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A BRIEF RECAP

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THE 28th HAWAIIAN LEGISLATURE

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## A BRIEF RECAP OF THE 28th LEGISLATURE

With a display of pomp that far outdistanced any show put on by Republican dominated sessions, the Democrats marched into Iolani Palace on Wednesday, February 16, 1955 like conquering Hawaiian nobles of old. Within 10 minutes, however, Hebden Porteus, former majority floor leader, began calling the Democrats down for failure to adhere to legislative customs and parliamentary procedure. Fukushima shouted, "Is this an indication of things to come?" In looking back over the records of the 28th legislature, perhaps early Republican doubt as to the abilities and experiences of the young Democrats was well founded. Let us review briefly, then, in chronological order, the proceedings of this legislature, and attempt to establish some conclusions.

It was obvious at the beginning of the session that the Democrats were not solid on several key issues. Bill Heen, for instance, was adamant in his refusal to support one Democrat issue — the liquor aspect of Home Rule. This was somewhat reminiscent of "opening day" two years ago when a coalition of eight Republicans teamed up with eleven Democrats to counfound the majority party in the House. Heen also refused "to go along with majority votes in caucus", leaving the Democratic bloc somewhat weak in voting solidarity. In the end, however, it was not rift between Senate Democrats that delayed legislation, but an unforseen split in the House. This too we shall elaborate on later in the report, as the results may have been far-reaching.

Governor King had forewarned the Democrats that he did not favor a large increase in taxes. This appears to have been given slight regard by the Demos, as no extensive effort was made to bargain with the governor in spite of the fact that passage of a tax increase

between the Democrats and chief-executive was further aggrevated when on February 25, King authorized the moving of two voting "shanties" to the Palace in order to provide more office space for the "ill-treated" Republicans. This "dog-nouse" incident caused an immediate uproar on the part of angered Democrats, while the Republicans, who had complained that the space provided for them in the armory was for the dogs, sat back and gleefully watched the Democrats seeth, unable to do anything about this loss of principle. Perhaps we can interpret this too as being a sign of things to come — the Democrats not and bothered, the Republicans playing a cool, waiting game.

By the second day, an avalanche of almost 300 pills jammed the House nopper. Republicans made it known publicly that they were being given "raw deals" on committee assignments, ninting they were not responsible should things eventually be scrampled. Despite the tremendous amount of work to be done, and the dissatisfaction that existed among committee members who had to do the work, members of the house took  $9\frac{1}{2}$  hours in an attempt to lind out who leaked the report of the Territorial Commission on Subversive Activities to newsmen and Robert McEirath, 1.1.W.U. radio commentator. As can be expected, the incident was the butt of sarcastic news reporting by both dailies — a factor that did much in minimizing the importance of the leakage and emphasizing the amount of time wasted.

The first week of March saw the governor's conservative budget under heavy fire by the Democrats, and a Senate proposal in the form of a conter-measure, to revise all levies to raise about \$8,000,000 in additional revenue. The HGEA Civil Service bill served notice

that rough sledding was ahead as far as commission membership and re-classification were concerned. At the same time, Kaiser began "putting on the pressure" with hopes of establishing another "colony" for tourists in the \*slands.

A scrap over the workmen's compensation bill resulted in the House repudiating a "set" compromise. Ralph Beck of the Chamber of Commerce was bitterly denounced for having the audacity to boast that "his group had been responsible for splitting Democratic House ranks and bringing about a compromise". Our young Democrats wanted it made known that they were not subject to outside pressuring, and that no one could influence them to the extent of telling them what to do. It is interesting to note that this action took place shortly after reiteration of an old Republican charge -- "The ILWO exerts tremendous pressure on the Democratic party...to the extent of having complete control over it." Was this act merely a show of repudiation?

Rather than delving into the mechanics of the compensation bill here, I shall further elaborate on a number of reactions that I received while down at the legislature. One Republican chuckled while describing the situation as one of Democrat "pride and frustration". Another individual of unknown political affiliation did not hesitate in letting me know that "legislation should never be voted through or killed because of anger or blined pride". A Democrat, on the contrary, insisted that this was merely a step to keep "Business groups in line so that they won't have the idea that they can get what they want anytime." This incident was particularly interesting, as it was an indication, perhaps, of irrationality and lack of political shrewdness on the part of some of our Democratic leaders.

Home Rule, meanwhile, was being drummed up as being a major issue. Democrats polished their cases and sought greater public support, but real interest in this, considering the tremendous build-up in publicity involved, seemed to be lacking. The again, the governor began insisting that along with home rule must be reapportion-ment...something that the outer island legislators did not desire. Since the latter were in the majority, reapportionment was very improbable, but several members expressed fear of public buildup along this line. So rather than continue demands for home rule -- especially in regards to the outer islands, the cry gradually subsided with fear of the governor making reapportionment a big issue, and the possibility of that, rather than Home Rule, gaining public support.

On April 3rd, with 20 legislative days remaining, a great deal of legislation was still pending. A budget, a tax structure, a revision of the civil service law, a land reform program, a number of labor bills, and a truckload of lesser legislation had yet to be passed. The house finance committee was plodding along, however, confident of being able to get the budget through before the session ended. Upon questioning several Democrats, one a member of the finance committee, the reply was, "Sure, we'll finish it in time. But you can't expect it out until we have some indication of how much income the senate tax bill is anticipating." Members of the Ways and Means committee in the Senate took approximately the same stand -"We can't do much until the House unwraps its budget." This ridiculous situation of one party waiting for the other party to make the initial move and vice versa gave me the early impression that the House and Senate were playing careful games - both suspicious of each otner.

Realizing that it was the duty of the finance committee to first produce a budget before the senate could be expected to propose a tax bill, I detected a note of distrust in the replies of House Democrats. This was later substantiated by another Democratic House member who admitted that "off the cuff", members of both finance committees were unable to agree on how high the budget should be set, where the additional revenue was to come from, who was to be left out, etc. The aforementioned replies of Democrats, then seemed clearly indicative of distrust and dissatisfaction between ranks, and the expectancy of bargaining at some future date.

A budget of 114.6 million dollars was proposed by the house on April 4th, as compared to Governor King's proposal of \$112,790,276. Kazuhisa Abe, Chairman of the senate ways and means committee, immediately declared an \$8,000,000 tax increase (necessary to cover the House's proposed budget) much too heavy. "Only 106,000,000 is anticipated under the present tax structure, which would make additional assessments amounting to \$8,000,000 necessary. This is almost impossible...4-5 million additional is about all we can raise."

Here again we shall dispense with a discussion of the budget and tax bill in detail, as these are separate papers in themselves. The main thing that can be pointed out from a stand point of general analysis is that there seemed to be considerable disagreement between Democrats as to the details of tax readjustment. After considerable bargaining (and unofficial threats by the senate to propose a tax bill that would provide funds far below the necessary amount) and gentlemen agreements, the Senate offered an omnibus tax bill designed to yield \$7,565,000 in additional revenues -- about a half million shy.

The senate passed three home Rule measures on April 11th. Police, liquor and attorney bills went through with a vote on approximate party lines with only Bill Heen crossin, as earlier predicted, on the liquor bill. Also, the senate failed to override the Governor's veto on the Workmen's compensation bill that he returned the previous day. The tally on this was 9-5 (party lines) - one vote short of the necessary two-thirds margin needed to override.

On the same day, frustrated Democrats agreed to dump their bill aimed at breaking up the landholdings of Hawaii's big estates. At the same time they decided to concentrate their land reform efforts on a series of other important party bills which approached the problem from different directions. Thus HB 30, the Maryland Land Law Bill, was dumped because "it didