impeachment" has also been deleted.

Section 6. The third sentence of paragraph 3 has been reconstructed, for purpose of improved language construction. The second sentence of the fifth paragraph of the original has been reworded to convey more clearly the exact purpose as intended by the Convention. After the word "senate" a semicolon has been substituted for the period and the words used in the final draft of the constitution have been substituted for the sentence reading "No person nominated to any office shall be eligible for an interim appointment to such office if the senate does not consent to the appointment upon such nomination." The third sentence of the original paragraph has been set up as a separate paragraph in the revised draft.

### ARTICLE V

This article was originally Article VI as passed on third reading by the Convention. The title "The Judiciary" has been given to this article.

Section 1. No change has been made.

Section 2. The only change made in this section is the deletion of the comma after the word "absent" in line 6.

Section 3. In the second paragraph the word "the" has been substituted for the word "this" before the word "State" in line 2. In the third paragraph the word "prescribed" has been substituted for the word "provided" in lines 4-5.

- Section 4. No change has been made.  
 Section 5. No change has been made.  
 Section 6. No change has been made.

#### ARTICLE VI

This article was originally Article VIII as passed on third reading by the Convention. The title "Taxation and Finance" has been given to this article.

- Section 1. No change has been made.  
 Section 2. The only change in this section is in the subtitle. The comma after the word "Taxation" has been deleted and the word "of" has been substituted.  
 Section 3. The word "percent" has been substituted for the word "per cent" wherever this term is used in this section. No other change has been made.  
 Section 4. No change has been made.  
 Section 5. The only change is the insertion of a semicolon after the word "appropriations" in the subtitle.  
 Section 6. No change has been made.  
 Section 7. The only change in this section is the use of a small "s" in place of a capital "S" in the word "state," the word here being used as an adjective.  
 Section 8. No change has been made.  
 Section 9. This section has been placed in Article XIV, General and Miscellaneous Provisions as Section 2. In the judgment of your committee this section more appropriately belongs under the above heading. The only change made has been the insertion of the word "thereof" between the words "subdivision" and "shall" in lines 2-3.

#### ARTICLE VII

This article was originally Article IX as passed on third reading by the Convention. The title "Local Government" has been given to this article.

- Section 1. No change has been made.  
 Section 2. No change has been made.  
 Section 3. No change has been made.  
 Section 4. No change has been made.  
 Section 5. No change has been made.  
 In this article periods were placed after each subheading. This was obviously a typographical error. Such practice is not followed elsewhere.

#### ARTICLE VIII

This article was originally Article X as passed on third reading by the Convention. The title "Public Health and Welfare" has been given to this article.

- Section 1. No change has been made.  
 Section 2. No change has been made.  
 Section 3. No change has been made.  
 Section 4. No change has been made.  
 Section 5. The comma after the word "and" and before the word "for" in line 4 has been deleted.  
 Section 6. This section has been moved to Article XIV as Section 13. It is the judgment of your committee that this section with the substitution of the word "constitution" for the word "article" more appropriately belongs in an article dealing with General and Miscellaneous Provisions. The subtitle has been changed from "Construction" to "General Power." The report of the Committee of the Whole referring to this section reflects the expressed opinion that it might later appear elsewhere in the constitution.

#### ARTICLE IX

This article was originally Article XI as passed on third reading by the Convention. The title "Education" has been given to this article.

Section 1. The word "statewide" in line 2 is not hyphenated in the final draft. A small "s" has been substituted for the capital letter in the word "state" in line 3, the word here being used in adjective form. The article "the" before the word "public" in line 6 has been deleted. The words "of this State" after the word "institutions" in line 7 have been deleted as redundant.

- Section 2. No change has been made.  
 Section 3. No change has been made.  
 Section 4. The only change in this section is the use of the small letter "s" in the word "state" in line 2, the word here being used in adjective form.  
 Section 5. The only change in this section is the use of the small letter "u" instead of the capital letter in the word "university" wherever this word appears. This change has been made in the interest of consistency in style.

#### ARTICLE X

This article was originally Article XIII as passed on third reading by the Convention. The new title appears as Conservation and Development of Resources. This article was originally set up in two parts, the assumption being that Part II would later be included elsewhere in the constitution. Your committee has placed Sections 1, 2 and 3 of Part II in Article XIV, these articles more appropriately belonging in an article dealing with General and Miscellaneous matters. Section 4 has been placed in Article XVI, as Section 9, this material belonging more appropriately in the Schedule. The changes made in the above sections will be referred to later in this report.

##### Part I

- Section 1. The only change in this section is the transposition of the word "game" from its original position in the sentence to follow the word "fish" in line 4.  
 Section 2. No change has been made.  
 Section 3. No change has been made.  
 Section 4. The word "to" after the word "respect" in line 4 has been substituted for the word "of." The word "thereof" after the word "subdivision" in line 5 has been deleted. The words "of government" after the word "agency" in line 5 have been deleted, and the word "thereof" added as the last word in the sentence.  
 Section 5. No change has been made.

##### Part II

- Section 1. The subtitle has been changed from "Title of United States; Extent" to "Federal Lands." The word "the" before the word "state" in line 5 has been changed to "this." (See Section 6, Article XIV.)  
 Section 2. The word "this" has been substituted for the word "the" before the word "state" in line 2, and the word "therefrom" has been substituted for the word "thereof" in line 4. (See Section 7, Article XIV.)  
 Section 3. The word "this" has been substituted for the word "the" before the word "State" in line 4, and again in line 7. (See Section 8, Article XIV.)  
 Section 4. A comma has been inserted after the word "compensation" in lines 4-5. (See Section 9, Article XVI.)

#### ARTICLE XI

This article was originally Article XIII as passed on third reading by the Convention. The title "Hawaiian Home Lands" has been given to this article.

- Section 1. The words "of the United States" after the word "Congress" in line 3 have been deleted as redundant.  
 Section 2. A small "c" has been substituted for a capital "C" in the word "constitution" in line 6. The words "of the

United States" after the word "Congress" in line 7 have been deleted as redundant.

#### ARTICLE XII

This article was originally Article XII as passed on third reading by the Convention. The title "Organization, Collective Bargaining" has been given to this article.

Section 1. No change has been made.

Section 2. This sentence has been rewritten for purpose of improved language construction.

#### ARTICLE XIII

This article has been given the title "State Boundaries, Capital, Flag." The three sections were formerly Section 3, Section 6 and Section 1 of Article XIV, as adopted by the Convention on third reading.

Section 3. The only change in this section is the deletion of the word "State" in the subtitle. (See Section 1, Article XIII.)

Section 6. The only change in this section is the deletion of the word "State" from the subtitle. (See Section 2, Article XIII.)

Section 1. No change has been made. (See Section 3, Article XIII.)

#### ARTICLE XIV

This article has been given the title "General and Miscellaneous Provisions." This was originally Article XIV, as passed on third reading by the Convention.

Section 2. This section has been made the second paragraph of Section 12 of this article. The word "whenever" in line 1 has been substituted for the word "wherever." The word "construed" has been substituted for the word "interpreted" and the words "mean either sex" have been substituted for the words "include both sexes" at the conclusion of the paragraph. (See Section 12, Article XIV.)

Section 5. The word "shall" has been transposed from the second line to the first line after the word "officers." Capital "C" is used in the word "Constitution" in both places where this word is used in the quoted oath. The comma before the words "to the best of my ability" has been deleted. (See Section 4, Article XIV.)

Section 4. The word "or" has been substituted for the word "and" in line 4, and the comma after the word "subdivisions" has been deleted. (See Section 5, Article XIV.)

Section 7. No change has been made. (See Section 1 of Article XIV.)

Section 8. This section is the Preamble which has been placed at the beginning of this constitution. The only change in the Preamble is the deletion of the comma after the word "people" in line 3 and after the word "and" in line 4.

#### ARTICLE XV

This article was originally Article XV as passed on third reading by the Convention. The title "Revision and Amendments" has been given to this article.

Section 1. The only change made in this section is in the subtitle, which has been changed to read "Methods of Proposal," instead of "Revision and Amendments."

Section 2. In the first paragraph of this section a capital "C" has been used in the word "Constitution." A subheading has been added to paragraph 2, "Election of Delegates." In the third paragraph of this section the numerals "3" and "XIV" have been inserted in the blank spaces after the words "Section" and "Article." The subtitle "Organization; Procedure," has been substituted for the original. The subtitle

"Ratification; Appropriations" has been added to paragraph 6. The "a" and "b" in brackets preceding reference to general and special elections, respectively, have been deleted. The words "such majority" before the word "constituting" in line 6 have been added; the word "percent" has replaced "per cent" wherever the term is used. The words "such majority" have been added in line 9 after the word "question." A comma has been deleted after the word "election" where it appears in line 8, and a comma has been deleted after the word "effective" in the third to the last line.

In the third line of the seventh paragraph the word "their" has been substituted for the word "its," to conform to usage elsewhere in this constitution.

Section 3. The word "Proposed" after the word "Amendments" has been added to the subtitle. For purpose of improvement in form the indented material set off by "a" and "b" in brackets has been changed in the following manner: The words "in the following manner" in line 2 have been deleted; the word "by" and the language to follow continues as part of the first sentence; the words "at any session" have been added after the word "reading" in line 4; the "or" has been substituted for the semicolon after the word "amendment" in line 6, and after the word "or" the words "By adopting the same in the manner required for legislation" have been deleted; the words "to the governor" after the word "notice" in line 7 have been deleted; a comma after the word "notice" in line 8 has been deleted, as well as the words "of the legislature" after the word "sessions."

In the second paragraph of this section the word "on" has been substituted for the word "upon" in line 2. The words "for members of the legislature" have been deleted at the end of the paragraph as redundant.

In the fourth paragraph a small "a" in the word "article" is used instead of the capital "A."

Section 4. No change has been made.

#### ARTICLE XVI (SCHEDULE)

Article XVI, which has been given the title "Schedule" has been taken from Article IV, Committee Proposal No. 30 and from other articles which will be noted later.

For purpose of convenience three subheadings have been used in this article, the purpose being to group related material together. These subheadings are:

- (1) Representative Districts;
- (2) Transitional Provisions;
- (3) First Officers, Procedures.

Section 1. The subtitle has been changed to read "Description; Number of Members." "Article III" has been substituted for "Article IV" in the first line of Section 1 of the article as passed on third reading. This change is made necessary because of a rearrangement of articles.

Section 2. This section has been moved into the third part of this Schedule and has been designated Section 17. The subtitle has been changed to read "Salaries of Legislators." A capital "S" has been used in the word "Section" in line 2. The blank after the word "Section" has been replaced by the numeral "10," and the numeral "III" has been placed after the word "Article." The words "of the legislature" have been deleted at the end of the sentence as redundant.

The several sections under the subheading "Transitional Provisions" have been taken from other parts of this constitution as adopted on third reading. Section numbers referred to below are those used in the final draft.

Section 2. This section has been taken from Article XVI. The subtitle has been modified by deleting the words "Transitional Provisions."

Section 3. This section has been taken from Article XVI, Part II, Section 2. No changes have been made.

Section 4. This section has been taken from Article XVI, Part I, Section 4. The only change in this section is the insertion of commas to set off the word "however" in line 4.

Section 5. This section has been taken from Article XVI, Part I, Section 3. The only change in this section has been the substitution of the word "to" for the word "into" in line 5.

Section 6. This section has been taken from Article XVI, Part I, Section 5. No change has been made.

Section 7. This section has been taken from Article XVI, Part I, Section 7. A comma has been substituted for the semicolon in the subtitle.

Section 8. This section has been taken from Article XVI, Part I, Section 6. The only change in this section has been to fill in the blank spaces after the words "Section" and "Article" with the numerals "6" and "IV."

Section 10. This section has been taken from Article XVI, Part III, Section 1. No changes have been made.

Section 11. This section has been taken from Article XVI, Part III, Section 2. No changes have been made.

Section 12. This section has been taken from Article XVI, Part III, Section 3. No changes have been made.

Section 13. This section has been taken from Article XVI, Part III, Section 6. The subtitle has been changed by deleting the words "First Term."

Section 14. This section has been taken from Article XVI, Part III, Section 4. The subtitle has been changed by substituting a comma for the semicolon after the word "Certification" and substituting the words "United States" for "U. S." The words "ex officio" have been deleted in the last line as redundant.

Section 15. This section has been taken from Article XVI, Part III, Section 7. No change has been made.

Section 16. This section has been taken from Article XVI, Part III, Section 5. The words "Of Legislature" have been added in the subtitle.

Section 17. This section has been taken from Article IV (Schedule) Section 2. A small "s" has been substituted for the capital letter in the word "section" in line 2. The numeral "10" has been inserted after the word "Section" and the numeral "III" has been inserted after the word

"Article." The words "of the legislature" have been deleted at the end of the sentence as redundant.

Section 18. This section has been taken from Article XVI, Part I, Section 8. The word and numeral "Section 3" have been added after the word "under" in line 2. The numeral "V" has been added after the word "Article." The words "of this constitution" have been deleted before the words "the chief justice" in line 2 as redundant. The words "of the State" have been deleted at the end of the sentence as redundant.

Your Committee on Style respectfully submits the Constitution of the State of Hawaii, with the recommendation that this Constitution be adopted and approved by this Convention for submission to the people of Hawaii.

Benjamin O. Wist, Chairman

(Constitution as adopted by Convention attached)

**STANDING COMMITTEE REPORT NO. 138**

*HAWAII STATE CONSTITUTIONAL CONVENTION  
BALANCE SHEET—July 22, 1950*

Appropriation for elections and convention expenses as provided for in Act 334 . . . . .	\$ 250,000.00	
Pre-convention expenses—Schedule "A" . . . . .	114,055.79	
Balance of Appropriation available . . . . .	\$ 135,944.21	
Additional appropriations by Governor . . . . .	45,000.00	
Total balance of appropriation available . . . . .	\$ 180,944.21	
Convention expenses paid—Schedule "B" . . . . .	171,102.95	
Balance as of June 22, 1950 . . . . .	\$ 9,841.26	
Accounts payable and estimated expenses to complete convention work—Schedule "C" . . . . .	4,606.40	
Balance of appropriation available . . . . .	\$ 5,234.86	
Allowance for original printing of Constitution and facsimiles thereof . . . . .	750.00	
Balance of appropriation allotted to Committee on Submission and Information . . . . .	\$ 4,484.86	

*Schedule "A"—EXPENSES OF SECRETARY OF HAWAII FOR ELECTIONS AND PREPARATION OF CONVENTION*

<b>PERSONAL SERVICES:</b>			
Inspectors . . . . .		\$ 34,335.00	
Clerks in counties and secretary's office . . . . .		10,824.92	
Members of registration board . . . . .		1,206.00	
General labor . . . . .		1,593.88	\$ 47,959.80
<b>OTHER CURRENT EXPENSES:</b>			
Public Works Department repairing booths . . . . .		982.59	
Stationery and office supplies . . . . .		9,732.54	
Communication (postage and telephone) . . . . .		1,301.96	
Traveling expense (board, plane fare, auto hire) . . . . .		2,488.79	
Transportation and hauling . . . . .		1,756.23	
Printing ballots, lists of voters, etc. . . . .		25,870.94	
Advertising and publication of notices . . . . .		2,270.63	
Rentals . . . . .		1,052.32	
Motor vehicle upkeep . . . . .		182.60	
Miscellaneous:			
Lumber, boxes, paint, nails . . . . .	\$ 3,002.78		
Preparing and cleaning places of rallies and voting booths before and after . . . . .	8,641.24		
Lighting systems, switches, wires, cables, etc. . . . .	1,064.12		
Installation or use of public address systems . . . . .	630.00		
Radio services . . . . .	365.51		
Others . . . . .	3,250.92	16,954.57	62,593.17
<b>EQUIPMENT:</b>			
Typewriter . . . . .		159.82	
Tables and chairs . . . . .		1,266.25	
Ballot boxes . . . . .		933.65	
Voting booths . . . . .		1,143.10	3,502.82
<b>TOTAL EXPENDITURES PAID</b>			<u>\$ 114,055.79</u>

Schedule "B"—CONVENTION EXPENSES PAID

<b>PERSONAL SERVICES:</b>			
Delegates' compensation .....		\$ 63,000.00	
Employees' compensation .....		<u>76,880.52</u>	\$139,880.52
<b>OTHER CURRENT EXPENSES:</b>			
Delegates' mileage .....		1,850.40	
Stationery, printing supplies and office supplies .....		6,310.96	
Communication:			
Postage .....	\$ 557.70		
Telephone and telegrams .....	<u>301.82</u>	859.52	
Repairs and alterations:			
Armory Hall by Public Works .....	\$ 4,111.00		
Locks on doors and desks .....	78.50		
Office machines .....	<u>18.34</u>	4,207.84	
Printing:			
Letterheads, envelopes, proposal covers, committee report covers .....			1,431.10
Equipment rentals:			
Office machines, desks and chairs .....	\$ 2,065.50		
Bleachers .....	<u>1,000.00</u>	3,065.50	
Public address system-rental .....			8,000.00
National Guard Armory-rental .....			3,000.00
Recording system:			
Rental of two recording machines .....	\$ 100.00		
Purchase of two recording machines and attachments .....	488.70		
Tapes and reels .....	<u>996.79</u>	1,585.49	
Special services:			
Transcript—UnAmerican Activities Committee of United States Congress .....	\$ 124.50		
Changing light bulbs in Armory Hall .....	<u>50.35</u>	174.85	
Special purchases:			
Air freight rates, transportation and hauling .....	\$ 440.84		
Signs, maps, paper cups .....	<u>295.93</u>	736.77	<u>31,222.43</u>
TOTAL EXPENDITURES PAID			<u>\$171,102.95</u>

Schedule "C"

ACCOUNTS PAYABLE AND ESTIMATED EXPENSES  
TO COMPLETE CONVENTION

<b>PERSONAL SERVICES:</b>	
Employees' compensation .....	\$ 2,000.00
<b>OTHER CURRENT EXPENSES:</b>	
Stationery and office supplies .....	777.35
Communication:	
Telephone estimates .....	300.00
Repairs:	
Office machines and locks .....	19.50
Printing:	
Envelopes and journal covers .....	37.60
Equipment rental:	
Typewriters, chairs, cabinet .....	649.50
Armory—pro rata of utilities .....	200.00
Hauling charges—estimates .....	400.00
Miscellaneous:	
Election bills—secretary's office per letter from Mr. Long .....	165.00
Others .....	<u>57.45</u>
TOTAL .....	<u>\$ 4,606.40</u>

Resolution

WHEREAS, the Hawaii State Constitutional Convention of 1950 is preparing to submit to the people of Hawaii a Constitution for the proposed State of Hawaii for ratification, and

WHEREAS, the union label is a recognized symbol or stamp of approval used by many state and government agencies on their printed matter, and

WHEREAS, by virtue of their harmonious labor-management agreements certain printing firms are duly authorized to use the union label on printed matter when so requested; now therefore,

BE IT RESOLVED THAT the Constitutional Convention be requested to have said union label affixed on the proposed Constitution when awarding the contract for printing of same.

begs leave to report as follows:

After careful and deliberate consideration, it was the unanimous vote of your committee that delegates to the Convention respectfully adopt its recommendation as follows:

There is no objection to the use of the Typographical union label on printed copies of the Hawaii Constitution but that there shall be no label on the original or facsimiles thereof.

Randolph Crossley,  
Chairman  
Arthur K. Trask,  
Vice-Chairman  
J. Garner Anthony  
Hiram L. Fong  
Charles Kauhane  
Kazuo Kage

Samuel Wilder King  
Nils P. Larsen  
Frank C. Luiz  
Richard J. Lyman, Jr.  
Hebden Porteus  
Charles A. Rice  
Harold S. Roberts  
Thos. T. Sakakihara  
Arthur D. Woolaway

STANDING COMMITTEE REPORT NO. 139

Your Committee on Submission and Information to which was referred Misc. Com. No. 117 from the Honolulu Typographical Union No. 37 (A. F. of L.) enclosing its Resolution reading as follows:

### 3. Committee of the Whole Reports

#### COMMITTEE OF THE WHOLE REPORT NO. 1

Your Committee of the Whole, to which was referred Res. No. 25, recommending that Frank G. Silva, a delegate to the Constitutional Convention, by reason of his contempt of the House UnAmerican Activities Committee, be expelled as a member thereof, and that his seat be declared vacant and the Governor be requested to fill the vacancy in the manner provided by law, begs leave to report as follows:

This Resolution was presented to this Convention by a Special Committee of eleven delegates appointed by the President pursuant to Res. No. 16 of this Convention, to investigate the qualifications of Frank G. Silva to retain his seat as a delegate to this Convention. This Special Committee Report No. 3, recommended that in the event Delegate Silva failed to purge himself of contempt or has not shown cause why he should not be expelled, this Convention act upon Res. No. 25.

The Committee today held a long exhaustive hearing on this Resolution covering more than five hours. Delegate Silva at the inception of the hearing read and filed with the Committee a lengthy written statement containing matters which your Committee feels are highly reprehensible. The statement is contemptuous and contumacious towards the members of the Convention. It is a vicious, scurrilous and unwarranted attack upon the integrity of the members, holding them up to public odium, ridicule and disrepute.

Included in the record before the Committee of the Whole, in addition to this statement, are other written statements made by Delegate Silva and also portions of the transcript of the hearings held before the UnAmerican Activities Committee, relating to Delegate Silva's alleged activities in the Communistic party of Hawaii, being a portion of the testimony of Ichiro Izuka and the testimony of Delegate Silva given on Thursday, April 13, 1950, before that body. The statements of Delegate Silva and the portions of the transcript referred to were ordered printed and distributed to all the members of the Committee. When asked by the Chair, Delegate Silva stated that he had no further evidence to submit to the Committee. By consent of the Committee Delegate Silva was also accorded the privilege of having counsel of his choice appear and represent him before the Committee. In accordance with the rules of order, Delegate Silva was then excused from any further participation and deliberation of the Committee. A motion was thereupon made to amend the resolution in question which was duly seconded. Before a vote was taken, a copy of the proposed amendment (in the form hereinafter set forth) was delivered to Delegate Silva, and, with the consent of the Committee, he was permitted to address the Committee together with his counsel, Mr. Myer C. Symonds.

Mr. Symonds, counsel for delegate Silva, presented oral argument to the Committee in defense of Delegate Silva. Among other things, he argued that Delegate Silva had been provoked into making the last written statement which was presented by him and that it was not very tactful and was, he thought, in bad taste. He pleaded that the supreme penalty of expulsion of Delegate Silva be not inflicted and that, because he had been provoked, leniency should be shown to him. Delegate Silva also made an additional oral statement to the Committee in his own behalf. Instead of retracting the scurrilous and unwarranted language contained in that written statement and being apologetic, he assumed an atti-

tude of defiance by stating: "whether I sit as a member of this Convention or not, I don't want to apologize for my actions, but I am willing to go this far—I say if the Committee is willing to withdraw its illegal action, I am willing to withdraw my attacks on the Committee."

Your Committee after a thorough and studied consideration of all the facts and evidence before it together with the entire record before the Special Committee feels that the resolution should be amended to include a provision that the conduct of Delegate Silva was contumacious not only to the House UnAmerican Activities Committee but also toward this Convention and thereupon adopted the resolution in the following amended form:

#### RESOLUTION

RESOLVED, that Frank G. Silva, by reason of his contumacious conduct before and toward the UnAmerican Activities Committee of the House of Representatives and this Constitutional Convention of Hawaii of 1950, is hereby declared disqualified and unfit to sit as a member of this Convention, and that he be and is hereby expelled; that his seat be declared vacant; and the Governor be requested to fill the vacancy in the manner provided by law.

As so amended, your committee recommends the adoption of the Resolution. —April 20, 1950

Cable A. Wirtz, Chairman

#### COMMITTEE OF THE WHOLE REPORT NO. 2

Your Committee of the Whole to which was referred Committee Report No. 16 of the Committee on Health and Public Welfare, and Committee Proposal No. 1, entitled "A Proposal Relating to Health and General Welfare," after full and free discussion begs leave to report as follows:

Your Committee proposes certain amendments to the various sections of the article set forth in this Proposal, which amendments are hereinafter discussed in order, as follows:

I. As originally proposed, the first section reads as follows:

SECTION . . . Public Health. The state shall be responsible for the protection and promotion of the public health including preventive measures for all its inhabitants.

Your Committee recommends that this section be amended to read as follows:

Section . . . Public Health. The state shall provide for the protection and promotion of the public health.

Reasons for or Explanation of Changes:

1. The substitution of the word "provide" for the words "be responsible," and the elimination of the phrase "including preventive measures for all its inhabitants," does not change the intent of the original proposal of the Committee on Health and Public Welfare. However, it is felt that the word "provide" is a more positive mandate on the State than the words "be responsible."

2. The amendment does not exclude preventive measures as the Committee considers that the words "protection and promotion" include preventive measures.

3. The amendment does not eliminate the applicability of the entire section to all inhabitants of the State.

II. As originally proposed, the second section reads as follows:

SECTION \_\_\_\_\_. General Welfare. The state shall have the power to make adequate provision for the development of preventive measures for treatment and rehabilitation as well as domiciliary care for mentally and physically handicapped persons who are unable to provide such care.

Your Committee recommends that this section be amended to read as follows:

Section \_\_\_\_\_. Care of Handicapped. The state shall have power to provide for treatment and rehabilitation, as well as domiciliary care, for mentally or physically handicapped persons.

Reasons or Explanation:

1. The substitution of the words "to provide" for the words "to make adequate provision," has the effect (a) of conforming the style to that of other sections of the same article, and (b), by eliminating the word "adequate," of preventing a possible construction which might result in attacking legislation enacted under this section upon the ground that it fails to meet the indefinite standard of adequacy.

2. The elimination of the phrase "for the development of preventive measures" does not exclude preventive measures, as the words "treatment and rehabilitation" in this section and the provisions of the first section fully include power to develop programs for the prevention of both mental and physical handicaps.

3. The change of the word "and" to "or" between the words "mentally" and "physically," makes it clear that either or both are intended.

4. While your Committee is in sympathy with the views of the Committee on Health and Public Welfare, that this provision should not be construed as laying down a policy in favor of socialized medicine, your Committee nevertheless deems it advisable to eliminate the words "who are unable to provide such care," for the following reasons:

a. That it is preferable to leave to the legislature the imposition of such restrictions upon such reasonable standards as it deems necessary.

b. That the deleted clause might possibly be construed to invalidate the present program of rehabilitation of tuberculosis and other patients who are or might be given institutional care at public expense regardless of ability to pay, both for the protection of the public health and for the rehabilitation of the patients.

5. As amended, this section will not limit the treatment and care now given tuberculosis or other chronically ill patients.

6. The substitution of the subtitle "Care of Handicapped" for the subtitle "General Welfare" better describes the content of this section. However, it is agreed that subtitles are merely for convenience of reference and are not to be relied upon for substantive meaning.

III. As originally proposed, the third section reads as follows:

SECTION \_\_\_\_\_. Social Security. The state shall be authorized to make provisions for persons unable to maintain a standard of living compatible with decency

and health, in such manner and by such means as may be prescribed by law.

Your Committee recommends that this section be amended to read as follows:

Section \_\_\_\_\_. Social Security. The state shall have power to provide assistance for persons unable to maintain a standard of living compatible with decency and health.

Reasons or Explanation:

1. The substitution of the words "have power to provide assistance" for the words "be authorized to make provisions" conforms the style of this section to that of other sections of the same article.

2. The deletion of the words "in such manner and by such means as may be prescribed by law" eliminates redundancy.

3. The term "assistance" includes both financial and other assistance.

IV. As originally proposed, the fourth section reads as follows:

SECTION \_\_\_\_\_. Slum Clearance, Rehabilitation and Housing. The state and its political subdivisions may provide for or assist in slum clearance and rehabilitation of substandard areas including housing for persons of low income.

Your Committee recommends that this section be amended to read as follows:

Section \_\_\_\_\_. Slum Clearance, Rehabilitation and Housing. The state shall have power to provide for or assist in slum clearance and rehabilitation of substandard areas including housing for persons of low income.

Reasons or Explanation:

1. The phrase "and its political subdivisions" is eliminated because it is not used in the other sections of the same article and therefore its inclusion in this section might imply that no political subdivision could be authorized to exercise the powers granted in the other sections. Furthermore, the grant of general power to the State carries with the power of the legislature to grant such powers to political subdivisions.

2. Some question has been raised as to whether the language of this section as proposed to be amended is sufficiently broad to cover all powers which might be needed by the State to

... provide for, engage in, and assist, in any manner, public housing and housing undertakings, slum clearance, and the development, redevelopment or rehabilitation of blighted, substandard or insanitary areas, including recreational and other facilities incidental thereto, ...

this being the language urged by the Hawaii Housing Authority to cover the area of present and future legislative action in this field necessary to keep pace with possible modern needs. However, your Committee believes that its recommended wording of this section is broad enough to cover all of the suggested powers.

The terms "provide for or assist" include the power to "engage in" the activities directly, by the State or its political subdivisions, as may be authorized by statute. The terms "slum clearance" and "rehabilitation of substandard areas" in their broadest sense, include "public housing," "slum clearance" and "development," "redevelopment" and "rehabilitation." The term "substandard areas" includes "blighted," "substandard" and "insanitary" areas. The



power thus granted to engage in such projects carries with it the incidental power to include in such projects "recreational and other facilities incidental thereto."

The power to "provide for or assist in" such projects includes the power to provide for "housing undertakings."

The clause "including housing for persons of low income" is not intended to narrow the preceding grant of powers, but simply to make it clear that, since the overall result of providing such housing—even when such housing is not part of a specific project for slum clearance or rehabilitation of the same or some other specified area—is to assist in preventing the creation of slums or to assist dwellers in slums or substandard areas to move to better housing areas; this power is also included in the preceding grant of general powers to "provide for or assist in slum clearance and rehabilitation of substandard areas." As to the question, raised by the Hawaii Housing Authority, whether present activities of the Territory in providing emergency housing for persons not necessarily of lowest income group, due to the prevailing housing shortage, your Committee believes: (a) that this power would exist independently of this section's special grant of powers, under the general grant of legislative powers to be conferred upon the legislature by other provisions of the Constitution, so long as the emergency conditions making such activities reasonably necessary for public health, safety or welfare, continue to exist; and (b) that the term "low income" is a relative one, which can and will be construed by the courts to include any group which, under prevailing economic or other conditions, may reasonably be found by the legislature to be unable to secure adequate housing without the type of assistance contemplated by this section.

This power granted the State to "assist in" the specified activities, would also empower the legislature to make other laws in aid of the same objectives, such as, for example, laws granting tax exemption for a certain specified period to private corporations which might assist in providing such housing or slum clearance, or authorizing the exercise of the power of eminent domain for such purposes. A good example of such ancillary measures so authorized would be laws encouraging or authorizing what was done in New York City when the Metropolitan Life Insurance Company cleared out certain slums and built apartment houses for low rental use, available to persons of moderate income.

It is probable that some of these incidental powers may be more specifically mentioned in other articles of the Constitution, and if so they should be carefully coordinated.

V. As originally proposed, the fifth section reads as follows:

**SECTION \_\_\_\_\_.** Public Sightliness and Good Order. The state shall have the power to conserve and develop objects and places of historic and cultural interest and the natural beauty, parks, public highways and beaches.

Your Committee recommends that this section be amended to read as follows:

**Section \_\_\_\_\_.** Public Sightliness and Good Order. The state shall have power to conserve and develop its natural beauty, objects and places of historic or cultural interest, sightliness and physical good order, and for that purpose private property shall be subject to reasonable regulation.

Reasons or Explanation:

While the wording of this section is altered considerably, your Committee believes that its original substance and intent are not changed, except to further clarify the same. Reference to "parks, public highways and beaches" is elimi-

nated because these are deemed covered by other terms in the section as proposed to be amended, as well as by the grant to be given elsewhere in the Constitution, of general legislative power. The words "and for that purpose private property shall be subject to reasonable regulation" are added to make it clear that private property may be reasonably regulated in the public interest for such aesthetic reasons as sightliness and physical good order, as well as for other reasons such as health and safety. This includes legislative regulation of signs and billboards. It is unnecessary to specifically mention public property in this connection, as was suggested in the debate, since the State can clearly regulate property owned by it or its political subdivisions.

VI. As originally proposed, the sixth section reads as follows:

**SECTION \_\_\_\_\_.** Powers of the State. The enumeration in this article of specified functions shall not be construed as limitations upon the powers of the state government for the good order, health, safety and general welfare of the people.

Your Committee recommends that this section be amended to read as follows:

**Section \_\_\_\_\_.** Powers of State. The enumeration in this article of specified powers shall not be construed as limitations upon the powers of the state to provide for the general welfare of the people.

Reasons or Explanation:

1. The word "powers" is substituted for the word "functions" to conform in style to other sections of the same article, and because it is felt the former is more specific than the latter term.

2. The word "government" is deleted as redundant.

3. The phrase "general welfare" is deemed to include "good order, health, safety" which are deleted from the original section.

4. The amendment is made in the interest of brevity, and makes no change in substance. It is intended by this section to indicate clearly that, while your Committee deems it desirable to make the specific enumerations of powers set forth in this article, rather than to rely solely upon much more general language in the grant of powers to the legislative department, such specific enumeration must in no way be deemed a limitation upon other more general powers conferred by other articles in the Constitution. It is expected that other similarly specific articles may also contain corresponding provisions out of an abundance of caution, but that, in the final consideration given to all such articles by the Committee on Style, all such precautionary provisions may be united in one general section or article to the same effect.

For the reasons hereinbefore set forth, your Committee recommends:

a. That the report of the Committee on Health and Public Welfare (Committee Report No. 16) accompanying said Committee Proposal No. 1, be accepted and placed on file;

b. That said Committee Proposal No. 1 be amended in the manner hereinbefore proposed; and

c. That, as so amended, said proposal pass second reading. —May 29, 1950

Edward B. Holroyde, Chairman

COMMITTEE PROPOSAL NO. 1, RD 3\*

RELATING TO HEALTH AND GENERAL WELFARE

RESOLVED, that the following be agreed upon as part of the State Constitution:

ARTICLE \_\_\_\_\_.

SECTION \_\_\_\_\_. Public Health. The state shall provide for the protection and promotion of the public health.

SECTION \_\_\_\_\_. Care of Handicapped. The state shall have power to provide for treatment and rehabilitation as well as domiciliary care, for mentally or physically handicapped persons.

SECTION \_\_\_\_\_. Social Security. The state shall have power to provide assistance for persons unable to maintain a standard of living compatible with decency and health.

SECTION \_\_\_\_\_. Slum Clearance, Rehabilitation and Housing. The state shall have power to provide for or assist in slum clearance and rehabilitation of substandard areas including housing for persons of low income.

SECTION \_\_\_\_\_. Public Sightliness and Good Order. The state shall have power to conserve and develop its natural beauty, objects and places of historic or cultural interest, sightliness and physical good order, and for that purpose private property shall be subject to reasonable regulation.

SECTION \_\_\_\_\_. Powers of State. The enumeration in this article of specified powers shall not be construed as limitations upon the powers of the state to provide for the general welfare of the people.

\*RD 1 and RD 2 were working drafts in the Committee of the Whole; copies available at Archives of Hawaii.

COMMITTEE OF THE WHOLE REPORT NO. 3

Your Committee of the Whole to which was referred Standing Com. Rpt. No. 33 of the Committee on the Hawaiian Homes Commission Act, and Committee Proposal No. 6 of the same Committee begs leave to report that it has had the same under consideration and recommends:

1. That Standing Com. Rpt. No. 33 be filed, and its recommendation as to Committee Proposal No. 6\*;
2. That Committee Proposal No. 6 be amended by deleting the last sentence of the first section which reads:

Such appropriations for administration expenses of the Hawaiian Homes Commission shall never be less than, after due consideration of the receipts applicable to such expenses from the Hawaiian home lands, will accord said Commission equal treatment with other departments of the state in the funds available for its administration expenses.

so that the amended proposal shall read as follows:

A PROPOSAL

RELATING TO HAWAIIAN HOMES COMMISSION ACT

RESOLVED, that the following be agreed upon as part of the State Constitution:

ARTICLE \_\_\_\_\_.

SECTION \_\_\_\_\_. Anything in this Constitution to the contrary notwithstanding, the Hawaiian Homes Commission Act, 1920, enacted by the Congress of the United States, as the same has been or may be amended prior to the admission of the state, is hereby adopted as a law of the state, subject to amendment or repeal by the legislature, provided, that

if and to the extent that the United States shall so require, said law shall be subject to amendment or repeal only with the consent of the United States and in no other manner, provided, further, that if the United States shall have provided or shall provide that particular provisions or types of provisions of said Act may be amended in the manner required for ordinary state legislation, such provisions or types of provisions may be so amended. The proceeds and income from Hawaiian home lands shall be used only in accordance with the terms of said Act, and the legislature may, from time to time, make additional sums available for the purposes of said Act by appropriating the same in the manner provided by law.

SECTION \_\_\_\_\_. Compact with the United States. The state and its people do hereby accept, as a compact with the United States, or as conditions or trust provisions imposed by the United States, relating to the management and disposition of the Hawaiian home lands, the requirement that section \_\_\_\_\_ hereof be included in this Constitution, in whole or in part, it being intended that the Act or Acts of the Congress of the United States pertaining thereto shall be definitive of the extent and nature of such compact, conditions or trust provisions, as the case may be. The state and its people do further agree and declare that the spirit of the Hawaiian Homes Commission Act looking to the continuance of the Hawaiian homes projects for the further rehabilitation of the Hawaiian race shall be faithfully carried out; and

3. That Committee Proposal No. 6, as amended, pass second reading. —June 8, 1950

W. Harold Loper, Chairman

\*Modifying phrase, "with the exception of the recommendation as to Committee Proposal No. 6," added to original draft of committee report.

COMMITTEE OF THE WHOLE REPORT NO. 4

Your Committee of the Whole to which was referred Standing Com. Rpt. No. 41 of the Committee on Taxation and Finance, begs leave to report that it has considered the same and recommends that Standing Com. Rpt. No. 41 be tabled. —June 13, 1950

Nelson K. Doi, Chairman

COMMITTEE OF THE WHOLE REPORT NO. 5

Your Committee of the Whole to which was referred Standing Com. Rpts. Nos. 20 and 24 of the Committee on Bill of Rights, and Committee Proposals Nos. 3 and 4 accompanying said reports, respectively, all relating to the Bill of Rights, having fully debated and considered said reports and committee proposals, begs leave to report thereon as follows:

Your Committee held meetings on June 1, 5, and 6, 1950, on said reports and proposals.

It should be explained that Committee Proposals Nos. 3 and 4 are in reality parts of the same proposed Article on Bill of Rights, Proposal No. 3 covering sections Nos. 1 to 5 inclusive, 7 to 9 inclusive, 11 to 19 inclusive, and 21 to 25 inclusive, of said proposed Article, and said Proposal No. 4 covering sections 6 and 10 of said proposed Article. Section 20 of said proposed Article is left blank in said Committee Proposal No. 3 for the reason that it was covered

by a proposed section now before the Committee on Industry and Labor relating to collective bargaining.

The section numbering in Committee Proposals Nos. 3 and 4 follows substantially the numbering of Proposal No. 97, which formed the basis for most of the Bill of Rights Committee's consideration of matters to be included in the Bill of Rights, and apparently was retained in Committee Proposals Nos. 3 and 4 so as to preserve continuity with the records of that committee's previous deliberations. Each section, therefore, of said Committee Proposals Nos. 3 and 4, will be here considered in consecutive order as though they were parts of one committee proposal.

**SECTION 1.** In Committee Proposal No. 3, this section reads as follows:

Section 1. All political power of this State and the responsibility for the exercise thereof is inherent in the people and all government herein is founded on this authority.

Recommendation; Reasons or Explanation: Your Committee recommends that this section be adopted.

**SECTION 2.** In said Committee Proposal No. 3, this section reads as follows:

Section 2. All persons are born free from political oppression and remain equal in their inherent rights. Among these inherent and inalienable rights are life, liberty and the pursuit of happiness and the right of acquiring and possessing property.

Your Committee recommends that this section be amended to read as follows:

Section 2. All persons are by nature free and are equal in their inherent and inalienable rights, among which are those of enjoying life, liberty and the pursuit of happiness and the right of acquiring and possessing property. These rights cannot endure unless the people recognize corresponding obligations and responsibilities.

Recommendation; Reasons or Explanation: The amendments do not change the intent of the Committee on Bill of Rights as set forth originally in Proposal No. 3. It simply adopts language considered more acceptable by your committee. The second sentence of this section as proposed to be amended carries with it the idea, which your committee desires to emphasize; that the priceless rights guaranteed to each individual under the Constitution cannot be fully enjoyed, and might be prejudiced or lost, unless the individual recognizes the rights of all other individuals to similar enjoyment; and that he has a duty, as a good citizen, to do his part in protecting and preserving those rights for others as well as for himself. This concept carries with it, therefore, both the idea of refraining from doing that which will tend to destroy or prejudice these rights of others, and to do what every good citizen should to assist in protecting and preserving them.

Your Committee recommends that this section, as amended, be adopted.

**SECTION 3.** In Committee Proposal No. 3, this section reads as follows:

Section 3. No citizen shall be disenfranchised, or deprived of any of the rights or privileges secured to other citizens, unless by the law of the land.

Recommendation; Reasons or Explanation:

Your Committee recommends that this section be amended by correcting the spelling of the word "disenfranchised" to "disfranchised," and that, as so amended, it be approved.

This section guarantees equality of treatment of all citizens of the United States, whether they be citizens of this State or of any other place under the jurisdiction of the United States of America. It also prohibits deprivation of the rights of franchise or of any of the rights or privileges of citizens, except for causes and in a manner consistent with due process of law and the other provisions of the Constitution. This, of course, does not prevent the legislature, within the Constitution, from setting up reasonable qualifications for voting such as age, ability to read and write, mental competency and residence, and disqualification for conviction of crime, etc. Many of such qualifications will undoubtedly be contained in the Article on Suffrage and Elections.

**SECTION 4.** In Committee Proposal No. 3, this section reads as follows:

Section 4. No person shall be deprived of life, liberty, or property without due process of law, nor be denied the equal protection of the laws.

Recommendation; Reasons or Explanation: For the reasons set forth in Standing Com. Rpt. No. 20, page 2 on this section, your Committee recommends that this section be adopted.

**SECTION 5.** In Committee Proposal No. 3, this section reads as follows:

Section 5. No law shall be passed respecting the establishment of religion, or prohibiting the free exercise thereof.

Recommendation; Reasons or Explanation: Since this section is derived from the first clause of the 1st Amendment to the Federal Constitution, with which your Committee is in full accord, it recommends the adoption of this section. By so doing, this State will be availing itself of the decisions of the Federal Courts construing said clause of the Federal Constitution.

**SECTION 6.** In Committee Proposal No. 4, this section reads as follows:

Section 6. No citizen shall be denied enlistment in any military organization of this State nor be segregated therein because of religious principles, race, color, ancestry, or national origin.

No person shall be denied the enjoyment of his civil rights, nor be discriminated against in the exercise of his civil rights, because of religious principles, race, sex, ancestry, or national origin.

Recommendation; Reasons or Explanation: Your Committee understands that the first paragraph of this section would not prevent the state from prescribing the qualifications for enlistment or drafting of persons into the militia in such manner as to exclude conscientious objects under circumstances such that the exclusion could reasonably be deemed in the interest of the security of the state, or could otherwise be considered reasonable in the light of funds available, the type of service required to be performed and other relevant circumstances. Your committee also believes that, assuming (as your committee does in the absence of any final decision of the Federal Courts to the contrary) that the Hawaiian Homes Commission Act is constitutional, the continuance in effect of the Hawaiian Homes Commission Act, which confers special rights or privileges upon "native Hawaiians" as defined in the Hawaiian Homes Commission Act, does not infringe upon the second paragraph of this section, since the rights thus given to Hawaiians existed prior to

the inception of the State of Hawaii and could not be adversely affected by such state without the consent of Congress. Your committee recommends the adoption of this section.

**SECTION 7.** In Committee Proposal No. 3, this section reads as follows:

Section 7. No law shall be passed abridging the freedom of speech or of the press.

**Recommendation; Reasons or Explanation:** Since this section incorporates the second clause of the 1st Amendment of the Federal Constitution and will give to this State the benefit of Federal decisions construing the same language, your committee recommends that this section be adopted.

**SECTION 8.** In Committee Proposal No. 3, this section reads as follows:

Section 8. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

**Recommendation; Reasons or Explanation:** This section, being derived from the 4th Amendment of the Federal Constitution, will give to this State the benefit of Federal decisions construing the same, and your committee recommends approval thereof.

**SECTION 9.** In Committee Proposal No. 3, this section reads as follows:

Section 9. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger, nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb, nor shall any person be compelled in any criminal case to be a witness against himself.

**Recommendation; Reasons or Explanation:** This section is derived from the first three clauses of the 5th Amendment to the Federal Constitution and will give to this State the benefit of Federal decisions construing the same. Your Committee recommends that this section be adopted.

**SECTION 10.** In Committee Proposal No. 4, this section reads as follows:

Section 10. The right of trial by jury shall remain inviolate. The legislature may authorize the trial of the issue of mental incompetency without a jury.

Your Committee recommends that this section be amended to read as follows:

Section 10. Jury trial. In suits at common law where the value in controversy shall exceed one hundred dollars, the right of trial by jury shall be preserved; however, the legislature may provide for a verdict by not less than three-fourths of the members of the jury.

No person shall be disqualified to serve as a juror because of sex.

**Recommendation; Reasons or Explanation:** Among other things, this amendment eliminates the last sentence of the original Section 10 which provided that the legislature might

authorize trial of the issue of mental incompetency without a jury. This has been done because, it has been pointed out, and your Committee agrees, that the trial of such issues without a jury is already validly authorized by law under the 7th Amendment to the Federal Constitution from which the first clause of this section is derived; express mention, therefore, of such power in the State Constitution is unnecessary.

The first clause of the first sentence of this amendment differs from the language of the 7th Amendment to the Federal Constitution, only in increasing from twenty dollars to one hundred dollars the maximum limit for cases which the legislature may require to be tried without a jury. Under the laws of the Territory which will be continued in effect by the Hawaii State Constitution, all jury fees in civil cases, as well as criminal cases, are paid out of public funds. Even at the extremely inadequate fee of four dollars per day now fixed by law, a one-day jury trial can cost the State one hundred dollars or more. The payment of these jury fees in civil cases by the government has the salutary effect of making it possible for a litigant of limited means to have the same benefits of a jury trial as a person of greater means, a situation which does not exist in jurisdictions which require the parties to put up the jury fees. In your Committee's opinion, this condition should continue, but it appears unreasonable to guarantee such an expensive right for minor cases where the jury fees might equal or greatly exceed the amount claimed, and your Committee feels therefore that, in cases involving one hundred dollars or less, it would be quite reasonable for the legislature to require trial before a district magistrate or judge without a jury.

The second clause of said first sentence of this section as amended, is designed to follow the modern trend of permitting the legislature, at least in civil cases, to provide for jury verdicts by a majority of not less than three-fourths of the jurors. It is the universal ruling of all courts which have passed upon the subject, that a constitutional provision preserving the right to trial by jury carries with it the clear implications that the jury must consist of twelve jurors and that the verdict must be unanimous. In order, therefore, to enable the legislature to provide for majority verdicts, it is necessary to expressly so provide in the constitution. The proposed provision for majority-jury verdicts does not automatically permit less-than-unanimous jury verdicts and therefore, until and unless the legislature shall otherwise provide within the limitations of this constitutional provision, jury verdicts will have to be unanimous as is the practice at present. Should the legislature pass legislation to provide for majority verdicts, it can attach reasonable regulations or restrictions, such as, requiring a certain period of deliberation before a majority verdict may be accepted, providing for majority verdicts by a greater proportion than three-fourths of the jurors, etc.

Many states have also permitted, as did the constitution of the Republic of Hawaii, the legislature to provide for a reduction of the number of jurors in all or certain types of cases. Your Committee has felt that this was inadvisable, just as it has felt it inadvisable to extend the majority-verdict provision to any criminal case.

It should be clearly understood that this section preserves the right to trial by jury to the same extent such right was preserved by the Federal Constitution, with the exception of raising the twenty-dollar limit to one hundred dollars, as above mentioned, but that it in no way restricts the power of the legislature to extend the right of trial by jury to additional classes of cases. Actually the legislature of the Territory, although not required to do so by the Federal Constitution or the Organic Act, has extended the right of

trial by jury to a number of classes of cases which were not required to be tried by jury under the Federal Constitution. This proposed amendment would not automatically make any change in those cases, it being left to the legislature by future legislation to restrict or extend such right of jury trial within the limits of the guarantee provided by this section.

The second paragraph of Section 10, as proposed to be amended, which prohibits disqualification to serve as a juror because of sex, will apply to all cases, both civil and criminal, whereas the first paragraph of this section will apply by its terms only to civil cases. Your Committee believes that it should be left to the Committee on Style as to whether this second paragraph of Section 10 should be part of Section 10 or should be given a separate section number in view of its application to both civil and criminal jury trials.

As originally proposed, the amendment to the first paragraph of Section 10 contained a provision to the effect that in any case, except a capital offense, a jury might be waived, or that by agreement of the parties a smaller number of jurors might render a verdict by any stipulated majority. In the course of the debate, this portion of the proposed amendment was eliminated. However, it was pointed out, and your Committee agrees, that such elimination will not prevent the Supreme Court of the State, under rules of civil procedure to be adopted by it, if Section 10 of the Article on Judiciary is adopted by this Convention, from allowing parties to waive trial by jury in all civil and criminal cases, except capital offenses, or from permitting them to stipulate for the trial of civil or criminal cases, other than capital offenses, by a jury of less than twelve, and for a verdict of less than unanimous or less than the proportion then required by law for such cases. Furthermore, your Committee believes that this would not prevent the court, under such rules, from calling an extra juror or jurors in addition to the number required by law, to sit with the regular jury, so that in case of the death, illness, disqualification or absence of one or more of the regular jurors, such substitute juror or jurors could be authorized to sit with the jury when it commences its deliberations and participate in the verdict, thereby avoiding another possibly long and expensive jury trial. Many of these expedients are now permitted either under our local practice, or under the Federal rules of civil procedure in Federal Courts, or both.

Your Committee further recommends the adoption of Section 10 as so amended.

**SECTION 11.** In Committee Proposal No. 3, Section 11 reads as follows:

Section 11. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the judicial circuit wherein the crime shall have been committed, which judicial circuit shall have been previously ascertained by law; or of such other judicial circuit to which the prosecution may be removed with the consent of the accused in accordance with law; to be informed of the nature and cause of the accusation; to be confronted with witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

**Recommendation; Reasons or Explanation:** Since this section incorporates the 6th Amendment of the Federal Constitution, with only a slight change to refer to judicial circuits instead of districts, to conform to the local situation, and will give to this State the benefit of the decisions of the Federal Courts construing the same language, your Committee recommends that this section be adopted.

**SECTION 12.** In Committee Proposal No. 3, this section reads as follows:

Section 12. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. Witnesses shall not be unreasonably detained or confined.

Your Committee recommends that the section be amended to read as follows:

Section 12. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

**Recommendation; Reasons or Explanation:** The first sentence of this section as originally proposed, and which is recommended for adoption herein, is taken from the 8th Amendment to the Federal Constitution, and will give this state the benefit of Federal decisions construing the same.

The second sentence of said original section, which is eliminated by your Committee's amendment, prohibits unreasonable detention or confinement of witnesses. Your Committee has recommended deletion of this sentence because no comparable section of any other constitution can be found, and its meaning is not settled by usage or court decisions, and it would therefore probably cause a great deal of litigation before its meaning became settled.

Your Committee believes that any instance of grossly unreasonable detention of a witness would be covered by other provisions of the Federal Constitution and of the State Constitution, but further believes that the matter can properly be left to the legislature to enact remedial legislation to meet any practices or instances of unreasonable detention of witnesses.

Your Committee recommends that Section 12 as so amended, be adopted.

**SECTION 13.** In Committee Proposal No. 3, Section 13 reads as follows:

Section 13. There shall be no imprisonment for debt and a reasonable amount of the property of individuals may be exempted from seizure or sale for payment of any debt or liabilities.

Your Committee recommends that said section be amended to read as follows:

Section 13. There shall be no imprisonment for debt.

**Recommendation; Reasons or Explanation:** While it is not likely that in this day our legislature would ever provide for imprisonment for debt, your Committee nevertheless feels it proper to include in the constitution a prohibition against such practice, bearing in mind that even today in a few states imprisonment for debt is legally possible. However, your Committee has recommended deletion of the latter part of said Section 13 as originally proposed, relating to reasonable exemptions from seizure or sale for payment of debts or liabilities, because the legislature under its general powers may enact laws providing for such reasonable exemptions, and hence specific authorization for such laws in the constitution is unnecessary.

It is clear, of course, that the prohibition of imprisonment for debt does not apply to imprisonment for failure to pay a fine imposed under the criminal laws, or to imprisonment for contempt of court for unjustified failure to comply with a court order for the payment of money, such as alimony which practices are now legal even under the Territorial Organic Act which prohibits imprisonment for debt.

Your Committee recommends that Section 13 as so amended, be adopted.

SECTION 14. In Committee Proposal No. 3, this section reads as follows:

Section 14. The privilege of the writ of habeas corpus shall not be suspended, nor shall the laws or the execution of the laws be suspended, unless in case of rebellion or invasion the public safety requires it, and then only in such manner as shall be prescribed by the legislature.

Your Committee recommends that said section be amended to read as follows:

Section 14. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

The power of suspending the laws, or the execution of the laws, shall never be exercised except by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly prescribe.

Recommendation; Reasons or Explanation: This section, as proposed to be amended, rewrites the first portion of the original section to conform to Section 9 of Article I of the Federal Constitution, thus giving the State the benefit of Federal decisions construing the Federal provision.

Your Committee's amendment also rewrites that portion of the original section relating to suspension of laws or execution of the laws, so as to conform to a provision in the Massachusetts Constitution along the same line, with a slight improvement in the language. The purpose of the latter provision is to make it clear that, if laws or the execution of laws are to be suspended, such suspension must first be expressly authorized by the legislature and must be in accordance with the terms of the enabling laws. In order to meet expected or unforeseen emergencies, it is contemplated that the legislature will enact enabling legislation authorizing the executive department, under certain stipulated conditions, to suspend various laws or portions of laws or the execution thereof, but it is desired to make it clear that power to effect such suspension is not to be implied from legislation but must be clearly expressed.

Your Committee recommends that Section 14 as so amended, be adopted.

SECTION 15. In Committee Proposal No. 3, this section reads as follows:

Section 15. A well regulated State Militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

Recommendation; Reasons or Explanation: This section incorporates the 2nd Amendment to the Federal Constitution. Your Committee wishes to make it clear that this section will not render invalid the existing laws of the Territory, which will be continued in effect by the State Constitution, relating to the registration, possession and carrying of firearms, nor will it prevent the legislature from passing other reasonable restrictions on the right to acquire, keep or bear firearms or other weapons, including the power of the legislature to entirely prohibit the possession of such modern and excessively lethal weapons as machine guns, silencers, bombs, atomic weapons, etc. Upon this understanding, your Committee recommends the adoption of this section.

SECTION 16. In Committee Proposal No. 3, this section reads as follows:

Section 16. No soldier or member of the State Militia shall, in time of peace, be quartered in any house, with-

out the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

Recommendation; Reasons or Explanation: Since this section substantially incorporates the 3rd Amendment to the Federal Constitution and will give the State the benefit of Federal rulings on its construction, your Committee recommends its adoption.

SECTION 17. In Committee Proposal No. 3, this section reads as follows:

Section 17. The military power shall be in strict subordination to the civil power.

Recommendation; Reasons or Explanation: Your Committee recommends the adoption of this provision, as it is obviously proper, in a free representative government, such as ours, that the military power should be subordinated to the civil. This would not prevent the State, in times of war or emergency, from adopting and executing emergency measures, including the use of the military, adequate to meet the exigencies of the occasion.

SECTION 18. In Committee Proposal No. 3, this section reads as follows:

Section 18. Treason against the State shall consist only in levying war against the same, or in adhering to the enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Recommendation; Reasons or Explanation: Your Committee recommends that the section be deleted for the following reasons:

This section is derived from Section 3 of Article III of the Federal Constitution, which was adopted at a time when there was fresh in the memories of the revolting colonists the fact that under the then or recent laws of England there were seventeen types of treason punishable by death in a "very solemn and terrible way," and when the modern scientific methods of crime detection and proof, other than eye-witness testimony—such as photography, fingerprinting, handwriting analysis, microscopic and chemical analyses, fluoroscopic examinations, etc.—were unknown. Actually such a provision is unnecessary because it defines only one crime, leaving to the legislature in any event the power to define other crimes, including other capital offenses. Deletion of the section, therefore, would actually strengthen the power of the legislature, or at least render it free from any uncertainty, to deal in any manner commensurate with the needs for protection against modern espionage, fifth column activities, sneak attacks, and undeclared war with modern weapons of destruction. Furthermore, the requirement of two eye-witnesses to any overt act, or confession in open court, would tie the hands of law enforcement officers and courts to bring in convictions when proof under modern conditions might be overwhelming and yet be unsupported by eye-witness testimony.

SECTION 19. In Committee Proposal No. 3, this section reads as follows:

Section 19. The right of the people peaceably to assemble, and to petition the government, or any department thereof, shall never be abridged.

Recommendation; Reasons or Explanation: Since this section is derived from the last clause of the 1st Amendment to the Federal Constitution, with the benefit of Federal

decisions construing the same, your Committee recommends its adoption.

SECTION 20 is left blank, as stated at the beginning of this report, because the subject matter is being considered by the Committee on Industry and Labor. Your Committee understands that the Committee on Bill of Rights reserves the right to propose a section on collective bargaining, if the Committee on Industry and Labor fails to do so. Accordingly, your Committee recommends that the word and figure "Section 20" be deleted from Committee Proposal No. 3.

SECTION 21. In Committee Proposal No. 3, this section reads as follows:

Section 21. The power of the State to act in the general welfare shall never be impaired by the making of any irrevocable grant of special privileges or immunities.

Recommendation; Reasons or Explanation: The purpose of this section is to prevent the State from impairing its power to act in the general welfare by making any irrevocable grant of special privileges or immunities. This, of course, will not prevent the State from making revocable grants of special privileges and immunities authorized by this Constitution, such as tax exemptions, etc. Your Committee recommends that this section be adopted.

SECTION 22. In Committee Proposal No. 3, this section reads as follows:

Section 22. The right to marry shall not be denied or abridged because of race, nationality, creed or religion.

Recommendation; Reasons or Explanation: Your Committee recommends that this section be deleted for the following reasons:

First, there is not and never has been in this jurisdiction any problem as to the right of any race to marry any other race, and is not likely to be. Second, while a provision of this type is included in the United Nations charter, this is done because many nations, and even some of the present States of the Union, have miscegenation statutes. Third, your Committee is firmly of the opinion that marriage is a civil right within the provisions of Section 6 of the Article here under consideration, as set forth in Committee Proposal No. 4 and as proposed to be amended by this report; and also that a denial of the right to marry on account of sex, in the light of conditions as they have existed and now exist in this jurisdiction, would be a violation of both Sections 3 and 4 of the same Article as covered by Committee Proposal No. 3. The deletion of this section is therefore recommended because, under the circumstances, it is unnecessary.

SECTION 23. In Committee Proposal No. 3, this section reads as follows:

Section 23. Private property shall not be taken for public use without just compensation.

Recommendation; Reasons or Explanation: This section incorporates the last paragraph of the 5th Amendment to the Federal Constitution. Such language is adopted because of the certainty which has been given to the interpretation of that section by the Federal decisions. Your Committee understands that, in the course of the consideration of this section by the Committee on Bill of Rights, the question of prohibiting the damaging of private property without just compensation was considered and was rejected because of the uncertainty of the term relating to "damage," it being

considered that, if the provision of the Federal Constitution adopted by this section should ever be considered by the legislature as too restrictive, the legislature by statute could always extend the right to secure compensation, by appropriate statutes narrowly worded to cover only such types of damage as the legislature in its discretion might consider desirable in addition to those allowable under this proposed constitutional provision.

Your Committee also considered, in this connection, the question as to whether the power of the legislature to provide for "excess condemnation," or condemnation of property in excess of that absolutely necessary for a particular public project, should be expressly included in this section or elsewhere in the constitution. Your Committee finally decided that such inclusion was unnecessary because your Committee is strongly of the opinion that the power to provide for a reasonable amount of excess condemnation in order to minimize the loss to the State or condemning authority by reason of severance damages to the remainder, or for other sound reasons, is implied within the general legislative power to provide for condemnation of private property; and that the courts can be relied upon to restrain any attempted excessive use of the power of excess condemnation by application of other provisions of the constitution, including the requirement expressed or implied in any constitution that the taking of private property must be for a public purpose.

Your Committee recommends that this section be adopted.

SECTION 24. In Committee Proposal No. 3, this section reads as follows:

Section 24. The rights and privileges hereby secured shall not be construed to justify acts inconsistent with the peace or safety of this State.

Recommendation; Reasons or Explanation: Your Committee recommends that this section be deleted for the following reasons:

This section is unnecessary because it is a universal principle in the construction of all similar provisions of State constitutions and of the Federal Constitution that rights guaranteed by such provisions of the Bill of Rights, or by any other provisions of a constitution, are not absolute and are subject to reasonable regulation by the legislature in the interest of the public health, order, safety and welfare. The courts have so construed such provisions of other constitutions.

SECTION 25. In Committee Proposal No. 3, this section reads as follows:

Section 25. This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

Recommendation; Reasons or Explanation: Your Committee recommends the adoption of this section, which is self-explanatory.

Conclusion: Attached hereto your Committee submits an amended Article incorporating all amendments hereinabove recommended, and renumbering Sections 19, 21, 23 and 25 of Committee Proposal No. 3, as Sections 18, 19, 20 and 21, respectively, due to the recommended elimination of Sections 18, 20 and 24.

For the reasons hereinabove set forth, your Committee recommends: (1) that Committee Proposals Nos. 3 and 4 be combined in one proposal to be numbered Committee Proposal No. 3, with the amendments hereinabove recommended and as set forth in said amended Article hereto



attached; (2) that Standing Com. Rpts. Nos. 20 and 24 be filed; and (3) that, as so amended, said Committee Proposal No. 3 pass second reading. —June 13, 1950

Charles H. Silva, Chairman

COMMITTEE PROPOSAL NO. 3

RELATING TO BILL OF RIGHTS

RESOLVED, that the following be agreed upon as part of the State Constitution:

ARTICLE \_\_\_\_\_

SECTION 1. All political power of this State and the responsibility for the exercise thereof is inherent in the people and all government herein is founded on this authority.

SECTION 2. All persons are by nature free and are equal in their inherent and inalienable rights, among which are those of enjoying life, liberty and the pursuit of happiness and the right of acquiring and possessing property. These rights cannot endure unless the people recognize corresponding obligations and responsibilities.

SECTION 3. No citizen shall be disfranchised, or deprived of any of the rights or privileges secured to other citizens, unless by the law of the land.

SECTION 4. No person shall be deprived of life, liberty, or property without due process of law, nor be denied the equal protection of the laws.

SECTION 5. No law shall be passed respecting the establishment of religion, or prohibiting the free exercise thereof.

SECTION 6. No citizen shall be denied enlistment in any military organization of this State nor be segregated therein because of religious principles, race, color, ancestry, or national origin.

No person shall be denied the enjoyment of his civil rights, nor be discriminated against in the exercise of his civil rights, because of religious principles, race, sex, ancestry, or national origin.

SECTION 7. No law shall be passed abridging the freedom of speech or of the press.

SECTION 8. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

SECTION 9. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger, nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb, nor shall any person be compelled in any criminal case to be a witness against himself.

SECTION 10. Jury trial. In suits at common law where the value in controversy shall exceed one hundred dollars, the right of trial by jury shall be preserved; however, the legislature may provide for a verdict by not less than three-fourths of the members of the jury.

No person shall be disqualified to serve as a juror because of sex.

SECTION 11. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the judicial circuit wherein the crime shall have been committed, which judicial circuit shall have been previously ascertained by law; or of such other judicial circuit to which the prosecution may be removed with the consent of the accused in accordance with law; to be informed of the nature and cause of the accusation; to be confronted with witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

SECTION 12. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

SECTION 13. There shall be no imprisonment for debt.

SECTION 14. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

The power of suspending the laws, or the execution of the laws, shall never be exercised except by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly prescribe.

SECTION 15. A well regulated State Militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

SECTION 16. No soldier or member of the State Militia shall, in time of peace, be quartered in any house, without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

SECTION 17. The military power shall be in strict subordination to the civil power.

SECTION 18. The right of the people peaceably to assemble, and to petition the government, or any department thereof, shall never be abridged.

SECTION 19. The power of the State to act in the general welfare shall never be impaired by the making of any irrevocable grant of special privileges or immunities.

SECTION 20. Private property shall not be taken for public use without just compensation.

SECTION 21. The enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

COMMITTEE OF THE WHOLE REPORT NO. 6

Your Committee of the Whole to which was re-referred Standing Com. Rpts. Nos. 20 and 24 of the Committee on Bill of Rights, having previously filed Committee of the Whole Report No. 5, and having reconsidered said Report, begs leave to further report as follows:

Your Committee has voted to amend said Report No. 5 in the following particulars:

1. By inserting, after the word "circumstances," at the end of the first sentence under the subheading "Recommendation; Reasons or Explanation," on page 5 of the mimeographed Report No. 5, an additional sentence reading as follows:

Your Committee understands further that this paragraph would prevent the State from authorizing any military organization to deny enlistment on the basis of security to this state or the nation.



2. By inserting, immediately preceding the last sentence of the same paragraph under the same subheading, an additional sentence reading as follows:

The Committee is unanimously agreed that the right to marry is a civil right within the meaning of Section 6.

Your Committee recommends that said Committee of the Whole Report No. 5 be adopted as amended by this supplementary report.

#### COMMITTEE OF THE WHOLE REPORT NO. 7

Your Committee of the Whole to which was referred Standing Com. Rpt. No. 39 of the Committee on Suffrage and Elections, and Committee Proposal No. 8, accompanying the same, having held meetings on June 9 and 13, 1950, at which said Report and Proposal were fully and freely discussed, begs leave to report as follows, taking up each section of said Committee Proposal No. 8 in order:

SECTION 1. The first section of said proposal reads as follows:

Section 1. Qualifications of voters. In order to be qualified to vote in any state or local election, a person

1. Shall be a citizen of the United States;
2. Shall have attained the age of 20 years;
3. Shall have resided in the state not less than one year next preceding the election;
4. Shall be able to speak, read and write the English or Hawaiian language, except for physical disability; and
5. Shall be registered as a voter in accordance with law.

Recommendations; Reasons or Explanation: Paragraph 3 of said section provides only for a one-year residence in the state next preceding the election. However, this is not intended to prevent the legislature, under paragraph 5 of said section, from enacting additional requirements as to residence, which must be met in order to register as a voter in a particular county or district. In other words, it should be understood that the legislature, under paragraph 5 of said section, can impose reasonable residential and other requirements, such as are now provided by territorial statutes, as a prerequisite for registration in a precinct.

Paragraph 4 of said section requires ability to use either the English or the Hawaiian language, which is a recognition of the fact that in the early history of these islands, Hawaiian was the first and legal language, and that there are still numbers of persons who can speak, read and write the Hawaiian language but are unable properly to speak, read and write the English language. The phrase "except for physical disability" is intended to indicate that persons able to speak, read or write the English language but who are unable to do all three because of blindness or other such disabilities, may nevertheless be permitted to register and vote.

Your Committee recommends that this section be adopted.

SECTION 2. As proposed, this section reads as follows:

Section 2. Disqualifications of voters. No person who is non compos mentis and no person under conviction of felony, unless pardoned and restored to his civil rights, shall be qualified to vote.

Recommendations; Reasons or Explanation: The word "non compos mentis" is used because it includes all forms of mental unsoundness, including what was formerly called

"insanity" and those types of mental insufficiencies called "idiocy" or "imbecility." For instance, Section 18 of the Hawaiian Organic Act provides that "No idiot or insane person . . . shall register or vote . . ." It is also your Committee's opinion that the question of whether a person is or is not non compos mentis, is one of fact in every instance and that this section would not prevent a person who had been legally declared non compos mentis by a court and released on probation, from voting before he was permanently released, unless at the moment of registration or voting or whenever the question was legally raised as to his rights to be registered or vote, he was actually non compos mentis.

The word "felony" is also used in this section because, under our statutes, a felony is now defined as "an offense that is punishable with death or with imprisonment for a longer period than one year." (RLH 1945, Sec. 10602). While it is realized that the legislature can define felony in other terms, it is deemed unlikely that the definition will ever be changed from its present terms and, in any event, that it is most unlikely that the legislature will ever eliminate the statutory definition without substituting some equally definite provision in its place.

Your Committee recommends that this section be adopted.

SECTION 3. As originally proposed, this section reads as follows:

Section 3. Residence. No voter shall be deemed to have gained or lost residence simply by reason of his presence or absence while employed in the service of the United States; nor while engaged in navigation; nor while a student at any institution of learning.

Recommendations; Reasons or Explanation: This is a common provision in most state constitutions and clarifies the voting status of persons in the armed forces and other services of the United States, students and persons in maritime occupations. Residence or domicile, which is intended by that term as used in this section, is a matter of intent plus certain other factors. This section, in your Committee's opinion, is simply declaratory of the common law as to determination of legal residence or domicile. Its incorporation in the article on Suffrage and Elections is nevertheless justified, both because it makes clear the applicability of the common law rules, and because of the present provision of our Organic Act which might be thought to enact a slightly different rule in providing: "That no person shall be allowed to vote who is in the Territory by reason of being in the Army or Navy or by reason of being attached to troops in the service of the United States." (Org. Act, Sec. 63)

Your Committee recommends that the word "person" be substituted for the word "voter" in the first line of this section as being more appropriate.

With the foregoing amendment, your Committee recommends that the section be adopted.

SECTION 4. As proposed, this section reads as follows:

Section 4. Registration; Voting. The legislature shall provide for the registration of qualified voters and prescribe the method of voting at all elections, provided that secrecy of voting shall be preserved. The legislature shall provide the manner in which a qualified voter who may be absent from the State or the island of his residence on any election day may vote."

Recommendations; Reasons or Explanation: Your Committee recommends that said section be amended to read as follows:

Section 4. Registration; Voting. The legislature shall provide for the registration of qualified voters and prescribe the method of voting at all elections, provided that secrecy of voting shall be preserved. The legislature shall provide for absentee voting."

The revision of the second sentence of this section, as proposed by your Committee, will make it clear that the legislature can take care of every possible situation, which it feels should justify absentee voting, even to the extent, if deemed advisable, of permitting absentee voting where an elector is on the same island but absent from his voting district or precinct on election day.

Your Committee recommends the adoption of this section as amended.

SECTION 5. As originally proposed, this section reads as follows:

Section 5. General elections shall be held on the Tuesday after the first Monday in November, even-numbered years, and every second year thereafter. Primary elections shall be held not less than six weeks prior to the general election. Special elections may be held according to law. Contested elections shall be decided by the Supreme Court of the State of Hawaii according to law.

Recommendations; Reasons or Explanation: Your Committee recommends that this section be amended to read as follows:

Section 5. General elections shall be held on the Tuesday next after the first Monday in November, in all even-numbered years. Special elections may be held according to law. Contested elections shall be determined by a court of competent jurisdiction in such manner as shall be provided by law.

The amendments to the first section simply clarify the original intent and eliminate redundancy. Your Committee understands that it is quite probable that the State of Hawaii will be admitted at a time which will necessitate the calling of a special election to elect state officers, but believes that this should not militate against calling general elections in the even-numbered years so as to coincide with the presidential election when a president is to be elected.

The second sentence of the original section, requiring primary elections to be held not less than six weeks prior to the general election, was deleted in order to allow the legislature broader powers in fixing the dates of primary elections so as to adjust the same from time to time to meet changing conditions.

The last sentence of the original section was amended so as to permit the legislature to provide by law for determination of any contested election by a court of competent jurisdiction, rather than to confine such contests only to the Supreme Court of the State. It was felt that in some instances the legislature might desire to have a Circuit Court determine a local contested election rather than compel the parties to come before the Supreme Court. This would not prevent the legislature from permitting appeals to the Supreme Court from any lower tribunal in a contested election case.

Your Committee recommends that Section 5 as amended be adopted.

Conclusion: For the foregoing reasons, your Committee recommends as follows:

Paragraph 1: That Standing Com. Rpt. No. 39 and the recommendations thereof, be adopted, except as, and to the extent that, the same may be inconsistent with the provisions and recommendations of this Committee of the Whole Report.

Paragraph 2: That Committee Proposal No. 8 be amended in the manner hereinabove recommended and as set forth in redraft thereof hereto attached, and that, as so amended, it pass second reading. —June 20, 1950

George Dowson, Chairman

COMMITTEE PROPOSAL NO. 8, RD 1

RELATING TO SUFFRAGE AND ELECTIONS

RESOLVED, that the following be agreed upon as part of the State Constitution:

ARTICLE \_\_\_\_.

SECTION 1. Qualifications of voters. In order to be qualified to vote in any State or local election, a person

1. Shall be a citizen of the United States;
2. Shall have attained the age of 20 years;
3. Shall have resided in the State not less than one year next preceding the election;
4. Shall be able to speak, read and write the English or Hawaiian language, except for physical disability; and
5. Shall be registered as a voter in accordance with law.

SECTION 2. Disqualification of voters. No person who is non compos mentis and no person under conviction of felony, unless pardoned and restored to his civil rights, shall be qualified to vote.

SECTION 3. Residence. No person shall be deemed to have gained or lost residence simply by reason of his presence or absence while employed in the service of the United States; nor while engaged in navigation; nor while a student at any institution of learning.

SECTION 4. Registration; Voting. The legislature shall provide for the registration of qualified voters and prescribe the method of voting at all elections, provided that secrecy of voting be preserved. The legislature shall provide for absentee voting.

SECTION 5. General elections shall be held on the Tuesday next after the first Monday in November in all even-numbered years. Special elections may be held according to law. Contested elections shall be determined by a court of competent jurisdiction in such manner as shall be provided by law.

COMMITTEE OF THE WHOLE REPORT NO. 8

Your Committee of the Whole to which was referred Standing Com. Rpt. No. 37 of the Committee on Judiciary and Committee Proposal No. 7 accompanying said report and entitled "Proposal for the Establishment of the Judiciary," having fully debated and considered said report and committee proposal, begs leave to report thereon as follows:

Your Committee held meetings from 9:15 a.m. until 11:54 a.m. and from 1:50 p.m. until 4:08 p.m. on June 8; from 10:09 a.m. until 12 o'clock noon and from 1:42 p.m. until 3:00 p.m. on June 9; from 9:50 a.m. until 12:01 o'clock p.m. and from 1:37 p.m. until 2:54 p.m. on June 13, 1950, on said report and proposal.

Your Committee first discussed and adopted Proposal 7 section by section and thus proposes amendments to certain sections of the Article as set forth below:

The sections and amendments are discussed in order, together with reasons or explanations, as noted during debate, and, as hereinafter set forth.

SECTION 1. As originally proposed, the first section reads as follows:

Section 1. The judicial power of the State shall be vested in one supreme court, circuit courts and such inferior courts as the legislature may from time to time ordain and establish. It shall extend to all cases arising under the constitution and laws of the United States or this State. The several courts shall have original and appellate jurisdiction as provided by law.

There is no discussion on this section.

Recommendation; Reasons or Explanation: Your Committee recommends that this section be adopted as proposed above.

SECTION 2. As originally proposed, this section reads as follows:

Section 2. The supreme court shall consist of a chief justice and four associate justices. When necessary, the chief justice shall assign a judge or judges of the circuit court to serve temporarily on the supreme court. In case of a vacancy in the office of chief justice or if he is ill, absent or otherwise unable to serve, an associate justice designated in accordance with the rules of the supreme court shall serve temporarily in his stead.

Recommendation; Reasons or Explanation: Your Committee recommends that this section be adopted as proposed above.

There was considerable discussion on this section and one amendment was offered. This amendment offered by Delegate Yamauchi reads as follows:

The supreme court shall consist of a chief justice and not less than two associate justices.

There being no second, the amendment was not discussed. The question of a quorum of the supreme court was raised. It was first expressed that three (a majority) of the membership of the court would constitute a quorum. However, after discussion it was pointed out that a quorum did not apply to a court since full membership constituted the court. Also, that it was not intended that any number less than full membership should conduct the business of the court. Consequently, the next sentence providing for temporary assignment of circuit court judges was necessary to insure that there would be a court at all times. The last sentence was designed to guarantee leadership of the supreme court on all occasions.

The subject of vacations was also discussed as interfering with the work of the court as there could be less than a quorum (full court) present if one or more justices or judge was absent on vacation and substitute judges were not immediately available, but it was pointed out that the courts were usually closed for a period during the summer months, at which time most judges took their vacations and only administrative work was handled, and the question was therefore immaterial.

SECTION 3. As originally proposed, the third section reads as follows:

Section 3. The justices of the supreme court and the judges of the circuit courts shall be appointed by the governor by and with the advice and consent of the senate. No nomination to such office shall be sent to the senate until after ten days' public notice by the governor. No

person shall be eligible to such office who shall not have been admitted to practice law before the supreme court of this state for at least ten years.

The justices of the supreme court and the judges of the circuit courts shall hold office for initial terms of six years and upon reappointment shall hold office for a term of 12 years.

Recommendation; Reasons or Explanation: Your Committee recommends that this section be adopted as amended:

The justices of the supreme court and the judges of the circuit courts shall be appointed by the governor by and with the advice and consent of the senate. No nomination to such office shall be sent to the senate until after ten days' public notice by the governor. No person shall be eligible to such office who shall not have been admitted to practice law before the supreme court of this state for at least ten years.

The justices of the supreme court shall hold office for a term of seven years and the judges of the circuit courts shall hold office for a term of six years.

There are in all nine amendments to this section and approximately four hours of debate.

The first amendment offered by Delegate Fukushima reads as follows:

The justices of the supreme court shall be elected by the electorate of this state, and the judges of the several circuits shall be elected by the electorate of the respective circuits, both at a non-partisan election period. No person shall be eligible to such office who shall not have been admitted to practice law before the supreme court of this state for at least ten years.

The justices of the supreme court and the judges of the circuit courts shall hold office for a term of eight years.

This amendment was debated by 21 speakers for a period of one hour and 24 minutes, at the conclusion of such debate the motion for adoption was put and lost. (Roll call)

The next amendment was offered by Delegate Fong and reads as follows:

The chief justice shall be elected by the qualified voters of the state on a non-partisan designation at a regular election in an odd numbered year in which a governor is not elected. He shall hold office for a term of 8 years, beginning on the first day of January next following his election.

The associate justices of the supreme court and the judges of the circuit courts shall be appointed by the chief justice from a list of three nominations by and with the consent of the senate. No nomination to such office shall be sent to the senate until after ten days' public notice by the governor. No person shall be eligible to such office who shall not have been admitted to practice law before the supreme court of this state for at least ten years.

The justices of the supreme court and the judges of the circuit courts shall hold office for initial terms of six years and upon reappointment shall hold office for a term of 12 years.

This amendment was debated by ten speakers for a total of 61 minutes, at the conclusion of such debate the motion for adoption was put and lost. (Roll call)

The next amendment was offered by Delegate Thomas Sakakihara and reads as follows:

The chief justice and four associate justices shall be elected by the qualified voters of this State on a non-partisan designation at a regular election in any odd numbered year in which a governor is not elected. They shall hold office for a term of eight years, beginning on the first day of January following their election.

No person shall be eligible to such office who shall not have been admitted to practice law before the supreme court of this state for at least ten years.

Judges of the circuit courts shall be appointed by the chief justice of the supreme court, with the concurrence of two of the justices thereof, for terms of six years and until their successors are appointed and qualified.

They shall have resided in this state for not less than three years immediately preceding their appointment, be qualified to vote and be licensed to practice law in all of the courts of this state. They shall be subject to removal for cause by the chief justice, with the concurrence of two justices.

This amendment was debated for 24 minutes by the introducers and a few others, at the conclusion of such debate the motion for adoption was put and lost. (Voice vote)

The next amendment was offered by Delegate Fukushima on the last paragraph of Section 3 and reads as follows:

The justices of the supreme court shall hold office for a term of eight years and the judges of the circuit courts shall hold office for a term of six years.

There was considerable debate on the amendments and it was finally further amended to read seven and six years, respectively, which motion was accepted by the movant and the question put for adoption and carried. (Roll call) 32 ayes, 29 noes.

The next motion and second was for the adoption of Section 3 as amended, the motion was put and carried. (Voice vote). Before the motion was put, however, the following further amendments were offered, debated and upon which the motion for adoption was lost:

Introducer Delegate Arashiro, second Delegate Nielsen, lost by voice vote.

Section 3. The chief justice of the supreme court shall be elected by secret ballot of the Joint Committee of both houses of the Legislature, with equal representation from each county. The names to be submitted to the Legislature 30 days prior to the election as provided by law. The other justices and judges of the circuit courts shall be appointed by the chief justice by and with the advice and consent of the senate.

No person shall be eligible to such office who shall not have been admitted to practice law before the supreme court of this state for at least five years.

The chief justice's term of office shall be six years and the other justices' and judges' terms of office shall be eight years.

(Introducer Delegate Roberts, second Delegate Phillips, lost by roll call.)

Section 3. The justices of the supreme court and the judges of the several courts of the state shall be appointed by the governor subject to confirmation by the senate. The chief justice and associate justices of the supreme court and the judges of the circuit courts shall each be appointed from panels of five names submitted to the governor by a commission to be created by the legislature and to be composed of judges, members of the bar and laymen.

Each appointed justice and judge shall hold office for a term ending December 31 following the next general election after the expiration of twelve months in office. At the general election next preceding the expiration of his term in office, the name of such justice or judge shall appear, unopposed, on a separate non-partisan ballot which shall read as follows:

"Shall judge [or justice] \_\_\_\_\_ (Here insert the name of the \_\_\_\_\_ of the \_\_\_\_\_ (Here insert the title of the judge or justice) \_\_\_\_\_ court be retained in office?)  
( ) Yes ( ) No."

If a majority of those voting on the question shall vote in the affirmative, the justice or judge shall remain in office for the number of years after December 31 following such election as is provided for the full term of such office, and at the expiration of each such term shall be eligible for retention in office by election in the manner here prescribed. If at any such election, a majority shall vote against retention in office, a vacancy shall then exist upon the expiration of the appointive term. Should any justice or judge not desire to continue in office beyond the original term provided for in his appointment, he shall, at least 60 days prior to the said general election, give notice thereof to the governor and his name shall not be placed upon said ballot.

(Introducer Delegate Heen, second Delegate H. Rice.)

The Chair had previously ruled the amendment out of order but upon a motion to reconsider (carried) the second paragraph of Section 3 accepted the following amendment to that paragraph. The amendment reads as follows:

The justices of the supreme court shall hold office for an initial term of seven years and the judges of the circuit courts shall hold office for an initial term of six years. Upon reappointment the justices of the supreme court shall hold office for a term of ten years and the judges of the circuit courts shall hold office for a term of ten years.

A series of amendments followed each, reducing the term of reappointment to ten and eight years, respectively. The motion was put and lost. (Roll call)

Delegate Fukushima's motion as originally stated was again put and carried. (Voice vote)

Upon motion, the vote on the entire Section 3 as amended was put and carried. (Voice vote)

The question was asked does the second paragraph of Section 3 mean the initial term and each reappointment thereafter will be for the same tenure of office, that is, seven and six years, respectively. The Chair answered "yes" and asked the movant if that was not the intent of the amendment and was informed that it was.

SECTION 4. As originally proposed, the fourth section reads as follows:

Section 4. The justices of the supreme court and the judges of the circuit courts shall be removed from office on impeachment for, and conviction of, treason, bribery or other high crimes and misdemeanors. Any judicial officer impeached shall not exercise his office until acquitted.

Recommendation; Reasons or Explanation: Your committee recommends that this section be adopted as amended;

Section 4. The justices of the supreme court and the judges of the circuit courts shall be subject to removal from office upon the concurrence of two-thirds of the membership of each House of the Legislature sitting in joint session, for such causes and in such manner as may be provided by law.

A number of amendments were offered on this section. The amendments and action on them were as follows:

1. Introduced by Delegate Tavares.

Section 4a. A justice of the supreme court or a judge of a circuit court shall also be subject to removal from office for unfitness to continue in office, by resolution adopted by two-thirds of the membership of both houses of the legislature sitting in joint session, upon written charges made by a commission or agency established by law, after notice and an opportunity to be heard before a joint committee of both houses, and an opportunity to address such joint session in his defense.

Delegate Ashford offered her amendment (Section 4 as amended above), which carried. Delegate Tavares first accepted Delegate Ashford's amendment, later withdrew his amendment in favor of hers.

2. Introduced by Delegate Richards.

Any justice of the supreme court or any judge of a circuit court held to answer for any high crime or misdemeanor may be suspended by the supreme court until he has been acquitted. (No second)

3. Introduced by Delegate Doi, seconded by Delegate Roberts. (Amendment lost)

A justice of the supreme court or a judge of a circuit court shall also be subject to removal from office for unfitness to continue in office by concurrent resolution adopted by two-thirds of the membership of each house of the Legislature upon written charges made by a judicial council after notice and an opportunity to be heard before a joint committee of both houses and an opportunity to address a joint session of both houses in his defense.

4. Delegate Richards made his motion (No. 2 above) again as an amendment to Delegate Doi's amendment (No. 3 above) and, upon being put, lost.

5. Delegate A. Trask offered the following motion:

Any justice of the supreme court or any judge of a circuit court, held to answer for any high crime or misdemeanor, may be removed or suspended by the supreme court.

There was no second.

Delegate Ashford in speaking on her amendment said:

The provision (in this section) for impeachment is nonessential . . . and that the provisions in the original section are so strict that it is practically impossible to prove the charges. . . .

Delegate Anthony:

The present amendment (Ashford's) would go far to make the impeachment proceedings more workable.

Delegate Shimamura:

I understand from the Chairman of the Committee on Legislative Powers and Functions that there was or would be a provision in that section (legislative) concerning impeachment and that it was to be brought by not the two-

thirds majority of the full House, but by two-thirds of those present.

Delegate Heen confirmed and stated further:

. . . that if this amendment was adopted the proposal before the Legislative Committee will be amended to conform to what this (Judiciary) Committee of the Whole decides on the matter.

Delegate Porteus in answering the question of Delegate Shimamura said:

A two-thirds majority of the senate or house means a two-thirds majority of a quorum. . . .

SECTION 5. As originally proposed, this section reads as follows:

Section 5. Whenever the supreme court shall certify to the governor that it appears any justice of the supreme court or judge of a circuit court is so incapacitated as substantially to prevent him from performing his judicial duties, the governor shall appoint a commission of three persons to inquire into the circumstances on their recommendation the governor may retire the justice or judge from office.

Recommendation; Reasons or Explanation: Your Committee recommends the adoption of this section as amended:

Section 5. Whenever a commission or agency, authorized by law for such purpose, shall certify to the governor that it appears any justice of the supreme court or judge of a circuit court is so incapacitated as substantially to prevent him from performing his judicial duties, the governor shall appoint a commission of three persons to inquire into the circumstances and on their recommendation the governor may retire the justice or judge from office.

Section 5: It was first voted to delete this section and then on reconsideration, the section was adopted as amended for the following reasons:

1. It was found to perform a useful function.
2. It does provide separate machinery for the handling of judges who are incapacitated and unable to perform judicial functions.
3. That section 4 (as amended) provides for removal by law to be established by the Legislature by that section, section 5 was intended to serve a different purpose.

SECTION 6. As originally proposed, this section reads as follows:

Section 6. The justices of the supreme court and the judges of the circuit courts shall receive for their service such compensation as may be provided by law which shall not be diminished during their continuance in office. They shall retire upon attaining the age of 70 years. Provision for pensioning them shall be made by law.

Recommendation; Reasons or Explanation: Your Committee recommends the adoption of this section as amended:

The justices of the supreme court and the judges of the circuit courts shall receive for their services such compensation as may be provided by law, which shall not be diminished during their respective terms of office, unless by law applying in equal measure to all officers of the state. They shall retire upon attaining the age of 70 years. Provision shall be made by law for the inclusion of such justices and judges in any retirement law of the state.

This section was amended in two parts. The first amendments dealing with the first sentence were as follows:

1. Introduced by Delegate White, seconded by Delegate Woolaway:

Section 6. The compensation for the justices of the supreme court and the judges of the circuit courts shall be established by law and shall not be decreased for the term for which they shall have been appointed. They shall retire upon attaining the age of 70 years and shall receive pensions as provided by law.

2. Introduced by Delegate Ashford, seconded by H. Rice—insert after the word “diminished” the words “unless by law applying in equal measure to all officers of the state.”

Delegate Ashford said she thought her amendment would apply to Delegate White’s amendment which was an entire new section 6.

Delegate White stated he felt there was a difference in that “if a man is prevailed upon to take office for eight years with the understanding that the compensation is going to be a certain amount of money as against the person who takes it at the will of the governor . . . is entitled to such (no reduction of compensation) protection.”

Delegate White withdrew his amendment and Delegate Ashford accepted changes in her amendment to make it read as finally adopted above.

Delegate Ohrt then proposed his motion on which there was considerable debate before it was adopted by roll call vote.

Delegate Ohrt: “. . . a special pension would be discriminatory . . . should contribute towards retirement . . . .”

Delegates Anthony and Tavares spoke against Delegate Ohrt’s amendment, pointing out differences of tenure of office of judges—no civil service protection, etc.

Delegate Mizuha asked “How can you bind our Legislature to only one retirement system?”

Delegate Ohrt replied “there is only one now. That other pension systems are *functus officio*.” (Having fulfilled the function.)

Delegate Mizuha stated “he would like to make it clear in the record that it was the intent of this body that in the event we become a state of the Union that the years of service of judges of the circuit court and the justices of the supreme court, who are now considered federal employees, shall be considered by our Legislature as though they were years of service with the state or with the Territory in the computation of their retirement income.

Delegate Mizuha then stated he would like to move that in the passage of the amendment to Section 6, that it was the intention of this body that in the writing of any retirement for the future State of Hawaii that prior service of our circuit judges and supreme court judges would be considered as though they were officers of the State of Hawaii. This motion was put and carried. (Voice vote)

SECTION 7. As originally proposed, section 7 reads as follows:

Section 7. The justices of the supreme court and the judges of the circuit courts shall hold no other office or position of profit under this State or the United States.

Any justice or judge who shall become a candidate for an elective office shall thereby forfeit his office.

Your Committee recommends the adoption of this section as proposed.

Recommendation; Reasons or Explanation: The question was asked “does this mean a justice or judge couldn’t serve on an Advisory Board or a Board of Regents?” The answer

given by the chairman of the Judiciary Committee was that it did not prevent such service or services on any such board where no compensation is paid.

The next question was on military service as a Reserve Officer. The chairman of the Judiciary Committee answered that in order to keep the civil power supreme no amendment to the section should be made to cover military duty as there is ample room to make special provisions by resolutions or regulations.

SECTION 8. As originally proposed, Section 8 reads as follows:

Section 8. The chief justice of the supreme court shall be the administrative head of all the courts of this state. With the approval of the supreme court he shall appoint an administrative director to serve at his pleasure.

Your Committee recommends the adoption of this section as proposed.

Recommendation; Reasons or Explanation: Before this section was adopted without amendments Delegate Roberts in speaking on the section proposed a section setting up a judicial council for the purpose of general supervision of the work of the courts. He stated he did not know just where the section should go, but thought the establishment of such a council should be put to the Convention. Delegate H. Rice said it should be a new section and, thereupon, Delegate Roberts moved and Delegate Castro seconded as Section 11 the following:

Section 11. There shall be a judicial council consisting of the chief justice, who shall be its chairman, and eight additional members, of whom two shall be judges of courts having appellate jurisdiction who shall be appointed by the chief justice, for terms of four years; two shall be practicing attorneys; and four laymen citizens of the state, who shall be appointed by the governor for overlapping terms of three years.

It shall be the duty of the council, and it shall have the power, in addition to other duties and powers which may be conferred upon it by law, to make a continuous study of the administration of justice in this state, and of the organization, procedure, practice, rules and methods of administration and operation of each and all of the courts of the state, to receive and consider, and in its discretion, investigate criticisms and suggestions pertaining to the administration of justice in the state; to collect and publish statistical and other information concerning the work of the courts of the state; and to make or alter the rules relating to pleading, practice, or procedure in all the courts of the state, including rules prescribing the duties of all administrative personnel and agents of the courts.

Rules of pleading, practice or procedure shall be effective only when published as provided by law, and the legislature may repeal, alter or supplement any rule by a law limited to that specific purpose.

There was considerable debate on the subject, Delegate Roberts speaking for the section said “that the purpose of the amendment (section 11) was to indicate that the council act in an advisory capacity and does not, of itself, promulgate rules.”

A number spoke against the amendment, stating that the Legislature could provide for such administrative help as was needed by the courts.

Upon motion, the question was put and lost.

SECTION 9. As originally proposed, Section 9 reads as follows:

Section 9. The chief justice of the supreme court may assign judges from one circuit court to another for temporary service.

Recommendation; Reasons or Explanation: Your Committee recommends the adoption of this section as proposed. There was no discussion or debate on this section.

SECTION 10. As originally proposed, Section 10 reads as follows:

Section 10. The supreme court shall have power from time to time to promulgate rules and regulations in all civil and criminal cases in all courts of this state relating to process, practice, procedure and appeals which shall have the force and effect of law.

Recommendation; Reasons or Explanation: Your Committee recommends the adoption of this section as proposed.

Delegate Roberts moved to amend this section by inserting after the word "appeals" in the last line the words "upon publication"; seconded by Delegate Yamamoto.

Delegate Anthony speaking on the amendment pointed out "That the amendment was entirely unnecessary as no court in the land would presume to promulgate rules without the fullest sort of publicity . . . ."

Delegate Roberts stated that if the answer of the Chairman of the Committee (Delegate Anthony) states that the promulgation shall include publication, he would withdraw the motion. Delegate Anthony answered in the affirmative and Delegate Roberts withdrew his amendment.

Conclusion: Attached hereto your Committee submits an amended article incorporating all amendments hereinabove recommended and numbered Committee Proposal No. 7.

For the reasons hereinabove set forth, your Committee of the Whole recommends: (1) that as so amended said Committee Proposal No. 7 pass second reading; (2) that Standing Com. Rpt. No. 37 be filed; (3) that Proposal No. 14 contained therein be referred to Committee on Ordinances and Continuity of Law; and (4) that Proposal No. 17 be referred to Committee on Bill of Rights.—June 23, 1950

Randolph Crossley, Chairman

#### COMMITTEE PROPOSAL NO. 8, RD 1

#### FOR THE ESTABLISHMENT OF THE JUDICIARY

RESOLVED, that the following be agreed upon as part of the State Constitution:

#### ARTICLE \_\_\_\_\_.

SECTION 1. The judicial power of the state shall be vested in one supreme court, circuit courts and such inferior courts as the legislature may from time to time ordain and establish. It shall extend to all cases arising under the constitution and laws of the United States or this state. The several courts shall have original and appellate jurisdiction as provided by law.

SECTION 2. The supreme court shall consist of a chief justice and four associate justices. When necessary, the chief justice shall assign a judge or judges of the circuit court to serve temporarily on the supreme court. In case of a vacancy in the office of chief justice or if he is ill, absent or otherwise unable to serve, an associate justice designated in accordance with the rules of the supreme court shall serve temporarily in his stead.

SECTION 3. The justices of the supreme court and the judges of the circuit courts shall be appointed by the governor by and with the advice and consent of the senate. No

nomination to such office shall be sent to the senate until after ten days' public notice by the governor. No person shall be eligible to such office who shall not have been admitted to practice law before the supreme court of this State for at least ten years.

The justices of the supreme court shall hold office for a term of seven years and the judges of the circuit courts shall hold office for a term of six years.

SECTION 4. The justices of the supreme court and the judges of the circuit courts shall be subject to removal from office upon the concurrence of two-thirds of the membership of each House of the Legislature sitting in joint session, for such causes and in such manner as may be provided by law.

SECTION 5. Whenever a commission or agency, authorized by law for such purpose, shall certify to the governor that it appears any justice of the supreme court or judge of a circuit court is so incapacitated as substantially to prevent him from performing his judicial duties, the governor shall appoint a commission of three persons to inquire into the circumstances and on their recommendation the governor may retire the justice or judge from office.

SECTION 6. The justices of the supreme court and the judges of the circuit courts shall receive for their services such compensation as may be provided by law, which shall not be diminished during their respective terms of office, unless by law applying in equal measure to all officers of the State. They shall retire upon attaining the age of 70 years. Provision shall be made by law for the inclusion of such justices and judges in any retirement law of the State.

SECTION 7. The justices of the supreme court and the judges of the circuit courts shall hold no other office or position of profit under this State or the United States. Any justice or judge who shall become a candidate for an elective office shall thereby forfeit his office.

SECTION 8. The chief justice of the supreme court shall be the administrative head of all the courts of this State. With the approval of the supreme court he shall appoint an administrative director to serve at his pleasure.

SECTION 9. The chief justice of the supreme court may assign judges from one circuit court to another for temporary service.

SECTION 10. The supreme court shall have power from time to time to promulgate rules and regulations in all civil and criminal cases in all courts of this state relating to process, practice, procedure and appeals, which shall have the force and effect of law.

#### COMMITTEE OF THE WHOLE REPORT NO. 9

Your Committee of the Whole to which was referred Reports Nos. 47, 48 and 49 of the Committee on Revision, Amendments, Initiative, Referendum and Recall, and Committee Proposal No. 9, accompanying Report No. 48 and an amendment to Committee Proposal No. 9, accompanying Report No. 49, all relating to Revision, Amendments, Initiative, Referendum and Recall, having fully debated and considered said reports, committee proposal and an amendment thereto, begs leave to report thereon as follows:

Your Committee held meetings on June 15 and 16, 1950, on said reports, proposal and an amendment thereto.

It should be explained that Committee Proposal No. 9, accompanying Committee Report No. 48, as stated above,



outlines the procedure by which the constitution may be amended or revised. As provided by this proposal, the altering process involves two distinct phases. Phase 1 involves the proposition to amend or revise the constitution, and phase 2 involves the acceptance or rejection of the proposal.

In all cases, the right to accept or reject the proposal to alter the constitution is vested in the people, expressing their choice directly by ballot. The privilege of proposing it, however, is given to either of two bodies—the legislature or a constitutional convention. Section 1 of Committee Proposal No. 9 so specifies, using the following words:

Amendments to or revisions of this constitution may be proposed by the legislature, or by Constitutional Convention.

Committee Report No. 47 is a majority report, recommending against the inclusion in the constitution of any provisions for statutory initiative and referendum, and the recall.

Committee Report No. 49 is a minority report, recommending the adoption of the accompanying amendment, providing for constitutional amendments by popular initiative, and statutory initiative and referendum. By agreement, Committee Report No. 48 was placed first on the order for consideration.

In Committee Proposal No. 9, Section 1 reads as follows:

Section 1. Procedure. Amendments to or revisions of this constitution may be proposed by the legislature, or by Constitutional Convention.

Recommendation: Your Committee recommends that this Section be adopted.

In Committee Proposal No. 9, Section 2 reads as follows:

Section 2. Convention. The legislature may submit to the people at any time the question, "Shall there be a convention to propose a revision of or amendments to the Constitution?" If any ten-year period shall elapse during which the question shall not have been submitted, the state officer whose duty it is to certify state-wide public questions for submission to the people shall certify the question, to be voted on at the first general election following the expiration of such period.

If a majority of the ballots cast upon such question is in the affirmative, delegates shall be chosen at the next regular election unless the legislature shall provide for election of the delegates at a special election.

Any qualified voter of the district concerned shall be eligible to membership in the convention. The convention may provide for the filling of any vacancy due to death, resignation, or other cause, not otherwise provided for by law. The person selected for such vacant office shall have the qualifications required for the original incumbent.

Unless the legislature shall otherwise provide, the delegates to such convention shall consist of the same number, and be elected from the same areas, as nearly as practicable, as specified by Act 334 of the Session Laws of Hawaii 1949.

The convention shall determine its own organization and rules of procedure; it shall be the sole judge of the qualifications of its members and, by a two-thirds vote, may suspend or remove any member for cause.

The convention shall provide for the time and manner in which the proposed constitutional provisions shall be submitted to a vote of the electors of the state, but no such proposal shall be effective unless approved, (a) at a general election, by a majority of all of the votes tallied upon the question, constituting at least 35 per cent of the total vote cast at such election, or (b) at a special

election, by a majority of the total vote tallied upon such question, constituting at least 35 per cent of the total number of registered voters; provided, that no constitutional provision altering this proviso or the representation from any senatorial district in the Senate shall become effective, unless it shall also be approved by a majority of the votes tallied upon the question in each of a majority of the counties.

The provisions of this section shall be self-executing, but the legislature shall appropriate money and may enact legislation to facilitate its operation.

Your Committee recommends that this Section read as follows:

Section 2. Convention. The legislature may submit to the electorate at any general or special election the question, "Shall there be a convention to propose a revision of or amendments to the Constitution?" If any ten-year period shall elapse during which the question shall not have been submitted, the lieutenant governor shall certify the question to be voted on at the first general election following the expiration of such period.

If a majority of the ballots cast upon such question is in the affirmative, delegates shall be chosen at the next regular election unless the legislature shall provide for election of the delegates at a special election.

Notwithstanding any provision in this constitution to the contrary other than Section \_\_\_ of Article \_\_\_, any qualified voter of the district concerned shall be eligible to membership in the convention. The governor shall fill any vacancy of such membership by appointment of a qualified voter from the district concerned.

Unless the legislature shall otherwise provide, the delegates to such convention shall consist of the same number, and be elected from the same areas, and the convention shall be called and conducted in the same manner, as nearly as practicable, as were required for the Hawaii State Constitutional Convention of 1950.

The convention shall determine its own organization and rules of procedure; it shall be the sole judge of the qualifications of its members and, by a two-thirds vote, may suspend or remove any member for cause.

The convention shall provide for the time and manner in which the proposed constitutional provisions shall be submitted to a vote of the electors of the state, but no such proposal shall be effective unless approved, (a) at a general election, by a majority of all of the votes tallied upon the question, constituting at least 35 per cent of the total vote cast at such election, or (b) at a special election, by a majority of the total vote tallied upon such question, constituting at least 35 per cent of the total number of registered voters; provided, that no constitutional provision altering this proviso or the representation from any senatorial district in the Senate shall become effective, unless it shall also be approved by a majority of the votes tallied upon the question in each of a majority of the counties.

The provisions of this section shall be self-executing, but the legislature shall make the necessary appropriations and may enact legislation to facilitate its operation.

Recommendations; Reasons or Explanation: Paragraph 1 of Section 2. Your Committee recommends as follows:

a. That the word "people" appearing in the first sentence of paragraph 1 of said section 2 be changed to "electorate" for the reason that the word "people" is too general, and the term "electorate" is the exact and more desirable word.



b. That the word "time," also appearing in said sentence, be deleted and in lieu thereof the words "general or special election" be inserted to refute the objections that the submission of the question by the legislature "at any time" permits it to call special elections at any time it desires, which may result in added expense to the state.

c. That the following, "the state officer whose duty it is to certify state-wide public questions for submission to the people," appearing in the second sentence of said paragraph 1 of section 2, be deleted and in lieu thereof the following, "the lieutenant governor," be inserted for the reason that the expression, which is recommended to be deleted, is vague and wordy.

Paragraph 2 of Section 2. Your Committee accepted this paragraph as submitted.

Paragraph 3 of Section 2. Your Committee recommends as follows:

a. That the first sentence in paragraph 3 of said Section 2 be amended by adding in the beginning of the sentence the following: "Notwithstanding any provision in this constitution to the contrary other than Section \_\_\_\_\_, Article \_\_\_\_\_." The first sentence in this paragraph, if not qualified, was believed to prevent higher court judges from serving in future constitutional conventions since the judiciary article, approved previously by the Committee of the Whole, reads as follows: "The justices of the supreme court and the judges of the circuit courts shall hold no other office or position of profit under this state or the United States." Consequently, it was moved that the phrase "Notwithstanding any other provision in this constitution to the contrary" be added to the sentence. Objection was raised that if this were done, persons made ineligible for public employment under H. R. 49 and under a provision of Committee Proposal No. 24, which reads:

That no person who advocates, or who belongs to any party, organization, or association which advocates the overthrow by force or violence of the government of this State or of the United States shall be qualified to hold any public office of trust or profit or any public employment under this constitution.

would thereby be made eligible to serve in the convention. Further qualification was, therefore, deemed necessary, and the words "other than Section \_\_\_\_\_ of Article \_\_\_\_\_" were inserted after the word "contrary." It is intended that the Style Committee will insert the correct numbers upon adoption of Committee Proposal No. 24.

b. That the second sentence of said paragraph 3 be deleted and in lieu thereof the following sentence, "The Governor shall fill any vacancy in such membership by the appointment of a qualified voter of the district concerned," be inserted so as to follow the pattern established by the convention with respect to appointments and to make the procedure more practicable.

c. That the last sentence in said paragraph 3 be deleted.

Paragraph 4 of Section 2. Your Committee recommends the fourth paragraph of Section 2 be amended to read as follows:

Unless the legislature shall otherwise provide, the delegates to such convention shall consist of the same number, and be elected from the same areas, and the convention shall be called and conducted in the same

manner, as nearly as practicable, as were required for the Hawaii State Constitutional Convention of 1950.

The amendment incorporates the substance of said deleted paragraph without referring specifically to Act 334 of the Session Laws of Hawaii 1949. Said amendment was adopted to meet the objection that the constitution should not refer to any act of the Session Laws of Hawaii.

Paragraphs 5 and 6 of Section 2. Your Committee adopted these paragraphs as submitted.

Paragraph 7 of Section 2. Your Committee recommends that the single sentence, comprising paragraph 7 of Section 2, be amended by deleting the words, "appropriate money," and substituting therefor the following words, "make the necessary appropriations." The amendment relates to form of expression only and not substance.

Your Committee recommends that this Section, as amended, be adopted.

In Committee Proposal 9, Section 3 reads as follows:

Section 3. Amendments proposed by Legislature. The legislature may propose amendments to the constitution in the following manner:

a. By adopting the same, in the manner required for legislation, by a two-thirds vote of each house on final reading, after either or both houses shall have given the governor at least ten days written notice of the final form of the proposed amendment; or

b. By adopting the same, in the manner required for legislation, with or without such notice to the governor, by a majority vote of each house on final reading, at each of two successive sessions of the legislature.

Upon such adoption, the proposed amendments shall be entered on the journals, with the ayes and noes, and published once in each of four successive weeks, in at least one newspaper of general circulation in each senatorial district wherein such a newspaper is published, within the two months period immediately preceding the next general election for members of the legislature.

At such general election the proposed amendments shall be submitted to the electors for approval or rejection upon a ballot separate from that upon which names of candidates appear.

The conditions of and requirements for ratification of such proposed amendments shall be the same as provided for in Section 2 of this article relating to ratification at a general election.

Recommendations: Your Committee recommends that this section be adopted. In Committee Proposal No. 9, Section 4 reads as follows:

Section 4. Veto Inapplicable. No proposal for amendment of the constitution adopted in either manner provided by this article shall be subject to veto by the governor

Recommendations; Explanations: Section 4 provides that, unlike legislative bills, proposals for amending the constitution shall not be subject to veto by the governor. The Committee of the Whole concurred with the Standing Committee on the principle expounded in this section, and further agree with the language used to carry out the principle.

Your Committee recommends that this section be adopted

Your Committee, having agreed that it would be desirable firstly to ascertain the sense of the Committee on the following questions:

a. whether or not any provision for statutory initiative shall be included in the Constitution;

b. whether or not any provision for statutory referendum shall be included in the Constitution;

c. whether or not any provision for constitutional amendments by popular initiative shall be included in the Constitution,

before considering the proposed amendment attached to Committee Report No. 49, debated and considered the same.

Your Committee, by an overwhelming majority, voted against the inclusion of any provisions for statutory initiative, statutory referendum, and constitutional amendments by popular initiative. Said action was tantamount to, and was intended as, a rejection of Committee Report No. 49.

Decisions of the Committee of the Whole: For the reasons hereinabove set forth, your Committee recommends:

- a. that Standing Com. Rpts. Nos. 47 and 48 be adopted;
- b. that Standing Com. Rpt. No. 49 be rejected and placed on file;
- c. that Committee Proposal No. 9 be amended in the manner hereinabove proposed; and
- d. that said Committee Proposal No. 9, as amended, a copy of which is attached hereto, pass Second Reading.

—June 24, 1950

Tom T. Okino, Chairman

#### COMMITTEE PROPOSAL NO. 9, RD 1

#### RELATING TO REVISION AND AMENDMENTS

RESOLVED, that the following be agreed upon as part of the State Constitution:

#### ARTICLE \_\_\_\_ . Revision and Amendments

SECTION 1. Procedure. Amendments to or revisions of this constitution may be proposed by the Legislature, or by Constitutional Convention.

SECTION 2. Convention. The Legislature may submit to the electorate at any general or special election the question, "Shall there be a convention to propose a revision of or amendments to the Constitution?" If any ten-year period shall elapse during which the question shall not have been submitted, the lieutenant governor shall certify the question to be voted on at the first general election following the expiration of such period.

If a majority of the ballots cast upon such question is in the affirmative, delegates shall be chosen at the next regular election unless the Legislature shall provide for election of the delegates at a special election.

Notwithstanding any provision in this Constitution to the contrary other than Section \_\_\_\_ of Article \_\_\_\_, any qualified voter of the district concerned shall be eligible to membership in the convention. The governor shall fill any vacancy of such membership by appointment of a qualified voter from the district concerned.

Unless the Legislature shall otherwise provide, the delegates to such convention shall consist of the same number, and be elected from the same areas, and the convention shall be called and conducted in the same manner, as nearly as practicable, as were required for the Hawaii State Constitutional Convention of 1950.

The convention shall determine its own organization and rules of procedure; it shall be the sole judge of the qualifications of its members and, by a two-thirds vote, may suspend or remove any member for cause.

The convention shall provide for the time and manner in which the proposed constitutional provisions shall be submitted to a vote of the electors of the state, but no such proposal shall be effective unless approved, (a) at a general

election, by a majority of all of the votes tallied upon the question, constituting at least 35 per cent of the total vote cast at such election, or (b) at a special election, by a majority of the total vote tallied upon such question, constituting at least 35 per cent of the total number of registered voters; provided, that no constitutional provision altering this proviso or the representation from any senatorial district in the Senate shall become effective, unless it shall also be approved by a majority of the votes tallied upon the question in each of a majority of the counties.

The provisions of this section shall be self-executing, but the legislature shall make the necessary appropriations and may enact legislation to facilitate its operation.

SECTION 3. Amendments proposed by Legislature. The Legislature may propose amendments to the constitution in the following manner:

a. By adopting the same, in the manner required for legislation, by a two-thirds vote of each house on final reading, after either or both houses shall have given the governor at least ten days written notice of the final form of the proposed amendment; or

b. By adopting the same, in the manner required for legislation, with or without such notice to the governor, by a majority vote of each house on final reading, at each of two successive sessions of the Legislature.

Upon such adoption, the proposed amendments shall be entered on the journals, with the ayes and noes, and published once in each of four successive weeks, in at least one newspaper of general circulation in each senatorial district wherein such a newspaper is published, within the two months period immediately preceding the next general election for members of the Legislature.

At such general election the proposed amendments shall be submitted to the electors for approval or rejection upon a ballot separate from that upon which the names of candidates appear.

The conditions of and requirements for ratification of such proposed amendments shall be the same as provided for in Section 2 of this article relating to ratification at a general election.

SECTION 4. Veto Inapplicable. No proposal for amendment of the constitution adopted in either manner provided by this article shall be subject to veto by the governor.

#### COMMITTEE OF THE WHOLE REPORT NO. 10

Your Committee of the Whole to which was referred Committee Report No. 52 of the Committee on Education and Committee Proposal No. 11 accompanying said report and entitled "A Proposal Relating to Education," having fully debated and considered said report and committee proposal, begs leave to report thereon as follows:

Meetings of your Committee were held on said report and proposal from 1:42 p.m., until 3:16 p.m., on Friday, June 16; from 8:48 a.m., until 12:24 p.m., on Saturday, June 17; and from 8:39 a.m., until 10:50 a.m. on Monday, June 19.

Your Committee considered the five sections of Committee Proposal No. 11 section by section, and adopted the amendments hereinafter set forth.

Section 1 as originally proposed reads as follows:

Public Education. The State shall provide for the establishment, support and control of a state-wide system of free non-sectarian public schools, a state

university, public libraries, and such other educational institutions as may be deemed desirable, including all physical facilities therefor. There shall be no segregation in the public educational institutions of this State because of race, color or creed; nor shall public funds be appropriated for the support or benefit of any sectarian, denominational or private educational institution.

This section was amended to read as follows:

Public Education. The State shall provide for the establishment, support and control of a state-wide system of public schools free from sectarian control, a state university, public libraries, and such other educational institutions as may be deemed desirable, including physical facilities therefor. There shall be no segregation in the public educational institutions of this State because of race, color or creed; nor shall public funds be appropriated for the support or benefit of any sectarian, denominational or private educational institution.

"Free non-sectarian" was changed to "free from sectarian control" to bring the language into line with the requirement of H. R. 49 "That provisions shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of said State and free from sectarian control."

The question of junior colleges was discussed by your Committee, but no specific provision for such institutions was written into the proposal. It was noted that the general language "and such other educational institutions as may be deemed desirable" would authorize the State to establish and support public junior colleges.

The proposal to make the State responsible for educational institutions "including physical facilities therefor" is designed to restate the concept of State responsibility for the physical facilities, leaving to the Legislature the power to delegate such part of that responsibility as it may deem desirable. It is noted that the standing committee report recommends that the facilities and employees of the respective counties be utilized for maintenance and repair of the facilities.

The word "all" before "physical facilities" was considered to be open to misinterpretation, and, consequently, was eliminated.

Your Committee recommends the adoption of Section 1 as amended above.

Section 2 as originally proposed reads as follows:

Board of Education. There shall be a board of education to be appointed by the governor, by and with the consent of the Senate, from a panel nominated by local school advisory councils to be established by law.

This section was amended to read as follows:

Board of Education. There shall be a board of education, at least part of the membership of which shall represent geographic subdivisions of the State, to be appointed by the governor, by and with the consent of the Senate, from panels nominated by local school advisory councils to be established by law.

There was no question of the desirability of representation on the Board from all parts of the State; the amendment makes it mandatory, leaving the detailed provision to the Legislature.

The amendment changes "from a panel" to "from panels" to make clear the intention that all local school advisory councils would participate in the nomination of Board members.

Your Committee recommends the adoption of Section 2 as amended above.

Section 3 as originally proposed reads as follows:

Powers of the Board of Education. The board of education shall be empowered to establish policy and to exercise full control over the public school system through its executive officer, the superintendent of public instruction, who shall be appointed by the board, and shall be ex officio a voting member thereof.

This section was amended to read as follows:

Powers of the Board of Education. The board of education shall have power, in accordance with law, to formulate policy, and to exercise control over the public school system through its executive officer, the superintendent of public instruction, who shall be appointed by the board, and shall be ex officio a voting member thereof.

The substitution of "shall have power" for "shall be empowered" is a matter of uniformity of style.

"To formulate policy" was accepted as more exact wording and preferable to the word "establish."

The insertion of the phrase "in accordance with law" is to make clear that educational policy adopted by the board must not be contrary to law.

The word "full" in the phrase "to exercise full control" was considered unnecessary and was therefore deleted.

The Committee recommends the adoption of Section 3 as amended above.

Section 4 as originally proposed reads as follows:

Board of Regents. There shall be a board, to be known as the "Board of Regents of the University of Hawaii," to be appointed by the Governor, by and with the consent of the Senate. The President of the University and the Superintendent of Public Instruction shall be ex officio voting members of the Board.

This section was amended to read as follows:

Board of Regents. The University of Hawaii is hereby established as the state university. There shall be a board to be known as the "Board of Regents of the University of Hawaii," at least part of the membership of which shall represent geographic subdivisions of the State, to be appointed by the governor, by and with the consent of the Senate. The president of the university and the superintendent of public instruction shall be ex officio voting members of the board.

The first sentence of the amended paragraph was included to make it clear that the mandate in Section 1 to establish "a state university" refers to the University of Hawaii.

The amendment provides for part of the Board of Regents to be appointed to represent geographical subdivisions of the State, as was provided in Section 2 for the Board of Education.

Your Committee of the Whole considered the advisability of providing that the executive officer of the Board of Agriculture be a member, ex officio, of the Board of Regents. It was voted by a majority of the Committee to include this in the Committee Report as a recommendation to the Legislature, rather than in the amended Committee Proposal.

Your Committee recommends the adoption of Section 4 as amended above.

Section 5 as originally proposed reads as follows:

Powers of the Board of Regents. The Board of Regents shall be empowered to establish policy and to exercise

full control over the University of Hawaii through its executive officer, the president of the university, who shall be appointed by the board. The Board of Regents of the University of Hawaii shall constitute a body corporate and shall have title in fee simple to all of the lands of the university.

This section was amended to read as follows:

**Powers of the Board of Regents.** The board of regents shall have power, in accordance with law, to formulate policy, and to exercise control over the University of Hawaii through its executive officer, the president of the university, who shall be appointed by the board. The University of Hawaii is hereby constituted a body corporate and shall have title to all of the real and personal property now or hereafter set aside or conveyed to it which shall be held in public trust for its purposes and administered in accordance with law.

The amendment uses the phrases "shall have power," "in accordance with law," "to formulate policy," and eliminates the word "full" for the reasons noted under Section 3 above.

The second sentence of Section 5 (the last of the Article on Education) was the subject of very careful study, discussion, and editing. It is designed to put the University in a position to take advantage of low interest Federal funds available to land grant colleges, for the construction of dormitories, etc., and at the same time provide that "the corporate body" shall hold and administer university property in accordance with law and in a manner consistent with its responsibility as a public institution.

Your Committee recommends the adoption of Section 5 as amended above.

**Conclusion:** Attached hereto is an amended article on Education, numbered Committee Proposal No. 11, and incorporating all amendments adopted by your Committee of the Whole.

For the reasons set forth above, your Committee of the Whole recommends:

1. That, as amended, Committee Proposal No. 11 pass second reading;
2. That Standing Com. Rpt. No. 52 and the recommendations thereof be adopted, except as, and to the extent that, the same may be inconsistent with the provisions and recommendations of this Committee of the Whole report; and
3. That appropriate recommendation be made to the State Legislature to make statutory provision for the executive officer of the Board of Agriculture, or similar officer, to be a member, ex officio, of the Board of Regents of the University of Hawaii. —June 24, 1950

Yasutaka Fukushima, Chairman

COMMITTEE PROPOSAL NO. 11, RD 1

RELATING TO EDUCATION.

RESOLVED, that the following be agreed upon as part of the State Constitution:

ARTICLE \_\_\_\_\_

**SECTION 1. Public Education.** The State shall provide for the establishment, support and control of a state-wide system of public schools free from sectarian control, a state university, public libraries, and such other educational institutions as may be deemed desirable, including physical facilities therefor. There shall be no segregation in the

public educational institutions of this State because of race, color or creed; nor shall public funds be appropriated for the support or benefit of any sectarian, denominational or private educational institution.

**SECTION 2. Board of Education.** There shall be a board of education, at least part of the membership of which shall represent geographic subdivisions of the State, to be appointed by the governor by and with the consent of the Senate, from panels nominated by local school advisory councils to be established by law.

**SECTION 3. Powers of the Board of Education.** The board of education shall have power, in accordance with law, to formulate policy, and to exercise control over the public school system through its executive officer, the Superintendent of Public Instruction, who shall be appointed by the board, and shall be ex officio a voting member thereof.

**SECTION 4. Board of Regents.** The University of Hawaii is hereby established as the State University. There shall be a board, to be known as the "Board of Regents of the University of Hawaii," at least part of the membership of which shall represent geographic subdivisions of the State, to be appointed by the governor, by and with the consent of the Senate. The President of the University and the Superintendent of Public Instruction shall be ex officio voting members of the board.

**SECTION 5. Powers of the Board of Regents.** The Board of Regents shall have power, in accordance with law, to formulate policy, and to exercise control over the University of Hawaii through its executive officer, the President of the University, who shall be appointed by the board. The University of Hawaii is hereby constituted a body corporate and shall have title to all of the real and personal property now or hereafter set aside or conveyed to it which shall be held in public trust for its purposes and administered in accordance with law.

COMMITTEE OF THE WHOLE REPORT NO. 11

Your Committee of the Whole to which was referred Standing Com. Rpts. Nos. 54, 56, 57 and 65 of the Committee on Miscellaneous Matters and Committee Proposals Nos. 13, 15, 16 and 21, respectively, accompanying said reports relating to miscellaneous matters detailed below, having held meetings on June 26 and 27, 1950, and having fully considered said reports and committee proposals, begs leave to report thereon as follows:

Committee Proposal No. 13, providing for a State Flag, reads as follows:

Section \_\_\_\_\_. State Flag. The emblem of the Territory of Hawaii, known as the Hawaiian Flag, shall be the flag of the State of Hawaii.

A statement entitled "History of the Hawaiian Flag," by Delegate Larsen is attached hereto and made a part of this report.

Recommendation: Your Committee recommends that this proposal be adopted.

Committee Proposal No. 15, relating to state boundaries, reads as follows:

Section \_\_\_\_\_. The islands and territorial waters heretofore constituting the Territory of Hawaii shall be known as the State of Hawaii.

Recommendation: Your Committee recommends that this proposal be adopted.

Committee Proposal No. 16 relating to Civil Service, reads as follows:

Section \_\_\_\_\_. The employment of persons in the state civil service, as defined by law, shall be governed by the merit principle.

Recommendation: Your Committee recommends that this proposal be adopted.

Committee Proposal No. 21, relating to Equal Rights, reads as follows:

Section \_\_\_\_\_. Whenever in this constitution the term "person," "persons," "people," or any personal pronoun is used, the same shall be interpreted to include persons of both sexes.

Recommendation: Your Committee recommends that this proposal be adopted.

Your Committee further recommends the adoption of Standing Com. Rpts. Nos. 54, 56, 57 and 65. —June 28, 1950

Alexander H. F. Castro, Chairman

#### COMMITTEE PROPOSAL NO. 13

##### PROVIDING FOR A STATE FLAG

RESOLVED, that the following be agreed upon as part of the State Constitution:

#### ARTICLE \_\_\_\_\_.

SECTION \_\_\_\_\_. State Flag. The emblem of the Territory of Hawaii, known as the Hawaiian flag, shall be the flag of the State of Hawaii.

#### COMMITTEE PROPOSAL NO. 15

##### RELATING TO STATE BOUNDARIES

RESOLVED, that the following be agreed upon as part of the State Constitution:

#### ARTICLE \_\_\_\_\_.

SECTION \_\_\_\_\_. The islands and territorial waters heretofore constituting the Territory of Hawaii shall be known as the State of Hawaii.

#### COMMITTEE PROPOSAL NO. 16

##### RELATING TO CIVIL SERVICE

RESOLVED, that the following be agreed upon as part of the State Constitution:

#### ARTICLE \_\_\_\_\_.

SECTION \_\_\_\_\_. The employment of persons in the state civil service, as defined by law, shall be governed by the merit principle.

#### COMMITTEE PROPOSAL NO. 21

##### RELATING TO EQUAL RIGHTS

RESOLVED, that the following be agreed upon as part of the State Constitution:

#### ARTICLE \_\_\_\_\_.

SECTION \_\_\_\_\_. Whenever in this constitution the term "person," "persons," "people," or any personal pronoun is used, the same shall be interpreted to include persons of both sexes.

#### History of the Hawaiian Flag

Vancouver gave Kamehameha I the English flag in 1793. In 1808 this was still used as the countries' flag at the King's residence. In 1812, a Russian told the King about the war between Great Britain and America and that if he kept flying the English flag it would mean sympathy or alliance with Great Britain.

Kamehameha saw the force of this at once and ordered a change. In 1816 Jarves gave the first detailed description of the flag as being composed of the English union jack with seven alternated red, white and blue stripes, but in 1825 Lord Byron described it as having seven white and red stripes with the Union Jack in the corner. (That is almost identical with the East India Flag.)

In 1845, Captain Hunt apparently was responsible for developing the present design and he also was apparently responsible for changing the seven to eight stripes and arranging them in the order of white, red and blue stripes.

Many believe Captain Alexander Adams designed the flag in 1817, but his personal diary contradicts this common belief.

This, the present flag, was first displayed on May 25th, 1845 at the opening of the Legislative Council.

A complete description given at that time corresponds in all details with the flag of today, and which has been adopted as the new State flag.

Nils P. Larsen

Honolulu, T. H., June 28, 1950

The foregoing statement, entitled "History of the Hawaiian Flag," by Delegate Larsen, was ordered attached to Committee of the Whole Report No. 11 and made a part of said report. —June 28, 1950

Alexander H. F. Castro, Chairman

#### COMMITTEE OF THE WHOLE REPORT NO. 12

Your Committee of the Whole to which was referred Committee Report No. 79 of the Committee on Industry and Labor and the Committee Proposal No. 28 accompanying said report and entitled "A Proposal Relating to Right of Persons to Organize," having fully debated and considered said report and the committee proposal, begs leave to report thereon as follows:

Your Committee held a meeting on June 23, 1950 on said report and proposal. It should be explained that said Committee Proposal No. 28 contains a single section comprised of only two sentences.

In said Committee Proposal No. 28, Section 1 reads as follows:

Section 1. Industry and Labor. Persons in private employment shall have the right to organize for the purpose of collective bargaining, as prescribed by law. Persons in public employment shall have the right to organize, to present to and make known to the State, or any of its political subdivisions or agencies, their grievances and proposals.

Your committee recommends said Section 1 be amended to read as follows:

Section 1. Industry and Labor. Persons in private employment shall have the right to organize for the purpose of collective bargaining. Persons in public employment shall have the right to organize, to present to

and make known to the State, or any of its political subdivisions or agencies, their grievances and proposals.

Recommendations; Reasons and Explanation: Your Committee recommends that the phrase "as prescribed by law" appearing at the end of the first sentence be deleted and a comma appearing after the word "bargaining" be changed to a period.

Before the adoption by your committee of the recommendation, hereinabove stated, the following question was raised and discussed: (1) whether the right to organize for the purposes of collective bargaining was intended to be a constitutional right, or (2) whether the right to organize for the purpose of collective bargaining was intended to be purely a statutory right, that is, a right to be established by the action of the legislature. Although there was a lengthy discussion on the question, there was no definite and direct answer. As the debate continued, it appeared to be the sense of the committee that the retaining of the phrase "as prescribed by law" might give rise to the contention that there was no right to organize for collective bargaining unless the legislature should first enact a statute recognizing this right, and that by deleting the said phrase such right would be recognized as a constitutional right, and that the rights guaranteed by this article like many other rights are not absolute but are subject to reasonable regulation.

As pointed out in the course of the debate, this article in the amended form herein recommended for passage by your Committee of the Whole is not intended to, and does not, curtail the power of the state legislature to regulate labor and industrial relations and practices and labor unions in the field open to it—the power of a state legislature not becoming any less than the powers of Congress over the same subjects in the field open to Congress, except that where these two fields overlap, the power of the state in the field of interstate commerce is, of course, subordinate to federal laws pre-empting the field. Hence, under this article, as so proposed to be amended, the power of the state will include, among other things, the right to enact regulatory laws like the National Labor Relations Act with its prohibition of the closed shop, or laws making labor unions subject to state anti-monopoly laws, so long as such laws are not so unreasonable as to violate other provisions of the federal or state constitutions and so long as such laws are reasonably calculated to remedy evils or abuses or meet needs which the legislature may reasonably find to exist and to call for remedial legislation in the interest of the public health, order, safety or welfare, or other laws reasonably calculated to promote legitimate objectives that may reasonably be said to be justified by the paramount public interest in the light of the then existing conditions under ordinary principles of constitutional interpretation.

Your committee recommends that Section 1 of this Article, as amended, be adopted.

Decision of the Committee of the Whole: For the reference hereinabove set forth your committee recommends:

a. That Standing Com. Rpt. No. 79 be adopted, with the exception of the recommendation as to the adoption of Proposal 28 as submitted by the Committee on Industry and Labor;

b. That Committee Proposal No. 28 be amended in the manner hereinabove proposed;

c. That said Committee Proposal No. 28, as amended, a copy of which is attached hereto, pass second reading; and

d. That Standing Com. Rpt. No. 81 from the minority of the committee be placed on file. —June 28, 1950

Harold W. Rice, Chairman

COMMITTEE PROPOSAL NO. 28, RD 1

RELATING TO RIGHT OF PERSONS TO ORGANIZE

RESOLVED, that the following be agreed upon as part of the State Constitution:

ARTICLE \_\_\_\_\_.

SECTION \_\_\_\_\_. Industry and Labor. Persons in private employment shall have the right to organize for the purpose of collective bargaining. Persons in public employment shall have the right to organize, to present to and make known to the State, or any of its political subdivisions or agencies, their grievances and proposals.

COMMITTEE OF THE WHOLE REPORT NO. 13

Your Committee of the Whole, to which was referred Standing Com. Rpt. No. 53 of the Committee on Miscellaneous Matters and Committee Proposal No. 12 accompanying the same, having held meetings on June 26 and 27, 1950, and having fully considered said report and proposal, begs leave to report as follows:

The proposal relates to the seat of government and, as originally proposed, reads as follows:

Section \_\_\_\_\_. The seat of government of this state shall be located at the city of Honolulu on the island of Oahu, unless otherwise provided by law.

Recommendation: Your committee recommends that the proposal be amended to read as follows:

Section \_\_\_\_\_. Honolulu, on the island of Oahu, shall be the capital of the state unless otherwise provided by law.

The amendment is purely a matter of style, with the word "capital" being substituted for the phrase "the seat of government."

The phrase, "unless otherwise provided by law," enables the legislature to move the capital to a temporary location in the event of insurrection, invasion, conflagration, epidemic, or for other emergency conditions resulting from an act of God. This phrase also authorizes the legislature to establish methods to be employed in determining the location of the capital. The intent is that the capital should not be permanently set in the city of Honolulu by constitutional direction, but to permit its relocation.

That Standing Com. Rpt. No. 53 recommending the adoption of Committee Proposal No. 12 be adopted subject, however, to the amendment made hereto as set forth in this report; and

That said Committee of the Whole accordingly recommends that said Committee Proposal No. 12, as amended, pass second reading. —July 6, 1950

Alexander H. F. Castro, Chairman

COMMITTEE PROPOSAL NO. 12, RD 1

RELATING TO THE SEAT OF GOVERNMENT

RESOLVED, that the following be agreed upon as part of the State Constitution:

ARTICLE \_\_\_\_\_.

SECTION \_\_\_\_\_. Honolulu, on the island of Oahu, shall be the capital of the State unless otherwise provided by law.

**COMMITTEE OF THE WHOLE REPORT NO. 13--RD 2**

Your Committee of the Whole to which was re-referred Standing Com. Rpt. No. 53 of the Committee on Miscellaneous Matters and Committee Proposal No. 12 accompanying the same, having held a meeting on July 7, 1950, and having fully reconsidered said report and proposal, begs leave to report as follows:

The proposal relates to the Seat of Government and, as originally proposed, read as follows:

Section \_\_\_\_\_. The seat of government of this State shall be located at the city of Honolulu on the island of Oahu, unless otherwise provided by law.

Recommendation: Your committee recommends that the proposal be amended to read as follows:

Section \_\_\_\_\_. The seat of government of this State shall be located at the city of Honolulu on the island of Oahu.

Your Committee further recommends: (1) That this committee report be adopted; and (2) that Committee Proposal No. 12, as herein above amended, pass second reading; (3) that Committee of the Whole Reports Nos. 13 and 13 RD 1 be placed on file; and that Standing Com. Rpt. No. 53 be adopted, except as the same may be inconsistent with the provisions and recommendations of this Report.

—July 11, 1950

Alexander Castro, Chairman

**COMMITTEE PROPOSAL NO. 12, RD 1 [sic]****RELATING TO THE SEAT OF GOVERNMENT.**

RESOLVED, that the following be agreed upon as part of the State Constitution:

**ARTICLE \_\_\_\_\_**

SECTION \_\_\_\_\_. The seat of government of this State shall be located at the city of Honolulu on the island of Oahu.

**COMMITTEE OF THE WHOLE REPORT NO. 14**

Your Committee of the Whole, to which was referred Standing Com. Rpt. No. 55 of the Com. on Misc. Matters and Committee Proposal No. 14, as well as Res. No. 29, accompanying the same, having held a meeting on June 27, 1950 and having fully considered said report, proposal and resolution, begs leave to report as follows:

Proposal No. 14 provides for a state seal and reads as follows:

Section \_\_\_\_\_. State Seal. The seal of the Territory of Hawaii, modified to bear the legend, 'The State of Hawaii,' followed by the year in which Hawaii shall become a state, shall be the great seal of this State. The great seal shall be kept by the Governor and used by him.

Recommendation: Your Committee recommends that the proposal be filed, and that this Convention pass an appropriate resolution recommending to the state legislature that:

1. The seal of the State of Hawaii be modified further than in the manner proposed by Committee Proposal No. 14.
2. The Coat of Arms appearing in the seal of the Territory of Hawaii be retained, but the balance of the design be brought up to modern style.

3. The words "State of Hawaii" appear thereon.

4. The date of the year in which Hawaii shall become a state shall appear thereon.

5. The motto of Hawaii, "Ua mau ke ea o ka aina i ka pono," appear thereon.

6. The sketch of the revised seal, as attached thereto, be followed by the legislature.

Resolution No. 29 provides for heraldic symbols and reads as follows:

WHEREAS, each state has a heraldry consisting of symbols reflecting its past and present; and

WHEREAS, Hawaii has a very unique code of symbols from its royal background; now, therefore,

BE IT RESOLVED that the Legislature of Hawaii be and it is hereby respectfully requested to enact appropriate legislation for the adoption of the following heraldic symbols:

1. THAT the motto shall be "Ua mau ke ea o ka aina i ka pono." The translation of which is "The life of the land is perpetuated in righteousness;" and

2. THAT Hawaii's official song shall be "Hawaii Pono" with the same music as in the past but with words bringing it up to statehood; and including an old Hawaiian motto which indicates our present harmonious amalgamation of races: "Maluna a'e o na lahui apau, ke ola ke kanaka," the translation of which is "Above all nations is humanity;" and

3. THAT Hawaii's official flower shall be the ilima, the flower of old royalty; and

4. THAT Hawaii's state colors shall be orange (from the ilima and suggestive of the soil) and deep blue (our sky and ocean); and

5. THAT the official birthstone shall be the olivene. (This dates back to the birth of Hawaii when it crystallized out from the hot lava.)

Recommendation: Your Committee recommends that the Resolution be amended to include the Hawaiian word "o" in the sixth line of paragraph "2" after the words "ke ola," so that the phrase would read "Maluna a'e o na lahui apau, ke ola o ke kanaka."

This one addition to the Resolution is in the interest of Hawaiian grammar.

Your Committee is of the belief that the sense of paragraph "2" should be carried out by adding one or more additional stanzas to "Hawaii Pono" rather than by substituting new stanzas for the traditional ones.

Your Committee further recommends the adoption of Resolution No. 29, RD 2, as amended, and presents herewith for introduction a Resolution on the "Seal of the Territory of Hawaii."—July 6, 1950

Alexander H. F. Castro, Chairman

(Sketch of Seal attached)

**RESOLUTION**

WHEREAS, each state has a heraldry consisting of symbols reflecting its past and present; and

WHEREAS, Hawaii has a very unique code of symbols from its royal background; now, therefore,

BE IT RESOLVED that the Legislature of Hawaii be and it is hereby respectfully requested to enact appropriate legislation for the adoption of the following heraldic symbols:

1. THAT the motto shall be "Ua mau ke ea o ka aina i ka pono." The translation of which is "The life of the land is perpetuated in righteousness;" and

2. THAT Hawaii's official song shall be "Hawaii Pono" with the same music as in the past but with words bringing it up to statehood; and including an old Hawaiian motto which indicates our present harmonious amalgamation of races: "Maluna a'e o na lahui apau, ke ola o ke kanaka," the translation of which is "Above all nations is humanity;" and

3. THAT Hawaii's official flower shall be the ilima, the flower of old royalty; and

4. THAT Hawaii's state colors shall be orange (from the ilima and suggestive of the soil) and deep blue (our sky and ocean); and

5. THAT the official birthstone shall be the olivene. (This dates back to the birth of Hawaii when it crystallized out from the hot lava.)

#### RESOLUTION

BE IT RESOLVED by the Constitutional Convention of Hawaii of 1950 that the first legislature to convene under the constitution drafted by this convention is hereby requested and urged to adopt a bill in substantially the following form, to wit:

#### AN ACT TO PROVIDE A GREAT SEAL FOR THE STATE OF HAWAII

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The Great Seal of the State of Hawaii shall be circular in shape, two and three-fourths inches in diameter, and of the design hereinbelow attached; being more particularly described, with the tinctures as a basis for the coat-of-arms, as follows:

Arms: An heraldic shield which is quarterly; first and fourth, stripes of the Hawaiian banner; second and third, on field or (1) a ball argent (2) pierced on staff sable, sur tout; an escutcheon vert (3) on which a mullet (4) or (1), in fesse (5).

Supporters: On the dexter (6) side, Kamehameha I, statant, attitude as represented by sketch with palm of outstretched hand turned down; left hand holding spear; cloak and helmet or (1); figure proper (7). Sinister (8), Goddess of Liberty, wearing a Phrygian cap and with a laurel wreath in dexter hand, (6), and holding a sinister (8) hand the Hawaiian banner, partly unfurled.

Crest: A series of 23 (9) irradiating rays or (1);

Motto: "Ua mau ka ea o ka aina i ka pono" escroll (11), lettering or (1);

Further accessories: Below the shield, the bird Phoenix (12) overt (13), issuant from flames, body sable (14), wings half or (1), half murrey (15); Circular border, centered above with STATE OF HAWAII, lettering or (1), centered below, lettering or (1) 1950 (16). To either side of numerals, five blocks, each containing a symbol sable (14) as indicated in sketch (a) sugar, (b) pineapple, (c) flowers, (d) coffee and small fruit, (e) cattle, (f) fish, (g) coconut, calabash, kukui, (h) banana, (i) taro, (j) hala.

SECTION 2. This Act shall take effect upon its approval.

and

BE IT FURTHER RESOLVED that certified copies of this Resolution be given for safekeeping to the President and Secretary of this Convention, to be transmitted by them to the presiding officers of the respective houses of the first legislature to convene under the constitution of the State of Hawaii.

Definitions: (1) or, gold, yellow; (2) Argent, silver; (3) vert, green; (4) Mullet, 5 pointed star; (5) in fesse, crossband; (6) dexter, right; (7) proper, natural color; (8) sinister, left; (9) 23, representing 23 islands of Hawaiian chain; (10) Motto, The life of the land is preserved in righteousness; (11) Escroll, on a scroll; (12) Phoenix bird, eponym of Phoenicians, father of Europa, hence source of origin of polynesians (i.e. caucasoid origin as caucasoid as origin of Europeans); (13) Overt, with wings spread; (14) Sable, black; (15) Murrey, dark red; (16) 1950, date of entry into union; a,b,c,d,e—represent main food sources of modern Hawaii; f,g,h,i,j—represent main food sources of ancient Hawaii.

#### COMMITTEE OF THE WHOLE REPORT NO. 15

Your Committee of the Whole to which was referred Standing Com. Rpt. No. 58 of the Com. on Misc. Matters and Committee Proposal No. 17 accompanying the same, having held a meeting on June 27, 1950, and having fully considered said report and proposal, begs leave to report as follows:

The proposal relates to intergovernmental relations and, as originally submitted, reads as follows:

Section \_\_\_\_\_. The legislature may provide for cooperation with the United States, or other states and territories, and its political subdivisions in all matters affecting the public health, safety, and general welfare, and may appropriate such sums as may be necessary to finance its fair share of the cost of such activities.

Recommendation: Your committee recommends that the proposal be amended to read as follows:

Section \_\_\_\_\_. The legislature may provide for cooperation on the part of this State and its political subdivisions with the United States, or other states and territories, and their political subdivisions in matters affecting the public health, safety and general welfare, and may appropriate such sums as may be necessary to finance its fair share of the cost of such activities.

Your committee believes that the addition of the phrase, "on the part of this State and its political subdivisions," completes and clarifies the sense of the section. The substitution of the word "their" for "its," appearing before "political subdivisions" is a matter of grammar.

The word "all," where it appeared before the word "matters," was considered surplusage.

That Standing Com. Rpt. No. 58 recommending the adoption of Committee Proposal No. 17 be adopted subject, however, to the amendment made thereto as set forth in this report.

That said Committee of the Whole accordingly recommends that said Committee Proposal No. 17, as amended, pass second reading. —July 3, 1950

Alexander H. F. Castro, Chairman

#### COMMITTEE PROPOSAL NO. 17, RD 1

#### RELATING TO INTERGOVERNMENTAL RELATIONS

RESOLVED, that the following be agreed upon as part of the State Constitution:

#### ARTICLE \_\_\_\_\_

SECTION \_\_\_\_\_. The legislature may provide for cooperation on the part of this State and its political sub-



divisions with the United States, or other states and territories, and their political subdivisions in matters affecting the public health, safety and general welfare, and may appropriate such sums as may be necessary to finance its fair share of the cost of such activities.

#### COMMITTEE OF THE WHOLE REPORT NO. 16

Your Committee of the Whole to which was referred Standing Com. Rpt. No. 63 of the Com. on Misc. Matters and Committee Proposal No. 19 accompanying the same, having held meetings on June 26 and 27, 1950, at which said report and proposal were fully considered, begs leave to report as follows:

The proposal relates to an oath of office, and, as originally submitted, reads as follows:

Section \_\_\_\_\_. Oath of Office. All public officers shall, before entering upon the duties of their respective offices, take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support and defend the constitution of the United States, and the constitution of the State of Hawaii, and that I will faithfully discharge the duties of the office of \_\_\_\_\_ to the best of my ability." The legislature may prescribe further oaths or affirmations.

The amendment is underlined. The words "my duties as" are inserted in lieu of "the duties of the office of" and is purely a matter of style.

By motion duly carried, your committee made special note of the fact that the oath of office applies to officers as distinguished from employees who are not officers. Such employees are not required to take this oath.

It is the desire of the committee also to show that it is aware that certain notable exceptions may be made to the requirement of the oath. The example was given of a person outside of the territory, not a citizen of the United States, who might be appointed as a Commissioner of Deeds. Such an individual certainly would not be required to support the constitution of the United States or the constitution of the State of Hawaii because he would then be performing an act of disloyalty to his own country.

That Standing Com. Rpt. No. 63 recommending the adoption of Committee Proposal No. 19 be adopted subject, however, to the amendment made thereto as set forth in this report; and

That said Committee of the Whole accordingly recommends that said Committee Proposal No. 19, as amended, pass second reading. —July 3, 1950

Alexander H. F. Castro, Chairman

#### COMMITTEE PROPOSAL NO. 19, RD 1

##### RELATING TO OATH OF OFFICE

RESOLVED, that the following be agreed upon as part of the State Constitution:

##### ARTICLE \_\_\_\_\_.

SECTION \_\_\_\_\_. Oath of Office. All public officers shall, before entering upon the duties of their respective offices, take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support and defend the constitution of the United States, and the constitution of the State of Hawaii, and that I will faithfully discharge my duties as(\_\_\_\_\_) to the best of my ability." The legislature may prescribe further oaths or affirmations.

#### COMMITTEE OF THE WHOLE REPORT NO. 17

Your Committee of the Whole to which was referred Standing Com. Rpts. Nos. 67, 67a, 67b and 67c, accompanied by Committee Proposal No. 22, has fully debated and considered said reports and proposal, reports thereon as follows:

Your committee held meetings from 8:46 o'clock a.m., to 11:50 a.m., and from 1:30 o'clock p.m., to 4:13 o'clock p.m., and again from 7:48 o'clock p.m., to 10:17 o'clock p.m., on June 20, 1950. On June 21, 1950, your committee met from 9:10 o'clock a.m., to 11:50 o'clock a.m., and from 1:42 o'clock p.m., to 3:46 o'clock p.m., on said report and proposal.

Your committee discussed the substance of Proposal No. 22, section by section and proposed and adopted recommendations as to certain amendments. The action of the committee with recommendations regarding each section is discussed and set forth below.

SECTION I. As originally proposed by the Standing Committee on Executive Powers and Functions, Section I read as follows:

##### THE EXECUTIVE

Section 1. [Establishment of the Executive.] The executive power shall be vested in a Governor.

The Governor shall be elected by the legally qualified voters of this State. The person receiving the greatest number of votes shall be the Governor. In case of a tie vote or a contested election, the selection of Governor shall be determined in such manner as may be provided by law.

The term of office of the Governor shall be four years beginning at noon on the first Monday in December next following his election and ending at noon on the first Monday in December, four years thereafter.

No person shall be eligible to the office of Governor, unless such person is a qualified voter who shall have attained the age of 35 years, and shall have been for 20 years a citizen of the United States of America and shall have been a resident of this State for five years next preceding his election.

The Governor shall not hold any other office or employment, of profit, under this State or the United States of America during his term of office.

Recommendations; Reasons or Explanation: Section 1—1st paragraph: Your committee recommends that this paragraph be adopted without amendment, reading as follows:

The executive power shall be vested in a Governor.

Section 1—2nd paragraph: Your committee recommends that the second paragraph of Section 1 be amended to read as follows:

The Governor shall be elected by the legally qualified voters of this State at a general election. The person receiving the greatest number of votes shall be the Governor. In case of a tie vote, the selection of Governor shall be determined in such manner as may be provided by law.

with the understanding that the use of the term "general election" precludes the election of the Governor in any primary, and that the subject of contested elections is covered by the article on Suffrage and Elections.

It was also agreed that provisions for the election of the first Governor, who would probably be elected at a special

election, would be made in the section on Ordinances and Continuity of Law.

Section 1—3rd paragraph: Your committee recommends the adoption of this paragraph without change, but with the understanding that the four-year term for Governor would commence following the first general election as distinguished from any special election for the first Governor.

Section 1—4th paragraph: Your committee recommends the adoption of the fourth paragraph without change.

Section 1—5th paragraph: Your committee likewise recommends adoption of the fifth paragraph without change, with the understanding that a public office-holder or employee could seek election to the governorship without first relinquishing his then office or employment, and that his actual assumption of the governorship after election would automatically vacate his prior office or employment. Likewise it is understood that the Governor could, without relinquishing the governorship, run for a federal elective office, such as United States Senator, and if elected, he would automatically vacate the governorship upon taking office as such Senator. Furthermore, your committee understands that if the Governor, during his term, should accept any other federal or state office or employment of profit, such acceptance would also automatically cause him to vacate the governorship.

SECTION II. Section 2 as originally proposed, read as follows:

Section 2. [Lieutenant Governor.] There shall be a Lieutenant Governor, who shall have the same qualifications as the Governor. The Lieutenant Governor shall be elected at the same time, for the same term, and in the same manner as the Governor. The Lieutenant Governor shall perform such duties as may be prescribed by law or as may be delegated to him by the Governor.

Recommendations; Reasons or Explanation: Your committee recommends that this section be adopted in the following form:

There shall be a Lieutenant Governor who shall have the same qualifications as the Governor. The Lieutenant Governor shall be elected at the same time, for the same term, and in the same manner as the Governor. The Lieutenant Governor shall perform such duties as may be prescribed by law.

Your committee understands that the Committee on Ordinances and Continuity of Law will submit a section providing that the Lieutenant Governor shall be ex officio, and act as Secretary of State or such other officer as may be required for certification of the election of the first United States Representatives and Senators of the State under the terms of the Enabling Act.

The words "or as may be delegated to him by the Governor," were recommended to be deleted with the understanding that such deletion would not prevent the Governor from delegating routine or ministerial duties and would not prevent the legislature from authorizing him to delegate other duties.

SECTION III. Section 3, in its original form read as follows:

Section 3. [Compensation for the Governor and Lieutenant Governor.] The compensation for the Governor and Lieutenant Governor shall be set by the Legislature but in no event shall be less than \$18,000 and \$12,000 respectively, per annum, and shall not be increased or decreased for the term for which they shall have been

elected. When the Lieutenant Governor succeeds to the office of Governor for the remainder of the term, the Lieutenant Governor shall receive the compensation for that office.

Recommendations; Reasons or Explanation: Your committee recommends that this section be amended to read as follows:

The compensation for the Governor and Lieutenant Governor shall be set by the Legislature, but in no event shall be less than \$18,000 and \$12,000 respectively, per annum, and shall not be increased or decreased for the term for which they shall have been elected unless by law applying in equal measure to all officers of the State. When the Lieutenant Governor succeeds to the office of Governor for the remainder of the term, the Lieutenant Governor shall receive the compensation for that office.

The clause, "unless by law applying in equal measure to all officers of the State" was inserted to permit the salaries of the Governor and Lieutenant Governor to be increased or decreased, during the terms for which they were elected, only by general law which would apply to all salaried officers of the State generally, and which would provide for uniform increases or decreases, or increases or decreases based upon reasonable classifications, so as not to constitute a discrimination for or against the Governor or Lieutenant Governor as members of the applicable class. Your committee had in mind the fact that in the past, such compensation adjustments have not included certain commissioners or part time officers or employees of the State who were not paid regular salaries or wages, and therefore their exclusion from such general laws would not render such laws invalid as applied to the salaries of the Governor and Lieutenant Governor.

SECTION IV. Section 4, in its original form read as follows:

Section 4. [Succession to Governorship.] In case of the failure of the Governor to qualify, or his removal from office, death, resignation, inability to discharge the powers and duties of the office, or absence from this State, the powers and duties of the office shall devolve upon the Lieutenant Governor for the remainder of the term or until the disability be removed. In case of his impeachment, he shall not exercise his office until acquitted.

In case of the failure of the Lieutenant Governor to qualify, or his removal from office, death, resignation, inability to discharge the powers and duties of the office, or absence from this State, the powers and duties of the office shall devolve upon such officers in such order of succession and in such manner as may be provided by law. In case of his impeachment, he shall not exercise his office until acquitted.

Recommendations; Reasons or Explanation: Your committee recommends that this section be adopted without amendment.

SECTION V. Section 5, as originally proposed by the Committee, read as follows:

Section 5. [Executive Powers.] The governor shall be responsible for the proper execution of the laws.

Recommendations, Reasons or Explanation: Your committee recommends that the word "faithful" be substituted for the word "proper," to make the amended section read:

The Governor shall be responsible for the faithful execution of the laws.

SECTION VI. Section 6, as originally proposed by the Committee, read as follows:

Section 6. [Legislative Powers.] The governor shall, at the commencement of each session, and may at other times, give to the Legislature information as to the affairs of this State, and may recommend such measures as the Governor shall deem expedient.

The Governor shall have the power of veto over bills approved by the Legislature, as prescribed in Article \_\_\_ of this Constitution.

Recommendations; Reasons or Explanation: Your committee recommends the deletion of the second paragraph of this section, with the understanding that the same subject will be covered under the Legislative Article.

Your committee, therefore, recommends that this section be amended to read as follows:

The Governor shall, at the commencement of each session, and may at other times, give to the Legislature information as to the affairs of this State, and may recommend such measures as the Governor shall deem expedient.

SECTION VII. As originally proposed by the Committee, Section 7 read as follows:

Section 7. [Special Sessions and Extended Sessions.] The Governor may call special sessions of the Legislature by proclamation and shall state to both houses, when organized, the purpose for which they have been convened, and the Legislature shall transact no legislative business except that for which they were especially convened, and such other legislative business as the Governor may call to the attention of the Legislature while in session.

The Governor shall have power to extend any regular or special session of the Legislature, for such period or periods of time as may be prescribed by law.

Recommendations; Reasons or Explanation: Your committee recommends that this section be amended to read as follows:

The Governor may call special sessions of the Legislature or the Senate alone by proclamation.

The Governor shall have power to extend any regular, budget or special session of the legislature as provided in this Constitution.

The amendments to the first paragraph of this section are recommended: (1) to enable the governor to convene the Senate alone for confirmation of appointments or for removal of officers where their consent thereto is required; (2) because the governor has power, without express authorization, to state the purposes for which he has called a special session; and (3) because your committee believes that any proposed limitations upon legislative powers should be in the article on the legislature.

The amendments to the second paragraph of this section are recommended: (1) because your committee understands that the legislative article will contain a provision authorizing "regular," "budget" and "special" sessions of the legislature—it being understood that if "budget" sessions are not approved by the convention in the article on the legislature, the Style Committee should delete reference to "budget" sessions; and (2) because your committee also understands that the article on the legislature also contains a provision authorizing the governor to extend any session for not exceeding 30 days—it being understood that if such provision is deleted by the convention, then the Style Committee should also make the necessary changes to conform.

SECTION VIII. As originally proposed by the Committee, Section 8 read as follows:

Section 8. [Pardons and Reprieves.] The Governor may grant reprieves and pardons, after conviction, for all offenses except treason and cases of impeachment, subject to regulation by law as to the manner of applying for the same.

Recommendations; Reasons or Explanation:

Although it was agreed that the word "pardons" includes partial pardons or commutations, your committee recommends the insertion of the word "commutations" in this section so that, as amended, the section will read:

Section 8. The governor may grant reprieves, commutations and pardons, after conviction, for all offenses, subject to regulation by law as to the manner of applying for the same.

Your committee agrees that the pardoning power thus granted includes the power to grant pardons and commutations for offenses created by ordinances of counties and other political subdivisions, as well as those created by State laws.

Your committee decided not to eliminate the words "after conviction," believing that the pardoning power should not be exercised except after conviction.

In this connection, your committee does not believe that the grant of the pardoning power to the Governor by this section will result in eliminating the power of the legislature, under its general grant of legislative powers, from enacting general laws providing for immunity from prosecution where persons are compelled to testify under certain circumstances such as section 11354 of the Revised Laws of Hawaii 1945, or general amnesty statutes, which have generally been considered as included within legislative powers.

SECTION IX. Section 9 as originally proposed by the committee, read as follows:

Section 9. [Armed Forces.] The Governor shall be Commander in Chief of the armed forces of this State, and may call out such forces to execute the laws, to suppress actual or prevent threatened insurrection, violence, rebellion, or to repel invasion, and he may, when the public safety requires, place this State or any part thereof under martial law and suspend the privilege of the writ of habeas corpus.

Recommendations; Reasons or Explanation: Your committee recommends this section be amended to read:

The Governor shall be commander in chief of the Armed Forces of the State and may call out such forces to execute the laws, to suppress or prevent insurrection, lawless violence, rebellion or to repel invasion.

Your committee approved this amendment, insofar as it deletes reference to martial law and the suspension of the privilege of the writ of habeas corpus, upon the understanding that the subject would be adequately provided for in the Bill of Rights, by further amendment of the latter if necessary.

SECTION X. Section 10, 1st paragraph, as originally proposed, read as follows:

Section 10. [Executive and Administrative Offices and Departments.] All executive and administrative offices, departments and instrumentalities of the State government and their respective functions, powers and duties shall be allocated by law among and within not

more than 20 principal departments, in such manner as to group the same according to major purposes so far as practicable. Temporary commissions for special purposes may, however, be established by law and such commissions need not be allocated within a principal department.

Recommendations; Reasons or Explanation: Section 10, 1st paragraph, is recommended for adoption without amendment, with the recommendation that the Committee on Ordinances and Continuity of Law submit to this convention a section allowing four years after the admission of Hawaii to statehood for reorganization of executive departments in accordance with this paragraph, and otherwise providing for the adequate execution of this section.

Section 10, 2nd paragraph, as originally proposed, read as follows:

Each principal department shall be under the supervision of the Governor. The head of each principal department shall be a single executive unless otherwise provided by law. Such single executive shall be appointed by the Governor, subject to the confirmation of the Senate, and shall serve at the pleasure of the Governor.

Recommendations; Reasons or Explanation: Your committee recommends that this paragraph be amended to read as follows:

Each principal department shall be under the supervision of the Governor. The head of each principal department shall be a single executive unless otherwise provided in this Constitution or by law. Such single executive shall be nominated and, by and with the advice and consent of the Senate, appointed by the Governor and he shall hold his office for a term to expire at the end of the term for which the Governor was elected. The Governor may, by and with the advice and consent of the Senate, remove such single executive.

Section 10, 3rd paragraph, as originally proposed, read as follows:

Except as otherwise provided in this Constitution, whenever a board, commission or other body shall be the head of a principal department of the State government, the members thereof shall be appointed by the Governor, subject to the confirmation of the Senate. The term of office and removal of such members shall be as prescribed by law. Such board, commission or other body may appoint a principal executive officer who may be ex officio a voting member of such board, commission or other body, when authorized by law, and who may be removed by a majority vote of the members appointed by the Governor.

Recommendation; Reasons or Explanation: Your committee recommends that this paragraph be adopted.

Section 10, 4th paragraph, as originally proposed by the committee, read as follows:

The Governor shall grant commissions to all officers elected or appointed pursuant to this Constitution. He shall appoint, subject to the confirmation of the Senate, all officers for whose election or appointment provision is not otherwise made by this Constitution or by law.

Recommendation; Reasons or Explanation: Your committee recommends deletion of the first sentence of this and the amendment of the paragraph to read as follows:

The Governor shall appoint, subject to the confirmation of the senate, all officers for whose election or appoint-

ment provision is not otherwise made by this Constitution or by law.

It was the consensus of the committee that the granting of commissions could be provided for by the Legislature.

It has been called to the attention to your committee that the members of certain boards, such as library boards and the board of trustees of the Employees' Retirement System of the Territory of Hawaii, are not all appointed by the Governor, and the question has been raised as to whether, under the 2nd, 3rd and 4th paragraphs of Section 10, the statutes authorizing the selection of some of the members of such boards in a manner other than by appointment by the Governor with the confirmation of the Senate, would be rendered invalid. Your committee believes that since such boards would not be heads of principal departments of the State, they would come within the powers of the Legislature, under the clear implications of the 4th paragraph, to provide "by law" for the election or appointment of "officers for whose election or appointment provision is not otherwise made by this Constitution."

Section 10, 5th paragraph, as originally proposed, read as follows:

When the Senate is not in session and a vacancy occurs in any office, appointment to which requires the confirmation of the Senate, the Governor may fill the office by granting a commission, which shall, unless such appointment is confirmed, expire at the end of the next session of the Senate. No person appointed to any office shall be eligible for a recess appointment to such office if the appointment shall have failed of confirmation by the Senate.

Recommendations; Reasons or Explanation: Your committee recommends that this paragraph be adopted.

Section 10, 6th paragraph, as originally proposed, read as follows:

All officers appointed under the provisions of this section shall be citizens of this State and shall have resided therein for at least three years next preceding their appointment.

Recommendations; Reasons or Explanation: Your Committee recommends that this paragraph be adopted.

SECTION XI. Your committee recommends that the Article on Executive Powers and Functions (Committee Proposal No. 22) be amended by adding thereto a new section, Section 11, to read as follows:

The Governor shall appoint an administrative director to serve at his pleasure.

Conclusion: Attached hereto is an amended Article on Executive Powers and Functions, numbered Committee Proposal No. 22, and incorporating all amendments recommended by your Committee of the Whole.

For the reasons set forth above, your Committee of the Whole recommends:

1. That Committee Proposal No. 22 be amended in the manner hereinabove recommended;
2. That, as so amended, Committee Proposal No. 22 pass Second Reading;
3. That Standing Com. Rpt. No. 67 and the recommendations thereof be adopted, except as, and to the extent that, the same may be inconsistent with the provisions and recommendations of this Committee of the Whole Report; and your committee recommends that Standing Com. Rpts. Nos. 67a, 67b and 67c attached thereto be placed on file.—July 5, 1950

Edward C. Bryan, Chairman

## COMMITTEE PROPOSAL NO. 22, RD 2

## RELATING TO THE EXECUTIVE

RESOLVED, that the following be agreed upon as part of the State Constitution:

## ARTICLE \_\_\_\_ . THE EXECUTIVE

SECTION 1. [Establishment of the Executive.] The executive power shall be vested in a governor.

The governor shall be elected by the legally qualified voters of this State at a general election. The person receiving the greatest number of votes shall be the governor. In case of a tie vote, the selection of governor shall be determined in such manner as may be provided by law.

The term of office of the governor shall be four years beginning at noon on the first Monday in December next following his election and ending at noon on the first Monday in December, four years thereafter.

No person shall be eligible to the office of governor, unless such person is a qualified voter who shall have attained the age of 35 years, and shall have been for 20 years a citizen of the United States of America and shall have been a resident of the State for five years next preceding his election.

The governor shall not hold any other office or employment, of profit, under this State or the United States of America during his term of office.

SECTION 2. [Lieutenant Governor.] There shall be a lieutenant governor, who shall have the same qualifications as the governor. The lieutenant governor shall be elected at the same time, for the same term, and in the same manner as the governor. The lieutenant governor shall perform such duties as may be prescribed by law.

SECTION 3. [Compensation for the Governor and Lieutenant Governor.] The compensation for the governor and lieutenant governor shall be set by the legislature, but in no event shall be less than \$18,000 and \$12,000 respectively, per annum, and shall not be increased or decreased for the term for which they shall have been elected unless by law applied in equal measure to all officers of the State. When the lieutenant governor succeeds to the office of governor for the remainder of the term, the lieutenant governor shall receive the compensation for that office.

SECTION 4. [Succession to Governorship.] In case of the failure of the governor to qualify, or his removal from office, death, resignation, inability to discharge the powers and duties of the office, or absence from this State, the powers and duties of the office shall devolve upon the lieutenant governor for the remainder of the term or until the disability be removed. In case of his impeachment, he shall not exercise his office until acquitted.

In case of the failure of the lieutenant governor to qualify, or his removal from office, death, resignation, inability to discharge the powers and duties of the office, or absence from this State, the powers and duties of the office shall devolve upon such officers in such order of succession and in such manner as may be provided by law. In case of his impeachment, he shall not exercise his office until acquitted.

SECTION 5. [Executive Powers.] The governor shall be responsible for the faithful execution of the laws.

SECTION 6. [Legislative Powers.] The governor shall, at the commencement of each session, and may at other times, give to the legislature information as to the affairs of this State, and may recommend such measures as the governor shall deem expedient.

SECTION 7. [Special Sessions and Extended Sessions.] The governor may call special sessions of the legislature, or the senate alone, by proclamation.

The governor shall have power to extend any regular, budget or special session of the legislature as provided in this Constitution.

SECTION 8. [Pardons and Reprieves.] The governor may grant reprieves, commutations and pardons, after conviction for all offenses, subject to regulation by law as to the manner of applying for the same. The legislature may provide by general law for granting commutations and pardons by the governor before a conviction and for the granting of reprieves, commutations and pardons for impeachment and for the restoration by order of the governor of civil rights lost by reason of the conviction of offenses by jurisdictions other than by this State.

SECTION 9. [Armed Forces.] The governor shall be commander in chief of the armed forces of this State and may call out such forces to execute the laws, to suppress or prevent insurrection, lawless violence, rebellion or to repel invasion.

SECTION 10. [Executive and Administrative Offices and Departments.] All executive and administrative offices, departments and instrumentalities of the State government and their respective functions, powers and duties shall be allocated by law among and within not more than 20 principal departments, in such manner as to group the same according to major purposes so far as practicable. Temporary commissions for special purposes may, however, be established by law and such commissions need not be allocated within a principal department.

Each principal department shall be under the supervision of the governor. The head of each principal department shall be a single executive unless otherwise provided in this Constitution or by law. Such single executive shall be nominated and, by and with the advice and consent of the senate, appointed by the governor and he shall hold his office for a term to expire at the end of the term for which the governor was elected. The governor may, by and with the advice and consent of the senate, remove such single executive.

Except as otherwise provided in this Constitution, whenever a board, commission or other body shall be the head of a principal department of the State government, the member thereof shall be appointed by the governor, subject to the confirmation of the senate. The term of office and removal of such members shall be as prescribed by law. Such board, commission or other body may appoint a principal executive officer who may be ex officio a voting member of such board, commission or other body, when authorized by law, and who may be removed by a majority vote of the members appointed by the governor.

The governor shall appoint, subject to the confirmation of the senate, all officers for whose election or appointment provision is not otherwise made by this Constitution or by law. The legislature may provide by law for the suspension or removal for cause, by the governor, of any officer for whose removal the consent of the senate is required by this Constitution.

When the senate is not in session and a vacancy occurs in any office, appointment to which requires the confirmation of the senate, the governor may fill the office by granting a commission, which shall, unless such appointment is confirmed, expire at the end of the next session of the senate. No person appointed to any office shall be eligible for a recess appointment to such office if the appointment shall have failed of confirmation by the senate.

All officers appointed under the provisions of this section shall be citizens of this State and shall have resided therein for at least three years next preceding their appointment.

SECTION 11. [Administrative Director.] The governor shall appoint an administrative director to serve at his pleasure.

### COMMITTEE OF THE WHOLE REPORT NO. 18

Your Committee of the Whole to which was referred Standing Com. Rpt. No. 51 and Committee Proposal No. 10, accompanying said report, having fully debated and considered said report and committee proposal, begs leave to report thereon as follows:

Your committee held meetings on June 19, 22 and 23, 1950, on said report and proposal. At the outset the chairman of the Committee on Taxation and Finance reviewed a proposed financial organization for the State which would, upon adoption by the Legislature, best carry out the committee's recommendations on Finance and Taxation. This proposed organization is explained in detail in said Report No. 51, and your committee recommends that the Legislature be urged to give earnest consideration thereto.

1. In Committee Proposal No. 10, Section 1 reads as follows:

Section 1. The Budget—Operating and Capital Expenditures. Within such period of time prior to the opening of each regular session of the legislature as may be prescribed by law, the Governor shall submit to the legislature a budget setting forth a complete plan of proposed general fund expenditures and receipts of the state for next ensuing fiscal period, together with such other information as the legislature may require. For the preparation of the budget the various departments, offices and agencies shall furnish the Governor such information, in such form, as he may require. The Budget shall be compiled in two parts, one of which shall set forth all operating expenses for the ensuing fiscal period and shall be referred to as the General Appropriations Budget. The other part shall set forth all expenditures proposed for capital improvements to be undertaken during said period and shall be referred to as the Capital Improvements Budget. A General Appropriations Bill to authorize expenditures proposed under the General Appropriations Budget, and Bills to authorize expenditures proposed under the Capital Improvements Budget and for new or additional revenues or for borrowings by which the proposed expenditures are to be funded, shall be submitted by the Governor to the legislature and shall be introduced therein as soon as practicable after the opening of each session during which the budget is to be considered.

Recommendation: Your committee recommends that the Section be amended to read:

SECTION 1. The Budget—Operating and Capital Expenditures. Within such period of time prior to the opening of each regular session of the legislature as may be prescribed by law, the Governor shall submit to the legislature a budget setting forth a complete plan of proposed general fund expenditures and receipts of the State for the next ensuing fiscal period, together with such other information as the legislature may require. The Budget shall be compiled in two parts, one of which shall set forth all operating expenditures proposed for the ensuing

fiscal period and the other shall set forth all capital improvements expenditures proposed to be undertaken during said period. The Governor shall also submit Bills to authorize such proposed expenditures and for new or additional revenues or for borrowings by which the proposed expenditures are to be funded, which Bills shall be introduced in the legislature as soon as practicable after the opening of each session during which the budget is to be considered.

Further, your committee recommends that the Section as so amended be adopted.

2. In Committee Proposal No. 10, Section 2 reads as follows:

Section 2. Legislative Appropriations Procedure. No appropriation bill, other than bills to cover the expenses of the legislature, shall be passed on final reading by either House until the General Appropriations Bill shall have been transmitted to the Governor, unless the Governor has recommended the immediate passage of such appropriation bill, in which case such bill, if enacted, shall continue in force only until the General Appropriations Bill shall by its terms become effective.

Recommendation: Your committee recommends that the Section be amended to read:

SECTION 2. Legislative Appropriations Procedure. No appropriation bill, other than bills to cover the expenses of the legislature, shall be passed on final reading by either house until the Bill authorizing operating expenditures for the ensuing fiscal period, to be known as the General Appropriations Bill, shall have been transmitted to the Governor, unless the Governor has recommended the immediate passage of such appropriation bill.

Further, your committee recommends that the Section as so amended be adopted. In making this recommendation your committee believes that the Legislature will not be substantially hampered by the above provisions in acting upon other appropriation measures, for the prohibition against passing such other measures "on final reading by either house" refers to the "final reading" in either house whereby the bill will become law unless vetoed by the Governor. Hence, any such other measure may be passed on three readings in one house and on two readings in the other prior to the Governor receiving the General Appropriation Bill, and may even be so passed on third reading in the latter house if it has been amended by such latter house, for in such case the "final reading" would be in the house of the bill's origin.

3. In Committee Proposal No. 10, Section 3 reads as follows:

Section 3. Power of Legislature to Amend the General Appropriations Bill. The legislature may make any amendments in the General Appropriations Bill, provided such amendments shall not result in increasing the total amount in the Bill as recommended by the Governor.

Recommendation: Your committee believes that the power of the Legislature to amend the General Appropriations Bill should not be limited in any manner. Therefore, it recommends that this section be deleted.

4. In Committee Proposal No. 10, Section 4 reads as follows:

Section 4. Special and Supplementary Appropriations. Appropriation bills, other than the General Appropriations Bill, and other than any appropriation bill recommended

by the Governor which expires when the General Appropriations Bill becomes effective, shall not appropriate money for more than one object or purpose.

Your committee is of the opinion that this subject matter should be dealt with, if at all, in the article on the legislative department, and so recommends that this section be deleted.

5. In Committee Proposal No. 10, Section 5 reads as follows:

Section 5. Power of Governor to Alter Appropriations. The Governor may strike out or reduce items in appropriation bills passed by the legislature and the procedure in such cases shall be the same as in the case of the disapproval of an entire bill by the Governor.

Recommendation: Your committee is of the opinion that this subject should be dealt with by the proposal on legislative powers and functions. Accordingly, it recommends that this section be deleted.

6. In Committee Proposal No. 10, Section 6 reads as follows:

Section 6. Appropriations for Private Purposes Prohibited. No Tax shall be levied, or appropriation of public money or property be made, nor shall the public credit be given, lent or used, either directly or indirectly, except for a public purpose. No grant shall be made which is contrary to or in conflict with Section 5 of Article \_\_\_ of this Constitution.

In the above blank space will be inserted, by the Committee on Style, the number of the appropriate article on separation of religion and State to be adopted in the Bill of Rights (passed on third reading, since the hearings in your committee as Article I, Section 3.)

This section is perhaps entirely redundant since the due process clause of the Bill of Rights would preclude taxation or appropriation of public money, property or credit except for public purposes, and since the article on the separation of religion and State would preclude the mentioned grants. However, your committee felt that the inclusion of this section would have meaning to those not fully versed in technical legal terminology.

Recommendation: Your committee recommends that this section be approved.

7. In Committee Proposal No. 10, Section 7 reads as follows:

Section 7. Expenditure of Money. Whenever anticipated revenues fall below the revenue estimates upon which appropriations were based, or whenever the Governor is authorized by law to effect other economics, the Governor, to the extent proper to effect such economics, shall have authority to reduce expenditures of state monies below appropriations, and through allotments or otherwise, to control the rate at which such appropriations are expended during the fiscal period, provided, that the legislature, by resolution concurred in by a majority of the members of each House, may exempt specific appropriations for the legislative department from the exercise of this power by the Governor.

Recommendation: Your committee was of the opinion that the section should be amended to read as follows:

Section 7. Expenditure of Money. The legislature shall provide means for the control of the rate of expenditures of appropriated State moneys, and for the

reduction of such expenditures in such manner and under such conditions as it may prescribe.

Your committee recommends that this section as so amended be approved, and recommends to the legislature careful consideration of the suggestion of the Committee on Taxation and Finance that the budget statute be so worded as to allow wider discretion to department heads in determining details as to expenditures, where reductions in expenditures authorized by appropriation acts are made for purpose of economy by the budget officer.

Your committee believes that this section would prevent the legislature from repealing the existing statute providing for control of expenditures without enacting a substitute therefor, although the section does not assume to control the details of such legislation.

8. In Committee Proposal No. 10, Section 8 reads as follows:

Section 8. Powers of Taxation. The power of taxation shall never be surrendered, suspended, or contracted away.

Recommendation: Your committee recommends that this section be approved.

9. In Committee Proposal No. 10, Section 9 reads as follows:

Section 9. Uniformity of Taxation. The land and other property belonging to citizens of the United States resident without this state shall never be taxed at a higher rate than the lands and other property belonging to residents thereof.

Recommendation: This Section follows in language the requirement contained in H. R. 49 now pending before Congress. Your committee recommends that the section be approved.

10. In Committee Proposal No. 10, Section 10 reads as follows:

Section 10. Debt Limitations. Bonds or other instruments of indebtedness to fund appropriations for any fiscal period in anticipation of the collection of revenues for such period or to meet casual deficits or failures of revenue, which debts shall be payable within a period of one year, and bonds or other instruments of indebtedness to suppress insurrection, to repel invasion, to defend the State in war, or to meet emergencies caused by disaster or act of God, may be issued under legislative authorization in excess of the debt limitations hereinafter provided.

No bonds or other instruments of public indebtedness shall be issued except by or on behalf of the State or a county, and unless authorized by the legislature or the county governing body; provided that no county bonds or other county instruments of indebtedness shall be deemed to be authorized until the issue thereof is approved by a majority of the registered voters whose votes are tallied on the subject at an election in the county concerned.

Fifty million dollars is hereby established as the debt limit of the State. Bonds and other instruments of indebtedness in excess of the debt limit may also be issued provided such excess debt of the State is authorized by a two-thirds vote of all the members of each House of the legislature, and such excess debt, at the time of authorization, would not cause the total of State indebtedness to exceed a sum equal to 15 per cent of the total of assessed values of taxed real property in the State, as determined by the tax assessment rolls of the State, pursuant to law.



Twenty-five million dollars is hereby established as the aggregate total debt limit of the counties of the State, and is hereby allocated as of the date of the admission of the State, among the counties in the ratio which the assessed values of taxed real property in each county for the year in which this Constitution takes effect, as determined by the tax assessment rolls of the State pursuant to law, bears to the total of assessed values of taxed real property in all counties. Each fifth year thereafter, the said twenty-five million dollars shall be and is hereby similarly reallocated in proportion to the respective assessed values then prevailing, and each county may contract indebtedness in accordance with its new allocation despite the fact that the same might cause the total indebtedness to exceed twenty-five million dollars. Bonds and other instruments of indebtedness in excess of that herein allocated may be issued by any county when authorized by a two-thirds vote of the members of the county governing body, provided such excess debt, at the time it was authorized by the governing body would not cause the total of indebtedness for the county to exceed a sum equal to seven and one-half per cent of the total of the then assessed values of taxed real property in the county, as determined by the tax assessment rolls of the State pursuant to law, and provided further that such excess debt is approved by a majority of the registered voters whose votes are tallied on the subject at an election in the county concerned.

All bonds or other instruments of indebtedness for a term exceeding one year shall be in serial form maturing in substantially equal annual installments, the first installment to mature not later than five years from the date of the issue of such series, and the last installment not later than 35 years from the date of such issue.

Interest and principal payments shall be a first charge on the general revenues of the state or county, as the case may be.

The provisions of this section shall not be applicable to indebtedness incurred for a public enterprise body when the only security for such indebtedness is the revenues of such body, or to indebtedness incurred for improvements when the only security for such indebtedness is the assessments upon properties benefited or improved.

Nothing in this section shall prevent the refunding of any indebtedness at any time.

The Committee on Taxation and Finance moved on the floor to amend the foregoing section to read as follows:

Section 10. Debt Limitations. All bonds and other instruments of indebtedness issued by or on behalf of the State or a political subdivision thereof must be authorized by the legislature, provided that bonds and other instruments of indebtedness of a political subdivision must also be authorized by its governing body.

Sixty million dollars is hereby established as the limit of the funded debt of the State at any time outstanding and unpaid. Bonds and other instruments of indebtedness in excess of this State debt limit may be issued, provided such excess debt of the State is authorized by a two-thirds vote of all the members of each house of the legislature, and such excess debt, at the time of authorization, would not cause the total of State indebtedness to exceed a sum equal to 15 per cent of the total of assessed values for tax rate purposes of real property in the State, as determined by the then last tax assessment rolls pursuant to law.

Bonds or other instruments of indebtedness to fund appropriations for any fiscal period in anticipation of the

collection of revenues for such period or to meet casual deficits or failures of revenue, which debts shall be payable within a period of one year, and bonds or other instruments of indebtedness to suppress insurrection, to repel invasion, to defend the State in war, or to meet emergencies caused by disaster or act of God, may be issued by the State under legislative authorization without regard to the limits on debt and excess debt hereinabove provided.

A sum equal to ten percent of the total of the assessed values for tax rate purposes of real property in the political subdivision as determined by the then last tax assessment rolls pursuant to law, is hereby established as the limit of the funded debt of such political subdivision at any time outstanding and unpaid; provided that the aggregate of the debts contracted by or on behalf of any political subdivision during any fiscal year shall not exceed two per cent of the total of such assessed values in said political subdivision.

All bonds or other instruments of indebtedness for a term exceeding one year shall be in serial form maturing in substantially equal annual installments, the first installment to mature not later than five years from the date of the issue of such series, and the last installment not later than 35 years from the date of such issue.

Interest and principal payments shall be a first charge on the general revenues of the State or political subdivision, as the case may be.

The provisions of this Section shall not be applicable to indebtedness incurred under revenue bond statutes by a public enterprise of the State or political subdivision, or by a public corporation, when the only security for such indebtedness is the revenues of such enterprise or public corporation, or to indebtedness incurred under special improvement statutes when the only security for such indebtedness is the properties benefited or improved or the assessments thereon.

Nothing in this Section shall prevent the refunding of any indebtedness at any time.

Your committee recommends that the section, as so moved to be amended, be adopted as further amended in the following respects: (1) By deleting the first three words ("Bonds or other") of the third paragraph, and capitalizing the first letter of the word "instruments," (2) By deleting the phrase "or on behalf of" appearing in the fourth paragraph.

The various paragraphs of this section as so moved to be amended by the Committee on Taxation and Finance, and as so further amended, provide in substance as follows:

1st Paragraph. The legislature must authorize issuance of bonds by the State and its political subdivisions, and in the case of a political subdivision, its governing body must also authorize the issuance.

2nd Paragraph. The State debt limit is fixed at \$60,000,000, but debt in excess of that figure may be incurred by the State provided it is authorized by a two-thirds vote of all the members of each house of the legislature and provided that the total of State indebtedness would not then exceed 15 per cent of the then last assessed real property values used for fixing the real property tax rate (after deducting exemptions, and taking into consideration adjustments of assessments under appeal, etc., as might be provided by law.)

3rd Paragraph. Debt for certain purposes may be incurred by the State regardless of debt limits. Thus, the State may issue instruments of indebtedness in anticipation of revenue collections in any fiscal period, or for the meeting of fiscal deficits, provided the instruments are payable



within a year. Further the State may issue bonds and other instruments of indebtedness for certain emergency purposes. Although the political subdivisions might have need for borrowings to fund appropriations for any fiscal period in anticipation of the collection of revenues or to meet casual deficits or failures of revenue, your committee was of the opinion that existing legislation could be continued permitting them to borrow from the state treasury for these purposes and that such borrowings would not be computed under Section 10 in determining their debt limits.

The 4th Paragraph sets the debt limit of the political subdivisions at ten per cent of the then last assessed real property values used for fixing the real property tax rate (after deduction of exemptions and taking into consideration adjustments of assessments under appeal, etc., as might be provided by law). Although a political subdivision might issue bonds to the full extent of its debt limits, and its assessed values might thereafter decline and its debt limit contract, all such outstanding bonds would be valid under this section as properly construed. This comment is also applicable to excess debt of the State as authorized in the 2nd paragraph. An additional limitation is imposed upon political subdivisions against contracting funded debts in any one year in excess of two per cent of such assessed value. These limitations would not per se render invalid any laws authorizing issuance of bonds in excess of the debt limits, and so long as an actual issuance or sale of the bonds in excess of the total or yearly limit was not affected, the bonds would be valid.

The 5th Paragraph provides for serial bonds maturing in substantially equal annual installments. This provision would not prevent such bonds containing a provision permitting their prior "call."

The 6th Paragraph is self-explanatory.

The 7th Paragraph provides that the section shall not be applicable to revenue and improvement district bonds or bonds such as those which might be issued by a local redevelopment agency under the Urban Redevelopment Act or similar legislation.

The 8th Paragraph is self-explanatory and means, among other things, that a new bond issue to refund principal and accrued interest on any previously validly issued bonds could validly be issued regardless of the funded debt limit prescribed elsewhere in the same section.

It should be noted that the provisions of this section are only applicable to funded debt, and that there is nothing in the section which will prevent the legislature from requiring, in addition to the approval of a county's governing body, for issuance of county bonds, the approval of the electors of the county under certain specified circumstances.

11. In Committee Proposal No. 10, Section 11 reads as follows:

Section 11. Purchasing Methods. All public purchases made by the government of this State, or any of its subdivisions, so far as the legislature shall deem the same practicable, shall be centralized and made under a system of competitive bidding.

Recommendation: Your committee was advised that the Legislative Holdover Committee is currently considering the subject of centralized purchasing and proposes to recommend legislation providing for same. Thus your committee, believing that it is a proper subject for legislative action, recommends that this section be deleted.

12. In Committee Proposal No. 10, Section 12 reads as follows:

Section 12. Auditor. The legislature shall, by a majority vote of all the members in joint session, appoint an auditor who shall hold a certificate as a Certified Public Accountant and who shall serve for a period of eight years and thereafter until a successor shall have been appointed. The legislature by two-thirds majority vote of the members in joint session may remove the auditor from office at any time for cause. It shall be the duty of the auditor to conduct post-audits of all transactions and of all accounts kept by or for all departments offices and agencies of the State and its political subdivisions, to certify to the accuracy of all financial statements issued by the respective accounting officers and to report his findings, criticisms and recommendations to the Governor and to the legislature at such time or times as shall be prescribed by law. He shall also make such additional reports and conduct such other investigation of the State, or its political subdivisions, as may be directed by the legislature.

Recommendation: Your committee recommends that in lieu of the words "all the members," in the first sentence, there be inserted the words "each house." Further, your committee recommends that the clause "who shall hold a certificate as a Certified Public Accountant and" be deleted. In this amended form, your committee recommends that the section be approved.

13. Committee Proposal No. 10 contained no provision relating to an employees' retirement system. After considerable discussion your committee decided to incorporate the following section into the article on taxation and finance (its appropriate location to be decided by the Committee on Style):

Section \_\_\_\_\_. Membership in any employees retirement system of the State or any political subdivision thereof shall be a contractual relationship, the accrued benefits of which shall not be diminished or impaired.

It should be noted that the above provision would not limit the legislature in effecting a reduction in the benefits of a retirement system provided the reduction did not apply to benefits already accrued. In other words, the legislature could reduce benefits as to (1) new entrants into a retirement system, or (2) as to persons already in the system in so far as their future services were concerned. It could not, however, reduce the benefits attributable to past services. Further, the section would not limit the legislature in making general changes in a system, applicable to past members, so long as the changes did not necessarily reduce the benefits attributable to past services.

Recommendation: Your committee recommends that Committee Proposal No. 10 be amended to include this Section.

14. Your Committee of the Whole considered the following possible Ordinance Regarding Debts:

#### ORDINANCE REGARDING DEBTS

All Acts of the Legislature of the Territory of Hawaii authorizing the issuance of bonds by the Territory, or its several counties, are hereby approved, subject, however, to amendment or repeal by the Legislature, and bonds may be issued by the State of Hawaii and its several counties, pursuant to said Acts. Whenever in said Acts the approval of the President of the United States or of the Congress of the United States is required, the approval of the Governor of the State of Hawaii shall suffice.

Recommendation: Your committee recommends that the Committee on Ordinances and Continuity of Law incorporate the foregoing into the Ordinances.

Based upon all the foregoing, your committee recommends:

- a. That Standing Com. Rpt. No. 51 be adopted except as, and to the extent that, the same is not inconsistent with the recommendations and provisions of this report;
- b. That Committee Proposal No. 10 be amended in the manner hereinabove proposed; and
- c. That said Committee Proposal No. 10, as per amended form attached hereto incorporating the above amendments, pass Second Reading. —July 6, 1950

COMMITTEE PROPOSAL NO. 10, RD 1

RELATING TO FINANCE AND TAXATION

RESOLVED, that the following be agreed upon as part of the State Constitution:

ARTICLE \_\_\_\_.

SECTION 1. The Budget. Operating and Capital Expenditures. Within such period of time prior to the opening of each regular session of the legislature as may be prescribed by law, the Governor shall submit to the legislature a budget setting forth a complete plan of proposed general fund expenditures and receipts of the State for the next ensuing fiscal period, together with such other information as the legislature may require. The Budget shall be compiled in two parts, one of which shall set forth all operating expenditures proposed for the ensuing fiscal period and the other shall set forth all capital improvements expenditures proposed to be undertaken during said period. The Governor shall also submit Bills to authorize such proposed expenditures and for new or additional revenues or for borrowing by which the proposed expenditures are to be funded, which Bills shall be introduced in the legislature as soon as practicable after the opening of each session during which the budget is to be considered.

SECTION 2. Legislative Appropriations Procedure. No appropriation bill, other than bills to cover the expenses of the legislature, shall be passed on final reading by either house until the Bill authorizing operating expenditures for the ensuing fiscal period, to be known as the General Appropriations Bill, shall have been transmitted to the Governor, unless the Governor has recommended the immediate passage of such appropriation bill.

SECTION 3. Appropriations for Private Purposes Prohibited. No tax shall be levied, or appropriation of public money or property be made, nor shall the public credit be given, lent or used, either directly or indirectly, except for a public purpose. No grant shall be made which is contrary to or in conflict with Section 5 of Article \_\_\_\_ of this Constitution.

SECTION 4. Expenditure of Money. The legislature shall provide means for the control of the rate of expenditures of appropriated State moneys, and for the reduction of such expenditures in such manner and under such conditions as it may prescribe.

SECTION 5. Powers of Taxation. The power of taxation shall never be surrendered, suspended, or contracted away.

SECTION 6. Uniformity of Taxation. The land and other property belonging to citizens of the United States residing without this State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof.

SECTION 7. Debt Limitations. All bonds and other instruments of indebtedness issued by or on behalf of the State or a political subdivision thereof must be authorized by the legislature, provided that bonds and other instruments of indebtedness of a political subdivision must also be authorized by its governing body.

Sixty million dollars is hereby established as the limit of the funded debt of the State at any time outstanding and unpaid. Bonds and other instruments of indebtedness in excess of this State debt limit may be issued, provided such excess debt of the State is authorized by a two-thirds vote of all the members of each house of the legislature, and such excess debt, at the time of authorization, would not cause the total of State indebtedness to exceed a sum equal to 15 per cent of the total of assessed values for tax rate purposes of real property in the State, as determined by the then last tax assessment rolls pursuant to law.

Instruments of indebtedness to fund appropriations for any fiscal period in anticipation of the collection of revenues for such period or to meet casual deficits or failures of revenue, which debts shall be payable within a period of one year, and bonds or other instruments of indebtedness to suppress insurrection, to repel invasion, to defend the State in war, or to meet emergencies caused by disaster or act of God, may be issued by the State under legislative authorization without regard to the limits on debt and excess debt hereinabove provided.

A sum equal to ten per cent of the total of the assessed values for tax rate purposes of real property in the political subdivision as determined by the then last tax assessment rolls pursuant to law, is hereby established as the limit of the funded debt of such political subdivision at any time outstanding and unpaid; provided that the aggregate of the debts contracted by any political subdivision during any fiscal year shall not exceed two per cent of the total of such assessed values in said political subdivision.

All bonds or other instruments of indebtedness for a term exceeding one year shall be in serial form maturing in substantially equal annual installments, the first installment to mature not later than five years from the date of the issue of such series, and the last installment not later than 35 years from the date of such issue.

Interest and principal payments shall be a first charge on the general revenues of the state or political subdivision, as the case may be.

The provisions of this section shall not be applicable to indebtedness incurred under revenue bond statutes by a public enterprise of the State or political subdivision, or by a public corporation, when the only security for such indebtedness is the revenues of such enterprise or public corporation, or to indebtedness incurred under special improvement statutes when the only security for such indebtedness is the properties benefited or improved or the assessments thereon.

Nothing in this section shall prevent the refunding of any indebtedness at any time.

SECTION 8. Auditor. The legislature shall, by a majority vote of each house in joint session, appoint an auditor who shall serve for a period of eight years and thereafter until a successor shall have been appointed. The legislature by two-thirds majority vote of the members in joint session may remove the auditor from office at any time for cause. It shall be the duty of the auditor to conduct post-audits of all transactions and of all accounts kept by or for all departments, offices and agencies of the State and its political subdivisions, to certify to the accuracy of all financial statements issued by the respective accounting officers and to report his findings, criticisms and recommendations to the

Governor and to the legislature at such time or times as shall be prescribed by law. He shall also make such additional reports and conduct such other investigation of the State, or its political subdivisions, as may be directed by the legislature.

SECTION \_\_\_\_\_. Membership in any employees' retirement system of the State or any political subdivision thereof shall be a contractual relationship, the accrued benefits of which shall not be diminished or impaired.

#### COMMITTEE OF THE WHOLE REPORT NO. 19

Your Committee of the Whole to which was referred Standing Com. Rpt. No. 64 of the Com. on Misc. Matters and Committee Proposal No. 20 accompanying the same, having held a meeting on June 27, 1950, and having fully considered said report and proposal, begs leave to report as follows:

The proposal, as submitted, reads as follows:

Section \_\_\_\_\_. We, the people, of the State of Hawaii, grateful for Divine Guidance, and with pride in our Hawaiian heritage, reaffirm our belief in a government, of, for, and by the people, do hereby ordain and establish this Constitution for the State of Hawaii.

Recommendation: Your committee recommends that the preamble be amended to read as follows:

Section \_\_\_\_\_. We, the people of the State of Hawaii, grateful for Divine Guidance, and mindful of our Hawaiian heritage, reaffirm our belief in a government of the people, by the people and for the people, and with an understanding heart toward all the peoples of the earth do hereby ordain and establish this Constitution for the State of Hawaii.

The preamble, as amended, was agreed upon by your committee after considerable discussion on a motion to amend the preamble to read as follows:

Section \_\_\_\_\_. Preamble. We, the people of Hawaii, hereby reaffirm our belief, in a government of the people, by the people, and for the people, and do express in the words of Kamehameha First our reverence to God also our respect, for the big man, the small man, the aged man, the women and the children, who may ever walk the highways, or sleep by the wayside, without molestation. We, therefore with an understanding heart, toward all the peoples of this earth, do ordain and establish this constitution.

The discussion on this proposed amendment centered around the inclusion in the preamble of specific reference to Kamehameha the Great and a direct quotation from his edict now known as the law of the Splintered Paddle (Mama-lahoe Kanawai). It was finally agreed that such a reference would not be in keeping with the usual form of preambles of the other states and, for this reason, the proposed amendment was lost and the committee proposal, as amended, was agreed upon by the committee.

Your committee further recommends that Standing Com. Rpt. No. 64 recommending the adoption of Committee Proposal No. 20 be adopted subject, however, to the amendment made thereto as set forth in this report; and

That said Committee of the Whole accordingly recommends that said Committee Proposal No. 20, as amended, pass Second Reading. —July 5, 1950

Alexander Castro, Chairman

#### COMMITTEE PROPOSAL NO. 20, RD 1

#### RELATING TO THE PREAMBLE

RESOLVED, that the following be agreed upon as part of the State Constitution:

#### ARTICLE \_\_\_\_\_

SECTION \_\_\_\_\_. We, the people of the State of Hawaii, grateful for Divine Guidance, and mindful of our Hawaiian heritage, reaffirm our belief in a government of the people, by the people and for the people, and with an understanding heart toward all the peoples of the earth do hereby ordain and establish this Constitution for the State of Hawaii.

#### COMMITTEE OF THE WHOLE REPORT NO. 20

Your Committee of the Whole to which was referred Standing Com. Rpt. No. 62 of the Com. on Misc. Matters and Committee Proposal No. 18 accompanying the same, having held meetings on June 26 and 27, 1950, and having fully considered said report and proposal, begs leave to report as follows:

The proposal, as submitted, reads as follows:

Section \_\_\_\_\_. The powers of government shall be divided into three separate and distinct departments, legislative, executive and judicial; and no person or persons belonging to or constituting one of these departments shall exercise any of the powers properly belonging to either of the others except as otherwise expressly directed or permitted in the Constitution.

Recommendation: Your committee recommends that the proposal be filed, on the grounds that it is not necessary to have such a statement in the State Constitution, but that the sense of the article should remain implied as it is in the Federal Constitution. The inclusion of the provision of separation of departments, it was agreed, might hamper governmental functions wherever overlapping of departments might occur. It is generally acknowledged that the three branches of government do overlap in their functions, from time to time, and such a provision in the Constitution might result in challenges by one department against another that would result in hindering rather than facilitating the duties of the respective branches.

Your committee accordingly recommends that Standing Com. Rpt. No. 62 and Committee Proposal No. 18 be placed on file. —July 5, 1950

Alexander Castro, Chairman

#### COMMITTEE OF THE WHOLE REPORT NO. 21

Your Committee of the Whole to which was referred Standing Com. Rpt. No. 74 of the Committee on Local Government, submitting Committee Proposal No. 26 and recommending passage of the same on second reading and also accompanied by Standing Com. Rpts. Nos. 84 and 91, being minority reports of two members of the same committee, including proposals therein, having been fully debated and considered, begs leave to report its findings and recommendations as follows:

Meetings of the committee were held on said reports and proposals on Friday, 23 June 1950, 3:05 p.m. to 5:00 p.m.; Saturday, 24 June 1950, 10:00 a.m. to 11:43 a.m.; Monday, 26 June 1950, 9:10 a.m. to 12:00 a.m.; 1:30 p.m. to 3:45 p.m.

Procedural Approach to Proposal. After considerable debate at the outset, concerning the procedural approach to an article on local government, your Committee of the Whole evolved three suggested patterns for local government: (1) Local government under complete legislative control. (2) Local government with maximum autonomy and power to tax. (3) Local government with a greater degree of autonomy than now exists under the Organic Act, but without taxing power.

**PATTERN NO. 1. Local Government under Complete Legislative Control.** This suggested pattern was presented before the Committee of the Whole under the minority report, Standing Com. Rpt. No. 84, reading as follows:

**SECTION 1.** The legislature may create counties and town and city municipalities within the State and provide for the government thereof, and all officials thereof shall be appointed or elected, as the case may be, in such manner as shall be provided by the legislature.

This provision is essentially the same as that incorporated in Section 56 of the Organic Act of Hawaii.

Advocates of this Pattern No. 1 on Local Government advanced the following arguments:

1. Home rule is impracticable without the ability of local units to support themselves. Some of our counties do not have that ability.

2. In small states such as ours, the legislators are well informed on local affairs. They are in position, therefore, to legislate on matters and problems which local boards of supervisors have not acted on, or have not been able to solve.

3. Governmental activities, such as civil service, education, welfare, liquor control, and housing, which in other states are considered the functions of local governments, have heretofore been handled largely on a territory-wide basis. This practice has been satisfactory. To transfer these activities to local units is to lose the uniformity and high standards of governmental operation now existing.

4. Assuming that the convention will approve a "balanced" legislature—i.e., an urban-controlled house and rural-controlled senate—the fear that the legislature will be partial to one county is unfounded.

**PATTERN NO. 2. Local Government with Maximum Autonomy and Power to Tax.** This pattern of local government was presented to the Committee of the Whole under minority report, Standing Com. Rpt. No. 91, reading as follows:

**SECTION 1. Organization of Local Government.** Provisions for the incorporation of counties, cities, and other local units of government, and the alteration of boundaries, consolidation of neighboring local governmental units, and dissolution of any local governmental unit shall be made by general law of uniform application; but no such law shall be come operative in any local governmental unit until submitted to the qualified voters thereof and approved by a majority voting thereon.

**SECTION 2. Home Rule for Local Units.** Any city or county may adopt or amend a charter for its own self-government by submitting such charter or amendment to its qualified voters at an election to be held as determined by general law of uniform application. The legislature shall make provisions by general law of uniform application for the adoption of a charter, but shall not prescribe any requirements concerning the form of government, the manner of the selection of officers and

employees, or their compensation, powers and duties which must be incorporated into such charter; however, the legislature may require that members of the legislative body of a city and county be elected from districts based upon population.

**SECTION 3. County and Unchartered City.** The legislature shall provide by general law of uniform application for the government of counties, cities, and other local governmental units which do not adopt locally framed and adopted charters in accordance with the provisions contained in Section 2.

**SECTION 4. City, and City and County Government.** Each chartered city or city and county is granted full power to pass laws and ordinances relating to its local affairs; and no law passed by the legislature shall limit the general grant of authority hereby conferred; but this grant of authority does not limit the power of the state to enact laws of statewide concern which are uniformly applicable to all cities, and cities and counties. The following shall be deemed to be part of the powers conferred upon cities, and city and counties by this section:

(1) To adopt and enforce police, sanitary, and other regulations and to furnish all local services deemed necessary for the public peace, health, safety, welfare, and morals.

(2) To levy, assess and collect taxes, and to borrow and issue bonds, within the limits prescribed by general laws of uniform applications.

(3) To make local public improvements and to acquire by condemnation or otherwise, property within its corporate limits necessary for such improvements, and also to acquire an excess over that need for any such improvements, and to sell or lease such excess property (which) shall first be offered to the original owner at the price it was obtained from him, including all capital improvements.

**SECTION 5. Transfer of Powers Among Local Units.** Provisions shall be made for the voluntary transfer of functions or powers between local governmental units by general law of uniform application.

**SECTION 6. Debt Limitation.** Provision shall be made by general law of uniform application to limit indebtedness of all local governmental units, including chartered units, and all classification therein shall be reasonable and be based upon assessed valuation, population, or both.

**SECTION 7. Counties, and Cities and Counties, and other civil divisions shall adopt an annual budget in such form as the legislature shall prescribe, and the legislature shall by general law provide for the examination by qualified auditors of the accounts of all such civil divisions and of public utilities owned or operated by such civil divisions, and provide for reports from such civil divisions as to their transactions and financial conditions.**

The arguments given in support of Pattern No. 2 of local government were as follows:

1. That government is best which is closest to the people. Local governments are close to the people and, thus, can more ably meet the needs of the people. Therefore, maximum autonomy should be given to local units.

2. Local autonomy is necessary to prevent the obnoxious practice of the legislature in mandating the counties to perform certain specific functions or allocate specific funds.

3. Local autonomy provides a means of getting people to understand and to participate in governmental affairs, the purpose of which is a strengthened democracy.

**PATTERN NO. 3.** Local Government with a greater degree of autonomy than now exists under the Organic Act but without taxing power. This third pattern of local government was presented to the Committee of the Whole as Standing Com. Rpt. No. 74 accompanied by Committee Proposal No. 26 and signed by thirteen of the fifteen members of the Committee on Local Government. The proposal reads as follows:

**SECTION 1.** The legislature shall define political subdivisions of the state by general and uniform laws.

**SECTION 2.** Each political subdivision so defined shall have power to provide for the selection of its officials and the form and management of its own affairs, by charter, approved by a majority of the voters registered therein. Unless the governing body of a political subdivision so requests, the legislature shall enact no law affecting the property, finances or government of such subdivision which shall be special or local in its terms or in its effect.

**SECTION 3.** The taxing power shall be reserved to the state except so much thereof as may be delegated by the legislature to the political subdivisions, and the legislature to the political subdivisions, and the legislature shall have the power to apportion state revenues among the several political subdivisions.

**SECTION 4.** This article shall not limit the power of the legislature to enact laws of statewide concern.

It became quite evident that this third pattern suggested by the majority of the Committee on Local Government was a determined attempt to reconcile any contradiction between the ideal of local self-government and its application to the jurisdiction of Hawaii, with its unique chain of islands, geography and an established system of orderly government with a history of more than one hundred years.

The Committee of the Whole appreciated the problem of the Committee on Local Government and as soon as the problem became plain the debate in support of this third pattern centered principally on that point of compromise.

After deliberation and debate for a period extending into three days, the consensus of the Committee of the Whole became apparent. Pattern No. 1 on local government was viewed with some appreciation for its historical value, but it was discarded as failing to insure any real degree of autonomy to local political subdivisions, or to protect them from legislative abuses in the form of mandates.

Pattern No. 2 on local government was considered the ideal on local autonomy but definitely impractical in the Hawaiian scene because of geography, history and greater expense of operation.

Pattern No. 3 was viewed as an improvement over Patterns Nos. 1 and 2, but not entirely satisfactory because Section 2 thereof gave local political subdivisions a greater degree of autonomy than was deemed compatible with the overall sense of local government consistent with our evolving governmental structure, form and practices.

With further exchange of opinion on the subject, additional delegates supported a position which would leave unchanged present relationships between the legislature and local units, but would make certain provisions to curb some legislative practices found obnoxious by local units. One of these practices is compelling county government to pay accrued claims. This form of legislation it was urged, usurped the judgment of the courts and interfered unnecessarily with local affairs and finances. It was for the purpose of preventing such continued practice that the sentence, "No laws shall be passed mandating any political subdivision to pay

any previously accrued claim," was incorporated into the provision on local government.

The Committee of the Whole then proceeded to delete Section 2 of Committee Proposal No. 26, which reads as follows:

Each political subdivision so defined shall have power to provide for the selection of its officials and the form and management of its own affairs, by charter, approved by a majority of the voters registered therein. Unless the governing body of a political subdivision so requests, the legislature shall enact no law affecting the property, finances or government of such subdivision which shall be special or local in its terms or in its effect.

But, to insure the people greater local government than that presently existing, the following amendment was made and carried, reading as follows:

Each political subdivision shall have power to frame and adopt a charter for its own self-government within such limits and under such procedures as may be prescribed by law," was added to the proposal.

Decision and Recommendation of the Committee of the Whole: The general intent of Sections 1 and 2 of the Committee Proposal No. 26 submitted by the Committee on Local Government was subscribed to by the Committee of the Whole. The two sections were combined and the language changed to make it more practicable. Specifically it was the consensus of the Committee of the Whole that the word "county" shall not include the so-called County of Kalawao, which is not a political subdivision in the sense designated in the recommended proposal of the Committee of the Whole inasmuch as the same is under the jurisdiction and control of the board of hospitals and settlement and governed by the laws, rules and regulations relating to the board and the care and segregation of lepers. (Sections 151, 2438, 6201, Revised Laws of Hawaii 1945).

The substance, as well as language of Sections 3 and 4, were adopted without change.

The Committee of the Whole is now ready to recommend to the convention Committee Proposal No. 26, as amended, which now reads as follows:

**SECTION 1.** The legislature shall create counties, and may create other political subdivisions within the State and provide for the government thereof. Each political subdivision shall have power to frame and adopt a charter for its own self-government within such limits and under such procedure as may be prescribed by law. No laws shall be passed mandating any political subdivision to pay any previously accrued claim. Political subdivisions shall have and exercise such powers as shall be conferred under the provisions of general laws.

**SECTION 2.** The taxing power shall be reserved to the State except so much thereof as may be delegated by the legislature to the political subdivisions, and the legislature shall have the power to apportion state revenues among the several political subdivisions.

**SECTION 3.** This article shall not limit the power of the legislature to enact laws of statewide concern.

Summary of Decision: In summarizing the debate and references hereinabove set forth, your Committee of the Whole recommends:

(a) That Standing Com. Rpt. No. 74 of the Committee on Local Government be adopted, with the exception of the recommendation as to the adoption of the majority Committee Proposal No. 26 as submitted by the said committee;

(b) That the said majority Committee Proposal No. 26 be amended in the manner and form hereinabove proposed by the Committee of the Whole;

(c) That said majority Committee Proposal No. 26 as amended by this Committee of the Whole, copy of which is attached hereto, pass Second Reading;

(d) That Standing Com. Rpts. (Nos. 84 and 91) from two members of the Committee on Local Government be placed on file. —July 6, 1950

Arthur K. Trask, Chairman

COMMITTEE PROPOSAL NO. 26, RD 1

RELATING TO LOCAL GOVERNMENT

RESOLVED, that the following be agreed upon as part of the State Constitution:

ARTICLE \_\_\_\_.

SECTION 1. The legislature shall create counties, and may create other political subdivisions within the State and provide for the government thereof. Each political subdivision shall have power to frame and adopt a charter for its own self-government within such limits and under such procedure as may be prescribed by law. No laws shall be passed mandating any political subdivision to pay any previously accrued claim. Political subdivisions shall have and exercise such powers as shall be conferred under the provisions of general laws.

SECTION 2. The taxing power shall be reserved to State except so much thereof as may be delegated by the legislature to the political subdivision, and the legislature shall have the power to apportion state revenues among the several political subdivisions.

SECTION 3. This article shall not limit the power of the legislature to enact laws of statewide concern.

COMMITTEE OF THE WHOLE REPORT NO. 22

Your Committee of the Whole to which was referred Standing Com. Rpt. No. 78 on Agriculture, Conservation and Land, accompanied by Proposal No. 27, relating to Agriculture and Natural Resources, after full debate, discussion and questioning of the committee members, paragraph by paragraph and section by section, on June 22nd to June 23rd, 1950, begs leave to report thereon.

Your committee discussed certain changes and amendments as follows:

Part 1

SECTION 1. The legislature shall promote the conservation, development and utilization of agricultural, mineral, forest, water, land, fish, game and other natural resources.

There was considerable discussion as to what constitutes natural resources. It was agreed that all things that grew; vegetable, animal, fish, bird or reptile, as well as all resources in the earth, such as mineral, precious stones or oil should be recognized as natural, whether they grew or were found wild or whether they were cultivated. However, this section did not refer to man or his offspring. There was considerable discussion that it was unnecessary to spell out all the items, however, an amended section suggested read:

The legislature shall promote the conservation, development and utilization of all the natural resources within the state.

The words, "within the state" were added to indicate this is to be the responsibility of the State of Hawaii. It was not meant to limit development of deep sea fishing based in Hawaii, and which activities might carry on far beyond the three mile ocean limit. After considerable discussion, your committee believed it would be clearer to spell it out, therefore, the section as originally worded by the Committee on Agriculture was adopted.

Section 2 (Part 1), as originally proposed read as follows:

SECTION 2. The legislature shall commit to one or more executive boards or commissions full powers for the management of all natural resources owned or controlled by the State, and such powers of disposition thereof as may be authorized by law. The legislature need not commit to such boards or commissions the jurisdiction over resources set aside for public purposes other than those of conservation.

Resources which by authority of the legislature are owned by or under the control of a political subdivision, or a department or agency thereof, is not covered by this section.

Considerable objection was raised to this section because many members believed it is entirely statutory and that the method of appointing boards and other types of control, etc., shall be left to the legislature. However, the committee felt it is basic to indicate that this important function shall not be endangered by leaving the possibility of having it fall under too limited control and, therefore, endanger preservation of certain natural resources. They pointed out, once destroyed, a natural resource might take generations, if ever, to remedy. Hence, the importance of placing fairly rigid restrictions on the administration of these assets.

It was suggested that "full" and "all" in the first sentence be deleted since such expression might become restrictive. The second sentence "The legislature need not commit etc.," is deleted as unnecessary, but added the sentence, "provided that land set aside for public use other than that used for conservation purposes be not so controlled."

The second paragraph was changed to read, "Resources owned by or under the control of a political subdivision, or a department or agency thereof are not covered by this section." It was thought this expressed more clearly the intent of this sentence.

Your committee, therefore, recommended the adoption of the section as follows:

The legislature shall commit to one or more executive boards or commissions powers for the management of natural resources owned or controlled by the State, and such powers of disposition thereof as may be authorized by law, provided that land set aside for public use other than for a reserve for conservation purposes, need not be committed to the jurisdiction of such a board or commission.

Resources owned by or under the control of a political subdivision or a department or agency thereof are not covered by this section.

Section 3 (Part 1), as originally proposed read as follows:

SECTION 3. All fisheries in the sea water of the State not included in any fish pond or artificial inclosure shall be free to the public, subject to vested rights and the right of the State to regulate the same.

This section was taken almost word for word from the Organic Act and your committee recommends the adoption as written.

Section 4 (Part 1), as originally proposed read as follows:

**SECTION 4.** The legislative power of the State shall extend to lands owned by the State and its political subdivisions, and to lands under the control of the State and its political subdivisions, except as otherwise provided in this Constitution, but such legislative power shall be exercised only by general law, except in respect of transfers to or for the use of the State or a political subdivision, or a department or agency of either.

This section extended the legislative power of the State in relation to lands, but was not intended to place any hampering restriction except to require a general law for its control which the committee believed would prevent possible dissipation through private, or special laws. There were some changes in wording to clarify the meaning.

Your committee recommends that the section be adopted in the following form:

The legislative power over the lands owned by, or, under the control of the State and its political subdivisions shall be exercised only by general laws except in respect of transfers to or for the use of the State, a political subdivision thereof or any department or agency of government.

Section 5 (Part 1), as originally proposed read as follows:

**SECTION 5.** The public lands shall be used for the development of farm and home ownership on as widespread a basis as possible, in accordance with procedures and limitations to be established by law.

This section was debated at great length. It contained modified recommendations from Section 73 of the Organic Act. It seemed all important to the welfare of the State that as many people as possible should own their own homesites. Certain fears were expressed that too much of the public land might be dissipated, others believed the State should get out of the real estate and leasing business as soon as possible with the hope that that would leave the way open to breaking up some of the large estates. It was also suggested it was not necessary to state "procedure and limitations" but it was indicated as necessary to definitely indicate to the legislature that the mandate contained in the first portion of the sentence did not mean immediate disposition of the resources and it was meant to place definite limitations as a protection to the State and that certain proceeding might become necessary for proper financing. However, after much discussion the section was adopted as originally proposed and the explanation as given in Standing Com. Rpt. No. 78 was accepted by your Committee as valid.

#### *Part 2*

Part 2 which contained recommendations required by H. R. 49 is included in order to conform with the Statehood Enabling Bill. The section reads as follows:

**SECTION 1.** Any lands or other property in the Territory of Hawaii, set aside by Act of Congress or by Executive Order or Proclamation of the President or the Governor of Hawaii, pursuant to law, for the use of the United States, whether absolutely or subject to limitations, and remaining so set aside immediately prior to the admission of the State, shall be and become the property of the United States, absolutely or subject to such limitations, in the manner following, that is to say, that in so far as, im-

mediately prior to the admission of the State, the title to such lands or other property is in the Territory of Hawaii or a political subdivision thereof, the State and its people do hereby cede to and vest in the United States absolute title thereto or an interest therein conformable to such limitations, as the case may be, and in so far as, immediately prior to the admission of the State, the title to such lands or other property is in the United States, the State and its people do hereby agree and declare that, if such land or other property is not restored to its previous status by direction of the President of the United States within the period provided by the Congress of the United States for the continuation in effect of the provisions of section 91 of the Hawaiian Organic Act, as amended, which authorize the President to so restore lands set aside for the use of the United States, the United States may retain absolute title thereto or an interest therein conformable to such limitations, as the case may be.

Your committee, at first, believed that it was undesirable to attempt to paraphrase H. R. 49 and accordingly recommended that Section 1 be changed from the original Section 1, above, to the following amended form:

The United States shall be vested with or retain title to or an interest in or shall hold the property in the Territory of Hawaii, set aside for the use of the United States and remaining so set aside immediately prior to the admission of the State, in all respects as provided in the Act or Resolution admitting this State to the Union.

This was believed to cover all the provisions required in H. R. 49. However, your Committee of the Whole met Thursday, July 6, 1950, to discuss the proposed amendment to be inserted at the end of Section 1, Part 2. In Committee Proposal No. 27, Part 2, Section 1, reference is made to "the act or resolution admitting this State to the Union." This language appears insufficient to refer to H. R. 49, in the proposed amended form set forth in Committee Print C, since that form of bill is an enabling measure and calls for a separate measure to admit the State. It was accordingly moved, seconded and carried that the Committee of the Whole reconsider its previous recommendation in this connection. It was thereupon moved, seconded and carried that the following amendment be recommended for adoption:

At the end of Section 1, Part 2, delete the words "in all respects as provided in the Act or Resolution admitting this State to the Union," and insert in lieu thereof, the following:

... in all respects as and to the extent set forth in the Act or Resolution providing for the admission of this State to the Union.

Discussion of this proposed amendment raised the question whether this amendment had anything to do with the proposed congressional committee amendments set forth in the most recent committee redraft of H. R. 49, wherein there is included a proposed requirement that this convention shall provide in the Constitution "that said State and its people do agree and declare that they forever disclaim all right and title to all lands, title to which is held by the United States or is subject to disposition by the United States" (H. R. 49, Committee Print C, page 12, lines 4 to 7).

It was the consensus that the amendment was not related to this provision since the section to be amended, (Section 1, Part 2, of Committee Proposal No. 27) is confined to land set aside for the use of the United States such as the National Park lands, Pearl Harbor, etc.

Therefore, this provision has only to do with requirement "Fourth" of Section 2 of Committee Print C of H. R. 49, and regarding this there is no controversy.



The proposed amendment to Committee Proposal No. 27 was recommended for adoption; and your committee therefore recommends that Section 1, of Part 2 of Committee Proposal No. 27 be amended to read as follows:

The United States shall be vested with or retain title to or an interest in or shall hold the property in the Territory of Hawaii, set aside for the use of the United States and remaining so set aside immediately prior to the admission of the State, in all respects as and to the extent set forth in the Act or Resolution providing for the admission of this State to the Union.

There was considerable discussion regarding the new provisions of H. R. 49, but since this was not related to the above amendment, your committee believed it better to leave a report on this question to some future discussion on that subject.

Section 2 (Part 2), as originally proposed read as follows:

**SECTION 2.** The lands for which the State, upon its admission, is to be issued patents, and the income from and proceeds of such lands, shall be held or used for one or more of the following purposes as the legislature may provide: for the support of the public schools or other public educational institutions, which schools and other educational institutions, so supported in whole or in part, shall forever remain under the exclusive control of the State; for the betterment of the condition of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended; for the development of farm or home ownership on as widespread a basis as possible; for the making of public improvements; or for the provision of lands for public use. No part of such proceeds or income shall be used for the support of any sectarian school, college or university.

Section 2 (Part 2), was amended to read as follows:

Any trust provisions which Congress shall impose, upon the admission of the State, with respect of the lands patented to the State by the United States or the proceeds and income thereof, shall be complied with by appropriate legislation.

Although this section seemed to put full trust in the Congress of the United States, this was believed justified since in the past Congress has always been very fair in its dealings with the Territory, and the members believed Congress would continue to deal in this way with the State of Hawaii.

Section 3 (Part 2), was adopted as recommended, and read as follows:

**SECTION 3.** The lands and other property the final determination and disposition of which shall not have been made by the Congress of the United States upon the admission of the State, shall, pending such final determination and disposition, continue to be administered in accordance with the laws applicable thereto immediately prior to the admission of the State, except as the Congress may consent to an amendment of said laws, and no provision of this Constitution for the discharge of powers or functions other than in accordance with such laws, shall, without the consent of Congress, apply to the lands or property so administered.

In the process of changing from territorial to statehood status, confusion might occur as to who owns land or other property whose final determination has not been decided on by Congress. Section 3 of Part 2 states that under such circumstances, until final determination and disposition is made, such property shall be administered as it was under

territorial status. The section which was presented in the following form by the standing committee was accepted by the Committee of the Whole without change.

Section 4 (Part 2), as originally proposed, was adopted.

**SECTION 4.** All vested rights in fisheries in the sea waters not included in any fish pond or artificial inclosure shall be condemned to the use of the public upon payment of just compensation, which compensation when lawfully ascertained shall be paid out of any money in the treasury of the State of Hawaii not otherwise appropriated.

Section 4 (Part 2) was adopted as presented, but it was recognized that if the Committee on Style believes that Section 3 of Part 1 could be incorporated into this section, that should be done since these two sections dealt with the same matter.

For the foregoing reasons, your Committee of the Whole recommends:

1. That Committee Proposal No. 27 be amended in the manner hereinabove recommended;
2. That, as so amended, said Committee Proposal No. 27 pass second reading; and
3. That Standing Com. Rpt. No. 78 and the recommendations thereof, be adopted, except as, and to the extent that, the same may be inconsistent with the provisions and recommendations of this Committee of the Whole Report. —*July 10, 1950*

Nils P. Larsen, Chairman

*COMMITTEE PROPOSAL NO. 27, RD 2\**

**RELATING TO AGRICULTURE AND NATURAL RESOURCES**

**RESOLVED**, that the following be agreed upon as part of the State Constitution:

**ARTICLE \_\_\_\_\_.**

*Part 1*

**SECTION 1.** The legislature shall promote the conservation, development and utilization of agricultural, mineral, forest, water, land, fish, game and other natural resources.

**SECTION 2.** The legislature shall commit to one or more executive boards or commissions powers for the management of natural resources owned or controlled by the State, and such powers of disposition thereof as may be authorized by law, provided that land set aside for public use other than for a reserve for conservation purposes, need not be committed to the jurisdiction of such a board or commission.

Resources owned by or under the control of a political subdivision or a department or agency thereof are not covered by this section.

**SECTION 3.** All fisheries in the sea waters of the State not included in any fish pond or artificial inclosure shall be free to the public, subject to vested rights and the right of the State to regulate the same.

**SECTION 4.** The legislative power over the lands owned by, or, under the control of the State and its political subdivisions shall be exercised only by general laws except in respect of transfers to or for the use of the State, a political subdivision thereof, or any department or agency of government.

**SECTION 5.** The public lands shall be used for the development of farm and home ownership on as widespread a basis as possible, in accordance with procedures and limitations to be established by law.

\*RD 1 not reported out of Committee.



*Part II*

SECTION 1. The United States shall be vested with or retain title to or an interest in or shall hold the property in the Territory of Hawaii, set aside for the use of the United States and remaining so set aside immediately prior to the admission of the State, in all respects as and to the extent set forth in the Act or Resolution providing for the admission of this State to the Union.

SECTION 2. Any trust provisions which Congress shall impose, upon the admission of the State, with respect of the lands, patented to the State by the United States or the proceeds and income thereof, shall be complied with by appropriate legislation.

SECTION 3. The lands and other property the final determination and disposition of which shall not have been made by the Congress of the United States upon the admission of the State, shall, pending such final determination and disposition, continue to be administered in accordance with the laws applicable thereto immediately prior to the admission of the State, except as the Congress may consent to an amendment of said laws, and no provision of this Constitution for the discharge of powers or functions other than in accordance with such laws, shall, without the consent of Congress, apply to the lands or property so administered.

SECTION 4. All vested rights in fisheries in the sea waters not included in any fish pond or artificial inclosure shall be condemned to the use of the public upon payment of just compensation, which compensation when lawfully ascertained shall be paid out of any money in the treasury of the State of Hawaii not otherwise appropriated.

**COMMITTEE OF THE WHOLE REPORT NO. 23**

Your Committee of the Whole to which was referred Standing Com. Rpts. Nos. 67, 67a, 67b and 67c, and Committee Proposal No. 22, accompanying the same, having filed its report thereon, (Committee of the Whole Report No. 17), under date of July 5, 1950, which report was considered and debated in Committee of the Whole on July 5, 1950, during the course of which debate certain sections of the amended Committee Proposal No. 22 were reconsidered, begs leave to make this Supplementary Report covering additional amendments recommended, which were not covered by said report of July 5.

The question having been raised as to whether the contingency of a tie vote of Governor or Lieutenant Governor had been provided for, it was pointed out that Section 173, Revised Laws of Hawaii, 1945, which would undoubtedly be continued in effect by the Constitution, would provide for such contingency until other provisions should be made by the legislature. It was further pointed out that whoever, for the purposes of any election, special or general, to be held after the adoption of the Constitution, should succeed to the duties of the Secretary of the Territory, for the time being, would perform the Secretary's duties under said Section 173 to decide a tie. However, it was further decided to leave the matter to the judgment of the Committee on Ordinances and Continuity of Law to determine what additional details, if any, should be included in the sections on ordinances to cover situations of this type that might be considered insufficiently covered by existing laws. The chairman of the Committee on Ordinances and Continuity of Law undertook the responsibility of making the necessary study and taking such action as might be necessary.

Your Committee voted to reconsider its previous action with relation to Section 8 of Committee Proposal No. 22, RD 1, as proposed to be amended in the original Committee of the Whole Report No. 17, and thereupon the following amendment was recommended for adoption:

Amend Section 8 of Committee Proposal No. 22, RD 1, by adding at the end of said section the following sentence:

The legislature may provide by general law for granting pardons by the Governor before conviction, and for the granting of reprieves, commutations and pardons for impeachment, and for the restoration, by order of the Governor, of civil rights lost by reason of conviction of offenses by jurisdictions other than this State.

This amendment has the following purposes:

1. To make it clear that the legislature, if it deems such action necessary or expedient in its discretion, may by general law give the Governor power to grant pardons in advance of conviction, a power which the President of the United States and the Governor of Hawaii now have without control by the legislative branch. It is felt that in certain instances, such as criminal conspiracies, the legislature might feel it proper to permit the Governor, under such safeguards as the legislature might provide, to grant pardons without waiting for the person pardoned to be charged or convicted, in order to induce such person to testify against other persons accused of crime. It was pointed out that promises of immunity by prosecuting officers, although generally honored in performance, were not legally binding and in some cases might not be sufficient to induce guilty persons to testify. It was also felt that under some circumstances where a pardon was accepted, such pardon might remove the protection of the privilege against self-incrimination from the person pardoned so as to render him compellable to testify.

2. To make it clear that the Governor could grant reprieves, commutations and pardons in cases of impeachment, but only pursuant to general laws authorizing the same and subject to such conditions as might be imposed by such laws. This would prevent the Governor from partially thwarting the effect of an impeachment by granting uncontrolled pardons in cases of impeachment, and yet would not permanently prohibit restoration of the civil rights (i.e. the right to hold and enjoy any office of honor, trust or profit under the State) lost upon impeachment.

3. To permit the Governor to restore civil rights (i.e. the right to vote and hold office) which might be denied under other provisions of the constitution which deny the right to vote to persons convicted of felony (Article VII, Section 2 as passed on third reading). By implication this portion of the amendment would make it clear that where the constitution thus denies the right to vote to persons convicted of "felony," the term "felony" includes, not only convictions under the laws of this State, but also convictions under the laws of any other jurisdiction. As shown in the notes in 86 A.L.R. 297 and 135 A.L.R. 1493, there is a distinct conflict of the decisions as to whether constitutional provisions of this type apply to convictions in other jurisdictions including the federal courts, and it is also unsettled (except for one decision as indicated in 135 A.L.R. 1493) whether the pardoning power, without further amplification in the constitution, would include the power to restore civil rights (meaning the right to vote and, therefore, to hold office) in this State, where the person concerned had been convicted by a tribunal of a jurisdiction other than this State. This amendment clarifies these questions.

Some of the situations which might make it proper for the Governor, under proper legislative safeguards, to grant

orders restoring civil rights (the right to vote and hold office) were pointed out to your Committee as follows:

(a) A person might be convicted in another jurisdiction of a crime which, although a felony under the laws of that jurisdiction, is not a felony under the laws of this State—for instance, some states make it a felony for one divorced parent, without consent of court, to remove such parent's own child from the jurisdiction, whereas in this jurisdiction such action is not even a misdemeanor.

(b) Persons might be convicted in foreign jurisdictions whose laws and procedures might not be considered as constituting due process according to the ideals and standards of this country and under circumstances where it would be impossible to secure a pardon, however meritorious. Such persons, while they should be initially barred from voting and holding office in this State as a matter of precaution and in fairness to our own citizens whose conviction of felony under our laws would disqualify them to vote and hold office unless pardoned, should not be permanently incapacitated to vote and hold office if upon proper screening under procedure prescribed by law, they were found to be of good character.

(c) Another example would be the case of a person who had been convicted of a felony in a jurisdiction which, by reason of conquest or otherwise, no longer exists, in which case it might be impossible to secure a pardon, etc.

Your Committee recommends that the amendment be adopted.

Your Committee also voted to reconsider its previous action with respect to Section 10. Thereupon your Committee voted to recommend amendment of Section 10 by adding thereto at the end thereof the following sentence:

The legislature may provide by law for the suspension or removal for cause, by the governor, of any officer for whose removal the consent of the senate is required by this constitution.

The purpose of this amendment is to permit the legislature, if it deems such action necessary or expedient, to enact laws permitting the Governor to suspend or remove officers for whose removal the consent of the senate is required by the constitution, for such causes, pursuant to such procedures, and subject to such restrictions, as the legislature might see fit to enact. As the executive article now stands (Section 10 of Committee Proposal No. 22), the Governor, with the consent of the senate, may remove any single executive head of a principal department.

This means, in effect, that when both the Governor and the senate concur, such single executive may be removed for cause or without cause. The proposed amendment requires that the removal or suspension by the Governor to be authorized by law must be "for cause," which implies that there must be some reasonable ground for removal. It is felt by your committee that there may be situations under which the legislature would feel that if an executive officer for whose removal the consent of the senate is otherwise required by the constitution, commits some act rendering him unfit to hold his office or making it otherwise against the public interest that he continue in office, the legislature should have the power to authorize the Governor to suspend or remove. This will not derogate from the prerogatives of the senate, whose consent may be required by the constitution to removal by the Governor in the absence of such statute, for, by passing the law authorizing such suspension or removal for cause by the Governor, the senate will be acting with full knowledge of the situation, and, if such power is considered undesirable from the standpoint of the senate, it can refuse to pass the law.

Your Committee recommends that the amendment be adopted.

Your Committee, therefore, recommends the adoption of said Committee of the Whole Report of July 5, 1950, as supplemented by this Report, and the passage on second reading of Committee Proposal No. 22, as amended, pursuant to the recommendations of said Committee of the Whole Report of July 5, 1950, and as further amended pursuant to the recommendations of this Supplementary Report.

—July 12, 1950

Edward C. Bryan, Chairman

#### COMMITTEE OF THE WHOLE REPORT NO. 24

Your Committee of the Whole to which was referred Standing Com. Rpt. No. 92 of the Committee on Legislative Powers and Functions, Committee Proposals Nos. 29 and 30 accompanying said report, Standing Com. Rpts. Nos. 99 and 102 (minority reports) and Misc. Com. Nos. 112, 113 and 114, having fully debated and considered the same, reports as follows:

Your Committee met and debated the reports and Proposals on: June 28, 1950, from 10:04 a.m., until 11:54 a.m., and from 1:59 p.m., until 4:12 p.m.; June 29, 1950, from 9:24 a.m., until 11:46 a.m., and from 1:57 p.m., until 3:49 p.m.; June 30, 1950, from 9:25 a.m., until 12:28 p.m., and from 2:09 p.m., until 3:49 p.m.; July 1, 1950, from 9:00 a.m., until 11:38 a.m.; July 5, 1950, from 2:21 p.m., until 5:19 p.m.; July 6, 1950 from 1:52 p.m., until 5:05 p.m.; July 7, 1950, from 9:26 a.m., until 11:50 a.m., and from 1:37 p.m., until 5:23 p.m.; July 8, 1950, from 9:23 a.m., until 12:57 p.m., and from 2:16 p.m., until 4:57 p.m.

The Proposal was considered section by section together with new sections proposed by way of amendment. The action taken is set forth below. The Committee first dealt with the sections of the Proposal relating to the composition of the Senate and of the House of Representatives and to reapportionment of the House.

**SECTION 1. Legislative Power.** No amendments were made to this section.

**Recommendation:** Your Committee recommends that Section 1 be adopted without amendment, reading as follows:

Section 1. Legislative power. The legislative power of the State shall be vested in a legislature, which shall consist of two houses, a senate and a house of representatives. Such power shall extend to all rightful subjects of legislation not inconsistent with this Constitution or the Constitution of the United States.

This section is a broad grant of legislative power using the language of the Organic Act which has been judicially construed. Other articles in the Constitution dealing with the exercise of the legislative powers are not intended to be a limitation on the grant of power by implication.

**SECTION 2. Senate; Senatorial Districts; Number of Members.** As proposed by the Standing Committee, Section 2 established the membership of the Senate at 25 members, to be elected by the qualified voters of five senatorial districts. Considerable debate was had both on the total membership of the Senate and on the number and location of the several senatorial districts. Amendments were introduced to fix the membership in the Senate at 15, 16, 19, 20 (with the lieutenant governor as the presiding officer), and 21. None of these amendments was adopted.

Extended consideration also was directed to the division of the island of Oahu into two senatorial districts. One

amendment would have retained the present line between the fourth and the fifth representative districts. A second amendment would have made the entire island of Oahu one senatorial district from which all Oahu senators would have been elected at large. Neither carried. An amendment offered by Delegate Nielsen, and approved by your committee, divides the island of Hawaii into two senatorial districts, the present first and second representative districts each constituting a senatorial district, with the number of senators to be elected from each stipulated as five from the first and two from the second. No other amendments were approved relating to Section 2.

Recommendation: Your Committee recommends that Section 2 be amended to read as follows:

Section 2. Senate; senatorial districts; number of members. The senate shall be composed of 25 members, who shall be elected by the qualified voters of the respective senatorial districts. The districts, and the number of senators to be elected from each, shall be as follows:

First senatorial district: that portion of the island of Hawaii known as Puna, Hilo and Hamakua, five;

Second senatorial district: that portion of the island of Hawaii known as Kau, Kona and Kohala, two;

Third senatorial district: the islands of Maui, Molokai, Lanai and Kahoolawe, five;

Fourth senatorial district: that portion of the island of Oahu lying east and south of Nuuanu Street and the Pali Road and the upper ridge of the Koolau range from the Nuuanu Pali to Makapuu Point, five;

Fifth senatorial district: that portion of the island of Oahu lying west and north of the fourth senatorial district, five; and

Sixth senatorial district: the islands of Kauai and Niihau, three.

SECTION 3. House of Representatives; Representative Districts, Number of Members; Apportionment. The first paragraph of this section, which establishes the membership of the House of Representatives at a total of 51, provides that the members be elected by the qualified voters of the respective representative districts and declares that the districts and the number of members be elected from each, as set out in the remainder of the section, shall be effective until the next reapportionment, was adopted as that paragraph was originally proposed by the Standing Committee. An amendment offered by Delegate Heen, to reduce the total membership to 41, was most vigorously debated, but failed to receive the approval of a majority of the members of your committee.

As originally proposed, the second paragraph of Section 3 placed that area of the island of Hawaii known as Keaukaha in the first representative district. By an amendment offered by Delegate Sakakihara, and approved by your Committee, that area was deleted from the first district and included within the second representative district, described in the third paragraph of the section. By an amendment offered by Delegate Silva, and approved by your Committee, paragraph five, originally proposed to include all of what is now the second representative district, was changed to conform to the two election districts which were in effect for the election of delegates to this Convention. The descriptions of those districts are set out in the schedule.

The committee proposal had originally divided the islands of Maui, Molokai, Lanai and Kahoolawe into three districts for the purpose of electing members of the house. An amendment offered by Delegate Ashford and adopted by your committee changed that division by establishing but two re-

presentative districts, one composed of the islands of Molokai and Lanai, and the other the islands of Maui and Kahoolawe.

Your committee gave due and careful consideration to the delineation of representative districts suggested in Misc. Com. Nos. 112, 113 and 114 and recommends that they be filed.

The division of the island of Oahu into representative districts as proposed by the standing committee was adopted without change. Alternative plans were given consideration by your Committee, but did not receive the support of a majority of its members. The consolidation of districts twelve and thirteen was proposed by an amendment offered by Delegate Shimamura, but failed to carry. Delegate Roberts offered an amendment which would have districted the island of Oahu in the manner delegates to this Convention were chosen. The amendment failed.

Also failing of passage was an amendment offered by Delegate Lee, the purpose of which was to make more uniform, with respect to the number of registered voters, the representative districts in what is now the fourth representative district.

Upon the suggestion of Delegate King, your Committee has made a minor change in the name by which the 17th representative district will be identified, namely, to change the words "Aina Haina" to "Kuliouou."

An amendment was offered by Delegate King and duly carried to include within the 17th representative district all islands not included in any other representative district, in order to place such outlying islands in a definite district.

Recommendation: Your committee recommends that Section 3 be amended to read as follows:

Section 3. House of representatives; representative districts; number of members; apportionment. The house of representatives shall be composed of 51 members, who shall be elected by the qualified voters of the respective representative districts. The representative districts, and, until the next decennial reapportionment, the number of representatives to be elected from each, shall be as follows:

First representative district: that portion of the island of Hawaii known as Puna, one representative;

Second representative district: that portion of the island of Hawaii known as South Hilo, four representatives;

Third representative district: that portion of the island of Hawaii known as North Hilo and Hamakua, one representative;

Fourth representative district: that portion of the island of Hawaii known as Kau and South Kona and that portion of North Kona known as Keauhou, the latter being more particularly described in the schedule, one representative;

Fifth representative district: that portion of the island of Hawaii known as Kohala and that portion of North Kona not included in the fourth representative district, one representative;

Sixth representative district: the islands of Molokai and Lanai, one representative;

Seventh representative district: the islands of Maui and Kahoolawe, five representatives;

Eighth representative district: that portion of the island of Oahu known as Koolaupoko and Koolauloa, two representatives;

Ninth representative district: that portion of the island of Oahu known as Waiialua and Wahiawa, two representatives;

Tenth representative district: that portion of the island of Oahu known as Ewa and Waianae, two representatives;

Eleventh representative district: that portion of the island of Oahu known as Kalihi and more particularly described in the schedule, three representatives;

Twelfth representative district: that portion of the island of Oahu known as upper Nuuanu and more particularly described in the schedule, three representatives;

Thirteenth representative district: that portion of the island of Oahu known as Kapalama, and more particularly described in the schedule, three representatives;

Fourteenth representative district: that portion of the island of Oahu known as Paoua and more particularly described in the schedule, five representatives;

Fifteenth representative district: that portion of the island of Oahu known as Manoa and Waikiki and more particularly described in the schedule, six representatives;

Sixteenth representative district: that portion of the island of Oahu known as Kaimuki and Kapahulu and more particularly described in the schedule, four representatives;

Seventeenth representative district: that portion of the island of Oahu known as Wilhelmina Rise, Kahala and Kuliouou and more particularly described in the schedule, together with all other islands not included in any other representative district, three representatives;

Eighteenth representative district: the islands of Kauai and Niihau, four representatives.

**SECTION 4. Reapportionment of the House of Representatives; Mandamus.** As proposed by the Standing Committee, Section 4 based the reapportionment of representatives on the number of voters registered as of the general election next preceding the date of reapportionment and this basis was adopted by your committee. An amendment, offered by Delegate Roberts, to provide for reapportionment on the basis of population, was put and failed. An amendment offered by Delegate Nielsen to substitute "votes cast" for "voters registered" also failed.

An amendment, offered by Delegate Richards, incorporates within the basic area numbered (3) in paragraph (a) of Section 4, all other islands not included in any other basic area, thus adding them to the island of Oahu for the purpose of the first step in the reapportionment.

Recommendation: Your Committee recommends that Section 4 be amended to read as follows:

Section 4. Reapportionment of the house of representatives; mandamus. On or before June 1 of the year 1959, and of each tenth year thereafter, the governor shall reapportion the members of the house of representatives in the following manner:

(a) The total number of representatives shall first be reapportioned among four basic areas, namely, (1) the island of Hawaii, (2) the islands of Maui, Molokai, Lanai and Kahoolawe, (3) the island of Oahu and all other islands not specifically enumerated, and (4) the islands of Kauai and Niihau, on the basis of the number of voters registered at the last preceding general election in each of such basic areas and computed by the method known as the method of equal proportions, no basic area to receive less than one member.

(b) Upon the determination of the total number of representatives to which each basic area is entitled, such total shall be reapportioned among the one or more representative districts within each basic area on the basis of the number of voters registered at the last preceding

general election within each of such representative districts and computed by the method known as the method of equal proportions, no representative district to receive less than one member. Upon any reapportionment, should the total number of voters registered in any representative district be less than one-half of the quotient obtained by dividing the total number of voters registered in the State by the total number of members to which the house is entitled, then, as a part of such reapportionment, the basic area within which such representative district lies shall be redistricted by the governor in such manner that the total number of voters registered in each new representative district therein shall be more than one-half of such quotient.

The governor shall thereupon issue a proclamation showing the results of such reapportionment, and such reapportionment shall be effective for the election of members to such house for the next five succeeding legislatures.

Original jurisdiction is hereby vested in the supreme court of the State to be exercised on the application of any registered voter (a) made within 30 days following the date specified above, to compel, by mandamus or otherwise, the governor to perform the above duty, and (b) made within 30 days following the date of such proclamation, to compel, by mandamus or otherwise, the correction of any error made by him in such reapportionment.

**SECTION 5. Election of Members; Term of Office.** This section was approved by your Committee in substantially the same form as set out in the committee proposal. The original wording, relating to terms of members, had read:

... The office of members of the house of representatives shall be for a term of two years. . . .

An amendment, offered by Delegate Tavares, to change the wording to read:

... The term of office of members of the house of representatives shall be for two years. . . .

was withdrawn with the understanding of your committee that the change was not one of substance and could be corrected by the Committee on Style.

It is the understanding of your committee that specific provisions relating to any special election of members of the legislature which may be required under H. R. 49, and to provide for the matter of terms for senators first elected, will be taken care of in the schedule.

Recommendation: Your committee recommends that Section 5 be amended, to conform with the above change in terminology, to read as follows:

Section 5. Election of members; term of office. The members of the legislature shall be elected at general elections. The term of office of members of the house of representatives shall be two years beginning with their election and ending on the day of the next general election, and the term of office of members of the senate shall be four years beginning with their election and ending on the day of the second general election after their election.

**SECTION 6. Vacancies.** This section was adopted without change from that originally set out in the Committee Proposal.

Recommendation: Your Committee recommends that Section 6 read as follows:

Section 6. Vacancies. Any vacancy in the legislature shall be filled for the unexpired term in such manner as

may be prescribed by law, or, if no provision is made by law, by appointment by the governor for the unexpired term.

**SECTION 7. Qualifications of Members.** This section was adopted without change from that originally set out in the committee proposal.

Recommendation: Your Committee recommends that Section 7 read as follows:

Section 7. Qualifications of members. No person shall be eligible to serve as a member of the senate unless he shall have attained the age of 30 years, have been a resident of the State for not less than three years and be a qualified voter of the senatorial district from which he seeks to be elected. No person shall be eligible to serve as a member of the house of representatives unless he shall have attained the age of 25 years, have been a resident of the State for not less than three years, and be a qualified voter of the representative district from which he seeks to be elected.

**SECTION 8. Disqualification of Public Officers and Employees.** As originally proposed by the standing committee, this section disqualified any person, while holding any public office, position or employment from seeking election to, or to a seat in, the legislature. There was considerable debate on this section, centering mainly around the advisability of disqualifying persons who were holding a public office, but who received no compensation therefor. Several amendments were offered by the delegates directed to clearing up the point, but none was carried.

A motion, put by Delegate Tavares, to delete the entire section with the understanding of your Committee that the legislature would thus be left free to provide for the disqualification of persons holding public office or employment, as it deemed necessary, was carried.

Recommendation: Your Committee recommends that Section 8 be deleted and that subsequent sections be renumbered accordingly.

**SECTION 9. Privileges of Members.** As proposed by the standing committee this section read as follows:

Section 9. Privileges of members. No member of the legislature shall be held to answer before any other tribunal for any statement made or action taken in the exercise of his legislative functions in either house; and members of the legislature shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same.

By motion of Delegate Kellerman, which was duly carried, the word "treason" was deleted since this crime was a felony.

An amendment was offered by Delegate Kawahara to delete the words "or action taken" in order that the immunity granted would be in conformity to the immunity granted members of Congress under the Federal Constitution. That amendment, which was to the first clause of the section, would have read:

No member of the legislature shall be held to answer before any other tribunal for any statement or speech made in the exercise of his legislative functions in either house.

Delegate Tavares spoke in opposition to the amendment, urging that the members of the legislature should be kept as free as possible from external pressures while performing their duties and that the immunity for "any action taken" would permit that freedom. The amendment failed to carry.

An amendment was offered by Delegate Tavares to delete the words "in either house," which amendment was carried. The purpose of this amendment is to broaden the immunity.

Two amendments were put to restrict the immunity granted in going to and returning from sessions to a specific number of days but neither amendment carried.

Recommendation: Your committee recommends that Section 9 be renumbered as Section 8 and that it be amended to read as follows:

Section 8. Privileges of members. No member of the legislature shall be held to answer before any other tribunal for any statement made or action taken in the exercise of his legislative functions; and members of the legislature shall, in all cases except felony or breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same.

**SECTION 10. Disqualification of Members.** This section as originally proposed by the standing committee, read as follows:

Section 10. Disqualification of members. No member of the legislature shall hold any other public office, position or employment of profit, nor shall he, during the term for which he is elected or appointed, be elected or appointed to any public office, position or employment of profit which shall have been created, or the emoluments whereof shall have been increased, by legislative act during such term.

The report accompanying the Proposal gave the following explanation of the section:

Section 10 disqualifies members of the legislature (1) from holding any other public office, position or employment of profit while holding their legislative office and (2) during the term for which they are elected or appointed, from being elected or appointed to any public office, position or employment of profit which is created, or the emoluments whereof are increased, by legislative act during such term. The first disqualification corresponds to a similar disqualification in the judiciary article. The second disqualification is derived from section 16 of the Organic Act but the Organic Act disqualification applies only to "any office of the Territory." The provision under consideration is different in that (1) the disqualification of a member applies to a position or employment, as well as an office, of profit of the State or any local government or any agency thereof, but (2) on the other hand, it will apply only to an office, position or employment of profit that has been created, or the emoluments whereof increased, by the legislature during the term for which such member was elected or appointed.

There was considerable debate on the section concerning disqualification of persons holding offices in the police and armed forces reserves, and of notaries public. It was the intent of your committee that the disqualification should not be that broad.

By motion of Delegate Heen, the words "of profit" were deleted.

Additional amendments were offered, one of which confined the disqualification to persons holding offices "under the State, except notaries public and reserve police officers, and one to permit the legislature to prescribe additional disqualifications, and, in substance, were adopted.

As finally approved by your committee, the disqualification extends to (1) a member of the legislature holding any other public office under the State, (2) appointment or election to

any public office or employment created, or the emoluments whereof increased by legislative act during the legislative term for which he has been elected or appointed. The term "public office" was not intended to include any office of the Federal government, including officers of the armed services, whether or not on active duty, it being considered that either under the articles of war or Federal statute, an officer on active duty would be ineligible to serve in such legislative capacity.

The legislature is authorized to provide further prospective disqualifications.

Recommendation: Your committee recommends that Section 10 be renumbered as Section 9 and that it be amended to read as follows:

Section 9. Disqualification of members. No member of the legislature shall hold any other public office under the State, nor shall he, during the term for which he is elected or appointed, be elected or appointed to any public office or employment which shall have been created, or the emoluments whereof shall have been increased, by legislative act during such term. The term "public office" for the purposes of this section, shall not include notaries public, reserve police officers and officers of emergency organizations for civilian defense or disaster relief. The legislature may provide for further disqualifications.

SECTION 11. Salary of Members. The original wording of this section, as contained in the Committee Proposal read as follows:

Section 11. Salary of members. The salary of members of the legislature shall be as follows: the sum of \$1,500 for each general session, the sum of \$1,000 for each budget session and the sum of \$750 for each special session of the legislature, which sums shall be payable in such installments as may be prescribed by law. No salary shall be payable when the senate alone is convened in special session.

An amendment was offered by Delegate Rice, the first paragraph of which authorized the legislature to fix allowances in addition to their salary of not to exceed \$15 per day for outer island members and \$5 per day for members from Oahu. It was felt by your committee that this was not appropriate for insertion in the Constitution, and that the present allowances would be carried over by virtue of the ordinances relating to continuity of laws. An amendment was offered by Delegate Fukushima, which carried, increasing the stated amounts for salaries to \$2500 for a general session, \$1500 for a budget session and \$750 for special sessions.

Delegate Roberts offered an amendment, which was adopted, providing that the salaries and allowances of members of the legislature would be set by law. As part of this amendment, the salaries would be set out in the schedule to be effective until changed by law.

The second paragraph of Delegate Rice's amendment imposed a limit on total expenses for legislative employees, such limit to be \$1000 for each house during a general session and \$500 for each house during a budget or special session. This amendment carried. However, that action of your committee was reconsidered and on reconsideration that portion of the amendment was deleted.

Delegate Kellerman offered an amendment to require legislative employees to qualify by examination given under merit principles and to place them under the supervision of an executive secretary to the legislature who would be ap-

pointed in the same manner as the State auditor. This amendment failed to carry.

Recommendation: Your committee recommends that Section 11 be renumbered as Section 10, and that it be amended to read as follows:

Section 10. Compensation of members. The members of the legislature shall receive such salary and allowances as may be prescribed by law, but any increase or decrease in the amount thereof shall not apply to the legislature which enacted the same. No salary shall be payable when the senate alone is convened in special session.

It is the further recommendation of your committee that the following paragraph be inserted in the schedule:

Section \_\_\_\_\_. Until otherwise provided by law in accordance with Article III, Section 10, the salary of members of the Legislature shall be as follows: the sum of \$2500 for each general session, the sum of \$1500 for each budget session and the sum of \$750 for each special session of the legislature.

SECTION 12. Sessions of Legislature. This section as contained in Committee Proposal No. 29 was amended in two particulars. The first incorporates language to accord with an amendment made to Section 18 (now Section 17) dealing with a special session of the legislature to be convened to consider bills vetoed by the governor after adjournment sine die. This amendment added to the authority of the legislature in a budget session the right to consider the contingency of such a special session and to appropriate money therefor during the budget session. The second amendment permits the legislature, during a budget session, to consider and act upon cases of impeachment and removal of officers.

It was the sense of your Committee of the Whole that nothing in this section would preclude the Senate from acting in cases of confirmation or approval of officers.

Recommendation: Your committee recommends that Section 12 be renumbered as Section 11 and be amended to read as follows:

Section 11. Sessions of legislature. Regular sessions of the legislature shall be held annually. The governor may convene the legislature, or the senate alone, in special session. All sessions shall be held at the capital of the State and, in case the capital shall be unsafe, the governor may direct that any session shall be held at some other place. Regular sessions in odd numbered years shall be known as "general sessions" and regular sessions in even numbered years shall be known as "budget sessions."

At a budget session the legislature shall be limited to the consideration and enactment of the general appropriations bill for the succeeding fiscal year and bills to authorize proposed capital expenditures, revenue bills necessary therefor, urgency measures deemed necessary in the public interest, bills calling elections, proposed constitutional amendments and bills to provide for the expenses of such session and the special session to be convened thereafter in accordance with the provisions of Section 17. The legislature at such budget session shall also be authorized to consider and act upon matters relating to the impeachment or removal of officers. No urgency measure shall be considered unless a statement of facts constituting such urgency shall be set forth in one section thereof and until such section shall have been first approved by each house. The approval of such section and the final passage of such measure in each house shall require a two-thirds vote of all the members to

which such house is entitled, taken by ayes and noes and entered upon its journal.

Regular sessions shall commence at 10:00 o'clock a.m., on the third Wednesday in February. General sessions shall be limited to a period of 60 days and budget sessions and special sessions shall be limited to a period of 30 days, but the governor may extend any session for not more than 30 days. Sundays and holidays shall be excluded in computing the number of days of any session.

**SECTION 13. Adjournments.** No amendments were made to this section as originally set out in the proposal.

Recommendation: Your Committee recommends that Section 13 be renumbered as Section 12 and to read as follows:

Section 12. Adjournments. Neither house shall adjourn during any session of the legislature for more than three days, or sine die, without the consent of the other.

**SECTION 14. Organization; Seating and Punishment of Members; Officers; Rules; Journal; Record of Vote.** This section was adopted as set out in the committee proposal. Relating to the provision that "each house shall be the judge of the elections . . . of its own members" and to the possible conflict with the article on Suffrage and Elections dealing with contested elections, it was the sense of your committee that, in case of the inconsistency between that article and this section, the provisions of this section would control. The elections, returns and qualifications of members of the legislature is not a judicial question under this section.

A new section relating to legislative committees was proposed by Delegate Kellerman and was adopted. While this new section was submitted as a separate section to be numbered 23, its proper sequence in the legislative article would appear to be more appropriate as a second paragraph of Section 14.

Recommendation: Your committee recommends that Section 14 be renumbered as Section 13 and that it be amended by the addition of the new section, discussed above, the entire section to read as follows:

Section 13. Organization; seating and punishment of members; officers; rules; journal; record of vote; committees. Each house shall be the judge of the elections, returns and qualifications of its own members and shall have, for misconduct, disorderly behavior or neglect of duty of any member, power to punish such member by censure or, upon a two-thirds vote of all the members to which such house is entitled, by suspension or expulsion of such member. Each house shall choose its own officers, determine the rules of its proceedings and keep a journal. The ayes and noes of the members on any question shall, at the desire of one-fifth of the members present, be entered upon the journal.

Twenty days after a bill has been referred to a committee in either house, the same may be recalled from such committee by the affirmative vote of one-third of the members to which such house is entitled and shall be placed on the calendar for consideration.

**SECTION 15. Quorum; number required to act; Compulsory attendance.** This section was adopted without amendment.

Recommendation: Your Committee recommends that Section 15 be renumbered as Section 14, and to read as follows:

Section 14. Quorum; number required to act; compulsory attendance. A majority of the number of members

to which each house is entitled shall constitute a quorum of such house for the conduct of ordinary business, of which quorum a majority vote shall suffice; but the final passage of a bill in each house shall require the vote of a majority of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal. A smaller number than a quorum may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

**SECTION 16. Bills; Enactment by Bill; Subject and Title; Enacting Clause.** This section was adopted as set out in the committee proposal.

Recommendation: Your committee recommends that Section 16 be renumbered as Section 15, and to read as follows:

Section 15. Bills; enactment by bill; subject and title; enacting clause. No law shall be passed except by bill. Each law shall embrace but one subject, which shall be expressed in its title, and the enacting clause of each law shall be, "Be it enacted by the legislature of the State of Hawaii."

**SECTION 17. Passage of Bills.** This section was adopted as set out in the committee proposal.

Recommendation: Your committee recommends that Section 17 be renumbered as Section 16, and to read as follows:

Section 16. Passage of bills. No bill shall become law unless it shall pass three readings in each house, on separate days. Every bill when passed by the house in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the presiding officer and clerk and sent to the other house for consideration.

**SECTION 18. Action by Governor; Approval; Veto; Failure to Approve or Veto.** As originally proposed by the Standing Committee, this section read as follows:

Section 18. Action by governor; approval; veto; failure to approve or veto. Every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses and shall thereupon be presented to the governor. If he approves it, he shall sign it and it shall become law. If the governor does not approve such bill, he may return it, with his objections, to the legislature. He may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same; but he shall veto other bills, if at all, only as a whole.

If any bill is neither signed nor returned by the governor within ten days, Sundays and holidays excepted, after having been presented to him, it shall become law in like manner as if he had signed it, unless the legislature by its adjournment prevents its return, in which case it shall not become law.

An amendment to this section was moved by Delegate Fukushima to provide for a special session of the legislature to convene after adjournment sine die to reconsider bills vetoed by the governor since adjournment. That amendment, which was to paragraph 2 of the section, with the addition of a requirement that the governor issue a proclamation advising the legislature of his intention to veto any bill that could not be returned by him before adjournment sine die, and with minor changes in style, was adopted by your committee.



As adopted, one procedure is established for bills passed by the legislature and presented to the governor in sufficient time for him to return them to the legislature with his objections before the legislature adjourns sine die. As to those bills, the procedure upon veto, set out in Section 19 (now Section 18) of the Committee Proposal, applies, and if the bill is passed again by the legislature by a two-thirds vote, the bill becomes law without further action by the governor.

A second procedure is set out in the case of bills presented to the governor not in sufficient time for him to have a full ten days to consider them before adjournment sine die. In such a case the governor is allowed a period of 45 days for consideration. If, on the 45th day he has not signed any such bill, it will become law unless the governor returns it to the legislature with his objections on that 45th day. The governor, to keep such a bill from becoming law on that day, is required to give notice, by proclamation, to the legislature of his intention to veto the same. If such a proclamation is issued, the legislature shall convene to reconsider the bills so returned. If the bills are not amended by the legislature, to become law they must be passed as prescribed by Section 19 (now Section 18), namely, by a two-thirds vote. Because it might be desirable to amend such a bill to conform to the governor's objections, authority to make such amendments is granted to the legislature, but if amendments are made, the bill must be presented again to the governor for his consideration, and, if he fails to sign the bill, as amended, within ten days, it does not become law. Any such amendment would require but one reading.

It is the further intent of your committee that, should the legislature fail to convene on the day required, the bill nevertheless would not become law.

Recommendation: Your Committee recommends that Section 18 be renumbered Section 17 and that it be amended to read as follows:

Section 17. Action by governor; approval; veto; failure to approve or veto. Every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses and shall thereupon be presented to the governor. If he approves it, he shall sign it and it shall become law. If the governor does not approve such bill, he may return it, with his objections, to the legislature. He may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same; but he shall veto other bills, if at all, only as a whole.

If any bill is neither signed nor returned by the governor within ten days, Sundays and holidays excepted, after having been presented to him, it shall become a law in like manner as if he had signed it, unless the legislature by its adjournment prevents its return. If on the tenth day the legislature is in adjournment sine die, the bill shall become a law if the governor shall sign it within 45 days, Sundays and holidays excepted, after such adjournment. On the said 45th day the bill shall become a law, notwithstanding the failure of the governor to sign it within the period last stated, unless at or before noon of that day he shall return it with his objections to the legislature which shall convene on that day, in special session without call, for the sole purpose of acting upon bills returned by the governor, unless he shall have failed to give notice hereinafter provided. The governor by proclamation shall give ten days' notice to the members of the legislature if he plans to return any bill with his objections on the 45th day. If such a bill is amended and passed at such special session, it shall be presented again to the governor, but shall become law only if he

shall sign it within ten days after presentation, Sundays and holidays excluded.

No salary shall be paid to the members of the legislature when convened for this purpose.

SECTION 19. Procedure upon Veto. This section, after careful consideration, was adopted without amendment. Recommendation: Your Committee recommends that Section 19 be renumbered as Section 18, to read as follows:

Section 18. Procedure upon veto. Upon the receipt of a veto message from the governor, each house shall enter the same at large upon its journal and proceed to reconsider the vetoed bill, or the item or items vetoed, and again vote upon such bill, or such item or items, by ayes and noes, which shall be entered upon its journal. If after such reconsideration such bill, or such item or items, shall be approved by a two-thirds vote of all the members to which each house is entitled, the same shall become law.

SECTION 20. Punishment of Persons not Members. As originally submitted in Committee Proposal No. 29, this section read as follows:

Section 20. Punishment of persons not members. Each house may summarily punish, by fine not exceeding one hundred dollars or by imprisonment not exceeding 30 days, any person not a member of the legislature who shall be guilty of contempt of such house or of any committee thereof.

It was intended to deal only with direct contempts. After due consideration and debate, an amendment offered by Delegate Sakakihara was adopted, incorporating the language of the Organic Act which deals not only with direct contempts but indirect contempts. It was the understanding of your committee that the adoption of the section, as amended, would in no way preclude the legislature from enacting supplementary provisions concerned with contempts of the legislature.

Recommendation: Your committee recommends that Section 20 be renumbered as Section 19 and that it be amended to read as follows:

Section 19. Punishments of persons not members. Each house may punish by fine, or by imprisonment not exceeding 30 days, any person not a member of either house who shall be guilty of disrespect of such house by any disorderly or contemptuous behavior in its presence or that of any committee thereof; or who shall, on account of the exercise of any legislative functions, threaten harm to the body or estate of any of the members of such house; or who shall assault, arrest, or detain any witness or other person ordered to attend such house, on his way going to or returning therefrom; or shall rescue any person arrested by order of such house.

But the person charged with the offense, shall be informed, in writing, of the charges made against him, and have an opportunity to present evidence and be heard in his own defense.

SECTION 21. Impeachment of Elective Executive Officers. As originally submitted in Committee Proposal No. 29, this section read as follows:

Section 21. Impeachment of elective executive officers. The governor and other elective executive officers of the State shall be removed from office on impeachment for and conviction of treason, bribery or other high crimes and misdemeanors.



The house of representatives shall have the sole power of impeachment. The senate shall have the sole power to try all impeachments and when sitting for that purpose; the members thereof shall be on oath or affirmation. If the governor is being tried, the chief justice shall preside. No person shall be convicted without the concurrence of two-thirds of the members present.

Judgments in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the State; but the person convicted may nevertheless be liable and subject to indictment, trial, judgment and punishment according to law.

A series of amendments were offered to this section, each designed to make possible the removal of impeachment of appointed officers of the government (in addition to the governor and lieutenant governor) and to delete the specification of causes for impeachment in order to leave to the legislature the definition of causes for removal.

As finally adopted by your committee, the governor, lieutenant governor and any appointed officer for whose removal the consent of the Senate is required, may be removed from office upon conviction of impeachment for such causes as may be provided by law. The legislature may provide for the manner and procedure of removal by impeachment of appointive officers, but, for impeachment proceedings against the governor or lieutenant governor, the House of Representatives has the sole power of impeachment and the Senate, with the chief justice of the supreme court presiding, shall have the sole power to try the impeachment.

Recommendation: Your Committee recommends that Section 21 be renumbered as Section 20 and that it be amended to read as follows:

Section 20. Impeachment of officers. The governor and lieutenant governor, and any appointive officer for whose removal the consent of the senate is required, may be removed from office upon conviction of impeachment for such causes as may be provided by law.

The house of representatives shall have the sole power of impeachment of the governor and lieutenant governor and the senate the sole power to try such impeachments, and no such officer shall be convicted without the concurrence of two-thirds of the members of the Senate. When sitting for that purpose, the members of the senate shall be on oath or affirmation and the chief justice shall preside. Subject to the provisions of this paragraph, the legislature may provide for the manner and procedure of removal by impeachment of such officers.

The legislature shall by law provide for the manner and procedure of removal by impeachment of the appointive officers hereinabove mentioned.

Judgments in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the State; but the person convicted may nevertheless be liable and subject to indictment, trial, judgment and punishment according to law.

SECTION 22. Legislative Council; Duties; Salary. This section, as submitted by the standing committee, established a legislative council to consist entirely of the members of the legislature. A motion to delete the entire section, made by Delegate Lai, carried. A substitute provision concerning the establishment of a legislative council to consist of lay members as well as members of the legislature, was offered by Delegate Larsen but failed to carry.

Your Committee of the Whole recommends that Committee Proposals Nos. 29 and 30 (copies of which are hereto attached), as amended, be adopted and pass second reading; that Standing Com. Rpt. No. 92 be adopted, except as the same may be inconsistent with the provisions and recommendations of this report, and that Standing Com. Rpts. Nos. 99 and 102 (Minority Reports) be filed; and that Misc. Com. Nos. 112, 113 and 114 be placed on file. —July 13, 1950

J. Garner Anthony, Chairman

COMMITTEE PROPOSAL NO. 29, RD 1

RELATING TO LEGISLATIVE POWERS AND FUNCTIONS

RESOLVED, that the following be agreed upon as part of the State Constitution:

ARTICLE \_\_\_\_.

SECTION 1. Legislative power. The legislative power of the State shall be vested in a legislature, which shall consist of two houses, a senate and a house of representatives. Such power shall extend to all rightful subjects of legislation not inconsistent with this constitution or the constitution of the United States.

SECTION 2. Senate; senatorial districts; number of members. The senate shall be composed of 25 members, who shall be elected by the qualified voters of the respective senatorial districts. The districts, and the number of senators to be elected from each, shall be as follows:

First senatorial district: that portion of the island of Hawaii known as Puna, Hilo and Hamakua, five;

Second senatorial district: that portion of the island of Hawaii known as Kau, Kona and Kohala, two;

Third senatorial district: the islands of Maui, Molokai, Lanai and Kahoolawe, five;

Fourth senatorial district: that portion of the island of Oahu lying east and south of Nuuanu Street and the Pali Road and the upper ridge of the Koolau range from the Nuuanu Pali to Makapuu Point, five;

Fifth senatorial district: that portion of the island of Oahu lying west and north of the fourth senatorial district, five; and

Sixth senatorial district: the islands of Kauai and Niihau; three.

SECTION 3. House of representatives; representative districts; number of members; apportionment. The house of representatives shall be composed of 51 members, who shall be elected by the qualified voters of the respective representative districts. The representative districts, and, until the next decennial reapportionment, the number of representatives to be elected from each, shall be as follows:

First representative district: that portion of the island of Hawaii known as Puna, one representative;

Second representative district: that portion of the island of Hawaii known as South Hilo, four representatives;

Third representative district: that portion of the island of Hawaii known as North Hilo and Hamakua, one representative;

Fourth representative district: that portion of the island of Hawaii known as Kau and South Kona and that portion of North Kona known as Keauhou, the latter being more particularly described in the schedule, one representative;

Fifth representative district: that portion of the island of Hawaii known as Kohala and that portion of North Kona not included in the fourth representative district, one representative;

Sixth representative district: the islands of Molokai and Lanai, one representative;

Seventh representative district: the islands of Maui and Kahoolawe, five representatives;

Eighth representative district: that portion of the island of Oahu known as Koolaupoko and Koolauloa, two representatives;

Ninth representative district: that portion of the island of Oahu known as Waialua and Wahiawa, two representatives;

Tenth representative district: that portion of the island of Oahu known as Ewa and Waianae, two representatives;

Eleventh representative district: that portion of the island of Oahu known as Kalihi and more particularly described in the schedule, three representatives;

Twelfth representative district: that portion of the island of Oahu known as upper Nuuanu and more particularly described in the schedule, three representatives;

Thirteenth representative district: that portion of the island of Oahu known as Kapalama, and more particularly described in the schedule, three representatives;

Fourteenth representative district: that portion of the island of Oahu known as Pauoa and more particularly described in the schedule, five representatives;

Fifteenth representative district: that portion of the island of Oahu known as Manoa and Waikiki and more particularly described in the schedule, six representatives;

Sixteenth representative district: that portion of the island of Oahu known as Kaimuki and Kapahulu and more particularly described in the schedule, four representatives;

Seventeenth representative district: that portion of the island of Oahu known as Wilhelmina Rise, Kahala and Kuliouou and more particularly described in the schedule, together with all other islands not included in any other representative district, three representatives.

Eighteenth representative district: the islands of Kauai and Niihau, four representatives.

**SECTION 4.** Reapportionment of the house of representatives; mandamus. On or before June 1 of the year 1959, and of each tenth year thereafter, the governor shall reapportion the members of the house of representatives in the following manner:

(a) The total number of representatives shall first be reapportioned among four basic areas, namely, (1) the island of Hawaii, (2) the islands of Maui, Molokai, Lanai and Kahoolawe, (3) the island of Oahu and all other islands not specifically enumerated, and (4) the islands of Kauai and Niihau, on the basis of the number of voters registered at the last preceding general election in each of such basic areas and computed by the method known as the method of equal proportions, no basic area to receive less than one member.

(b) Upon the determination of the total number of representatives to which each basic area is entitled, such total shall be reapportioned among the one or more representative districts within each basic area on the basis of the number of voters registered at the last preceding general election within each of such representative districts and computed by the method known as the method of equal proportions, no representative district to receive less than one member. Upon any reapportionment, should the total number of voters registered in any representative district be less than one-half of the quotient obtained by dividing the total number of voters registered in the State by the total number of members to which the house is entitled, then, as a part of such reapportionment, the basic area within which such representative district lies shall be redistricted by the governor in such manner that the total number of voters registered

in each new representative district therein shall be more than one-half of such quotient.

The governor shall thereupon issue a proclamation showing the results of such reapportionment, and such reapportionment shall be effective for the election of members to such house for the next five succeeding legislatures.

Original jurisdiction is hereby vested in the supreme court of the State to be exercised on the application of any registered voter (a) made within 30 days following the date specified above, to compel, by mandamus or otherwise, the governor to perform the above duty, and (b) made within 30 days following the date of such proclamation, to compel, by mandamus or otherwise, the correction of any error made by him in such reapportionment.

**SECTION 5.** Election of members; term of office. The members of the legislature shall be elected at general elections. The term of office of members of the house of representatives shall be two years beginning with their election and ending on the day of the next general election, and the term of office of members of the senate shall be four years beginning with their election and ending on the day of the second general election after their election.

**SECTION 6.** Vacancies. Any vacancy in the legislature shall be filled for the unexpired term in such manner as may be prescribed by law, or, if no provision is made by law, by appointment by the governor for the unexpired term.

**SECTION 7.** Qualifications of members. No person shall be eligible to serve as a member of the senate unless he shall have attained the age of 30 years, have been a resident of the State for not less than three years and be a qualified voter of the senatorial district from which he seeks to be elected. No person shall be eligible to serve as a member of the house of representatives unless he shall have attained the age of 25 years, have been a resident of the State for not less than three years, and be a qualified voter of the representative district from which he seeks to be elected.

**SECTION 8.** Privileges of members. No member of the legislature shall be held to answer before any other tribunal for any statement made or action taken in the exercise of his legislative functions; and members of the legislature shall, in all cases except felony or breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same.

**SECTION 9.** Disqualification of members. No member of the legislature shall hold any other public office under the State, nor shall he, during the term for which he is elected or appointed, be elected or appointed to any public office or employment which shall have been created, or the emoluments whereof shall have been increased, by legislative act during such term. The term "public office," for the purposes of this section, shall not include notaries public, reserve police officers and officers of emergency organizations for civilian defense or disaster relief. The legislature may provide for further disqualifications.

**SECTION 10.** Compensation of members. The members of the legislature shall receive such salary and allowances as may be prescribed by law, but any increase or decrease in the amount thereof shall not apply to the legislature which enacted the same. No salary shall be payable when the senate alone is convened in special session.

**SECTION 11.** Sessions of legislature. Regular sessions of the legislature shall be held annually. The governor may convene the legislature, or the senate alone, in special session. All sessions shall be held at the capital of the State

and, in case the capital shall be unsafe, the governor may direct that any session shall be held at some other place. Regular sessions in odd numbered years shall be known as "general sessions" and regular sessions in even numbered years shall be known as "budget sessions."

At a budget session the legislature shall be limited to the consideration and enactment of the general appropriations bill for the succeeding fiscal year and bills to authorize proposed capital expenditures, revenue bills necessary therefor, urgency measures deemed necessary in the public interest, bills calling elections, proposed constitutional amendments and bills to provide for the expenses of such session and the special session to be convened thereafter in accordance with the provisions of Section 17. The legislature at such budget session shall also be authorized to consider and act upon matters relating to the impeachment or removal of officers. No urgency measures shall be considered unless a statement of facts constituting such urgency shall be set forth in one section thereof and until such section shall have been first approved by each house. The approval of such section and the final passage of such measure in each house shall require a two-thirds vote of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal.

Regular sessions shall commence at 10:00 o'clock a.m., on the third Wednesday in February. General sessions shall be limited to a period of 60 days and budget sessions and special sessions shall be limited to a period of 30 days, but the governor may extend any session for not more than 30 days. Sundays and holidays shall be excluded in computing the number of days of any session.

**SECTION 12. Adjournments.** Neither house shall adjourn during any session of the legislature for more than three days, or sine die, without the consent of the other.

**SECTION 13. Organization; seating and punishment of members; officers, rules; journal; record of vote; committees.** Each house shall be the judge of the elections, returns and qualifications of its own members and shall have, for misconduct, disorderly behavior or neglect of duty of any member, power to punish such member by censure or, upon a two-thirds vote of all the members to which such house is entitled, by suspension or expulsion of such member. Each house shall choose its own officers, determine the rules of its proceedings and keep a journal. The ayes and noes of the members on any question shall, at the desire of one-fifth of the members present, be entered upon the journal.

Twenty days after a bill has been referred to a committee in either house, the same may be recalled from such committee by the affirmative vote of one-third of the members to which such house is entitled and shall be placed on the calendar for consideration.

**SECTION 14. Quorum; number required to act; compulsory attendance.** A majority of the number of members to which each house is entitled shall constitute a quorum of such house for the conduct of ordinary business, of which quorum a majority vote shall suffice; but the final passage of a bill in each house shall require the vote of a majority of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal. A smaller number than a quorum may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

**SECTION 15. Bills; enactment by bill; subject and title; enacting clause.** No law shall be passed except by bill. Each law shall embrace but one subject, which shall be ex-

pressed in its title, and the enacting clause of each law shall be, "Be it enacted by the legislature of the State of Hawaii."

**SECTION 16. Passage of bills.** No bill shall become law unless it shall pass three readings in each house, on separate days. Every bill when passed by the house in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the presiding officer and clerk and sent to the other house for consideration.

**SECTION 17. Action by governor; approval, veto; failure to approve or veto.** Every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses and shall thereupon be presented to the governor. If he approves it, he shall sign it and it shall become law. If the governor does not approve such bill, he may return it, with his objections, to the legislature. He may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same; but he shall veto other bills, if at all, only as a whole.

If any bill is neither signed nor returned by the governor within ten days, Sundays and holidays excepted, after having been presented to him, it shall be come a law in like manner as if he had signed it, unless the legislature by its adjournment prevents its return. If on the tenth day the legislature is in adjournment sine die, the bill shall become a law if the governor shall sign it within 45 days, Sundays and holidays excepted, after such adjournment. On the said 45th day the bill shall become a law, notwithstanding the failure of the governor to sign it within the period last stated, unless at or before noon of that day he shall return it with his objections to the legislature which shall convene on that day, in special session without call, for the sole purpose of acting upon bills returned by the governor, unless he shall have failed to give the notice hereinafter provided. The governor by proclamation shall give ten days' notice to the members of the legislature if he plans to return any bill with his objections on the 45th day. If such a bill is amended and passed at such special session, it shall be presented again to the governor, but shall become law only if he shall sign it within ten days after presentation, Sundays and holidays excluded.

No salary shall be paid to the members of the legislature when convened for this purpose.

**SECTION 18. Procedure upon veto.** Upon the receipt of a veto message from the governor, each house shall enter the same at large upon its journal and proceed to reconsider the vetoed bill, or the item or items vetoed, and again vote upon such bill, or such item or items, by ayes and noes, which shall be entered upon its journal. If after such reconsideration such bill, or such item or items, shall be approved by a two-thirds vote of all the members to which each house is entitled, the same shall become law.

**SECTION 19. Punishments of persons not members.** Each house may punish by fine, or by imprisonment not exceeding 30 days, any person not a member of either house who shall be guilty of disrespect of such house by any disorderly or contemptuous behavior in its presence or that of any committee thereof; or who shall, on account of the exercise of any legislative function, threaten harm to the body or estate of any of the members of such house; or who shall assault, arrest, or detain any witness or other person ordered to attend such house, on his way going to or returning therefrom; or shall rescue any person arrested by order of such house.

But the person charged with the offense shall be informed, in writing, of the charge made against him, and have an opportunity to present evidence and be heard in his own defense.

**SECTION 20. Impeachment of officers.** The governor and lieutenant governor, and any appointive officer for whose removal the consent of the senate is required, may be removed from office upon conviction of impeachment for such causes as may be provided by law.

The house of representatives shall have the sole power of impeachment of the governor and lieutenant governor and the senate the sole power to try such impeachments, and no such officer shall be convicted without the concurrence of two-thirds of the members of the senate. When sitting for that purpose, the members of the senate shall be on oath or affirmation and the chief justice shall preside. Subject to the provisions of this paragraph, the legislature may provide for the manner and procedure of removal by impeachment of such officers.

The legislature shall by law provide for the manner and procedure of removal by impeachment of the appointive officers hereinabove mentioned.

Judgments in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the State; but the person convicted may nevertheless be liable and subject to indictment, trial, judgment and punishment according to law.

*COMMITTEE PROPOSAL NO 30, RD 1*

**RELATING TO A SCHEDULE DESCRIBING REPRESENTATIVE DISTRICTS AND TO THE COMPENSATION OF MEMBERS OF THE LEGISLATURE**

**RESOLVED**, that the following be agreed upon as part of the State Constitution:

**ARTICLE \_\_\_\_\_.**

**SECTION \_\_\_\_\_.** As provided in Article \_\_\_\_\_, Section \_\_\_\_\_, the following representative districts are more particularly described herein:

(a) That portion of the fourth representative district known as Keauhou: (1) From a point at seashore between the lands of Holualoa 1 and 2 and Puapuaa 2 running Northeasterly along the boundary of Holualoa 1 and 2 to Puu Laa-laa; (2) Easterly in a straight line to a point called "Nao-hueleelua" being the common corner of the lands of Puuanahulu, Koahe, and Keauhou 2nd; (3) Southeasterly along the common boundary between Hamakua and North Kona districts to the summit of Mauna Loa; (4) Westerly along the common boundary between Kau and North Kona districts to the Easterly boundary of South Kona district; (5) Northerly and Westerly along the boundary between North and South Kona districts to the seashore; (6) Northerly along the seashore to the point of beginning.

(b) The eleventh representative district: (1) From the North corner of Kalihi and Auiki Streets running Westerly along the Northerly side of Auiki Street to the Northwesterly side of Mokauea Street; (2) Southwesterly along the Northwesterly side of Mokauea Street Extension to the Westerly side of Sand Island Road; (3) Southeasterly along the Westerly side of Sand Island Road; (4) Southwesterly along the line of the Southeasterly side of Mokauea Street Extension extended to a point of the outer edge of the reef; (5) Westerly along the outer edge of the reef to a point on the Moanalua-Halawa boundary; (6) Northerly and Northeasterly along the Moanalua-Halawa boundary to the top of Koolau

Range; (7) Southeasterly along the top of Koolau Range to a place called "Puu Lanihuli"; (8) Southeasterly along the top of ridge between the lands of Kalihi, Kapalama and Nuuanu to the Northwesterly side of Kalihi Street; (9) Southwesterly along the Northwesterly side of Kalihi Street to the point of beginning.

(c) The twelfth representative district: (1) From the East corner of King and Kalihi Streets running Northeasterly along the Southeasterly side of Kalihi Street to ridge between Kalihi, Kapalama and Nuuanu; (2) Northeasterly along top of ridge between Kalihi, Kapalama and Nuuanu to a point on the Koolau Range called "Puu Lanihuli"; (3) Easterly along top of Koolau Range to the Northwesterly side of Nuuanu Avenue at the Pali; (4) Southwesterly along the Northwesterly side of Nuuanu Avenue to the Northeasterly side of School Street; (5) Northwesterly along the Northeasterly side of School Street to the Southeasterly side of Kapalama Drainage Canal (Waikiki Branch); (6) Southwesterly along the Southeasterly side of Kapalama Drainage Canal (Waikiki Branch); (7) Southwesterly along the Southeasterly side of the main Kapalama Drainage Canal to the Northeasterly side of King Street; (8) Northwesterly along the Northeasterly side of King Street to the point of beginning.

(d) The thirteenth representative district: (1) From the junction of the Honolulu Harbor Channel and the reef running Westerly along the outer edge of the reef to a point on the line extended of the Southeasterly side of Mokauea Street; (2) Northeasterly along the line extended of the Southeasterly side of Mokauea Street to the Easterly side of Sand Island Road; (3) Northeasterly along the Southeasterly side of Mokauea Street Extension to the Southerly side of Auiki Street; (4) Easterly along the Southerly side of Auiki Street to the Southeasterly side of Kalihi Street; (5) Northeasterly along the Southeasterly side of Kalihi Street to the Southerly side of King Street; (6) Southeasterly along the Southwesterly side of King Street to the Southeasterly side of Kapalama Drainage Canal; (7) Northerly along the Easterly side of the main Kapalama Drainage Canal; (8) Northeasterly along the Southeasterly side of the Kapalama Drainage Canal (Waikiki Branch) to the Southwesterly side of School Street; (9) Southeasterly along the Southwesterly side of School Street to the Northwesterly side of Nuuanu Avenue; (10) Southwesterly along the Northwesterly side of Nuuanu Avenue to the Southwesterly side of Queen Street; (11) Southwesterly along the middle of Honolulu Harbor and Honolulu Harbor Channel to the point of beginning.

(e) The fourteenth representative district: (1) From the junction of the Honolulu Harbor Channel and the outer edge of the reef running Northeasterly along the middle of Honolulu Harbor Channel and Honolulu Harbor to the Southerly side of Queen Street; (2) Northeasterly across Queen Street and along the Southeasterly side of Nuuanu Avenue to the top of Koolau Range at the Pali; (3) Easterly and Southerly along the top of Koolau Range to a point called "Puu Konahuanui"; (4) Southwesterly along top of ridge between the lands of Nuuanu-Pauoa and Manoa to a mountain peak called "Puu Ohia" or Tantalus; (5) Southwesterly along top of ridge between the lands of Makiki and Kalawahine to the Northerly side of Nehoa Street; (6) Southerly across Nehoa Street along the Westerly side of Lewalani Drive and Piikoi Street to the Southerly side of Wilder Avenue; (7) Easterly along the Southerly side of Wilder Avenue to the Westerly side of Punahou Street; (8) Southerly along the Westerly side of Punahou Street to the Northerly side of King Street; (9) Westerly along the Northerly side of King Street to the Westerly side of Kalakaua Avenue; (10) Southerly along the West-

erly side of Kalakaua Avenue to the Southerly side of Ala Wai (canal); (11) Westerly along the Southerly side of Ala Wai (canal) and along the line of said Southerly side of Ala Wai (canal) extended to the outer edge of the reef; (12) Westerly along the outer edge of the reef to the point of beginning.

(f) The fifteenth representative district: (1) From the junction of the Northeasterly side of Kalakaua Avenue and the Southerly side of Ala Wai (canal) running Northerly along the Easterly side of Kalakaua Avenue to the Southerly side of King Street; (2) Easterly along the Southerly side of King Street to the Easterly side of Punahou Street; (3) Northerly along the Easterly side of Punahou Street to the Northerly side of Wilder Avenue; (4) Westerly along the Northerly side of Wilder Avenue to the Southeasterly side of Piikoi Street; (5) Northerly along the Easterly side of Piikoi Street; (6) Northerly along the Easterly side of Lewalani Drive to the Northerly side of Nehoa Street; (7) Northeasterly along top of ridge between the land of Makiki and Kalawahine to a mountain peak called "Puu Ohia" or "Tantalus"; (8) Northeasterly along top of ridge between the lands of Paoa-Manoa and Nuuanu to a point on the Koolau Range called "Puu Konahuanui"; (9) Southeasterly along top of Koolau Range to a place called "Mt. Olympus"; (10) Southwesterly along top of Waahila Ridge; (11) Southwesterly along top edge of Palolo Valley to the forest reserve boundary; (12) Southwesterly along the Southeasterly boundary of St. Louis Heights Tract, Series 2 (File Plan 464) to the Southerly boundary of said St. Louis Heights Tract, Series 2, 100 feet Southeasterly from Alencastre Street; (13) Southwesterly parallel to and 100 feet from the Southeasterly side of Alencastre Street and St. Louis Drive to the Northerly side of Waialae Avenue; (14) Westerly along the Northerly side of Waialae Avenue; (15) Southerly across Waialae Avenue and along the Westerly side of Kapahulu Avenue to the Southwesterly side of Kalakaua Avenue; (16) Westerly along the line of the Northerly side of Kapahulu Avenue extended to the outer edge of the reef; (17) Northwestery along the outer edge of the reef to a point on the line extended of the Southerly side of Ala Wai (canal); (18) Easterly along the line extended to the Southerly side of Ala Wai (canal) to the Southerly side of channel; (19) Easterly along the Southerly side of Ala Wai (canal) to the point of beginning.

(g) The sixteenth representative district: (1) From a point at the seacoast at a place called "Black Point" running Westerly along the seacoast to a point on the Southwesterly side of Kalakaua Avenue opposite Kapahulu Avenue; (2) Easterly across Kalakaua Avenue and Easterly and Northerly along the Southerly and Easterly side of Kapahulu Avenue to the Southerly side of Waialae Avenue; (3) Easterly along the Southerly side of Waialae Avenue to a point 100 feet Easterly of St. Louis Drive; (4) Northeasterly across Waialae Avenue then parallel to and 100 feet from the Southeasterly side of St. Louis Drive and Alencastre Street to the Southerly boundary of St. Louis Heights Tract Series 2, File Plan No. 464; (5) Northeasterly along the Southeasterly boundary of said St. Louis Heights Tract, Series 2, to the Forest Reserve boundary; (6) Northeasterly along top edge of Palolo Valley to the top of Waahila Ridge; (7) Northeasterly along top of Waahila Ridge to a point on Koolau Range called "Mt. Olympus"; (8) Easterly along top of Koolau Range; (9) Southwesterly along top of ridge between the land of Waialae Nui and Palolo to a place called "Kalepeamo"; (10) Southwesterly along the Westerly edge of Mauumae Ridge to the Northwestery side of Sierra Drive; (11) Southwesterly along the Northwestery side of Sierra Drive to the Southerly side of Waialae Avenue; (12) Easterly along

the Southerly side of Waialae Avenue to the Northwestery side of 13th Avenue; (13) Southwesterly along the Northwestery side of 13th Avenue and Ocean View Drive to the Northerly side of Kilauea Avenue; (14) Westerly along the Northerly side of Kilauea Avenue to the Northwestery side of Makapuu Avenue; (15) Southwesterly along the Northwestery side of Makapuu Avenue to the Southwesterly side of Diamond Head Road; (16) Southeasterly along the Southwesterly side of Diamond Head Road; (17) Southeasterly across Diamond Head Road and along the Southerly side of the Military Road and the same extended to point of beginning.

(h) The seventeenth representative district: (1) From the junction of the Koolau Range and the seacoast at a place called "Makapuu Point" on the Maunaloa-Waimanalo boundary and at the most Eastern point of the island of Oahu and running Southwesterly along the seashore to a point on seashore called "Black Point"; (2) Northwestery along the line of the Military Road extended and along the Northerly side of said Military Road crossing Kahala Avenue to the junction of said Military Road and Diamond Head Road; (3) Northwestery along the Northeasterly side of Diamond Head Road to the Southeasterly side of Makapuu Avenue; (4) Northeasterly along the Southeasterly side of Makapuu Avenue to the Southerly side of Kilauea Avenue; (5) Easterly along the Southerly side of Kilauea Avenue to the Easterly side of Ocean View Drive; (6) Northerly along the Easterly side of Ocean View Drive and 13th Avenue to the Northerly side of Waialae Avenue; (7) Westerly along the Northerly side of Waialae Avenue to the Southeasterly side of Sierra Drive; (8) Northeasterly along the Southeasterly side of Sierra Drive to Mauumae Ridge; (9) Northeasterly along the Westerly edge of Mauumae Ridge to a place called "Kalepeamo"; (10) Northeasterly along top of ridge between the land of Waialae Nui and Palolo to the top of Koolau Range; (11) Easterly along Koolau Range to point of beginning.

SECTION \_\_\_\_\_. Until otherwise provided by law in accordance with Article III, Section 10, the salary of members of the legislature shall be as follows: the sum of \$2500 for each general session, the sum of \$1500 for each budget session and the sum of \$750 for each special session of the legislature.

#### COMMITTEE OF THE WHOLE REPORT NO. 25

Your Committee of the Whole to which was referred Standing Com. Rpt. No. 68 of the Committee on Ordinances and Continuity of Law, and Committee Proposal No. 23 accompanying said report, having fully debated and considered said report and proposal, begs leave to report thereon as follows:

Your Committee held meetings on July 3, 1950, July 10, 1950, and July 12, 1950, for purposes of considering said report and proposal.

The sections and amendments are discussed in order, together with reasons or explanations, as noted during debate, and as hereinafter set forth.

Section 1: As originally proposed, this section reads as follows:

The Constitution of the United States is adopted on behalf of the people of the State of Hawaii.

Recommendation; Reasons and Explanations: Your committee recommends that this section be adopted as proposed.

Section 2: This new section 2 is an amendment to the former sections 2 to 10 inclusive. As originally proposed, Sections 2 to 10 inclusive read as follows:

**SECTION 2.** All rights, actions, suits, proceedings, prosecutions, judgments, sentences, orders, decrees, claims, demands, and contracts, existing at the time of the admission of this State into the Union shall continue as if the change in the form of government had not occurred; and all process which may have been issued under the authority of the Territory of Hawaii, previous to its admission into the Union, shall be as valid as if issued in the name of the State.

**SECTION 3.** All laws of the Territory of Hawaii in force at the time of its admission into the Union as a State, not repugnant to this Constitution, shall remain in force, mutatis mutandis, until they expire by their own limitation, or are altered or repealed by the Legislature.

**SECTION 4.** All debts, fines, penalties, forfeitures, and escheats which have accrued, or may hereafter accrue, to the Territory of Hawaii, or its political subdivision, shall inure to the State of Hawaii, or its political subdivision.

**SECTION 5.** All property, real, personal and mixed, and all moneys, credits, judgments, decrees, bonds, specialties, choses in action, claims and demands of whatever description, and any and all other rights or interests therein, belonging to the Territory of Hawaii, shall inure to and vest in the State of Hawaii, and may be sued for, recovered, and enforced by the State of Hawaii in the same manner, and to the same extent, as the same might or could have been by the Territory of Hawaii.

**SECTION 6.** All recognizances, bonds, obligations, and undertakings entered into or executed to the Territory of Hawaii, or to any county or city and county, or to any officer, board, commission, or court shall remain valid according to the terms thereof, and may be sued upon and recovered by the proper or corresponding authority under the laws of the State.

**SECTION 7.** All criminal prosecutions and penal actions which may have arisen, or which may arise, before the change from a Territorial to a State government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the State, with like effect as though such change had not taken place; and all penalties incurred and punishments inflicted shall remain the same as if this Constitution had not been adopted.

**SECTION 8.** All civil causes which may be pending in any of the courts of the Territory of Hawaii at the time of the change from a Territorial to a State government, shall be continued and transferred to the court of the State having jurisdiction thereof.

**SECTION 9.** All books, papers, records, and proceedings relating to the cases mentioned in the preceding two sections shall be transferred in like manner to the appropriate courts.

**SECTION 10.** All civil causes of action and all criminal offenses which have arisen or been committed prior to the admission of this State, but as to which no suit, action, or prosecution shall be pending at the date of such admission, shall be subject to prosecution in the appropriate courts of the State or of the United States, in like manner, to the same extent, and with like right of appellate review, as if the State had been created and said State courts had been established prior to the accrual of such causes of action or the commission of such offenses.

**Recommendation; Reasons and Explanations:** Your committee recommends that sections 2 to 10 inclusive, be amended into one section, Section 2, to read as follows:

**SECTION 2.** All laws in force at the time this Constitution takes effect and not inconsistent or incongruous therewith, including, among others, acts of the Congress relating to the lands in the possession, use and control of the Territory of Hawaii, shall be the laws of the State and remain in force, mutatis mutandis, until they expire by their own limitations, or are altered or repealed by the Legislature.

Except as otherwise provided by this Constitution, all existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, title and rights shall continue unaffected notwithstanding the taking effect of this constitution, except that the State shall be the legal successor to the Territory of Hawaii in respect thereof, and may be maintained, enforced or prosecuted, as the case may be, before the appropriate or corresponding tribunals or agencies of or under the State or of the United States, in the name of the State, political subdivision, person or other party entitled to do so, in all respects as fully as could have been done prior to the taking effect of this Constitution.

This section continues in effect (a) not only the land laws of Hawaii (territorial and federal) except as otherwise provided in the constitution, but also (b) the provisions of other federal laws (not inconsistent with the state constitution or incongruous with the state system or scheme of government or laws) such as the Hawaiian Organic Act, insofar as the same constitute part of the system of laws that are local in their nature and, if not continued in effect, would cause a hiatus in our local or state government or system of laws. On the other hand, section 2 would, of course, not continue in effect laws of purely federal nature, such as the Mann Act, or the Interstate Commerce laws having both an interstate commerce application and an express intra-territorial application, which, as applied to a state would be incongruous with the state system. Examples of provisions of the federal laws continued in effect would be those creating territorial executive departments not otherwise covered by statute.

This proposed new section 2 includes and fully covers, among other things, all matters covered by the original sections 2 to 10 inclusive, of Committee Proposal No. 23. In your committee's opinion, it has the advantages, both of being couched in broader and therefore more inclusive terms, and of greater brevity.

**Section 3:** As originally proposed, this was Section 11 and read as follows:

**Section 11.** All territorial, county and city and county officers and judges of the courts of the Territory of Hawaii who may be in office at the time of the admission of this State into the Union shall continue to discharge the duties of their respective offices until their successors shall have qualified in accordance with this Constitution or the laws enacted pursuant thereto.

**Recommendation; Reasons and Explanations:** Your committee recommends that the section be renumbered Section 3 and be amended to read as follows:

**Section 3.** Except as otherwise provided by this Constitution, all executive officers of the Territory of Hawaii or any political subdivision thereof and all judicial officers who may be in office at the time of the admission

of this State into the Union shall continue to exercise and discharge the powers and duties of their respective offices until their successors shall have qualified in accordance with this Constitution or the laws enacted pursuant thereto.

The amended section does not change the substance of the original Section 11.

Section 4: This is a new section and was offered as an amendment to Committee Proposal No. 23 in the following language:

Section 4. All acts of the legislature of the Territory of Hawaii authorizing the issuance of bonds by the Territory of Hawaii or its political subdivisions are hereby approved, subject however to amendment or repeal by the legislature, and such bonds may be issued by the state and its political subdivisions pursuant to said acts. Whenever in said acts the approval of the President or of the Congress is required, the approval of the governor shall suffice.

Recommendation; Reasons and Explanation: Your committee recommends that this section be adopted in the language proposed above.

Although the substance of this section is undoubtedly fully covered by the broader provisions of section 2 of Committee Proposal No. 23 as hereinabove proposed to be amended, and by a further general provision in Committee Proposal No. 24, your committee felt that due to (1) the great importance of maintaining the credit of the state in respect of its past bonded indebtedness (to be inherited from the Territory) and proposed future bond issues, (2) the necessity of expressly providing a substitute for the provisions of territorial laws authorizing bonds not yet issued, which require Congressional or Presidential approval, and (3) the rigid scrutiny given to our laws by mainland bond attorneys whenever a bond issue is proposed, it would be wise to have a separate section dealing expressly with such territorial bond laws.

Section 5: This is a new section which was proposed as an amendment to Committee Proposal No. 23 in the following language:

Section 5. Unless otherwise provided by law, the lieutenant governor shall exercise and discharge the powers and duties of the secretary of the Territory of Hawaii.

Recommendation; Reasons and Explanation: Your committee recommends that the section be adopted in the language proposed above.

This constitution has provided for a lieutenant governor, but not expressly for a secretary of state. The Territory has a secretary with certain powers and duties, some prescribed by the Hawaiian Organic Act and some by territorial laws. It is not known whether the legislature will desire to have both a lieutenant governor with the limited duties prescribed by the constitution and a secretary of state. Hence your committee feels it wise to provide temporarily for the lieutenant governor to perform all of the functions of the secretary of the territory, until or unless the legislature (either of the Territory before admission or of the State after admission) shall hereafter otherwise expressly provide.

Section 6: This is a new section which was proposed as an amendment to the Committee Proposal No. 23 in the following language:

Section 6. The provisions of Section \_\_\_\_\_ of Article \_\_\_\_\_, shall not be mandatory until four years from the date of admission of this State to the Union. The legislature shall within three years from the time of said date of admission, allocate and group the executive and administrative offices, departments and instrumentalities of the state government and their respective functions, powers and duties, among and within the principal departments pursuant to said Section \_\_\_\_\_ of Article \_\_\_\_\_.

If such allocation and grouping shall not have been completed within such period, the governor, within one year thereafter, by Executive Order, shall make such allocation and grouping.

Recommendation; Reasons and Explanation: Your committee recommends that the section be adopted in the language proposed above.

It is felt that four years should be allowed to complete the allocation and grouping contemplated by Section \_\_\_\_\_ of Article \_\_\_\_\_. It is understood that any allocation and grouping which might be made by the governor within the one year period following the three year period allowed for the legislature to act, will be subject to change by the legislature under its general legislative powers.

Section 7. This is a new section which was proposed as an amendment to Committee Proposal No. 23 in the following language:

Section 7. Requirements as to residence, citizenship or other status or qualifications in, or under the authority of, the State prescribed by this Constitution shall be satisfied pro tanto by corresponding residence, citizenship or other status or qualifications in, or under the authority of, the Territory.

Recommendations; Reasons and Explanation: Your committee recommends that the section be adopted in the language proposed above.

This section relates to all requirements, not only of residence, citizenship or other status or qualifications, but also of duration of the same. For instance, under its provisions, the period of residence in or under the Territory prior to statehood can be added to that in or under the State thereafter to fulfill requirements of residence in the "State" or any part thereof under the constitution. Likewise where the constitution requires that an attorney shall have been admitted to the bar of the "State" for ten years before he is eligible for appointment as a justice or judge, this section will constitute admission to the bar of the Territory a compliance with the requirement of admission to the bar of the State, as well as permit the addition of the period of membership in the Territorial bar to the period of membership in the State bar after statehood.

Section 8: This is a new section which was proposed as an amendment to Committee Proposal No. 23 in the following language:

Section 8. Until the legislature shall otherwise provide under Article \_\_\_\_\_ of this Constitution, the chief justice, justices of the supreme court and judges of the circuit courts shall receive as compensation for their services the sums of \$17,500, \$17,000 and \$15,000, per annum, respectively, which shall, notwithstanding the provisions of Article \_\_\_\_\_ of this Constitution be subject to increase or decrease by the first session of the legislature of the State.

Recommendation; Reasons and Explanation: Your committee recommends that the committee adopt the section in the language proposed above.



The article referred to in this section is the Judiciary Article, which prohibits any diminishing of compensation of a justice or judge during his term of office, and this section makes it clear that the State legislature will be free, at its first session, to fix judicial salaries at lower or higher amounts than those prescribed in this section, effective during the terms of any incumbents.

Section 9: As originally proposed, this was Section 14 and read as follows:

Section 14. The provisions of this constitution shall be self-executing to the fullest extent that their respective natures permit.

Recommendation; Reasons and Explanation: Your committee recommends that the section be numbered Section 9 and be adopted in the language stated above.

Section 10: As originally proposed, this was Section 15 and read as follows:

Section 15. This Constitution shall take effect and be in full force immediately upon the admission of Hawaii into the Union as a State.

Recommendation; Reasons and Explanation: Your committee recommends that the section be numbered Section 10 and be adopted in the language stated above.

Your committee recommends that sections 12 and 13 be deleted.

As originally proposed section 12 reads as follows:

Section 12. The laws of Hawaii relating to the lands in the possession, use and control of the Territory, as amended, modified or supplemented by Acts of Congress (which said Acts of Congress are hereby adopted as laws of the State), shall, except as otherwise provided in this Constitution, continue in effect as laws relating to the land owned by or under the control of the State, subject to amendment or repeal by the Legislature. Provided, however, that for the period of five years after the admission of this State unless otherwise provided by the legislature no sale or other transfer of the public domain of the State or any interest therein shall be deemed to be mandated by any law adopted by this section, or by any petition presented thereunder, notwithstanding any provision of such law to the contrary.

Reason for Deletion: The committee is of the opinion that the subject matter of this section is adequately covered in the new section 2. As originally proposed Section 13 read as follows:

Section 13. The Governor shall appoint, within 30 days after the effective date of this Constitution a Law Revision Commission of five members whose duty it shall be to examine all the laws of the Territory of Hawaii in force immediately prior to such effective date, and to make a report to the legislature or legislatures sitting during the period of two years immediately following said date recommending such amendments or repeals of such existing laws and the enactment of such other laws as may be necessary in their judgment to conform to or carry out the requirements of this Constitution.

The sums necessary for the purposes of this Section shall be paid out of any moneys in the Treasury of the State not otherwise appropriated, upon vouchers signed by the chairman or acting chairman of such Commission. The compensation of the members of the commission shall be fixed by the governor, and the commission, with the approval of the governor, shall have power to engage

such assistants and employees at such compensation as shall be determined by the commission with the approval of the governor. Such assistants and employees shall not be subject to the civil service and classification laws relating to public officers and employees.

Reasons for Deletion: The committee was of the opinion that the subject matter of this section should be left to the legislature, which would meet in special session immediately after admission of Hawaii as a State.

Conclusion: Attached hereto your committee submits an amended article incorporating all amendments hereinabove recommended and numbered Committee Proposal No. 23.

For the reasons hereinabove set forth, your Committee of the Whole recommends:

(1) That Standing Com. Rpt. No. 68 be adopted, except as the same may be inconsistent with the provisions and recommendations of this report; and (2) that Proposal No. 23 (a copy of which is hereto attached), be amended in the manner hereinabove proposed, and that, as amended, it be adopted and pass second reading. —July 14, 1950

Nelson K. Doi, Chairman

COMMITTEE PROPOSAL NO. 23, RD 1

RELATING TO SCHEDULE ON CONTINUITY OF LAWS  
RIGHTS, ACTIONS, ETC.

RESOLVED, that the following be agreed upon as part of the State Constitution:

ARTICLE \_\_\_\_\_

SECTION 1. The Constitution of the United States is adopted on behalf of the people of the State of Hawaii.

SECTION 2. All laws in force at the time this Constitution takes effect and not inconsistent or incongruous therewith, including, among others, acts of the Congress relating to the lands in the possession, use and control of the Territory of Hawaii, shall be the laws of the State and remain in force, mutatis mutandis, until they expire by their own limitations, or are altered or repealed by the Legislature.

Except as otherwise provided by this Constitution, all existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, title and rights shall continue unaffected notwithstanding the taking effect of this Constitution, except that the State shall be the legal successor to the Territory of Hawaii in respect thereof, and may be maintained, enforced or prosecuted, as the case may be, before the appropriate or corresponding tribunals or agencies of or under the State or of the United States, in the name of the State, political subdivision, person or other party entitled to do so, in all respects as fully as could have been done prior to the taking effect of this Constitution.

SECTION 3. Except as otherwise provided by this Constitution, all executive officers of the Territory of Hawaii or any political subdivision thereof and all judicial officers who may be in office at the time of the admission of this State into the Union shall continue to exercise and discharge the powers and duties of their respective offices until their successors shall have qualified in accordance with this Constitution or the laws enacted pursuant thereto.

SECTION 4. All acts of the legislature of the Territory of Hawaii authorizing the issuance of bonds by the Territory of Hawaii or its political subdivisions are hereby approved,



subject however to amendment or repeal by the legislature, and such bonds may be issued by the State and its political subdivisions pursuant to said acts. Whenever in said acts the approval of the President or of the Congress is required, the approval of the governor shall suffice.

SECTION 5. Unless otherwise provided by law, the lieutenant governor shall exercise and discharge the powers and duties of the secretary of the Territory of Hawaii.

SECTION 6. The provisions of Section \_\_\_\_\_ of Article \_\_\_\_\_ shall not be mandatory until four years from the date of admission of this State to the Union. The legislature shall within three years from the time of said date of admission, allocate and group the executive and administrative offices, departments and instrumentalities of the state government and their respective functions, powers and duties, among and within the principal departments pursuant to said Section \_\_\_\_\_ of Article \_\_\_\_\_.

If such allocation and grouping shall not have been completed within such period, the governor, within one year thereafter, by Executive Order, shall make such allocation and grouping.

SECTION 7. Requirements as to residence, citizenship or other status or qualifications in, or under the authority of, the State prescribed by this Constitution shall be satisfied pro tanto by corresponding residence, citizenship or other status or qualifications in, or under the authority of, the Territory.

SECTION 8. Until the legislature shall otherwise provide under Article \_\_\_\_\_ of this Constitution, the chief justice, justices of the supreme court and judges of the circuit courts shall receive as compensation for their services the sums of \$17,500, \$17,000 and \$15,000 per annum, respectively, which shall, notwithstanding the provisions of Article \_\_\_\_\_ of this Constitution be subject to increase or decrease by the first session of the legislature of the State.

SECTION 9. The provisions of this Constitution shall be self-executing to the fullest extent that their respective natures permit.

SECTION 10. This Constitution shall take effect and be in full force immediately upon the admission of Hawaii into the Union as a State.

#### COMMITTEE OF THE WHOLE REPORT NO. 26

Your Committee of the Whole to which was referred Standing Com. Rpt. No. 70 of the Committee on Ordinances and Continuity of Law, and Committee Proposal No. 24 accompanying said report and entitled, "A Proposal Relating to Ordinances and Continuity of Law," having fully debated and considered said report and committee proposal, begs leave to report thereon as follows:

At a meeting of your committee on July 10, 1950, the said proposal was deferred to the next day without any consideration. On July 11, 1950 your committee fully considered and concluded its deliberations on Proposal No. 24.

The heading, "Ordinances" and the clause "Be it Ordained by the People of Hawaii" were deleted. This was done to comply with H. R. 49, Committee Print C, which deletes reference to "ordinances."

The sections and amendments are discussed in order, together with reasons or explanations, as noted during debate, and, as hereinafter set forth.

Section 1: As originally proposed, this section reads as follows:

That no person who advocates, or who belongs to any party, organization, or association which advocates, the overthrow by force or violence of the government of this State or of the United States of America shall be qualified to hold any public office of trust or profit or any public employment under this Constitution.

Recommendation; Reasons and Explanations: Your committee recommends that this section be adopted as amended to read as follows:

No person who advocates, or who aids or belongs to any party, organization, or association which advocates, the overthrow by force or violence of the government of this State or of the United States of America shall be qualified to hold any public office or any public employment.

The committee is of the opinion that one must "knowingly" aid before he violates the prohibition of the section. The words, "of trust or profit" were deleted for the purpose of broadening the class that can't hold office, i.e., no one who is seeking to overthrow the government should hold any office or employment. The words "under this constitution" were deleted to further broaden the section so that it can not be held to be restricted to public offices and employments created directly by this constitution but will cover all public offices and employments of or under the State or its political subdivisions regardless of whether they were expressly created by the constitution or pursuant to authorization thereof or laws enacted thereunder.

Section 2: As originally proposed, this section reads as follows:

That perfect toleration of religious sentiment shall be secured, and that no inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship.

Recommendation; Reasons and Explanations: Your committee recommends that this section be deleted.

The committee is of the opinion that this section is fully and adequately covered by the article on the Bill of Rights.

Section 3: As originally proposed, this section reads as follows:

That provision shall be made for the establishment and maintenance of a system of public schools, in which no segregation shall be made by reason of race, and which shall be open to all the children of this State and free from sectarian control.

Recommendation; Reasons and Explanations: Your committee recommends that the section be deleted.

This section is adequately covered in the articles on Bill of Rights and on Education.

Section 4: As originally proposed, this section reads as follows:

That the debts and liabilities of the Territory of Hawaii shall be assumed and paid by the State of Hawaii, and all debts owed to said Territory of Hawaii shall be collected by said State.

Recommendation; Reasons and Explanations: Your committee recommends that the section be adopted as amended to read as follows:

The debts and liabilities of the Territory of Hawaii shall be assumed and paid by the State of Hawaii and all debts owed to said Territory of Hawaii shall be collected by said State.

The committee was of the opinion that this section was surplusage, in view of the broader provisions in Committee Proposal No. 23, but felt that since the Senate had expressly required such a provision in H. R. 49, we should literally comply with such requirement, particularly since it relates largely to bonds.

Section 5: As originally proposed, this section reads as follows:

That the lands and other property belonging to citizens of the United States residing without the State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof.

Recommendation; Reasons and Explanations: Your committee recommends that the section be deleted.

This section is covered fully in the article on Taxation and Finance.

Section 6: As originally proposed, this section reads as follows:

That the property in the Territory of Hawaii set aside by Act of Congress or by Executive Order or proclamation of the President or the Governor of Hawaii for the use of the United States and remaining so set aside immediately prior to the admission of the State of Hawaii into the Union is ceded to the United States, as more particularly provided in the next section of this Ordinance.

Recommendation; Reasons and Explanations: Your committee recommends that the section be deleted.

This section is fully covered by the article on Agriculture, Conservation and Land.

Section 7: As originally proposed, this section reads as follows:

That authority is granted to and acknowledged in the United States to the exercise by the Congress of the United States of the power of exclusive legislation, as provided by article I, section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels of land as, immediately prior to the admission of the State, are owned by the United States and held for military, air, naval, or coast-guard purposes, whether title to such lands was acquired by cession and transfer to the United States by the Republic of Hawaii and set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Hawaii for the use of the United States, or acquired by the United States by purchase, condemnation, donation, exchange, or otherwise: Provided, That the State of Hawaii shall have the right to serve civil or criminal process within the said tracts or parcels of land in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed within the State but outside of the said tracts or parcels of land; and shall have the right to tax persons and corporations, their franchises and property, within the said tracts or parcels of land; and that persons now or hereafter residing on the said tracts or parcels of land shall not be deprived thereby of the right to vote at all elections held within the political subdivisions where they respectively reside.

Recommendation; Reasons and Explanations: Your committee recommends that the section be deleted.

The provisions in this section were originally required by H. R. 49, but such requirement has been deleted in the amendments recommended by the Senate Committee on Interior and Insular Affairs (H. R. 49, Calendar No. 1931).

Section 8: As originally proposed, this section reads as follows:

The foregoing sections are irrevocable without the consent of the United States and the people of this State.

Recommendation; Reasons and Explanations: Your committee recommends that the section be deleted.

H. R. 49 does not require such a provision, and any matters agreed to by this State in the constitution which might properly be considered irrevocable without the consent of the United States are specifically covered in the constitution by self-executing provisions.

Section 9: As originally proposed, this section reads as follows:

Having full faith that the Congress of the United States will accord to the State of Hawaii all of the powers and prerogatives of a sovereign state and will in its determination of the disposition of the public lands and other public property in Hawaii, give due consideration to the terms and provisions of the cession and transfer thereof by the Republic of Hawaii, the people of Hawaii do hereby authorize, empower and direct their representatives, who until and unless the Legislature shall otherwise provide shall be the Governor of Hawaii, the Commissioner of Public Lands, and the President of the Board of Commissioners of Agriculture and Forestry (as officers of the Territory of Hawaii or as officers of the State of Hawaii succeeding to their duties and functions), or any two of them, to present to the Congress of the United States or to such committees or executive departments as the Congress may direct, the claims of the people of Hawaii to the lands and other public property and interests in property not disclaimed or encumbered by the provisions of this Constitution. Said Governor of Hawaii, the Commissioner of Public Lands, and the President of the Board of Commissioners of Agriculture and Forestry (as officers of the Territory of Hawaii or as officers of the State of Hawaii succeeding to their duties and functions), or any two of them, until and unless the Legislature shall otherwise provide, are further authorized, empowered and directed, to make selections of lands on behalf of the people of Hawaii, as and at the times directed by the Congress of the United States.

Your committee at first voted to amend the section to read as follows:

Having full faith that the Congress of the United States will accord to the State of Hawaii all of the powers and prerogatives of a sovereign state and will, in its determination of the disposition of the public lands and other public property in Hawaii, give due consideration to the terms and provisions of the cession and transfer thereof by the Republic of Hawaii, the people of Hawaii do hereby authorize, empower and direct their representatives, who until and unless otherwise provided by law shall be the Governor of Hawaii, the Commissioner of Public Lands, and the President of the Board of Commissioners of Agriculture and Forestry (as officers of the Territory of Hawaii or as officers of the State of Hawaii succeeding to their duties and functions), to present to the Congress of the United States or to such committees or executive departments as the Congress may direct, the claims of the people of Hawaii to the lands and other public property and interests in property. Said Governor of Hawaii, the Commissioner of Public Lands, and the President of the Board of Commissioners of Agriculture and Forestry (as officers of the Territory of Hawaii or as officers of the

State of Hawaii succeeding to their duties and functions), until and unless otherwise provided by law, are further authorized, empowered and directed, to make selections of land on behalf of the people of Hawaii.

**Recommendation; Reasons and Explanations:** Your committee recommends that the section as amended be deleted.

The committee felt that Hawaii would not be entitled to select the 180,000 acres of land authorized by H. R. 49 to be initially selected and patented to this state, until Hawaii becomes a state. After admission Hawaii will have five years to select the 180,000 acres, as well as to present its claims to the remaining unselected lands. The majority felt that there was no need for haste in providing for such selection and presentation of claims, and that provision therefor should be left to the legislature.

**Section 10:** It was proposed that Committee Proposal No. 24 be amended by adding thereto a new section 10 to read as follows:

No taxes shall be imposed by the State upon any lands or other property now owned or hereafter acquired by the United States, except as the same shall become taxable by reason of disposition thereof by the United States or by reason of the consent of the United States to such taxation.

**Recommendations; Reasons and Explanation:** Your Committee recommends that the amendment as proposed be adopted in the above language.

This section is recommended to comply with paragraph 7 of Section 2 of H. R. 49 as proposed to be amended by the Senate Committee on Interior and Insular Affairs (H. R. 49, Calendar No. 1931.) Your committee feels that this new section is declaratory of the law as laid down by the United States Constitution and that it substantially complies with the requirements of said paragraph 7 of H. R. 49 (Calendar 1931).

**Section 11.** This section is a new section which was proposed as an amendment to Committee Proposal No. 24. The section as proposed reads as follows:

**Section 11.** All provisions of the Act or Resolution admitting this State to the Union, or providing for such admission, which reserve to the United States jurisdiction of Hawaii National Park, or the ownership or control of lands within Hawaii National Park, are consented to fully by the State and its people.

**Recommendation; Reasons and Explanations:** Your committee recommends the adoption of this amendment in the above language.

Your committee feels that the proper method of complying with the requirements of the last clause of paragraph 7 of H. R. 49 as proposed to be amended by the Senate Committee on Interior and Insular Affairs (Calendar 1931) is to specifically agree to each matter covered by said H. R. 49 as to which agreement is required of this State, rather than by a blanket provision in the exact words of said paragraph 7. Accordingly, this being one of such matters, your committee recommends specific agreement thereto in this form, together with other similar provisions as to other specific matters of the same type, elsewhere covered by this constitution, including the article on the Hawaiian Homes Commission.

**Section 12:** This section is a new section which was proposed as an amendment to Committee Proposal No. 24. It adds to the proposal. The section as proposed reads as follows:

All those provisions of the Act or Resolution admitting this State to the Union, or providing for such admission, which reserve to the United States judicial rights or powers, are consented to fully by the State and its people; and those provisions of said Act or Resolution which preserve for the State judicial rights and powers are hereby accepted and adopted, and such rights and powers are hereby assumed, to be exercised and discharged pursuant to this Constitution and the laws of the State.

**Recommendations; Reasons and Explanations:** Your Committee recommends the adoption of this section in the language stated above.

This section was added to comply with the last clause of paragraph 7 of H. R. 49 as so proposed to be amended (Calendar 1931), for the same reasons above mentioned with respect to selection 11 hereinabove.

**Conclusion:** Attached hereto your committee submits an amended article incorporating all amendments hereinabove recommended, and the sections as renumbered.

For the reasons hereinabove set forth, your committee recommends:

- (1) that Standing Com. Rpt. No. 70 be adopted insofar as the same is not inconsistent with this report; and
- (2) that Committee Proposal No. 24 be amended in the manner hereinabove proposed and that, as so amended, it pass second reading.—*July 14, 1950*

Nelson K. Doi, Chairman

#### COMMITTEE PROPOSAL NO. 24, RD 1

#### RELATING TO ORDINANCES AND CONTINUITY OF LAW

RESOLVED, that the following be agreed upon as part of the State Constitution:

#### ARTICLE \_\_\_\_\_.

**SECTION 1.** No person who advocates, or who aids or belongs to any party, organization, or association which advocates, the overthrow by force or violence of the government of this State or of the United States of America shall be qualified to hold any public office or any public employment.

**SECTION 2.** The debts and liabilities of the Territory of Hawaii shall be assumed and paid by the State of Hawaii, and all debts owed to said Territory of Hawaii shall be collected by said State.

**SECTION 3.** No taxes shall be imposed by the State upon any lands or other property now owned or hereafter acquired by the United States, except as the same shall become taxable by reason of disposition thereof by the United States or by reason of the consent of the United States to such taxation.

**SECTION 4.** All provisions of the Act or Resolution admitting this State to the Union, or providing for such admission, which reserve to the United States jurisdiction of Hawaii National Park, or the ownership or control of lands within Hawaii National Park, are consented to fully by the State and its people.

**SECTION 5.** All those provisions of the Act or Resolution admitting this State to the Union, or providing for such admission, which reserve to the United States judicial rights or powers, are consented to fully by the State and its people; and those provisions of said Act or Resolution which preserve for the State judicial rights and powers are hereby accepted and adopted, and such rights and powers are hereby

assumed, to be exercised and discharged pursuant to this Constitution and the laws of the State.

**COMMITTEE OF THE WHOLE REPORT NO. 27**

Your Committee of the Whole to which was referred Standing Com. Rpt. No. 73 of the Committee on Ordinances and Continuity of Law, and Committee Proposal No. 25 accompanying said report, having fully considered said report and proposal, begs leave to report thereon as follows:

Your committee held meetings on July 11, 1950, and July 12, 1950, for purposes of considering said report and proposal.

The sections and amendments are discussed in order, together with reasons or explanations, as noted during debate, and, as hereinafter set forth.

Section 1: As originally proposed, the first section reads as follows:

Section 1. That in case the people of the Territory of Hawaii ratify this Constitution and the President of the United States approves the same, the Governor of the Territory of Hawaii shall, within 30 days after receipt of notification from the President certifying such approval, issue his proclamation for an election, or primary and general elections, as may be required, at which officers for all elective offices provided for by this Constitution and laws of this State, except those officers for which this Constitutional Convention, by ordinance duly ratified by the people, shall have made other temporary provisions, shall be chosen by the people; but the officers so to be elected shall in any event include two Senators and two Representatives in Congress, and unless and until otherwise required by ordinance of this Convention duly ratified by the people, or by this Constitution or laws of this State, said Representatives shall be elected at large.

Recommendation; Reasons or Explanation: Your Committee recommends that this section be amended to read as follows:

Section 1. Elections. In case the people of the Territory ratify this Constitution and the same is approved by the duly constituted authority of the United States, whose approval thereto may be required, the governor of the Territory shall, within 30 days after receipt of the official notification of such approval, issue his proclamation for primary and final elections, as hereinafter provided, at which officers for all state elective offices provided for by this Constitution shall be nominated and elected; but the officers so to be elected shall in any event include two senators and two representatives to the Congress, and unless and until otherwise required by law, said representatives shall be elected at large.

"The President of the United States approves the same" was changed to "the same is approved by the duly constituted authority of the United States, whose approval thereto may be required," and the words "notification from the President certifying" were changed to "official notification of" so that in case Congress or any other authority besides the President should be authorized to give the necessary approval or certification, this section would still be applicable.

"General" election was changed to read "final" election, which language is intended to mean the election held after the primary election in the first State election. This was

done to avoid confusion with the term "general election" as used in the election laws and in the constitution.

Section 2: As originally proposed, this section reads as follows:

Section 2. Said election shall take place not earlier than 60 days nor later than 90 days after said proclamation by the Governor ordering the same, or if a primary election is to be held, then the primary election shall take place not earlier than 60 days nor later than 90 days after said proclamation by the Governor, and the general election shall take place within 40 days after the primary election. Such election or elections shall be held, and the qualifications of voters thereat shall be, as prescribed by this Constitution and the laws of this State for the election of members of the State legislature, except as otherwise provided by ordinance of this Constitutional Convention duly ratified by the people. The returns thereof shall be made, canvassed, and certified in the same manner as hereinbefore prescribed with respect to the election for the ratification or rejection of this Constitution.

Recommendation; Reasons or Explanation: Your committee recommends that this section be amended to read as follows:

Section 2. Said primary election shall take place not earlier than 60 days nor later than 90 days after said proclamation, and the final election shall take place within 40 days after the primary election. Such elections shall be held, and the qualifications of voters thereat shall be, as prescribed by this Constitution and by the laws, relating to the election of members of the legislature at primary and general elections. The returns thereof shall be made, canvassed and certified in the same manner as prescribed by law with respect to the election for the ratification or rejection of this Constitution.

The amendment eliminates all references to ordinances, in accordance with the latest proposed amendments to H. R. 49 (Calendar No. 19 ), makes it clear that a primary and a final election are to be held for election of the first state officers, and uses language more appropriate to cover the situations contemplated as well as to satisfy the requirements of H. R. 49.

Section 3: As originally proposed, this section reads as follows:

Section 3. When said election of said officers above provided for shall be held and the returns thereof made, canvassed, and certified as hereinbefore provided, the Governor of the Territory of Hawaii shall certify the result of said election, as canvassed and certified as herein provided, to the President of the United States.

Recommendation; Reasons or Explanation: Your committee recommends that this section be amended to read as follows:

Section 3. When said election shall be held and the returns thereof so made, canvassed and certified, the governor shall certify the results thereof to the President.

The amendment eliminates redundancy.

Section 4: As originally proposed, this section reads as follows:

Section 4. Upon the issuance by the President of the United States of his proclamation announcing the result of said election so ascertained and the admission of the State of Hawaii into the Union, the officers elected at said election, and qualified under the provisions of this Constitution and laws of this State, shall proceed to exercise all the functions pertaining to their offices in or under or by authority of the governor of this State, and officers not required to be elected at said initial election shall be selected or continued in office as provided by ordinances of the Constitutional Convention duly ratified by the people, or by the Constitution and laws of this State.

Recommendation; Reasons or Explanation: Your Committee recommends that this section be amended to read as follows:

Section 4. Upon the issuance by the President of his proclamation announcing the result of said election and the admission of this State to the provisions of this Constitution the admission of this State to the Union, the officers elected and qualified under the provisions of this Constitution and the laws of this State shall proceed to exercise and discharge the powers and duties pertaining to their respective offices.

The amendment eliminates redundancy, and references to ordinances in line with the latest proposed amendments of H. R. 49.

Section 5: As originally proposed, this section reads as follows:

Section 5. The Governor and Secretary of this State, or other officer thereunto authorized, shall certify the election of the Senators and Representatives in the manner required by law.

Recommendation; Reasons or Explanation: Your Committee recommends that this section be amended to read as follows:

Section 5. The governor and secretary of State shall certify the election of the senators and representatives to the Congress in the manner required by law. For this purpose, the lieutenant governor of this State shall be deemed ex officio secretary of state.

This amendment makes it clear that the governor and lieutenant governor (constituted ex officio secretary of state for this purpose) are to certify the election of senators and representatives to the Congress, in compliance with H. R. 49.

Section 6: This is a new section and was offered by way of an amendment to Committee Proposal No. 25 in the following language:

Section 6. Ten days after the admission of this State to the Union, the legislature shall convene in special session.

Recommendation; Reasons or Explanation: Your committee recommends that this section be adopted in the language proposed above, in order to insure that the State legislature will meet as soon as practicable after admission to statehood to provide for any adjustments not fully covered by the constitution.

Section 7: This is a new section and was offered by way of an amendment to Committee Proposal No. 25 in the following language:

Section 7. The governor and the lieutenant governor, elected at the first election, shall each hold office for a term beginning with his election and ending at noon on the first Monday in December following the second general election.

Recommendation; Reasons or Explanation: Your committee recommends that this section be adopted in the language proposed above.

The governor and lieutenant governor, under the article on the executive, are each given a four-year term. This section provides for the initial term, which in all probability will not be exactly four years, and which will end at noon on the first Monday in December following the second general election subsequent to the "final" election at which the first governor and lieutenant governor are elected. Although this section provides that such term shall begin with the election of each, it is quite obvious that they will not commence to exercise their official functions until the actual admission of the State to the Union. It is probable, therefore, that their initial terms will be somewhat less than four years.

Section 8: This is a new section and was offered by way of an amendment to Committee Proposal No. 25 in the following language:

Section 8. The term of office of the members of the legislature elected at the first election shall be as follows

Members of the house of representatives shall hold office for a term beginning with their election and ending on the day of the second general election held thereafter.

Members of the senate shall be divided into two classes. The first class shall consist of the following number elected with the highest number of votes from their respective senatorial districts: first district, 3; second district, 1; third district, 2; fourth district, 3; fifth district, 2; and sixth district, 2. Members of the first class shall hold office for a term beginning with their election and ending on the day of the third general election held thereafter. The remaining members elected to the senate at such election shall constitute the second class, who shall hold office for a term beginning with their election and ending on the day of the second general election held thereafter.

Recommendation; Reasons or Explanation: Your committee recommends that this section be adopted in the language proposed above.

Again, it is obvious that, although this section provides that the legislators shall "hold office" for a term beginning with their election, they will not be able to actually exercise and discharge the powers and duties of their office until after admission of the State to the Union.

Conclusion: Attached hereto your committee submits an amended article incorporating all amendments hereinabove recommended and numbered Committee Proposal No. 25.

For the reasons hereinabove set forth, your Committee of the Whole recommends:

- (1) That Standing Com. Rpt. No. 73 be adopted insofar as it is not inconsistent with this report;
- (2) That Committee Proposal No. 25 be amended in the manner hereinabove proposed, and that, it pass second reading. —July 14, 1950

Nelson K. Doi, Chairman

## COMMITTEE PROPOSAL NO. 25, RD 1

## RELATING TO THE INITIAL ELECTION IN THE STATE

RESOLVED, that the following be agreed upon as part of the State Constitution:

## ARTICLE \_\_\_\_ . INITIAL ELECTION

SECTION 1. Elections. In case the people of the Territory ratify this Constitution and the same is approved by the duly constituted authority of the United States, whose approval thereto may be required, the governor of the Territory shall, within 30 days after receipt of the official notification of such approval, issue his proclamation for primary and final elections, as hereinafter provided, at which officers for all state elective offices provided for by this Constitution shall be nominated and elected; but the officers so to be elected shall in any event include two senators and two representatives to the Congress, and unless and until otherwise required by law, said representatives shall be elected at large.

SECTION 2. Said primary election shall take place not earlier than 60 days nor later than 90 days after said proclamation, and the final election shall take place within 40 days after the primary election. Such elections shall be held, and the qualifications of voters thereat shall be, as prescribed by this Constitution and by the laws relating to the election of members of the legislature at primary and general elections. The returns thereof shall be made, canvassed and certified in the same manner as prescribed by law with respect to the election for the ratification or rejection of this Constitution.

SECTION 3. When said election shall be held and the returns thereof so made, canvassed and certified, the governor shall certify the result thereof to the President.

SECTION 4. Upon the issuance by the President of his proclamation announcing the result of said election and the admission of this State to the Union, the officers elected and qualified under the provisions of this Constitution and the laws of this State shall proceed to exercise and discharge the powers and duties pertaining to their respective officers.

SECTION 5. The governor and secretary of state shall certify the election of the senators and representatives to the Congress in the manner required by law.

For this purpose, the lieutenant governor of this State shall be deemed ex officio secretary of state.

SECTION 6. Ten days after the admission of this State to the Union, the legislature shall convene in special session.

SECTION 7. The governor and the lieutenant governor, elected at the first election, shall each hold office for a term beginning with his election and ending at noon on the first Monday in December following the second general election.

SECTION 8. The term of office of the members of the legislature elected at the first election shall be as follows:

Members of the house of representatives shall hold office for a term beginning with their election and ending on the day of the second general election held thereafter.

Members of the senate shall be divided into two classes. The first class shall consist of the following number elected with the highest number of votes from their respective senatorial districts: first district, 3; second district, 1; third

district, 2; fourth district, 3; fifth district, 2; and sixth district, 2. Members of the first class shall hold office for a term beginning with their election and ending on the day of the third general election held thereafter. The remaining members elected to the senate at such election shall constitute the second class, who shall hold office for a term beginning with their election and ending on the day of the second general election held thereafter.

## COMMITTEE OF THE WHOLE REPORT NO. 28

Your Committee of the Whole to which was referred Standing Com. Rpt. Nos. 92, 95, 99 and 102, Committee Proposals Nos. 29 and 30, and Misc. Com. Nos. 112, 113 and 114, on July 13, 1950, filed its written report (Committee of the Whole Report No. 24), recommending the passage of Committee Proposals Nos. 29 and 30, with certain amendments, and orally reported recommending the further amendment of Committee Proposal No. 29, by amending Section 17 thereof, in order to clarify the operation of the veto after the legislature had adjourned, begs leave to report as follows:

That the second paragraph of Section 17 of Committee Proposal No. 29, RD 1, be amended to read as follows:

The governor shall have ten days, Sundays and holidays excluded, to consider bills presented to him ten days or more before the adjournment of the legislature sine die, and if any such bill is neither signed nor returned by the governor within that time, it shall become law in like manner as if he had signed it.

The governor shall have 45 days, after the adjournment of the legislature sine die, Sundays and holidays excluded, to consider bills presented to him less than ten days before such adjournment, or presented after adjournment, and any such bill shall become law on the 45th day unless the governor shall have given, by proclamation, ten days' notice to the legislature that he plans to return such bill with his objections on the said 45th day. The legislature may convene at or before noon on the said 45th day in special session, without call, for the sole purpose of acting upon any such bill returned by the governor. In case the legislature shall fail to so convene, such bill shall not become law. Any such bill may be amended to meet the governor's objections and, if so amended and passed, only one reading being required in each house for such passage, it shall be presented again to the governor, but shall become law only if he shall sign it within ten days after presentation, Sundays and holidays excluded.

Your committee, therefore, recommends the adoption of said Committee of the Whole Report of July 13, 1950, as supplemented by this report, and the passage on second reading of Committee Proposal No. 29, as amended, pursuant to the recommendations of said Committee of the Whole Report of July 13, 1950 (Committee of the Whole Report No. 24), and as further amended pursuant to the recommendations of this supplementary report.

Your committee further recommends that Standing Com. Rpt. No. 95, recommending the filing of various documents, be adopted. —July 14, 1950

J. Garner Anthony, Chairman

## 4. Special Committee Reports

### SPECIAL COMMITTEE REPORT NO. 1

Your Temporary Committee on Permanent Rules begs leave to submit the following partial report:

Your Committee, after considerable study and due consideration, has agreed upon a permanent set of rules governing the organization and proceedings of the Convention.

The rules are complete with the exception of Rule 18, which shall define the duties of the Standing Committees.

Your Committee recommends the consideration by this Convention of the set of rules which is submitted herewith, and the adoption, at this time, of Rules 1 to 15, inclusive.

—April 6, 1950

Wm. H. Heen, Vice-Chairman

### SPECIAL COMMITTEE REPORT NO. 2

Your Temporary Committee on Permanent Rules begs leave to submit the following final report:

Your Committee, under date of April 6, 1950, presented a partial report recommending the consideration by the Convention of a set of rules which accompanied said report and further recommending the adoption of Rules 1 to 15, inclusive, and calling attention to the fact that said set of rules was incomplete in that the provisions of Rule 18, relating to the duties of the various Standing Committees, had not been agreed to.

After due and careful consideration, your Committee has finally agreed upon the provisions of Rule 18 and the same are contained in the entire set of rules which is submitted herewith. [See Appendix II.]

Your Committee, on further consideration, feels that the set of rules which was submitted with its partial report should be amended in a certain minor respect, and, accordingly, recommends the consideration by the Convention of an amendment to Rule 32 by adding thereto the following paragraph:

When a delegate, being present, refuses to vote, either in the affirmative or the negative, upon a question on which the ayes and noes are required, he shall be recorded as voting in the affirmative.

The foregoing amendment is included in the final draft of the complete set of rules above mentioned.

It is the recommendation of your Committee that the complete set of rules, submitted herewith, be considered for adoption in its entirety. —April 10, 1950

Wm. H. Heen, Vice-Chairman

### SPECIAL COMMITTEE REPORT NO. 3

Your Special Committee appointed pursuant to Resolution No. 16, "to investigate the qualifications of Frank G. Silva to retain his seat as a delegate to the Constitutional Convention," reports as follows:

The Committee has held seven meetings. It has examined the transcript of testimony in the proceedings recently had in Honolulu before the House of Representatives UnAmerican Activities Committee wherein the testimony of Ichiro Izuka

charging Delegate Silva with membership in the Communist Party and his refusal to testify appears.

Your Committee has considered the press release of Frank G. Silva, the letter of Jack W. Hall, regional director, I.L.W.U., to President Samuel Wilder King, dated April 14, 1950, and a signed statement submitted to it by Delegate Silva on April 17, 1950. The documents referred to are transmitted herewith.

The Committee invited Delegate Silva to appear before it, accompanied by counsel of his own selection if he so desired. He appeared, accompanied by his attorney, on Friday, April 14, 1950, and again, without his attorney, on Monday, April 17, 1950.

Your Committee considers that it is unnecessary to pass upon the question whether Mr. Silva is now or ever was a member of the Communist Party. It concludes that it is not a body competent to render such a judgment. Upon the admitted facts your Committee finds:

#### Findings

1. That this Convention is the sole judge of the qualifications of its members.
2. That the House of Representatives UnAmerican Activities Committee is a body duly authorized under the laws of the United States to conduct investigations into alleged subversive activities; that it did subpoena Delegate Silva to appear before it and testify; that Delegate Silva in response to the subpoena appeared but declined to testify upon the ground that his testimony might tend to incriminate him. No witness who testifies before the House UnAmerican Activities Committee can be prosecuted for any crime which his testimony may divulge save and except the crime of perjury committed in the course of such testimony.
3. The fact that Mr. Silva has taken an oath as a delegate and signed the loyalty oath pursuant to a resolution of this Convention your Committee deems immaterial for the purposes of this report.
4. That Frank G. Silva, by his refusal to answer the questions put to him by the House UnAmerican Activities Committee, has forfeited his right to sit in this Convention. Your Committee therefore recommends:

#### Recommendations

1. That Delegate Frank G. Silva be given to and including Wednesday, April 19, 1950, within which to purge himself of contempt of the House UnAmerican Activities Committee or to show cause if any he has why this Convention should not vote on his qualifications to hold his office as a delegate.
2. That Delegate Frank G. Silva be furnished with a copy of this report and be notified by the Secretary that, on Thursday, April 20, 1950, at 11 o'clock a.m., in the event he has not purged himself of contempt or has not shown cause for his failure to do so, this Convention act upon the following resolution:

RESOLVED that Frank G. Silva by reason of his contempt of the House UnAmerican Activities Committee in the recent proceedings of said committee conducted at Iolani Palace, Honolulu, Hawaii, is hereby declared disqualified to sit as a member of this Convention and that he be and is hereby expelled from this Convention, that



his seat be declared vacant, and the Governor be requested to fill the vacancy in the manner provided by law.

—April 18, 1950

Benjamin O. Wist,  
Chairman

J. Garner Anthony  
Marguerite K. Ashford

Alexander Castro  
Frank C. Luiz  
Chuck Mau  
Frederick Ohrt

Tom T. Okino  
Harold S. Roberts  
Arthur K. Trask  
Arthur D. Woolaway

## 5. Governor's Messages

### GOVERNOR'S MESSAGE NO. 1

I wish to welcome the members of this Convention and assure you that I will be only too glad to assist you in any way within my power.

Today is a momentous day in the history of Hawaii, a day looked forward to by the people of Hawaii since the Newlands Resolution of 1898 which effected the admission of Hawaii to the United States. The Newlands Resolution contemplated an Organic Act which would complete the incorporation of Hawaii as an integral part of the United States. This was enacted in April 1900 and under it Hawaii resembles in every respect the territories created in continental United States by the Northwest Ordinance of 1787 and other acts setting up territorial governments as a preliminary to statehood.

By the Organic Act of 1900 giving Hawaii territorial status, Congress then and there committed the United States to the ultimate granting of statehood to Hawaii. A long line of decisions of the United States Supreme Court sets out "the ephemeral nature of a territorial government" and statehood as the ultimate destiny of a territory. Mr. Justice White, in *Downs v. Biddle*, said "Since the constitution provides for the admission by Congress of new states, it properly may be said that the outlying continental public domain, of which the United States was the proprietor, was, from the beginning, destined for admission as a state or states into the Union; that as a preliminary step towards that afore-ordained end—to tide over the period of ineligibility—Congress, from time to time, created territorial governments, the existence of which was necessarily limited to the period of pupillage." Again, this same court has pointed out "a territory under the constitution and laws of the United States is an inchoate state."

During the 50 years that Hawaii has been a part of the United States, 50 years of pupillage, Hawaii has increased and developed in wealth and in population so that under the last census it exceeded four states in population, was comparable to four other states, and had an assessed value in property greater than any state at the time of admission, with the exception of Oklahoma.

I need not review for you Hawaii's economic development but in addition to its economic development Hawaii is in every respect a modern community, maintaining a high standard in government service. It has a high standard of health and for a number of years has had a lower death rate than any state in the Union. The maternal mortality rate has been less than that of the average mainland state for the last seven years; it is continuing to decline. Our schools are well equipped and well attended; our teachers are far better paid than the average teachers in mainland United States schools. Hawaii has progressive labor laws and a well-organized Department of Labor. It has an apprenticeship program, a child labor law, a minimum wage and maximum hours work law, and workmen's compensation laws.

The people of Hawaii have shown skill and ability in local self-government. For more than one hundred years Hawaii has had constitutional government and for approximately 50 years the Territory has had complete local self-government except for the appointment of the Governor, the Secretary, and the Judges. The Legislature has exercised general legislative power, subject only to the restrictions of the Organic Act and the United States Constitution.

The Territory is a modern unit with an economic, social and political status of the highest order. It is and has been for many years entirely self-supporting, paying all the expenses of the Territory and County governments except the salaries of the legislators and those officers appointed by the President.

The people have shown a keen interest in public affairs with a larger percentage of registered voters voting in elections than in any state in the Union.

As long ago as 1937 a congressional committee found that "Hawaii has fulfilled every requirement for statehood heretofore exacted of territories" but recommended a plebescite of the voters be held. Such a plebescite was held in 1940 with two-thirds of the votes for statehood.

In December 1941 came the outbreak of World War II with an attack on Hawaii. The Territory had set up a full scale organization for civilian defense which went into immediate action on December 7th. In less than two hours after the attack, civilian first-aid units, well equipped and well staffed, were in active service. The Civilian Defense also had on hand a blood bank which saved the lives of hundreds of our wounded soldiers and sailors.

The record of Hawaii throughout the dark days that followed December 7th bespeaks the loyalty, fortitude and energy of its people. When the history of that period is written the activities of the civilian volunteers, men and women, will be a record of which Hawaii may be justly proud. Our citizens of every race and every color also served in the armed services, Army, Navy and Marine Corps, in the Merchant Marine, and in war work of every kind and description. The roll of Hawaii's honored dead throughout the word is proof positive of the loyalty of Hawaii's sons and their patriotism was not measured by the color of their skin. Our populations tested by the fire of battle and the trials of war, both at home and abroad, were not found wanting.

The war threw more light upon the loyalty and patriotism of our population than the many preceding years of peace, and settled for all time a question that had been the cause of concern to many sincere democratic citizens who honestly questioned whether children of non-Caucasian parents, of alien cultures, of alien religions, of many races, could be truly knit by a common idealism into a nation. The situation here had no precedent in the older states where the alien population in such states had the same religions, customs, habits and ways of thinking, more or less common with that of its citizens. No state had had to absorb and deal with a

large group of Asiatic aliens who could not be naturalized under our existing laws and whose very religions in many cases were foreign and strange to us. However, during the years preceding the war there had been tremendous changes in our population since annexation, changes climaxed by the war. Our public schools, our boy and girl scout organizations, and all of our free and democratic institutions had been gradually but efficiently Americanizing each of the coming generations. Hawaii proved to be truly a melting pot with much more than a third of its marriages inter-racial. This is especially conspicuous among the Japanese for, at the time of annexation, marriage among the Japanese people outside of their own race was unheard of; in the meantime our percentage of citizenship population had increased from less than 40% to more than 85% and, as stated, the war removed all doubt of the thorough Americanization of our peoples of all races. In this connection I call to your attention that Hawaii not only furnished its quota under selective service, but by voluntary enlistment it raised a battalion of infantry among those of Japanese descent which finished the war with an outstanding record and was one of, if not the most, decorated units of the American Army.

Suggestions from certain individuals from time to time to place the Territory of Hawaii under naval or military control or some form of commission government calls to our attention that our existing rights of local self-government can be secured only by statehood as under a territorial status Congress may modify or completely repeal the Territorial Organic Act.

Equally important with making secure the existing rights of local self-government is a representation in national affairs. With merely a voice in the House of Representatives, and neither voice nor vote in the Senate, it is difficult to secure due consideration and prevent discrimination against us in national legislation. Thousands of young men of these Islands were drafted during World War II though neither they nor their parents had any voice in the passage of the draft act, nor vote in the declaration of war which sent them into battle.

The citizens of Hawaii pay Federal taxes on exactly the same basis as do the citizens of a state, yet they have no vote either in the levying of the taxes or in the disbursing of the revenues. These conditions are contrary to traditional American principles. No taxation without representation, no government without the consent of the governed, are axioms as much alive and as important to the people of Hawaii today as they were to the Revolutionary fathers who first gave them utterance, and these principles are particularly applicable when we remember that the overwhelming mass of the residents of Hawaii are citizens of the United States, citizens whose loyalty, patriotism and ability in self-government cannot be questioned.

As previously stated, a territorial government is a transitory one, tolerable for a reasonable period but should be endured no longer than is necessary to show that the people of the Territory are loyal citizens of the United States and capable of self-government. That time has come. The House of Representatives has so decided, the President of the United States and the Secretary of the Interior have endorsed statehood for Hawaii, the Legislature of Hawaii has petitioned for statehood, the people of Hawaii have voted for statehood, and now your actions here will largely determine whether statehood will be granted now or be further delayed. I have every confidence that you will meet this test and prepare for Hawaii a constitution of which we may be justly proud; and, if I may add one word of advice, make it truly a framework for government and do not clutter it up with legislative

enactments however desirable you may consider such legislation.

In conclusion, I wish to read a radio (message) to you from the Secretary of the Interior;

Please extend to the presiding officer and members of the Constitutional Convention meeting on April Four the greetings and cordial good wishes of the Interior Department and the Administration as they undertake the important task for which they have been chosen. The very high caliber and often demonstrated interest in public affairs of the elected delegates is a guarantee that the results of their labors will be a constitution fully responsive to the needs of Hawaii and fully within the great traditions of American Democracy. Such a Constitution will be the indispensable basis of the Government of the new State of Hawaii which I am hopeful will be approved by the present Congress and will be convincing evidence to the American people and the world that Hawaii is a mature and responsible member of the great American partnership of self-governing democratic communities.

#### GOVERNOR'S MESSAGE NO. 2

Territory of Hawaii  
Executive Chambers  
Honolulu

April 12, 1950

Hawaii State Constitutional Convention  
Samuel Wilder King, President  
Honolulu, Hawaii

You are hereby notified that, pursuant to the power vested in me by Section 2 of Act 334, Session Laws of Hawaii 1949, I have this day appointed John R. Phillips who is an elector of the Combination of Precincts 11, 15, 16, 17, 18, 24 and 32, Fourth Representative District, to fill the vacancy caused by the resignation of Mr. Richard M. Kageyama.

Sincerely yours,

INGRAM M. STAINBACK  
Governor of Hawaii

#### GOVERNOR'S MESSAGE NO. 3

Territory of Hawaii  
Executive Chambers  
Honolulu

April 21, 1950

Honorable Samuel Wilder King  
President, Constitutional Convention  
of Hawaii of 1950  
Honolulu Armory  
Honolulu, T. H.

Dear Mr. King:

This will acknowledge receipt of your letter of April 20, 1950 addressed to the Governor, in which you advise him that a vacancy exists in the membership of the Hawaii Constitutional Convention because of the disqualification and subsequent expulsion by the Convention of Delegate Frank G. Silva who represented Precinct Combination BB (Pre-

cincts 5 and 6) of the Sixth Representative District, Island of Kauai.

The Governor has this matter presently under consideration and you will be advised when another delegate has been appointed to fill the vacancy.

Yours very truly,  
HARRY L. STROUP  
Secretary to the Governor

**GOVERNOR'S MESSAGE NO. 4**

Territory of Hawaii  
Executive Chambers  
Honolulu

April 21, 1950

Hawaii State Constitutional Convention  
Samuel Wilder King, President  
Honolulu, Hawaii

You are hereby notified that, pursuant to the power vested in me by Section 2 of Act 334, Session Laws of Hawaii 1949, I have this day appointed Matsuki Arashiro who is an elector of the Combination of Precincts 5 and 6 (Combination BB) of the Sixth Representative District, Island of Kauai, to fill the vacancy caused by the expulsion of Frank G. Silva.

Sincerely yours,  
INGRAM M. STAINBACK  
Governor of Hawaii

**GOVERNOR'S MESSAGE NO. 5**

Honolulu, June 27, 1950

The Honorable Samuel Wilder King, President  
Hawaii State Constitutional Convention  
Honolulu, Hawaii

Dear Mr. President:

This is to inform you that I am allocating from the Governor's contingent fund, an additional \$15,000 to enable the Convention to complete its work. This allotment has been made with the full knowledge and approval of Governor Stainback.

I wish to congratulate you and the members of the Convention on the progress that has been made. The task of writing a constitution has required more time than either the delegates or the public expected it would take. There is agreement, however, that it is more important that this assignment be well done, than that it be completed within a given time.

Sincerely yours,  
OREN E. LONG  
Acting Governor of Hawaii

**GOVERNOR'S MESSAGE NO. 6** [Radiogram]

GOV LONG  
IOLANI PALACE HONOLULU

CONGRATULATE CONSTITUTIONAL CONVENTION ON  
WORK WELL DONE

STAINBACK

## 6. Departmental Communications

**DEPARTMENTAL COMMUNICATION NO. 1**

April 5, 1950

The attached communication dated April 3, 1950, signed by Joe C. Harper, Warden of Oahu Prison, and Thomas B. Vance, Director of Institutions, is respectfully transmitted for the information of members of the State Constitutional Convention.

OREN E. LONG  
Secretary of Hawaii

April 3, 1950

Chairman and Members  
State Constitutional Convention:

Our State Prison System is happy to present to each of you a miniature example of Hawaii's prison industries in which energetic efforts are made to redirect the lives of men so that each man who enters prison will be a better man when he leaves. As we place this symbol of our Ship of State in your hands, we know that its course will be well and safely charted. It had been our hope to mount on each of these ships an American Flag with 49 or 50 stars in the blue field. Unfortunately, such flags have not as yet been manufactured.

May we extend to you every good wish for success in the task which you are assembled to perform and which is so important to all the people of Hawaii.

JOE C. HARPER  
Warden, Oahu Prison  
THOS. B. VANCE  
Director of Institutions

**DEPARTMENTAL COMMUNICATION NO. 2**

April 5, 1950

The receipt of a certified copy of Res. No. 5, adopted April 4, 1950 by the Hawaii State Constitutional Convention, is acknowledged with deep appreciation.

OREN E. LONG  
Secretary of Hawaii

**DEPARTMENTAL COMMUNICATION NO. 3**

April 5, 1950

Transmitted herewith is a letter dated March 31, 1950,

from the Chamber of Commerce of Honolulu, which was received yesterday in this office.

OREN E. LONG  
Secretary of Hawaii

March 31, 1950

President of the  
Hawaii Constitutional Convention  
c/o Mr. Oren E. Long, Secretary of Hawaii:

The Chamber of Commerce of Honolulu is confident that in the Constitutional Convention certain basic committees will be established by appointment of the President.

Because of the extreme importance of public education to the people of this Territory, the Chamber of Commerce of Honolulu, through its Board of Directors at a meeting held on March 31st earnestly urges the formation of a committee of delegates to the Hawaii Constitutional Convention to consider as a part of the State Constitution the subject of public education.

In making this request, the members of the Board of Directors do not intend to imply that such a committee is not already contemplated.

The Board of Directors wishes to express its confidence in the elected delegates in the carrying out of their responsibilities in forming the constitution for the State of Hawaii as a part of the Union of the United States of America.

JOHN A. HAMILTON  
Secretary

#### DEPARTMENTAL COMMUNICATION NO. 4

April 4, 1950

It is my understanding that as of today, all bills and payrolls pertaining to the Constitutional Convention will be handled by the Convention. This would be in keeping with the practice of both the Senate and the House of Representatives in disbursing Territorial funds used in connection with each legislative session.

Under the provisions of Section 8, Act 334, Session Laws of Hawaii 1949, it is my understanding that the Secretary of Hawaii is required to disburse funds appropriated by the legislature to cover the expenses of the Convention. Mr. Henry Paoa, Administrator, Office of the Secretary of Hawaii, will be pleased to confer with members of your staff on the handling of the bills.

OREN E. LONG  
Secretary of Hawaii

#### DEPARTMENTAL COMMUNICATION NO. 5

April 3, 1950

I have recently received a letter from Wood, King & Dawson, 48 Wall Street, New York, N. Y., offering their assistance to the Convention in the drafting of constitutional provisions with respect to Territorial and local borrowing in order that the same be adequate to meet the requirements of the Territory and its subdivisions. This service is offered to the Convention free of charge as a gesture of cooperation with the Territory.

As you may know, Wood, King & Dawson have been the Territory's bond attorneys for many years and are specialists in the field of government finance.

If the Convention wishes to avail itself of this offer, I will appreciate it if you will so notify me in order that arrangements may be worked out.

WILLIAM B. BROWN, Treasurer  
Territory of Hawaii

#### DEPARTMENTAL COMMUNICATION NO. 6

April 13, 1950

For the use of the Constitutional Convention, we are sending you six copies of each of the following:

Revised Laws of Hawaii 1945, Session Laws of Hawaii 1945, Session Laws of Hawaii 1947 and Session Laws of Hawaii 1949 (Regular Session).

Six copies of the Special Session Laws 1949 will be forwarded as soon as received from the publisher.

Due to the fact that we are quite short of the law books, particularly the Revised Laws 1945, we wish to have these books viewed as a loan to the Convention. We are accordingly attaching a receipt for them.

One copy of each of these books should be turned over to Mr. Garner Anthony, Chairman of the Committee on the Judiciary.

OREN E. LONG  
Secretary of Hawaii

#### DEPARTMENTAL COMMUNICATION NO. 7

April 11, 1950

Enclosed is a copy of a letter from Mr. Frank R. Sommerfield, Chief Deputy Fire Marshal, Territory of Hawaii, and Mr. H. A. Smith, Chief Engineer, Honolulu Fire Department, outlining their comments for safety in the Armory during the Constitutional Convention. This is being forwarded to you that you may take the necessary precautions for observance of their recommendations.

This Department reports that to date the following precautions have been taken:

- (1) The stairs to the balcony have been barricaded to keep out the general public.
- (2) The basement has been barricaded as recommended.
- (3) It is believed the widths of aisles do comply with the recommendations.
- (4) The large door in the mauka end of the Armory should be kept open at all times as it is a very difficult job for several men to open it once it gets closed. This should take care of recommendation (4).
- (5) Bleachers have been provided.
- (6) The problem of smoking is a daily problem. It is thought with numerous "No Smoking" signs together with ash trays on the desks and possibly a few sand boxes for cigarette disposal the wishes of the fire marshals will be complied with.

R. M. BELT  
Superintendent of Public Works

#### DEPARTMENTAL COMMUNICATION NO. 8

April 18, 1950

With the Enabling Bill H. R. 49 pending in the U. S. Senate after having passed the U. S. House of Representatives,

and with the present Constitutional Convention already organized in accordance with Act 334, it has been necessary to examine H. R. 49 to see what amendments might be suggested to the Senate Committee on Interior and Insular Affairs to bring the two measures into conformity.

The Hawaii Statehood Commission has requested the Attorney General of Hawaii to draft such proposed amendments. This has been done and the amendments have been accepted by the Commission and they have been forwarded to Delegate Joseph R. Farrington and to the Washington Office of the Commission.

A copy of these proposed amendments is attached herewith for the information of the Convention.

SAMUEL WILDER KING  
Chairman, Hawaii Statehood Commission

*PROPOSED AMENDMENTS TO H. R. 49*  
*Submitted by the Hawaii Statehood Commission*

(References are to the Senate Print of March 8, 1950)

1. Section 2: page 1, line 7 to page 7, line 10. In order to (1) ratify the provisions of Act 334 of the Session Laws of Hawaii 1949 as to the composition of the constitutional convention, (2) eliminate phraseology calling for future elections of and convening of delegates, in recognition of the fact that the convention already has been constituted, at the same time recognizing that the convention is a continuing body, and that the governor's power to fill vacancies and the convention's power as sole judge of the qualifications of delegates, should be set forth in the bill, and (3) make it certain that the congressional act does not invalidate the applicability of the Territory's loyalty law, section 2 should be amended as proposed.

Proposed Amendment 1. Page 1, line 7 to page 7, line 10: Strike out the language of section 2 and insert in lieu thereof:

Sec. 2. The convention formed pursuant to the provisions of the act of May 20, 1949 (Act 334, Session Laws of Hawaii, 1949), entitled "An act to provide for a constitutional convention, the adoption of a state constitution, and the forwarding of the same to the Congress of the United States, and appropriating money therefor," when it shall have declared on behalf of the people of the proposed state that they adopt the Constitution of the United States, is hereby recognized as the body authorized to form a constitution and state government for the proposed state.

The provisions of said act of May 20, 1949 as to the qualifications of the delegates, and the election, composition and organization of the convention, including the provisions thereof empowering the governor to fill any vacancy in any office of delegate, are hereby ratified, approved, and confirmed: Provided, That nothing in this act shall be deemed to invalidate chapter 13 of the Revised Laws of Hawaii 1945, as amended, relating to loyalty oaths. The convention shall be the exclusive judge of the elections, returns, and qualifications of the delegates.

2. Section 3: page 7, lines 11 to 19. In order to eliminate provisions covered by proposed Amendment No. 1, the first paragraph of section 3 should be deleted.

Proposed Amendment 2. Page 7, lines 11 to 19: Strike out the language of the first paragraph of Section 3, and insert at the beginning of line 20, "Sec. 3."

3. Section 3: page 8, lines 11 to 16. Item 1 of the Department of the Interior's report to the House of Representatives Committee on Public Lands, Eighty-first Congress,

First Session, while deemed to be unnecessary appears to be unobjectionable, and the same could be incorporated in the bill as proposed.

Proposed Amendment 3. Page 8, lines 11 to 16: Strike out the language of paragraph Fourth of section 3 and insert in lieu thereof:

Fourth. That the property in the Territory of Hawaii set aside by Act of Congress or by Executive order of the President or the Governor of Hawaii for the use of the United States and remaining so set aside immediately prior to the admission of the State of Hawaii into the Union shall be ceded to or retained by the United States, as more particularly provided in the next section of this Act.

4. Section 3: page 8, lines 21 to 23. This amendment is for the purpose of clarifying the date as of which the ownership of land by the United States for military, naval or coast guard purposes will cause the United States to have exclusive jurisdiction thereof.

Proposed Amendment 4. Page 8, lines 21 to 23. Strike out the language which now reads "in all cases whatsoever over such tracts or parcels of land as are now owned by the United States and held for military, naval, or coast-guard purposes," and insert in lieu thereof:

. . . in all cases whatsoever over such tracts or parcels of land as, upon the admission of said State, are owned by the United States and held for military, naval, or coast guard purposes,

5. Section 3: page 9, line 1. Item 2 of the Department of the Interior's report to the House of Representatives Committee on Public Lands, Eighty-first Congress, First Session, while deemed to be unnecessary appears to be unobjectionable, and the same could be incorporated in the bill as proposed.

Proposed Amendment 5. Page 9, line 1: Insert after the word "by" the words "Act of Congress or by."

6. Section 3: page 9, lines 9 to 11. Item 3 of the Department of the Interior's report to the House of Representatives Committee on Public Lands, Eighty-first Congress, First Session, recommends that the provisions of the bill as to the exclusive jurisdiction of the United States over lands held for military, naval or coast guard purposes be amended by including customary saving clauses reserving the State's right to tax and preserving the voting rights of the inhabitants. While the Buck Act reserves the right to tax, these amendments are desirable, particularly as the provisions of section 16 concerning the exclusive jurisdiction of the United States over Hawaii National Park otherwise would not be the same.

Proposed Amendment 6. Page 9, lines 9 to 11: Change the semicolon in line 9 to a comma, strike out the language following the semicolon which now reads "and the legislative assembly is authorized and directed to enact any law necessary or proper to give effect to this Article." and insert in lieu thereof:

. . . and shall have the right to tax persons and corporations, their franchises and property, within the said tracts or parcels of land; and that persons now or hereafter residing on the said tracts or parcels of land shall not be deprived thereby of the right to vote at all elections held within the political subdivisions where they respectively reside.

7. Section 3: page 9, line 23; page 9, line 24 to page 10, line 5; page 10, lines 8 and 12. This concerns a require-

ment that the constitution of the new State set forth a compact with the United States relating to the perpetuation of the Hawaiian Homes Commission Act, 1920, subject to amendment or repeal only with the consent of the United States, and in no other manner. However, the consent of the United States is not required for certain changes relating to administration. As a safeguard the bill further provides that certain funds shall not be reduced or impaired, except with the consent of the United States. The Hawaiian Homes Commission feels that to conform to the 1948 amendments of the Hawaiian Homes Commission Act wherein a new "home-operating fund" was created (Public Law 638, 80th Cong., 2d Sess., c. 464, sec. 3, amending sec. 213 of the Hawaiian Homes Commission Act, 1920), this new fund should be mentioned as one of those that cannot be reduced or impaired.

One of the provisos of the compact with the United States which is required to be stated in the constitution of the new State, is set forth in lines 11 to 13, inclusive, on page 10. This has to do with the use of the proceeds and income from Hawaiian home lands. This proviso is couched in the language that such proceeds and income "shall be available to said State for use in accordance with the terms of said Act," referring to the Hawaiian Homes Commission Act, whereas it seems to this commission that the proviso should be couched in language binding the State to use such proceeds and income only in accordance with the terms of said act.

Other proposed changes are for the purpose of making it clear that permitted amendments of the Hawaiian Homes Commission Act may be made by ordinance of the convention as well as in the constitution of the State.

Proposed Amendment 7a. Page 9, line 23: Insert, following the words "original Constitution" the words "or ordinances."

Proposed Amendment 7b. Page 9, line 24 to page 10, line 5: Strike out the language which now reads "but the Hawaiian home-loan fund and the Hawaiian home-development fund shall not be reduced or impaired, and the encumbrances authorized to be placed on Hawaiian home lands by officers other than those charged with the administration of said Act shall not be increased, except with the consent of the United States;" and insert in lieu thereof:

... but, except with the consent of the United States, (a) the Hawaiian home-loan fund, the Hawaiian home-development fund, and the Hawaiian home-operating fund shall not be reduced or impaired, and (b) the encumbrances authorized to be placed on Hawaiian home lands by officers other than those charged with the administration of said Act shall not be increased; .

Proposed Amendment 7c. Page 10, line 8: Insert after the word "Constitution" the words "or ordinances."

Proposed Amendment 7d. Page 10, line 12: Strike out the language which now reads "shall be available to said State for use" and insert in lieu thereof:

... shall be used only.

8. Section 4(a): page 10, lines 18 to 25. Section 4(a) provides, with certain exceptions, that the State of Hawaii and its political subdivisions shall retain all the lands and other public property title to which is in the Territory of Hawaii or a political subdivision. For example, the Territory and its political subdivisions have title to lands purchased by them (as distinguished from those obtained in exchange for ceded lands), and also have title to various public works and other property, title to which has been transferred from time to time by presidential proclamation or order under section 91 of the Hawaiian Organic Act. An

example of such a presidential transfer of title is the Wilson Proclamation of February 17, 1920, 41 Stat. 1786.

It undoubtedly is the intent of the Statehood Enabling Act to transfer to the Territory and its political subdivisions the title to all property in use by it or them for public purposes, and this would be accomplished by the provisions of section 4(b) relating to property under executive order were it not for the fact that in some instances neither a presidential transfer of title nor an executive order has been issued. For example, where small road parcels are acquired by exchange, for straightening, widening, etc., it has not been practical to issue executive orders for such parcels. Yet the Territory may not have outright title at the present time because land acquired by an exchange has the same status as the land given in the exchange.

To cover this situation there should be inserted in section 4(a) a provision transferring to the State title to all property which immediately prior to the admission of the State is in its use for public purposes, such purposes to be described as in the portion of section 91 of the Hawaiian Organic Act that relates to presidential transfers of title. Of course such provision must be restricted in its operation to land in the control of the Territory pursuant to the Hawaiian Organic Act. Property under an executive order in favor of the United States must be excepted from such transfer of title.

Proposed Amendment 8. Page 10, lines 18 to 25: Strike out the language of section 4 preceding the proviso in line 25 on page 10 and insert in lieu thereof:

Sec. 4. (a) The State of Hawaii and its political subdivisions, as the case may be, shall retain, except as herein provided: (1) all the lands and other public property title to which is in the Territory of Hawaii or a political subdivision thereof, and (2) all the lands and other public property which are in the control of the Territory of Hawaii pursuant to the Hawaiian Organic Act and, immediately prior to the admission of the State of Hawaii into the Union, are in the possession and use of the Territory or its political subdivisions for the purposes of water, sewer, electric, and other public works, penal, charitable, scientific, and educational institutions, cemeteries, hospitals, parks, highways, wharves, landings, harbor improvements, public buildings, and other public purposes; and all such lands and other property shall remain and be the absolute property of the State of Hawaii and its political subdivisions, as the case may be, subject to the constitution and laws of said State; .

9. Section 4(a): page 10, line 25 to page 11, line 8. This concerns a proviso vesting the United States with title to property in its use, whether title to such property, at the time of admission of the State, was in the Territory of Hawaii or in the United States. This proviso recognizes that executive orders under which the United States is using the land may be absolute, or may be subject to limitations. A typical example of a limited executive order is one which covers only an underground pipe line, and hence upon the admission of the State, would be converted into the grant of an easement. To clarify the bill it should provide that in the case of a limited executive order the United States will acquire an interest in the property conformable to the limitations in the executive order. Moreover, to conform this proviso to Amendment 3, proposed pursuant to Recommendation No. 1 of the Department of the Interior, the words "Act of Congress or by" should be inserted.

Proposed Amendment 9. Page 10, line 25 to page 11, line 8: Strike out the language of the proviso which com-

mences in line 25 on page 10 and ends in line 8 on page 11 and insert in lieu thereof:

Provided, however, That wherever any such lands or other property heretofore have been or hereafter shall be set aside by Act of Congress, or by Executive order of the President or the Governor of Hawaii pursuant to law, for the use of the United States, whether absolutely or subject to limitations, and shall remain so set aside immediately prior to the admission of the State of Hawaii into the Union, the United States shall be and become vested with absolute title thereto, or an interest therein conformable to such limitations, as the case may be.

10. Section 4(b): page 11, line 20. This provides for an investigation and report by a Joint Committee of Congress "upon the subject of the public lands and other property in Hawaii" and that Congress "shall thereafter make a final determination and disposition of the remaining public lands and other public property." In order to specifically state what is believed to be the intent, that the contentions of the people of Hawaii relating to this matter, based on the terms and provisions of the cession and transfer made by the Republic of Hawaii, are deferred for hearing before the Joint Congressional Committee without any determination on the merits of such contentions, an amendment is proposed.

Proposed Amendment 10. Page 11, line 20: Insert after the words "other property in Hawaii," the following:

. . . giving due consideration to the terms and provisions of the cession and transfer thereof by the Republic of Hawaii, . . .

11. Section 4(b); page 12, lines 1 to 11. This concerns a proviso that lands in public use at the time of the admission of the State, whether in the use of the United States, the Territory of Hawaii or a political subdivision, shall be disposed of to, and become the property of, the government so holding such lands. This amendment is proposed in order to conform the proviso to Amendment 9 above proposed.

Proposed Amendment 11. Page 12, lines 1 to 11: Strike out the proviso which commences in line 1 on page 12 and ends in line 11 on page 12 and insert in lieu thereof:

Provided, however, That wherever any such lands or other property heretofore have been or hereafter shall be set aside by Act of Congress, or by Executive order of the President or the Governor of Hawaii pursuant to law, for the use of the United States or the Territory of Hawaii or a political subdivision thereof, whether absolutely or subject to limitations, and shall remain so set aside immediately prior to the admission of the State of Hawaii into the Union, the United States or the State of Hawaii or such political subdivision, as the case may be, shall be and become vested with absolute title thereto, or an interest therein conformable to such limitations, as the case may be.

12. Section 4: page 14, following line 2. Questions may arise as to the status of the submerged lands, the beaches and shores lying above low water mark, and the lands reclaimed therefrom. In *United States v. California*, 332 U. S. 19, the federal government did not contest California's ownership of certain of these lands. The opinion refers to *Pollard's Lessee v. Hagan*, 3 How. 212, as holding that admission of Alabama on "an equal footing" with the other states had conferred upon it "a qualified ownership of lands under inland navigable waters such as rivers, harbors, and even tidelands down to the low water mark."

Hawaii could rest on the precedents were it not for the fact that by section 4(b) the United States reserves title to

all the public lands "and other public property." An amendment is recommended to assure the equality which, it is believed, is intended.

Of course any reclaimed lands which at the time of admission of the State have been set aside by Act of Congress or executive order will be disposed of by other provisions of the bill.

Proposed Amendment 12. Page 14, following line 2: Insert a new paragraph (f) to read as follows:

(f) The State of Hawaii shall stand on an equal footing with the other states with respect to its submerged lands, and the beaches and shores lying above low water mark, and such lands reclaimed therefrom as have not been disposed of by the provisions of this Act relating to land set aside for public use by Act of Congress or by Executive order of the President or the Governor of Hawaii.

13. Section 5: page 14, lines 3 to 24. The convention convened on April 4, 1950 under Act 334 of the Session Laws of Hawaii 1949, pursuant to that act has the duty of reporting to the next session of the legislature. H. R. 49, on the other hand, provides that the results of the convention shall be submitted to the people at a ratification election, without any intervening consideration thereof by the legislature. Pursuant to section 9 of Act 334 of the Session Laws of Hawaii 1949 and section 17 of H. R. 49, legislative action will be eliminated by the passage of H. R. 49. However, if the constitutional convention should adjourn prior to the passage of H. R. 49, then pursuant to the provisions of Act 334 of the Session Laws of Hawaii 1949 the convention would have made no provision for the ratification election, but would have left that matter to the legislature. Therefore, H. R. 49 should be amended so that, in the event of adjournment of the constitutional convention without providing for a ratification election, such ratification election would be called by the Governor upon the enactment of H. R. 49.

Minor amendments are desirable so as to specify the qualifications of the voters at the ratification election, to establish the applicability of the territorial election laws at the ratification election except as otherwise provided, to constitute the Secretary of Hawaii and the clerks of the several counties the canvassing board (as in Act 334 of the Session Laws of Hawaii 1949) instead of placing this duty on the Governor and Chief Justice, and to permit said canvassing board to meet earlier than the third Monday after the election.

Proposed Amendment 13. Page 14, lines 3 to 24: Strike out the language of the first paragraph of section 5 and insert in lieu thereof:

Sec. 5. That when said constitution shall be formed as aforesaid, the convention forming the same, or the Governor of Hawaii if the convention shall have adjourned without doing so, shall provide for the submission of said constitution, together with the ordinances of said convention requiring ratification, directly to the people of said Territory for ratification at an election which shall be held on a day named by said convention or the Governor of Hawaii, as the case may be, which election day if named by said convention shall be not earlier than 60 nor later than 90 days after the date of adjournment of said convention, and if named by the Governor of Hawaii shall be not earlier than 60 nor later than 90 days after the date of enactment of this Act. At said election the qualified voters of said Territory shall vote directly for or against said constitution, for or against any provisions thereof separately submitted, and for or against said ordinances. Persons who are citizens of the United States



possessing the qualifications for voters for representatives to the Territorial legislature shall be entitled to vote on the ratification or rejection of said constitution, the provisions thereof separately submitted, and said ordinances, under such rules or regulations as said convention may have prescribed, not in conflict with this Act. Except as otherwise provided by this Act or said rules or regulations, said election shall be conducted in the manner prescribed by the laws of the Territory regulating elections therein of the Delegate to Congress. The returns of said election shall be made by the election officers direct to the secretary of said Territory who, with the clerks of the several counties, shall constitute a canvassing board and they, or any three of them, shall meet at the city of Honolulu, not later than the third Monday after said election, and shall canvass the same.

14. Sections 9 to 14, inclusive. Since these sections relate to the federal judiciary, the Hawaii Statehood Commission feels that they concern the Judicial Conference of the United States and therefore incorporates herein the amendments prepared by the Honorable Albert Branson Maris, United States Circuit Judge. Minor revisions have been made in this draft, first, to take into account amendments already made in the House of Representatives, second, to make it clear that the admission of the State shall effect no change in the substantive or criminal law governing a cause of action already arisen or a criminal offense already committed, the relevant amendment being an insertion in line 20, page 23, and third, to allow appeals from interlocutory orders (see section 1292 of the Judicial Code) in cases pending upon the admission of the State, the relevant amendment being the insertion of the word "orders" in line 15, page 24.

Proposed Amendment 14a. Sec. 9; page 21, line 17 to page 22, line 2. Strike out all section 9, and insert in lieu thereof the following:

Sec. 9. Effective upon the admission of the State of Hawaii into the Union—

(a) The United States District Court for the District of Hawaii established by and existing under title 28 of the United States Code shall thenceforth be a court of the United States with judicial power derived from Article III, section 1, of the Constitution of the United States: Provided, however, that the terms of office of the district judges for the District of Hawaii then in office shall terminate upon the effective date of this section and the President, pursuant to sections 133 and 134 of title 28, United States Code, as amended by this Act, shall appoint, by and with the advice and consent of the Senate, two district judges for the said district who shall hold office during good behavior;

(b) The last paragraph of section 133 of title 28, United States Code, is repealed; and

(c) Subsection (a) of section 134 of title 28, United States Code, is amended to read as follows:

(a) The district judges, except in Puerto Rico, shall hold office during good behavior. The district judge in Puerto Rico shall hold office for the term of eight years, and until his successor is appointed and qualified.

Proposed Amendment 14b. Sec. 10; page 22, lines 3 to 5: Strike out all of section 10, and insert in lieu thereof the following:

Sec. 10. Effective upon the admission of the State of Hawaii into the Union—

(a) The first paragraph of section 333 of title 28, United States Code, is amended by inserting after the words "and residing within the continental United States," the words "or in Hawaii;" and

(b) The second paragraph of section 451 of title 28, United States Code, is amended by striking out the words "including the district courts of the United States for the districts of Hawaii and Puerto Rico," and inserting in lieu thereof the words "including the United States district court for the District of Puerto Rico,"

Proposed Amendment 14c. Sec. 11; page 22, lines 6 to 11 Strike out all of section 11, and insert in lieu the following:

Sec. 11. Effective upon the admission of the State of Hawaii into the Union—

(a) The last paragraph of section 501 of title 28, United States Code, is repealed;

(b) The first sentence of subsection (a) of section 504 of title 28, United States Code, is amended by striking out at the end thereof the words "except in the district of Hawaii, where the term shall be six years;"

(c) The first sentence of subsection (c) of section 541 of title 28, United States Code, is amended by striking out at the end thereof the words "except in the district of Hawaii where the term shall be six years;" and

(d) Subsection (d) of section 541 of title 28, United States Code, is repealed.

Proposed Amendment 14d. Sec. 12; page 22, lines 14, 18, 19, 24 and 25; page 23, lines 1, 2, 8, 9, 18 and 20. Amend section 12 by (1) striking out in line 14, page 22, the word "Territory" and inserting in lieu thereof the word "District," (2) striking out in lines 18 and 19, page 22, the words "in the District Court of the United States" and inserting in lieu thereof the words "shall continue in the United States District Court," (3) striking out in lines 24 and 25, page 22, the words "and the United States District Court for the District of Hawaii," (4) striking out in lines 1 and 2, page 23, the words "and the United States District Court for the Territory of Hawaii," (5) striking out in lines 8 and 9, page 23, the words "and the United States District Court for the District of Hawaii, respectively," (6) inserting in line 18, page 23, after the word "said" and before the word "courts" the word "State," and (7) inserting in line 20, page 23, after the semicolon, the following:

The admission of said State shall effect no change in the substantive or criminal law governing such causes of action and criminal offenses already arisen or committed,"

Proposed Amendment 14e. Sec. 13; page 24, lines 3, 12, 13, 15, 16, 17 and 18. Amend section 13 by (1) striking out in line 3, page 24, the word "Territory" and inserting in lieu thereof the word "District," (2) striking out in lines 12 and 13, page 24, the words "District Court of the United States" and inserting in lieu thereof "United States District Court," (3) inserting in line 15, before the word "judgments" the word "orders" followed by a comma, (4) striking out in line 16, page 24, the words "District Court of the United States" and inserting in lieu thereof the words "United States District Court," and (5) Striking out in lines 17 and 18 page 24, the words "as successor to the District Court of the United States for the Territory of Hawaii."

Proposed Amendment 14f. Sec. 14; page 25, lines 6 and 7, and lines 17 to 20. Amend section 14 by (1) striking out lines 6 on page 25, and inserting in lieu thereof the words "amended by striking out 'Hawaii' from" and (2) striking out lines 17 to 20 inclusive on page 25 and inserting in lieu thereof the following:

(d) The first paragraph of section 373 of title 28, United States Code, is amended by striking out the words "United States District Courts for the districts of Hawaii and Puerto Rico," and inserting in lieu thereof the words "United States District Court for the district of Puerto Rico," and by striking out the words "and any justice of the Supreme Court of the Territory of Hawaii;" Provided, that the amendments made by this subsection shall not affect the rights of any judge or justice who may have retired before the effective date of this subsection; And provided further, That service as a judge of the District Court for the Territory of Hawaii or as a judge of the United States District Court for the District of Hawaii or as a justice of the Supreme Court of the Territory of Hawaii or as a judge of the Circuit Courts of the Territory of Hawaii shall be included in computing under sections 271, 272, or 373 of title 28, United States Code, the aggregate years of judicial service of any person who is in commission as a district judge for the District of Hawaii on the date of enactment of this Act;

(e) Section 92 of the Act of April 30, 1900 (chapter 339, 31 Stat. 159), as amended, and the Act of May 29, 1928 (chapter 904, 45 Stat. 997), are repealed; and

(f) Section 86 of the Act approved April 30, 1900 (chapter 339, 31 Stat. 158), as amended is repealed.

15. Section 16: page 26, lines 8 to 11. Section 16 concerns exclusive jurisdiction of the United States over Hawaii National Park. The reference therein to areas "thereafter" included in Hawaii National Park should be clarified to confine the reference to areas lying within the boundaries of the park as authorized to be extended by the Act of June 20, 1938; consent by the new State to unspecified and unlimited future additions to the lands under the exclusive jurisdiction of the United States would not be constitutional and the intent of the present section no doubt is to refer to the Act of June 20, 1938. The proposed amendment also would conform to section 3, paragraph Fifth of the bill, in requiring that the surrender of exclusive jurisdiction be contained in the State constitution.

Proposed Amendment 15. Page 26, lines 8 to 11: Strike out the first four lines of section 16 and insert in lieu thereof the following:

Sec. 16. Notwithstanding the admission of the State of Hawaii into the Union, the United States shall continue to have, and the constitution of said State shall provide that the United States shall have, sole and exclusive jurisdiction over the area which may then be included in Hawaii National Park, or which, though not then included in said Park, lies within the boundaries of said Park as authorized to be extended by the Act of June 20, 1938, 52 Statutes at Large 781, chapter 530, and thereafter is acquired by the United States and included in Hawaii National Park, whether acquired in the manner prescribed in said Act of June 20, 1938 or in some other manner, . . .

Submitted by the Hawaii Statehood Commission, April 14, 1950.

#### DEPARTMENTAL COMMUNICATION NO. 9

May 19, 1950

It has occurred to me that there might be some mention of the Archives of Hawaii in the Constitution. While I do not think this is essential, I feel that if public libraries are in any way mentioned, the Archives certainly should be.

If you feel that any recognition should be given to the fact that we have developed here in Hawaii a rather remark-

able Public Archives, and the question is referred to the appropriate committee, I should be glad to talk with the chairman at his convenience.

OREN E. LONG, Chairman  
Board of Commissioners of Public Archives

#### DEPARTMENTAL COMMUNICATION NO. 10

May 16, 1950

The City Planning Commission, at its meeting on Thursday, May 11, 1950, voted its approval to the recommendation of the Hawaii Housing Authority with reference to the language that might be considered in the Constitutional Convention for the constitutional provisions to cover public housing, slum clearance, community development and redevelopment.

The Commission recommends that due consideration should be given to the letter written to you from A. S. Guild, Executive Director of the Hawaii Housing Authority, dated May 3, 1950, quoting the language to be included in the constitution. The only exception the Commission takes in this respect is in regard to the third line of the second paragraph, "grant or authorize tax exemptions in whole or in part." The Commission believes that this line should be deleted.

GEORGE K. HOUGHTAILING  
Director, City Planning Commission

#### DEPARTMENTAL COMMUNICATION NO. 11

June 30, 1950

Attention: Committee on Agriculture, Conservation and Land

Re: Committee Report No. 78, Committee Proposal No. 27

With reference to the provisions of Committee Report No. 78, Committee Proposal No. 27, upon which the Convention has already acted, your attention is directed to the problems raised by the inclusion of a new provision in H. R. 49, Committee Print C of June 26, 1950, reported by the Senate Committee on Interior and Insular Affairs on June 28, 1950. This provision appears on page 12, lines 4 to 7 of Committee Print C, where it is provided that the Convention shall provide in the constitution:

Seventh. That said State and its people do agree and declare that they forever disclaim all right and title to all lands, title to which is held by the United States or is subject to disposition by the United States; that no taxes shall be imposed by said State upon any lands or other property now owned or hereafter acquired by the United States; and that all provisions of this Act reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property herein made to the said State, are consented to fully by said State and its people.

Further, on the subject of lands, it should be noted that an amendment proposed by the Hawaii Statehood Commission, which would have broadened the designation of the lands from which the State may make its selection (for the proposed amendment see Committee Print A, page 14, line 22 to page 15, line 5) has been omitted from Committee Print C, with the result that the State will be entitled to make its selections of 180,000 acres only from "public lands" within the meaning of that term as defined in section 73(a) of the Hawaiian Organic Act.

RHODA V. LEWIS  
Assistant Attorney General

## 7. Miscellaneous Communications

### MISCELLANEOUS COMMUNICATION NO. 1 [Telegram]

THE HAWAII EDUCATION ASSOCIATION IN CONVENTION  
ASSEMBLED SENDS GREETINGS TO THE DELEGATES OF  
THE STATE CONSTITUTIONAL CONVENTION

JAMES R. MC DONOUGH  
Executive Secretary  
Hawaii Education Association

I could not withdraw without breaking faith with the agents of the United States Congress with whom I was cooperating. I might have been wiser if I had not run for this office, but what is past is irretrievable. My only wish now is to do the right and proper thing in the best interests of the people of Hawaii. I have come to the conclusion that my resignation from the convention would help to further this purpose.

RICHARD M. KAGEYAMA

### MISCELLANEOUS COMMUNICATION NO. 2

THE HAWAII EDUCATION ASSOCIATION IN CONVENTION  
ASSEMBLED URGES THAT THERE BE ESTABLISHED A  
COMMITTEE ON EDUCATION IN THE CONSTITUTIONAL  
CONVENTION

JAMES R. MC DONOUGH  
Executive Secretary  
Hawaii Education Association

### MISCELLANEOUS COMMUNICATION NO. 5

April 11, 1950

Because of the interest on the part of certain of the Delegates and the feeling of the Committee on the importance of the matters handled by it, the Committee on Agriculture, Conservation and Land requests that its membership be increased from eleven (11) as now contained in the rules to fifteen (15).

As Chairman of said Committee, I hereby make this request.

HERBERT M. RICHARDS, Chairman  
Committee on Agriculture,  
Conservation and Land

### MISCELLANEOUS COMMUNICATION NO. 3

April 4, 1950

I am writing on behalf of the 1,500 members of our organization in Hawaii to respectfully request an opportunity to appear before your Convention, or any appropriate committee of the Convention, to present suggestions for the consideration of your delegates.

As government employees and members of organized labor, our members are vitally interested in the provisions to be made in the constitution on government employees, labor's rights, and the presentation of grievances by government workers.

We have compiled several suggestions which we will be glad to transmit to your body, or any committee of your Convention, at any time which is convenient to your Convention.

HENRY B. EPSTEIN, Regional Director  
United Public Workers Union

### MISCELLANEOUS COMMUNICATION NO. 6

April 10, 1950

In response to your letter of April 5 I regret that we do not have available at this time an Idaho state flag to present the Constitutional Convention for the territory of Hawaii Convention Hall. However, we are enclosing a pamphlet which tells something of the design of our flag.

C. A. ROBINS, Governor  
State of Idaho

### MISCELLANEOUS COMMUNICATION NO. 4

April 11, 1950

For several months I have been cooperating with agents of the House Un-American Activities Committee in helping to expose Communist activity in Hawaii. Yesterday I completed my part of their program and am now free of any obligation or promise on my part to follow a course of action approved by such agents.

In view of yesterday's events, I now feel that my further attendance at the Constitutional Convention as a delegate would embarrass my fellow delegates and prejudice the cause of statehood for Hawaii.

I therefore hereby tender my resignation as a delegate to Hawaii's Constitutional Convention from Combination of Precincts "P" to take effect immediately.

The voters of my district who elected me will understand that, having announced my candidacy for the office of delegate,

### MISCELLANEOUS COMMUNICATION NO. 7

April 12, 1950

This communication is to inform you that the Central Labor Council of Honolulu, A.F. of L., is the highest representative body of the American Federation of Labor in Hawaii, and as such, is the official voice of the American Federation of Labor in the Territory.

The Legislative Committee of the Central Labor Council, A.F. of L., composed of Lawrence M. Shigeura, Chairman, John A. Owens, Joseph K. Waiwaiole, Lyman A. Olney and the writer, as its Secretary, has been authorized to represent the Central Labor Council at the Constitutional Convention. We respectfully request that you extend to this Committee all courtesy as our duly accredited representatives.

A. S. REILE, Secretary  
Central Labor Council of Honolulu

## MISCELLANEOUS COMMUNICATION NO. 8

April 11, 1950

This acknowledges your letter of April 5th, enclosing resolution with regard to state flags for your constitutional convention. We are enclosing herewith flag of the State of Tennessee. This is somewhat larger than the 3 x 5 requested, but we hope it will serve your purpose.

CHARLES F. WAYLAND, JR.  
Administrative Assistant to the Governor  
State of Tennessee

## MISCELLANEOUS COMMUNICATION NO. 9

April 14, 1950

Rumor has it that some delegates to the Hawaii Constitutional Convention are discussing the possible expulsion of Delegate Frank G. Silva on the basis of his refusal to answer certain questions before the UnAmerican Activities Committee of the United States House of Representatives.

It would be tragic indeed if a convention responsible for the drafting of a constitution to protect and safe-guard the rights of citizens in a new state should take such action.

Certainly delegates to the convention, particularly those with a legal background, would not write a constitution under which a person would be held guilty until proven innocent. This is in contradiction with the American principles of justice as set forth in the first 10 Amendments to the Constitution of the United States.

We urge the Constitutional Convention not to be stampeded by the unsupported testimony of professional informers. Mr. Silva, in taking his oath as delegate to the convention, swore that he is not and has not been, for a period of five years immediately preceding, a member of the Communist Party.

If there is any credible evidence to the contrary, it should be heard in a judicial tribunal and in accordance with our principles of justice. Mr. Silva must be presumed to be innocent unless found guilty under due process of law.

We are confident that a majority of the delegates to this convention subscribe to the simple yet fundamental American principles.

JACK W. HALL, Regional Director  
International Longshoremen's  
& Warehousemen's Union

## MISCELLANEOUS COMMUNICATION NO. 10

April 12, 1950

It is a pleasure to comply with the request of the Hawaii State Constitutional Convention for a California State Flag. I am arranging with the State Director of Finance to have such a flag sent to you immediately.

We in California are looking forward to the day when Hawaii will be a full-fledged member of the Union, and we wish the Constitutional Convention the greatest success in its deliberations.

EARL WARREN, Governor  
State of California

## MISCELLANEOUS COMMUNICATION NO. 11

April 14, 1950

Governor Roy J. Turner has forwarded your letter of April 5, and a copy of Resolution No. 6, adopted by the Constitutional Convention of Hawaii, to this office for reply.

We have mailed to you today an Oklahoma State Flag as requested by the Hawaii State Constitutional Convention.

CLARENCE BURCH, Chairman  
Planning and Research Board  
State of Oklahoma

## MISCELLANEOUS COMMUNICATION NO. 12

April 13th, 1950

This is to acknowledge receipt of Resolution No. 9, which was adopted by the Constitutional Convention of Hawaii of 1950.

Kindly convey to the Convention Delegates our heartfelt gratitude for their kind consideration shown us on our recent bereavement.

MR. & MRS. H. S. KAWAKAMI

## MISCELLANEOUS COMMUNICATION NO. 13

April 14, 1950

The President has received your letter of April seventh, transmitting to him a certified photostatic copy of Resolution No. 4 adopted by the 1950 Constitutional Convention of Hawaii. The President has read this resolution with interest and appreciation and asks me to express his thanks for your courtesy in making it available to him.

WILLIAM D. HASSETT  
Secretary to the President  
of the United States

## MISCELLANEOUS COMMUNICATION NO. 14

April 13, 1950

Your letter of 5 April 1950 addressed to Honorable Adlai E. Stevenson, Governor of The State of Illinois has been referred to this office with request that State Flag of Illinois be furnished the Hawaii State Constitutional Convention.

A 3' x 5' State Flag of Illinois has been forwarded to you via air mail this date. If after the close of your convention, you have no further need for the flag it would be appreciated if you would return it to this office.

RAYMOND MC KINNON

For: EDWIN A. DAYTON, Executive Assistant  
Military and Naval Department  
State of Illinois

**MISCELLANEOUS COMMUNICATION NO. 15**

April 14, 1950

This will acknowledge receipt of your letter of April 5, 1950, requesting our State flag.

We have secured for you a flag of the State of Arkansas, measuring 3' x 5'. We secured this flag through Mr. C. G. Hall, Secretary of State.

We are forwarding this flag to you under separate cover. If we can be of any further assistance to you, please let us know.

SID MC MATH  
Office of the Governor  
State of Arkansas

**MISCELLANEOUS COMMUNICATION NO. 16**

April 18th, 1950

Enclosed you will please find copy of a letter which I have received from Arleigh J. Fonner, Commander, The American Legion, Department of Hawaii which is self-explanatory.

You are kindly asked to bring this letter to the attention of all concerned.

P. J. CASSIDY,  
Department Adjutant

April 14th, 1950

Mr. P. J. Cassidy, Adjutant,  
Department of Hawaii, The American Legion,  
612 McCully Street,  
Honolulu, T. H.

In a telephone conversation this morning with Comrade Wright Upchurch, Department Commander, V. F. W. I was asked of my reaction to the refusal of Frank G. Silva, Delegate to the Territorial Statehood Convention, to answer questions propounded by the un-American Activities Committee, April 13th, 1950. Reported failure to testify was based upon the grounds that it might tend to incriminate him.

Commander Upchurch requested The American Legion to join with the V. F. W. in protest of the un-American attitude assumed by Delegate Silva and urging his expulsion from Hawaii's Constitutional Convention now in session to draft a State Constitution.

Speaking for myself, and as Department Commander, The American Legion of Hawaii, with the feeling that I am voicing the sentiments of each and every Legionnaire in this Department, I vehemently protest the un-American attitude of Delegate Silva, and wholeheartedly join with the V. F. W. demanding his un-seating as a delegate to the Convention. To my mind, he is unfit to take part in the drafting of such an important American document.

Most definitely, a true American should have nothing to hide that would or might incriminate him as being such.

You may feel free to use this letter in any manner you see fit.

ARLEIGH J. FONNER  
Department Commander

**MISCELLANEOUS COMMUNICATION NO. 17**

April 11, 1950

I am forwarding your letter and enclosure of April 5 to the Honorable John A. Harris, Adjutant General of Missouri, for his attention and reply.

I am confident you will hear from him soon.

FORREST SMITH, Governor  
State of Missouri

**MISCELLANEOUS COMMUNICATION NO. 18**

April 17, 1950

I take pleasure in acknowledging receipt of your kind communication dated April 5, 1950, addressed to the Governor of Puerto Rico. The Governor appreciates very much your interest in obtaining a flag of Puerto Rico to be hung in Convention Hall during the period in which the Constitutional Convention remains in session. Nevertheless, we are unable to comply with your wishes because we do not have an official flag. We do have an official seal, the one that was granted to the Island by Ferdinand and Isabella in the XVI century and that later on was officially adopted by our Legislature.

May I convey to you the Governor's greetings and best wishes for a successful Convention.

LUIS LABOY  
Secretary to the Governor  
of Puerto Rico

**MISCELLANEOUS COMMUNICATION NO. 19**

April 19, 1950

We are Homesteaders under the administration of the Hawaiian Homes Commission Act. We are very desirous of the continuation and further development of the Hawaiian Homes Projects. We want some assurance of this within the State Constitution.

For the foregoing reasons, we ask the defeat of Resolution 19 and Resolution 21, which were introduced by Delegate Marguerite Ashford, and which tend to undermine and destroy the Hawaiian Homes Commission and Projects.

We also request that before your Honorable Convention passes any proposal that would be detrimental to the Hawaiian Homes Commission and its projects, that we be allowed a public hearing on the proposal.

FRANKLIN K. BAKER, JR., President  
Waimanalo Homestead  
Community Club

**MISCELLANEOUS COMMUNICATION NO. 20**

April 10, 1950

Your letter of April 5th in which you enclose a copy of Resolution No. 6 adopted by the Constitutional Convention of Hawaii has been received.

**MISCELLANEOUS COMMUNICATION NO. 26**

373

We are very happy to send you a state flag as requested by the Resolution.

LALA ORTIZ  
Secretary to the Governor  
State of New Mexico

If any proposal affecting adversely the Hawaiian Homes Commission or project is brought before the convention, we request that it be discussed at a public hearing between the second and third readings.

LIONEL L. MULLER, Secretary  
Council of Hawaiian Homesteaders,  
Honolulu

**MISCELLANEOUS COMMUNICATION NO. 21**

18 April 1950

Your letter of 5 April 1950 addressed to Honorable Forrest Smith, Governor of Missouri, requesting a 3' x 5' flag of the State of Missouri, to be hung in the Convention Hall in Honolulu, during the period which the convention remains in session, has been referred to this office for reply.

We have on hand a 4' x 6' Glory Gloss flag of our state which we shall be glad to loan to you for the duration of your Constitutional Convention. This flag is being mailed to you today under separate cover. It is requested that the flag be returned to us in good condition at the close of your convention.

It is the hope of Governor Smith that the Flag of the State of Missouri will add to your collection of the flags of the various states.

JOHN A. HARRIS, Brigadier General  
The Adjutant General  
State of Missouri

**MISCELLANEOUS COMMUNICATION NO. 22**

Members of our organization hereby expresses its deep appreciation in your selection of Mrs. Flora Hayes as Chairman of the Committee handling the Hawaiian Homes Commission Act matter.

In view of the efforts being made by certain groups to have the Hawaiian Homes Commission Act as provided for by the Organic Act be omitted from our State Constitution, we beg to inform you that our entire membership is in favor of having you call a Public Hearing at your earliest convenience dealing with this subject. This Act concerns our people of Hawaiian ancestry.

Thanking you very kindly in advance for your support, and awaiting a favorable reply, we are

PAUL PUA, President  
Ewa Hawaiian Civic Club

**MISCELLANEOUS COMMUNICATION NO. 23**

April 19, 1950

This is to inform you and the Delegates to the Constitution convention, that we are opposed to any transfer or divorcement of lands from the Hawaiian Homes Commission and, also, that we are not in favor of the reduction of the blood qualifications as required by the Hawaiian Homes Commission Act.

Therefore, we wish to go on record disfavoring the passage of any resolution or proposal, by your body, which are in conflict. Especially, do we request that your body reject Resolutions 19 and 21.

**MISCELLANEOUS COMMUNICATION NO. 24**

April 17, 1950

At this time the Central Labor Council of Honolulu wishes to reaffirm and stress its stand in favor of including among other things, the Initiative, Referendum, and Recall in the new State Constitution.

It is our opinion that only by the inclusion of these features can the people be assured of the passage of legislation which they desire.

May we have your support in this matter.

A. S. REILE, Secretary  
Central Labor Council of Honolulu

**MISCELLANEOUS COMMUNICATION NO. 25**

April 21, 1950

The Hawaii Education Association in convention assembled on April 5, 1950 in Hilo, Hawaii, adopted a resolution favoring the incorporation of statutory initiative and referendum in the proposed state constitution. This stand was taken at the convention after due consideration was given to the enclosed report entitled, STATUTORY INITIATIVE, prepared by the Joint Tax Study Committee. Therefore we are enclosing a copy of it for your consideration.

Our organization will appreciate it very much if you could see your way clear in voting for the statutory initiative and referendum in our constitution.

JAMES R. MC DONOUGH  
Executive Secretary  
Hawaii Education Association

**MISCELLANEOUS COMMUNICATION NO. 26**

April 24, 1950

We are pleased to submit herewith a Resolution passed unanimously at a regular meeting of Honolulu Post, No. 1540, of the Veterans of Foreign Wars of the United States, held Wednesday, April 19, 1950.

This Resolution calls for the outlawing of the Communist party or any party dedicated to the overthrow of our government by force and violence.

FRANK F. FASI, Commander  
VFW, Post No. 1540

*RESOLUTION*

WHEREAS, there is a need for a rededication to the principles and ideals upon which our Republic was founded; and

WHEREAS, the devotion and allegiance of each citizen and organization to these principles is essential to the perpetuation of our Republic and to the continued growth of freedom and economic opportunity in America; and

WHEREAS, the Veterans of Foreign Wars of the United States, is an organization chartered by the Congress of the United States, which organization has demonstrated its patriotic devotion to our government and unquestioned loyalty to the Constitution of the United States; and

WHEREAS, the Territory of Hawaii, is now holding a constitutional convention, to propose a constitution for the State of Hawaii; and

WHEREAS, said constitution will contain the fundamental and basic law for said proposed State of Hawaii, and should guarantee not only the individual liberties we cherish so highly but also the form of government we enjoy; and

WHEREAS, there are individuals and organizations dedicated to the overthrow of our government by force and violence;

NOW, THEREFORE, BE IT RESOLVED, by Honolulu Post No. 1540 of the Veterans of Foreign Wars of the United States, that the Hawaii State Constitutional Convention be requested to incorporate into said proposed constitution, a suitable provision outlawing the Communist Party and any and all organization advocating the overthrow, by force and violence, of our form of government;

AND BE IT FURTHER RESOLVED, that copies of this Resolution be sent to the Chairman of the Hawaii Constitutional Convention, the Governor of the Territory of Hawaii, the President of the United States, the Speaker of the House, the President of the Senate, the Chairman of the Democratic Party of Hawaii, and the Chairman of the Republican Party of Hawaii.

#### MISCELLANEOUS COMMUNICATION NO. 27

April 24, 1950

For many years the residents of Lanai Island have felt the need for improvement of the present form of county government under which they live. As a part of the county of Maui they feel it has been difficult to enjoy the full fruits of the tax burden carried.

The calling of the constitutional convention, which will write a charter for the new state of Hawaii, has given them the encouragement and opportunity, finally, to take positive action for local self-government.

Included herein are three resolutions, supporting measures—Proposal No. 8 and Resolution No. 22—now before the convention, which have been approved and endorsed by the Lanai Residents' Committee for Self-Government and a mass meeting of some 700 Lanai residents Thursday, April 20, 1950.

We would appreciate your referring the resolutions to the committees which now have under consideration these proposals to give consideration to making Lanai a separate county when Hawaii becomes a state, and grant Lanai representation in Hawaii's state legislature.

In addition, inclosed are copies of a presentation, prepared by the Lanai Residents' Committee for Self-Government, outlining their case for county status and for representation in the new state legislature. We should greatly appreciate your distributing these to proper committees

and all other delegates in the convention for their information and guidance.

C. F. LEICESTER, Acting Chairman  
The Lanai Residents' Committee  
for Self-Government

#### RESOLUTION

WHEREAS, the situation as regards the Island of Lanai has changed materially since the days when it was made a part of Maui county and today it is a complex business community of 3,000 residents; and

WHEREAS, the present situation is one in which the Island of Lanai functions only as an appendage of the County of Maui and this is, in effect, taxation without representation and

WHEREAS, this situation has resulted in many and continued inequities not contributory to the best health, welfare and prosperity of the residents of the Island of Lanai; and

WHEREAS, the Island of Lanai is financially, politically and otherwise able to sustain and run its own affairs as a county of the state of Hawaii; and

WHEREAS, the residents of the Island of Lanai at this mass meeting here tonight have heard the problem in all its aspects as a result of careful study by the Lanai Resident Committee for Self-Government and strongly approve and endorse separate county status for Lanai and representation in the State Legislature; so

THEREFORE, this representative body of the residents of the Island of Lanai meeting here tonight respectfully petition the honorable constitutional convention for the state of Hawaii to take whatever action necessary for the Island of Lanai to gain separate county status and proper representation in the state of Hawaii legislature, in order that the Island of Lanai may gain its rightful place within the framework of the state of Hawaii.

#### RESOLUTION

WHEREAS, the situation as regards the Island of Lanai has changed materially since the days when it was made a part of Maui County—from a handful of residents it has grown into a complex business community of 3,000 residents and

WHEREAS, the present situation is one in which the Island of Lanai functions only as an appendage of Maui county without effective voice in either county or territorial government; and this situation is, in effect, taxation without representation; and

WHEREAS, this situation has resulted in many and continued inequities not contributory to the best health, welfare and prosperity of the Island of Lanai; and

WHEREAS, the Island of Lanai is financially, politically and otherwise able to sustain and run its own affairs as a county of the state of Hawaii; and

WHEREAS, the residents of the Island of Lanai, cognizant of the inequities of their present status, have banded together to act in concert in seeking their rightful place within the framework of the state of Hawaii; and

WHEREAS, the delegates from Maui, as a result of a personal visit from a representative group of Lanai residents offered to, and did, introduce to the convention resolution



no. 22 asking that careful consideration be given to making Lanai a separate county; and

WHEREAS, the residents of the Island of Lanai feel their desire for local self-government is in keeping with the fundamentals on which the nation was founded and in harmony with the principles on which Hawaii is making its rightful claim for statehood; and

WHEREAS, the residents of Lanai island believe that county status warrants proper representation in the state legislature; so

THEREFORE, the undersigned members of The Lanai Residents' Committee for Self-Government hereby respectfully petition the honorable constitutional convention for the state of Hawaii to take whatever action necessary for the Island of Lanai to gain separate county status and representation in the legislature of the state of Hawaii.

*RESOLUTION*

WHEREAS, the Island of Lanai today is a complex business community of 3,000 residents, a vastly different situation than when this island was made a part of the County of Maui many years ago; and

WHEREAS, in the present situation the Island of Lanai functions only as a stepchild of the County of Maui—which is, in practical application, taxation without representation; and

WHEREAS, the Island of Lanai is financially, politically and otherwise able to sustain and run its own affairs as a county of the state of Hawaii; and

WHEREAS, the desire for local self-government by the Island of Lanai is in keeping with fundamentals on which this nation was founded, and in harmony with the principles on which Hawaii is making its rightful claim for statehood; so

THEREFORE, the undersigned officers by authorization of the members of the Lanai Unit, Maui County Chamber of Commerce do hereby respectfully petition the honorable constitutional convention for the state of Hawaii to take whatever steps are necessary for the Island of Lanai to gain separate county status and its proportional representation in the legislature of the state of Hawaii.

*RESOLUTION*

WHEREAS, the situation as regards the island of Lanai today has changed materially since the voting districts now in existence were established; and

WHEREAS, the present situation is one in which the Island of Lanai has no representation in the territorial legislature represents, in effect, taxation without representation; and

WHEREAS, adequate representation is essential to the best health, welfare, prosperity and development of Lanai as an island of the state of Hawaii; and

WHEREAS, the citizens of the island of Lanai desire to have adequate representation in the state of Hawaii legislature so that problems peculiar to their island will be given proper attention by the state legislature; and

WHEREAS, the citizens of the island of Lanai feel there is no just or rightful reason why such representation should be denied; and

WHEREAS, the island of Lanai today is a complex business community with a population of more than 3,000; and

WHEREAS, Delegates Marguerite K. Ashford and Nils P. Larsen have introduced Proposal No. 8 to the constitutional convention which entitles each island in the state of Hawaii, which has a population of 3,000 or more, to at least one representative to the house of representatives; and that such islands shall be jointly entitled to one senator to serve in the senate of the state of Hawaii; so

THEREFORE, The Lanai Residents' Committee for Self-Government, which has been empowered by the residents of Lanai to act in their behalf, do hereby request favorable consideration by the constitutional convention of Proposal No. 8 introduced by Delegates Marguerite K. Ashford and Nils P. Larsen.

**MISCELLANEOUS COMMUNICATION NO. 28**

April 22, 1950

With only a Public PROSECUTOR, but no Public DEFENDER in Hawaii, Justice can be truly said to hobble along on one leg here.

I don't know if either Prosecution or Defense is a meet subject to be included in a state constitution, but sincerely desirous of seeing jurisprudence keeping pace with all the other improvements the Convention is making, I respectfully submit the above suggestion for your kind consideration.

Best wishes for a successful completion of your work!

GOTTFRIED SEITZ  
(Unsuccessful Candidate for Delegate  
to the Convention from Comb. "P")

**MISCELLANEOUS COMMUNICATION NO. 29**

April 22, 1950

We, the West Maui Hawaiian Civic Club are opposed to any action to destroy the Hawaiian Homes Commission and its projects.

Your efforts and aloha in any measure to protect the interests of the Hawaiian Homes Commission Act from detrimental attacks will be greatly appreciated by the West Maui Hawaiian Civic Club.

Thanking you very kindly for your attention, and mahalo, I remain,

SAMUEL K. MOOKINI, President  
West Maui Hawaiian Civic Club

**MISCELLANEOUS COMMUNICATION NO. 30**

April 20, 1950

We members of the Hawaiian Association of Future Farmers voted unanimously in favor of statehood for Hawaii at our recently held Twenty-first Annual Convention.

This organization is composed of twenty-five active Future Farmer Chapters from all over the territory.

We have great faith in you and hope you will draw up a constitution of which we shall be proud.

CALVIN ARAKAWA  
H.A.F.F.A. Student Secretary

**MISCELLANEOUS COMMUNICATION NO. 31**

April 21, 1950

At a regular meeting held April 16, 1950, of the Council of the Hawaiian Civic Clubs on Oahu, which includes delegates from the seven clubs on this island; namely, Koolau-poko, Koolauloa, Waialua, Waianae, Nanaikapono, Eva, and Honolulu, the Hawaiian Homes Act and its inclusion into the Constitution for the State of Hawaii was discussed.

As a result of this discussion and since the Hawaiian Civic Club has always regarded the Rehabilitation Act as one of the most cherished pieces of legislation which the Hawaiians have enjoyed since 1921, the members of the Council unanimously elected to have me request of you that a public hearing be called for the purpose of discussing the status of the Rehabilitation Act, relative to its inclusion in the Constitution.

W. C. KEA, President  
Council of Hawaiian Civic Clubs on Oahu

**MISCELLANEOUS COMMUNICATION NO. 32**

April 21, 1950

Enclosed is a report on Provisions on Taxation and Finance in the Proposed Constitution prepared by the Research Committee of this Association. This report was adopted at the 1950 Convention of this Association on April 5, 1950.

The Hawaii Education Association will appreciate it if you would give due consideration to its proposals on taxation and finance.

JAMES R. MC DONOUGH  
Executive Secretary  
Hawaii Education Association

**MISCELLANEOUS COMMUNICATION NO. 33**

11 April 1950

Your letter of April 5, 1950 to Honorable John W. Bonner, Governor of the State of Montana, has been referred to this office for reply.

Because of so many requests for State Flags, we have been forced to sell these flags at actual cost. The cost of the 3' x 5' flag which you request is \$18.00. Upon receipt of your money order or check payable to the Treasurer, State of Montana, a flag will be sent to you.

If you desire to borrow this flag for a few days only, and return to this office after the ceremonies are completed, no charge will be made.

S. H. MITCHELL  
Brigadier General, AGD, Montana NG  
The Adjutant General

**MISCELLANEOUS COMMUNICATION NO. 34**

April 22, 1950

The undersigned is chairman of the Public Mass meeting to be held at Aala Park on April 29, 1950 from 7:00 P.M. to 11:00 P.M.

The purpose of the said meeting is to solve the unemployment situation most particularly to our aliens Filipinos in Hawaii.

On the occasion of the Statehood Convention, we invite your presence to attend our meeting so that you can embody in your Constitution the permanent solution when unemployment arise like this time in Hawaii after it becomes a State. The part or parties responsible of bringing the people to this Territory must be held responsible when unemployment becomes a menace to the State.

I am inviting the President of the body to attend and if unable the authorized Representative of the State Convention must be delegated to appear on their behalf.

In connection herewith, I appeal on behalf of the Filipino People, that the Present State Constitutional Convention must not forget the obligation toward the People that are aliens their eligibility to become a Citizen under your present laws provided they show loyalty to the State and to the great America where we belong.

In this Convention no Delegate of Filipino Ancestry and we hope that our share must not be forgotten by the present elected Delegates by some of our own people.

We all hope for the best interest of the Community and the general welfare of our people.

Hoping that some one from your body must be in the said meeting for our satisfaction and for the information of the general public of what the Delegates are up to to solve the present and future unemployment situation.

E. A. TAOK

**MISCELLANEOUS COMMUNICATION NO. 35**

April 13, 1950

It is with a great deal of pleasure that on behalf of the State of Delaware I am sending you and the people of Hawaii a 3' x 5' flag of the State Delaware.

As Governor of the first state to enter the United States, I wish to send the warm greetings of the people of Delaware and their best wishes for a successful termination to the endeavors of the people of the Territory of Hawaii.

ELBERT N. CARVEL, Governor  
State of Delaware

**MISCELLANEOUS COMMUNICATION NO. 36**

April 13, 1950

Your letter of April 5, 1950, addressed to Governor W. Kerr Scott, in which you requested a Flag of the State of North Carolina has been referred to this office. Under separate cover we are forwarding you our State Flag, size 3' x 5' as per your request.

Governor Scott and the people of North Carolina will be very proud to have our Flag displayed along with the other State Flags in your Convention Hall. You have our sincerest best wishes for a very successful Convention.

GEO. B. CHERRY  
Superintendent of Public Buildings  
and Grounds  
State of North Carolina

## MISCELLANEOUS COMMUNICATION NO. 37

April 12, 1950

Thank you very much for your letter of April 5 together with a copy of Resolution No. 6.

The official Flag of the State of Maine is in the custody of the Adjutant General. We are very limited on the number that we have available as these are continually being requested for use on many occasions. I am, however, asking the Adjutant General to write you concerning the possibility of providing a Flag on a loan basis for the period you have specified and I know that if one is available arrangements will be worked out.

The very best wishes of the State of Maine go to you.

FREDERICK G. PAYNE, Governor  
State of Maine

## MISCELLANEOUS COMMUNICATION NO. 38

April 14, 1950

I have a copy of Governor Battle's reply to your letter of April 5th, in reference to a Virginia State Flag.

Our stock sizes are two by three and four by six feet. We are, therefore, forwarding to you, under separate cover, one four by six feet Flag, which size we hope you will find satisfactory.

D. V. CHAPMAN, JR.  
Superintendent Grounds and  
Buildings  
State of Virginia

## MISCELLANEOUS COMMUNICATION NO. 39

April 12, 1950

This will acknowledge receipt of your letter of April 4 transmitting certified photostatic copy of Resolution No. 4, which was unanimously adopted by your Convention on April 4, 1950.

This resolution will be brought to the attention of the Senate.

ALBEN W. BARKLEY  
Vice-President of the United States

## MISCELLANEOUS COMMUNICATION NO. 40

April 17, 1950

In the absence of the Speaker, I have for acknowledgment your letter of April 7th transmitting a certified photostatic copy of Resolution No. 4, which was unanimously adopted by the Constitutional Convention of Hawaii of 1950, on April 4, 1950.

ROBERT T. BARTLEY  
Administrative Assistant  
to the Speaker  
U.S. House of Representatives

## MISCELLANEOUS COMMUNICATION NO. 41

April 11, 1950

In accordance with your request, we have forwarded to you, under separate cover, one flag of the State of Louisiana for your use in the Convention Hall in Honolulu.

With all good wishes for a most successful Convention.

A. A. FREDERICKS  
Executive Assistant to the Governor  
State of Louisiana

## MISCELLANEOUS COMMUNICATION NO. 42

April 13, 1950

In reply to your letter of April fifth with the accompanying resolution, I regret to advise you that New Hampshire does not have available for distribution State Flags. The laws governing the use of the State Flag are very strict, and have been interpreted to mean that the State Flag shall be restricted in use in such a manner which would make it unavailable for general distribution. I trust that you will not take this as a categorical refusal of your request, but only as an explanation of why it is impossible to send you the flag you requested.

EDWARD J. REICHERT  
Secretary to the Governor  
State of New Hampshire

## MISCELLANEOUS COMMUNICATION NO. 43

April 11th, 1950

I wish to acknowledge receipt of your letter of April 5th, addressed to Governor Lane, requesting a Maryland flag, for the use of the Hawaii State Constitutional Convention now in progress.

Our appropriations are insufficient to furnish flags gratis, however, we will be very glad to lend you a flag measuring 3' x 5' to be hung in the Convention Hall in Honolulu during the period of the Convention, but would appreciate it if you will give us some idea of the length of time that the flag would be in use.

C. F. TUCKER  
Executive Secretary to Governor  
State of Maryland

## MISCELLANEOUS COMMUNICATION NO. 44

April 11, 1950

This will acknowledge your letter of April 5, 1950 enclosing certified copy of Resolution adopted by the Constitutional Convention of Hawaii, requesting our State Flag to be hung in your Convention Hall during the period in which the Convention remains in session.

We are sorry this office does not have flags available for distribution, however the State of Michigan does have them available on a loan basis for such purposes. Therefore, we have conferred with John Gafner, State Property Manager,

Room 24, Capitol Building, Lansing, Michigan, and are referring your request to him for attention.

You may expect to hear from Mr. Gafner at an early date.

JULIE M. LAWLER  
Personal Secretary to Governor  
State of Michigan

#### MISCELLANEOUS COMMUNICATION NO. 45

April 12, 1950

At the request of Governor G. Mennen Williams we are sending you by parcel post a 3x5 cotton bunting State of Michigan Flag to be displayed in the Convention Hall at Honolulu during the Hawaiian State Constitutional Convention now in progress.

We would like to give you this flag outright but we only have several of them on hand to loan out for special occasions, and we will appreciate your returning same to us after the Convention is over.

With every good wish for a successful convention.

JOHN GAFNER  
State Property Manager  
State of Michigan

#### MISCELLANEOUS COMMUNICATION NO. 46

April 26, 1950

We are shocked at the action of the Convention in illegally expelling Delegate Frank G. Silva for so-called "contumacious" conduct.

Those who wrote our American Constitution—the Tom Paines, the Patrick Henrys, the Sam Adamses, the Thomas Jeffersons—could not sit in Hawaii's Constitutional Convention today; if they were not expelled for "contumacious" conduct, they would shun it as a gathering of Tories and frightened people. The few delegates in the Convention who are truly liberal and unfrightened appear to be in such a distinct minority that their best efforts will be hopeless.

If the future conduct of the Convention follows the pattern it has thus far, a draft constitution will be a straight jacket for the people of Hawaii and not a vigorous, democratic foundation for a happy, prosperous and integral State in the Union.

THE EXECUTIVE OFFICERS  
EDWARD HONG, Secretary  
International Longshoremen's and  
Warehousemen's Union, Locals  
136, 142, 150 and 152

#### MISCELLANEOUS COMMUNICATION NO. 47

April 26, 1950

My family and I are deeply appreciative of the kindness of the Honorable Members of the Hawaii State Constitutional Convention as expressed in the resolution adopted. We shall cherish this resolution.

With best wishes for the success of your Honorable Body.

MRS. TANG YAU FONG

#### MISCELLANEOUS COMMUNICATION NO. 48

April 12, 1950

Governor Okey L. Patteson has referred to this office your letter of April 5 requesting a West Virginia State Flag for display in the Constitutional Convention Hall in Honolulu. A West Virginia State Flag, size 3' x 5', is being forwarded to you under separate cover.

Please let me know if we can be of any further service.

ROBERT W. MC KINNON  
Executive Director  
State of West Virginia

#### MISCELLANEOUS COMMUNICATION NO. 49

April 12, 1950

Your letter of April 5, addressed to Governor Folsom, has been referred to me for reply. Under separate cover, I am mailing you an Alabama State flag as you requested. Granting this request is a pleasure.

Please accept our best wishes for a successful Constitutional Convention and we send greetings from the State of Alabama.

W. MAXWELL PEACOCK  
Chief of Service  
State of Alabama

#### MISCELLANEOUS COMMUNICATION NO. 50

April 11, 1950

In response to the request of the Hawaiian State Constitutional Convention transmitted with your letter of April fifth, I am making the necessary arrangements for a Virginia State Flag to be shipped to you.

JOHN S. BATTLE, Governor  
State of Virginia

#### MISCELLANEOUS COMMUNICATION NO. 51

April 13, 1950

Governor Duff has requested me to reply to your letter of April 5th in which you request a Pennsylvania State Flag.

I regret that, due to lack of an appropriation for this purpose, we are unable to donate a State Flag to your Convention, but we will be very happy to lend you one to be used until it has served its purpose.

With best wishes in drafting the Constitution for the proposed State of Hawaii.

CHARLES F. RUGABER  
Office of the Governor  
State of Pennsylvania

**MISCELLANEOUS COMMUNICATION NO. 52**

24 April 1950

Your letter of 5 April, addressed to Governor Dewey, in which you request a New York State flag, has been referred to this Office.

We are very happy indeed to comply with your request; the order for the 3' x 5' flag has been placed, and shipment (by air express) has been promised for about 15 May.

It is a pleasure and a privilege for the State of New York, through Governor Dewey, to make this presentation, and to know that the emblem will hang with the flags of its sister states and of the Territories during the sessions of the Hawaii State Constitutional Convention. The flag may also be said to be a symbol and a reminder of the fact that Hawaii was "host" to New York's own troops, the 27th Division, during the troubled days of World War II.

For the Chief of Staff to the Governor:

WILLIAM H. KELLY, Brigadier General  
Vice Chief of Staff to the Governor  
State of New York

**MISCELLANEOUS COMMUNICATION NO. 53**

April 19, 1950

This office has received your Resolution regarding a State Flag from the State of Wyoming. We regret to state that the flags we have in our possession are out on loan and have not been returned, so we will be unable to comply with your request.

Our Legislature has failed to appropriate funds for the purchase of State Flags for this office and it is difficult for us to acquire them.

A. G. CRANE, Governor

By: HENRY W. LLOYD,  
Secretary to the Governor  
State of Wyoming

**MISCELLANEOUS COMMUNICATION NO. 54**

April 12, 1950

Your letter of April 5 and enclosed resolution, addressed to the Honorable Luther W. Youngdahl, have been received and referred to Brig. General Joseph E. Nelson, the Adjutant General. He will write you further concerning this matter.

RICHARD C. HANSEN  
Executive Secretary to the Governor  
State of Minnesota

**MISCELLANEOUS COMMUNICATION NO. 55**

17 April 1950

Your communication of April 5th addressed to Governor Youngdahl in regard to procuring a Minnesota State Flag has been referred to this office for the necessary attention.

Unfortunately, there are very few Minnesota Flags in existence, due to the fact that they are difficult and expensive

to manufacture because of the intricacies of the production of the Seal of Minnesota which is the central motif of the flag. The silk flags cost from \$70.00 to \$140.00 and woolen flags cost \$22.00 each. For this reason, Minnesota is unable to comply with the many requests received for state flags and we are, therefore, not in position to make such a flag available to the Constitutional Convention of Hawaii.

J. E. NELSON, Brigadier General  
The Adjutant General  
State of Minnesota

**MISCELLANEOUS COMMUNICATION NO. 56**

April 11, 1950

Your letter of April 5th, enclosing a copy of a resolution adopted by the Constitutional Convention of Hawaii is being referred to the Honorable Earl T. Newbry, Secretary of State, as he serves as custodian of Capitol Buildings and equipment.

You will hear direct from Mr. Newbry in response to your request for an Oregon state flag for display in your Convention Hall. I am sure that if one of the flags is available, it will be provided in accordance with your suggestion.

DOUGLAS McKAY, Governor  
State of Oregon

**MISCELLANEOUS COMMUNICATION NO. 57**

April 25, 1950

The members of the Lalau O Keliiahonui of Kamuela, Hawaii, wish to protest the action, that has been publicized in the newspapers, taken by one of the convention delegates, Mrs. Margaret Ashford.

We, of Hawaiian ancestry, feel that if the Hawaiian Commission Acts were abolished, our people would be denied one of their staunchest friends and debtors. Were it not for the keen insight of Prince Kuhio and the establishment of the Acts, the Hawaiian people as a race today, may be only a name.

The Acts has aided our people in many ways so that today we may once more hope to be as we once were, it has given us encouragement to meet the competition of a foreign world and it has also brought out in our people that leadership and cooperation that a new state will need.

The Acts gave to us lands which were either rocky or lacking in water but our people tried to the best of their ability to do the most with what they had. Recently though, the lands granted have been better and we are most grateful for that but for the vast lands that once were our people's all we have left is that contained in the Acts. "SHOULD THIS TOO, BE DEPRIVED OF US?"

We plead most humbly for your and your friends' help that we may not be deprived of what little we have, that we may not be a "forgotten people" again, that the Hawaiian Commission Acts be included into the new state constitution in its entirety.

Mahalo a nui loa.

WILLIAM L. KAHUENA, President  
Halau O Keliiahonui  
Hale O Na Alii O Hawaii  
Helu 6, Kamuela, Hawaii

**MISCELLANEOUS COMMUNICATION NO. 58**

April 27, 1950

Thank you for your courtesy in sending to me a certified copy of the record relating to the action taken by the Hawaii State Constitutional Convention relating to Frank G. Silva.

I desire also at this time to express to you and your associates the thanks of this Committee for the very courteous manner in which we were received in your convention.

FRANCIS E. WALTER  
Chairman of Subcommittee  
Committee on UnAmerican Activities  
Congress of the United States

**MISCELLANEOUS COMMUNICATION NO. 59**

The Committee on Health and Public Welfare would like an informal discussion with the Committee of the Whole regarding the problems that have come up regarding propositions on health and welfare and to present before the Committee of the Whole their tentative conclusions as to what they believe should be incorporated into the constitution.

We will try to have on each Delegate's desk by Wednesday morning a copy of these tentative proposals on which they will ask for general questions, objections or additions or reactions of the members to any of these propositions.

NILS P. LARSEN, Chairman  
Health and Public Welfare Committee

**MISCELLANEOUS COMMUNICATION NO. 60**

April 12, 1950

This will acknowledge receipt of your letter of April 5th, and of the certified copy of Resolution No. 6, which was adopted by the Constitutional Convention of Hawaii.

We will be happy to cooperate with the Territory of Hawaii in this regard, and I am, therefore, requesting the Secretary of State to make available to you, on a temporary basis, a flag of the State of Utah.

I wish you every success during the convention, and in your application for Statehood.

J. BRACKEN LEE, Governor  
State of Utah

**MISCELLANEOUS COMMUNICATION NO. 61**

April 13, 1950

This will acknowledge receipt of your letter of April 5, 1950, relative to obtaining flags of uniform size from all States and Territories of the United States.

I am referring your request for an Iowa flag to the Iowa Development Commission for reply, inasmuch as that department handles matters of this kind, and I am sure you will hear from them soon.

WM. S. BEARDSLEY, Governor  
State of Iowa

**MISCELLANEOUS COMMUNICATION NO. 62**

April 14, 1950

Governor Beardsley has referred to us your letter of April 5 wherein you requested an Iowa flag for your Convention. We are happy to comply with your request, and by separate mail we are sending you a 3' x 5' Iowa flag.

RODNEY Q. SELEY, Director  
Iowa Development Commission

**MISCELLANEOUS COMMUNICATION NO. 63**

April 13, 1950

We are sending you a flag of the State of Washington, as requested in your letter of April 5 to Governor Arthur B. Langlie, to be hung in the Convention Hall in Honolulu, T. H., during the period in which this convention remains in session for the purpose of drafting a Constitution for the proposed State of Hawaii.

We will appreciate your returning this flag to us when it has served your purpose. We are not permitted by state law to give away flags, which are held to be state property, but you may retain this flag as long as may be necessary for your purposes.

We are pleased to have opportunity to cooperate with you in this regard.

C. E. JOHNS  
Executive Secretary to Governor  
State of Washington

**MISCELLANEOUS COMMUNICATION NO. 64**

April 13th, 1950

I wish to acknowledge receipt of your letter of April 5th to which was attached a copy of Resolution No. Six adopted by the Constitutional Convention of Hawaii of 1950.

I am, this day, requesting that a Nevada State Flag be sent to you.

Although the measurements of the Flag do not conform exactly to those you specify, I feel that it will fulfill its purpose. We will be honored to have it hung in the Convention Hall in Honolulu, Territory of Hawaii.

You have my kindest regards and every good wish.

VAIL PITTMAN, Governor  
State of Nevada

**MISCELLANEOUS COMMUNICATION NO. 65**

April 14, 1950

At the request of Governor Pittman we are today forwarding you a Nevada State flag to be hung in the Convention Hall in Honolulu, Territory of Hawaii.

W. T. HOLCOMB  
State Highway Engineer  
By: A. BERNING, Jr.  
Engineer of Personnel  
State of Nevada

**MISCELLANEOUS COMMUNICATION NO. 66**

18 April 1950

Your communication of 5 April 1950 to the Honorable Frederick G. Payne, Governor of the State of Maine, relative to the resolution passed by the Hawaii State Constitutional Convention with reference to the need of state flags has been referred to me for my consideration and for action.

The only state flag that we have of the proper size is at present on loan to the Republic of France for a special occasion. However, the flag should be returned to the State of Maine on or before June 30th, 1950.

Your communication does not indicate just when you would require this flag to be displayed with others from the 48 states in your convention hall in Honolulu. Therefore, I am wondering if a flag shipped from Maine on or about the first of July would arrive in time to be of any value to your convention. I would appreciate hearing from you on this matter because I would be more than interested to comply with your request if it were possible to do so.

It might be in order that I point out at this time the reason why we do not have available quantities of state flags in this particular size so that we could take care of all requests. The facts of the case are as follows:

The Maine State flag is of very intricate design, containing many colors and to procure one of these flags with the staff from the manufacturer means an expense of approximately \$100.00. On the other hand, you would find that the state flags of some other states, namely Alabama, can be procured for between twelve and fifteen dollars. For this reason we do not have at any time on hand more than one or two of the official 3x5 size flags.

I shall, however, be interested to hear from you and if we can ship the flag referred to in time, we shall be more than pleased to do so.

GEORGE M. CARTER, Brigadier General  
The Adjutant General  
State of Maine

**MISCELLANEOUS COMMUNICATION NO. 67**

April 20, 1950

Governor Warren is in receipt of your letter, and copy of Resolution of your Convention, and requests me to advise he regrets the Legislature has made no provision for distribution of our State Flag.

The Governor trusts you will understand his position in the matter, and extends his best wishes for your Convention.

FRANK S. WRIGHT  
Assistant to the Governor  
State of Florida

**MISCELLANEOUS COMMUNICATION NO. 68**

May 1, 1950

Last week Senator Nobriga requested that we sign a petition which he was passing around. We recognized a number of the signatures and asked him what it was about. We understood that it had to do with the use of the lands of the Waiakea Homesteads for farm purposes and signed the

document without looking it over or checking into it any further.

We now find that we misunderstood the exact purport of the document and now understand that it would have the effect of doing away with the Hawaiian Homes Commission Act. We are writing this letter because of the fact that we are both very much in favor of continuing with the project which the Hawaiian Homes Commission has in Waimea and request that our signatures be stricken from the petition.

FRANCIS G. RUDDLE  
SAMUEL M. SPENCER  
Of Hilo, Hawaii

**MISCELLANEOUS COMMUNICATION NO. 69**

May 2, 1950

We have noticed from newspaper reports that there is a move afoot in the constitutional convention to completely leave out from the proposed state constitution all present provisions of the Hawaiian Homes Commission Act.

The Nanaikapono Hawaiian Civic Club, of Nanakuli, objects strenuously to any omission of the provisions of the Hawaiian Homes Commission Act in the proposed state constitution. For the protection of the Hawaiian homesteaders and for the protection of the Hawaiians, which race is dying out, we urge that the laws passed by Congress in 1920 be continued. We see no reason why such laws, which have been in full force and effect with the approval of Congress and the people of Hawaii for thirty years, should not be continued.

We, therefore, respectfully request that each and every one of you consider seriously the position of the Hawaiians and the Hawaiian homesteaders if such act is omitted. We respectfully urge the inclusion of the act in the constitution for the State of Hawaii.

LILLIAN K. KAI  
Corresponding Secretary  
Nanaikapono Hawaiian Civic Club

**MISCELLANEOUS COMMUNICATION NO. 70**

April 28, 1950

At a recent meeting of the Hawaiian Civic Club for Women of Hawaii, this club went on record opposing any action to repeal The Hawaiian Homes Commission Act of 1920, and favoring the inclusion of said Act into the Hawaii State Constitution. May we count on your kokua in this matter?

MRS. JOSEPHINE MEHAU  
Corresponding Secretary  
Hawaiian Civic Club for Women  
of Hawaii

**MISCELLANEOUS COMMUNICATION NO. 71**

May 2, 1950

I am enclosing herewith two different copies of resolutions submitted and unanimously approved before the mass meeting held at Aala Park last April 29th, 1950 of which the Presi-

dent or his authorized Representative was invited but failed to attend.

Its because of the interruption of the rain and the Lei Day Program.

However, again I respectfully invite any of the Delegates to come if the President is unable to attend on the next meeting at Aala Park, Honolulu, Sunday May 7, 1950 from 7:00 P.M. to 11-P.M.

The purpose of the said meeting is to help find means and ways to relieve the unemployment situation in Hawaii most particularly to our alien Filipinos unemployed.

E. A. TAOK, Chairman

#### MISCELLANEOUS COMMUNICATION NO. 72

May 3, 1950

Some time ago, the Hawaii Housing Authority was asked to submit recommendations on language that might be considered in the Constitutional Convention for the constitutional provisions to cover public housing, slum clearance, community development, and redevelopment. The Authority provided a short paragraph in very broad language at that time and then submitted a copy of the language the Authority used to the Public Housing Administration, asking for suggestions on what they would consider appropriate.

The San Francisco Field Office submitted the Authority's request to the Washington Office and the Public Housing Administration and the Housing and Home Finance Agency considered the request and submitted provisions which they believed would be adequate to cover these subjects. The following language is a joint recommendation of the above agencies and the Hawaii Housing Authority and is respectfully submitted for your consideration for inclusion in the constitution:

The legislature may provide, in such manner, by such means, and upon such terms and conditions as it may prescribe, for low-rent housing for persons of low income as defined by law, or for the clearance, replanning, reconstruction, development, redevelopment and rehabilitation of blighted, substandard or insanitary areas, or for both such purposes, and for recreational and other facilities incidental or appurtenant thereto.

For and in aid of such purposes the legislature may, notwithstanding any other provision of this Constitution, grant or authorize tax exemptions in whole or in part; authorize the acquisition of property by eminent domain or otherwise; authorize disposal of property by sale, lease, or otherwise, upon such terms and conditions, including restrictions on use, as may be deemed in the public interest; and authorize the state or any municipal or other public body to levy taxes, borrow money, and furnish public services, facilities, funds and other aid.

After studying other state constitutions, it is indicated that the above draft includes some provisions similar to those found in the New York and Missouri constitutions.

Please advise if we may be of any assistance and if further information or data is desired.

A. S. GUILD, Executive Director  
Hawaii Housing Authority

#### MISCELLANEOUS COMMUNICATION NO. 73

May 4, 1950

We, the people, of the Nanaikapono Homesteads, Nanakuli, Oahu (under the Hawaiian Homes Commission Act, 1920, as amended), are very anxious that you, Mr. President, and your Honorable Delegates will include in the State Constitution of Hawaii, the Hawaiian Homes Commission Act, 1920, as amended, without modifications. We know if such will be done, then whatever resolutions may be introduced—such as Resolutions 19 and 21, inclusively—opposing the Hawaiian Homes Commission Act, 1920, as amended, —will not prevail.

We also feel that there should be a public hearing so that much understanding will be gained.

WILLIAM K. KAHOONEI, President

#### MISCELLANEOUS COMMUNICATION NO. 74

April 28, 1950

WE, the undersigned committee, representing the Molokai Community Association, composed of homesteaders residing at Hoolehua; Kalaniana'ole Homesteaders Association, composed of homesteaders residing in the Kalamaula area; and the Onealii Community Association, composed of homesteaders residing at Kamiloloa, do hereby strenuously protest the sections of Convention Resolutions No. 19 and No. 21 that affect the Hawaiian Homes Commission Act.

HENRY WIEBKE  
KENNETH W. AULD  
EDITH N. KAMAKANA

A. K. CHU  
WALTER J. CHANG

#### MISCELLANEOUS COMMUNICATION NO. 75

April 25, 1950

Thank you for your letter of April 5 in which you transmit a resolution of the Constitutional Convention of Hawaii, requesting that we send to you a state flag of Wisconsin to hang in the convention hall.

It is necessary for us to order such a flag from the manufacturer, which has already been done, and it will be my pleasure and privilege to ship the flag to you immediately upon its arrival.

OSCAR RENNEBOHM, Governor  
State of Wisconsin

#### MISCELLANEOUS COMMUNICATION NO. 76

May 3, 1950

Just eight days following the close of the Congressional Un-American Activities Committee hearings held in Honolulu, this organization sponsored an anti-communist community rally.

This "call to arms" was in keeping with the oft repeated advice of many leading officials of our government, from prominent Members of Congress, from official spokesmen of the Federal Bureau of Investigation, from leading citizens and newspaper editorials.



The enclosed Resolution was adopted unanimously by the audience and the representatives of civic organizations present at the rally.

We believe the battle against communism must be a constant and united effort of several factors; the exposure of and punishment by the proper national and state government agencies; the legal eradication, if constitutionally possible, by legislative action; and last, but highly important, an effective and relentless educational campaign in every community, on a "grass-roots" level, which discloses the true menace of communism and stresses the tried-and-proven advantages of our free American system.

JOHN T. JENKINS, Executive Secretary  
IMUA - "FORWARD" - with the Hawaii  
Residents' Association

**MISCELLANEOUS COMMUNICATION NO. 77**

April 29, 1950

Many thanks for your generous wire relative to my efforts in behalf of statehood for Hawaii.

I sincerely believe that the time has arrived for this recognition of the status of the Territory of Hawaii in the family of states and hope your efforts may meet with success.

EARL WARREN, Governor  
State of California

**MISCELLANEOUS COMMUNICATION NO. 78**

May 8, 1950

At a luncheon meeting of We, the Women of Hawaii held on May 3, 1950, a resolution affirming our belief in the basic principles of the Hawaiian Homes Commission Act and that said Act should be incorporated into the Constitution of the State of Hawaii, was offered and adopted, and, a certified copy thereof is transmitted herewith for the consideration of the delegates of the Constitutional Convention.

(MRS.) MARY K. ROBINSON, President  
We, the Women of Hawaii

*RESOLUTION*

WHEREAS, We, the Women of Hawaii, believe in the basic principles of the Hawaiian Homes Commission Act; and

WHEREAS, we believe this Act is not discriminatory legislation, but rather justly protective legislation; and

WHEREAS, we believe that the basic principles of this Act should be preserved by constitutional law, rather than be left to the discretion of future legislators; now, therefore,

BE IT RESOLVED, that We, the Women of Hawaii, believe that the basic principles of the Hawaiian Homes Commission Act should be incorporated into the Constitution of the State of Hawaii; and, be it further

RESOLVED, that certified copies of this Resolution be transmitted to the Congress of the United States of America and to the Constitutional Convention of Hawaii of 1950.

**MISCELLANEOUS COMMUNICATION NO. 79**

3 May 1950

Your letter of 5 April 1950, to the Governor of this State, requesting that a State Flag be furnished you for use during your Constitutional Convention, has been forwarded this office for reply.

I regret to inform you that this office does not at this time have a flag which we could provide for your use.

CHARLIE F. CAMP, Colonel, AGD  
Georgia National Guard  
Asst. Adjutant General

**MISCELLANEOUS COMMUNICATION NO. 80**

May 4, 1950

We are happy to send you a Connecticut state flag to be hung in the Convention Hall in Honolulu for the 1950 Constitutional Convention of Hawaii.

The flag which we are sending is a 4 x 6, and I hope you will find it acceptable.

Best wishes for the success of the Convention.

CHESTER BOWLES, Governor  
State of Connecticut

**MISCELLANEOUS COMMUNICATION NO. 81**

May 1st 1950

Thank you very much for your letter of April 28th., with regard to a Maryland State Flag to be used during the Convention.

Flag is being mailed as of this date and it will be appreciated if you can return it to us not later than June 30, 1950.

C. F. TUCKER  
Executive Secretary to the Governor  
State of Maryland

**MISCELLANEOUS COMMUNICATION NO. 82**

May 16, 1950

Enclosed please find copies of two articles; namely, Henry A. White's *Tax Proposal for Our Constitution and Real Property Tax and Home Exemption Provision*.

The first article was prepared in answer to Mr. White's original Proposal No. 13 in which he advocated the elimination of the personal net income tax. Our committee has taken a stand against the elimination of the personal net income tax. However, we do agree with the redraft of Proposal No. 13 in which Mr. White suggests the elimination of home exemption.

Section 13 of the redraft of Proposal No. 13 provides for graduated rates for net income and inheritance taxes. We request that you consider also the inclusion of a gift tax along with the net income and inheritance taxes. Our committee feels that for taxation purposes we only need to retain Section 12 of the redraft of Proposal No. 13 and that

Section 13 could very well be deleted. This will leave the right of providing a tax system to the legislature.

Proposal No. 13 provides for debt limitations. Unfortunately, such a limitation will work a hardship when we are in a depression and need to borrow money in order to carry on governmental services and also to alleviate the sufferings of the people. In other words when we need to borrow money most we shall be in a position of not being able to borrow if such a restriction is placed in our constitution. Therefore, we request that you do not place any debt limits in our constitution. However, new debts should be authorized by the following procedure: an authorization by the legislature for a specific project or object and approval by a referendum at a regular or special election.

Thank you for the consideration that you give this letter and the enclosed articles prepared by the Joint Tax Study Committee.

JAMES R. McDONOUGH  
Secretary, Pro tem  
Joint Tax Study Committee

#### MISCELLANEOUS COMMUNICATION NO. 83

May 16, 1950

The Honolulu Redevelopment Agency, at its meeting on Friday, May 12, 1950, voted its approval to the recommendation of the Hawaii Housing Authority with reference to the language that might be considered in the Constitutional Convention for the constitutional provisions to cover public housing, slum clearance, community development and redevelopment.

ADOLPH J. MENDONCA, Chairman  
Honolulu Redevelopment Agency

#### MISCELLANEOUS COMMUNICATION NO. 84

May 16, 1950

This is to advise that the Board of Directors of the Chamber of Commerce of Honolulu at a meeting held on May 11th, 1950 considered the question of including in the State Constitution, now being drafted, the provisions for Hawaiian Rehabilitation.

The Board of Directors of the Chamber of Commerce of Honolulu is on record as favoring the principle as contained in the Hawaiian Homes Commission Act to be made a part of the State Constitution for Hawaii.

JOHN A. HAMILTON  
Executive Vice-President  
Chamber of Commerce of Honolulu

#### MISCELLANEOUS COMMUNICATION NO. 85

May 16, 1950

At a meeting of the Board of Directors of the Chamber of Commerce of Honolulu held on May 11, 1950 attention was directed to a report of its subcommittee following a study of the tentative report on Bill of Rights and General Welfare of the State Constitution Convention.

The Board of Directors of the Chamber of Commerce of Honolulu approved the report of its subcommittee, a copy of which is attached.

The Board transmits this report to the Convention in the hope that it will be of assistance to the members of your subcommittee on Bill of Rights and General Welfare in the preparation of its final report to the Convention.

JOHN A. HAMILTON  
Executive Vice-President  
Chamber of Commerce of Honolulu

#### MISCELLANEOUS COMMUNICATION NO. 86

May 13, 1950

With reference to the question which has arisen regarding the inclusion of the Rehabilitation Act in the Constitution now in process of preparation by the Statehood Committee for the proposed State of Hawaii, this subject was taken under consideration at meeting of the DAUGHTERS AND SONS OF HAWAIIAN WARRIORS held this day.

There was expression of great concern at the meeting over the probability of not including the Hawaiian Homes Act in the Constitution for the State of Hawaii, and it is needless to relate here what disastrous effect upon the native Hawaiian there would be should this Act not be included. So little is left of the birthright of the native Hawaii. The Hawaiians have been crowded out in the influx of other people who have come to Hawaii that the taking away of this Rehabilitation Act would remove the last stanchion the native Hawaiian has to maintain himself and family.

It was the unanimous vote at the meeting held May 13, 1950 that this Ahahui - DAUGHTERS AND SONS OF HAWAIIAN WARRIORS submit a request that a public hearing be called for the purpose of discussing the inclusion of the Rehabilitation Act in the Constitution for Statehood.

KILAUEA GUMPFER, Premier  
Daughters and Sons of Hawaiian Warriors

#### MISCELLANEOUS COMMUNICATION NO. 87

May 17, 1950

The Business Men's Club of the Central Branch Y.M.C.A. extends a cordial invitation to the members of the Constitutional Convention to be their guests in healthful and relaxing recreational activities for the remainder of the sessions.

We meet daily at the Armed Services Y.M.C.A. and have such activities as body conditioning, calisthenics, volleyball, badminton, etc., and also facilities for weightlifting, punching bags, and rowing machines. There is a beautiful, sparkling, crystal clear pool for those who would prefer a plunge, with private locker room, showers, towel, soap and trunks available.

The great pressures and strains of your monumental task in helping to frame the constitution makes the old adage of "all work and no play, etc." or "a healthy mind in a healthy body" particularly significant at this time. As they say in Hawaii to gain "opu" or lose "opu" a formula of regular exercise and proper diet is essential.

We hope that as many delegates as possible will take advantage of this opportunity between sessions or in off time.

We are enclosing a few copies of our program schedule listing hours, activities, etc., which you may want to give to those interested.

Congratulations on the success of the convention to date and best wishes for the days ahead.

JOHN M. KLEIN  
For the Central B.M.C.  
Central Branch Y.M.C.A.

P.S. We may be able to make arrangements for the lady delegates in a similar program if they are interested.

**MISCELLANEOUS COMMUNICATION NO. 88**

The time has come to provide a constitutional basis for legislative efforts to control Communism and other seditious groups. And the new state of Hawaii, born in an atmosphere befouled by the presence of traitorous Stalinists, can demonstrate to the people of America that the Red Menace has been recognized and challenged. Hawaii's answer to Communism should be deeply engraved into the new state constitution.

It is understood that our constitution should be simple and basic. It should not be the proving grounds for new experiments. But if a simple and basic principle fails to be affirmed due to either apathy or exaggerated applications of civil rights, such a principle cannot rightfully be called a new experiment.

The primary law of man is self-preservation. The same holds true for organizations and constitutions. No man, no organization and no constitution can survive without the safeguards necessary for self-preservation. It seems ridiculous for man to write a constitution for the express purpose of instituting a government to guarantee his rights and then to permit someone to use the same constitution to destroy his rights by legal sophistry.

Our Founding Fathers did not foresee the necessity of political parties. George Washington bitterly decried the Party Spirit. Thomas Jefferson once declared that if he could not go to Heaven but with a party, he would not go there at all. Once condemned, political parties are now held necessary to free government.

Perhaps this attitude explains the absence of requirements or definitions of political parties in our National Constitution. In keeping with the principle of states rights, this absence automatically gave another responsibility and added power to the states.

Since Congress cannot declare the Communist Party an illegal political party, it becomes a task for the individual states. It should be pointed out at this time that political parties are extra-constitutional and extra-legal. No law was ever passed to legalize the Communist, the Republican or the Democratic parties.

On the other hand federal and state legislation has been directed at the activities of the Communist Party. At least eight states have outlawed the Reds by striking the Party off the ballot.

Striking the Reds off the ballot is extremely effective and should be the very first step in any anti-communist program. This action would deprive the Reds of one of its greatest weapons of mass appeal. It would put an end to vicious propaganda through a "legal political party."

Communists cannot teach in our schools, they cannot hold civil service jobs, they cannot hold positions in labor unions. They are shunned by good Americans in every field of endeavor. An yet, we permit them to place their traitorous leaders on the same free ballot that is traditionally consider-

ed a sacred American institution. It doesn't make sense that we should slam every door in the Communists' faces but one -the one door that affords the Reds the legal channel by which they theoretically can overthrow our government by force and violence.

I hereby propose to the delegates of the constitutional convention the following plan to strike the Reds off the American ballot.

Under the Suffrage and Election section of our new constitution, spell out the definition and requirements of political parties. This certainly is not improper, nor undemocratic. After all, if it is proper to expect a citizen to measure up to many qualifications before he is given the right to vote, by the same token, the candidate seeking the citizen's vote should be subject to appropriate regulations.

In defining a political party, we should go beyond the terms of number of voters. We should consider its significance as a vital agency of popular government and spell out its qualifications for placing its name on the ballot.

A political party must be a true American organization, completely free from foreign control.

A political party must tolerate and coalesce with opposing parties for the national interest.

A political party must preserve and protect our present national constitution in its entirety.

A political party must permit self criticism and free expression to its own members.

A political party must protect the minorities freedom to grow into a majority.

These qualifications along with others that will be proposed can go into our state constitution without mentioning names of various parties. It is a foregone conclusion that the Communist Party, Fascist and Ku Klux Klan groups can never qualify as valid American political parties and consequently will be stripped of any possible vehicle that may serve as a trojan horse.

With the above basic constitutional principles to serve as a basis for future statutory laws, legislators are then free to combat the Communists without the obstacles of legal sophistry.

TONY TODARO

**MISCELLANEOUS COMMUNICATION NO. 89**

May 22, 1950

May we express to the members of this Convention our profound appreciation and gratitude for their thoughtfulness in passing a resolution of condolence on the death of our dearly beloved Mother.

Needless to say, we are filled with pride that the members of this Convention take this means of showing the same great respect and admiration for our Mother which we have felt through the years.

Your expression in the form of a resolution we all feel sure would have made our Mother extremely happy.

ESTHER E. WHITE                      FLORENCE W. MAC NICHOLL  
BEATRICE W. OLIPHANT              HENRY A. WHITE

**MISCELLANEOUS COMMUNICATION NO. 90**

May 16, 1950

The Kona Lions Club, in general regular session at Kealakekua, Kona, Hawaii on Monday, May 15, 1950 formally

endorsed the Lanai City Lions Club's resolution authorized on April 20, 1950 whereby "the Lanai City Lions Club do . . . respectfully petition the honorable constitutional convention for the state of Hawaii to take whatever steps are necessary for the Island of Lanai to gain separate county status and its proportional representation in the legislature of the state of Hawaii."

MARK M. SUTHERLAND, Secretary  
Kona Lions Club

#### MISCELLANEOUS COMMUNICATION NO. 91

May 8, 1950

Receipt is acknowledged of your recent letter to the Honorable Lee Knous, until very recently Governor of Colorado.

Your communication, together with the Constitutional Convention Resolution, has been forwarded to this office for compliance with your request, and we are forwarding to you today under separate cover an official 3 x 5 flag of the State of Colorado for display at your Constitutional Convention.

LEWIS R. COBB  
Office of the Governor  
State of Colorado

#### MISCELLANEOUS COMMUNICATION NO. 92

May 22, 1950

I have the honor to transmit herewith certified copy of a Resolution which was adopted by the members present at the meeting of the Republican Precinct Club, 13th Precinct, 5th District, on May 4, 1950.

BINA MOSSMAN, President  
Republican Precinct Club  
13th Precinct, 5th District

#### RESOLUTION

WHEREAS, we, the members of the REPUBLICAN PRECINCT CLUB, THIRTEENTH PRECINCT, FIFTH DISTRICT, believe in the basic principles of the Hawaiian Homes Commission Act; and

WHEREAS, we believe this Act is not discriminatory legislation, but rather, justly protective legislation; and

WHEREAS, we believe that the basic principles of this Act should be preserved by constitutional law, now, therefore,

BE IT RESOLVED by the Republican Precinct Club, Thirteenth Precinct, Fifth District, that the basic principles of the Hawaiian Homes Commission Act should be incorporated into the Constitution of the State of Hawaii; and be it further

RESOLVED, that certified copies of this Resolution be transmitted to the Hawaii State Constitutional Convention of 1950 and to the Territorial Republican Convention.

#### MISCELLANEOUS COMMUNICATION NO. 93

[Miscellaneous Communication No. 93 has been redesignated Standing Committee Report No. 19-A and grouped with the other Standing Committee Reports.]

#### MISCELLANEOUS COMMUNICATION NO. 94

May 25, 1950

Transmitted herewith is a certified copy of a resolution adopted by the Members of this Club at a meeting held on Wednesday, May 24, 1950.

GORDON C. ROSS, President  
Republican Precinct Club  
13th Precinct, 4th District, Honolulu

#### RESOLUTION

WHEREAS, we, the members of the Republican Precinct Club, Thirteenth Precinct, Fourth District, believe in the basic principles of the Hawaiian Homes Commission Act; and

WHEREAS, we believe this Act is not discriminatory legislation, but rather, justly protective legislation; and

WHEREAS, we believe that the basic principles of this Act should be preserved by constitutional law, now, therefore,

BE IT RESOLVED by the Republican Precinct Club, Thirteenth Precinct, Fourth District, that the basic principles of the Hawaiian Homes Commission Act should be incorporated into the Constitution of the State of Hawaii; and be it further

RESOLVED, that certified copies of this Resolution be transmitted to the Hawaii State Constitutional Convention of 1950 and to the Territorial Republican Convention.

#### MISCELLANEOUS COMMUNICATION NO. 95

May 21, 1950

Please honor this letter as a letter of endorsement by the Board of Directors of the Waialua Lions Club, of the enclosed resolution which was drawn up by the Lanai City Lions Club.

As I do not know to whom this endorsement and resolution should be directed, I am taking this liberty to ask you, as a delegate to the constitutional convention, to see that this is routed to the proper committee.

With many thanks and appreciation for your kind efforts, I remain,

CHARLES TAKETA, Secretary

#### RESOLUTION

WHEREAS, the Island of Lanai today is a complex business community of 3,000 residents, a vastly different situation than when this island was made a part of the County of Maui many years ago; and

WHEREAS, in the present situation the Island of Lanai functions only as a stepchild of the County of Maui—which is, in practical application, taxation without representation; and

WHEREAS, the Island of Lanai is financially, politically and otherwise able to sustain and run its own affairs as a county of the state of Hawaii; and

WHEREAS, the desire for local self-government by the Island of Lanai is in keeping with fundamentals on which this nation was founded, and in harmony with the principles on which Hawaii is making its rightful claim for statehood; so

THEREFORE, the undersigned officers by authorization of the members of the Lanai City Lions Club do hereby respectfully petition the honorable constitutional convention for the state of Hawaii to take whatever steps are necessary for the Island of Lanai to gain separate county status and its proportional representation in the legislature of the state of Hawaii.

C. F. LEICESTER, President  
 H. T. NUNOTANI, Secretary  
 C. I. KERN, Treasurer

**MISCELLANEOUS COMMUNICATION NO. 96**

May 29, 1950

This will acknowledge receipt of your letter of May 24 with which you transmit copy of the resolution adopted by the Hawaii State Constitutional Convention urging enactment of legislation removing the racial restrictions from our immigration laws.

I am entirely in sympathy with the purpose of this legislation and regret that the United States Senate has not as yet taken action on the bill adopted by the House of Representatives early in this Congress to accomplish this purpose.

I am pleased to learn that your resolution is being brought to the attention of the United States Senate as well as others concerned.

J. R. FARRINGTON  
 Delegate from Hawaii

**MISCELLANEOUS COMMUNICATION NO. 97**

June 5, 1950

Enclosed is a copy of a draft constitution for the state of Hawaii as approved by the delegates on Sunday, June 4, 1950 at the convention of the four ILWU locals held in the Forester's Hall, Honolulu, T. H., from June 2 - 4, 1950.

Our sending in this copy, plus additional copies for each of the 63 delegates is in line with our petition of May 19, 1950 at which time we asked for your consideration in submitting such a draft.

We urge that your body give serious consideration to the draft which represents the combined thinking of the ILWU for a constitution which will provide for the basic freedoms and privileges of the people of the Territory and which will serve as the basic law for the future state of Hawaii.

EDWARD HONG  
 On behalf of the ILWU

**MISCELLANEOUS COMMUNICATION NO. 98**

June 2, 1950

Knowing your interest in the Hawaiian people and their problems as indicated by speeches made by you while campaigning here in Windward Oahu and elsewhere and your continued interest since that time, the Windward Oahu Community Association, Inc., respectfully requests your further support to efforts being made to incorporate the Hawaiian Homes Act of 1920 as amended, into the State Constitution, subject to amendment or repeal only with the consent of the United States Congress. This association has watched the development of this program of rehabilitation among the Hawaiians and feels that every support should be secured to safeguard this program by incorporating the same into the State Constitution.

Similarly this association is interested in seeing other government owned lands opened up and made available to our young people and others interested in developing agricultural enterprises in the Territory, and any assistance you can render in this phase of development in the Territory will be appreciated by members of this association.

S. E. McINTOSH, President  
 Windward Oahu Community Ass'n, Inc.

**MISCELLANEOUS COMMUNICATION NO. 99**

June 2, 1950

The Windward Oahu Community Association, Inc., which is made up of some eighty organizations in Windward Oahu and of which the Waimanalo Homesteaders Community Association is a member organization, respectfully petitions the Constitution Convention of Hawaii now assembled in Honolulu, to provide in the Constitution drafted by said Convention, that, as a compact with the United States relating to the management and disposition of the Hawaiian Homes Lands, the Hawaiian Homes Act, 1920, as amended, be adopted as a law of the State of Hawaii, subject to amendment or repeal only with the consent of the United States Congress.

This association is cognizant of the work being done for the Hawaiian families under the conditions of the Act and would heartily support every effort to incorporate the Hawaiian Homes Act of 1920 into the State Constitution.

S. E. McINTOSH, President  
 Windward Oahu Community Ass'n, Inc.

**MISCELLANEOUS COMMUNICATION NO. 100**

June 8, 1950

Standing Committee Report No. 33, which was considered by the Constitutional Convention yesterday sitting as a Committee of the Whole recommended that its report be filed and that Committee Proposal No. 6 be recommended for adoption.

In the deliberations that ensued the last sentence of the first section of Committee Proposal No. 6 was deleted. In the discussion with reference to this deletion of the last sentence, Delegate Chuck Mau made the pertinent observation that the Platform of the Democratic Party of Hawaii has always supported the Hawaiian Homes Commission

Act and more pertinently its inclusion in the Constitution for the State of Hawaii.

Accordingly, as a member of the Committee on the Hawaiian Homes Commission Act of this Convention and as a member of the Platform Committee of the Democratic Party for more than ten years past, I respectfully bring to the attention of the membership of this Convention that this pertinent fact be brought to mind and that this letter be properly filed to indicate the traditional kokua of the Democratic Party to the Hawaiian Homes Commission Act.

ARTHUR K. TRASK, Chairman  
Platform Committee  
Democratic Party

#### MISCELLANEOUS COMMUNICATION NO. 101

June 8, 1950

On behalf of the Officers of IMUA, the many hundreds of Members and especially those individual Members who have attended the sessions and committee meetings of the Constitutional Convention, we wish to express our mahalo and deep appreciation for the many courtesies extended to us by so many persons officially connected with the convention.

Many of the staff in the Printing Room, the Reference Room, the Sergeant-At-Arms, many of the Delegates and others have been most helpful to our members who are in attendance as observers.

Since prior to the election of Delegates IMUA has taken a keen and active interest in this historic event. Our participation in the daily and evening meetings is proving educational and inspiring to our members. Those who attend in turn make reports back to many other IMUA members, thus spreading the news of the grand work the Delegates are doing.

Our entire program in connection with the Constitutional Convention has been so courteously assisted that we cannot refrain from conveying to you our deep thanks and appreciation.

JOHN T. JENKINS, Executive Secretary  
IMUA

#### MISCELLANEOUS COMMUNICATION NO. 102

June 9, 1950

The delegates to the Oahu Youth Council wish to express their sincere thanks to the members of the Constitutional Convention for their official recognition and approval of the National 1950 Boys and Girls Week in Hawaii, April 28-May 6.

We also greatly appreciate your support of the Oahu Youth Council's efforts in sponsoring Boys and Girls Week on Oahu.

We shall be looking forward to our association with many Constitutional Convention delegates on future Oahu Youth Council projects.

RANDY LEE, President  
Oahu Youth Council

#### MISCELLANEOUS COMMUNICATION NO. 103

May 29, 1950

At our last regular meeting a motion was voted and passed recommending that the Hawaiian Homestead Act should be incorporated into the proposed State Constitution with a provision made so that any future changes in the act be possible only upon the approval of Congress.

Fee simple title to the lands should not be made at this time because this would deprive other Hawaiians from receiving lands that are now not distributed under the act.

Res. submitted by the membership of:

Local 1245  
International Association of Machinists  
H. SCHWECKENDICK, Recording Sec.

#### MISCELLANEOUS COMMUNICATION NO. 104

June 19, 1950

All delegates to the Hawaii State Constitutional Convention are cordially invited, with one guest, to attend an appreciation luau to be held in their honor at the Papakolea Community Hall on Saturday, June 24, at 3:00 p.m.

We are indeed grateful for the action of your honorable body in adopting the Hawaiian Homes Commission Act as a provision of the Constitution of the State of Hawaii.

FRANKLIN K. BAKER JR., President  
Council of Hawaiian Homesteaders

#### MISCELLANEOUS COMMUNICATION NO. 105

##### RESOLUTION

WHEREAS, the wider ownership of land in Hawaii has been a subject of much consideration and thought by those charged with the responsibility of the government of these Islands for many years, dating back to the time of the monarchy; and

WHEREAS, the Organic Act established by the United States Congress for the government of the Territory of Hawaii took cognizance of this problem and directed the Territorial Government to institute a liberal policy with regard to the settlement of the public lands of the Territory, particularly, in section 73 of that Act; and

WHEREAS, the territorial administrations, since the time of annexation, while carrying out the provisions of this section, have provided for the sale of house lots and homesteads to the people of Hawaii to a limited extent; and

WHEREAS, there are still remaining in the public domain large tracts of land suitable for settlement by homesteaders or for sale to prospective home owners; now therefore,

BE IT RESOLVED by District 50 of Lions International, in convention assembled, that cognizance be taken of the tremendous increase in the population of this Territory which makes the problem of land ownership more acute; that it is the sense of this Convention that the spirit of the Organic Act should be carried out to a greater degree than heretofore; and that the Constitution of the State of Hawaii, now being drafted by a convention assembled for that purpose, should include the principles embodied in the Organic Act as a provision of said constitution and a direction to the Legislature of the proposed State; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the President of the Constitutional Convention of Hawaii of 1950, the Governor of Hawaii, the Land Commissioner of the Territory of Hawaii, the President of the Senate of the Legislature of the Territory of Hawaii, and the Speaker of the House of Representatives of the Legislature of the Territory of Hawaii.

Introduced by: Kamehameha Lions Club  
 Approved June 9, 1950  
 Certified: RICHARD H. KISHIMOTO, Cabinet Secy.

**MISCELLANEOUS COMMUNICATION NO. 106**

June 19, 1950

Enclosed please find a statement relative to debt limitation clause in our proposed constitution. Your consideration of the enclosed statement will be greatly appreciated. We have made enough copies to be distributed to the convention delegates.

STANLEY M. MIYAMOTO, Chairman  
 Joint Tax Study Committee

**MISCELLANEOUS COMMUNICATION NO. 107**

June 21, 1950

This communication is written for the purpose of restating the position of the Central Labor Council, an affiliate of the American Federation of Labor, on Committee Proposal Number 28 which proposes an Article under Industry and Labor in the Constitution of the State of Hawaii.

We do not wish to be repetitious and go into details heretofore presented through briefs and oral testimony before your Committee on Bill of Rights and Committee on Industry and Labor except to reiterate our argument that the last phrase "as prescribed by law" is superfluous and an extravagance in the use of words. Such a phrase has no more significance than if it had been stated that "persons shall have the right to organize for the purpose of lawful collective bargaining." It still remains for the legislature and the courts to determine what is "lawful."

We in the American Federation of Labor have acknowledged and accepted the concept that the legislature, under its policing powers, has the right to reasonably regulate any and all segments of our society, including our inherent rights. However, in some quarters it has been contended that the phrase "as prescribed by law" is a direct mandate and a gilt-edged invitation to the legislature to enact restrictive legislation designed for the purpose of emasculating labor organizations. We refute such a contention and if the delegates are of the same mind we respectfully urge and request that the delegates in convention assembled, through formal means, unequivocally reject and disavow such a contention. However, in the event that the legislature of the future State of Hawaii should interpret such a phrase as a grant of an unbridled license to destroy legitimate and bonafide organizations then we must resort to and have recourse to the courts or the polls or both.

For the reasons stated herein and heretofore, we are not apprehensive of the consequences of accepting the phrase "as prescribed by law" in the spirit that half a loaf is better than none when that half is non-venomous.

We urge your adoption of Committee Proposal No. 28. Finally, we request that the Committee of the Whole in con-

sidering said proposal incorporate this communication into their report to the Convention and thus be made a part of the proceedings of the Hawaii State Constitutional Convention.

LAWRENCE M. SHIGEURA, Chairman  
 Central Labor Council (A.F.L.)  
 Legislative Committee

**MISCELLANEOUS COMMUNICATION NO. 108**

June 24, 1950

I should like to take this means of publicly expressing my sincere appreciation to Dr. Roy E. Brown, Chairman of the Tax Study Committee of the Chamber of Commerce of Honolulu, for his invaluable assistance in supplying to the Chairman of your Committee on Finance and Taxation data on public finances and taxation—much of which required considerable research.

It is respectfully requested that a copy of this letter be forwarded to Dr. Brown by the President of the Convention.

HENRY A. WHITE, Chairman  
 Committee on Finance and Taxation

**MISCELLANEOUS COMMUNICATION NO. 109**

June 24, 1950

Your Committee on Finance and Taxation has received invaluable assistance from the legal firm of Wood, King & Dawson, New York City, the Territory's council on bonds, particularly with respect to the proposed section on debt limitations.

It is respectfully requested that the Convention record its appreciation to Wood, King and Dawson for this assistance and that a copy of this letter be forwarded to them on behalf of the Convention.

HENRY A. WHITE, Chairman  
 Committee on Finance and Taxation

**MISCELLANEOUS COMMUNICATION NO. 110**

June 24, 1950

Your Committee on Finance and Taxation has received invaluable assistance in its deliberations from Mr. Walter D. Ackerman, Jr., Attorney General; Mr. Howard Adams, Territorial Deputy Treasurer; Mr. William Borthwick, Territorial Tax Commissioner; Mr. Joseph Dickson, Territorial Auditor; Mr. William Lederer, Territorial Deputy Bank Examiner; Miss Rhoda V. Lewis, Assistant Attorney General; Mr. Paul Thurston, Territorial Director of the Budget; and Mr. Torkel Westley, Assistant Tax Commissioner.

It is respectfully requested that the sincere appreciation of this Convention be expressed to those individuals for their contributions and that a copy of this letter be forwarded to each of them.

HENRY A. WHITE, Chairman  
 Committee on Finance and Taxation

**MISCELLANEOUS COMMUNICATION NO. 111**

June 30, 1950

It was very kind and generous of you to recognize our 4-H Club member delegates when they appeared last Friday at the Constitutional Convention.

May I take this means of thanking you and your fellow delegate members for the courtesies shown our 4-H club boys and girls. To them it will always be an occasion of historical importance that they personally attended Hawaii Constitutional Convention.

H. H. WARNER, Director  
Hawaii Agricultural Extension Service

**MISCELLANEOUS COMMUNICATION NO. 112**

July 3, 1950

At the meeting held by the Molokai District Committee County of Maui Republican Party, Saturday, July 1st, 1950, at the Molokai Community Center representing the Republican Precinct Clubs on Molokai, it was adopted that the present system of having 6 Representatives run at large from the Maui County Third Representative Districts which includes Lanai and Molokai be retained against the proposals of having 5 Representatives run at large on Maui and 1 Representative for Molokai and Lanai. However, the Members at this meeting felt that Molokai would go along with the 5 representatives on Maui and 1 representative for the Island of Molokai and Lanai only if Maui be divided into 5 separate Districts. This we believe would give Molokai and Lanai an equitable and fair representation in the House of Representatives at the Legislature.

Trusting that this letter will be given due consideration in the above matter.

HENRY YAMASHITA, Chairman  
Molokai District Committee  
County of Maui  
Republican Party

**MISCELLANEOUS COMMUNICATION NO. 113**

July 3, 1950

I have but just heard of the proposal to allocate one of Maui County's members of the House of Representatives to Molokai and Lanai and to have the other five or more members allocated to Maui itself, to campaign at-large on Maui and neglect campaigning on Molokai and Lanai.

I wish to protest most emphatically against the adoption of any such plan which would, in effect, deprive the citizens of Molokai and Lanai of their franchise.

Time is too short for me to arrange for a protest meeting where many signatures could be obtained but I am satisfied that the majority of the Molokai and Lanai citizens would prefer to have all candidates for the Legislature campaign at-large throughout the whole of Maui County.

The idea of giving Molokai and Lanai one member of the House of Representatives and depriving those two islands entirely of the interest and support of the other members from Maui County is cruel, unjust and un-American.

I sincerely trust that your convention will deal fairly by the smaller inhabited islands of Maui County.

S. H. H. ASHFORD, Magistrate  
Molokai District Court

**MISCELLANEOUS COMMUNICATION NO. 114**

July 3, 1950

We have been advised of the Convention's plan to set up a separate representative district, composed of Molokai and Lanai, from which one representative out of six from the County of Maui would be elected, under the State Constitution of Hawaii. Further, the voters of Molokai and Lanai would not vote for the five Maui representatives.

As a more reasonable approach, we would like to recommend for your consideration, the following:

- (a) Establish Lahaina, Molokai and Lanai as a representative district from which 2 representatives would be elected.
- (b) Establish Wailuku as a representative district from which 2 representatives would be elected.
- (c) Establish an East Maui district from which 2 representatives would be elected.

We would appreciate the Convention's giving this recommendation serious consideration, as we believe it represents a more equitable solution to the representation problem.

C. F. LEICESTER, Acting Chairman  
Lanai Residents' Committee for  
Self-Government

**MISCELLANEOUS COMMUNICATION NO. 115**

July 10, 1950

For your records, I enclose copy of a cablegram reading as follows:

"BEG YOUR VALUABLE HELP TO HAVE STATEHOOD  
VOTED BEFORE ADJOURNMENT ALOHA ARTHUR  
TRASK"

which was sent to United States Senator Denis Chavez, of New Mexico.

A. K. TRASK, Delegate

**MISCELLANEOUS COMMUNICATION NO. 116**

July 14, 1950

As you approach the end of the sessions of the Constitutional Convention may we take this opportunity to congratulate the delegates for their painstaking and unselfish devotion to the task which was set before you.

We believe that the results of your labors are recognized and will be approved by the people of Hawaii and by the Congress of the United States of America. The choice of leadership by the people of Hawaii in the election of delegates to the Constitutional Convention is an excellent indication of fitness for Statehood.

URBEN E. WILD, President  
Honolulu Chamber of Commerce



**MISCELLANEOUS COMMUNICATION NO. 117**

July 15, 1950

Enclosed herewith is a copy of a resolution which was adopted at their regular meeting of July 2, 1950 by the Honolulu Typographical Union #37, (A. F. of L.), which is self-explanatory.

We request your convention's serious consideration and favorable action on said resolution.

LAWRENCE M. SHIGEURA  
Legislative Representative

*RESOLUTION*

WHEREAS, the Hawaii State Constitutional Convention of 1950 is preparing to submit to the people of Hawaii a Constitution for the proposed State of Hawaii for ratification, and

WHEREAS, the union label is a recognized symbol or stamp of approval used by many state and government agencies on their printed matter, and

WHEREAS, by virtue of their harmonious labor-management agreements certain printing firms are duly authorized to use the union label on printed matter when so requested; now, therefore,

BE IT RESOLVED that the Constitutional Convention be requested to have said union label affixed on the proposed Constitution when awarding the contract for printing of same.

**MISCELLANEOUS COMMUNICATION NO. 118**

June 2, 1950

The President has asked me to acknowledge your letter of May twenty-fourth with the enclosed certified copy of Resolution No. 38 adopted by the Hawaii State Constitutional Convention of Hawaii of 1950. He appreciates your courtesy in sending this Resolution to him.

WILLIAM D. HASSETT  
Secretary to the President  
of the United States

**MISCELLANEOUS COMMUNICATION NO. 119**

June 1, 1950

This acknowledges with thanks receipt of your letter dated May 24, 1950, with which you enclosed resolution requesting favorable action by the Senate of the United States on House Joint Resolution 238 of the 81st Congress to provide the privilege of becoming a naturalized citizen of the United States to all immigrants having a legal right to permanent residence.

I appreciate your courtesy in writing to me and in transmitting to me a copy of the resolution.

PAT McCARRAN, Chairman  
Committee on Judiciary  
U. S. Senate

**MISCELLANEOUS COMMUNICATION NO. 120**

May 29, 1950

This will acknowledge receipt of your letter of May 24, 1950, transmitting a certified copy of Resolution No. 38, adopted May 24, 1950, by the Hawaii State Constitutional Convention of Hawaii of 1950.

ROBERT T. BARTLEY  
Administrative Assistant  
to the Speaker  
U.S. House of Representatives

**MISCELLANEOUS COMMUNICATION NO. 121**

June 1, 1950

This will acknowledge receipt of your letter of May 24 transmitting certified copy of Resolution No. 38, adopted by your Convention, requesting favorable action by the Senate of the United States on H. J. Res. 238 of the 81st Congress to provide the privilege of becoming a naturalized citizen of the United States to all immigrants having a legal right to permanent residence.

This resolution will be brought to the attention of the United States Senate.

ALBEN W. BARKLEY  
Vice-President of the United States

**MISCELLANEOUS COMMUNICATION NO. 122**

May 25, 1950

I am very sorry that we have delayed so long in replying to your communication which was referred to us by Governor Lee. At the time we received your letter, all of our State Flags were in use and we delayed action on this matter until one was returned to us. However, we are happy to say that we are mailing a State of Utah flag today, under separate cover.

Again let me express our apology to you for our delay.

HEBER BENNION, JR.  
Secretary of State  
State of Utah

By L. Helm

**MISCELLANEOUS COMMUNICATION NO. 123**

May 31, 1950

We are today sending you under separate cover one Wisconsin State Flag measuring 3' x 5' to be hung in the Convention Hall in Honolulu.

OSCAR RENNEBOHM, Governor  
State of Wisconsin

**MISCELLANEOUS COMMUNICATION NO. 124**

May 31, 1950

I acknowledge receipt of your letter of May 16, 1950 together with a Resolution passed by the Hawaii State Con-

stitutional Convention expressing the sympathy of the Delegates to the immediate family of Esther Spring White, my mother.

As one of the family I wish to express my sincere appreciation of this recognition of my dear mother's passing and of your reference to me in your Resolution.

Aloha no ka kou.

CLARENCE A. WHITE

#### MISCELLANEOUS COMMUNICATION NO. 125

June 23, 1950

On behalf of the family of the late Joseph G. Andrews, I extend to you our gratitude and appreciation for the sympathy so kindly expressed in your resolution of June 15, 1950.

May God bless each of you and the work of this Convention.

JOSEPH B. ANDREWS  
(for all members of the family  
of Joseph G. Andrews)

#### MISCELLANEOUS COMMUNICATION NO. 126

12 July 1950

The Secretary of Defense has asked me to acknowledge and to thank you for your kindness in sending him the copy of the resolution adopted by the Constitutional Convention of Hawaii, with reference to the President's action on Korea.

Your courtesy in bringing this resolution to the Secretary's attention is appreciated.

C. J. BARRY  
Administrative Secretary to the  
United States Department of Defense

#### MISCELLANEOUS COMMUNICATION NO. 127

July 13, 1950

On behalf of the Secretary, I wish to acknowledge with thanks your letter of July 5 transmitting a copy of the resolution adopted by the Constitutional Convention in support of the President's action regarding the Korean situation.

JAMES P. DAVIS, Director  
United States Department of the Interior

#### MISCELLANEOUS COMMUNICATION NO. 128

I would like to take this opportunity to set forth a few reasons for my support of a large legislature. As you well recall, when this subject was last reopened on the floor, debate was cut off before the arguments raised by the opponents could be answered.

The objections which have been raised against a legislature of 76 members can be reduced to the questions of cost and assumed unwieldiness.

Let us look at these for a moment. I am sure that both you and I could well devise a form of government which would out-strip any democracy in economy and efficiency. This is not what we have been sent here to do. We have been sent here to write the basic law of a political entity in which

the people to be governed are to be represented in their government; a government which is to respond to the will of the people; a government in which each segment of the population is to have at least, a voice. In my mind, this voice in government is granted through representation in the legislature. Had I felt otherwise, I would have supported the election of judges, principal department heads, the school board and others.

The next question is, "To what length do we go to meet this end?" Does a House of 51 and a Senate of 25 accomplish this where a 41 - 21 combination would not? I say, YES!

Any student of government knows that the best representation can be obtained through the use of single representative districts but that the practical fault of single representative districts lies in a tendency to establish a basis for ward politics, particularly in urban areas. I think the majority of the delegates have supported a plan which is excellent in that it obtains grass roots representation without great danger of exposing the electorate to "ward politics."

What does this have to do with a large legislature? Let us remember that just about 50% of the people of Hawaii live in areas that are essentially rural. Let us remember that the interests of these rural people vary greatly. The communities are strewn over a 200 mile strip of Pacific ocean; that some are isolated by mountains; some by the sea. Some are isolated because of economic interest or livelihood and some purely because of distance.

Let me cite as an example what occurs in my own area when membership in the House is reduced from 51 to 41. This would give three representatives to a district which includes the towns of Aiea, Pearl City, Waipahu, Ewa, Nanakuli, Waianae, Wahiawa, Haleiwa and Waiialua. Under this plan, three men are to represent an area including the following:

1. One-half the acreage of the whole Island of Oahu;
2. Three of the largest sugar plantations in the Territory;
3. Three pineapple plantations; one of them the second largest in the islands;
4. The town of Wahiawa, which is Hawaii's third city and, on Oahu, second only to Honolulu;
5. A large population of civil service workers who are occupied at United States establishments such as Schofield Barracks, Pearl Harbor, Barbers Point, Lualualei and others of lesser consequence;
6. Several sections devoted to ranching, truck farming, subsistence farming, homesteading and the like;
7. Three centers, namely, Aiea, Waianae and Wahiawa that are rapidly growing and are looking forward to a government that will be responsive to their new needs.

Now let us examine what happens when we increase the House from 41 members to 51 members. As we apply this increase using the method of equal proportions, we find that the district of which I have been speaking, can now be logically divided into two districts, each entitled to two representatives, with one district nearly ready for its third representative. (Placing it second highest on Oahu in registered voters per representative).

I don't think anyone could reasonably argue that this is not a vast improvement over the situation outlined under the plan required by a 41 member House. Further, I would not base my judgment on this isolated instance alone, even if it is my own district, but the same argument can be applied to other rural areas, (which, remember contain 50% of the population). I just cite this one example because I am most familiar with it.

I would like to caution those who favor a "bargain basement" democracy, that at every close-out sale we have witnessed, the customers have ended the day exchanging their liberty for a surprise package that wrought ruin on them and their neighbors.

EDWARD C. BRYAN, Delegate

**MISCELLANEOUS COMMUNICATION NO. 129**

[Radiogram]

LONG ACTING GOVERNOR  
HONOLULU HAWAII

PLEASE CONVEY FOLLOWING TO CONVENTION DELEGATES AT SIGNING CEREMONIES QUOTE HEARTY CONGRATULATIONS ON SUCCESSFULLY COMPLETING HAWAII'S FIRST IMPORTANT TASK IN ACHIEVING

STATEHOOD PERIOD THE DEPARTMENT HAS FOLLOWED THE CONVENTION PROCEEDINGS WITH GREAT INTEREST AND IS PROUD TO NOTE THAT THEY WERE CARRIED OUT IN THE BEST OF OUR AMERICAN TRADITION PERIOD ALL DELEGATES AND THOSE WHO ASSISTED THEM DESERVE THE HIGHEST COMMENDATION FROM ALL WHO EARNESTLY SEEK THE ESTABLISHMENT OF HAWAII AS A SOVEREIGN STATE OF THE UNION PERIOD WE ARE CONFIDENT THAT THE EIGHTY FIRST CONGRESS WILL SOON ENACT STATEHOOD LEGISLATION FOR HAWAII AND BY SO DOING WILL JUSTIFY THE CONFIDENCE AND FAITH OF HAWAII IN PROCEEDING WITH THE DRAFTING OF A CONSTITUTION AND WILL MAKE OF THE SIGNING CEREMONY TODAY AN HISTORIC EVENT IN THE POLITICAL LIFE OF A GREAT AMERICAN COMMUNITY UNQUOTE

OSCAR L. CHAPMAN, Secretary  
United States Department  
of the Interior

## 8. Petitions

**PETITION NO. 1**

WHEREAS, the Island of Lanai today is a complex business community of 3,000 residents, a vastly different situation than when this island was made a part of the County of Maui many years ago; and

WHEREAS, in the present situation the Island of Lanai functions only as a stepchild of the County of Maui—which is, in practical application, taxation without representation; and

WHEREAS, the Island of Lanai is financially, politically and otherwise able to sustain and run its own affairs as a county of the state of Hawaii; and

WHEREAS, the desire for local self-government by the Island of Lanai is in keeping with fundamentals on which this nation was founded, and in harmony with the principles on which Hawaii is making its rightful claim for statehood; so

THEREFORE, the undersigned officers, by authorization of the members of the LANAI AJA CLUB do hereby respectfully petition the honorable constitutional convention for the state of Hawaii to take whatever steps necessary for the Island of Lanai to gain separate county status and its proportional representation in the legislature of the state of Hawaii.

**PETITION NO. 2**

WHEREAS, the Island of Lanai today is a complex business community of 3,000 residents, a vastly different situation than when this island was made a part of the County of Maui many years ago; and

WHEREAS, in the present situation the Island of Lanai functions only as a stepchild of the County of Maui—which is, in practical application, taxation without representation; and

WHEREAS, the Island of Lanai is financially, politically and otherwise able to sustain and run its own affairs as a county of the state of Hawaii; and

WHEREAS, the desire for local self-government by the Island of Lanai is in keeping with fundamentals on which this nation was founded, and in harmony with the principles on which Hawaii is making its rightful claim for statehood; so

THEREFORE, the undersigned officers by authorization of the members of the LANAI PARENT-TEACHERS ASSOCIATION do hereby respectfully petition the honorable constitutional convention for the state of Hawaii to take whatever steps necessary for the Island of Lanai to gain separate county status and its proportional representation in the legislature of the state of Hawaii.

**PETITION NO. 3**

WHEREAS, the Island of Lanai today is a complex business community of 3,000 residents, a vastly different situation than when this island was made a part of the County of Maui many years ago; and

WHEREAS, in the present situation the Island of Lanai functions only as a stepchild of the County of Maui—which is, in practical application, taxation without representation; and

WHEREAS, the Island of Lanai is financially, politically and otherwise able to sustain and run its own affairs as a county of the state of Hawaii; and

WHEREAS, the desire for local self-government by the Island of Lanai is in keeping with fundamentals on which this nation was founded, and in harmony with the principles on which Hawaii is making its rightful claim for statehood; so

THEREFORE, the undersigned members of the LANAI EDUCATION ASSOCIATION do hereby respectfully petition the honorable constitutional convention for the state of Hawaii to take whatever steps necessary for the Island of

Lanai to gain separate county status and its proportional representation in the legislature of the state of Hawaii.

#### PETITION NO. 4

Please find enclosed a Petition of 122 citizens and voters of the Territory of Hawaii from the Hamakua District requesting that you consider the deletion of the provisions of the Hawaiian Homes Commission Act, 1920, as amended from the basic law of the Territory when drafting the local constitution.

We trust that you will bring this matter before your Convention and that the delegates will call public hearings in different parts of the Territory so that the citizens may be given an opportunity to express themselves.

DANIEL CORREA, President

#### PETITION NO. 5

WHEREAS, the Island of Lanai is a distinct geographical unit; and

WHEREAS, the Island of Lanai has only a minimum of social and economic intercourse with the Island of Maui; and

WHEREAS, the Island of Lanai today is a prosperous agricultural community of 3,000 residents, a vastly different situation than existed in 1898 when this Island was prescribed a part of Maui County; and

WHEREAS, in the present situation the residents of the Island of Lanai are, and probably will continue to be, a taxed but unrepresented minority in the administration of Maui County affairs and funds; and

WHEREAS, the Island of Lanai is financially, politically and otherwise able to sustain and run its own affairs as a county of the state of Hawaii; and

WHEREAS, the desire for local self-government by the Island of Lanai is entirely in keeping with the fundamental precepts on which this nation was founded, and in harmony with the principles on which Hawaii is making its rightful claim for statehood; so

THEREFORE, we, the duly elected officers of the LANAI RIFLE AND PISTOL CLUB, do hereby respectfully petition the honorable constitutional convention for the state of Hawaii to take whatever steps necessary for the Island of Lanai to gain separate county status, and its proportional representation in the legislature of the state of Hawaii.

F. K. JAY, President

JOHN A. NEUSCHWANDER,  
Vice-President

C. T. KLUGE,  
Secretary (Acting)

D. RABON, Treasurer

M. V. HEMINGER,  
Chief Instructor

LLOYD COCKETT,  
Executive Officer

#### PETITION NO. 6

WHEREAS, the Island of Lanai today is a complex business community of 3,000 residents, a far different situation than existed when this Island was prescribed a part of the County of Maui many years ago; and

WHEREAS, in this present situation the Island of Lanai is an unrepresented minority in the County of Maui—which is, in practical application, taxation without representation; and

WHEREAS, the Island of Lanai is financially, politically and otherwise able to sustain and run its own affairs as a county of the state of Hawaii; and

WHEREAS, the desire for local self-government by the Island of Lanai is in keeping with the fundamentals on which this nation was founded and in harmony with the principles on which Hawaii is making its rightful claim for statehood; so

THEREFORE, we, the undersigned officers of the LANAI SOCIAL CLUB, by authorization of its members, do hereby respectfully petition the honorable constitutional convention for the state of Hawaii to take whatever steps are necessary for the Island of Lanai to gain separate county status and its proportional representation in the legislature of the state of Hawaii.

ROBERT E. BROWN, JR., President

GEORGE L. BRENNER, Vice-President

ELIZABETH A. JONES, Secretary-Treasurer

#### PETITION NO. 7

WHEREAS, the Island of Lanai today is a complex business community of 3,000 residents, a vastly different situation than when this island was made a part of the County of Maui many years ago; and

WHEREAS, in the present situation the Island of Lanai functions only as a stepchild of the County of Maui—which is, in practical application, taxation without representation; and

WHEREAS, the Island of Lanai is financially, politically and otherwise able to sustain and run its own affairs as a county of the state of Hawaii; and

WHEREAS, the desire for local self-government by the Island of Lanai is in keeping with fundamentals on which this nation was founded, and in harmony with the principles on which Hawaii is making its rightful claim for statehood; so

THEREFORE, the undersigned officers, by authorization of the members of the LANAI VETERANS CLUB do hereby respectfully petition the honorable constitutional convention for the state of Hawaii to take whatever steps necessary for the Island of Lanai to gain separate county status and its proportional representation in the legislature of the state of Hawaii.

EDWIN I. NAKASHIMA, President

MASAICHI GIMA, Secretary

#### PETITION NO. 8

I am submitting to the delegation of the Convention a petition signed by local citizens urging that you consider the deletion of the Hawaiian Homes Commission Act from the constitution. We feel that the Hawaiian Homes Commission is class legislation and has no place in our Constitution. I suggest that the members of the Convention consider holding meetings in different sections of the Territory to give the people an opportunity to express themselves. If this is done, I am sure that the members there will favor our point of view.

During the campaign, many of the delegates stated that a constitution should be brief, now, we find a small selfish group making every effort to clog it up with unnecessary legislation.

We request the delegation to give this matter serious consideration.

A. M. PHILLIPS, Hilo, Hawaii

**PETITION NO. 9**

You will find a Petition enclosed signed by the citizens of the Laupahoehoe District requesting the delegation to keep out from the Constitution the Hawaiian Homes Commission Act. We feel that this law is unconstitutional and that it has no place in the basic law. The Hawaiian Homes Commission Act has been a detriment to our economy, and that if the people of the Territory knew its true purpose they would raise up in arms against it.

I want to state that the people in this community support the stand taken by Delegate Marguerite Ashford of Molokai. We urge others to follow her leadership.

Trusting that you and the members of the Constitution Convention will give this question fair consideration, I am,

JOHN S. RAMOS, Laupahoehoe, Hawaii

**PETITION NO. 10**

The people of Kohala particularly the ranchers and farmers have signed this petition which we are sending you. We request that you present this to the delegation for their consideration. We believe that the Hawaiian Homes Commission Act is a detriment to the Territory of Hawaii. It has tied up large tracts of valuable land for a small group of citizens who do not have the facilities to utilize it to its best advantage. Because we do not believe in class legislation, we urge the delegation to omit the Hawaiian Homes Commission from the Constitution of Hawaii.

KOICHI ISHIMINE, Hawi, Kohala, Hawaii

**PETITION NO. 11**

I am enclosing a Petition signed by citizens and voters of the Kalopa District requesting that the Constitution delegation keep out the Hawaiian Homes Commission provision from the Constitution. The Hawaiian Homes Commission Act has not served the best interest of the people of the Territory. We believe this is class legislation and it is unconstitutional. The Constitution should be very simple and all details should be left to the legislature.

We urge every delegate to the Convention to give this question very serious consideration.

ANTONE FERREIRA, Honokaa, Hawaii

**PETITION NO. 12**

You will find a petition signed by several hundred local citizens urging the deletion of the Hawaiian Homes Commission from the basic law of the proposed State of Hawaii. We feel that there is no place in our constitution for class legislation. This matter must be left to the Legislature for consideration.

JACK RAMOS, Paauilo, Hawaii

**PETITION NO. 13**

I am enclosing a petition signed by local citizens urging the Convention now convening in Honolulu to delete the Hawaiian Homes Commission provision from the basic law. We feel that the Hawaiian Homes Commission Act does not serve the best interest of the people here in the Territory. Any changes in the intent of this law should be left to the State Legislature.

GEORGE MONIZ, Hilo, Hawaii

**PETITION NO. 14**

WHEREAS, the Island of Lanai today is a complex business community of 3,000 residents, a vastly different situation than when this island was made a part of the County of Maui many years ago; and

WHEREAS, in the present situation the Island of Lanai functions only as a stepchild of the County of Maui—which is, in practical application, taxation without representation; and

WHEREAS, the Island of Lanai is financially, politically and otherwise able to sustain and run its own affairs as a county of the state of Hawaii; and

WHEREAS, the desire for local self-government by the Island of Lanai is in keeping with fundamentals on which this nation was founded, and in harmony with the principles on which Hawaii is making its rightful claim for statehood; so

THEREFORE, the under signed officers, by authorization of the LANAI CIVIL AIR PATROL do hereby respectfully petition the honorable constitutional convention for the state of Hawaii to take whatever steps necessary for the Island of Lanai to gain separate county status and its proportional representation in the legislature of the state of Hawaii.

KWI SOON LEE, Adjutant	AARON E. AUTRY, Commanding Officer
JOHN PARK, Supply Officer	CLARK H. NAKAMOTO, Public Information Officer
	TOSHIO ONUMA, Training Officer

**PETITION NO. 15**

WHEREAS, the Island of Lanai today is a complex business community of 3,000 residents, a vastly different situation than when this island was made a part of the County of Maui many years ago; and

WHEREAS, in the present situation the Island of Lanai functions only as a stepchild of the County of Maui—which is, in practical application, taxation without representation; and

WHEREAS, the Island of Lanai is financially, politically and otherwise able to sustain and run its own affairs as a county of the state of Hawaii; and

WHEREAS, the desire for local self-government by the Island of Lanai is in keeping with fundamentals on which this nation was founded, and in harmony with the principles on which Hawaii is making its rightful claim for statehood; so

THEREFORE, the under signed officers, by authorization of the LANAI KOELE FLYING CLUB do hereby respectfully petition the honorable constitutional convention for the state of Hawaii to take whatever steps necessary for the Island

of Lanai to gain separate county status and its proportional representation in the legislature of the state of Hawaii.

AARONE E. AUTRY, President  
CLARK H. NAKAMOTO, Secretary-Treasurer  
TOSHIO ONUMA, Operations Officer

#### PETITION NO. 16

WHEREAS, the Island of Lanai today is a complex business community of 3,000 residents, a vastly different situation than when this island was made a part of the County of Maui many years ago; and

WHEREAS, in the present situation the Island of Lanai functions only as a stepchild of the County of Maui—which is, in practical application, taxation without representation; and

WHEREAS, the Island of Lanai is financially, politically and otherwise able to sustain and run its own affairs as a county of the state of Hawaii; and

WHEREAS, the desire for local self-government by the Island of Lanai is in keeping with fundamentals on which this nation was founded, and in harmony with the principles on which Hawaii is making its rightful claim for statehood; so

THEREFORE, the undersigned officers, by authorization of the members of the LANAI YOUNG BUDDHIST ASSOCIATION do hereby respectfully petition the honorable constitutional convention for the state of Hawaii to take whatever steps necessary for the Island of Lanai to gain separate county status and its proportional representation in the legislature of the state of Hawaii.

Y. MORIKAWA  
CHARLOTTE Y. OSAKO

S. ROY SHIMADA  
BETSY K. UCHIKATA

#### PETITION NO. 17

WHEREAS, the Island of Lanai today is a complex business community of 3,000 residents, a vastly different situation than when this Island was made a part of the County of Maui many years ago; and

WHEREAS, in the present situation the Island of Lanai functions only as a stepchild of the County of Maui—which is, in practical application, taxation without representation; and

WHEREAS, the Island of Lanai is financially, politically and otherwise able to sustain and run its own affairs as a county of the state of Hawaii; and

WHEREAS, the desire for local self-government by the Island of Lanai is in keeping with the fundamentals on which this nation was founded, and in harmony with the principles on which Hawaii is making its rightful claim for statehood; so

THEREFORE, the undersigned officers, by authorization of the members of the LANAI REPUBLICAN PRECINCT CLUB, do hereby respectfully petition the honorable constitutional convention for the state of Hawaii to take whatever steps are necessary for the Island of Lanai to gain separate county status and its proportional representation in the legislature of the state of Hawaii.

J. A. VERRET, JR.,  
Secretary

Y. S. CHING,  
Assistant Secretary

GEORGE L. BRENNER, Treasurer  
ADOLPH H. DESHA, President  
PETER K. PIENA, 1st Vice-President  
TOM A. URPANIL, 2nd Vice-President

#### PETITION NO. 18

WHEREAS, the Island of Lanai today is a complex business community of 3,000 residents, a vastly different situation than when this island was made a part of the County of Maui many years ago; and

WHEREAS, in the present situation the Island of Lanai functions only as a stepchild of the County of Maui—which is, in practical application, taxation without representation; and

WHEREAS, the Island of Lanai is financially, politically and otherwise able to sustain and run its own affairs as a county of the state of Hawaii; and

WHEREAS, the desire for local self-government by the Island of Lanai is in keeping with fundamentals on which this nation was founded, and in harmony with the principles on which Hawaii is making its rightful claim for statehood; so

THEREFORE, the undersigned officers by authorization of the members of the LANAI CITY LIONS CLUB do hereby respectfully petition the honorable constitutional convention for the state of Hawaii to take whatever steps are necessary for the Island of Lanai to gain separate county status and its proportional representation in the legislature of the state of Hawaii.

C. F. LEICESTER, President  
H. T. NUNOTANI, Secretary  
C. I. KERN, Treasurer

#### PETITION NO. 19

WHEREAS, the Island of Lanai today is a complex business community of 3,000 residents, a vastly different situation than when this island was made a part of the County of Maui many years ago; and

WHEREAS, in the present situation the Island of Lanai functions only as a stepchild of the County of Maui—which is, in practical application, taxation without representation; and

WHEREAS, the Island of Lanai is financially, politically and otherwise able to sustain and run its own affairs as a county of the state of Hawaii; and

WHEREAS, the desire for local self-government by the Island of Lanai is in keeping with fundamentals on which this nation was founded, and in harmony with the principles on which Hawaii is making its rightful claim for statehood; so

THEREFORE, the undersigned officer by authorization of the members of the WEST KAUAI LIONS CLUB do hereby respectfully petition the honorable constitutional convention for the state of Hawaii to take whatever steps are necessary for the Island of Lanai to gain separate county status and its proportional representation in the legislature of the state of Hawaii.

**PETITION NO. 20**

We, the undersigned homesteaders of Molokai do hereby strenuously protest against any measures or resolutions that will do away with the Hawaiian Homes Commission.

Instead of dissolving the existing Hawaiian Homes Commission which has been such a great help to our people, we strongly urge that the Hawaiian Homes Commission Act which has to do with the continuance of the Hawaiian homes project for the further rehabilitation of the Hawaiian race be faithfully carried out.

CAROLINE K. RODRIGUES and  
Several Other Petitioners

**PETITION NO. 21**

The enclosed petitions include signatures of persons of all races in Hawaii who do not believe that the Hawaiian Homes Commission Act should be deleted from the Constitution of the proposed State of Hawaii. [Signatures not reproduced.]

They represent only those signatures which limited time has permitted our organization to gather. We are confident however, that the total here represents only a small portion of the people of Hawaii who are in favor of including the Hawaiian Homes Act in the Constitution.

As additional petitions on this matter are received by us we will forward them to the convention.

W. C. KEA, President  
Territorial Council of Hawaiian  
Civic Clubs

**PETITION NO. 22**

This Constitutional Convention of the State of Hawaii of 1950 is engaged in a historic task of great importance to the people of the Territory of Hawaii. It can, if it will, bring forth a Constitution complete in all its parts, perfectly attuned to the democratic practices, principles, and aspirations of the people.

The results of the work of this Convention may become the foundation upon which the future State of Hawaii can build and progress. It is, therefore, fitting that the foundation be carefully constructed, —designed to protect, maintain, and extend the freedoms and rights of the people. Such a constitution is the hope of the ILWU and its members as it is of the people of Hawaii.

The ILWU has prepared a draft Constitution which represents the collective thinking of the representatives of the Union. We wish, on behalf of the membership of the ILWU in Hawaii, to present to this Convention for its consideration this draft Constitution on its approval by a duly elected and representative body of the Union.

We therefore petition the Convention for permission to present for the consideration of the delegates the Constitution, so prepared and approved, and ask that the Convention take such action as may enable us to do so.

EDWARD HONG  
On Behalf of the International  
Longshoremen's & Warehousemen's  
Union

**PETITION NO. 23**

WHEREAS, the Island of Lanai today is a complex business community of 3,000 residents, a vastly different situation than when this island was made a part of the County of Maui; and

WHEREAS, in the present situation the Island of Lanai functions only as a stepchild of the County of Maui—which is, in practical application, taxation without representation; and

WHEREAS, the Island of Lanai is financially, politically and otherwise able to sustain and run its own affairs as a county of the state of Hawaii; and

WHEREAS, the desire for local self-government by the Island of Lanai is in keeping with fundamentals on which this nation was founded, and in harmony with the principles on which Hawaii is making its rightful claim for statehood; so

THEREFORE, the undersigned officers by authorization of the members of the LANAI MUTUAL IMPROVEMENT ASSOCIATION do hereby respectfully petition the honorable constitutional convention for the state of Hawaii to take whatever steps necessary for the Island of Lanai to gain separate county status and its proportional representation in the legislature of the state of Hawaii.

ELDER ALAN E. ALLRED, President  
DOROTHY FUCHIGAMI, Vice-President  
MARIE ANDERSEN, Secretary and  
Treasurer

**PETITION NO. 24**

WHEREAS, the Island of Lanai today is a complex business community of 3,000 residents, a vastly different situation than when this island was made a part of the County of Maui; and

WHEREAS, in the present situation the Island of Lanai functions only as a stepchild of the county of Maui—which is, in practical application, taxation without representation; and

WHEREAS, the Island of Lanai is financially, politically and otherwise able to sustain and run its own affairs as a county of the state of Hawaii; and

WHEREAS, the desire for local self-government by the Island of Lanai is in keeping with fundamentals on which this nation was founded, and in harmony with the principles on which Hawaii is making its rightful claim for statehood; so

THEREFORE, the undersigned officers by authorization of the members of the LANAI RELIEF SOCIETY do hereby respectfully petition the honorable constitutional convention for the state of Hawaii to take whatever steps necessary for the Island of Lanai to gain separate county status and its proportional representation in the legislature of the state of Hawaii.

BONNIE ELLIS, President  
ANNIE SHIN, 1st Counselor  
ELIZABETH DUNLING, 2nd Counselor  
CONSUELO SAMONTE, Secretary and  
Treasurer

**PETITION NO. 25**

WHEREAS, the Island of Lanai today is a complex business community of 3,000 residents, a vastly different situation than when this island was made a part of the County of Maui many years ago; and

WHEREAS, in the present situation the Island of Lanai functions only as a stepchild of the County of Maui—which is, in practical application, taxation without representation; and

WHEREAS, the Island of Lanai is financially, politically and otherwise able to sustain and run its own affairs as a county of the state of Hawaii; and

WHEREAS, the desire for local self-government by the Island of Lanai is in keeping with fundamentals on which this nation was founded, and in harmony with the principles on which Hawaii is making its rightful claim for statehood; so

THEREFORE, the undersigned members of the Board of Directors of the LANAI COMMUNITY WELFARE ASSOCIA-

TION do hereby respectfully petition the honorable constitutional convention for the state of Hawaii to take whatever steps necessary for the Island of Lanai to gain separate county status and its proportional representation in the legislature of the state of Hawaii.

**PETITION NO. 26**

Reference is made to our letter (Petition No. 21) dated May 19th, 1950 concerning above subject. (Petition advocating inclusion of Hawaiian Homes Commission Act in constitution.)

Attached hereto are additional petitions circulated by this organization. (Signatures not reproduced.)

Please include these attached petitions as part of our previous letter.

W. C. KEA, President  
Territorial Council of Hawaii  
Civic Clubs



## Section C. CONVENTION PROPOSALS

### 1. Digest of Proposals Offered by Delegates

*Committee proposals, the actual vehicles employed by the Convention in adopting the several articles which comprise the constitution, are set forth in the preceding Section B, usually as attachments to the reports of standing committees.*

*The proposals made by individual delegates—which initiated committee consideration of the various subject matter areas and which were frequently incorporated in committee proposals—are digested on the following pages in the form of summaries prepared during the course of the Convention by the Legislative Reference Bureau of the University of Hawaii.*

*Names of the delegates introducing particular proposals can be ascertained from Section A after consulting the index.*

1. Requires legislature to provide for maintenance, support and control of free public schools on state-wide basis.

2. Establishes board of regents of University of Hawaii, authorizing it to supervise publicly supported higher education, to hold title to university lands and exercise control over all university funds.

3. Establishes supreme court, consisting of chief justice and four associates, all elective. Provides for retirement of these judges after 15 years of service, or upon reaching age to be specified. Authorizes legislature to provide manner of filling temporary vacancies on bench of supreme court.

4. Provides bill of rights, including: statements that political power derives from the people and of inherent rights of man; protection of legal rights; right of citizens to organize; right to bear arms; right of assembly; limits on searches and seizures; guarantee of habeas corpus; guarantees of rights of accused persons; ban on bills of attainder, ex post facto laws, etc.; guarantees of free speech, religion, and freedom from legislative abuses; protection against seizure of private property without just compensation.

5. Prevents discrimination against individuals, on racial or religious grounds, in exercise of civil or military right, or in public schools.

6. Establishes three year minimum residence qualification for all public offices and employment, except for university faculty.

7. Exempts from taxation real and personal property of war veterans and widows of war dead, up to \$1,000.

8. Provides that each island having 3,000 or more people, a majority of whom are citizens or eligible for citizenship, shall be entitled to at least one representative in state legislature. All islands entitled to only one representative shall be jointly entitled to one senator.

9. Provides for recall of supreme court judges, circuit and inferior court judges. Petitions for removal of supreme court and first circuit judges must bear signatures of 20 bar members of first circuit. In all other cases petition must bear names of 30 per cent of resident bar members of circuit. Upon certification by secretary of state, unless judge resigns, ballot at next election shall state reasons for recall and judge's defense, each limited to 300 words.

10. Establishes board of education of seven to nine members, four being elected on non-partisan basis, one from each county, the rest being appointed by Governor. Designates functions of board: controlling Department of Public Instruction and appointing its superintendent for four years. Provides support for Department of Public Instruction via legislative appropriations and excludes private and sectarian schools from benefits.

11. Preamble to the constitution, expressing, in the words of Kamehameha I, reverence to God and respect for all men.

12. Provides for trial by jury and protection from forced quartering of soldiers, except during war.

13. Establishes financial organization of state comprising three major divisions—finance, treasury, taxation—whose heads are appointive. Finance commissioner assigned duties of budget preparation, budget allocation, pre-auditing, prescribing accounting and purchasing procedures.

Outlines procedures for budget preparation, submission and approval, restricting legislature from adding or increasing any item in budget submitted by governor. Permits governor to veto or reduce items in appropriation bills.

Prevents earmarking of tax revenues except revenues of public service enterprise designated by the legislature.

Outlines procedures for payment of funds and authorizes Governor to reduce expenditures of various agencies under appropriations when revenues do not meet original estimates or when other exigencies so warrant, provided the legislature, by resolution of a majority of all members, may exempt certain appropriations for the legislative department.

Requires uniformity in assessing property taxes, excise taxes, inheritance taxes. Prevents earmarking of tax revenues, except revenues of public service enterprise designated by the legislature.

Prohibits taxing net income and authorizes legislature to provide for the following tax exemptions: public property; church and school property, and property used for charitable purposes; forest land and blighted areas being improved; lands devoted to establishment of new industries.

Prohibits the state from lending its credit to any individual, private corporation, or association. Sets state debt limit at \$60,000,000 and prohibits its increase unless average of all taxes during the preceding 10 years, exclu-

sive of revenues paid into trust funds, exceeds \$60,000,000, except that the state may borrow to repel invasion, suppress insurrection, defend against war, catastrophe, etc.

Outlines state's purchasing methods by requiring competitive bidding and centralized purchasing where practicable. Authorizes excess condemnation. Provides for appointment of auditor by legislature and assigns him post-auditing duty.

14. Vests judicial power in one supreme court and such circuit and inferior courts as legislature may establish. Provides for continuance of territorial laws until superseded by state legislation.

15. Requires chief justice of supreme court to appoint circuit and inferior court justices, subject to removal for cause, for term of four years, their qualifications and compensation to be established by legislature.

16. Authorizes legislature to establish standing committees which shall keep journals. Empowers either house, by one-fifth vote of all members, to relieve a committee from further consideration of an assigned bill if there has been no report after 15 days. Requires 48 hours advance notice of all committee hearings as well as statement of all subjects to be considered.

17. Provides that laws relating to qualification of jurors and exemptions from jury service shall apply equally to men and women. Requires jury lists to include both sexes.

18. States that holding of large uncultivated and unimproved tracts of land by individuals or corporations to be against public interest, to be discouraged by all means not inconsistent with property rights.

19. Declares that private property shall be subject to reasonable regulation and control for purpose of preserving scenic beauty of Hawaii, its physical good order, and historic associations.

20. Establishes elective office of lieutenant governor and outlines his qualifications, powers and duties.

21. Establishes office of governor to be elected for a term of four years. Governor must be qualified voter and resident of state for three years preceding election. Prescribes salary, and outlines duties and powers.

22. Authorizes governor to appoint, for terms to expire with his, following officers: attorney general, treasurer, commissioner of public lands, commissioner of agriculture and forestry, superintendent of public works, auditor, surveyor, and other members of public boards and commissions, subject to the advice of the senate. Subject to legislative limitation, governor may, with consent of the senate remove these officers. Officers must be citizens of state and have resided therein for three years next preceding appointment.

23. Authorizes legislature to create board of censors empowered to prohibit showing of improper motion pictures.

24. Provides that all territorial laws not inconsistent with constitution shall continue in force until amended or repealed.

25. Guarantees right of persons in private and public employment to work, to organize and bargain collectively, and provides for legal restraint in event of its violations.

26. Prohibits judges from holding membership in political parties or making public utterances on political candidates or issues during term of office.

27. Provides that constitution shall be self-executing to fullest extent that its provisions permit, and that Governor

by executive order, transmitted to legislature for concurrence or modification, may carry out mandates of the constitution when required.

28. Provides that where terms "person," "persons," "people," or personal pronouns appear, same include both sexes.

29. Guarantees persons right to obtain employment to organize and bargain collectively. Prohibits denial of right to work because of membership or non-membership in union. Guarantees right to organize and bargain collectively.

30. Provides that compensation of persons holding office established by constitution shall not be diminished during term of such officeholder.

31. Authorizes state to acquire private property for improvement of residential areas and empowers legislature to regulate development and management of projects, authorizing it to assign private or public agencies to undertake such projects and to permit these agencies tax exemptions for limited period.

32. Provides for state ownership of titles to all school properties and maintenance of schools on statewide basis.

33. Establishes voting qualifications as follows: age, 18 years; citizenship, 90 days; residence, state: one year, county 90 days, district: 30 days; literacy, ability to read and write English or Hawaiian; and specifically disqualifies persons convicted of election fraud, bribery or any infamous crime. Residence status declared not affected by membership in federal service, while student in institution of learning, or while inmate of charitable and penal institutions. Authorizes legislature to provide for absentee voting; mandates it to establish proper rules for registration of voters, to insure secrecy of voting. Outlines selection of election officers and declares regular annual election to be held the first Tuesday after first Monday in November, subject to alteration by law.

34. Provides for periodic referenda on constitutional revision or amendment, and outlines procedure for establishing future constitutional conventions. Legislature authorized to submit question of calling convention to the people at any time. If it fails to do so, or if question is not approved by two-thirds vote of people at any time during a 20 year period proper state officer is mandated to submit at general election 20 years following last referendum. Majority vote in affirmative will then suffice to convene a constitutional convention, delegates to which will be elected at following general election, unless legislature calls for a special election or delegates are elected at same time referendum is taken.

35. Creates reapportionment commission comprised of lieutenant governor as chairman, attorney general and secretary of state, to apportion senatorial and representative districts in accordance with designated requirements.

36. Defines lobbying as seeking to influence a legislator's vote by bribery, promise of reward, intimidation, or by other dishonest means and declares lobbying a felony punishable by law. Declares legislators who are so influenced guilty of a felony and provides for disfranchisement and permanent disqualification from public office. Authorizes subpoenaing of witnesses by any duly authorized body in a proceeding against any person charged with aforementioned felonies and requires witness to testify, but excludes use of such testimony against witness in any later judicial proceeding, save perjury.

37. Establishes eight hour work day for laborers, workmen and mechanics employed on public works of the State of Hawaii or any subdivision thereof, except in case of emergency or in time of war. Requires all public works contracts to contain this provision.

38. Authorizes legislature to establish minimum wage laws for women and children and to provide for comfort, health, safety and general welfare of all employees.

39. Preamble embodying acknowledgment of gratefulness to God for freedom and justice, freedom from harm as proclaimed by Kamehameha I; ordains constitution in order to insure justice, general welfare, liberty and freedom.

40. Provides that every duly registered citizen must be at least 20 years old.

41. Resolves that portion of 180,000 acres of land provided for Hawaii in H. R. 49 be made available in each island for small farming, to be leased on terms of at least 15 years.

42. Provides that resident foreigners, eligible for United States citizenship, shall have same property rights as native born citizens.

43. Declares that the people have an inalienable right to reform, alter or totally change their form of government.

44. Prohibits criminal prosecution for capital or infamous crimes except by presentment or indictment by grand jury, save cases arising in armed forces or militia when in service during war or public danger; prohibits double jeopardy, and compulsion of self-incrimination in criminal case.

45. Prohibits granting of special privileges or immunities that may not be altered, revoked or repealed by legislature; prohibits discrimination in granting privileges and immunities.

46. Provides that majority of stockholders of every domestic corporation shall be citizens of the United States.

47. Provides that right to marry shall not be denied or abridged because of race, nationality, creed or religion.

48. Provides for annual legislative sessions of 60 working days each.

49. Provides for keeping of written verbatim record of all activities of the constitutional convention and of state legislatures and its committees, which record to be deposited with the Public Archives.

50. Declares sovereignty of the people and accountability of public officials to them at all times.

51. An ordinance amending section 213, subsection (f) of Hawaiian Homes Commission Act, 1920, upon consent of the United States. As amended, it provides that all receipts derived from lease of "available lands" shall be deposited into Hawaiian home-administration account.

52. Provides for adoption of Hawaiian Homes Commission Act, as state law, subject to repeal or amendment only upon United States consent, unless Congress provides state legislature may do so. Allows additional appropriations for the purposes of the Act. Accords the Commission equal treatment with other state departments. Prohibits forever legislation conflicting therewith.

53. Provides that all that area formerly comprising the Territory of Hawaii shall constitute the State of Hawaii.

54. Incorporates section 73 of the Hawaiian Organic Act relating to public lands into the constitution, with specified changes and deletions.

55. Designates Hawaiian flag as flag of State of Hawaii.

56. Provides that territorial seal, modified to bear legend, "The State of Hawaii," be designated as state seal.

57. Creates board of education composed of seven members, three serving at large and one each representing Hawaii, Maui, Honolulu and Kauai counties. Members to be appointed by governor from list submitted in manner prescribed by law, subject to approval of senate. Each appointee to be ratified by vote of people at following general election - appointees at-large voted on by general electorate of state, the others by electorate of respective counties. Failure of ratification creates automatic vacancy of position.

58. Mandates supreme court to give advisory opinions on important questions when required by governor, senate or house of representatives.

59. Recommends that the combinations "U," "V," and "W" districts created during election of constitutional convention delegates be made districts for representation in legislature.

60. Empowers state and its political subdivisions to provide or assist in slum clearance and rehabilitation of substandard areas, including housing for persons of low income.

61. Proposes following preamble: "We, the people of Hawaii, grateful to the Almighty for our freedom, to secure that freedom and to promote our common welfare, do establish this Constitution."

62. Establishes these rights of accused persons: to demand specific statement of charges; to have assistance of counsel; to be confronted with witnesses; to have compulsory process for securing attendance of witnesses; to have speedy and public trial, by impartial jury of the judicial circuit in which offense is alleged to have been committed.

63. Declares right of people to keep and bear arms for common defense and that the military shall be subordinate to civil authority.

64. Mandates legislature to provide for uniform statewide free public school system, free from sectarian control.

65. Directs state capital to be located in Honolulu.

66. Establishes department of public instruction to establish and maintain state public schools under administration of commissioners and superintendent of public instruction, who shall be appointed by governor with advice and consent of senate. Members and qualifications of commissioners and superintendent to be fixed by law; no clergyman to be eligible. Mandates legislature to support a system of public schools, free from sectarian control and open to all children.

67. Provides that State of Hawaii shall retain all lands and property, title to which immediately prior to statehood was in Territory or its subdivisions. Any lands or property in Territory set aside for federal use to become federal property, subject to certain limitations.

Accepts stipulated conditions governing use of land transferred to State, as those which may be required by Congress. Establishes commission to treat with federal government in working out land settlement.

68. Creates non-partisan judicial commissions to nominate panels for appointment by governor to state courts. At end of term, judge seeking to continue in office must face election, "running against his record"; if he fails to receive majority favorable vote, to be replaced by appointee.

69. Specifies that development of farm and home ownership are public purposes for which powers of eminent domain, taxation and borrowing may be used.

70. Disqualifies persons convicted of bribery from holding public office.

71. Provides that bail may be posted for all but capital offenses where guilt is evident or presumption great. Prohibits excessive bail or fines, cruel and unusual punishment. Provides that witnesses shall not be unreasonably detained nor confined with criminals.

72. Prohibits discrimination on political, religious or racial grounds for persons in the government civil service. Directs legislature to appropriate funds to establish general merit system for public employment.

73. Prohibits taxes or appropriations for private purposes.

74. Requires general appropriation bill to be passed before any special appropriation bill, except emergency appropriations. Requires public hearing on budget. Prohibits legislature from appropriating funds in excess of revenue for same period. Gives governor power to veto or reduce any item in appropriation bills.

75. Mandates governor, three months prior to new fiscal year, to submit to legislature budget of proposed expenditures and anticipated state income for ensuing year. Requires governor to have introduced general appropriation bill authorizing expenditures set forth in the budget and bills providing for additional taxes or for borrowing to meet the proposed expenditures.

76. Prohibits state or any civil division thereof from giving or lending its credit, directly or indirectly, to any individual association, or private corporation.

77. Authorizes excess condemnation by state or any civil division thereof. Permits sale of such excess with restrictions to preserve improvements made. Authorizes bonds to pay for excess property acquired and exempts such bonds, when a lien on property acquired, from any indebtedness prescribed by law.

78. Requires all purchasing by state or its subdivisions to be done through competitive bidding and centralized purchasing, where feasible.

79. Provides for appointment by legislature of auditor, who shall conduct post-audits of governmental expenditures and report his findings to governor and to legislature.

80. States that power of taxation shall never be surrendered, suspended or contracted away.

81. Prohibits earmarking of revenues from taxes or funds. Grants governor power to control expenditures through allotment system, and to reduce expenditures under appropriations. Provides that no public funds can be obligated except in accordance with legislative appropriations.

82. Denies privilege of voting to any person who bets on outcome of any election, receives a reward for voting in an agreed manner or who attempts to influence a vote. Directs legislature to exclude as electors those convicted of bribery or infamous crime.

83. Prohibits deprivation of life, liberty, or property without due process of law, or denial of equal protection of laws.

84. Declares residence status for voting unchanged while in service of United States, traveling at sea, student of learning, or inmate of charitable or penal institution.

85. Establishes "Hawaii Pono!" as official state song.

86. Prohibits taking or damaging private property for public use unless just compensation is made.

87. Directs legislature to enact reciprocal laws cooperating with other state governments and federal government to safeguard rights of people of Hawaii in liability, dependency, public welfare and non-support cases.

88. Omnibus proposal, containing provisions relating to preamble, bill of rights, suffrage and election, legislature, executive, judiciary, finance, local government, public education, general matters, and constitutional revision, many of which have previously been introduced.

89. Prohibits Bill of Rights from being used to excuse licentiousness or justification of practices inconsistent with peace or safety of state.

90. Declares private property to be subject to reasonable regulation and control for purpose of preserving scenic beauty of Hawaii, its physical good order, and historic associations.

91. Declares the people shall have right to fish in and from state lands and water. Prohibits transfer of state land without reserving this right and authorizes legislature to provide regulations in fishing.

92. Requires judges to be licensed attorneys and ten-year residents of Hawaii.

93. Authorizes any person whose rights are directly involved to enjoin by suit violation of any constitutional provision.

94. Prohibits governor from appointing officers or members of any board, commission or other county body.

95. Prohibits legislature from passing any bill of attainder ex-post facto law, or law impairing obligation of contracts, or denying enforcement of contracts by remedy existing at inception of contract.

96. Grants aliens domiciled in Hawaii same rights of possession, enjoyment, transmission and inheritance of property granted to native-born citizens.

97. Establishes 25-section bill of rights.

98. Prohibits legislature from delegating to any administrative agency authority to make rules which impose fine or imprisonment as punishment for its violation.

99. States that utilization of agricultural, mineral, forest and other natural resources are public uses; allows condemnation thereof upon compensation. States that government shall have full power to act for health, safety and general welfare of its citizens.

100. Divides powers of government into three distinct departments—legislative, executive and judicial—and prohibits any department from infringing upon powers of the others, unless expressly authorized by constitution.

101. Mandates legislature to establish agencies to promote inter-state cooperation and to appropriate the necessary funds.

102. Requires enactment of laws by bill embracing one subject to be expressed in its title. Prescribes enactment clause reading, "Be it enacted by the legislature of the State of Hawaii."

103. Requires legislature to promote conservation and development of natural resources.

104. Requires constitutional conventions to be held at least once every ten years to review constitution and propose changes. Requires approval of amendments by voters at following general election.

105. Prohibits denial or discrimination in acquisition, use or sale of real or personal property on basis of religious or racial differences.

106. Establishes right of collective bargaining for private employees; allows public employees to organize and make known their grievances and proposals to the state and its agencies. Requires officers and bargaining representatives to sign non-communist oath.

107. Declares that all water within state belongs to and is dedicated to the use of the people.

108. Requires legislature to create department of economic resources, and to enact laws fostering conservation and development of agricultural and natural resources. Vests control in six member commission.

109. Creates commission of public lands of not more than seven members: two from Honolulu, one from each other county, remaining two selected by those appointed. Also creates appointive commissioner of public lands.

110. Creates board of education of seven members: one each to be elected from each county, three to be elected at large in non-partisan election. Clergymen declared ineligible for membership.

111. Authorizes legislature to create local governments, the officials thereof to be chosen by respective counties or city and counties in manner prescribed by law.

112. Provides for annual legislative sessions—the sessions of odd-numbered years to be known as general sessions, those of even-numbered years as budget sessions. Budget sessions, limited to consideration of general appropriation bills and revenue measures, acts calling elections, proposed constitutional amendments, acts necessary to provide for expenses of session; and urgency measures requiring a two-third vote, shall commence on third Wednesday of February and continue for 30 days, unless extended up to 10 days, by the governor. General sessions to begin same date, and limited to 60 days, unless extended for not more than 30 days by governor.

113. Provides for direct initiative and referendum under specified conditions.

114. Authorizes legislature to create Hawaii economic resources authority, charged with responsibility of investigating and introducing new products and processes.

115. Authorizes legislature to establish local government units and provide for selection of their officials, either by election or by appointment by local authorities.

116. Prohibits, without written consent of the land commissioner and governor, any transfer of interest to an alien or corporation of public land for which any agreement was issued after May 27, 1910 by the Territory or State of Hawaii; or before or after issuance of homestead lease, or before issuance of patent to, by, or for benefit of any person who owns or controls other land, combined area exceeds 80 acres. Transfer by inheritance or between tenants in common are excluded from the foregoing provisions.

117. Requires legislature to provide for a statewide system of free public libraries.

118. Prohibits segregation in state public schools because of religious principles, sex, race, color, ancestry, or national origin.

119. Provides for amending constitution by vote of three-fifth of each legislative house, approved by majority vote of electorate.

120. Prohibits appropriation of public money for support or benefit of any sectarian, denominational or private school.

121. Declares that general welfare requires that surface and ground water be kept uncontaminated, protected, and put to fullest beneficial use. Limits water rights to beneficial use to be served.

122. Declares that legislature shall be responsible for maintaining good order of the state and health, safety and general welfare of its inhabitants.

123. Requires governor to appoint commission to organize state civil service department for selection of employees on merit basis.

124. Requires election of circuit judges on a nonpartisan basis for six-year terms. Requires that candidates be ten-year residents, two-year circuit residents, qualified voters and licensed attorneys.

125. States that islands acquired by United States under Annexation Act, and known as Territory of Hawaii, shall be State of Hawaii.

126. States that protection and promotion of public health, good order, safety and general welfare are matters of public concern and shall be provided for by the state in manner that legislature shall determine.

127. Prohibits commission of public lands from selling residential lots from public lands to any person who had previously purchased residential lots subdivided from public lands.

128. Establishes a legislative council of 15 members, consisting of five senators, five representatives, and five non-legislators appointed by governor, and mandates legislature to provide for selection, tenure and compensation of members of the council and necessary research staff.

129. Declares membership in state employees' retirement system to be contractual relationship, benefits of which shall not be diminished or impaired.

130. Declares that nothing in constitution shall be construed to prevent legitimate cooperation between state and federal government. Mandates the legislature to provide for agencies to promote cooperation between state and other states; authorizes local units to enter into mutual agreements, and agreements with state and federal government for cooperative administration of any of its functions or powers. Authorizes legislature to enact laws facilitating the consolidation of existing civil divisions and establishment of cooperative enterprises among local units.

131. Requires legislature to provide state-wide system of agricultural education under one or more public institutions of higher learning.

132. Provides preamble which reads as follows:

Grateful to Divine Providence for the privilege of democratic government under the aegis of the American flag, with pride in our heritage which, under Kingdom, Republic, and Territorial status has made possible economic prosperity and harmonious relations among

residents of widely differing ethnic origin, we do hereby ordain and establish a constitution for the State of Hawaii.

133. Provides for annual legislative sessions, substantially same as Proposal 112, except that general sessions be split as follows: first term shall last for 30 days; second term, also 30 days, with a recess of 30 days inbetween. First term for introduction of bills, first and second readings; second, for consideration and final action thereof.

134. Establishes nine-member bureau of agriculture and natural resources. Board is authorized to conserve state's natural resources by promoting agricultural development, fishing, wild life control, and water conservation, and to manage public lands. Limits leases of public lands to 30 years, except by three-fourths vote of legislature. Restricts sizes of houselots and homesteads.

135. Provides that territorial laws shall continue under statehood, with word "State" substituted for "Territory."

136. Designates date of admission to statehood as date constitution shall take effect.

137. Provides for apportionment of legislature as follows: House of Representatives—25 from Oahu and 18 from other islands, a total of 43; Senate—5 from each county.

Provides that lieutenant governor shall preside over the senate, voting only in case of tie.

138. Requires arrested persons to be taken, without unnecessary delay, to nearest available officer empowered to commit persons charged with legal offenses. Requires filing of complaint forthwith in event that arrest is made without warrant. Requires committing officer to inform defendant that he is not required to make statement, and has right to retain counsel. Gives defendant right to secure bail.

139. Declares that no section contained in the bill of rights shall be taken to limit the rights and liberties guaranteed by any other section.

140. States that power of taxation shall not be surrendered, contracted or taken away. Prohibits state from giving credit to any individual or private corporation. Prohibits debt limitation, but requires legislative authorization before state debts can be contracted.

Requires the governor to submit budget within 10 days of opening of regular session. Prohibits passage of special appropriation bills before general appropriation bill, except in emergency. Requires taxation and appropriations of public money to be made only for public purposes and prohibits property or money from being appropriated or used for any religious institution. Prohibits appropriation of public money or property for charitable, industrial or educational purposes, except to division of state, allowing, however, special legislative grants to private hospitals. Requires governor to appoint three voting members to boards of such aided private institutions.

Authorizes the governor to strike out or reduce items in appropriation bills. Prohibits earmarking of funds. Authorizes reduction of state expenditures by governor when revenues are over-estimated.

Requires centralized purchasing and use of competitive bidding where practicable. Provides for legislative post-auditor.

Authorizes excess condemnation and allows sale of excess. Allows issuance of bonds to pay for excess property acquired and exempts bonds from any local debt limits.

Exempts state property from taxation. Allows tax exemption for charitable, religious and educational institutions. Allows relief from taxation for lands devoted to forestry, reconstruction, redevelopment and rehabilitation, as legislature may prescribe. Also permits exemptions to encourage new industries or enterprises.

141. Amends redraft of proposal No. 13 (finance article) to: delete Senate consent for removal of finance commissioner, tax commissioner and treasurer; permit legislature to increase, decrease, delete or add any item in budget bill; delete section regarding special and supplementary appropriations; permit legislature to establish graduated income, inheritance and gift taxes; set debt limit at \$60,000,000, authorization of additional indebtedness to require three-fourths vote of each house; delete requirement that excess condemnation reduces overall cost of acquiring property; require appointment of auditor by majority vote of all members of legislature, auditor to serve during its pleasure.

142. Requires the governor and judges of supreme and circuit courts to be removed from office on impeachment and conviction of treason, bribery, or other high crimes and misdemeanors. Gives House of Representatives sole power of impeachment and Senate sole power to try impeachments.

At trial of governor, chief justice shall preside and conviction to require concurrence of two-thirds of Senators. Limits impeachment judgment to removal from office and disqualification from state office, but convicted party shall be subject to indictment, trial, and punishment according to law.

143. Empowers the governor to reorganize administrative structure to promote efficiency, such changes to be set forth in executive orders to become effective at close of next legislative session, unless modified or disapproved by two-thirds of members of each house.

144. Deprives legislature of power to grant divorce, and prohibits legislation of private, special or local character.

145. Empowers governor to grant pardons, commutations and reprieves, subject to legislative regulations.

146. Creates judicial council composed of chief justice, certain number of judges of appellate courts, attorneys and lay citizens whose duties are: to investigate, review and report matters pertaining to administration of justice; to make or alter rules pertaining to judicial procedure and practice, such rules to be effective only when published as provided by law. Authorizes legislature to repeal, alter or supplement such rules.

147. Prohibits limiting political activities of government employees, except as provided in constitution.

148. Establishes popular initiative and referendum. Initiative petition to contain summary of proposed measure, signed by qualified voters numbering five per cent of total vote cast in each county for governor at last election, for statutory measures, eight per cent for constitutional amendments. Initiated measures to be submitted to legislature. If the petition is not enacted into law, or in case of constitutional amendment, if not passed and repassed in the following legislative session, petition shall be submitted to voters. Authorizes legislature to present alternate proposal when petition is submitted to electorate. Prohibits more than two initiative proposals being placed on ballot in any election.

Requires a referendum petition to be filed with governor within 90 days after adjournment of session wherein measure was enacted; petition signatures to meet five per cent set for initiative. Measure shall then be submitted to electorate within 30 days after filing. Prohibits referenda on laws necessary for immediate preservation of public peace, health, safety and appropriations for current state government expenses. Prohibits gubernatorial veto of initiative and referendum measures. Measures submitted to electorate to become law, or part of the constitution, when approved by majority of votes cast thereof, providing that no initiative measure is effective unless affirmative votes cast therefor equal 35 per cent of total votes cast for governor at last election. When initiative proposals involve expenditures, they must also provide for necessary revenues.

Prohibits enacting laws restricting aforementioned powers. Prohibits repeal of measures adopted by the people under the initiative and referendum for period of three years, except by two-thirds vote of all legislators.

149. Provides for selection of seven-member state board of education appointed by governor with senate approval from panels submitted by county school advisory committees appointed by respective county boards of supervisors.

150. States that existing charters which shall not have organized and commenced business in good faith at the time of the adoption of the constitution shall be invalid. No charter or corporation shall be granted or changed by special law except for certain corporations under the control of the state. Requires legislature to provide by general laws for organization of corporations hereafter to be created. Allows legislature to alter, revoke or annul any charter now existing or hereafter created whenever it deems necessary, providing that no injustice shall be done to incorporators.

Provides for equal rights to use public transportation and prohibits discrimination in charges or facilities in intrastate commerce.

Prohibits abridgment of right of eminent domain so as to prevent taking property of incorporated companies for public use. Prohibits abridgment of police power to enable corporations to infringe upon equal rights of individuals.

Requires foreign corporations doing business in Hawaii to have one known place of business, and an authorized agent upon whom process may be served. Prohibits passage of retrospective laws. Declares nothing in constitution shall be construed to prohibit establishment of banks by individuals or corporations. Requires state to provide reasonable control of all public utilities. Prohibits public lodging places from discriminating against individuals because of race, color, creed or religion.

151. States that no county, nor any two adjoining counties, shall be appointed more than half of total number of senators.

152. States that certain services rendered by private enterprise require state control. Authorizes legislature to define and control such services in public interest by public utilities commission, whose members shall be appointed by governor.

153. Requires legislature to provide alternative forms of county government and methods for adoption; requires county legislative body to serve without compensation should the people, by general election in said county, so require.

Prohibits reducing county areas without approval of majority of electors therein. Authorizes legislature to consolidate not more than two election districts, and only if contiguous. Limits terms for county officers to four years. Provides for election of county legislative bodies, their

members numbering not less than number of election districts within county, nor more than above the number of districts. Provides that voters of each election district shall elect at least one member of legislative body of county of that district, and requires candidates to be resident-electors thereof.

154. Cedes property set aside for the use of United States prior to statehood to United States, reserving right to serve civil or criminal process of state within said lands.

155. Secures religious toleration and prohibits molesting of persons or property because of religious worship. Requires provision to be made for establishment and maintenance of public school system, free from sectarian control and open to all children. Requires state to assume debts and liabilities of Territory of Hawaii. Prohibits taxation of property belonging to non-resident citizens at greater rate than property of residents. (Ordinances required under H.R. 49 of the 81st Congress.)

156. Adopts Hawaiian Homes Commission Act, 1920, as amended, subject to amendment or repeal only with consent of United States, providing that provisions relating to administration and powers and duties of officers may be amended in way required for ordinary state legislation. Prohibits loan and development funds from being reduced or impaired and prohibits increase of authorized incumbrances, except with consent of United States. Authorizes increase in benefits to lessees by constitution or state legislation and requires all proceeds from Hawaiian home lands to be made available to state for use in accordance with said act.

157. Adopts Constitution of United States on behalf of the people of Territory of Hawaii.

158. States that all debts, fines, penalties, and forfeitures accrued or hereafter accruing to Territory of Hawaii shall inure to State of Hawaii.

159. States that right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated. Prohibits issuance of warrants, except upon probable cause supported by oath or affirmation and, particularly describing the place to be searched and things to be seized. Excludes evidence obtained in violation of provision from admittance against accused in criminal cases.

160. Invests judicial power in supreme court and such other courts as legislature shall establish. Authorizes legislature to define the powers and jurisdiction of state courts. Requires electing judges of state courts having appellate jurisdiction and appointment of all other judges by chief justice.

161. Prohibits abuses of persons while under arrest or in prison. No person shall be held under arrest for longer than three hours in any 24-hour period, unless specific charge has been preferred against him.

162. Identical with Proposal 161, except for omission of phrase "in any 24-hour period."

163. Prohibits governing or policy-making bodies of public educational systems from exercising control over private schools, except where said schools request assistance or control.

164. Requires state to encourage skills, science, arts and crafts and prohibits it from interfering with persons disseminating same, as long as such endeavor does not advocate overthrow of American system of government.



165. Prohibits laws abridging teaching of foreign languages or establishment of private schools for such purpose, as long as their endeavor does not interfere with American system of government.

166. Suggested preamble to constitution.

167. Provides for creation of local governmental units, upon approval of voters in locality, as chartered or unchartered counties, cities or city-counties. Authorizes local governments to furnish services, levy taxes, borrow, to make public improvements and to condemn property for their own use.

168. Declares unlawful holding of more than 25 acres of residential land on any island by any person or association. Provides that lands in excess of this limit, 10 years after approval of constitution, may be purchased at condemnation price. In case of leaseholds, lands would become subject to this condemnation procedure upon expiration of lease (after the 10-year period), with tenant having priority to purchase.

169. Governor to designate department heads, in order of his choice, to serve as acting governor. In event of death, resignation, impeachment or removal of governor, or his disability or absence from state for more than 60 days, legislature may elect acting governor. In event of death of governor, or his failure to qualify, legislature shall choose acting governor, until governor has qualified or new governor is elected. Should legislature fail to act, outgoing or acting governor shall hold office until vacancy is filled. Election to fill vacancy in governorship shall be held not less than 60 days after vacancy occurs.

If there is no qualified person able to fill existing vacancy, president of senate, or, in that order, speaker of house, shall assume governorship and call special joint session of legislature to select acting governor. Authorizes legislature to provide by law for any contingency affecting tenure of governor not fully provided for in constitution.

170. Provides for proposal of constitutional amendments by legislature in following manner: original passage by majority of each house; submission to governor; repassage by three-fifths vote of legislature, if governor disapproves proposal, or fails to act in 15 days. Proposed amendment then would require approval, at next general election, of majority voting on it.

171, 172, 173. Alternative suggested preambles to constitution.

174. Declares that civil service of state and its subdivisions shall be governed by merit system without regard to political affiliation, religious or racial background.

175. Authorizes exercise of eminent domain, imposition of taxes, and granting of credit of state for the development of farm and home ownership.

176. Empowers governor to fill all vacancies in public offices, unless otherwise provided by constitution or statute.

177. Provides that all criminal prosecutions and penal actions originating under Territory of Hawaii may be prosecuted by state of Hawaii as if no change had taken place; all penalties and punishments to remain as if constitution had not been adopted. Law, equity and other proceedings pending in territorial courts at time of change to state government to be continued transferred to state or United States court having jurisdiction thereof.

178. All officers and employees of territory and its subdivisions shall continue to discharge their duties upon ad-

mission of state into Union until their successors have qualified according to law.

179. All recognizances, bonds, obligations and undertaking entered into by territory or its subdivisions to remain valid and may be acted upon under state law.

180. Provides that all civil and criminal actions which shall have arisen prior to admission of Hawaii as state, but as to which no proceedings shall be pending at that date, shall be subject to prosecution in appropriate courts of state or of United States.

181. Vests in State of Hawaii all property, choses in action, claims, etc., belonging to Territory of Hawaii and authorizes state to sue and recover for same as might have Territory of Hawaii.

182. Declares that all persons shall have right to organize except in military organization not under state supervision and except for purposes of resisting state or federal authority. Private employees shall have right to organize and bargain collectively, whereas persons in public employment shall have right to organize and make known their grievances to the state.

183. All rights, actions, claims, processes, etc. existing at time of achieving statehood shall continue as if no governmental change had occurred.

184. Proposals article on judiciary, similar to Article V of constitution.

185. Creates judicial council of seven members, one being chief justice and chairman, three being elected by bar association from its membership and three, not bar members, being appointed by governor. Limits term of office to seven years, allowing supreme court to change the terms; members to receive no compensation. Prohibits members from holding political office and allows council action only by majority concurrence.

Judicial council shall submit three nominees to governor or chief justice for each appointment to circuit and supreme court vacancies, provided that if any incumbent is candidate his name shall be included as nominee and the council may, but need not, nominate two others. For inferior court vacancies, chief justice shall appoint one of three persons named by judicial council, with above provision for candidacy of an incumbent.

186. Empowers legislature to establish local governments officials of which are to be appointed or elected within respective local governments as provided by law.

187. Substantially identical with Proposal 186.

188. Authorizes legislature to create counties and municipalities, and to provide for selection of their officials.

189. Reserves to the people power to propose laws and constitutional amendments by initiative and by referendum to adopt or reject laws or amendments proposed by themselves and laws passed by the legislature. Establishes enacting clause for laws.

190. Exempts legislators from arrest, except for treason, felony, and [sic] breach of the people, during legislative session, and for 15 days before and 15 days after session.

191. Declares responsibility of state to seek full employment of its people and provides that state shall undertake programs to eliminate unemployment.

192. Authorizes legislature to provide general rules for inspection and measurement of commodities in order to pro-



fect public health, provide correct standards of weights and measures, and protect state interest in its property, revenues and purchases.

193. Describes state flag, to consist of eight horizontal stripes alternately white, red and blue beginning at the top, having emblem in dexter chief angle next to point of suspension. Requires the emblem to consist of state seal under

which shall be motto: "Ua mau ke ea o ka aina i ka pono."

194. States that no person shall be denied equal protection of laws of state nor shall any person, because of race, color, creed or religion, be subjected to discrimination in civil rights by any person, business organization, or by state.

195. Outlaws Communist Party.

## 2. Disposition of Committee Proposals

(Reference preceding colon is to Convention Day.)

### 1. HEALTH AND GENERAL WELFARE

1st Reading: (SCR 16) 31:54, 159-161  
 Considered by Com. of Whole: 36:61, 37:62, 38:63, 39:64  
 Com. of Whole Rpt.: 40:46, 296-299  
 2nd Reading: 41:65-66  
 Style Com. Rpt.: (SCR 45) 46:71, 47:73, 48:74, 181-182  
 3rd Reading: 51:82  
 Constitution: VIII:1-5; XIV:13

### 2. PUBLIC FINANCE AND TAXATION

1st Reading: (Misc. 93, SCR 19A) 35:60, 162, 386  
 Referred: Com. on Taxation, 35:60  
 Com. Report: (SCR 44) to file, 45:70, 179-181  
 Filed: 57:93

### 3. BILL OF RIGHTS

1st Reading: (SCR 20) 36:61, 164-166  
 Considered by Com. of Whole: 45:71, 46:72, 53:86  
 CWR 5: 53:86, 299-305  
 2nd Reading: 53:86  
 Style Com. Rpt.: (SCR 88) 57:93, 60:98, 243-245  
 3rd Reading: 61:99  
 Constitution: I:1-6, 8-9, 11, 13-20

### 4. BILL OF RIGHTS

1st Reading: (SCR 24) 38:63, 166-167  
 Considered by Com. of Whole: 45:71, 46:72, 53:86  
 CWR 5: 53:86, 299-305, recommend combining into CP 3  
 Constitution: I:4, 7, 10, 12

### 5. CONTINUATION OF LAND LAWS

1st Reading: (SCR 25) 38:63, 167  
 Referred: Com. on Ordinance, 38: 63  
 Com. Report: (SCR 68) to file as incorp. in Sec. 12 of CP 23, 49:78, 222-224

### 6. HAWAIIAN HOMES COMMISSION ACT

1st Reading: (SCR 33) 42:66, 169-172  
 Considered by Com. of Whole: 47:73, 48:74  
 CWR 3: 48:74, 299  
 2nd Reading: 48:74  
 Style Com. Rpt.: (SCR 76) 53:85, 230-231  
 3rd Reading: 55:90  
 Constitution: XI:1-2

### 7. JUDICIARY

1st Reading: (SCR 37) 43:69, 173-176  
 Considered by Com. of Whole: 48:74, 49:78, 51:82, 60:98  
 CWR 8: 60:98, 307-312  
 2nd Reading: 60:98, 61:99  
 Style Com. Rpt.: (SCR 100) 64:104, 260-262  
 3rd Reading: 69:111  
 Reconsidered for amendment: 77:129-130  
 Constitution: V:1-6

### 8. SUFFRAGE AND ELECTIONS

1st Reading: (SCR 39) 44:69, 176-178  
 Considered by Com. of Whole: 49:78, 51:82, 83, 57:93  
 CWR 7: 57:93, 306-307  
 2nd Reading: 57:93  
 Style Com. Rpt.: (SCR 89) 59:95, 245-246  
 3rd Reading: 61:99-100  
 Constitution: II:1-5

### 9. REVISION AND AMENDMENTS

1st Reading: (SCR 48) 48:74, 186-189  
 Considered by Com. of Whole: 53:86, 87, 54:88, 61:100  
 CWR 9: 61:100, 312-315  
 2nd Reading: 61:100  
 Style Com Rpt.: (SCR 109) 69:112, 266-267  
 3rd Reading: 73:119  
 Constitution: XV:1-4

### 10. PUBLIC FINANCE AND TAXATION

1st Reading: (SCR 51) 49:76, 191-201  
 Considered by Com. of Whole: 56:91, 92, 59:95, 60-97  
 CWR 18: 70:113, 327-332  
 2nd Reading: 70:113  
 Style Com. Rpt.: (SCR 122) 75:122, 275-277  
 3rd Reading: 76:123  
 Constitution: VI:1-8; XIV:2

### 11. EDUCATION

1st Reading: (SCR 52) 49:76, 201-206  
 Considered by Com. of Whole: 54:89, 55:90, 56:91, 61:100  
 CWR 10: 61:100, 315-317  
 2nd Reading: 61:100  
 Style Com. Rpt.: (SCR 104) 66:107, 264-265  
 3rd Reading: 69:111  
 Constitution: IX:1-5

## 12. SEAT OF GOVERNMENT

1st Reading: (SCR 53) 49:76, 206-207  
 Considered by Com. of Whole: 62:102, 63:102, 103,  
 64:105, 68:109, 70:114  
 CWR 13: 70:114, 319  
 2nd Reading: 70:114  
 Reconsidered by Com. of Whole: 71:115-116, 74:120  
 CWR 13, RD 2: 74:121, 320  
 2nd Reading, as amended: 74:121  
 Style Com. Rpt.: (SCR 123) 75:122, 277-278  
 3rd Reading: 76:123  
 Constitution: XIII:2

## 13. STATE FLAG

1st Reading: (SCR 54) 49:76, 207  
 Considered by Com. of Whole: 62:102, 63:102, 103,  
 64:105  
 CWR 11: 64:106, 317-318  
 2nd Reading: 64:106  
 Style Com. Rpt.: (SCR 111) 70:114, 268-269  
 3rd Reading: 72:117  
 Constitution: XIII:3

## 14. STATE SEAL

1st Reading: (SCR 55) 49:76, 207-208  
 Considered by Com. of Whole: 62:102, 63:102-103,  
 64:105, 68:109, 69:111, 70:114  
 CWR 14: 70:115, 320-321, recommend filing  
 Filed: 70:115

## 15. STATE BOUNDARIES

1st Reading: (SCR 56) 49:76, 208  
 Considered by Com. of Whole: 62:102, 63:102, 103, 64:105  
 CWR 11: 64:106, 317-318  
 2nd Reading: 64:106  
 Style Com. Rpt.: (SCR 111) 70:114, 268-269  
 3rd Reading: 72:117  
 Constitution: XIII:1

## 16. CIVIL SERVICE

1st Reading: (SCR 57) 49:76, 208-209  
 Considered by Com. of Whole: 62:102, 63:102, 103,  
 64:105  
 CWR 11: 64:106, 318  
 2nd Reading: 64:106  
 Style Com. Rpt.: (SCR 123) 75:122, 277-278  
 3rd Reading: 76:123  
 Constitution: XIV:1

## 17. INTERGOVERNMENTAL RELATIONS

1st Reading: (SCR 58) 49:76, 209-210  
 Considered by Com. of Whole: 62:102, 63:102, 103,  
 64:105, 68:109  
 CWR 15: 68:109, 321  
 2nd Reading: 68:109  
 Style Com. Rpt.: (SCR 111) 70:114, 268-269  
 3rd Reading: 72:117  
 Constitution: XIV:5

## 18. DISTRIBUTION OF POWERS

1st Reading: (SCR 62) 49:77, 210-211  
 Considered by Com. of Whole: 62:102, 63:102, 103,  
 64:105, 68:109, 69:111  
 CWR 20: 69:112, 332, recommend filing  
 Filed: 69:112

## 19. OATH OF OFFICE

1st Reading: (SCR 63) 49:77, 211  
 Considered by Com. of Whole: 62:102, 63:102, 103,  
 64:105, 68:109  
 CWR 16: 68:110, 322  
 2nd Reading: 68:110  
 Style Com. Rpt.: (SCR 111) 70:114, 268-269  
 3rd Reading: 72:117  
 Constitution: XIV:4

## 20. PREAMBLE

1st Reading: (SCR 64) 49:77, 211-214  
 Considered by Com. of Whole: 62:102, 63:102, 103,  
 64:105, 68:109, 69:111  
 CWR 19: 69:112, 332  
 2nd Reading: 69:112  
 Style Com. Rpt.: (SCR 123) 75:122, 277-278  
 3rd Reading: 76:123  
 Constitution: Preamble

## 21. EQUAL RIGHTS

1st Reading: (SCR 65) 49:77, 214  
 Considered by Com. of Whole: 62:102, 63:102, 103,  
 64:105  
 CWR 11: 64:106, 318  
 2nd Reading: 64:106  
 Style Com. Rpt.: (SCR 111) 70:114, 268-269  
 3rd Reading: 72:117  
 Constitution: XIV:12

## 22. EXECUTIVE

1st Reading: (SCR 67) 49:77-78, 215-218  
 Minority Reports: (SCR 67-A,B,C): 49:77-78, 218-221  
 Considered by Com. of Whole: 57:93, 94, 58:94, 69:110  
 CWR 17: 69:110, 322-327  
 2nd Reading: 69:111  
 Style Com. Rpt.: (SCR 119) 74:120, 271-274  
 CWR 23 supplementing CWR 17: 75:121, 338-339,  
 76:122, 126  
 3rd Reading: 76:126  
 Constitution: IV:1-6

23. SCHEDULE ON CONTINUITY OF LAWS, RIGHTS,  
ACTIONS, ETC;

1st Reading: (SCR 68) 49:78, 222-224  
 Considered by Com. of Whole: 68:109, 73:120, 74:120,  
 75:121, 122, 77:127  
 CWR 25: 77:127, 350-354  
 2nd Reading: 77:127  
 Style Com. Rpt.: (SCR 135) 78:133, 286-289  
 3rd Reading: 78:133-134  
 Constitution: Federal Constitution Adopted; XIV:14;  
 XVI:2, 4-8, 18; Effective Date

## 24. ORDINANCES AND CONTINUITY OF LAW

1st Reading: (SCR 70) 51:83, 225-226  
 Considered by Com. of Whole: 68:109, 73:120, 74:120,  
 75:121, 122, 77:127  
 CWR 26: 77:127, 354-356  
 2nd Reading: 77:127  
 Style Com. Rpt.: (SCR 135) 78:133, 286-289  
 3rd Reading: 78:134  
 Constitution: XIV: 3, 9-10, 11; XVI:3

## 25. ELECTION ORDINANCE

1st Reading: (SCR 73) 51:83, 227-228  
 Considered by Com. of Whole: 68:109, 73:120, 74:120,  
 75:121, 122, 77:127  
 CWR 27: 77:128, 357-359  
 2nd Reading: 77:128  
 Style Com. Rpt.: (SCR 135) 78:133, 286-289  
 3rd Reading: 78:138  
 Constitution: XVI:10-16

## 26. LOCAL GOVERNMENT

1st Reading: (SCR 74) 51:83, 228-230  
 Minority Reports: (SCR 84) 55:90, 242-243; (SCR 91)  
 60:97, 246-249  
 Considered by Com. of Whole: 60:97, 61:101, 62:101,  
 71:116  
 CWR 21: 71:116, 332-335  
 2nd Reading: 71:116  
 Style Com. Rpt.: (SCR 113) 72:118, 269-270  
 3rd Reading: 73:119  
 Constitution: VII:1-5

## 27. AGRICULTURE AND NATURAL RESOURCES

1st Reading: (SCR 78) 53:87, 231-235  
 Considered by Com. of Whole: 58:94, 59:95, 96, 70:114,  
 73:118  
 Commented on in Misc. Com. 11: 66:981  
 CWR 22: 73:118, 335-338  
 2nd Reading: 73:119  
 Style Com. Rpt.: (SCR 124) 76:123, 278-279  
 3rd Reading: 77:128-129  
 Constitution: X:1-5; XIV:6-8; XVI:9

## 28. RIGHT OF PERSONS TO ORGANIZE

1st Reading: (SCR 79) 53:87, 235-241  
 Minority Report: (SCR 81) 54:89, 241-242  
 Considered by Com. of Whole: 60:96-97, 64:105,  
 66:106  
 Misc. Communication 107: 60:96  
 CWR 12: 66:106, 318-319  
 2nd Reading: 66:107  
 Style Com. Rpt.: (SCR 110) 69:112, 268  
 3rd Reading: 71:117  
 Constitution: XII:1-2

## 29. LEGISLATIVE POWERS AND FUNCTIONS

1st Reading: (SCR 92) 60:98, 249-257  
 Considered by Com. of Whole: 64:104, 65:106, 66:107,  
 67:108, 69:112, 70:114, 71:117, 72:117, 76:124  
 Minority Reports: (SCR 99) 64:104, 260; (SCR 102)  
 64:105, 262-263  
 CWR 24: 76:124-125, 339-350  
 2nd Reading: 76:125  
 CWR 28, supplementary: 77:128, 359  
 Style Com. Rpt.: (SCR 130) 77:130, 280-284  
 3rd Reading: 77:131  
 Constitution: III:1-20; XVI:1

## 30. SCHEDULE DESCRIBING REPRESENTATIVE DISTRICTS

1st Reading: 63:103, 256-257  
 Considered by Com. of Whole: 64:104, 65:106, 66:107,  
 67:108, 69:112, 70:114, 71:117, 72:117, 76:124  
 CWR 24: 76:124-125, 339-350  
 2nd Reading: 76:125  
 Style Com. Rpt.: (SCR 134) 78:133, 284-286  
 3rd Reading: 78:133  
 Constitution: XVI:1, 17

### 3. Origin of Sections of the Constitution

The following table refers only to changes made in the wording of each section from its first introduction (Column 2) to the third reading. For a complete legislative history of the sections see "Disposition of Committee Proposals," page 407. Committee Proposals are printed in Section B as a part of the Standing Committee Reports and Committee of the Whole Reports. Revised Drafts (RD) are attached to the Committee of the Whole Reports.

References in Column 1 are to the Article and Section of the Constitution as adopted; in Column 2 to the Committee Proposal (CP) number and section; in Columns 3, 4 and 5 to Committee Report (SCR and CWR) numbers and page; in Column 6 to Journal page.

For changes in wording and disposition of sections after third reading, see the final Style Committee Report (SCR 137), pages 290-294.

1	2	3	4	5	6
Article and Section	CP No. and Section	SCR No. & Page	CWR No. & Page	Style SCR No. & Page	Am'nd by Conv. Page
Preamble 20		64:211-214	19:332	123:278	
Federal Const. 23		68:222	35:350	135:287	
I:1	3:1*	20:164	5:300	88:244	
2	3:2	20:164	5:300	88:244	
3	3:5, 7, 18	20:164-165	5:300-303	88:243	
4	3:4; 4:6	20:164	5:300	88:243	98
5	3:8	20:164	5:300	88:243	
6	3:3	20:164	5:300	88:243	
7	4:6	24:166	5:300	88:244	
8	3:9	20:164	5:301	88:244	
9	3:12	20:164	5:302	88:244	
10	4:10	24:167	5:301	88:244	
11	3:11	20:164	5:302	88:244	99
12	4:10	20:164	5:301	88:243-244	
13	3:14	20:164	5:303	88:244	99
14	3:17	20:165	5:303	88:244	
15	3:15	20:164	5:303	88:244	
16	3:16	20:164	5:303	88:244	
17	3:13	20:164	5:302	88:244	
18	3:23	20:165	5:304	88:244	
19	3:21	20:165	5:304	88:244	
20	3:25	20:165	5:304	88:244	
II:1	8:1	39:177	7:306	89:245	
2	8:2	39:177	7:306	89:246	
3	8:3	39:178	7:306	89:246	
4	8:4	39:178	7:306	89:246	
5	8:5	39:178	7:307	89:246	

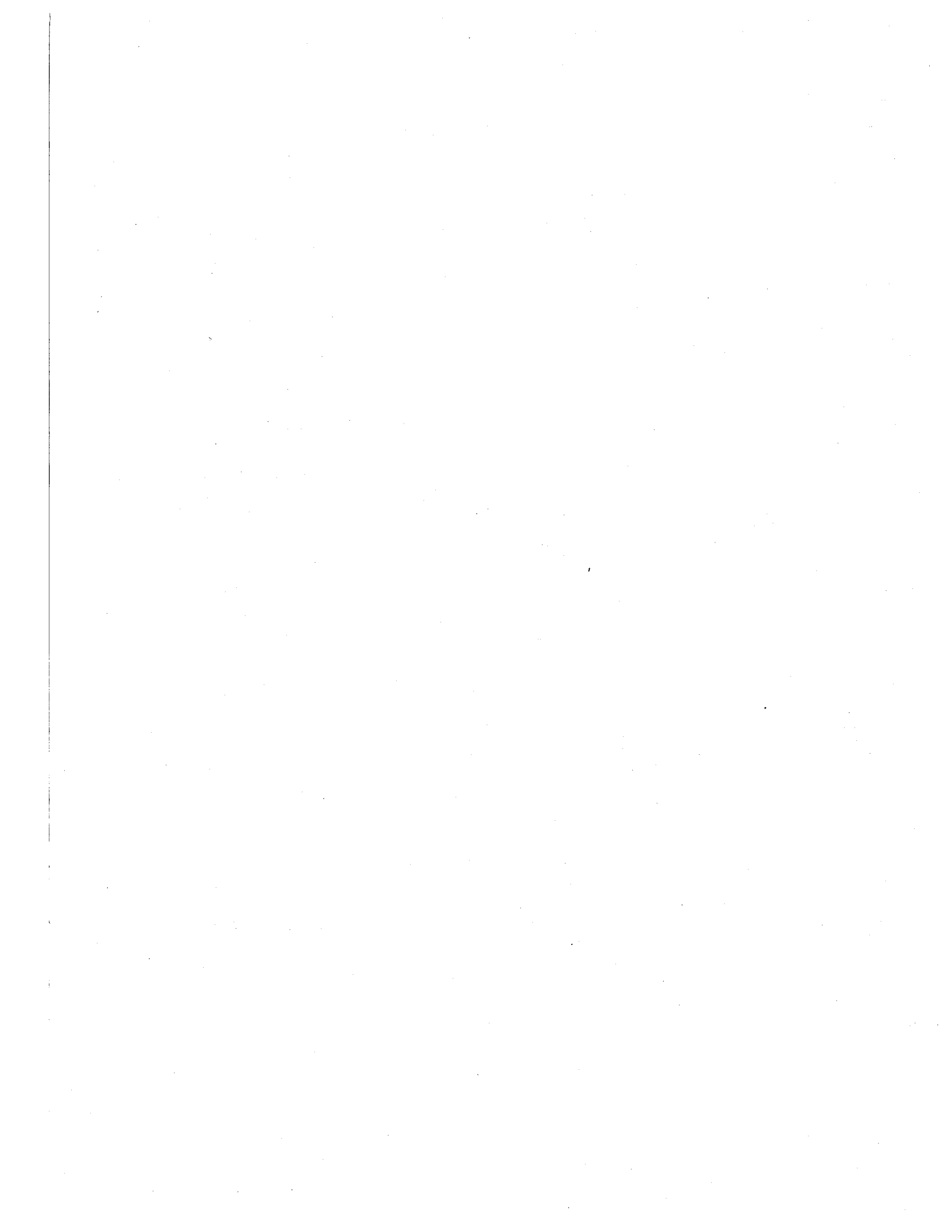
\*References to sections in CP 3 are to the original draft. However, Revised Draft 1, not the original, was attached to the Standing Committee Report in the Official Journal. References in the text of the SCR are to the original draft. The original is on file in the Public Archives.

1	2	3	4	5	6
Article and Section	CP No. and Section	SCR No. & Page	CWR No. & Page	Style SCR No. & Page	Am'nd by Conv. Page
III:1	29:1	92:250	24:339	130:280	
2	29:2	92:250	24:339	130:280	
3	29:3	92:250	24:340	130:281	
4	29:4	92:251	24:341	130:280	
5	29:5	92:251	24:341	130:280	
6	29:6	92:251	24:341	130:281	
7	29:7	92:251	24:342	130:281	
8	29:9	92:252	24:342	130:280	
9	29:10	92:252	24:342	130:281	
10	29:11	92:252	24:343	130:281	
11	29:12	92:252	24:343	130:280	
12	29:13	92:252	24:343	130:280	
13	29:14	92:252	24:344	130:280	
14	29:15	92:252	24:344	130:281	
15	29:16	92:252	24:344	130:280	
16	29:17	92:253	24:344	130:281	
17	29:18	92:253	24:344; 28:359	130:280	
18	29:19	92:253	24:345	130:281	
19	29:20	92:253	24:345	130:281	
20	29:21	92:253	24:345	130:280	
IV:1	22:1	67:216	17:322	119:271	
2	22:2	67:216	17:323	119:271	
3	22:3	67:217	17:323	119:272	
4	22:4	67:217	17:323	119:271	
5	22:5, 6, 8, 9, 11	67:217	17:323-325; 23:338	119:271	
6	22:10	67:218	17:324; 23:339	119:273	
V:1	7:1	37:174; 98:259	8:308	100:260	
2	7:2	37:174	8:308	100:260	
3	7:3, 4, 6, 7	37:174-175	8:309-311	100:260	
4	7:5	37:174	8:309	100:260	
5	7:8, 9	37:175	8:311-312	100:260	
6	7:10	37:175	8:312	100:260	
VI:1	10:8	51:195	18:328	122:275	
2	10:9	51:195	18:328	122:275	
3	10:10	51:195	18:328	122:275	
4	10:1	51:192	18:327	122:275	
5	10:2	51:193	18:327	122:275	
6	10:6	51:194	18:328	122:275	
7	10:7	51:194	18:328	122:275	
8	10:12	51:197	18:330	122:275	
VII:1	26:1	74:229; 84:242	21:333	113:269	
2	26:2	74:229	21:333	113:269	
3	26:3	74:229	21:333	113:269	
4	26:2	74:229	21:333	113:269	
5	26:4	74:230	21:333	113:269	

1	2	3	4	5	6
Article and Section	CP No. and Section	SCR No. & Page	CWR No. & Page	Style SCR No. & Page	Am'nd by Conv. Page
VIII:1	1:1	16:160	2:296	45:181	
2	1:2	16:160	2:297	45:181	
3	1:3	16:160	2:297	45:181	
4	1:4	16:161	2:297	45:181	
5	1:5	16:161	2:298	45:181	
IX:1	11:1	52:201	10:315	104:264	
2	11:2	52:202	10:316	104:264	
3	11:3	52:202	10:316	104:264	
4	11:4, 5	52:205	10:316	104:264	
5	11:4, 5	52:205	10:316	104:264	
X:1	27(1):1	78:232	22:335	124:278	
2	27(1):2	78:232	22:335	124:278	
3	27(1):3	78:233	22:335	124:278	
4	27(1):4	78:233	22:336	124:278	
5	27(1):5	78:233	22:336	124:278	
XI:1	6:1	33:169	3:299	76:230	
2	6:2	33:169	3:299	76:230	
XII:1	28:1	79:235	12:318	110:268	
2	28:1	79:235	12:318	110:268	
XIII:1	15	56:208	11:317	111:268	
2	12	53:206	13:319	123:277	
3	13	54:207	11:317	111:268	
XIV:1	16	57:209	11:318	123:278	
2	10RD1:9	----	18:330	122:276	
3	24:1	70:225	26:354	135:287	
4	19	63:211	16:322	111:269	
5	17	58:209	15:321	111:269	
6	27(2):1	78:234	22:336	125:279	
7	27(2):2	78:234	22:337	125:279	
8	27(2):3	78:234	22:337	125:279	
9	24RD1:3	----	26:356	135:287	

1	2	3	4	5	6
Article and Section	CP No. and Section	SCR No. & Page	CWR No. & Page	Style SCR No. & Page	Am'nd by Conv. Page
XIV:10	24RD1:4	----	26:356	135:287	
11	24RD1:5	----	26:356	135:287	
12*	21	65:214	11:318	135:287;	
				111:268	
13	1:6	16:161	2:298	45:182	
14	23:14	68:223	25:353	135:287	
XV:1	9:1	48:187	9:313	109:266	
2	9:2	48:187	9:313-	109:266	
			314		
3	9:3	48:188	9:314	109:267	
4	9:4	48:188	9:314	109:267	119
XVI:1	29:3; 30	92:250	24:340	130:281;	
				134:285	
2	23:2-10	68:222	25:350	135:287	134
3	24:4	70:225	26:354	135:287	
4	23RD1:4	----	25:352	135:287	
5	23:11	68:223	25:351	135:287	
6	23RD1:5	----	25:352	135:287	
7	23RD1:7	----	25:352	135:287	
8	23RD1:6	----	25:352	135:287	
9	27(2):4	78:234	22:337	124:279	
10	25:1	73:227	27:357	135:287	
11	25:2-3	73:227	27:357	135:288	
12	25:4	73:227	27:357	135:288	
13	25RD1:7	----	27:358	135:288	
14	25:5	73:227	27:358	135:288	
15	25RD1:8	----	27:358	135:288	
16	25RD1:6	----	27:358	135:288	
17	30RD1:2	----	24:343	134:285	
18	23RD1:8	----	25:352	135:287	
Effective Date	23:15	68:223	25:353	135:287	

\*For introduction of first sentence, see Journal, page 131.



## Section D. APPENDICES

### 1. Act 334 of 1949

#### ACT 334 OF 1949 SESSION LAWS OF HAWAII

An Act to Provide for a Constitutional Convention, the Adoption of a State Constitution, and the Forwarding of the Same to the Congress of the United States, and Appropriating Money Therefor.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

Section 1. In order that Hawaii may be admitted in the Union on an equal footing with the original states, a convention for the purpose of forming a constitution and state government and otherwise preparing for such admission as a state shall be held, and the acts of said convention shall be submitted for ratification by the people, as provided in this Act.

For the purposes of this Act and the carrying out of its provisions:

(a) The limits of the proposed state shall be taken to be the area now constituting this Territory, as at present described.

(b) The laws of the proposed state at the time of its admission into the Union shall be deemed to comprise all laws then in force in the Territory of Hawaii, except as modified or changed by the constitution of the state or by ordinance of the constitutional convention duly ratified by the people, or by any Act of the Congress of the United States providing for the admission of said state.

Section 2. All citizens of the United States who have the qualifications for voters for representatives to the Territorial Legislature are hereby authorized to vote for and choose delegates to the convention. Such delegates shall possess the qualifications of such electors.

The convention shall consist of sixty-three delegates apportioned among the representative districts within the limits of the proposed state on the following basis:

First representative district, two delegates at large and in addition thereto one delegate each from precincts combined as follows: Precincts 1, 2, 3, 4, 5, 6, 7, and 36; precincts 8, 9, 10, 11, and 35; precincts 12, 13, 14, and 33; precincts 15, 16, 30, 17, and 34; precincts 12, 13, 14, and 33; precincts 15, 16, 30, 17, and 34; precincts 18, 19, 20, 21, 31, and 22; precincts 23, 32, 24, 25, 26, 27, 28, and 29;

Second representative district, two delegates at large and in addition thereto one delegate each from precincts combined as follows: Precincts 1, 2, 3, 4, 5, 6, 7, 8, and 16; precincts 9, 10, 11, 12, 13, 14, and 15;

Third representative district, three delegates at large and in addition thereto one delegate each from precincts combined as follows: Precincts 1, 2, 3, 4, and 5; precincts 6, 7, 8, 10, and 11; precincts 9, 12, 13, and 28; precincts 14, 15, 16, and 17; precincts 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27; precincts 29, 30, 31, 32, 33 and 34;

Fourth representative district, which for all purposes of this section shall exclude precincts 28 and 38 thereof, six delegates at large and in addition thereto two delegates each from precincts combined as follows: Precincts 25, 26, 27, 23, 22, 21, 20, and 19; precincts 24, 16, 15, 32, 17, 18, and 11; precincts 6, 36, 14, 13, 12, and 7; precincts 35, 5, 34, 31, and 8; precincts 4, 30, 33, 3, 9, and 10; precincts 1, 2, 29, and 37;

Fifth representative district, which for all purposes of this section shall include precincts 28 and 38 of the fourth district, six delegates at large and in addition thereto two delegates each from precincts combined as follows: Precincts 28 and 38, fourth district, and precincts 1, 2, 3, and 4, fifth district; precincts 5, 7, 30, and 31, fifth district; precincts 6, 29, 8, 9, 10 and 32, fifth district; precincts 11, 26, 14, 15, 16, 12, 13, and 33; precincts 18, 19, 20, 21, and 27, fifth district; precincts 17, 28, 22, 23, 24, and 25, fifth district;

Sixth representative district, two delegates at large and in addition thereto one delegate each from precincts combined as follows: Precincts 1, 2, 3, 4; precincts 5 and 6; precincts 8, 9, 10, and 11; and one delegate from precinct 7.

The precincts herein mentioned are as they existed on November 2, 1948.

The Governor shall, not earlier than thirty, nor later than one hundred and eighty days after the effective date of this Act, issue a proclamation ordering a primary election for the nomination of candidates for the offices of the delegates aforesaid on a day designated by him in said proclamation, not earlier than sixty nor later than ninety days after the date of such proclamation; and a final election not earlier than thirty, nor later than forty, days after such primary election.

The name of no candidate shall be printed upon any official ballot to be used at such primary election unless at least twenty days prior to such primary a nomination paper shall have been filed in the office of the Secretary of Hawaii in his behalf, nominating him as a candidate for delegate at large from the representative district concerned, or as a candidate for delegate from a precinct or combination of precincts in a representative district or districts, as may be the case, and signed by not less than twenty-five qualified electors of the representative district or precinct or combination of precincts concerned, and the sum of \$25 shall have

been paid to the Secretary of Hawaii, which fee shall be a realization of the general fund.

Each person shall be a qualified elector of the representative district or precinct or combination of precincts in which he is a candidate for delegate. The holding of the office of delegate or any other office of the convention shall not constitute a disqualification for selection for or the holding of any other office, and the holding of any other office shall not constitute a disqualification for election to or the holding of office as a delegate or any other office of the convention, except as otherwise provided by sections 16 and 17 of the Hawaiian Organic Act, unless members of the legislature shall become eligible for election as delegates under appropriate legislation by the Congress of the United States of America.

No such nomination paper shall contain any reference to or designation of any political party, and the ballots used at such election shall be nonpartisan and shall not contain any reference to or designation of the political party or affiliation of any candidate. The names of the candidates in each representative district and of the candidates in each precinct or combination of precincts of the representative districts shall be on separate ballots.

The ballots submitted to the voters of each representative district, precinct, or combination of precincts shall separately set forth the names of candidates for delegate at large from such representative district or for delegate from such precinct or combination of precincts, and shall instruct the voters that the number of candidates to be voted for by such voter shall not exceed the number of delegates to which the representative district, precinct, or combination of precincts is entitled, or the number of such delegates remaining to be elected, as the case may be, which number shall be stated. At such primary election any candidate in a precinct or combination of precincts who received a majority of the votes of the voters voting therein shall be declared elected, and any candidate for delegate at large in a representative district, who receives such a majority of votes, not exceeding the number of delegates at large to be elected from such representative district, shall likewise be declared elected. The names of the remaining candidates receiving the highest number of votes, not exceeding double the number of delegates to be elected from each representative district or precinct or combination of precincts above the number already declared elected as aforesaid, if any, shall be placed on the ballot for the final election.

Only those nominated at such primary election shall be eligible to run for delegate at such final election. The ballots for such final election shall be in substantially the same form as those for the primary election, and the requirements of this Act as to such primary election shall, as far as appropriate, apply to such final election. In case of a tie vote at either the primary or final election, the candidates so tied shall draw lots under the supervision of the county clerk to determine which of them shall be nominated or elected as the case may be.

In case any office of delegate has not been filled or shall become vacant for any reason the Governor shall appoint an elector of the same representative district, precinct, or combination of precincts, to fill such vacancy.

Except as otherwise specifically provided by this Act, the primary and final elections for such delegates shall be conducted, the returns made, the results ascertained, and the certificates of persons elected to such convention issued in the same manner as is prescribed by the laws of this Territory regulating elections therein of members of the Legislature. The convention shall be the judge of the elections, returns, and qualifications of the delegates.

Section 3. The delegates to the convention thus elected shall meet at Honolulu on the second Tuesday after their election, excluding the day of election in case such day shall be Tuesday, and shall proceed with the organization of the convention. The Secretary of Hawaii, or during his temporary absence or illness the Acting Secretary, shall call the convention to order and shall preside until the election of a temporary chairman. After organization, the said convention shall declare on behalf of the people of said proposed state that they adopt the Constitution of the United States, whereupon the said convention shall proceed to form a constitution and state government for the proposed state, and to take all measures necessary or proper in preparation for the admission of said state.

Section 4. When said constitution shall be formed as aforesaid, the convention forming the same shall notify the Governor that it has completed its deliberations. Upon receipt of such notification, and if the same is received at a time when the Legislature is not in session, the Governor may, upon petition by a majority of each House of the Legislature, convene the Legislature in special session to consider the results of the convention, and the persons designated by the convention for such purpose shall report such results to the Legislature at such special session. In the event such notification is received during any session of the Legislature, or, although not so received, the Governor fails to convene the Legislature in special session, such report shall be made to the Legislature then in session or at the next session thereof following such notification, as the case may be.

The Legislature at such session shall consider the constitution framed by the convention, together with the ordinance of said convention requiring ratification, and shall provide for the submission of the same to the people of the Territory together with any alternative or additional provisions or ordinances suggested by the Legislature.

If the Legislature at such session shall fail to provide for the submission of the constitution and ordinances adopted by the convention to the people of the Territory, the same shall nevertheless be submitted to the people of the Territory for ratification at an election which shall be held on a day named by the Governor not earlier than thirty nor later than sixty days after the adjournment of the session of the Legislature to which the convention reports, at which election the qualified voters of the Territory shall vote directly for or against said constitution, for or against any provisions thereof separately submitted, and for or against said ordinances. Persons possessing the qualifications entitling them to vote for delegates under this Act shall be entitled to vote on the ratification or rejection of said constitution, the provisions thereof separately submitted, and said ordinances, under such rules or regulations as said convention may have prescribed, not in conflict with this joint resolution. The returns of said election shall be made by the election officers direct to the Secretary of Hawaii who, with the clerks of the several counties, shall constitute a canvassing board and they, or any three of them, shall meet in Honolulu, on the third Monday after said election, and shall canvass the same.

The said canvassing board shall forthwith certify the result of said election to the Governor, together with a statement of the votes cast upon the question of ratification or rejection of said constitution, also a statement of the votes cast for or against such provisions thereof as were separately submitted to the voters at said election, and for or against said ordinances. If a majority of the legal votes cast at said election shall reject the constitution, the Governor shall,



by proclamation, order the constitutional convention to reassemble at a date not later than twenty days after the receipt by the Governor of the documents showing the rejection of the constitution by the people, and thereafter a new constitution shall be framed and the same proceedings shall be taken in regard thereto in like manner as if said constitution were being originally prepared for submission and submitted to the people.

Section 5. The Legislature of the Territory of Hawaii hereby respectfully memorializes the Congress of the United States and the President to approve the Acts of said convention and of the Legislature on connection with said constitution when duly ratified by the people, and to approve the constitution and state government so formed, and to admit Hawaii into the Union on an equal footing with the original states; and to that end, when said constitution shall have been duly ratified by the people of this Territory, as aforesaid, a certified copy of the same, together with such provisions thereof as have been separately submitted and duly ratified, and such ordinances of the convention as have been duly ratified, shall be transmitted by the Governor to the President of the United States and to the Delegate to Congress from Hawaii, together with a statement of the votes cast upon said constitution, and upon any provisions thereof separately submitted, and upon said ordinances, and copies thereof likewise shall be transmitted to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Chairman of the Committee on Interior and Insular Affairs of the Senate, and the Chairman of the Committee on Public Lands of the House of Representatives.

Section 6. It shall be the duty of the constitutional convention to form and submit a constitution republican in form, and containing the provisions commonly to be found in the cases of Territories heretofore admitted as states, or expressly required by any Act of the Congress of the United States providing for the admission of Hawaii as a state, together with such other provisions not repugnant to the

Constitution of the United States and the principles of the Declaration of Independence as the convention shall determine.

Section 7. It shall be the duty of the constitutional convention to provide that in case of enactment by the Congress of the United States of legislation providing for the admission of Hawaii as a state, an election, or primary and general elections, as may be required, shall be held for the election of officers for all elective offices provided for by the constitution and laws of the state, except those offices for which the constitutional convention by ordinance duly ratified by the people shall make other temporary provisions, together with two Senators and such Representatives in the Congress as the Congress may provide.

Section 8. There is hereby appropriated from the general fund of the Territory the sum of \$250,000 for defraying the expenses of the elections provided for in this Act, the expenses of the convention, the payment of compensation to the delegates to said convention, and other purposes of this Act. The delegates shall receive for their services, in addition to mileage at the rate of 20 cents a mile each way, the sum of \$1,000 each, payable in four equal installments on and after the first, twentieth, fortieth, and sixtieth days of the conventions, excluding Sundays and holidays. The disbursements of the money so appropriated shall be made by the Secretary of Hawaii.

Section 9. Whenever the Congress of the United States shall enact legislation providing for the admission of Hawaii as a state, the provisions of any such Act, if and to the extent inconsistent with the provisions of this Act, shall supersede the provisions of this Act, in so far as the provisions of this Act shall not have been fully carried out, but such provisions of this Act as are not inconsistent with such Congressional Legislation and will aid in preparing for the admission of Hawaii as a state, including section 8, nevertheless shall be carried out.

Section 10. This Act shall take effect upon its approval.

## 2. Rules of the Convention

### CONSTITUTIONAL CONVENTION OF HAWAII

Adopted April 10, 1950

#### Officers

RULE 1. The officers of the Convention shall be a President, four Vice-Presidents (one from each Senatorial District) and a Secretary who shall be elected from the delegates by the vote of at least thirty-two delegates and such election shall be by ballot.

#### Employees

RULE 2. A Chief Clerk, Assistant Clerk, Chaplain and two Sergeants-at-arms shall be elected by the vote of at least thirty-two delegates and such election shall be by ballot.

All other employees shall be appointed by the President, subject to the approval of the Convention.

#### The President and Vice-President

RULE 3. The President shall take the chair each day at the hour to which the Convention shall have adjourned. He

shall call the Convention to order, and, except in the absence of a quorum, shall proceed to business in the manner prescribed by these rules.

RULE 4. The President shall possess the powers and perform the duties herein prescribed, viz:

(a) He shall preserve order and decorum, and, in debate, shall prevent personal reflections, and confine members to the question under discussion. When two or more members arise at the same time, he shall name the one entitled to the floor.

(b) He shall decide all questions of order, subject to appeal to the Convention. On every appeal he shall have the right, in his place, to assign his reason for his decision. In case of such appeal no member shall speak more than once.

(c) He shall appoint all committees, except where the Convention shall otherwise order.

(d) He may substitute any member to perform the duties of the chair while he is present, but for no longer

period than that day, except by special consent of the Convention.

(e) When the Convention shall be ready to go into Committee of the Whole, he shall name a chairman to preside therein.

(f) When necessary or required, he shall, with the Secretary, certify all official acts and all vouchers for payment of expenditures of the Convention.

(g) He shall designate and assign to seats or authorize the designation and seating of the persons who shall act as reporters for the public press and radio within the Convention Hall.

(h) He shall be a member ex-officio without vote of the several committees to which he is not specifically appointed.

(i) He shall declare the vote and announce the result according to the fact on all questions and divisions.

(j) He shall not engage in any debate, or propose his opinion on any question, except the assigning of his reasons for his decision on appeal therefrom, without first calling some delegate to occupy the chair.

**RULE 5.** In the event of a vacancy in the office of President, by death, resignation or otherwise, the Convention shall, by the vote of at least thirty-two delegates, elect a President to fill such vacancy.

In case of the temporary absence of the President, his duties shall devolve from day to day upon the Vice-President present in rotation in numerical order of the respective Senatorial Districts.

**RULE 6.** In the event of a vacancy in the office of a Vice-President by death, resignation or otherwise, the Convention shall, by the vote of at least thirty-two delegates, elect a new Vice-President.

In the case of the temporary absence of all Vice-Presidents, or in the event of the temporary inability on the part of all Vice-Presidents to discharge the duties of their offices, the Convention shall have the power to designate and appoint some other delegate to discharge the duties of the office during such temporary absence, or temporary inability.

#### *Secretary*

**RULE 7.** The Secretary shall keep a journal of the proceedings of the Convention and, under the direction of the President, shall prepare and place on the desk of the President each day a calendar of the business of the Convention, as provided by these rules.

**RULE 8.** The Secretary shall prepare for printing all proposals and other documents which are required to be printed under these rules under the direction of the Committee on Printing and shall see to it that they are properly and correctly printed.

**RULE 9.** The Secretary shall number consecutively each proposal of subject matter to be incorporated into the Constitution when introduced. When a proposal is introduced by a Committee, the Secretary shall number such proposal consecutively in a separate series.

**RULE 10.** The Secretary shall preserve all proposals, reports of Committees and all other records, books, documents and papers of the Convention and after the adjournment of the Convention shall deliver them to the Archives of Hawaii under the jurisdiction of the Board of Commissioners of Public Archives or shall make such other disposal of them as the Convention shall direct.

**RULE 11.** When necessary or required, the Secretary shall, with the President, certify all official acts and all vouchers for payment of expenditures of the Convention, and he shall perform such other duties as are required of him by these rules and as from time to time shall be required of him by the Convention.

**RULE 12.** One copy of the final draft of any proposal or committee report presented to or prepared by the Convention, shall be delivered by the Secretary to the Archives of Hawaii.

**RULE 13.** Other than certification of official acts, documents and vouchers by the Secretary, he may delegate his duties to the Chief Clerk.

#### *Quorum and Majority*

**RULE 14.** The presence of at least thirty-two delegates shall be necessary to constitute a quorum of the Convention but a lesser number may meet and adjourn the Convention from day to day when necessary and may require the attendance of absent members.

**RULE 15.** A quorum being present, a majority of delegates shall be sufficient for the adoption of any motion or resolution or the taking of any action except where the affirmative vote of a greater number shall be required by these rules.

#### *Standing Committees*

**RULE 16.** The Standing Committees of the Convention shall be appointed by the President unless the Convention shall otherwise order.

The person first named shall be the chairman, and the person next named shall be the Vice-Chairman, of the Committee.

**RULE 17.** The Standing Committees of the Convention and the number of members thereof, respectively, shall be as follows:

#### *General Standing Committees*

1. Committee on Bill of Rights, fifteen members.
2. Committee on Legislative Powers and Functions, fifteen members.
3. Committee on Executive Powers and Functions, fifteen members.
4. Committee on Judiciary, fifteen members.
5. Committee on Taxation and Finance, fifteen members.
6. Committee on Local Government, fifteen members.
7. Committee on Education, fifteen members.
8. Committee on Health and Public Welfare, eleven members.
9. Committee on Industry and Labor, eleven members.
10. Committee on Agriculture, Conservation and Land, eleven members.
11. Committee on the Hawaiian Homes Commission Act, eleven members.
12. Committee on Suffrage and Elections, seven members.
13. Committee on Revision, Amendments, Initiative, Referendum and Recall, eleven members.
14. Committee on Ordinances and Continuity of Law, seven members.
15. Committee on Miscellaneous Matters, nine members.
16. Committee on Style, fifteen members.
17. Committee on Submission and Information, fifteen members.

Administrative Standing Committees

1. Committee on Rules and Order of Business, nine members.
2. Committee on Accounts, seven members.
3. Committee on Printing, seven members.

RULE 18. Functions of Standing Committees:

(a) It shall be the duty of the Standing Committees to consider all matters which may be referred to them.

Each Standing Committee shall submit to the Convention a report or reports, in writing, setting forth the results of its deliberations and its recommendations on all matters referred to it, in the same number and form as prescribed in these rules for proposals.

(b) The Committee on Style shall examine and correct the proposals which are referred to it for the purpose of avoiding inaccuracies, repetitions and inconsistencies and shall arrange the same in the proper order in the Constitution and shall report thereon to the Convention.

The Committee shall have the authority to rephrase but shall have no authority to change the sense or purpose of any proposal referred to it.

Where a proposal referred to the Committee appears inconsistent or in conflict with a proposal already acted on favorably by the Convention at second reading, the Committee shall so notify the Convention and wait upon its instructions.

(c) The Committee on Submission and Information shall consider and report to the Convention the method and manner of submitting the Constitution and Ordinances to the people; shall prepare and present to the Convention for its approval an address to the people outlining the results of the Convention's work, and shall make such other reports as may be required by law and by the instructions of the Convention.

(d) The Committee on Rules and Order of Business shall consider and report upon such changes in the rules of the Convention and changes in its organization as shall be referred to it by the Convention from time to time.

(e) The Committee on Accounts shall be in charge of the business affairs of the Convention.

(f) The Committee on Printing shall supervise all printing for the Convention.

(g) No public hearing shall be had by any Standing Committee except after reasonable notice given to the Secretary, in writing, who shall give public notice thereof

RULE 19. All resolutions for the printing of an extra number of documents shall be referred, as of course, to the Committee on Printing for its report thereon before final action by the Convention.

RULE 20. All resolutions authorizing or contemplating the expenditure of money shall be referred, as of course, to the Committee on Accounts for its report thereon before final action by the Convention.

RULE 21. No Committee shall sit during the sessions of the Convention without special leave.

*Committee of the Whole*

RULE 22. The Convention may upon motion resolve itself into a Committee of the Whole for the consideration of any matter. In forming the Committee of the Whole, the President of the Convention shall appoint a chairman to preside.

RULE 23. All amendments made to proposals, reports, resolutions and other matters submitted to the Committee

of the Whole shall be noted and reported.

RULE 24. The rules of the Convention shall be observed in the Committee of the Whole so far as they are applicable.

RULE 25. Thirty-two delegates shall be a quorum for the Committee of the Whole to do business.

RULE 26. A motion for the rising of the Committee of the Whole shall always be in order unless a member of the Committee is speaking or a vote is being taken, and shall be decided without debate.

*Order of Business, Motions, Decorum and Debate*

RULE 27. At meetings of the Convention the order of business shall be as follows (except at times set apart for the consideration of special orders):

1. Calling Convention to order.
2. Prayer.
3. Roll Call.
4. Reading of journal.
5. Presentation of petitions, memorials and communications.
6. Reports of standing committees.
7. Reports of select committees.
8. Introduction and first reading of proposals.
9. Reference of proposals.
10. Motions and resolutions.
11. Unfinished business.
12. Special orders of the day.
13. General Orders of the day.

RULE 28. Consideration of the general orders of the day shall be in the following order:

1. Consideration by Committee of the Whole.
2. Reports of the Committee of the Whole.
3. Committee reports and proposals reported from Committees.
4. Second Reading.
5. Action on reports of the Committee on Style, as to arrangement and phraseology only.
6. Third Reading and agreement.

If the matter is not considered in its order, it shall lose its precedence for the day, but shall appear on the calendar on the following day in its regular order. Any matter may be made a special order of business for any particular day or time by a majority vote of the delegates present.

RULE 29. Any subject matter having been made the special order for a particular day, and not having been reached on that day, shall be upon the order of "Unfinished Business" on the next succeeding Convention day.

RULE 30. Upon calls of the Convention, the names of the delegates shall be called alphabetically.

In case of the absence of delegates, the delegates present shall take such measures as they shall deem necessary to secure the presence of absentees.

RULE 31. After a question has been stated by the President, and the calling of the roll has begun, the President shall not recognize a delegate for any purpose whatever until the call is completed; but nothing in this rule shall abridge the right of any delegate to change or record his vote on any question previous to the announcement of the result.

RULE 32. The vote upon any question shall be taken by the ayes and noes and entered on the journal, on motion made and seconded before the question is put and upon the request of at least ten delegates.

When a delegate, being present, refuses to vote, either in the affirmative or the negative, upon a question on which the ayes and noes are required, he shall be recorded as voting in the affirmative.

**RULE 33.** The rules of Parliamentary Practice comprised in Cushing's Manual of Parliamentary Practice shall govern in all cases in which they are not inconsistent with the standing rules and orders of the Convention.

**RULE 34.** Any rule of the Convention may be suspended or repealed or amended by a vote of at least thirty-two delegates and any repeal or amendment offered shall lie on the table one day before being voted upon.

**RULE 35.** When a motion is made it shall be stated by the President, or being in writing, it shall be read aloud before being debated.

**RULE 36.** A motion may be withdrawn at any time before decision or amendment.

**RULE 37.** When a question is under consideration by the Convention only the following motions shall be received; which motions shall have precedence in the order stated, viz:

Motions to, or for:

1. Adjourn. ) Not amendable or
2. Recess. ) debatable except as
3. Call of the Convention. ) hereinafter provided.
4. Lay on the table. )
5. Previous question. )
6. Postpone indefinitely. Not amendable, but debatable.
7. Postpone to a certain time. Debatable and amendable.
8. Go into Committee of the Whole. Debatable and amendable.
9. Commit (or recommit) to Committee of the Whole. Debatable and amendable.
10. Commit (or recommit) to a Standing Committee. Debatable and amendable.
11. Commit (or recommit) to a Select Committee. Debatable and amendable.
12. Close debate at a specified time. Not debatable but amendable.
13. Amend. Debatable and amendable.

(Numbers 7 to 12, both inclusive, preclude debate on main question).

The motion to adjourn, to take a recess, and to adjourn for a longer period than one day, shall always be in order, and the last motion shall be amendable and debatable.

Calls for information, for reading a paper, for division of a divisible question, for division of the house, for the ayes and noes, and a motion for reconsideration shall always be in order, but shall not be amendable or debatable.

An appeal from the decision of the chair may be taken at any stage of the proceedings.

**RULE 38.** The previous question shall be put in this form, "Shall the main question be now put?" It shall be admitted when demanded by a majority of the delegates present, and its effect shall be, if decided affirmatively, to end debate and bring the Convention to a vote upon pending amendments, if any, to the main question, and then upon the main question. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

**RULE 39.** A motion to reconsider any vote must be made before the end of the second Convention day after the day on

which the vote proposed to be reconsidered was taken, and by a delegate who voted in the majority and the same majority shall be required to adopt a motion to reconsider as was required to take the action to be reconsidered. When a motion for reconsideration is decided, that decision shall not be reconsidered, and no question shall be twice reconsidered; nor shall any vote be reconsidered upon either of the following motions:

To adjourn.

To lay on the table.

To take from the table; or

For the previous question.

**RULE 40.** Any delegate may call for the division of a question which is in its nature indivisible. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost, shall neither preclude amendment nor a motion to strike out and insert.

**RULE 41.** No delegate shall speak more than twice on one question, or longer than fifteen minutes the first, or longer than five minutes the second time, or more than once until other delegates who have not spoken shall speak if they so desire, without first obtaining leave of the Convention; and the mover of the proposition shall have the right to close the debate, provided that the person in charge of a proposal or third reading and final agreement shall have the right, if he desires, to close the debate and he may announce such desire at any time before the taking of the vote on the question.

**RULE 42.** No delegate rising to speak shall proceed until he shall have addressed the President and been recognized by him as entitled to the floor.

**RULE 43.** While the President is putting a question or a count is being had no delegate shall speak or leave his place, and while a member is speaking no delegate shall engage in any private discourse or pass between him and the chair.

**RULE 44.** When a motion to adjourn, or for recess, shall be carried, no delegate or officer shall leave his place until the adjournment or recess shall be declared by the President.

**RULE 45.** Any delegate may at any time rise and speak to a question of personal privilege.

#### *Proposals, Submission and Information*

**RULE 46.** Each proposal shall receive three separate readings in the Convention previous to being agreed upon, but no proposal shall be read twice on the same day or be considered on third reading until after at least forty-eight hours notice of the day upon which it is to be so considered has been given by announcement made in open session.

All proposals may be read by their titles but on third reading all proposals shall be read throughout. No amendment shall be received to any proposal on its third reading unless by unanimous consent of the delegates present.

All proposals shall, after the first reading, be printed for the use of the members. Printed copies of proposals shall be used on their second and third readings.

**RULE 47.** The regular order to be taken by proposals shall be as follows:

(a) Introduction, first reading, and printing of 300 copies of each proposal.

(b) Reference to a General Standing Committee by the President.

(c) Report by Committee and printing of 500 copies thereof.

Four Convention days after the printing of said report it shall be placed on the general orders.

(d) Second Reading: Consideration by the Convention and action on amendments offered by delegates.

(e) Reference to the Committee on Style for report within five Convention days.

(f) Report of the Committee on Style and printing of 500 copies, if necessary.

(g) Action on report of Committee on Style; consideration and action on amendments as to phraseology only; action on the report as amended and printing of 500 copies, if necessary.

(h) Third Reading and agreement.

(i) Reference to the Committee on Style for arrangement of sections and article or articles and for form.

(j) Report of Committee on Style as to arrangement of sections and article or articles and printing of 500 copies, if necessary.

**RULE 48.** Any subject matter to be incorporated in the Constitution shall be by proposal. A proposal shall be introduced by one or more delegates or by a Committee.

**RULE 49.** Each proposal shall be typewritten on white paper which is 8 1/2" wide and 13" long with one original copy and seven carbon copies thereof, and shall be dated and signed by the introducer or by the Chairman of the Committee introducing it.

**RULE 50.** The caption of each proposal shall be

Constitutional Convention of Hawaii  
of 1950

PROPOSAL

Introduced by \_\_\_\_\_

(Name of delegate or  
Chairman of Committee)

**RULE 51.** Each proposal shall contain a short title stating concisely the general nature of its subject matter.

**RULE 52.** Each proposal shall be in the form of a resolution as follows:

"RESOLVED, that the following be agreed upon as part of the State Constitution."

**RULE 53.** Each proposal shall be delivered to the Secretary for introduction. The Secretary shall number and list all proposals as presented. At each session of the Convention the Secretary shall read the number and title of each proposal so delivered to him for introduction, which shall be taken as the first reading of the proposal and as the ordering thereof to a second reading, and the President shall thereupon refer it to a General Standing Committee.

**RULE 54.** The President shall refer each proposal introduced to the appropriate Committee. Where a proposal embraces subject matter which falls within the proper consideration of several Committees, the President, where practicable, shall divide the proposal and refer the parts to the appropriate Committees; but if it is not subject to such division, the President shall refer it to an appropriate Committee with instructions to consult with other Committees on related matters.

Any proposal which does not comply with the provisions of these rules as to form shall be referred to the appropriate Committee as a petition.

**RULE 55.** A copy of each proposal introduced shall be delivered by the Secretary to the Committee on Printing. The original shall be retained by the Secretary and one copy

shall be delivered to the chairman of the Committee to which the proposal has been referred.

Each successive reprint of a proposal differing from the previous print or reprint of the same proposal, which is presented to the Convention for consideration, shall bear a consecutive redraft number on the top of the first or title page thereof, as follows:

"Redraft No. 1," or "RD. 1"

"Redraft No. 2," or "RD. 2," etc.

**RULE 56.** The Convention may set a date after which no proposal shall be introduced, except by a Committee.

**RULE 57.** Each General Standing Committee may originate and report without specific reference, any Committee proposal, the subject matter of which properly falls within the consideration of such Committee under these rules.

**RULE 58.** Each Committee Report recommending any matter for incorporation in the Constitution shall be accompanied by a Committee proposal containing a complete article or other appropriate subdivision or group of articles or subdivisions of the Constitution. Such Committee proposal need not be referred to the Committee introducing the same. A report shall be made as to each proposal referred to the Committee and shall state whether it (1) has been adopted in whole or in part in a Committee proposal, or (2) has been disapproved, or (3) has been disposed of in such manner as may be indicated.

**RULE 59.** Each amendment offered to a proposal shall be in writing and delivered to the Secretary and shall be entered on the journal. A copy of such amendment shall be delivered by the Secretary to the Committee on Printing. The original shall be retained by the Secretary. One copy shall be delivered to the Chairman of the Committee to which the proposal concerned has been referred.

**RULE 60.** Any proposal which has passed its second reading shall be referred to the Committee on Style for consideration as provided by these rules and when reported by said Committee shall be subject to consideration and amendment as to arrangement and phraseology only, and, if any such amendment be adopted, shall be again referred to the Committee on Style for similar consideration and report thereof, and if said Committee's report shall be adopted, it shall be ordered to be printed and to third reading.

**RULE 61.** Proposals which have passed two readings shall be prepared by the Secretary in proper form for printing for third reading and when the Secretary receives from the Committee on Printing any proposal ordered to a third reading and the same shall be found correct, he shall affix his signature to each page of the copy to be used as the official copy.

**RULE 62.** On the question of the agreement upon any proposal on third reading, the vote shall be taken by ayes and noes and entered on the journal, and no proposal shall be declared adopted unless at least thirty-two delegates to the Convention shall have voted in favor of the adoption of the same.

**RULE 63.** The Constitution and Ordinances as agreed upon by the Convention shall be referred to the Committee on Submission and Information. Such Committee shall consider and report to the Convention recommending the method and manner of submitting them to the people in accordance with law, and shall give such notices and make such reports as may be required by law and the instructions of the Convention.

**RULE 64.** The manner of submission to the people of the Constitution and Ordinances shall be agreed upon by resolution of the Convention by the affirmative vote of at least thirty-two delegates but after the Constitution has been framed and before final agreement thereon, the Convention shall refer the same to the Committee on Style for arrangement in proper order and form and report thereon, and, upon the coming in of said report, the Convention shall by the affirmative vote of at least thirty-two delegates agree upon the final form of the Constitution and the manner of submission thereof.

**RULE 65.** When the Convention shall have agreed upon the final form of the Constitution and the manner of submission to the people according to law, the original thereof shall be prepared and signed by the President and Secretary and by the concurring delegates desiring to do so. Photostatic copies thereof (white prints) shall be prepared and then be certified by the President and Secretary of the Convention and delivered to the Governor, each delegate, each House of the Legislature and to any other officers designated by law or the instructions of the Convention.

### 3. State Constitution

Showing changes made by Admission Act in 1959 and including an Index

#### THE CONSTITUTION OF THE STATE OF HAWAII

##### PREAMBLE

We, the people of the State of Hawaii, grateful for Divine Guidance, and mindful of our Hawaiian heritage, reaffirm our belief in a government of the people, by the people and for the people, and with an understanding heart toward all the peoples of the earth, do hereby ordain and establish this constitution for the State of Hawaii.

#### FEDERAL CONSTITUTION ADOPTED

The Constitution of the United States is adopted on behalf of the people of the State of Hawaii.

##### ARTICLE I

#### BILL OF RIGHTS

##### Political Power

**Section 1.** All political power of this State is inherent in the people; and the responsibility for the exercise thereof rests with the people. All government is founded on this authority.

##### Rights of Man

**Section 2.** All persons are free by nature and are equal in their inherent and inalienable rights. Among these rights are the enjoyment of life, liberty and the pursuit of happiness, and the acquiring and possessing of property. These rights cannot endure unless the people recognize their corresponding obligations and responsibilities.

##### Freedom of Religion, Speech, Press, Assembly and Petition

**Section 3.** No law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

##### Due Process and Equal Protection

**Section 4.** No person shall be deprived of life, liberty or property

without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of his civil rights or be discriminated against in the exercise thereof because of race, religion, sex or ancestry.

##### Searches and Seizures

**Section 5.** The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

##### Rights of Citizens

**Section 6.** No citizen shall be disfranchised, or deprived of any of the rights or privileges secured to other citizens, unless by the law of the land.

##### Enlistment, Segregation

**Section 7.** No citizen shall be denied enlistment in any military organization of this State nor be segregated therein because of race, religious principles or ancestry.

##### Indictment, Trial by Jury, Criminal Cases

**Section 8.** No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the armed forces when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy; nor shall any person be compelled in any criminal case to be a witness against himself.

##### Bail, Excessive Punishment

**Section 9.** Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

##### Trial by Jury, Civil Cases

**Section 10.** In suits at common law where the value in controversy shall exceed one hundred dollars, the right of trial by jury shall be preserved. The legislature may

provide for a verdict by not less than three-fourths of the members of the jury.

##### Rights of Accused

**Section 11.** In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the district wherein the crime shall have been committed, which district shall have been previously ascertained by law, or of such other district to which the prosecution may be removed with the consent of the accused; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

##### Jury Service

**Section 12.** No person shall be disqualified to serve as a juror because of sex.

##### Habeas Corpus and Suspension of Laws

**Section 13.** The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

The power of suspending the privilege of the writ of habeas corpus, and the laws or the execution thereof, shall never be exercised except by the legislature, or by authority derived from it to be exercised in such particular cases only as the legislature shall expressly prescribe.

##### Supremacy of Civil Power

**Section 14.** The military shall be held in strict subordination to the civil power.

##### Right to Bear Arms

**Section 15.** A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

##### Quartering of Soldiers

**Section 16.** No soldier or member of the militia shall, in time of peace, be quartered in any house, without the consent of the owner or

occupant, nor in time of war, except in a manner prescribed by law.

#### Imprisonment for Debt

**Section 17.** There shall be no imprisonment for debt.

#### Eminent Domain

**Section 18.** Private property shall not be taken for public use without just compensation.

#### Limitations on Special Privileges

**Section 19.** The power of the State to act in the general welfare shall never be impaired by the making of any irrevocable grant of special privileges or immunities.

#### Construction

**Section 20.** The enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

### ARTICLE II

#### SUFFRAGE AND ELECTIONS

##### Qualifications

**Section 1.** Every citizen of the United States, who shall have attained the age of twenty years, have been a resident of this State not less than one year next preceding the election, and be a voter registered in accordance with law, shall be qualified to vote in any state or local election. No person shall be qualified to vote unless he is also able, except for physical disability, to speak, read and write the English or Hawaiian language.

##### Disqualifications

**Section 2.** No person who is non compos mentis and no person convicted of felony, unless pardoned and restored to his civil rights, shall be qualified to vote.

##### Residence

**Section 3.** No person shall be deemed to have gained or lost residence simply because of his presence or absence while employed in the service of the United States, or while engaged in navigation or while a student at any institution of learning.

##### Registration, Voting

**Section 4.** The legislature shall provide for the registration of voters and for absentee voting; and shall prescribe the method of voting at all elections. Secrecy of voting shall be preserved.

##### Elections

**Section 5.** General elections shall be held on the first Tuesday after the first Monday in November in all even-numbered years. Special elections may be held in accordance with law. Contested elections shall be determined by a court of competent jurisdiction in such manner as shall be provided by law.

### ARTICLE III THE LEGISLATURE

#### Legislative Power

**Section 1.** The legislative power of the State shall be vested in a legislature, which shall consist of two houses, a senate and a house of representatives. Such power shall extend to all rightful subjects of legislation not inconsistent with this constitution or the Constitution of the United States.

#### Senate; Districts; Composition

**Section 2.** The senate shall be composed of twenty-five members, who shall be elected by the qualified voters of the respective senatorial districts. The districts, and the number of senators to be elected from each, shall be as follows:

First senatorial district: that portion of the island of Hawaii known as Puna, Hilo and Hamakua, five;

Second senatorial district: that portion of the island of Hawaii known as Kau, Kona and Kohala, two;

Third senatorial district: the islands of Maui, Molokai, Lanai and Kahoolawe, five;

Fourth senatorial district: that portion of the island of Oahu lying east and south of Nuuanu Street and Pali Road and the upper ridge of the Koolau Range from the Nuuanu Pali to Makapuu Point and all other islands not specifically enumerated, five;

Fifth senatorial district: that portion of the island of Oahu lying west and north of the fourth senatorial district, five; and

Sixth senatorial district: the islands of Kauai and Niihau, three.

#### House of Representatives; Composition

**Section 3.** The house of representatives shall be composed of fifty-one members, who shall be elected by the qualified voters of the respective representative districts. Until the next reapportionment, the representative districts and the number of representatives to be elected from each shall be as set forth in the Schedule.

#### Reapportionment of House

**Section 4.** On or before June 1 of the year 1959, and of each tenth year thereafter, the governor shall reapportion the members of the house of representatives in the following manner:

The total number of representatives shall first be reapportioned among four basic areas, namely, (1) the island of Hawaii, (2) the islands of Maui, Molokai, Lanai and Kahoolawe, (3) the island of Oahu and all other islands not specifically enumerated, and (4) the islands of Kauai and Niihau, on the basis of the number of voters registered at the last preceding general election in each of such basic areas and computed by the method known as the method of equal proportions, no basic area

to receive less than one member.

Upon the determination of the total number of representatives to which each basic area is entitled, such total shall be reapportioned among the one or more representative districts within each basic area on the basis of the number of voters registered at the last preceding general election within each of such representative districts and computed by the method known as the method of equal proportions, no representative district to receive less than one member.

Upon any reapportionment, should the total number of voters registered in any representative district be less than one-half of the quotient obtained by dividing the total number of voters registered in the State by the total number of members to which the house is entitled, then, as part of such reapportionment, the basic area within which such representative district lies shall be redistricted by the governor in such manner that the total number of voters registered in each new representative district therein shall be more than one-half of such quotient.

The governor shall thereupon issue a proclamation showing the results of such reapportionment, and such reapportionment shall be effective for the election of members to such house for the next five succeeding legislatures.

#### Mandamus

Original jurisdiction is hereby vested in the supreme court of the State to be exercised on the application of any registered voter (a) made within thirty days following the date specified above, to compel, by mandamus or otherwise, the governor to perform the above duty, and (b) made within thirty days following the date of such proclamation, to compel, by mandamus or otherwise, the correction of any error made in such reapportionment.

#### Election of Members; Term

**Section 5.** The members of the legislature shall be elected at general elections. The term of office of members of the house of representatives shall be two years beginning with their election and ending on the day of the next general election, and the term of office of members of the senate shall be four years beginning with their election and ending on the day of the second general election after their election.

#### Vacancies

**Section 6.** Any vacancy in the legislature shall be filled for the unexpired term in such manner as may be prescribed by law, or, if no provision be made by law, by appointment by the governor for the unexpired term.

#### Qualifications of Members

**Section 7.** No person shall be eligible to serve as a member of



the senate unless he shall have attained the age of thirty years, have been a resident of the State for not less than three years and be a qualified voter of the senatorial district from which he seeks to be elected. No person shall be eligible to serve as a member of the house of representatives unless he shall have attained the age of twenty-five years, have been a resident of the State for not less than three years and be a qualified voter of the representative district from which he seeks to be elected.

#### Privileges of Members

**Section 8.** No member of the legislature shall be held to answer before any other tribunal for any statement made or action taken in the exercise of his legislative functions; and members of the legislature shall, in all cases except felony or breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same.

#### Disqualifications of Members

**Section 9.** No member of the legislature shall hold any other public office under the State, nor shall he, during the term for which he is elected or appointed, be elected or appointed to any public office or employment which shall have been created, or the emoluments whereof shall have been increased, by legislative act during such term. The term "public office", for the purposes of this section, shall not include notaries public, reserve police officers or officers of emergency organizations for civilian defense or disaster relief. The legislature may prescribe further disqualifications.

#### Salary and Allowances

**Section 10.** The members of the legislature shall receive such salary and allowances as may be prescribed by law, but any increase or decrease in the amount thereof shall not apply to the legislature which enacted the same. No salary shall be payable when the senate alone is convened in special session, or when the legislature convenes in special session pursuant to Section 17 of this article.

#### Sessions

**Section 11.** Regular sessions of the legislature shall be held annually. The governor may convene the legislature, or the senate alone, in special session. All sessions shall be held at the capital of the State. In case the capital shall be unsafe, the governor may direct that any session shall be held at some other place. Regular sessions in odd numbered years shall be known as "general sessions" and regular sessions in even numbered years shall be known as "budget sessions".

#### Budget Sessions

At budget sessions the legislature shall be limited to the consideration and enactment of the general appropriations bill for the succeeding fiscal year and bills to authorize proposed capital expenditures, revenue bills necessary therefor, urgency measures deemed necessary in the public interest, bills calling elections, proposed constitutional amendments and bills to provide for the expenses of such session and the special session to be convened thereafter in accordance with the provisions of Section 17 of this article.

The legislature may also consider and act upon matters relating to the impeachment or removal of officers. No urgency measure shall be considered unless a statement of facts constituting such urgency shall be set forth in one section thereof and until such section shall have been first approved by each house.

The approval of such section and the final passage of such measure in each house shall require a two-thirds vote of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal.

#### Sessions; Commencement; Duration

Regular sessions shall commence at 10:00 o'clock a. m., on the third Wednesday in February. General sessions shall be limited to a period of sixty days and budget sessions and special sessions to a period of thirty days, but the governor may extend any session for not more than thirty days. Sundays and holidays shall be excluded in computing the number of days of any session.

#### Adjournment

**Section 12.** Neither house shall adjourn during any session of the legislature for more than three days, or sine die, without the consent of the other.

#### Organization; Discipline; Rules; Procedure

**Section 13.** Each house shall be the judge of the elections, returns and qualifications of its own members and shall have, for misconduct, disorderly behavior or neglect of duty of any member, power to punish such member by censure or, upon a two-thirds vote of all the members to which such house is entitled, by suspension or expulsion of such member. Each house shall choose its own officers, determine the rules of its proceedings and keep a journal. The ayes and noes of the members on any question shall, at the desire of one-fifth of the members present, be entered upon the journal.

Twenty days after a bill has been referred to a committee in either house, the same may be recalled from such committee by the affirmative vote of one-third of the

members to which such house is entitled.

#### Quorum; Compulsory Attendance

**Section 14.** A majority of the number of members to which each house is entitled shall constitute a quorum of such house for the conduct of ordinary business, of which quorum a majority vote shall suffice; but the final passage of a bill in each house shall require the vote of a majority of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal. A smaller number than a quorum may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

#### Bills; Enactment

**Section 15.** No law shall be passed except by bill. Each law shall embrace but one subject, which shall be expressed in its title. The enacting clause of each law shall be, "Be it enacted by the legislature of the State of Hawaii".

#### Passage of Bills

**Section 16.** No bill shall become law unless it shall pass three readings in each house, on separate days. Every bill when passed by the house in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the presiding officer and clerk and sent to the other house for consideration.

#### Approval or Veto

**Section 17.** Every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses and shall thereupon be presented to the governor.

If he approves it, he shall sign it and it shall become law. If the governor does not approve such bill, he may return it, with his objections, to the legislature.

He may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same; but he shall veto other bills, if at all, only as a whole.

The governor shall have ten days to consider bills presented to him ten or more days before the adjournment of the legislature sine die, and if any such bill is neither signed nor returned by the governor within that time, it shall become law in like manner as if he had signed it.

#### Reconsideration After Adjournment

The governor shall have forty-five days, after the adjournment of the legislature sine die, to consider bills presented to him less than ten days before such adjournment, or presented after adjournment, and any such bill shall become law on the forty-fifth day unless the governor by proclama-



tion shall have given ten days' notice to the legislature that he plans to return such bill with his objections on that day.

The legislature may convene at or before noon on the forty-fifth day in special session, without call, for the sole purpose of acting upon any such bill returned by the governor. In case the legislature shall fail to so convene, such bill shall not become law.

Any such bill may be amended to meet the governor's objections and, if so amended and passed, only one reading being required in each house for such passage, it shall be presented again to the governor, but shall become law only if he shall sign it within ten days after presentation.

Sundays and holidays shall be excluded in computing the number of days designated in this section.

#### Procedure Upon Veto

**Section 18.** Upon the receipt of a veto message from the governor, each house shall enter the same at large upon its journal and proceed to reconsider the vetoed bill, or the item or items vetoed, and again vote upon such bill, or such item or items, by ayes and noes, which shall be entered upon its journal. If after such reconsideration such bill, or such item or items, shall be approved by a two-thirds vote of all the members to which each house is entitled, the same shall become law.

#### Punishment of Non-Members

**Section 19.** Each house may punish by fine, or by imprisonment not exceeding thirty days, any person not a member of either house who shall be guilty of disrespect of such house by any disorderly or contemptuous behavior in its presence or that of any committee thereof; or who shall, on account of the exercise of any legislative function, threaten harm to the body or estate of any of the members of such house; or who shall assault, arrest or detain any witness or other person ordered to attend such house, on his way going to or returning therefrom; or who shall rescue any person arrested by order of such house.

Any person charged with such an offense shall be informed in writing of the charge made against him, and have an opportunity to present evidence and be heard in his own defense.

#### Impeachment

**Section 20.** The governor and lieutenant governor, and any appointive officer for whose removal the consent of the senate is required, may be removed from office upon conviction of impeachment for such causes as may be provided by law.

The house of representatives shall have the sole power of impeachment of the governor and lieutenant governor and the senate the sole power to try such impeachments, and no such officer shall

be convicted without the concurrence of two-thirds of the members of the senate. When sitting for that purpose, the members of the senate shall be on oath or affirmation and the chief justice shall preside. Subject to the provisions of this paragraph, the legislature may provide for the manner and procedure of removal by impeachment of such officers.

The legislature shall by law provide for the manner and procedure of removal by impeachment of the appointive officers.

Judgments in cases of impeachment shall not extend beyond removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the State; but the person convicted may nevertheless be liable and subject to indictment, trial, judgment and punishment according to law.

### ARTICLE IV THE EXECUTIVE

#### Establishment of the Executive

**Section 1.** The executive power of the State shall be vested in a governor.

The governor shall be elected by the qualified voters of this State at a general election. The person receiving the highest number of votes shall be the governor. In case of a tie vote, the selection of the governor shall be determined in accordance with law.

The term of office of the governor shall begin at noon on the first Monday in December next following his election and end at noon on the first Monday in December, four years thereafter.

No person shall be eligible to the office of governor unless he shall be a qualified voter, have attained the age of thirty-five years and have been a citizen of the United States for twenty years and a resident of this State for five years next preceding his election.

The governor shall not hold any other office or employment of profit under the State or the United States during his term of office.

#### Lieutenant Governor

**Section 2.** There shall be a lieutenant governor, who shall have the same qualifications as the governor.

He shall be elected at the same time, for the same term, and in the same manner, as the governor. He shall perform such duties as may be prescribed by law.

#### Compensation, Governor, Lieutenant Governor

**Section 3.** The compensation of the governor and of the lieutenant governor shall be prescribed by law, but shall not be less than eighteen thousand dollars, and twelve thousand dollars, respectively, per annum.

Such compensation shall not be increased or diminished for their respective terms, unless by general law applying to all salaried officers of the State. When the lieu-

tenant governor succeeds to the office of governor, he shall receive the compensation for that office.

#### Succession to Governorship; Absence or Disability of Governor

**Section 4.** When the office of governor is vacant, the lieutenant governor shall become governor. In the event of the absence of the governor from the State, or his inability to exercise and discharge the powers and duties of his office, such powers and duties shall devolve upon the lieutenant governor during such absence or disability.

When the office of lieutenant governor is vacant, or in the event of the absence of the lieutenant governor from the State, or his inability to exercise and discharge the powers and duties of his office, such powers and duties shall devolve upon such officers in such order of succession as may be provided by law.

In the event of the impeachment of the governor or of the lieutenant governor, he shall not exercise the powers of his office until acquitted.

#### Executive Powers

**Section 5.** The governor shall be responsible for the faithful execution of the laws. He shall be commander in chief of the armed forces of the State and may call out such forces to execute the laws, suppress or prevent insurrection or lawless violence or repel invasion.

He shall, at the beginning of each session, and may, at other times, give to the legislature information concerning the affairs of the State and recommend to its consideration such measures as he shall deem expedient.

The governor may grant reprieves, commutations and pardons, after conviction, for all offenses, subject to regulation by law as to the manner of applying for the same.

The legislature may, by general law, authorize the governor to grant pardons before conviction, to grant pardons for impeachment and to restore civil rights denied by reason of conviction of offenses by tribunals other than those of this State.

The governor shall appoint an administrative director to serve at his pleasure.

#### Executive and Administrative Offices and Departments

**Section 6.** All executive and administrative offices, departments and instrumentalities of the state government and their respective functions, powers and duties shall be allocated by law among and within not more than twenty principal departments in such manner as to group the same according to major purposes so far as practicable.

Temporary commissions or agencies for special purposes may be established by law and need not be allocated within a principal department.

Each principal department shall be under the supervision of the governor and, unless otherwise provided in this constitution or by law, shall be headed by a single executive.

Such single executive shall be nominated and, by and with the advice and consent of the senate, appointed by the governor and he shall hold office for a term to expire at the end of the term for which the governor was elected.

The governor may, by and with the advice and consent of the senate, remove such single executive.

Whenever a board, commission or other body shall be the head of a principal department of the state government, the members thereof shall be nominated and, by and with the advice and consent of the senate, appointed by the governor. The term of office and removal of such members shall be as prescribed by law.

Such board, commission or other body may appoint a principal executive officer, who, when authorized by law, may be ex officio a voting member thereof, and who may be removed by a majority vote of the members appointed by the governor.

The governor shall nominate and, by and with the advice and consent of the senate, appoint all officers for whose election or appointment provision is not otherwise made by this constitution or by law.

The legislature may provide for the suspension or removal for cause, by the governor, of any officer for whose removal the consent of the senate is required by this constitution.

When the senate is not in session and a vacancy occurs in any office, appointment to which requires the confirmation of the senate, the governor may fill the office by granting a commission which shall, unless such appointment is confirmed, expire at the end of the next session of the senate; but the person so appointed shall not be eligible for another interim appointment to such office if the appointment shall have failed of confirmation by the senate.

No person who has been nominated for appointment to any office and whose appointment has not received the consent of the senate shall be eligible to an interim appointment thereafter to such office.

All officers appointed under the provisions of this section shall be citizens of this State and shall have been residents of the State for at least three years next preceding their appointment.

## ARTICLE V THE JUDICIARY

### Judicial Power

**Section 1.** The judicial power of the State shall be vested in one supreme court, circuit courts, and in such inferior courts as the legislature may from time to time establish. The several courts shall have original and appellate jurisdiction as provided by law.

### Supreme Court

**Section 2.** The supreme court shall consist of a chief justice and four associate justices. When necessary, the chief justice shall assign a judge or judges of a circuit court to serve temporarily on the supreme court.

In case of a vacancy in the office of chief justice, or if he is ill, absent or otherwise unable to serve, an associate justice designated in accordance with the rules of the supreme court shall serve temporarily in his stead.

### Appointment of Judges

**Section 3.** The governor shall nominate and, by and with the advice and consent of the senate, appoint the justices of the supreme court and the judges of the circuit courts. No nomination shall be sent to the senate, and no interim appointment shall be made when the senate is not in session, until after ten days' public notice by the governor.

### Qualifications

No justice or judge shall hold any other office or position of profit under the State or the United States. No person shall be eligible to such office who shall not have been admitted to practice law before the supreme court of this State for at least ten years. Any justice or judge who shall become a candidate for an elective office shall thereby forfeit his office.

### Tenure

The term of office of a justice of the supreme court shall be seven years and that of a judge of a circuit court shall be six years.

### Compensation

They shall receive for their services such compensation as may be prescribed by law, which shall not be diminished during their respective terms of office, unless by general law applying to all salaried officers of the State.

### Retirement

They shall be retired upon attaining the age of seventy years. They shall be included in any retirement law of the State.

### Removal

They shall be subject to removal from office upon the concurrence of two-thirds of the membership

of each house of the legislature, sitting in joint session, for such causes and in such manner as may be provided by law.

### Retirement for Incapacity

**Section 4.** Whenever a commission or agency, authorized by law for such purpose, shall certify to the governor that any justice of the supreme court or judge of a circuit court appears to be so incapacitated as substantially to prevent him from performing his judicial duties, the governor shall appoint a board of three persons to inquire into the circumstances and on their recommendation the governor may retire the justice or judge from office.

### Administration

**Section 5.** The chief justice of the supreme court shall be the administrative head of the courts. He may assign judges from one circuit court to another for temporary service. With the approval of the supreme court he shall appoint an administrative director to serve at his pleasure.

### Rules

**Section 6.** The supreme court shall have power to promulgate rules and regulations in all civil and criminal cases for all courts relating to process, practice, procedure and appeals, which shall have the force and effect of law.

## ARTICLE VI

### TAXATION AND FINANCE

#### Taxing Power Inalienable

**Section 1.** The power of taxation shall never be surrendered, suspended or contracted away.

#### Taxation of Non-Resident Citizens

**Section 2.** The land and other property belonging to citizens of the United States residing without the State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof.

#### Debt Limitations

**Section 3.** All bonds and other instruments of indebtedness issued by or on behalf of the State or a political subdivision thereof must be authorized by the legislature, and bonds and other instruments of indebtedness of a political subdivision must also be authorized by its governing body.

Sixty million dollars is established as the limit of the funded debt of the State at any time outstanding and unpaid.

Bonds and other instruments of indebtedness in excess of such limit may be issued when authorized by a two-thirds vote of all the members to which each house of the legislature is entitled, provided such excess debt, at the time of authorization, would not cause

the total of state indebtedness to exceed a sum equal to fifteen percent of the total of assessed values for tax rate purposes of real property in the State, as determined by the last tax assessment rolls pursuant to law.

Instruments of indebtedness to meet appropriations for any fiscal period in anticipation of the collection of revenues for such period or to meet casual deficits or failures of revenue, which shall be payable within one year, and bonds or other instruments of indebtedness to suppress insurrection, to repel invasion, to defend the State in war or to meet emergencies caused by disaster or act of God, may be issued by the State under legislative authorization without regard to any debt limit.

A sum equal to ten percent of the total of the assessed values for tax rate purposes of real property in any political subdivision, as determined by the last tax assessment rolls pursuant to law, is established as the limit of the funded debt of such political subdivision at any time outstanding and unpaid.

The aggregate, however, of such debts contracted by any political subdivision during a fiscal year shall not exceed two percent of the total of such assessed values in such political subdivision.

Instruments of indebtedness to meet appropriations for any fiscal period in anticipation of the collection of revenues for such period or to meet casual deficits or failures of revenue, which shall be payable within one year, may be issued by any political subdivision under authorization of law and of its governing body, without regard to the limits of debt hereinabove provided.

All bonds or other instruments of indebtedness for a term exceeding one year shall be in serial form maturing in substantially equal annual installments, the first installment to mature not later than five years from the date of the issue of such series, and the last installment not later than thirty-five years from the date of such issue.

Interest and principal payments shall be a first charge on the general revenues of the State or political subdivision, as the case may be.

The provisions of this section shall not be applicable to indebtedness incurred under revenue bond statutes by a public enterprise of the State or political subdivision, or by a public corporation, when the only security for such indebtedness is the revenues of such enterprise or public corporation, or to indebtedness incurred under special improvement statutes when the only security for such indebtedness is the properties benefited or improved or the assessments thereon.

Nothing in this section shall prevent the refunding of any indebtedness at any time.

### The Budget

**Section 4.** Within such time prior to the opening of each regular session as may be prescribed by law, the governor shall submit to the legislature a budget setting forth a complete plan of proposed general fund expenditures and anticipated receipts of the State for the ensuing fiscal period, together with such other information as the legislature may require.

The budget shall be compiled in two parts, one setting forth all proposed operating expenditures for the ensuing fiscal period and the other, all capital improvements expenditures proposed to be undertaken during such period. The governor shall also, upon the opening of the session, submit bills to provide for such proposed expenditures and for any recommended additional revenues or borrowings by which the proposed expenditures are to be met. Such bills shall be introduced in the legislature upon the opening of each regular session.

### Legislative Appropriations; Procedure

**Section 5.** No appropriation bill, except bills recommended by the governor for immediate passage, or to cover the expenses of the legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal period, to be known as the general appropriations bill, shall have been transmitted to the governor.

### Appropriations for Private Purposes Prohibited

**Section 6.** No tax shall be levied or appropriation of public money or property made, nor shall the public credit be used, directly or indirectly, except for a public purpose. No grant shall be made in violation of Section 3 of Article I of this constitution.

### Expenditure Controls

**Section 7.** Provision for the control of the rate of expenditures of appropriated state moneys, and for the reduction of such expenditures under prescribed conditions, shall be made by law.

### Auditor

**Section 8.** The legislature, by a majority vote of each house in joint session, shall appoint an auditor who shall serve for a period of eight years and thereafter until a successor shall have been appointed.

The legislature, by a two-thirds vote of the members in joint session, may remove the auditor from office at any time for cause.

It shall be the duty of the auditor to conduct post-audits of all transactions and of all accounts kept by or for all departments, offices and agencies of the State and its political subdivisions, to certify to the accuracy of all financial statements issued by the re-

spective accounting officers and to report his findings and recommendations to the governor and to the legislature at such times as shall be prescribed by law.

He shall also make such additional reports and conduct such other investigations as may be directed by the legislature.

## ARTICLE VII

### LOCAL GOVERNMENT

#### Political Subdivisions; Creation, Powers

**Section 1.** The legislature shall create counties, and may create other political subdivisions within the State, and provide for the government thereof. Each political subdivision shall have and exercise such powers as shall be conferred under general laws.

#### Local Self-Government; Charter

**Section 2.** Each political subdivision shall have power to frame and adopt a charter for its own self-government within such limits and under such procedures as may be prescribed by law.

#### Taxation and Finance

**Section 3.** The taxing power shall be reserved to the State except so much thereof as may be delegated by the legislature to the political subdivisions, and the legislature shall have the power to apportion state revenues among the several political subdivisions.

#### Mandates; Accrued Claims

**Section 4.** No law shall be passed mandating any political subdivision to pay any previously accrued claim.

#### Statewide Laws

**Section 5.** This article shall not limit the power of the legislature to enact laws of statewide concern.

## ARTICLE VIII

### PUBLIC HEALTH AND WELFARE

#### Public Health

**Section 1.** The State shall provide for the protection and promotion of the public health.

#### Care of Handicapped

**Section 2.** The State shall have power to provide for treatment and rehabilitation, as well as domiciliary care, of mentally or physically handicapped persons.

#### Public Assistance

**Section 3.** The State shall have power to provide assistance for persons unable to maintain a standard of living compatible with decency and health.

#### Slum Clearance, Rehabilitation and Housing

**Section 4.** The State shall have power to provide for, or assist in, slum clearance and the develop-

ment or rehabilitation of substandard areas, including housing for persons of low income.

#### Public Sightliness and Good Order

**Section 5.** The State shall have power to conserve and develop its natural beauty, objects and places of historic or cultural interest, sightliness and physical good order, and for that purpose private property shall be subject to reasonable regulation.

### ARTICLE IX EDUCATION

#### Public Education

**Section 1.** The State shall provide for the establishment, support and control of a statewide system of public schools free from sectarian control, a state university, public libraries and such other educational institutions as may be deemed desirable, including physical facilities therefor. There shall be no segregation in public educational institutions because of race, religion or ancestry; nor shall public funds be appropriated for the support or benefit of any sectarian or private educational institution.

#### Board of Education

**Section 2.** There shall be a board of education, the members of which shall be nominated and, by and with the advice and consent of the senate, appointed by the governor from panels submitted by local school advisory councils to be established by law. At least part of the membership of the board shall represent geographic subdivisions of the State.

#### Powers of the Board of Education

**Section 3.** The board of education shall have power, in accordance with law, to formulate policy, and to exercise control over the public school system through its executive officer, the superintendent of public instruction, who shall be appointed by the board and shall be ex officio a voting member thereof.

#### University of Hawaii

**Section 4.** The University of Hawaii is hereby established as the state university and constituted a body corporate. It shall have title to all the real and personal property now or hereafter set aside or conveyed to it, which shall be held in public trust for its purposes, to be administered and disposed of according to law.

#### Board of Regents; Powers

**Section 5.** There shall be a board of regents of the University of Hawaii, the members of which shall be nominated and, by and with the advice and consent of the senate, appointed by the governor.

At least part of the membership of the board shall represent geo-

graphic subdivisions of the State.

The president of the university and the superintendent of public instruction shall be ex officio voting members of the board.

The board shall have power, in accordance with law, to formulate policy, and to exercise control over the university through its executive officer, the president of the university, who shall be appointed by the board.

### ARTICLE X

#### DEVELOPMENT AND CONSERVATION OF RESOURCES

##### Resources; Conservation, Development and Use

**Section 1.** The legislature shall promote the conservation, development and utilization of agricultural resources, and fish, mineral, forest, water, land, game and other natural resources.

##### Natural Resources; Management and Disposition

**Section 2.** The legislature shall vest in one or more executive boards or commissions powers for the management of natural resources owned or controlled by the State, and such powers of disposition thereof as may be authorized by law; but land set aside for public use, other than for a reserve for conservation purposes, need not be placed under the jurisdiction of such a board or commission.

The mandatory provisions of this section shall not apply to the natural resources owned by or under the control of a political subdivision or a department or agency thereof.

##### Sea Fisheries

**Section 3.** All fisheries in the sea waters of the State not included in any fish pond or artificial inclosure shall be free to the public, subject to vested rights and the right of the state to regulate the same.

##### General Laws Required; Exceptions

**Section 4.** The legislative power over the lands owned by or under the control of the State and its political subdivisions shall be exercised only by general laws, except in respect to transfers to or for the use of the State, a political subdivision, or any department or agency of government thereof.

##### Farm and Home Ownership

**Section 5.** The public lands shall be used for the development of farm and home ownership on as widespread a basis as possible, in accordance with procedures and limitations prescribed by law.

### ARTICLE XI

#### HAWAIIAN HOME LANDS

##### Hawaiian Homes Commission Act

**Section 1.** Anything in this constitution to the contrary notwithstanding, the Hawaiian Homes Commission Act, 1920, enacted by

the Congress, as the same has been or may be amended prior to the admission of the State, is hereby adopted as a law of the State, subject to amendment or repeal by the legislature, provided, that, if and to the extent that the United States shall so require, said law shall be subject to amendment or repeal only with the consent of the United States and in no other manner, provided, further, that if the United States shall have provided or shall provide that particular provisions or types of provisions of said Act may be amended in the manner required for ordinary state legislation, such provisions or types of provisions may be so amended.

The proceeds and income from Hawaiian home lands shall be used only in accordance with the terms of said Act, and the legislature may, from time to time, make additional sums available for the purpose of said Act by appropriating the same in the manner provided by law.

##### Compact With the United States

**Section 2.** The State and its people do hereby accept, as a compact with the United States, or as conditions or trust provisions imposed by the United States, relating to the management and disposition of the Hawaiian home lands, the requirement that Section 1 hereof be included in this constitution, in whole or in part, it being intended that the Act or Acts of the Congress pertaining thereto shall be definitive of the extent and nature of such compact, conditions or trust provisions, as the case may be.

The State and its people do further agree and declare that the spirit of the Hawaiian Homes Commission Act looking to the continuance of the Hawaiian homes projects for the further rehabilitation of the Hawaiian race shall be faithfully carried out.

### ARTICLE XII

#### ORGANIZATION, COLLECTIVE BARGAINING

##### Private Employees

**Section 1.** Persons in private employment shall have the right to organize for the purpose of collective bargaining.

##### Public Employees

**Section 2.** Persons in public employment shall have the right to organize and to present and make known their grievances and proposals to the State, or any political subdivision or any department or agency thereof.

### ARTICLE XIII

#### STATE BOUNDARIES, CAPITAL, FLAG

##### Boundaries

**Section 1.** The State of Hawaii shall include the islands and terri-

torial waters heretofore constituting the Territory of Hawaii.

#### Capital

**Section 2.** Honolulu, on the Island of Oahu, shall be the capital of the State.

#### State Flag

**SECTION 3.** The Hawaiian flag shall be the flag of the State.

### ARTICLE XIV

#### GENERAL AND MISCELLANEOUS PROVISIONS

##### Civil Service

**Section 1.** The employment of persons in the civil service, as defined by law, of or under the State, shall be governed by the merit principle.

##### Employees' Retirement System

**Section 2.** Membership in any employees' retirement system of the State or any political subdivision thereof shall be a contractual relationship, the accrued benefits of which shall not be diminished or impaired.

##### Disqualification for Disloyalty

**Section 3.** No person who advocates, or who aids or belongs to any party, organization or association which advocates, the overthrow by force or violence of the government of this State or of the United States shall be qualified to hold any public office or employment.

##### Oath of Office

**Section 4.** All public officers, before entering upon the duties of their respective offices, shall take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, and the Constitution of the State of Hawaii, and that I will faithfully discharge my duties as ..... to the best of my ability." The legislature may prescribe further oaths or affirmations.

##### Intergovernmental Relations

**Section 5.** The legislature may provide for cooperation on the part of this State and its political subdivisions with the United States, or other states and territories, or their political subdivisions, in matters affecting the public health, safety and general welfare, and funds may be appropriated to effect such cooperation.

##### Federal Lands

**Section 6.** The United States shall be vested with or retain title to or an interest in or shall hold the property in the Territory of Hawaii set aside for the use of the United States and remaining so set aside immediately prior to the admission of this State, in all respects as and to the extent set forth in the act or resolution providing for

the admission of this State to the Union.

##### Compliance With Trust

**Section 7.** Any trust provisions which the Congress shall impose, upon the admission of this State, in respect of the lands patented to the State by the United States or the proceeds and income therefrom, shall be complied with by appropriate legislation.

##### Administration of Undisposed Land

**Section 8.** The lands and other property, the final determination and disposition of which shall not have been made by the Congress upon the admission of this State, shall, pending such determination and disposition, continue to be administered in accordance with the laws applicable thereto immediately prior to the admission of this State, except as the Congress may consent to any amendment of said laws, and no provision of this constitution for the exercise of powers or functions other than in accordance with such laws shall, without the consent of the Congress, apply to the lands or property so administered.

##### Federal Property, Tax Exemption

**Section 9.** No taxes shall be imposed by the State upon any lands or other property now owned or hereafter acquired by the United States, except as the same shall become taxable by reason of disposition thereof by the United States or by reason of the consent of the United States to such taxation.

##### Hawaii National Park

**Section 10.** All provisions of the act or resolution admitting this State to the Union, or providing for such admission, which reserve to the United States jurisdiction of Hawaii National Park, or the ownership or control of lands within Hawaii National Park, are consented to fully by the State and its people.

##### Judicial Rights

**Section 11.** All those provisions of the act or resolution admitting this State to the Union, or providing for such admission, which reserve to the United States judicial rights or powers are consented to fully by the State and its people; and those provisions of said act or resolution which preserve for the State judicial rights and powers are hereby accepted and adopted, and such rights and powers are hereby assumed, to be exercised and discharged pursuant to this constitution and the laws of the State.

##### Titles, Subtitles, Personal Pronouns; Construction

**Section 12.** Titles and subtitles shall not be used for purposes of construing this constitution.

Whenever any personal pronoun appears in this constitution, it shall be construed to mean either sex.

##### General Power

**Section 13.** The enumeration in this constitution of specified powers shall not be construed as limitations upon the power of the State to provide for the general welfare of the people.

##### Provisions Self-Executing

**Section 14.** The provisions of this constitution shall be self-executing to the fullest extent that their respective natures permit.

### ARTICLE XV

#### REVISION AND AMENDMENT

##### Methods of Proposal

**Section 1.** Revisions of or amendments to this constitution may be proposed by constitutional convention or by the legislature.

##### Constitutional Convention

**Section 2.** The legislature may submit to the electorate at any general or special election the question, "Shall there be a convention to propose a revision of or amendments to the Constitution?" If any 10-year period shall elapse during which the question shall not have been submitted, the lieutenant governor shall certify the question, to be voted on at the first general election following the expiration of such period.

##### Election of Delegates

If a majority of the ballots cast upon such question be in the affirmative, delegates to the convention shall be chosen at the next regular election unless the legislature shall provide for the election of delegates at a special election.

Notwithstanding any provision in this constitution to the contrary, other than Section 3 of Article XIV, any qualified voter of the district concerned shall be eligible to membership in the convention.

Unless the legislature shall otherwise provide, there shall be the same number of delegates to such convention, who shall be elected from the same areas, and the convention shall be convened in the same manner, as nearly as practicable, as required for the Hawaii State Constitutional Convention of 1950.

##### Organization; Procedure

The convention shall determine its own organization and rules of procedure. It shall be the sole judge of the elections, returns and qualifications of its members and, by a two-thirds vote, may suspend or remove any member for cause. The governor shall fill any vacancy by appointment of a qualified voter from the district concerned.

**Ratification; Appropriations**

The convention shall provide for the time and manner in which the proposed constitutional revision or amendments shall be submitted to a vote of the electorate, but no such revision or amendments shall be effective unless approved at a general election by a majority of all of the votes tallied upon the question, such majority constituting at least 35 per cent of the total vote cast at such election, or at a special election by a majority of the total vote tallied upon such question, such majority constituting at least 35 per cent of the total number of registered voters; provided, that no constitutional amendment altering this proviso or the representation from any senatorial district in the senate shall become effective unless it shall also be approved by a majority of the votes tallied upon the question in each of the majority of the counties.

The provisions of this section shall be self-executing, but the legislature shall make the necessary appropriations and may enact legislation to facilitate their operation.

**Amendments Proposed by Legislature**

**Section 3.** The legislature may propose amendments to the constitution by adopting the same, in the manner required for legislation, by a two-thirds vote of each house on final reading at any session, after either or both houses shall have given the governor at least 10 days' written notice of the final form of the proposed amendment, or, with or without such notice, by a majority vote of each house on final reading at each of two successive sessions.

Upon such adoption, the proposed amendments shall be entered upon the journals, with the ayes and noes, and published once in each of four successive weeks in at least one newspaper of general circulation in each senatorial district wherein such a newspaper is published, within the two months' period immediately preceding the next general election.

At such general election the proposed amendments shall be submitted to the electorate for approval or rejection upon a separate ballot.

The conditions of and requirements for ratification of such proposed amendments shall be the same as provided in Section 2 of this article for ratification at a general election.

**Veto**

**Section 4.** No proposal for amendment of the constitution adopted in either manner provided by this article shall be subject to veto by the governor.

**ARTICLE XVI****SCHEDULE****REPRESENTATIVE DISTRICTS****Description; Number of Members**

**Section 1.** As provided in Section 3 of Article III, until the next reapportionment, the representative districts and the number of members to be elected from each shall be as follows:

First representative district: that portion of the island of Hawaii known as Puna, one representative;

Second representative district: that portion of the island of Hawaii known as South Hilo, four representatives;

Third representative district: that portion of the island of Hawaii known as North Hilo and Hamakua, one representative;

Fourth representative district: that portion of the island of Hawaii known as Kau and South Kona and that portion of North Kona, for convenience herein referred to as Keauhou, more particularly described as follows: from a point at the seashore between the lands of Holualoa 1 and 2 and Puapuaa 2 running northeasterly along the boundary of Holualoa 1 and 2 to Puu Laalaau; (2) easterly in a straight line to a point called "Naohueleelua" being the common corner of the lands of Puuanahulu, Kaohi and Keauhou 2nd; (3) southeasterly along the common boundary between Hamakua and North Kona districts to the summit of Mauna Loa; (4) westerly along the common boundary between Kau and North Kona districts to the easterly boundary of South Kona district; (5) northerly and westerly along the boundary between North and South Kona districts to the seashore; and (6) northerly along the seashore to the point of beginning, one representative;

Fifth representative district: that portion of the island of Hawaii known as Kohala and that portion of North Kona not included in the fourth representative district, one representative;

Sixth representative district: the islands of Molokai and Lanai, one representative;

Seventh representative district: the islands of Maui and Kahoolawe, five representatives;

Eighth representative district: that portion of the island of Oahu known as Koolaupoko and Koolauloa, two representatives;

Ninth representative district: that portion of the island of Oahu known as Waialua and Wahiawa, two representatives;

Tenth representative district: that portion of the island of Oahu known as Ewa and Waianae, two representatives;

Eleventh representative district: that portion of the island of Oahu, for convenience herein referred to as Kalihi, more particularly described as follows: from the intersection of Kalihi and Auiki Streets running westerly along Auiki Street

to Mokauea Street; (2) southwesterly along Mokauea Street Extension extended to a point on the outer edge of the reef; (3) westerly along the outer edge of the reef to a point on the Moanalua-Halawa boundary; (4) northerly and northeasterly along the Moanalua-Halawa boundary to the top of Koolau Range; (5) southeasterly along the top of Koolau Range to a place called "Puu Lanihuli"; (6) southwesterly along the top of the ridge between the lands of Kalihi, Kapalama and Nuuanu to Kalihi Street; and (7) southwesterly along Kalihi Street to the point of beginning, three representatives;

Twelfth representative district: that portion of the island of Oahu, for convenience herein referred to as upper Nuuanu, more particularly described as follows: from the intersection of King and Kalihi Streets running northeasterly along Kalihi Street to the ridge between the lands of Kalihi, Kapalama and Nuuanu; (2) northeasterly along the top of said ridge to a point on the Koolau Range called "Puu-Lanilhuli"; (3) easterly along the top of said Range to Pali Road at the Nuuanu Pali; (4) southwesterly along Pali Road to Nuuanu Avenue and southwesterly along Nuuanu Avenue to School Street; (5) northwesterly along School Street to the center line of the Kapalama Drainage Canal (Waikiki Branch); (6) southwesterly along said Canal to the center line of the main Kapalama Drainage Canal; (7) southwesterly along said Canal to King Street; and (8) northwesterly along King Street to the point of beginning, three representatives;

Thirteenth representative district: that portion of the island of Oahu, for convenience herein referred to as Kapalama, more particularly described as follows: from the junction of the Honolulu Harbor Channel and the reef running westerly along the outer edge of the reef of Mokauea Street Extension extended, (2) northeasterly along Mokauea Street Extension extended to Sand Island Road; (3) northeasterly along Mokauea Street Extension to Auiki Street; (4) easterly along Auiki Street to Kalihi Street; (5) northeasterly along Kalihi Street to King Street; (6) southeasterly along King Street to the center line of the main Kapalama Drainage Canal; (7) northerly along said Canal to the center line of the Kapalama Drainage Canal (Waikiki Branch); (8) northeasterly along said Canal to School Street; (9) southeasterly along School Street to Nuuanu Avenue; (10) southwesterly along Nuuanu Avenue to the sea, and (11) southwesterly along the middle of Honolulu Harbor and Honolulu Harbor Channel to the point of beginning, three representatives;

Fourteenth representative district: that portion of the island of Oahu, for convenience herein referred to as Pauoa, more particular-



ly described as follows: from the junction of the Honolulu Harbor Channel and the outer edge of the reef running northeasterly along the middle of Honolulu Harbor Channel and Honolulu Harbor to the intersection of Queen Street and Nuuanu Avenue; (2) northeasterly along Nuuanu Avenue to Pali Road and northeasterly along Pali Road to the top of the Koolau Range at the Nuuanu Pali; (3) easterly and southerly along the top of the Koolau Range to a point called "Puu Konahuanui"; (4) southwesterly along the top of the ridge between the lands of Nuuanu, Pauoa and Manoa to a mountain peak called "Puu Ohia" or "Tantalus"; (5) southwesterly along the top of the ridge between the lands of Makiki and Kalawahine to the intersection of Nehoa Street and Lewalani Drive; (6) southerly along Lewalani Drive and Piikoi Street to Wilder Avenue; (7) easterly along Wilder Avenue to Punahou Street; (8) southerly along Punahou Street to King Street; (9) westerly along King Street to Kalakaua Avenue; (10) southerly along Kalakaua Avenue to the center line of the Ala Wai Canal; (11) westerly along said Canal and along the line of said Canal extended to the outer edge of the reef; and (12) westerly along the outer edge of the reef to the point of beginning, five representatives;

Fifteenth representative district: that portion of the island of Oahu, for convenience herein referred to as Manoa and Waikiki, more particularly described as follows: from the intersection of Kalakaua Avenue and the center line of the Ala Wai Canal running northerly along Kalakaua Avenue to King Street; (2) easterly along King Street to Punahou Street; (3) northerly along Punahou Street to Wilder Avenue; (4) westerly along Wilder Avenue to Piikoi Street; (5) northerly along Piikoi Street to Lewalani Drive; (6) northerly along Lewalani Drive to Nehoa Street; (7) northeasterly along the top of the ridge between the lands of Makiki and Kalawahine to a mountain peak called "Puu Ohia" or "Tantalus"; (8) northeasterly along the top of the ridge between the lands of Pauoa, Manoa and Nuuanu to a point on the Koolau Range called "Puu Konahuanui"; (9) southeasterly along the top of said Range to a place called "Mt. Olympus"; (10) southwesterly along the top of Waahila Ridge to the top edge of Palolo Valley; (11) southwesterly along the top edge of said Valley to the forest reserve boundary; (12) southwesterly along the southeasterly boundary of St. Louis Heights Tract, Series 2 (File Plan 464) to the southerly boundary of said Tract 100 feet southeasterly from Alencastre Street; (13) southwesterly parallel to and 100 feet from Alencastre Street and St. Louis Drive to Waiialae Avenue; (14) westerly along Waiialae Avenue to Kapahulu

Avenue extended; (15) southerly across Waiialae Avenue and along Kapahulu Avenue to Kalakaua Avenue; (16) westerly along Kapahulu Avenue extended to the outer edge of the reef; (17) northwesterly along the outer edge of the reef to a point on the line extended of the center line of the Ala Wai Canal; and (18) easterly along said line to the point of beginning, six representatives;

Sixteenth representative district: that portion of the island of Oahu, for convenience herein referred to as Kaimuki and Kapahulu, more particularly described as follows: from a point at the seacoast at a place called "Black Point" running westerly along the seacoast to Kapahulu Avenue extended to the sea; (2) easterly across Kalakaua Avenue and easterly and northerly along Kapahulu Avenue to Waiialae Avenue; (3) easterly along Waiialae Avenue to a point 100 feet easterly of St. Louis Drive; (4) northeasterly across Waiialae Avenue then parallel to and 100 feet from St. Louis Drive and Alencastre Street to the southerly boundary of St. Louis Heights Tract, Series 2 (File Plan No. 464); (5) northeasterly along the southeasterly boundary of said Tract to the forest reserve boundary; (6) northeasterly along the top edge of Palolo Valley to the top of Waahila Ridge; (7) northeasterly along the top of Waahila Ridge to a point on Koolau Range called "Mt. Olympus"; (8) easterly along the top of the Koolau Range to the top of the ridge between the lands of Waiialae Nui and Palolo; (9) southwesterly along the top of said ridge to a place called "Kalepeamo"; (10) southwesterly along Maumae Ridge to Sierra Drive; (11) southwesterly along Sierra Drive to Waiialae Avenue; (12) easterly along Waiialae Avenue to 13th Avenue; (13) southwesterly along 13th Avenue and Ocean View Drive to Kilauea Avenue; (14) westerly along Kilauea Avenue to Makapuu Avenue; (15) southwesterly along Makapuu Avenue to Diamond Head Road; and (16) southeasterly along Diamond Head Road to the Military Road and along the Military Road extended to the point of beginning, four representatives;

Seventeenth representative district: that portion of the island of Oahu not included in any other representative district on the island of Oahu, together with all other islands not included in any other representative district, three representatives;

Eighteenth representative district: the islands of Kauai and Niihau, four representatives.

Wherever a roadway, or the intersection of one or more roadways, is designated as a boundary in any of the above descriptions, the center line of such roadway or intersection is intended as such boundary.

## TRANSITIONAL PROVISIONS

### Continuity of Laws

**Section 2.** All laws in force at the time this constitution takes effect and not inconsistent therewith, including, among others, acts of the Congress relating to the lands in the possession, use and control of the Territory of Hawaii, shall be the laws of the State and remain in force, mutatis mutandis, until they expire by their own limitation, or are altered or repealed by the legislature.

Except as otherwise provided by this constitution, all existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights shall continue unaffected notwithstanding the taking effect of this constitution, except that the State shall be the legal successor to the Territory in respect thereof, and may be maintained, enforced or prosecuted, as the case may be, before the appropriate or corresponding tribunals or agencies of or under the State or of the United States, in the name of the State, political subdivision, person or other party entitled to do so, in all respects as fully as could have been done prior to the taking effect of this constitution.

### Debts

**Section 3.** The debts and liabilities of the Territory shall be assumed and paid by the State, and all debts owed to the Territory shall be collected by the State.

### Bond Acts

**Section 4.** All acts of the legislature of the Territory authorizing the issuance of bonds by the Territory or its political subdivisions are approved, subject, however, to amendment or repeal by the legislature, and bonds may be issued by the State and its political subdivisions pursuant to said acts. Whenever in said acts the approval of the President or of the Congress is required, the approval of the governor shall suffice.

### Continuance of Officers

**Section 5.** Except as otherwise provided by this constitution, all executive officers of the Territory or any political subdivision thereof and all judicial officers who may be in office at the time of admission of this State to the Union shall continue to exercise and discharge the powers and duties of their respective offices until their successors shall have qualified in accordance with this constitution or the laws enacted pursuant thereto.

### Lieutenant Governor; Secretary

**Section 6.** Unless otherwise provided by law, the lieutenant governor shall exercise and discharge the powers and duties of the secretary of the Territory.

**Residence, Other Qualifications**

**Section 7.** Requirements as to residence, citizenship or other status or qualifications in or under the State prescribed by this constitution shall be satisfied pro tanto by corresponding residence, citizenship or other status or qualifications in or under the Territory.

**Allocation of Departments**

**Section 8.** The provisions of Section 6 of Article IV shall not be mandatory until four years from the date of admission of this State to the Union. The legislature shall within three years from said date allocate and group the executive and administrative offices, departments and instrumentalities of the state government and their respective functions, powers and duties among and within the principal departments pursuant to said section.

If such allocation and grouping shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make such allocation and grouping.

**Condemnation of Fisheries**

**Section 9.** All vested rights in fisheries in the sea waters not included in any fish pond or artificial inclosure shall be condemned to the use of the public upon payment of just compensation, which compensation, when lawfully ascertained, shall be paid out of any money in the treasury of the State not otherwise appropriated.

**FIRST OFFICERS, PROCEDURES****Elections**

**Section 10.** In case the people of the Territory ratify this constitution and the same is approved by the duly constituted authority of the United States whose approval thereto may be required, the governor of the Territory shall, within thirty days after receipt of the official notification of such approval, issue a proclamation for primary and final elections, as hereinafter provided, at which officers for all state elective offices provided for by this constitution shall be nominated and elected; but the officers so to be elected shall in any event include two senators and two representatives to the Congress, and unless and until otherwise required by law, said representatives shall be elected at large.

**Election Procedure; Certification**

**Section 11.** Said primary election shall take place not less than sixty nor more than ninety days after said proclamation, and the final election shall take place within forty days after the primary election. Such elections shall be held and the qualifications of voters thereat shall be as prescribed by this constitution and by the laws relating to the election of members of the legislature at primary and general elections. The returns thereof shall be made, canvassed and certified in the manner prescribed by law with respect to the election for the ratification or rejection of this constitution. The governor shall thereupon certify the results thereof to the President.

**Proclamation of Admission; Assumption of Office**

**Section 12.** Upon the issuance by the President of a proclamation announcing the results of said election and the admission of this State to the Union, the officers elected and qualified shall proceed to exercise and discharge the powers and duties pertaining to their respective offices.

**Governor and Lieutenant Governor**

**Section 13.** The first governor and lieutenant governor shall hold office for a term beginning with their election and ending at noon on the first Monday in December following the second general election.

**Certification, United States Senators and Representatives**

**Section 14.** The governor of the State and secretary of state shall certify the election of the senators and representatives to the Congress in the manner required by law. For this purpose, the lieutenant governor of this State shall be deemed secretary of state.

**First Legislature; Term of Office**

**Section 15.** The terms of office of the members of the first legislature shall be as follows:

Members of the house of representatives shall hold office for a term beginning with their election and ending on the day of the second general election held thereafter.

Members of the senate shall be divided into two classes. The first class shall consist of the following number elected with the highest number of votes from their respec-

tive senatorial districts: first district, three; second district, one; third district, two; fourth district, three; fifth district, two; and sixth district, two. Members of the first class shall hold office for a term beginning with their election and ending on the day of the third general election held thereafter. The remaining members elected shall constitute the second class and shall hold office for a term beginning with their election and ending on the day of the second general election held thereafter.

**First Session of Legislature**

**Section 16.** Ten days after the admission of this State to the Union, the legislature shall convene in special session.

**Salaries of Legislators**

**Section 17.** Until otherwise provided by law in accordance with Section 10 of Article III, the salary of members of the legislature shall be as follows: the sum of two thousand five hundred dollars for each general session, the sum of one thousand five hundred dollars for each budget session and the sum of seven hundred and fifty dollars for each special session.

**Compensation of Judges**

**Section 18.** Until the legislature shall otherwise provide under Section 3 of Article V, the chief justice, justices of the supreme court and judges of the circuit courts shall receive as compensation for their services the sums of seventeen thousand five hundred dollars, seventeen thousand dollars and fifteen thousand dollars per annum, respectively, which shall, notwithstanding the provisions of Article V of this constitution, be subject to increase or decrease by the first session of the legislature.

**EFFECTIVE DATE**

This constitution shall take effect and be in full force immediately upon the admission of Hawaii into the Union as a State.

**Done in Convention, at Iolani Palace, Honolulu, Hawaii, on the twenty-second day of July, in the year one thousand nine hundred fifty, and of the Independence of the United States of America the one hundred and seventy-fifth.**



## AMENDMENTS TO THE STATE CONSTITUTION

The Constitution of the State of Hawaii was amended or otherwise affected in the following manner when three propositions were submitted to the people in accordance with Public Law 86-3\* and adopted by a majority of the legal votes cast on the submission at the primary election held on June 27, 1959.

1. Section 1 of ARTICLE XIII, STATE BOUNDARIES, CAPITAL, FLAG, was amended to contain the language of section 2 of the Admission Act, in lieu of any other language, so that it shall read as follows:

"The State of Hawaii shall consist of all the islands, together with their appurtenant reefs and territorial waters, included in the Territory of Hawaii on the date of enactment of this Act; except the atoll known as Palmyra Island, together with its appurtenant reefs and territorial waters, but said State shall not be deemed to include the Midway Islands, Johnston Island, Sand Island (offshore from Johnston Island), or Kingman Reef, together with their appurtenant reefs and territorial waters."

2. Article XI, HAWAIIAN HOME LANDS, "shall be deemed to include the provisions of Section 4 of this Act", which reads as follows:

"As a compact with the United States relating to the management and disposition of the Hawaiian home lands, the Hawaiian Homes Commission Act, 1920, as amended, shall be adopted as a provision of the Constitution of said State, as provided in section 7, subsection (b) of this Act, subject to amendment or repeal only with the consent of the United States, and in no other manner. *Provided*, That (1) sections 202, 213, 219, 220, 222, 224, and 225 and other provisions relating to administration, and paragraph (2) of section 204, sections 206 and 212, and other provisions relating to the powers and duties of officers other than those charged with the administration of said Act, may be amended in the constitution, or in the manner required for State legislation, but the Hawaiian home-loan fund, the Hawaiian home-operating fund, and the Hawaiian home-development fund shall not be reduced or impaired by any such amendment, whether made in the constitution or in the manner required for State legislation, and the encumbrances authorized to be placed on Hawaiian home lands by officers other than those charged with the administration of said Act, shall not be increased, except with the consent of the United States; (2) that any amendment to increase the benefits to lessees of Hawaiian home lands may be made in the constitution, or in the manner required for State legislation, but the qualifications of lessees shall not be changed except with the consent of the United States; and (3) that all proceeds and income from the 'available lands', as defined by said Act, shall be used only in carrying out the provisions of said Act."

3. Section 8 of ARTICLE XIV, GENERAL AND MISCELLANEOUS PROVISIONS, was amended to contain the language of the third proposition submitted to the people, in lieu of any other language, so that it shall read as follows:

"All provisions of the Act of Congress approved March 18, 1959 reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Hawaii are consented to fully by said State and its people."

4. Section 10 of ARTICLE XVI, SCHEDULE, was amended to read as follows:

"In case the people of the Territory ratify this constitution and the same is approved by the duly constituted authority of the United States whose approval thereto may be required, the governor of the Territory shall, within thirty days after receipt of the official notification of such approval, issue a proclamation for primary and final elections, as hereinafter provided, at which officers for all state elective offices provided for by this constitution and two Senators and one Representative in Congress shall be nominated and elected."

\*Public Law 86-3, 86th Congress, S.50, AN ACT TO PROVIDE FOR THE ADMISSION OF THE STATE OF HAWAII INTO THE UNION, Approved March 18, 1959, at Section 7(b).

## INDEX TO THE CONSTITUTION OF THE STATE OF HAWAII

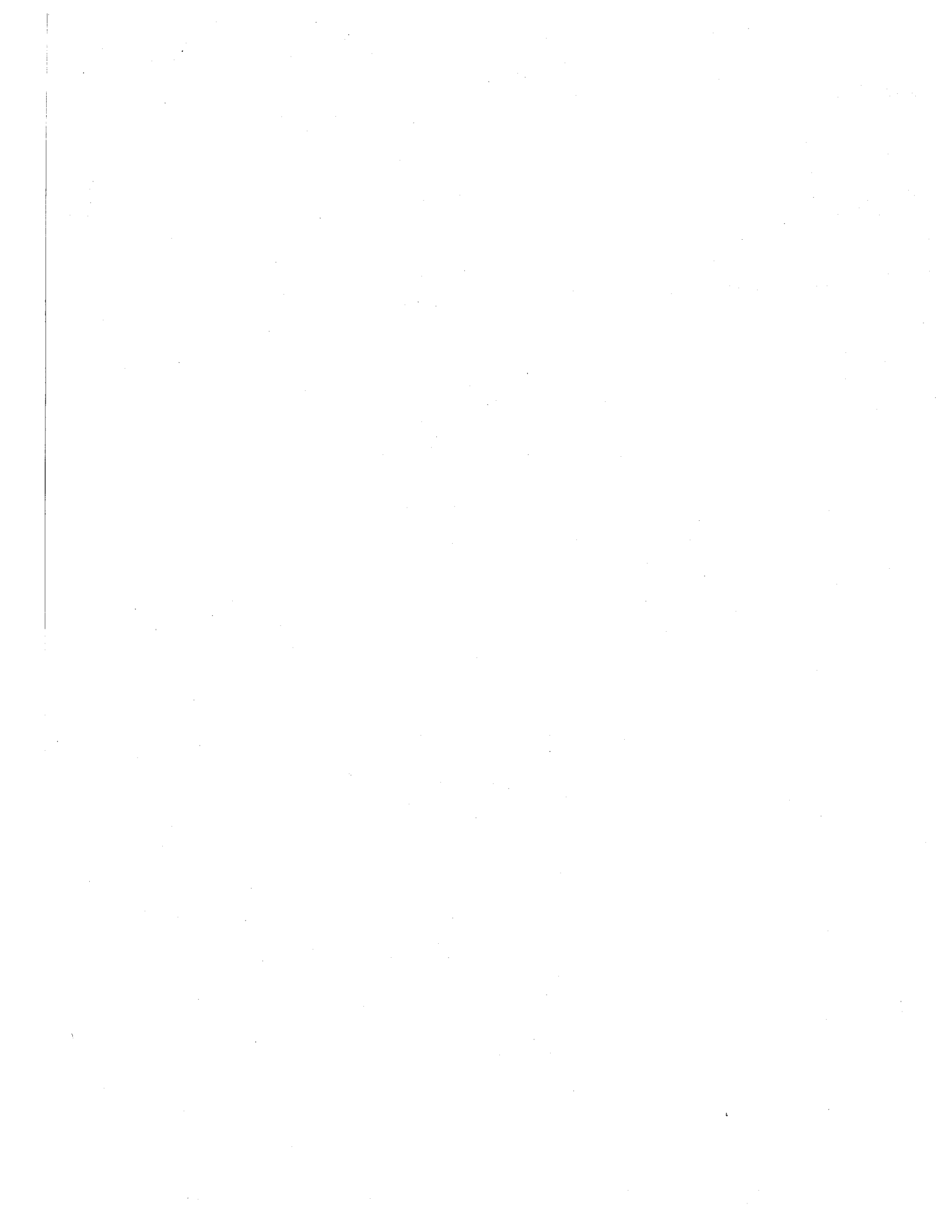
(Reference is to article and section.)

- Administration (see Executive and Governor)  
 Administrative director to Governor, IV:5  
 Agricultural resources, conservation and development of, X:1  
 Agriculture, farms, development of public lands for, X:5  
 Amendments to state constitution, generally, XV:1-4  
 Appropriations—  
   budget, VI:4  
   control of expenditures, VI:7  
   general appropriations bill, VI:5  
   limited to public purposes, VI:6  
   post-audit, VI:8  
   reduction of expenditures, VI:7  
 Armed services (see also Militia)—  
   criminal law proceedings during war, I:8  
   enlistment, I:7  
 Arms, right to bear, I:15  
 Assembly, freedom of, I:3  
 Auditor, legislative auditor, VI:8
- Bail, excessive, prohibited, I:9  
 Bill of Rights, I:1-20  
 Boards or commissions—  
   generally, IV:6  
   natural resources management, X:2  
 Bonds, public—  
   authorization and terms, VI:3  
   debt limitation, VI:3  
   improvement bonds, VI:3  
   issuance by Territory approved, XVI:4  
   maturity, VI:3  
   refunding, VI:3  
   revenue bonds, VI:3  
 Boundaries of state, XIII:1  
 Budget, formulation and submission, VI:4
- Capital improvements budget, VI:4  
 Capital of state, XIII:2  
 Circuit court—  
   judges—  
     appointment, V:3  
     assignments for temporary service, V:5  
     compensation, V:3; XVI:18  
     disqualifications, V:3  
     qualifications, V:3  
     removal, V:3  
     retirement, V:3, 4  
     terms of office, V:3  
     territorial, continuance in office, XVI:5  
   jurisdiction, V:1  
   supreme court service by judges of, V:2  
 Cities (see Local government)  
 Citizens:  
   arms, right to bear, I:15  
   enlistment in military, discrimination prohibited, I:7  
   rights or privileges secured, I:6  
 Citizenship, residence requirements, XVI:7  
 Civil law, process, practice and procedure, V:6  
 Civil rights, I:1-20  
 Civil service, XIV:1  
 Common law, jury trials, I:10  
 Congress, United States—  
   certification of election of members to, XVI:14  
   state representation to, XVI:10
- Conservation—  
   historical and cultural objects, VIII:5  
   natural resources, generally, X:1-5  
 Constitution of the United States, adopted, before Article I  
 Constitution, State—  
   amendments, generally, XV:1-4  
   construction, XIV:12  
   provisions self-executing, XIV:14  
   revisions, generally, XV:1-4  
 Constitutional conventions, generally, XV:2  
 Corporations, public, revenue bonds, VI:3  
 Counties—  
   generally, VII:1-5  
   bonds, authorization and indebtedness, VI:3  
   claims accrued, mandated payment prohibited, VII:4  
   intergovernmental relations, XIV:5  
   natural resources, ownership and control of, X:2  
 Courts—  
   generally, V:1-6  
   administration, V:5  
   appeals, V:6  
   circuit (see Circuit court)  
   process, practice and procedure, V:6  
   rules and regulations, V:6  
   supreme (see Supreme Court)  
   types and jurisdiction, II:5; V:1  
 Criminal law—  
   accused, rights of, I:8, 11  
   bail, I:9  
   double jeopardy, I:8  
   fines, I:9  
   grand jury, I:8  
   habeas corpus, I:13  
   imprisonment for debt, I:17  
   indictment, I:8  
   jury trial, I:10, 11  
   process, practice and procedure, V:6  
   punishments, I:9  
   self incrimination, I:8  
 Cultural objects, conservation and development, VIII:5
- Debt, imprisonment for, prohibited, I:17  
 Debt limitation, state, VI:3  
 Debts and liabilities, Territory to state, XVI:3  
 Departments (see under Executive)  
 Discrimination because of race, religion, sex or ancestry  
   prohibited, I:4, 12; IX:1  
 Due process of law, I:4
- Education—  
   generally, IX:1-5  
   Board of, appointment, composition, powers, IX:2, 3  
   local school advisory councils, IX:2  
   powers of state over, IX:1  
   sectarian control prohibited, IX:1  
   segregation prohibited, IX:1  
   superintendent of public instruction, IX:3, 5  
   university (see University)
- Elections—  
   absentee voting, II:4  
   age, qualifications for voting, II:1  
   constitutional amendments, XV:2, 3  
   contested, II:5  
   districts, III:2; XVI:1

- felons disqualified from voting, II:2
- first state elections, XVI:10, 11
- general, date, II:5
- literacy requirements for voting, II:1
- reapportionment, III:3, 4
- registration of voters, II:4
- residence qualifications for voting, II:1, 3
- secrecy of voting, II:4
- special, II:5
- voting methods to be prescribed by legislature, II:4
- voting qualifications, II:1, 2, 3
- Emergency, bond authorizations for, VI:3
- Eminent domain, I:18
- Employees, public (see Public employees)
- Employees' retirement system, V:3; XIV:2
- Enlistment in military, discrimination prohibited, I:7
- Equal protection of laws, I:4
- Executive (see also Governor)–
  - generally, IV:1-6
  - departments and boards, organization, IV:6
  - departments, transitional provisions for allocation of functions, XVI:8
  - officers (see Public officers)
  - power, vested in governor, IV:1
  - powers of, IV:5
- Farms, development of public lands for, X:5
- Federal lands (see Lands, federal)
- Fines, excessive, prohibited, I:9
- Fisheries–
  - conservation and development of, X:1
  - sea, condemnation of, XVI:9
  - sea, public rights to, X:3
- Flag of state, XIII:3
- Game, conservation and development of, X:1
- Governor –
  - generally, IV:1-6
  - absence, IV:4
  - acting, lieutenant governor as, IV:4
  - administrative director, appointment of, IV:5
  - appointment and removal power, IV:6
  - budget formulation and submission, VI:4
  - commander in chief of armed forces, IV:5
  - compensation, IV:3
  - departments, allocation of, if legislature fails to act, XVI:8
  - disability, IV:4
  - disqualifications, IV:1
  - duties, generally, IV:5
  - election of, IV:1
  - elections, first state, certification, XVI:11
  - impeachment, III:20; IV:4
  - judges and justices, appointment of, V:3
  - legislative bills, approval or veto, III:17
  - legislative bills to be submitted, IV:4; VI:4, 5
  - legislature, message to, IV:5
  - oath of office, XIV:4
  - pardons and reprieves, IV:5
  - powers of, III:17; IV:5, 6
  - qualifications, IV:1
  - succession to, IV:4
  - term of office, IV:1; XVI:13
- Grand jury, I:8
- Habeas corpus, I:13
- Hawaii National Park, jurisdiction and control, XIV:10
- Hawaiian Homes Commission Act, XI:1, 2
- Hawaiian language, voter qualification, II:1
- Health–
  - generally, VIII:1-5
  - mentally handicapped, care, VIII:2
  - physically handicapped, care, VIII:2
  - public assistance, VIII:3
  - sightliness and physical good order, VIII:5
  - slum clearance, VIII:4
- Historical sites, conservation and development, VIII:5
- Home ownership, development of public lands for, X:5
- Honolulu, capital of state, XIII:2
- Housing, low income, VIII:4
- Immunities, special, limitations on, I:19
- Impeachment–
  - Governor and lieutenant governor, IV:4
  - procedure, III:11, 20
- Improvements, public improvement bonds, VI:3
- Intergovernmental relations, XIV:5
- Journal, legislative, III:13, 14, 18
- Judicial rights, state and federal, XIV:11
- Judiciary (see Courts)
- Jury–
  - grand jury, I:8
  - service, no disqualification by sex, I:12
  - trial by, I:10, 11
- Konohiki fishing rights, condemnation of, XVI:9
- Labor relations, collective bargaining, XII:1
- Land resources, conservation and development of, X:1
- Lands–
  - federal–
    - generally, XIV:6
    - Hawaii National Park, XIV:10
    - taxation of, XIV:9
    - trust provisions concerning, XIV:7
  - public–
    - control of, generally, X:4
    - development for farm and home ownership, X:5
    - undisposed, administration of, XIV:8
- Law, due process, I:4
- Laws, continuity of, XVI:2
- Legislation, bills–
  - generally, III:15-18
  - amendment, III:16
  - amendment after veto, III:17
  - appropriation, items subject to veto and reduction, III:17
  - appropriation, procedure, VI:5
  - certification, III:16, 17
  - discharge from committee of, III:13
  - enacting clause, III:15
  - governor, approval or veto, III:17, 18
  - governor to submit certain bills, IV:5; VI:4, 5
  - passage, III:14-18
  - readings, III:16
  - title, III:15
  - veto, III:17, 18
  - veto, reconsideration of by legislature after adjournment, III:17
- Legislative auditor, VI:8
- Legislature–
  - generally, III:1-20
  - adjournment, III:12, 14, 17
  - appropriations, VI:4-8; VII:3
  - auditor, appointment, removal, reports, VI:8
  - ayes and noes, when required, III:13, 18

- Legislature (continued) –
- budget, receipt from governor of, VI:4
  - constituted how, III:1
  - constitution, amendments to, XV:2, 3
  - contempt of, III:19
  - courts, establishment and jurisdiction, V:1
  - executive officers, suspension or removal, III:20; IV:6
  - expenses, bill for, priority, VI:5
  - House of Representatives –
    - apportionment, reapportionment, III:3, 4
    - districts described in Schedule, XVI:1
    - members –
      - number, III:3; XVI:1
      - qualifications, III:7
      - terms, III:5
    - members of first state, terms of office, XVI:15
  - impeachment, III:20
  - intergovernmental relations, XIV:5
  - journal, III:13, 14, 18
  - local government, provisions for, VII:1, 2, 3, 4, 5
  - majority, III:14
  - members in general –
    - attendance, III:14
    - censure, III:13
    - compensation, III:10; XVI:17
    - disqualifications, III:9, 13
    - exemption, arrest, speech, III:8
    - expulsion, III:13
    - oath of office, XIV:4
    - privileges, III:8
    - punishment of, III:13
    - qualifications, III:7, 13
    - suspension, III:13
  - members of first, terms, XVI:15
  - officers, selection of, III:13
  - organization, rules, III:13
  - powers and duties, generally, III:1; VII:5
  - punishment of non-members, III:19
  - quorum, III:14
  - roll call, III:13, 14, 18
  - rules, III:13
  - Senate –
    - confirmation of appointments, IV:6
    - districts, III:2
    - judges and justices, confirmation of appointment, V:3
    - members –
      - number, III:2
      - qualifications, III:7
      - terms, III:5
    - members of first, terms, XVI:15
    - session, first under statehood, XVI:16
  - sessions –
    - budget, III:11
    - general, III:11
    - length of, III:11
    - Senate only, III:11
    - special, III:11
    - time and place, III:11
  - vacancies, III:6
- Libraries, public, establishment and control, IX:1
- Lieutenant governor –
- absence, IV:4
  - compensation, IV:3
  - duties, IV:2
  - election, IV:2
  - Governor, succession to, salary, IV:3
  - impeachment, III:20, IV:4
  - qualifications, IV:2
  - secretary of Territory, to assume duties of, XVI:6, 14
  - succession, IV:4
  - term of office, IV:2; XVI:13
  - vacancy, IV:4
- Local government (see also Counties) –
- generally, VII:1-5
  - bonds, public, VI:3
  - charters, VII:2
  - powers, VII:1, 2, 3
  - taxation, VII:3
- Local school advisory councils, IX:2
- Loyalty requirements for public employment, XIV:3
- Mentally handicapped, state care, VIII:2
- Militia (see also Armed services) –
- criminal law proceedings during war, I:8
  - enlistment, discrimination prohibited, I:7
  - Governor, commander in chief, IV:5
  - military subordinate to civil power, I:14
  - quartering of soldiers, I:16
  - right to bear arms, I:15
- Mineral resources, conservation and development of, X:1
- Natural resources, conservation and development, X:1-5
- Oath of office, XIV:4
- Officers, public (see Public officers)
- Pardons and reprieves, IV:5
- Parks –
- generally, VIII:5
  - Hawaii National Park, jurisdiction and control, XIV:10
- Petition, right to, I:3
- Physically handicapped, state care, VIII:2
- Power –
- civil over military, I:14
  - political, vested in people, I:1
  - state power for general welfare, I:19
  - state powers, not limited to those enumerated, XIV:13
- President, United States, statehood proclamation, XVI:12
- Press, freedom of, I:3
- Privileges, special, limitations on, I:19
- Property –
- federal, taxation of, XIV:9
  - private –
    - eminent domain, I:18
    - regulation for public purpose, VIII:5
    - right to acquire and possess, I:2
- Public assistance, VIII:3
- Public employees –
- civil service, XIV:1
  - loyalty requirements, XIV:3
  - oath of office, XIV:4
  - organization, XII:2
  - retirement system, XIV:2
- Public lands (see Lands, public)
- Public health (see Health)
- Public officers –
- appointment, terms, IV:6
  - impeachment, III:20
  - oath of office, XIV:4
  - territorial, continuance in office, XVI:5
- Public welfare (see Welfare)
- Race, discrimination prohibited, I:4, 7; IX:1
- Real property taxation, VI:3
- Religion –
- discrimination prohibited, I:4, 7
  - freedom of, I:3

- Residence requirements for citizenship, XVI:7  
 Revenue bonds, VI:3  
 Rights—  
   Bill of, I:1-20  
   construction of, I:20  
   judicial, state and federal, XIV:11  
 Rights of citizens, I:6  
 Rights of man, I:2  
  
 Schools (see Education and University)  
 Searches and seizures, I:5  
 Secretary of Territory, duties to devolve upon lieutenant governor, XVI:6, 14  
 Segregation prohibited, I:7; IX:1  
 Sex—  
   discrimination prohibited, I:4  
   jury service, discrimination prohibited, I:12  
 Slum clearance, VIII:4  
 Sovereignty, vested in people, I:1  
 Special privileges or immunities, limitations, I:19  
 Speech, freedom of, I:3  
 State—  
   boundaries, XIII:1  
   capital, XIII:2  
   first state officers, assumption of office, XVI:12  
   first state officers, election, XVI:10  
   flag, XIII:3  
   powers, not limited to those enumerated, XIV:13  
   proclamation, procedure and effect, XVI:11, 12  
   transition from Territory, general provisions, XVI:2-18  
 Suffrage (see Elections)  
 Superintendent of public instruction, IX:3, 5  
 Supreme court—  
   administrative director, V:5  
   administrative head, chief justice as, V:5  
   chief justice, appointment, V:3  
   chief justice, vacancy or absence, V:2  
   circuit court judge to serve when, V:2  
   composition, V:2  
   jurisdiction, V:1  
   justices—  
     appointment, V:3  
     compensation, V:3; XVI:18  
     disqualifications, V:3  
     incapacity, retirement for, V:4  
     qualifications, V:3  
     removal, V:3  
     retirement, V:3, 4  
     terms of office, V:3  
     territorial, continuance in office, XVI:5  
   legislature, reapportionment, mandamus, III:4  
   rules and regulations for courts, V:6  
  
 Taxation—  
   generally, VI:1-4, 6  
   federal lands and property, XIV:9  
   limited to public purposes, VI:6  
   local government powers, VII:3  
   non-resident citizens, VI:2  
   power inalienable, VI:1  
   real property, VI:3  
 Territory, transition to state, general provisions, XVI:2-18  
  
 University—  
   Board of Regents, IX:5  
   establishment, IX:4  
   president, IX:5  
  
 Voting (see under Elections)  
  
 Water resources, conservation and development, X:1  
 Welfare—  
   generally, I:9; VIII:1-5  
   housing, low income, VIII:4  
   public assistance, VIII:4  
 Women, jury service, I:12



# INDEX

Note: This is an index to the materials contained in Sections A and B of this volume. The indexing is according to general subject matter; references to individual delegates of the Constitutional Convention have been minimized. Numbers preceding colon indicate Convention day. Frequent references are made to committee reports, communications, and other documents contained in Section B because much of the substantive discussion of important problems before the Convention is to be found in these materials. The following abbreviations are used in the index:

CP	Committee Proposal
CWR	Committee of the Whole Report
DC	Departmental Communication
GM	Governor's Message
Misc.	Miscellaneous Communication
P.	Proposal
Pet.	Petition
R.	Resolution
SCR	Standing Committee Report
SpCR	Special Committee Report

- Accounts, Committee on, reports: (SCR 3) 14:37, 156-157; (SCR 138) 79:136, 294-295
- Accounts of Convention (see Convention, appropriations for)
- Actions and process, proposals on: (P. 177) 33:58; (P. 180) 33:58; (P. 183) 33:58; (SCR 68) 49:78, 223
- Addresses to Convention—
- Farrington, Joseph R., Delegate to Congress: 3:8-11; 79:137-138
- King, Samuel Wilder, President of Convention: 79:136-137
- Long, Oren E., Secretary of Hawaii: 1:1-2; 78:132; 79:141-143
- Schinicky, P. H., Chairman of the Korean National Assembly: 4:13-14
- Stainback, Ingram M., Governor of Hawaii: 1:6; 361-362
- Administrative director, Governor's office: (SCR 67-A) 218; (CWR 17) 325
- Agriculture, Constitutional provisions for: (SCR 78 and CP 27) 53:87, 231-235; 58:94; (CWR 22) 73:118-119, 335-337; (SCR 124) 76:123, 278-279; 77:128; (3d reading) 77:129
- Agriculture, proposals on: (P. 103) 24:50; (P. 108) 25:51; (P. 134) 31:55; (SCR 78) 53:87, 231-232; (P. 131) 29:53; (SCR 52) 49:76, 205; (CP 27) 53:87; (CWR 22) 73:119, 335-337
- Agriculture, Board of, University Board of Regents, to be represented on: (CWR 10) 61:100, 316
- Agriculture, Conservation and Land Committee, membership increased: (Misc. 5) 6:17, 370; (SCR 1) 7:18, 155
- Alaskan statehood, reasons for its early consideration by Congress discussed: 79:138
- Aliens, naturalization bill in Congress endorsed: (R. 38) 36:60, 151-152
- Aliens, rights of, proposal on: (P. 96) 21:47; (SCR 34) 42:67, 173
- Amendments to State Constitution: (P. 119) 26:52; (P. 170) 32:57; (SCR 48 and CP 9) 48:74, 186-189; 49:75; 53:87; (CWR 9) 61:100, 312-315; (SCR 109) 69:112, 266-267; (3d reading) 73:119
- American Federation of Labor—
- Central Labor Council—
- authorized representatives: (Misc. 7) 8:21, 370
- initiative and referendum: (Misc. 24) 14:36, 373
- support of committee proposal on right to organize: (Misc. 107) 60:96, 389; 60:97
- union label to be affixed on printed copies of proposed Constitution: (Misc. 117) 77:130, 391; (SCR 139) 79:143, 295
- American Legion, Department of Hawaii, comment on Delegate Frank G. Silva: (Misc. 16) 11:29, 372
- Andrews, Joseph E., condolence extended upon death of: (R. 43) 53:85-86, 153; (Misc. 125) 78:132, 392
- Appropriations—
- budget: (SCR 51) 191-199; (CWR 18) 327-331; (SCR 122) 275-276
- centralized purchasing provision deleted: (CWR 18) 330
- control over expenditure: (CWR 18) 328
- general appropriations bill: (SCR 51) 193-194; (CWR 18) 327; (SCR 122) 275
- legislative power over: (CWR 18) 327
- limited to public purposes: (P. 73) 13:35; (SCR 44) 45:70, 179; (SCR 51) 194
- Appropriations for Convention (see Convention, appropriations)
- Arashiro, Matsuki, appointed delegate: (GM 4) 15:38, 363
- Archives, Constitutional provision for suggested: (DC 9) 32:55, 369
- Area of State (see Boundaries of State)
- Armory (see Convention Hall)
- Ashford, S. H. H., Molokai district court magistrate, House representation: (Misc. 113) 69:110, 390; 69:112; 70:114; 71:117; 72:117; (CWR 24) 76:124, 340
- Attorney General, Territorial, appreciation for assistance: (Misc. 110) 62:102, 389
- Attorney General, Territorial, informing Convention on land law provisions: (DC 11) 66:107, 369; (SCR 129) 77:128, 280
- Auditor, Constitutional provision for: (SCR 51) 197-199; (CWR 18) 70:113, 330; (SCR 122) 276
- Auditor, post auditing, proposal on: (P. 79) 13:35; (SCR 44) 45:70, 180
- Auditor, Territorial, appreciation for assistance: (Misc. 110) 62:102, 389
- Azuma, Dr. Ryutaro, president, A.A.U. of Japan: 20:45
- Bank examiner, Territorial deputy, appreciation for assistance: (Misc. 110) 62:102, 389
- Banks, proposal on: (P. 150) 32:56; (SCR 95) 61:101, 259

## Bill of Rights—

Chamber of Commerce of Honolulu report on: (Misc. 85) 32:55, 384

Constitutional provisions for: (SCR 20 and CP 3) 36:61, 164-166; 42:67; (SCR 24 and CP 4) 38:63, 166-167; 43:68; 45:71; (CWR 5) 53:86, 299-305; (SCR 88) 57:93, 243-245; 60:98; (3d reading) 61:99

proposals on: (P. 4) 5:17; (P. 42) 10:28; (P. 44) 10:28; (P. 62) 12:32; (P. 63) 12:32; (P. 71) 13:35; (P. 83) 14:37; (P. 86) 15:39; (P. 89) 18:43; (P. 93) 19:45; (P. 97) 21:47; (P. 105) 24:50; (P. 106) 24:50; (P. 138) 31:55; (P. 139) 31:55; (P. 159) 32:56; (P. 161) 32:56; (P. 162) 32:57; (P. 195) 33:59; (SCR 23) 37:62, 166; (SCR 34) 42:67, 172-173; (SCR 70) 51:83, 225; (SCR 79) 53:87, 235-236

Birthstone, official state: (R. 29) 15:39, 150; 54:89; (SCR 55) 55:76, 208; 56:92; 62:102; 63:102; 64:105; 68:109; 69:111; 70:114; (CWR 14) 70:115, 320-321

Bonds, public, continuance of, proposal on: (P. 179) 33:58; (SCR 68) 49:78, 223

Bonds, public, debt limitation: (P. 76) 13:35; (SCR 44) 45:70, 180; (Misc. 82) 31:54, 383; (SCR 42) 45:70, 179; (SCR 51) 195-197; (CWR 18) 327-331

Boundaries of state: (P. 53) 11:29; (P. 125) 29:53; (SCR 18) 35:59, 161-162; (SCR 106) 66:107, 265; (SCR 56 and CP 15) 49:76, 208; 50:80; 54:89; 62:102; 63:102; 64:105; (CWR 11) 64:106, 317; (SCR 111) 70:114, 268; (3d reading) 72:117

Boys' and Girls' Week, endorsement of: (R. 32) 17:42, 150-151; (SCR 8) 18:43, 158

Brown, Roy E., appreciation for assistance: (Misc. 108) 62:102, 389

Bryan, Delegate Edward C., support of large legislature: (Misc. 128) 78:135, 392

Budget (see also Appropriations)—

executive, legislative power not to increase deleted: (CWR 18) 327

formulation and submission: (SCR 51) 192, 198; (CWR 18) 327

proposals on: (P. 74) 13:35; (P. 75) 13:35; (SCR 44) 45:70, 180

Budget director, Territorial, appreciation for assistance: (Misc. 110) 62:102, 389

Capital improvements, budget: (SCR 51) 192:193; (CWR 18) 327

Capital of state: (P. 65) 12:32; (SCR 53 and CP 12) 49:76, 206-207; 50:79; 54:89; 62:102; 63:102; 64:105; 68:109; (CWR 13) 70-114, 319; 71:115, 116; 74:120; (CWR 13, RD2) 74:121, 320; (SCR 123) 75:122, 277; (3d reading) 76:123

Capital of state, site on island other than Oahu: (R. 15) 7:19, 147; (SCR 53) 49:76, 206-207

Capital of state, site on Oahu: (R. 23) 11:30, 149; (SCR 53) 49:76, 206-207

Censors, Board of, proposal on: (P. 23) 8:21; (SCR 95) 61:101, 258

Chamber of Commerce of Honolulu—

Bill of Rights report: (Misc. 85) 32:55, 384

congratulations to delegates: (Misc. 116) 77:130, 390

education committee formation urged: (DC 3) 3:13, 363

general welfare report: (Misc. 85) 32:55, 384

Hawaiian Homes Commission Act retention urged: (Misc. 84) 32:55, 384

Chapman, Oscar L. (see Interior, U. S. Secretary of)

Chavez, U. S. Senator Denis, statehood cablegram sent to: (Misc. 115) 77:128, 390; 78:132

Circuit courts, Constitutional provision for: (SCR 37 and CP 7) 43:69, 173-176; (CWR 8) 60:98, 307-312; 61:99; (SCR 100) 64:104, 260-262

Circuit courts, proposals on: (P. 15) 7:19; (P. 124) 29:53; (SCR 37) 43:69, 176

City Planning Commission, approving of language of housing provisions: (DC 10) 50:79, 369

Civil service (see also Public employees)—

Constitutional provision for: (SCR 57 and CP 16) 49:76, 208-209; 50:80; 54:89; 62:102; 63:102; (CWR 11) 64:106, 317-318; (SCR 123) 75:122, 277; (3d reading) 76:123

proposals on: (P. 72) 13:35; (P. 123) 29:53; (SCR 57) 49:76, 209; (P. 174) 33:58; (SCR 66) 49:77, 215

Coin, special statehood coin proposed: (R. 44) 63:103, 153; (SCR 114) 73:118, 270

Color, official state: (R. 29) 15:39, 150; 54:89; (SCR 55) 55:76, 208; 56:92; 62:102; 63:102; 64:105; 68:109; 69:111; 70:114; (CWR 14) 70:115, 320-321

Committee, Special, to confer with Congress on statehood bill land provisions: (R. 55) 79:137, 141, 155

Committee, Special, to draft resolution in re Delegate Kageyama's resignation: 5:16, 17

Committee, Special, to investigate qualifications of Delegate Frank G. Silva: 8:20-21, 22; 10:24-25

Committees, Standing—

membership: 4:0; 6:18; 7:19; 9:24; 16:40; 42:67; 76:127; 77:130; 78:136; 79:143

meetings and reports, scheduling of: 26:52; 29:54; 38:63

public hearings on neighbor islands: (R. 20) 9:23-24, 148; (SCR 4) 14:37, 157; (SCR 7) 18:43, 157-158

reports, deadline: (R. 35) 27:52, 151; (SCR 15) 29:53, 159; 38:63

reports, deadline extensions: 38:63; 42:67; 45:71; 46:71-72; 49:79; 50:81; 51:83; 52:85; 54:89; 56:92; 59:96

Secretary of Convention as ex-officio member: (R. 10) 4:14, 147

Communism, anti-communist resolution by Hawaii Residents' Association: (Misc. 76) 23:49, 382-383

Communism, control provisions suggested: (Misc. 88) 33:58, 385; (SCR 30) 41:65, 168; (SCR 39) 44:69, 176; (SCR 71) 51:83, 226; (filed SCR 96) 61:101, 259

Communist party, outlawing of suggested: (Misc. 26) 14:37, 373; 43:68; (SCR 72) 51:83, 227; 53:87

Condemnation, excess, proposal on: (P. 77) 13:35; (SCR 44) 45:70, 180

Congress, U.S.—

House of Representatives, Un-American Activities Committee: 9:22; 11:30; (Misc. 58) 19:44, 380

naturalization bill endorsement sent to: (R. 38) 36:60, 151

public lands disposition, Special committee to consult on: (R. 55) 79:137, 155

Senate Committee on Judiciary, acknowledging receipt of Resolution No. 38: (Misc. 119) 78:132, 391

Senate urged to consider Hawaiian statehood before adjournment: (R. 54) 78:135, 155

statehood bill, amendments requested: (R. 17) 9:23, 148; (R. 18) 9:23, 148; (SCR 22) 37:62, 166; (R. 19) 9:23, 148; 10:29; (SCR 72) 51:72, 226-227; 53:87; (R. 21) 11:30, 148; (SCR 33) 47:73, 169-172; (R. 33) 20:46, 155; 21:47; (SCR 78) 53:87, 231-235

Conservation, proposals on: (P. 19) 7:19; (SCR 16) 31:54, 159; (P. 103) 24:50; (P. 108) 25:51; (SCR 78) 53:87, 231-235

Conservation of natural resources, Constitutional provision for: (SCR 78 and CP 27) 53:87, 231-235; 58:94;



- 59:95-96; 70:114; (CWR 22) 73:119, 335-338; (SCR 124) 76:123, 278-279; 77:128; (3d reading) 77:129
- Constitution, State—
- amendments and revisions: (P. 119) 26:52; (P. 170) 32:57; (SCR 48 and CP 9) 48:74, 187-189; 49:75; 53:87; (CWR 9) 61:100, 312-315; (SCR 109) 69:112, 266-267; (3d reading) 73:119
  - articles, order of, suggested plan distributed: 78:134
  - constitutional conventions: (SCR 48) 186-189
  - effective date, proposal on: (P. 136) 31:55; (SCR 68) 49:78, 223
  - final draft—
    - adoption, vote on: 79:140-141
    - circulated: 78:134-135
    - presentation to Governor: 79:141
    - signing of: 78:133, 135; 79:139-140
    - Style Committee report: (SCR 137) 79:139, 290-294
  - printing of, union label to be affixed: (SCR 139) 79:143; (Misc. 117) 77:130, 295
  - ratification: (SCR 48) 186-189
  - submission to electorate for adoption or rejection: (R. 53) 78:135, 155
  - submission to Territorial legislature to be eliminated: (R. 17) 9:23, 148; (R. 18) 9:23, 148; (SCR 22) 37:62, 166
  - subtitles not to be considered in interpreting: 77:131
- Constitution, U. S., adopted: (P. 157) 32:56; (SCR 68) 49:78, 224; (R. 3) 1:6, 146; (SCR 137) 79:139, 290-294
- Constitution, U. S., certain provisions incorporated: (SCR 20) 164-165
- Constitutional conventions, proposals on: (P. 34) 9:23; (SCR 49) 48:74, 189-190; (P. 49) 11:29; (SCR 31) 41:65, 168-169; (SCR 95) 61:101, 258-259; (P. 104) 24:50; (SCR 48) 48:74, 186-189
- Convention—
- appropriations for: (DC 4) 4:15, 364; (R. 40) 36:61, 152; (R. 41) 41:66, 152; 55:89; 60:96; 61:101; (GM 5) 63:103, 363; (SCR 138) 79:136, 294-295
  - convening, time of: 1:7
  - delegates (see Delegates)
  - journal, publication costs to be borne by subsequent legislation: (SCR 3) 14:37, 156
  - minutes, approval of by President and Secretary: 2:7
  - officers and employees (see Officers and employees)
  - proceedings recorded on tape: 77:131
  - proceedings, weekly summaries to be prepared: (SCR 2) 11:31, 156
- Convention hall, acoustics: 4:15
- Convention hall, safety check: (DC 7) 9:23, 364
- Cooke, George P., presentation of gavel to Convention President: 1:5
- Cooper, Clifford, president, U.S. Junior Chamber of Commerce: 37:62
- Cooperative Extension Work in Agriculture and Home Economics, appreciation for recognition of 4-H delegates: (Misc. 111) 69:110, 390
- Corporations, proposal on: (P. 150) 32:56; (SCR 95) 61:101, 258-259
- Council of Hawaiian Civic Clubs on Oahu, Hawaiian Homes Commission Act hearings: (Misc. 31) 15:39, 376
- County government—
- Constitutional provision for: (SCR 74 and CP 26) 51:83, 228-230; 54:89; 60:97; 61:101; 62:101; 71:116; (CWR 21) 71:116, 332-335; (SCR 113) 72:118, 269-270; (3d reading) 73:119
  - home rule: (SCR 84) 55:90, 242-243; 56:92; 60:97; (SCR 91) 60:97, 246-249; 61:101; 62:101; 71:116
  - Lanai as separate county: (Pet. 1) 16:40, 393; (Pet. 2) 16:40, 393; (Pet. 4) 16:40, 393; (Pet. 5) 19:43, 394; (Pet. 6) 19:43, 394; (Pet. 7) 19:43, 394; (Pet. 14) 25:51, 395; (Pet. 15) 25:51, 395; (Pet. 16) 25:51, 396; (Pet. 17) 25:51, 396; (Pet. 18) 25:51, 396; (Pet. 19) 28:53, 396; (Pet. 23) 39:64, 397; (Pet. 24) 39:64, 397; (Pet. 25) 39:64, 398; (R. 22) 11:30, 149; (R. 37) 29:53, 151; (Misc. 27) 15:39, 374-375; (Misc. 90) 35:59, 385; (Misc. 95) 39:64, 386-387; (SCR 74) 51-83, 228-230
  - proposals on: (P. 111) 25:51; (P. 115) 26:52; (P. 153) 32:56; (P. 167) 32:57; (P. 186) 33:58; (P. 187) 33:58; (P. 188) 33:58; (SCR 74) 51:83, 228-230
- Courts (see also Judiciary and under name of specific court)—
- Constitutional provisions for: (SCR 37 and CP 7) 43:69, 173-176; 44:69; 48:74; 49:78; 51:82-83; (CWR 8) 60:98, 307-312; 61:99; (SCR 100) 64:104, 260-262; 69:111; 77:129; (3d reading) 77:130
  - witnesses, detention of: (CWR 5) 302
- Criminal offenses, proposal on: (P. 180) 33:58; (SCR 68) 49:78, 223
- Criticism of Convention proceedings refuted by President: 68:108
- Cushing's *Manual of Parliamentary Practice*, purchase of: (R. 12) 5:17, 147; 13:36; (R. 26) 13:36, 149; (SCR 5) 37, 157
- Daughters and Sons of Hawaiian Warriors, Hawaiian Homes Commission Act retention: (Misc. 86) 32:55, 384
- Debt, penalties for: (CWR 5) 302; (SCR 20) 165
- Debt limitation: (P. 76) 13:35; (SCR 42) 45:70, 179; (SCR 44) 45:70, 180; (SCR 51) 195-197; (CWR 18) 329-330
- Debt limitation, Joint Tax Study Committee statement on: (Misc. 106) 56:92, 389
- Debts, fines, and forfeitures, proposal on disposition of: (P. 158) 32:56; (SCR 68) 49:78, 224
- Debts, Territorial, assumed by state: (SCR 70) 226
- Defense, U.S. Secretary of, acknowledging receipt of resolution: (Misc. 126) 78:132, 392
- Delegate to Congress from Hawaii, Joseph R. Farrington—
- addresses by: 3:8-9; 79:137-138
  - requests to: (R. 17) 9:23, 148; (SCR 22) 37:62, 166; (R. 38) 36:60, 151; (Misc. 96) 45:70, 387
- Delegates—
- absences granted to attend statehood hearings: (R. 28) 14:38, 150
  - appointment of new delegates to fill vacancies: (GM 2) 7:18, 362; (GM 4) 15:38, 363
  - expulsion: (GM 3) 14:36, 362
  - loyalty oaths: 1:3
  - oath of office: 1:3
  - official seating of: (R. 1) 1:2-3, 145
  - party for, proposed: 8:22
  - photograph of: (R. 24) 11:30, 149; 36:60; 37:62; 42-66
  - resignation: (Misc. 4) 5:16, 370; (GM 2) 7:18, 362
  - signatures preserved in official register: (R. 7) 3:12, 146
- Democratic Party of Hawaii, Hawaiian Homes Commission Act support: (Misc. 100) 48:73, 387
- Discrimination because of race, religion and ancestry prohibited: (SCR 20) 164-166; (SCR 24) 166-167
- District courts, proposal on: (P. 15) 7:19; (SCR 37) 43:69, 173-176
- Economic development: (P. 114) 26:52; (SCR 78) 53:87, 231-235; (SCR 79) 235-240

## Education—

agricultural, proposal on: (P. 131) 29:53; (SCR 52) 49:76, 204

committee on, urged: (Misc. 2) 1:7, 370; (DC 3) 3:13, 363-364

Constitutional provision for: (SCR 52 and CP 11) 49:76, 201-206; 50:79; 54:89; 55:90; 56:91; (CWR 10) 61:100, 317; (SCR 104) 66:107, 264-265; (3d reading) 69:111

cultures of ethnic groups: (SCR 52) 204

English standard schools: (SCR 52) 204

financing of: (SCR 52) 204; (CWR 10) 316

junior colleges: (CWR 10) 316

language schools: (SCR 52) 204

local school advisory councils: (SCR 52) 202; (CWR 10) 316

private schools: (SCR 52) 204

proposals on: (P. 1) 4:16; (P. 2) 5:16; (P. 10) 6:17; (P. 32) 8:22; (P. 57) 12:31; (P. 64) 12:32; (P. 66) 12:34; (P. 110) 25:51; (P. 117) 26:52; (P. 118) 26:52; (P. 120) 26:52; (P. 131) 29:53; (P. 149) 32:56; (P. 163) 32:57; (P. 164) 32:57; (P. 165) 32:57; (SCR 52) 49:76, 201-206

school plant responsibility: (SCR 52) 203-204; (CWR 10) 316

segregation prohibited: (SCR 52) 204; (SCR 70) 226; (CWR 26) 354

Superintendent of public instruction: (SCR 52) 202-203; (CWR 10) 316

university (see University)

Education, Board of, appointment vs. election: (SCR 52) 202

Education, Board of, geographic representation: (CWR 10) 316-317

Elections—

Constitutional provisions for: (SCR 39 and CP 8) 44:69, 176-178; 49:78; 51:82-83; 57:93; (CWR 7) 57:93, 306-307; (SCR 89) 59:95, 245-246; (3d reading) 61:99-100

primary election provision deleted: (CWR 7) 57:93, 307

proposals on: (P. 33) 8:22; (P. 40) 10:28; (P. 82) 13:36; (P. 84) 14:37; (SCR 39) 44:69, 176-178

transition provisions: (SCR 73 and CP 25) 51:83, 227-228; 54:89; 68:109; 73:120; 74:120; 75:121-122; 77:127; (CWR 27) 77:128, 357-359; (SCR 135) 78:133, 286-294; (3d reading) 78:134

Employees of Convention (see Officers and employees)

Employees' Retirement System, proposal on: (P. 129) 29:53; (SCR 44) 45:70, 180

Employees' Retirement System, provision for: (CWR 18) 330; (SCR 122) 277

Employment, full, proposal on: (P. 191) 33:59; (SCR 79) 53:87, 237-238

Equal protection of laws, proposal on: (P. 194) 33:59; (SCR 34) 42:67, 173

Equal rights: (CWR 11) 64:106, 318; (SCR 65) 214; (SCR 111) 268-269

Ewa Hawaiian Civic Club, public hearing requested on Hawaiian Homes Commission Act: (Misc. 22) 14:36, 373

Executive (see also Governor)—

boards, adjudication and advisory: (SCR 67-B) 218-219

clemency, proposal on: (P. 145) 32:56; (SCR 67) 49:78, 218

Constitutional provision for: (SCR 67 and CP 22) 49:78, 215-222; 50:81; 54:89; 57:93-94; 58:94; (CWR 17) 69:110-111, 322-327; (SCR 119) 74:120, 271-274; (CWR 23) 75:121, 338-339; 76:122, 126; (3d reading) 76:126

department heads, proposal on: (P. 22) 8:21; (SCR 67) 49:78, 218; (SCR 125) 76:123, 279

departments: (SCR 67) 217-218; (SCR 67-C) 220-221; (CWR 17) 322-327

proposals on: (P. 21) 7:19; (P. 94) 20:46; (SCR 13) 22:48, 158; (P. 109) 25:51; (P. 143) 32:56; (P. 145) 32:56; (P. 169) 32:57; (SCR 67) 49:78, 215-218; (SCR 74) 51:83, 229

removal power: (CWR 23) 339

Expenses of Convention (see Convention, appropriations for)

Farrington, Joseph R. (see Delegate to Congress from Hawaii)

Felony, construction of term as a disqualification for voting: 61:99-100

Filipinos, mass meeting on unemployed: (Misc. 34) 16:40, 376; (Misc. 71) 21:47, 381

Finance, public (see also Taxation)—

borrowing powers (see Debt limitation)

centralized purchasing provision deleted: (CWR 18) 330

Commissioner of: (SCR 51) 191-192

Constitutional provision for: (SCR 51 and CP 10) 49:76, 191-201; 50:79; 54:89; 56:91-92; 57:92-93; 58:94; 59:95; 60:97; (CWR 18) 70:113, 327-330; (SCR 122) 75:121-122, 275-277; (3d reading, 76:123

Hawaii Education Association proposal: (Misc. 32) 15:39, 376; (SCR 6) 16:41, 157

proposals on: (P. 7) 6:17; (P. 13) 6:18; (P. 76) 13:35; (P. 78) 13:35; (P. 81) 13:36; (P. 140) 31:55; (P. 141) 31:55; (Misc. 93) 35:60, 386; (SCR 44) 45:70, 179-181

purchasing methods, proposal on: (P. 78) 13:35; (SCR 44) 45:70, 180

Fines, proposal on: (P. 158) 32:56; (SCR 68) 49:78, 222, 224

Fire Department, Honolulu, safety check of Convention hall: (DC 7) 9:23, 364

Fish and game: (SCR 78) 231-235

Fishing rights and fisheries: (P. 91) 18:43; (SCR 78) 53:87, 231-235; (SCR 124) 76:123, 278-279; 77:129

Flag, Hawaiian, history of: (CWR 11) 317

Flag, Hawaiian, to be sent to state governors: 8:22

Flag of state: (R. 29) 15:39, 150; (SCR 54 and CP 13) 50:79, 207; 54:89; (SCR 55) 55:76, 207-208; 62:102; 63:102-103; 64:105; (CWR 11) 64:105-106, 317; 68:109; 69:111; (SCR 111) 70:114, 268; (CWR 14) 70:115, 320-321; (3d reading) 72:117

Flags of states—

display of: 19:45; 20:45; 24:50; 30:54; 32:57; 35:60; 44:70; 61:99; 63:102; 75:121

request for and disposition of: (R. 6) 2:8, 146; (R. 39) 36:61, 152; (SCR 133) 77:131, 284

responses from—

Alabama: (Misc. 49) 19:44, 378

Arkansas: (Misc. 15) 10:24, 372

California: (Misc. 10) 9:23, 371; (Misc. 77) 25:51, 383

Colorado: (Misc. 91) 35:59, 386

Connecticut: (Misc. 80) 30:54, 383

Delaware: (Misc. 35) 16:40, 376

Florida: (Misc. 67) 20:46, 381

Georgia: (Misc. 79) 30:54, 383

Idaho: (Misc. 6) 7:18, 370

Illinois: (Misc. 14) 10:24, 371

Iowa: (Misc. 61) 20:46, 380; (Misc. 62) 20:46, 380

Louisiana: (Misc. 41) 18:42, 377

Maine: (Misc. 37) 16:41, 377; (Misc. 66) 20:46, 381

Maryland: (Misc. 43) 18:42, 377; (Misc. 81) 30:54, 383

- Michigan: (Misc. 44) 18:42-43, 377; (Misc. 45) 18:43, 378  
 Minnesota: (Misc. 54) 19:44, 379; (Misc. 55) 19:44, 379  
 Missouri: (Misc. 17) 13:35, 372; (Misc. 21) 14:36, 373  
 Montana: (Misc. 33) 16:40, 376  
 Nevada: (Misc. 64) 20:46, 380; (Misc. 65) 20:46, 380  
 New Hampshire: (Misc. 42) 18:42, 377  
 New Mexico: (Misc. 20) 14:36, 372  
 New York: (Misc. 52) 19:44, 379  
 North Carolina: (Misc. 36) 16:40-41, 376  
 Oklahoma: (Misc. 11) 9:23, 371  
 Oregon: (Misc. 56) 19:44, 379  
 Pennsylvania: (Misc. 51) 19:44, 378  
 Puerto Rico: (Misc. 18) 13:35, 372  
 Tennessee: (Misc. 8) 8:21, 371  
 Utah: (Misc. 60) 20:46, 380; (Misc. 122) 78:132, 391  
 Virginia: (Misc. 38) 16:41, 377; (Misc. 50) 19:44, 378  
 Washington: (Misc. 63) 20:46, 380  
 West Virginia: (Misc. 48) 19:44, 378  
 Wisconsin: (Misc. 75) 23:49, 382; (Misc. 123) 78:132, 391  
 Wyoming: (Misc. 53) 19:44, 372
- Flower, official state: (R. 29) 15:39, 150; 54:89; (SCR 55) 55:76, 208; 62:102; 63:102-103; 64:104-105; 68:109; 69:111; 70:114-115; (CWR 14) 70:115, 320-321
- Fong, Delegate Hiram L., condolence on death of brother: (R. 14) 7:19, 147; (Misc. 47) 19:44, 378
- Foreigners, rights included in Bill of Rights, proposal on: (P. 42) 10:28; (SCR 34) 42:67, 172
- Forests (see also Conservation of natural resources): (SCR 78) 231-235
- Forfeitures, proposal on: (P. 158) 32:56; (SCR 68) 49:78, 222
- 4-H Club delegation, guests at Convention: 60:96; (Misc. 111) 69:110, 390
- Franklin, Benjamin, letter of, circulated: 77:131
- Future Farmers of America, statehood endorsement: (Misc. 30) 15:39, 375
- Goto, Baron, talk on 4-H club activities: 60:96
- Government, right to change, proposal on: (P. 43) 10:28; (SCR 34) 42:67, 172
- Governmental powers, proposal for distribution of: (P. 100) 23:49; (SCR 62) 49:77, 210-211
- Governor of Hawaii, Ingram M. Stainback—  
 appropriations for Convention: (R. 40) 36:61, 152; (R. 41) 41:66, 152; (GM 5) 63:103, 363  
 congratulations to Convention: (GM 6) 79:137, 363  
 opening address to Convention: (GM 1) 1:6, 361-362  
 "Statehood Day" as holiday requested: (R. 31) 16:41, 150; (SCR 59) 49:77, 210; 50-80; 51:84
- Governor of state (see also Executive)—  
 acting: (SCR 67) 216; (SCR 67-C) 219  
 administrative director (manager): (Scr 67-A) 218; (CWR 17) 325, 327  
 budget formulation and execution: (SCR 51) 191, 198  
 Constitutional provision for office of: (SCR 67 and CP 22) 49:78, 215-222; 50:81; 54:89; 57:93-94; 58:94; (CWR 17) 69:110-111, 323-327; (SCR 119) 74:120, 271-274; (CWR 23) 75:121, 338-339; 76:122-123, 126; (3d reading) 76:126  
 election, tie vote: (CWR 23) 338  
 impeachment: (SCR 92) 253; (SCR 130) 284; (CWR 17) 326; (CWR 24) 345-346  
 pardons before conviction: (CWR 23) 338  
 pardons, power to grant in cases of impeachment: 76:126  
 proposals on: (P. 21) 7:19; (P. 94) 20:46; (SCR 13) 22:48, 158; (P. 109) 25:51; (P. 143) 32:56; (P. 145) 32:56; (P. 169) 32:57; (SCR 67) 49:78, 215-222; (SCR 74) 51:83, 228-230
- term, first after statehood: (CWR 27) 357-359  
 vacancy when: (CWR 17) 323, 326  
 veto: (SCR 92) 252, 255
- Guests of Convention—  
 Azuma, Ryutaro, president, A.A.U. of Japan: 20:45  
 Cooper, Clifford, president, U.S. Junior Chamber of Commerce: 37:62  
 Hayes, Mrs. John E., president, National P.T.A.: 67:107  
 McDonnell, Major General Gerald M., medical advisor to Special weapons project: 36:60  
 McMorris, Admiral Charles H., Commandant, 14th Naval District: 7:19  
 Ninomiya, Tokuma, Ministry of Education, Japan: 23:49  
 Yamaguchi, Yoshiko, artist from Japan: 15:39  
 Yamamoto, Mrs. Miyeko, P.T.A., Japan: 23:49
- Guests of Convention, signatures preserved in official register: (R. 7) 3:12, 146
- Habeas corpus, reference under power of governor to suspend deleted: (CWR 17) 324
- Halau O Keliiahonui Hale O Na Alii O Hawaii, Hawaiian Homes Commission Act retention: (Misc 57) 19:44, 379
- Hawaii Education Association—  
 education committee formation urged: (Misc. 2) 1:7, 370  
 greetings to Convention: (Misc. 1) 1:7, 370  
 initiative and referendum, report on: (Misc. 25) 14:36, 373  
 taxation and finance proposals: (Misc. 32) 15:39, 376 (SCR 6) 16:41, 157
- Hawaii Housing Authority, language of housing provision: (Misc. 72) 22:48, 382
- Hawaii Residents' Association, anti-communist resolution presented: (Misc. 76) 23:49, 382
- Hawaii Residents' Association, appreciation for courtesies extended: (Misc. 101) 20:79, 388
- Hawaiian Civic Club for Women of Hawaii, Hilo, Hawaiian Homes Commission Act retention: (Misc. 70) 21:47, 381
- Hawaiian Civic Clubs on Oahu, Hawaiian Homes Commission Act hearings: (Misc. 31) 15:39, 376
- Hawaiian Homesteaders, Council of, invitation to luau: (Misc. 104) 56:91, 388
- Hawaiian Homesteaders, Council of, urging defeat of Resolution Nos. 19 and 21: (Misc. 23) 14:36, 373
- Hawaiian Homes Commission Act—  
 amendments by Congress requested: (R. 19) 9:23, 148; 10:29; (SCR 33) 47:73, 169-171; (CWR 3) 48:74, 299  
 consent of Congress for amendment: (Misc. 99) 46:72, 387; (SCR 126) 76:125, 280  
 Constitutional provision for: (SCR 33 and CP 6) 42:66, 376; 43:68; 47:73; (CWR 3) 48:74, 299; (SCR 76) 53:85, 230-231; (3d reading) 55:90  
 hearings, public: (Misc. 22) 14:36, 373; (Misc. 31) 15:39, 376  
 hearings on neighbor islands: (SCR 10) 19:44, 158; (SCR 12) 22:48, 158; 23:50  
 history and philosophy of: (SCR 33) 169-172  
 legality of, discussed: (CWR 5) 300  
 petitions to exclude from Constitution: (Pet. 4) 17:248; (SCR 10) 19:44, 158; (SCR 12) 22:48, 158; 23:50; (Pet. 8) 19:264; (Misc. 68) 20:46, 381; (Pet. 9) 19:265; (Pet. 10) 19:266; (Pet. 11) 19:267; (Pet. 12) 19:267; (Pet. 13) 19:268  
 petitions to include in Constitution: (Pet. 20) 32:55, 397; (Pet. 21) 33:57, 397; (Pet. 26) 42:66, 398; (SCR 126) 76:125, 280

## Hawaiian Homes Commission Act (continued) -

- proposals on: (P. 51) 11:29; (SCR 26) 38:63, 167;  
(P. 52) 11:29; (P. 156) 32:56 (SCR 33) 42:66,  
169-172; (SCR 70) 51:83, 225-226  
protest against testimony by Senator William J. Nobriga:  
21:47  
repeal of, requested: (R. 21) 11:30, 148; (SCR 33) 47:73,  
169-172; (CWR 3) 48:74, 299  
retention urged: (Misc. 19) 13:35, 372; (Misc. 23) 14:36,  
373; (Misc. 29) 15:39, 375; (Misc. 57) 19:44, 379;  
(Misc. 69) 21:47, 381; (Misc. 70) 21:47, 381;  
(Misc. 73) 22:48, 382; (Misc. 74) 22:48, 382, (Misc.  
78) 26:52, 383; (Misc. 84) 32:55, 384; (Misc. 86)  
32:55, 384; (Misc. 92) 35:59, 386; (Misc. 94) 38:63,  
386; 76:125; (Misc. 98) 46:72, 387; 76:125; (Misc.  
100) 48:73, 387; (Misc. 103) 53:85, 388; (SCR 126)  
76:125, 280  
Hayes, Mrs. John E., president, National P.T.A.: 67:107-108  
Health and public welfare, request for informal Committee  
of Whole discussion: (Misc. 59) 19:44-45, 380  
Health, public, Constitutional provisions for: (SCR 16 and  
CP 1) 31:54, 159-161; 32:55; 36:61' 37:62; 38:63;  
(CWR 2) 40:64-65, 296-299; 41:65; (SCR 45) 46:71,  
181-182; 47:73; 48:74; (3d reading) 51:82  
Health, public, proposals on: (P. 99) 22:49; (P. 122) 27:52;  
(P. 126) 29:53; (SCR 16) 31:54, 159-161; (SCR 78)  
53:87, 231-232  
Heen, William H., Jr., of Kawaiiloa Training School for  
Girls, appreciation for flowers: 78:133  
Heraldry, state: (R. 29) 15:39, 150; 54:89; (SCR 55) 55:  
76, 379; 62:102; 63:102-103; 64:105; 68:109; 69:111  
112; 70:114; (CWR 14) 70:115, 320  
Historic sites, Constitutional provision for: (SCR 16 and CP  
1) 31:54, 159-161; (CWR 2) 40:64-65, 296-299;  
(SCR 45) 46:71, 181-182  
Historical memorials and monuments, proposal on: (P. 90)  
18:43; (SCR 16) 31:54, 159-161  
Holiday, Statehood Day: (R. 31) 16:41, 150; (SCR 59) 49:77,  
210; 50:80; 51:84  
Honolulu Redevelopment Agency, language of housing  
provisions: (Misc. 83) 31:54, 384  
House of Representatives, U.S. (see under Congress, U.S.)  
Housing, Constitutional provisions suggested by Hawaii  
Housing Authority: (Misc. 72) 22:48, 382; (Misc. 83)  
31:54, 384; (DC 10) 50:79, 369  
Housing, public assistance in: (CWR 2) 40:64-65, 297-299;  
41:65  
  
Impeachment -  
Governor and public officers: (SCR 92) 253; (SCR 130)  
284; (CWR 24) 345-346  
judges: (SCR 37) 174-175  
pardons after: 76:126  
proposal on: (P. 142) 32:56; (SCR 95) 61:101, 259  
I.M.U.A. (see Hawaii Residents' Association)  
Industry and labor, Constitutional provision for: (SCR 79  
and CP 28) 53:87, 235-242; 54:88-89; 60:96; 64:105;  
66:106-107; (CWR 12) 67:107, 318-319; (SCR 110)  
69:112, 268; (3d reading) 71:117  
Institutions, Department of, gifts to delegates: (DC 1)  
3:12, 363  
Initiative, favor of: (Misc. 24) 14:36, 373; (Misc. 25)  
14:36, 373; (SCR 49) 48:75, 189-190; 49:75; 53:86-87;  
(CWR 9) 61:100, 313  
Initiative, opposition to: (SCR 47) 48:74, 182-185; 49:75;  
53:86; (CWR 9) 61:100, 315  
Initiative and referendum, proposals on: (P. 113) 25:51;  
(P. 148) 32:56; (SCR 47) 48:74, 182-186

- Intergovernmental relations, Constitutional provision for:  
(SCR 58 and CP 17) 49:76, 209-210; 50:80; 62:102;  
63:102-103; 64:105; (CWR 15) 68:109, 321; (SCR 111)  
70:114, 269; (3d reading) 72:117  
Intergovernmental relations, proposals on: (P. 101) 24:50;  
(P. 130) 29:53; (SCR 58) 49:76, 209-210  
Interior, U.S. Department of, acknowledging receipt of  
Resolution No. 46: (Misc. 127) 78:132, 392  
Interior, U.S. Secretary of, Oscar L. Chapman, communica-  
tions: 362; (Misc. 129) 79:137, 393  
International Association of Machinists, Hawaiian Homes  
Commission Act retention: (Misc. 103) 53:85, 388;  
(SCR 126) 76:125, 280  
International Longshoremen's and Warehousemen's Union,  
presenting draft of Constitution: (Pet. 22) 33:57, 397;  
(SCR 19) 35:60, 162; (Misc. 97) 46:71, 387  
International Longshoremen's and Warehousemen's Union,  
stand on Delegate Frank G. Silva: (Misc. 9) 8:21, 371;  
(Misc. 46) 18:43, 378  
  
Joint Tax Study Committee, debt limitation provisions:  
(Misc. 106) 56:92, 389  
Joint Tax Study Committee, tax proposals: (Misc. 82) 31:54,  
383-384; 45:70  
Journal of Convention, publication costs to be borne by  
subsequent legislation: (SCR 3) 14:37, 156  
Judges (see also Judiciary) -  
advisory opinions: (SCR 37) 175  
appointive rather than elective: (SCR 37) 174  
appointment, tenure and removal: (SCR 37) 174  
compensation and retirement: (SCR 37) 174  
proposals on: (P. 26) 8:21; (P. 68) 12:34; (P. 92) 19:45;  
(SCR 37) 43:69, 173-176  
recall, proposal on: (P. 9) 6:17; (SCR 37) 43:69, 175  
Judicial Council, proposal on: (P. 146) 32:56; (P. 185)  
33:58; (SCR 37) 43:69, 175; (CWR 8) 311  
Judiciary, Constitutional provision for: (SCR 37 and CP 7)  
43:69, 173-176; 44-69; 48:74; 49:78; 51:82;  
(CWR 8) 60:98, 307-312; 61:99; (SCR 100) 64:104,  
260-262; (3d reading) 69:111; 77:130  
Judiciary, proposals on: (P. 3) 5:16; (P. 14) 7:19; (P. 160)  
32:56; (P. 184) 33:58; (SCR 37) 43:69, 173-176; (SCR  
98) 64:104, 259  
Jury trial: 61:99; (SCR 24) 167; (CWR 5) 301-302  
Jury, women on: (P. 17) 7:19; (SCR 11) 20:46, 158; (SCR 34)  
42:67, 117; (SCR 37) 43:69, 175; (SCR 128) 77:128, 280  
  
Kageyama, Delegate Richard M., recognition for exposure of  
communism: (R. 11) 5:17, 147  
Kageyama, Delegate Richard M., resignation of: (Misc. 4)  
5:16, 370; (GM 2) 7:18, 362  
Kalaniana'ole Homesteaders Association, Hawaiian Homes  
Commission Act retention: (Misc. 74) 22:47, 382  
Kamehameha I, law of the splintered paddle: (CWR 19) 332  
Kamehameha IV, views on general welfare: (SCR 16) 160  
Kamehameha Lions Club, liberal public lands policy  
advocated: (Misc. 105) 56:92, 388  
Kawakami, Delegate H. S., condolence on death of daughter:  
(R. 9) 4:13, 147; (Misc. 12) 9:23, 371  
Kona Lions Club, Lanai as separate county: (Misc. 90) 35:59,  
385-386  
Korea, U.S. military action in, endorsed: (R. 46) 69:111, 153  
  
Labor, proposals on: (P. 29) 8:21; (SCR 79) 53:87, 235-241;  
(P. 182) 33:58; (SCR 34) 42:67, 172-173  
Labor, right to organize and bargain collectively,  
Constitutional provision for: (SCR 79 and CP 28)  
53:88, 235-241; 54:89; (SCR 81) 54:89, 241-242; 55:89;

- 60:96-97; 64:105; 66:106-107; (CWR 12) 66:107, 318-319; (SCR 110) 69:112, 268; (3d reading) 71:117
- Lanai, county government proposed: (Pet. 1) 16:40, 393; (Pet. 2) 16:40, 393; (Pet. 3) 16:40, 393; (Pet. 5) 19:43, 394; (Pet. 6) 19:43, 394; (Pet. 7) 19:43, 394; (Pet. 14) 25:51, 395; (Pet. 15) 25:51, 395; (Pet. 16) 25:51, 396; (Pet. 17) 25:51, 396; (Pet. 18) 25:51, 396; (Pet. 19) 28:53, 396; (Pet. 23) 39:64, 397; (Pet. 24) 39:64, 397; (Pet. 25) 39:64, 398; (R. 22) 11:30, 149; (R. 37) 29:53, 151; (Misc. 27) 15:39, 374-375; (Misc. 90) 35:59, 385; (Misc. 95) 39:64, 386-387; (SCR 74) 51:83, 228-230
- Lanai Residents' Committee for Self-Government: (Misc. 27) 15:39, 374-375; 51:83
- Lanai Residents' Committee for Self-Government, House representation: (Misc. 114) 69:110, 112, 390; 70:114; 71:117; 72:117; 76:124, 126
- Lands—
- Constitutional limitations on ownership, proposal on: (P. 18) 7:19; (SCR 78) 53:87, 231-232
- eminent domain for subdivision purposes: (SCR 85) 56:92, 243
- federal: (R. 33) 20:46, 151; 21:47; (SCR 70) 226; (SCR 78) 231-235; (SCR 124) 76:123, 278-279; (CWR 22) 336-337; (R. 55) 79:137, 155
- laws, Attorney General's comments on: (DC 11) 66:107, 369; (SCR 129) 77:128, 280
- laws, continuation of: (SCR 25 and CP 5) 38:63, 167; (SCR 68 and CP 23) 49:78, 223-224; (SCR 135) 78:133, 286-289
- proposals on: (P. 41) 10:28; (P. 54) 12:31; (P. 67) 12:34; (P. 103) 24:50; (P. 116) 26:52; (P. 127) 29:53; (P. 168) 32:57; (SCR 78) 53:87, 231-235
- public—
- agricultural purposes: (Misc. 98) 46:72, 387; (SCR 126) 76:125, 280
- Constitutional provisions for: (SCR 78 and CP 27) 53:87, 231-235; 58:94; (CWR 22) 73:118-119, 335-337; (SCR 124) 76:123, 278-279; 77:128; (3d reading) 77:129
- farm and home ownership: (SCR 78) 77:128-129, 233-234
- liberal policy advocated: (Misc. 105) 56:92, 388
- public purposes, interpretation of: 77:128-129
- request to Congress to return to state: (R. 33) 20:46, 151; 21:47; (SCR 78) 53:87, 232
- Special committee to confer with Congress on statehood bill provisions: (R. 55) 79:137, 155
- residential, proposal on: (P. 168) 32:57; (SCR 78) 32:57; (SCR 78) 53:87, 232
- transition provisions: (SCR 68) 222-224; (SCR 78) 231-235; (CWR 25) 77:127, 350-354; (CWR 26) 354-357; (SCR 135) 286-294
- Laws—
- continuity of: (SCR 68 and CP 23) 49:78, 222-224; 50:81; 54:89; 68:109; 73:120; 74:120; 75:121, 122; 77:127; (CWR 25) 77:127, 350-354; (SCR 135) 78:133, 134, 286-289; (3d reading) 78:134
- equal protection of, proposal on: (P. 194) 33:59; (SCR 34) 42:67, 172-173
- existing, proposal on: (P. 24) 8:21; (P. 135) 31:55; (SCR 68) 49:78, 222-224
- Revised Laws of Hawaii, copies furnished Convention: (DC 6) 7:18, 364
- Legislation—
- appropriation bills: (CWR 18) 327-328, 331
- bills, discharge from committee: (CWR 24) 348
- bills, form and procedure: (SCR 92) 253-255; (SCR 130) 281, 283
- veto: (SCR 92) 253, 255; (SCR 130) 281, 283
- veto, reconsideration of by legislature after adjournment: (CWR 24) 344-345; (CWR 28) 359
- Legislative committees, proposal on: (P. 16) 7:19; (SCR 95) 61:101, 258
- Legislative council: (SCR 92) 253; (P. 128) 29:53; (SCR 95) 61:101, 259. (CWR 24) 346
- Legislative Reference Bureau, services of: (R. 13) 6:18, 147; (R. 50) 76:127, 154
- Legislature—
- apportionment, proposals on: (P. 137) 31:55; (P. 151) 32:56; (SCR 95) 61:101, 258
- bills (see Legislation)
- budget procedure, proposal on: (P. 74) 13:35; (SCR 44) 45:70, 180
- Constitutional provision for: (SCR 92 and CP 29) 60:98, 249-257; 61:100; 64:104-105; 65:106; 66:107; 67:108; 70:114; 71:117; 72:117; 76:124; (CWR 24) 76:124-126, 339-346; (CWR 28) 77:128, 359; (SCR 130) 77:130, 280-284; (3d reading) 77:131
- employees under merit system: (CWR 24) 343
- House of Representatives—
- districts: (CWR 24) 340-341; (SCR 134) 78:133, 284-286
- members, disqualification: (CWR 24) 347
- number: (SCR 92) 249-251; (SCR 102) 64:105, 262-263; 65:106; 66:107; 67:108; 69:112; 70:114; 71:117; 72:117-118; 76:124, 126
- representation: (Misc. 112) 69:110, 390; (Misc. 113) 69:110, 390; (Misc. 114) 69:110, 390; 69:112; 70:114; 71:117; 72:117; 76:124, 126
- impeachment proceedings: (CWR 24) 345-346; (SCR 130) 284
- Legislative council (see Legislative council)
- members—
- disqualifications: (SCR 92) 252
- immunity: (CWR 24) 342
- influencing of, proposal on: (P. 36) 9:23; (SCR 95) 61:101, 258
- privileges, proposal on: (P. 190) 33:58; (SCR 95) 61:101, 259
- salaries and allowances: (SCR 92) 252; (CWR 24) 343; (SCR 134) 285
- terms to first state legislature: (CWR 27) 358-359
- vacancies: (SCR 92) 251
- organization: (SCR 92) 252; (SCR 130) 283
- powers, delegation of, proposal on: (P. 98) 22:49; (SCR 95) 61:101, 258
- powers and functions, proposals on: (P. 31) 8:21; (P. 69) 13:35; (P. 87) 16:41; (P. 95) 20:46; (P. 102) 24:50; (P. 144) 32:56; (P. 175) 33:58; (P. 189) 33:58; (SCR 83) 55:90, 242; (SCR 85) 56:92, 243; (SCR 95) 61:101, 259
- punishment of non-members: (CWR 24) 345
- reapportionment: (SCR 92) 249-251; (SCR 130) 280-281
- record of proceedings, proposal on: (P. 49) 11:29; (SCR 31) 41:65, 168-169; (SCR 95) 61:101, 258
- representation in, proposals on: (P. 8) 6:17; (P. 35) 9:23; (P. 59) 12:31; (SCR 95) 61:101, 258
- Senate—
- districts: (CWR 24) 339-340
- number: (SCR 92) 60:98, 249-250; (SCR 99) 64:104-105, 260; 65:106; 66:107; 67:108; 69:112; 70:114; 71:117; 72:117; 76:124; 76:126
- reapportionment: (SCR 48) 187-188

- Legislature (continued) —  
 sessions: (SCR 92) 252; (P. 48) 11:29; (P.112) 25:51;  
 (P. 133) 31:55; (SCR 95) 61:101, 258; (SCR 130)  
 281  
 size of, defended: (Misc. 128) 78:135, 392  
 special session after statehood admission: (CWR 27)  
 258-259
- Legislature, Territory, requirement of submission of Con-  
 stitution to legislature to be eliminated: (R. 17) 9:23,  
 148; (R. 18) 9:23, 148; (SCR 22) 37:62, 166
- Lehleitner, George H., invitation to be guest of Convention:  
 (R. 8) 3:12, 147; 78:136
- Liberty bell, presentation and ceremony: 68:108
- Lieutenant governor —  
 Constitutional provision for: (SCR 67 and CP 22) 49:77,  
 216-217; 50:81; 54:89; 57:93; 58:94; (CWR 17)  
 69:110-111, 323; (SCR 119) 74:120; (CWR 23)  
 75:121; 76:122, 126; (3d reading) 76:126  
 election, tie vote: (CWR 23) 338  
 impeachment: (SCR 130) 77:130, 281; (CWR 24) 346  
 proposal on: (P. 20) 7:19; (SCR 67) 49:78, 218  
 term, first after statehood: (CWR 27) 358
- Local government (see also County government) —  
 Constitutional provision for: (SCR 74 and CP 26) 51:83,  
 228-230; 54:89; 60:97; 61:101; 62:101; 71:116;  
 (CWR 21) 71:116, 333-335; (SCR 113) 72:118,  
 269-270; (3d reading) 73:119  
 home rule: (P. 167) 32:57; (SCR 74) 51:83, 228-229;  
 (SCR 84) 55:90, 242-243; 56:92; 60:97; (SCR  
 91) 60:97, 246-249; 61:101; 62:101; 71:116;  
 (CWR 21) 71:116, 333-335; (SCR 113) 72:118,  
 269-270; (3d reading) 73:119  
 political subdivisions defined: (SCR 74) 229  
 proposals on: (P. 111) 25:51; (P. 115) 26:52; (P. 153)  
 32:56; (P. 167) 32:57; (P. 186) 33:58; (P. 187) 33:  
 58; (P. 188) 33:58; (SCR 74) 51:83, 228  
 taxation: (SCR 74) 229-230
- Local Government Committee, progress report: (SCR 27) 38:  
 63, 167-168
- Long, Oren E. (see Secretary of Hawaii)
- Loyalty, public officers and employees: (SCR 70) 225
- Loyalty oaths administered to delegates: 1:3
- Marriage, no discrimination because of race, nationality,  
 creed or religion: (SCR 20) 165; (CWR 5) 305;  
 (CWR 6) 306
- Marriage rights, proposal on: (P. 47) 11:29; (SCR 34)  
 42:67, 172
- Martial law, reference under power of governor deleted:  
 (CWR 17) 324
- Maui County, Chairman invited to testify on county status  
 for Lanai: (R. 37) 29:53, 151; (SCR 74) 51:83, 228
- Mauna Loa eruption, governmental aid for victims: (R. 42)  
 51:82, 152; (SCR 132) 77:131, 284
- McDonnell, Major General Gerald M., talk on atom bomb  
 effects: 36:60
- McMorris, Admiral Charles H., Commandant, 14th Naval  
 District: 7:19-20
- Members of Convention (see Delegates)
- Military service, non-discrimination: (SCR 24) 166-167
- Mineral resources (see Natural resources)
- Minimum wages, women and minors, proposal on: (P. 38)  
 9:23; (SCR 29) 39:64, 168
- Molokai Community Association, Hawaiian Homes Com-  
 mission Act retention: (Misc. 74) 22:48, 382
- Molokai District Committee, Republican Party House  
 representation: (Misc. 112) 69:110, 390; 69:112;  
 70:114; 71:117; 72:117; 76:124; 76:126
- Motto, official state: (R. 29) 15:39, 150; (SCR 55) 49:76,  
 208; 54:89; 56:92; 62:102; 63:102-103; 64:105; 68:  
 109; 69:111-112; 70:114-115; (CWR 14) 70:115, 320
- Nanaikapono Hawaiian Civic Club, Hawaiian Homes Com-  
 mission Act retention: (Misc. 69) 21:47, 381
- Nanaikapono Homesteaders, Hawaiian Homes Commission  
 Act retention: (Misc. 73) 22:48, 382
- National Boys' and Girls' Week, endorsement of: (R. 32)  
 17:42, 150; (SCR 8) 18:43, 158
- National Guard, Hawaii, assistance rendered appreciated:  
 (R. 51) 78:135, 154
- Natural resources —  
 conservation of, Constitutional provision for: (SCR 78 and  
 CP 27) 53:87, 231-235; 58:94; 59:95-96; 70:114;  
 (CWR 22) 73:119, 335-338; (SCR 124) 76:123, 278-  
 279; 77:128; (3d reading) 77:129  
 control over committed to boards or commissions:  
 (CWR 22) 335  
 proposals on: (P. 108) 25:51; (P. 134) 31:55; (SCR 78)  
 53:87, 232
- Naturalization, bill in Congress endorsed: (R. 38) 36:60,  
 151
- Newspaper coverage of Convention commended: (R. 48) 76:  
 126, 154
- Ninomiya, Tokuma, Ministry of Education, Japan: 23:49
- Oahu Youth Council, appreciation for Resolution No. 32:  
 (Misc. 102) 53:85, 388
- Oath of office, public officers and employees: (SCR 63 and  
 CP 19) 49:77, 211; 50:80; 54:89; 62:102; 63:102-103;  
 64:105; 68:109; (CWR 16) 68:110, 322; (SCR 111)  
 70:114, 268-269; (3d reading) 72:117
- Officers and employees of Convention —  
 appointment and compensation of employees: 4:14-15;  
 11:30  
 Chairman, temporary: 1:2  
 Chaplain, election: 1:6  
 Clerk, assistant, election: 1:6  
 Clerk, chief, election: 1:6  
 Clerk, temporary: 1:2  
 commendation of employees: (R. 52) 78:135, 155  
 President of Convention, election: 1:4  
 Presiding officer in absence of President and Vice-  
 presidents: (R. 30) 16:41, 150  
 Secretary, acting, appointed: 16:41  
 Secretary, election: 1:6  
 Secretary, ex-officio member of committees: (R. 10)  
 4:14, 147  
 Secretary to succeed as presiding officer: (R. 30)  
 16:41, 150  
 Sergeant-at-arms, election: 1:6  
 Vice-president, acting: (R. 30) 16:41, 150  
 Vice-presidents, election: 1:5-6
- Onealii Community Association, Hawaiian Homes Commission  
 Act retention: (Misc. 74) 22:48, 382
- Ordinances, proposal on: (P. 155) 32:56; (SCR 70) 51:83,  
 225
- Ordinances on transition (see Transition and Schedule)
- Parks, Hawaii National Park: (CWR 26) 356
- Parks and playgrounds, Constitutional provisions for: (SCR  
 16 and CP 1) 31:54, 161; 32:55-56; 36:61; 37:62;  
 38:63; 39:64; (CWR 2) 40:65, 298; 41:65-66; (SCR  
 45) 46:71, 182; 47:73; 48:74; (3d reading) 51:82
- Parliamentary rules, purchase of manuals on: (R. 12) 5:17,  
 147; (R. 26) 13:36, 149; (SCR 5) 14:37, 157
- Penalties, proposal on: (P. 158) 32:56; (SCR 68) 49:78, 222

- Phillips, John R., appointed delegate: (GM 2) 7:18, 362
- Photograph, official, of Convention delegates: (R. 24) 11:30, 149; 36:60; 38:63; 42:66
- Postage stamp, special statehood stamp proposed: (R. 44) 63:103, 153; (SCR 114) 73:118, 270
- Powers, separation of: (P. 100) 23:49; (SCR 62 and CP 18) 49:77, 211; 50:80; 64:89; 56:92; 62:102; 63:102-103; 64:105-106; 68:109-110; 69:111-112; (CWR 20) 69:112, 332
- Preamble, Constitutional provision for: (SCR 64 and CP 20) 49:77, 211-214; 50:80; 54:89; 56:92; 62:102; 63:102-103; 64:105-106; 68:109-110; (CWR 19) 69:112, 332; (SCR 123) 75:122, 277-278; (3d reading) 76:123
- Preamble, proposals on: (P. 11) 6:17; (P. 39) 9:23; (P. 61) 12:31; (P. 132) 31:54; (P. 166) 32:57; (P. 171) 32:57; (P. 172) 32:57; (P. 173) 32:57; (SCR 64) 49:77, 213-214
- President of Convention (see under Officers and employees)
- President, U.S., Harry S. Truman—
- appreciation for statehood support: (R. 4) 1:7, 146; (Misc. 13) 10:24, 271
  - endorsement of bill on naturalization: (R. 38) 36:60, 151; (Misc. 118) 78:132, 391
  - endorsement of military aid to Republic of Korea: (R. 46) 69:111, 153; (Misc. 126) 78:132, 392
- Press coverage of Convention recommended: (SCR 2) 11:31, 156
- Press releases, weekly summaries to be prepared: (SCR 2) 11:31, 156
- Printing Committee reports: (SCR 17) 32:55, 161; (SCR 21) 37:62, 166; (SCR 28) 39:64, 168; (SCR 35) 43:68, 173; (SCR 38) 44:69, 176; (SCR 40) 45:70, 178; (SCR 46) 47:73, 182; (SCR 69) 50:79, 224-225; (SCR 75) 52:84, 230; (SCR 77) 53:85, 231; (SCR 80) 54:88, 241; (SCR 82) 55:89, 242; (SCR 86) 56:92, 243; (SCR 87) 57:93, 243; (SCR 90) 60:96, 246; (SCR 93) 61:100, 257; (SCR 94) 61:101, 257; (SCR 97) 64:104, 259; (SCR 101) 64:105, 262; (SCR 103) 64:105, 263; (SCR 105) 66:107, 265; (SCR 107) 69:111, 266; (SCR 108) 69:111, 266; (SCR 112) 70:115, 269; (SCR 116) 73:118, 271; (SCR 117) 73:118, 271; (SCR 118) 73:119, 271; (SCR 120) 74:120, 274; (SCR 121) 75:121, 275; (SCR 127) 76:125, 280; (SCR 136) 78:135, 290
- Printing of Constitution, union label to be affixed: (Misc. 117) 77:130, 391; (SCR 139) 79:143, 295
- Prison, Oahu, gifts to delegates: (DC 1) 3:12, 363
- Privileges and immunities, special, proposal on: (P. 45) 10:29; (SCR 34) 42:67, 172
- Proposals, deadline for introduction: (R. 34) 23:50, 151; 25:51; (SCR 14) 26:52, 159; 32:57
- Proposals—
- Digest of, 399
  - Introduction and action taken—
    1. Education: 4:16; (SCR 52) 205
    2. Education: 5:16; (SCR 52) 205
    3. Supreme court: 5:16; (SCR 37) 175
    4. Bill of Rights: 5:17; (SCR 34) 172; (SCR 79) 235
    5. Rights and privileges: 5:17; (SCR 34) 172
    6. Government office or employment: 6:17; (SCR 67) 77; (SCR 115) 270
    7. Taxation and finance: 6:17; (SCR 44) 179
    8. Representation in the legislature: 6:17; (SCR 95) 258
    9. Recall of judges: 6:17; (SCR 37) 175
    10. Education: 6:17; (SCR 52) 205
    11. Preamble: 6:17; (SCR 64) 213
    12. Rights and privileges: 6:18; (SCR 34) 172
    13. Finance and taxation: 6:18; (SCR 44) 179
    14. Judiciary: 7:19; (SCR 37) 175; (SCR 98) 259
    15. Circuit courts and inferior courts: 7:19; (SCR 37) 176
    16. Legislative committees: 7:19; (SCR 95) 258
    17. Women on juries: 7:19; (SCR 11) 158; (SCR 34) 172; (SCR 37) 175; (SCR 128) 280
    18. Constitutional limitations on land ownership: 7:19; (SCR 78) 231
    19. Conservation of natural beauty, historical monuments, etc.: 7:19; (SCR 16) 159
    20. Lieutenant governor: 7:19; (SCR 67) 218
    21. Governor: 7:19; (SCR 67) 218
    22. Department heads: 8:21; (SCR 67) 218; (SCR 125) 279
    23. Board of censors: 8:21; (SCR 95) 258
    24. Existing laws: 8:21; (SCR 68) 222
    25. Rights and privileges: 8:21; (SCR 34) 172; (SCR 79) 237
    26. Judges: 8:21; (SCR 37) 176
    27. Provisions of the Constitution: 8:21; (SCR 68) 223
    28. Equal rights: 8:21; (SCR 9) 158; (SCR 34) 172; (SCR 65) 214
    29. Labor: 8:21; (SCR 79) 237
    30. Compensation of public officers: 8:21; (SCR 67) 218; (SCR 125) 279
    31. Legislative powers and functions: 8:21; (SCR 95) 258
    32. School buildings, etc.: 8:22; (SCR 52) 205
    33. Suffrage and elections: 8:22; (SCR 39) 176
    34. Constitutional conventions: 9:23; (SCR 48) 186
    35. Representation in the legislature: 9:23; (SCR 95) 258
    36. Legislators, influencing of: 9:23; (SCR 95) 258
    37. Public Works, hours of work: 9:23; (SCR 29) 168
    38. Minimum wage laws for women and minors: 9:23; (SCR 29) 168
    39. Preamble: 9:23; (SCR 64) 213
    40. Qualifications for voting: 10:28; (SCR 39) 176
    41. Land: 10:28; (SCR 78) 231
    42. Rights of foreigners in Bill of Rights: 10:28; (SCR 34) 172
    43. Right to change the government: 10:28; (SCR 34) 172
    44. Bill of Rights: 10:28; (SCR 34) 172
    45. Special privileges and immunities: 10:29; (SCR 34) 172
    46. Qualifications for domestic stockholders: 10:29; (SCR 29) 168
    47. Right to marry: 11:29; (SCR 34) 172
    48. Length of legislative session: 11:29; (SCR 95) 258
    49. Record of Convention and legislative proceedings: 11:29; (SCR 31) 168; (SCR 95) 258
    50. Popular sovereignty: 11:29; (SCR 34) 172
    51. Hawaiian Homes Commission Act: 11:29; (SCR 26) 167; (SCR 70) 225
    52. Hawaiian Homes Commission Act: 11:29; (SCR 33) 169
    53. Area of state: 11:29; (SCR 18) 161; (SCR 78) 231; (SCR 106) 265
    54. Public lands: 12:31; (SCR 78) 231
    55. State flag: 12:31; (SCR 54) 207
    56. State seal: 12:31; (SCR 55) 207
    57. Education: 12:31; (SCR 52) 205
    58. Advisory opinions of the Supreme court: 12:31; (SCR 37) 175
    59. Representation in the legislature: 12:31; (SCR 95) 258
    60. Slum clearance: 12:31; (SCR 16) 159
    61. Preamble: 12:31; (SCR 64) 213
    62. Bill of Rights: 12:32; (SCR 34) 172
    63. Bill of Rights: 12:32; (SCR 34) 172
    64. Education: 12:32; (SCR 52) 205
    65. State capital: 12:32; (SCR 53) 206

## Proposals (continued) -

## Introduction and action taken (continued) -

66. Education: 12:34; (SCR 52) 205
67. Public lands and other property: 12:34; (SCR 78) 231
68. Selection of judges: 12:34; (SCR 37) 175
69. Legislative powers and functions: 13:35; (SCR 83) 242; (SCR 85) 243; (SCR 95) 258
70. Bribery as disqualification for office holding: 13:35; (SCR 32) 169; (SCR 39) 176; (SCR 95) 258
71. Bill of Rights: 13:35; (SCR 34) 172
72. Civil service employment: 13:35; (SCR 57) 209
73. Appropriations for private purposes prohibited: 13:35; (SCR 44) 180
74. Legislative budget procedure: 13:35; (SCR 44) 180
75. Budget: 13:35; (SCR 44) 180
76. Borrowing powers: 13:35; (SCR 44) 180
77. Excess condemnation: 13:35; (SCR 44) 180
78. Purchasing methods: 13:35; (SCR 44) 180
79. Post auditing: 13:35; (SCR 44) 180
80. Powers of taxation: 13:35; (SCR 44) 180
81. Expenditure of money: 13:36; (SCR 44) 180
82. Persons excluded from the right of suffrage: 13:36; (SCR 39) 176
83. Bill of Rights: 14:37; (SCR 34) 172
84. Suffrage and elections: 14:37; (SCR 39) 176
85. State song: 15:39; (SCR 60) 210
86. Bill of Rights: 15:39; (SCR 34) 172
87. Legislative matters: 16:41; (SCR 95) 258
88. Constitution, Preamble and 10 articles: 17:42; (SCR 34) 172; (SCR 37) 176; (SCR 39) 176; (SCR 44) 180; (SCR 48) 188; (SCR 52) 205; (SCR 64) 211; (SCR 67) 218; (SCR 74) 228; (SCR 95) 258
89. Bill of Rights: 18:43; (SCR 34) 172
90. Historical memorials and monuments: 18:43; (SCR 16) 159
91. Fishing rights: 18:43; (SCR 78) 232
92. Qualifications of judges: 19:45; (SCR 37) 176
93. Bill of Rights: 19:45; (SCR 34) 172
94. Executive powers and functions: 20:46; (SCR 13) 158; (SCR 67) 218; (SCR 74) 228
95. Legislative powers and functions: 20:46; (SCR 95) 258
96. Rights of aliens: 21:47; (SCR 34) 173
97. Bill of Rights: 21:47; (SCR 34) 173; (SCR 79) 235-236
98. Delegation of legislative powers: 22:49; (SCR 95) 258
99. Health and public welfare: 22:49; (SCR 16) 159; (SCR 78) 232
100. Distribution of governmental powers: 23:49; (SCR 62) 210
101. Intergovernmental relations: 24:50; (SCR 58) 209
102. Legislature: 24:50; (SCR 95) 258
103. Agriculture, conservation and land: 24:50; (SCR 78) 232
104. Reconvening of constitutional conventions: 24:50; (SCR 48) 186
105. Bill of Rights: 24:50; (SCR 34) 173
106. Bill of Rights: 24:50; (SCR 34) 173
107. Water: 24:50; (SCR 78) 232
108. Agriculture, natural resources and conservation: 25:51; (SCR 78) 232
109. Executive powers and functions: 25:51; (SCR 67) 218
110. Education: 25:51; (SCR 52) 205
111. Counties: 25:51; (SCR 74) 228
112. Legislative sessions: 25:51; (SCR 95) 258
113. Initiative and referendum: 25:51; (SCR 47) 182
114. Economic development: 26:52; (SCR 78) 232
115. Counties: 26:52; (SCR 74) 228
116. Lands: 26:52; (SCR 78) 232
117. Education: 26:52; (SCR 52) 205
118. Education: 26:52; (SCR 52) 205
119. Constitutional amendment: 26:52; (SCR 48) 186, 187, 188
120. Education: 26:52; (SCR 52) 205
121. Water rights: 27:52; (SCR 78) 232
122. Health, safety and general welfare: 27:52; (SCR 16) 159
123. Civil service: 29:53; (SCR 57) 209
124. Circuit courts: 29:53; (SCR 37) 176
125. Boundaries of state: 29:53; (SCR 56) 208
126. Public health: 29:53; (SCR 16) 159
127. Public lands: 29:53; (SCR 78) 232
128. Legislative council: 29:53; (SCR 95) 259
129. Retirement system: 29:53; (SCR 44) 180
130. Intergovernmental relations: 29:53; (SCR 58) 209
131. Agricultural education: 29:53; (SCR 52) 205
132. Preamble: 31:54; (SCR 64) 213
133. Legislative sessions: 31:55; (SCR 95) 258
134. Department of agriculture and natural resources: 31:55; (SCR 78) 232
135. Existing laws: 31:55; (SCR 68) 222
136. Effective date of Constitution: 31:55; (SCR 68) 223
137. Apportionment of the legislature: 31:55; (SCR 95) 258
138. Bill of Rights: 31:55; (SCR 34) 173
139. Bill of Rights: 31:55; (SCR 34) 172
140. Public finance and taxation: 31:55; (SCR 44) 180
141. Public finance and taxation: 31:55; (SCR 44) 181
142. Impeachment: 32:56; (SCR 95) 259
143. Executive power: 32:56; (SCR 67) 218
144. Legislature: 32:56; (SCR 95) 259
145. Executive clemency: 32:56; (SCR 67) 218
146. Judicial council: 32:56; (SCR 37) 175
147. Political activities of public employees: 32:56; (SCR 95) 259
148. Initiative and referendum: 32:56; (SCR 47) 182
149. Education: 32:56; (SCR 52) 205
150. Corporations, banks, utilities: 32:56; (SCR 95) 259
151. Legislative apportionment: 32:56; (SCR 95) 258
152. Public utilities commission: 32:56; (SCR 95) 259
153. Local government: 32:56; (SCR 74) 228
154. Property of the United States: 32:56; (SCR 70) 225
155. Certain ordinances: 32:56; (SCR 70) 225
156. Ordinance on Hawaiian Homes Commission Act: 32:56; (SCR 70) 225; (SCR 33) 169
157. Constitution of the United States: 32:56; (SCR 68) 222
158. Debts, fines, penalties and forfeitures: 32:56; (SCR 68) 222
159. Bill of Rights: 32:56; (SCR 34) 172
160. Judiciary: 32:56; (SCR 37) 176
161. Bill of Rights: 32:56; (SCR 34) 173
162. Bill of Rights: 32:57; (SCR 34) 173
163. Education: 32:57; (SCR 52) 205
164. Education: 32:57; (SCR 52) 205
165. Education: 32:57; (SCR 52) 205
166. Preamble: 32:57; (SCR 64) 212-213
167. Home rule: 32:57; (SCR 74) 228
168. Residential lands: 32:57; (SCR 78) 232
169. Executive: 32:57; (SCR 67) 218
170. Constitutional amendment: 32:57; (SCR 48) 186, 188



171. Preamble: 32:57; (SCR 64) 212, 214  
 172. Preamble: 32:57; (SCR 64) 212, 214  
 173. Preamble: 32:57; (SCR 64) 212, 214  
 174. Civil service: 33:58; (SCR 66) 215  
 175. Legislative powers and functions: 33:58; (SCR 83) 242; (SCR 85) 243; (SCR 95) 259  
 176. Power of appointment to fill vacancies: 33:58; (SCR 67) 218  
 177. Pending civil and criminal actions: 33:58; (SCR 68) 223  
 178. Continuity of officers: 33:58; (SCR 68) 223  
 179. Continuance of recognizances and bonds: 33:58; (SCR 68) 223  
 180. Civil causes of action and criminal offenses: 33:58; (SCR 68) 223  
 181. State property: 33:58; (SCR 68) 222  
 182. Right of persons to organize: 33:58; (SCR 34) 173  
 183. Existing rights, actions and process: 33:58; (SCR 68) 222  
 184. Establishment of the judiciary: 33:58; (SCR 37) 174, 175  
 185. Judicial council: 33:58; (SCR 37) 175  
 186. Counties: 33:58; (SCR 74) 228  
 187. Local government: 33:58; (SCR 74) 228  
 188. Counties: 33:58; (SCR 74) 228  
 189. Legislative powers: 33:58; (SCR 95) 259  
 190. Privilege of members: 33:58; (SCR 95) 259  
 191. Full employment: 33:59; (SCR 79) 237  
 192. Weights and measures: 33:59; (SCR 61) 210  
 193. State flag: 33:59; (SCR 54) 207  
 194. Equal protection of laws: 33:59; (SCR 34) 173  
 195. Bill of Rights: 33:59; (SCR 23) 166; (SCR 34) 173; (SCR 70) 225
- Public defender: (Misc. 28) 15:39, 375; 43:69  
 Public employees (see also Public officers) –  
 Civil service, Constitutional provision for: (SCR 57 and CP 16) 49:76, 209; 50:80; 54:89; 56:92; 62:102; 63:102-103; 64:105-106; (CWR 11) 64:106, 318; (SCR 123) 75:122, 277-278; (3d reading) 76:123  
 disqualification as legislative candidates: (CWR 24) 342  
 loyalty qualifications: (SCR 70 and CP 24) 51:83, 225-226; (CWR 26) 77:127, 354  
 oath of office: (SCR 63 and CP 19) 49:77, 211; 50:80; 54:89; 56:92; 62:102; 63:102-103; 64:105-106; 68:109-110; (CWR 16) 68:110, 322; (SCR 111) 70:114, 269; (3d reading) 72:117  
 political activities, proposal on: (P. 147) 32:56; (SCR 95) 61:101, 259  
 proposals on: (P. 6) 6:17; (SCR 67) 49:78, 218; (SCR 115) 73:118, 270-271; (P. 72) 13:35; (SCR 57) 49:76, 209; (P. 147) 32:56; (SCR 95) 61:101, 259  
 residence requirements: (SCR 115) 73:118, 270-271  
 retirement system: (P. 129) 29:53; (SCR 44) 45:70, 180; (CWR 18) 330; (SCR 122) 275-276  
 right to organize: (SCR 79) 53:87, 235-241; (CWR 12) 66:106, 318-319; (SCR 110) 69:112, 268
- Public officers (see also Public employees and under title of specific office) –  
 bribery, proposal on: (P. 70) 13:35; (SCR 32) 41:65, 169; (SCR 95) 61:101, 258  
 continuity of, proposal on: (P. 178) 33:58; (SCR 68) 49:78, 223  
 disqualification as legislative candidates: (CWR 24) 342  
 impeachment: (SCR 92) 253; (CWR 24) 345-346; (SCR 130) 77:130, 281  
 loyalty qualifications: (SCR 70 and CP 24) 51:83, 225-226; 54:89; 68:109; 73:120; 74:120; 75:121; 77:127; (CWR 26) 77:127, 354  
 oath of office: (SCR 63 and CP 19) 49:77, 211; 50:80; 54:89; 56:92; 62:102; 63:102-103; 64:105-106; 68:109-110; (CWR 16) 68:110, 322; (SCR 111) 70:114, 269; (3d reading) 72:117  
 proposals on: (P. 6) 6:17; (SCR 67) 49:78, 218; (SCR 115) 73:118, 270-271; (P. 30) 8:21; (SCR 125) 76:123, 279-280; (P. 70) 13:35; (SCR 32) 41:65, 169; (SCR 95) 61:101, 258; (P. 176) 33:58; (SCR 67) 49:78, 218; (P. 178) 33:58; (SCR 68) 49:78, 223  
 removal for cause may be prescribed by law: (CWR 23) 339  
 vacancies, power to fill, proposal on: (P. 176) 33:58; (SCR 67) 49:78, 218
- Public sightliness and good order, Constitutional provisions for: (SCR 16 and CP 1) 31:54, 161; 32:55-56; 36:61; 37:62; 38:63; 39:64; (CWR 2) 40:65, 298; 41:65; (SCR 45) 46:71, 181-182; 47:73; 48:74; (3d reading) 51:82  
 Public welfare (see Welfare)  
 Public works, hours of work, proposal on: (P. 37) 9:23; (SCR 29) 39:64, 168  
 Public works, Territorial Superintendent of, Convention hall safety check: (DC 7) 9:23, 364
- Radio coverage of Convention commended: (R. 49) 76:127, 154; 78:135  
 Race, segregation in schools prohibited: (SCR 70) 225  
 Recall, favor of: (SCR 49) 48:75, 189; 49:75; 53:86-87; (CWR 9) 61:100, 313  
 Recall, opposition to: (SCR 47) 48:74, 185-186; 49:75; 53:86-87; (CWR 9) 61:100, 315
- Referendum –  
 favor of: (Misc. 24) 14:36, 373; (Misc. 25) 14:36, 373; (SCR 49) 48:75, 189-190; 49:75; 53:86-87; (CWR 9) 61:100, 313  
 opposition to: (SCR 47) 48:74, 185; 49:75; 53:86-87; (CWR 9) 61:100, 315  
 proposals on: (P. 113) 25:51; (P. 148) 32:56; (SCR 47) 48:74, 182-186
- Register, official, signatures of delegates and guests: (R. 7) 3:12, 146  
 Religion, freedom of: (SCR 70) 225; (CWR 26) 354  
 Republican Precinct Club, 13th precinct of 4th district, Hawaiian Homes Commission Act retention: (Misc. 94) 38:63, 386; (SCR 126) 76:125, 280  
 Republican Precinct Club, 13th precinct of 5th district, Hawaiian Homes Commission Act retention: (Misc. 92) 35:59, 386  
 Research assistance, Legislative Reference Bureau: (R. 13) 6:18, 147
- Resolutions –  
 1. 1:2-3, 145  
 2. 1:3-4, 145; 2:8  
 3. 1:6, 146  
 4. 1:7, 146  
 5. 1:7, 146  
 6. 2:8, 146  
 7. 3:12, 146  
 8. 3:12, 147; 78:136  
 9. 4:13, 147  
 10. 4:14, 147  
 11. 5:17, 147  
 12. 5:17, 147; 14:37  
 13. 6:18, 147  
 14. 7:19, 147  
 15. 7:19, 147; 49:76  
 16. 8:20-21, 148

## Resolutions (continued) —

17. 9:23, 148; 37:62  
 18. 9:23, 148; 37:62  
 19. 9:23, 148; 10:29; 51:83; 53:87  
 20. 1:23-24, 148; 14:37; 18:43  
 21. 11:30, 148; 42:66  
 22. 11:30, 149; (SCR 74) 71:116, 228  
 23. 11:30, 149; 49:76  
 24. 11:30, 149  
 25. 12:32-33, 149; 15:39  
 26. 13:36, 149; 14:37  
 27. 13:36, 149; 15:40  
 28. 14:38, 150  
 29. 15:39-40, 150; 70:115  
 30. 16:41, 150  
 31. 16:41, 150; 51:84  
 32. 17:42, 150; 18:43  
 33. 20:46, 151; 21:47; (SCR 78) 73:119, 232  
 34. 23:50, 151; 25:51; 26:52  
 35. 27:52, 151; 29:53  
 36. 29:53, 151  
 37. 29:53, 151; (SCR 74) 71:116, 228  
 38. 36:60, 151  
 39. 36:61, 152; 77:131  
 40. 36:61, 152  
 41. 41:66, 152  
 42. 51:82, 152; 77:131  
 43. 53:85-86, 153  
 44. 63:103, 153; 73:118  
 45. 70:115, 153  
 46. 69:111, 153  
 47. 73:118, 154  
 48. 76:126, 154  
 49. 76:127, 154  
 50. 76:127, 154  
 51. 78:135, 154  
 52. 78:135, 155  
 53. 78:135, 155  
 54. 78:135, 155  
 55. 79:137, 155
- Retirement system (see Employees' retirement system)  
 Rights, aliens, proposal on: (P. 96) 21:47; (SCR 34) 42:67, 173  
 Rights, equal, Constitutional provision for: (SCR 65 and CP 21) 49:77, 214; 50:80-81; 54:89; 56:92; 62:102; 63:102-103; 64:105-106; (CWR 11) 64:106, 318; (SCR 111) 70:114, 268-269; (3d reading) 72:117  
 Rights, equal, proposal on: (P. 28) 8:21; (SCR 9) 18:43, 158; (SCR 34) 42:67, 172  
 Rights and privileges, proposals on: (P. 5) 5:17; (P. 12) 6:18; (P. 25) 8:21; (SCR 34) 42:67, 172; (SCR 79) 53:87, 237  
 Roberts' *Rules of Order*, purchase of: (R. 12) 5:17, 147; (R. 26) 13:36, 149; (SCR 5) 14:37, 157  
 Ruddle, Francis G., name to be stricken from Petition No. 8: (Misc. 68) 20:46, 381  
 Rules Committee, membership increased: 77:130  
 Rules, permanent, adopted: (SPCR 1) 3:11, 360; (SPCR 2) 4:13, 360  
 Rules, permanent, amendments proposed: 7:18; (R. 34) 23:50, 151; 25:51; (SCR 14) 26:52  
 Rules, temporary: (R. 2) 1:3-4, 145; 2:7-8  
 Rules, Temporary committee on permanent rules: 1:7
- Safety, proposal on: (P. 122) 27:52; (SCR 16) 31:54, 159  
 Schedule describing representative districts, Constitutional provision for: (CP 30) 63:103, 256-257; 64:104-105; 65:106; 66:107; 67:108; 69:112; 70:114; 71:117; 72:117-118; 76:124; (CWR 24) 76:124-126, 340-341; (SCR 134) 78:133, 284-286; (3d reading) 78:133  
 Schedule on continuity of laws, Constitutional provision for: (SCR 68 and CP 23) 49:78, 222-224; 50:81; 54:89; 68:109; 73:120; 74:120; 75:121-122; 77:127; (CWR 25) 77:127, 350-353; (SCR 135) 78:133, 286-288; (3d reading) 78:134  
 Schools (see Education)  
 Seal of state: (R. 29) 15:39, 150; (SCR 55 and CP 14) 49:76, 207-208; 50:80; 54:89; 56:92; 62:102; 63:102-103, 64:105-106; 68:109-110; 69:111-112; 70:114-115; (CWR 14) 70:115, 320; (R. 45) 70:115, 153  
 Seat of government (see Capital of state)  
 Secretary of Convention (see under Officers and employees)  
 Secretary of Hawaii, Oren E. Long—  
 addresses to Convention: 1:1-2; 78:132; 79:141-143  
 commendation for Convention arrangements: (R. 5) 1:7, 146  
 communications to Convention: (DC 1) 3:12, 363; (DC 2) 3:13, 363; (DC 3) 3:13, 363-364; (DC 4) 4:15, 364; (DC 6) 7:18, 364  
 presiding officer at opening of Convention: 1:1-2  
 Secretary of State: (SCR 67) 216-217  
 Seitz, Gottfried, public defender position suggested: (Misc. 28) 15:39, 375; 43:69  
 Senate, U.S. (see under Congress, U.S.)  
 Sex, equal rights: (SCR 65) 214; (SCR 111) 70:114, 268-269  
 Silva, Delegate Frank G.—  
 disqualification of: 8:20-22; 9:23; 10:24-29; 11:30-31; (R. 25) 12:32, 149; (GM 3) 14:36, 262-263; (CWR 1) 15:39, 296  
 American Legion stand on: (Misc. 16) 11:29, 372  
 I.L.W.U. stand on: (Misc. 9) 8:21, 371; (Misc. 46) 18:43, 378  
 records concerning sent to U.S. House Committee on Un-American Activities: 11:30; (Misc. 58) 19:44, 380  
 Special committee to investigate qualifications: (R. 16) 8:20, 148; (SPCR 3) 10:24, 360-361  
 Slum clearance, rehabilitation and housing, Constitutional provision for: (SCR 16 and CP 1) 31:54, 159-161; 32:55-56; 36:61; 37:62; 38:63; 39:64; (CWR 2) 40:65, 297-298; 41:45; (SCR 45) 46:71, 181-182; 47:73; 48:74; (3d reading) 51:82  
 Slum clearance, proposal on: (P. 60) 12:31; (SCR 16) 31:54, 159  
 Social security, changed to public assistance: (SCR 45) 181  
 Song, official state: (P. 85) 15:39; (R. 29) 15:39, 150; (SCR 55) 49:76, 208; (SCR 60) 49:77, 210; 50:80; 51:84; 54:89; 56:92; 62:102; 63:102-103; 64:105-106; 68:109-110; 69:111-112; 70:114-115; (CWR 14) 70:115, 320  
 Sovereignty, proposal on: (P. 50) 11:29; (SCR 34) 42:57, 172  
 Spencer, Samuel M., name to be stricken from Petition No. 8: (Misc. 68) 20:46, 381  
 Stainback, Ingram M. (see Governor of Hawaii)  
 State property, proposal on: (P. 181) 33:58; (SCR 68) 49:78, 222-223  
 State symbols (see Symbols, state and under names of each symbol)  
 Statehood bill in Congress, expressing gratitude for passage by Senate Interior and Insular Affairs Committee: 64:103  
 Statehood bill in Congress, amendments proposed by Statehood commission: (DC 8) 11:29, 364-369  
 Statehood Commission, informing Convention of proposed amendments: (DC 8) 11:29, 364

- Statehood Day as holiday: (R. 31) 16:41, 150; (SCR 59) 49:77, 210; 50:80; 51:84
- Statehood hearings in Washington, D.C., certain delegates to attend: (R. 27) 13:36, 149; (R. 28) 14:38, 150; 15:40; 17:42
- Statehood hearings in Washington, D.C., oral report: 25:51
- Statehood stamp and coin proposed: (R. 44) 63:103, 153; (SCR 114) 73:118, 270
- Stockholder, domestic, qualifications for, proposal on: (P. 46) 10:29; (SCR 29) 39:64, 168
- Style Committee, final draft on Constitution submitted: (SCR 137) 79:139, 290-294
- Style Committee, style and order of Constitutional provisions: (SCR 45) 46:71, 181-182
- Submission and Information Committee, membership increased: (SCR 131) 77:130, 284
- Subtitles in Constitution not to be considered in interpreting Constitution: 77:131
- Suffrage (see Elections)
- Supreme court (see also Courts and Judges) -  
 advisory opinions of, proposal on: (P. 58) 12:31; (SCR 37) 43:69, 175-176
- Constitutional provision for: (SCR 37 and CP 7) 43:69, 173-176; 44:69; 48:74-75; 49:78-79; 51:82; (CWR 8) 60:98, 307-312; 61:99; (SCR 100) 64:104, 260-262; 69:111; 77:129-130; (3d reading) 77:130
- justices -  
 incapacity: (CWR 8) 310  
 removal: (CWR 8) 309-310  
 retirement: (CWR 8) 310  
 selection: (CWR 8) 308-309  
 proposal on: (P. 3) 5:16; (SCR 37) 43:69, 175-176  
 quorum: (CWR 8) 308
- Symbols, state: (R. 29) 15:39, 150; (SCR 55) 49:76, 208; 54:89; 56:92; 62:102; 63:102-103; 64:105-106; 68:109-110; 69:111; 70:114; (CWR 14) 70:115, 320
- Taok, E. A., extending invitation to mass meeting: (Misc. 34) 16:40, 376; (Misc. 71) 21:47, 381-382
- Tax Commissioner, Territorial, appreciation for assistance: (Misc. 110) 62:102, 389
- Taxation -  
 Commissioner of taxes: (SCR 51) 191-192  
 Constitutional provisions for: (SCR 51 and CP 10) 49:76, 191-201; 50:79; 54:89; 56:91-92; 57:92-93; 58:94; 59:95; 60:97; (CWR 18) 70:113, 327-331; (SCR 122) 75:121-122, 275-276; (3d reading) 76:123  
 estate: (SCR 42) 45:70, 179  
 gift: (SCR 42) 45:70, 179  
 Hawaii Education Association proposal: (Misc. 32) 15:39, 376; (SCR 6) 16:41, 157  
 inheritance: (SCR 42) 45:70, 179  
 Joint Tax Study Committee comments on proposals: (Misc. 82) 31:54, 383-384; 45:70  
 local government, power to tax: (SCR 74) 228-230  
 personal net income (SCR 42) 45:70, 179  
 property of non-residents: (SCR 70) 225-226; (SCR 122) 275-276  
 proposals on: (P. 7) 6:17; (P. 13) 6:18; (P. 80) 13:35; (P. 140) 31:55; (P. 141) 31:55; (SCR 44) 45:70, 179-181; (Misc. 93 and CP 2) 35:60, 386; 57:93  
 real property, home exemptions: (SCR 41) 45:70, 179; 46:71-73; (CWR 4) 48:74, 299; (SCR 42) 45:70, 179  
 uniformity: (SCR 51) 195
- Taxation and Finance Committee, appreciation for assistance received: (Misc. 108) 62:102, 389; (Misc. 109) 62:102, 389; (Misc. 110) 62:102, 389
- Todaro, Tony, Communist control provisions suggested: (Misc. 88) 33:58, 385; (SCR 30) 41:65, 168; (SCR 39) 44:69, 177; (SCR 71) 51:83, 226; (filed SCR 96) 61:101, 259
- Transition provisions, elections: (SCR 73 and CP 25) 51:83, 227-228; 54:89; 68:109; 73:120; 74:120; 75:121-122; 77:127-128; (CWR 27) 77:128, 357-358; (SCR 135) 78:133, 286-288; (3d reading) 78:134
- Transition provisions, generally: (SCR 68 and CP 23) 49:78, 222-224; 50:81; 54:89; 68:109; 73:120; 74:120; 75:121-122; 77:127; (CWR 25) 77:127, 350-354; (SCR 135) 78:133, 286-289; (3d reading) 78:134
- Trask, Delegate Arthur K., statehood cablegram to U.S. Senator Chavez: (Misc. 115) 77:128, 390; 78:132-133
- Treason, provision on, deleted: (CWR 5) 303
- Treasurer: (SCR 51) 191-192
- Treasurer, Territorial, informing Convention of services offered by Wood, King and Dawson: (DC 5) 4:15, 364; 45:70
- Treasurer, Territorial Deputy, appreciation for assistance: (Misc. 110) 62:102, 389
- Truman, Harry S. (see President, U.S.)
- United Public Workers of America, C.I.O., request to appear before committees: (Misc. 3) 4:15-16, 370; 53:87
- United States (see also under name of specific organization or position)
- United States, lands (see Lands, federal)
- United States, property of, proposal on: (P. 154) 32:56; (SCR 70) 51:83, 225
- University, Constitutional provision for: (SCR 52 and CP 11) 49:76, 204-206; 50:79-54:89; 55:90; 56:91; (CWR 10) 61:100, 316-317; (SCR 104) 66:107, 264-265; (3d reading) 69:111
- University of Hawaii, Regents, Board of, membership to include officer of Board of Agriculture: 61:100; (CWR 10) 316
- Utilities, Public, proposals on: (P. 150) 32:56; (P. 152) 32:56; (SCR 95) 61:101, 259
- Vacancies, power to fill, proposal on: (P. 176) 33:58; (SCR 67) 49:78, 218
- Veterans of Foreign Wars, Honolulu Post, outlawing of Communist party urged: (Misc. 26) 14:37, 373-374; 43:68; (SCR 72) 51:83, 228; 53:87
- Vice President, U.S., Alben W. Barkley, acknowledging receipt of resolutions: (Misc. 39) 18:42, 377; (Misc. 121) 78:132, 391
- Volcanic eruption, South Kona, governmental aid proposed: (R. 42) 51:82, 152; (SCR 132) 77:131, 284
- Voting (see Elections)
- Waialua Lions Club, Lanai as separate county: (Misc. 95) 39:64, 386-387; 51:83
- Waimanalo Homestead Community Club, urging defeat of Resolution Nos. 19 and 21: (Misc. 19) 13:35, 372
- Water and water rights, proposals on: (P. 107) 24:50; (P. 121) 27:52; (SCR 78) 53:87, 232
- Water resources: (SCR 78) 232
- We, the Women of Hawaii, Hawaiian Homes Commission Act retention: (Misc. 78) 26:52, 383
- Weights and measures, proposal on: (P. 192) 33:59; (SCR 61) 49:77, 210
- Welfare -  
 Constitutional provisions for: (SCR 16 and CP 1) 31:54, 159-161; 32:55; 36:61; 37:62; 38:63; 39:64; (CWR 2) 40:64-65, 296-298; 41:65; (SCR 45) 46:

## Welfare—

- Constitutional provisions for (continued):  
 71, 181-182; 47:73; 48:74; (3d reading) 51:82  
 proposal on: (P. 122) 27:52; (SCR 16) 31:54, 159  
 report on general welfare by Chamber of Commerce of  
 Honolulu: (Misc. 85) 32:55, 384
- West Maui Hawaiian Civic Club, Hawaiian Homes Commission  
 Act retention: (Misc. 29) 15:39, 375
- White, Delegate Henry A., appreciation for daily supply of  
 pineapple juice: 78:135
- White, Esther Spring, condolence extended upon death of:  
 (R. 36) 29:53, 151; (Misc. 89) 34:59, 385; (Misc. 124)  
 78:132, 391-392
- Windward Oahu Community Association, Hawaiian Homes  
 Commission Act: (Misc. 98) 46:72, 387; (Misc. 99)  
 46:72, 387; (SCR 126) 76:125, 280
- Women, jury service: (P. 17) 7:19; (SCR 11) 20:46, 158;  
 (SCR 34) 42:67, 172; (SCR 37) 43:69, 175-176; (SCR  
 128) 77:128, 280
- Women, minimum wages, proposal on: (P. 38) 9:23; (SCR  
 29) 39:64, 168
- Wood, King and Dawson, services rendered: (DC 5) 4:15,  
 364; (SCR 43) 45:70, 179; (Misc. 109) 62:102, 389;  
 (R. 47) 73:118, 154
- Yamaguchi, Yoshiko, artist from Japan: 15:39  
 Yamamoto, Mrs. Miyeko, P.T.A., Japan: 23:49  
 Y.M.C.A., invitation to use recreational facilities: (Misc.  
 87) 33:58, 384-385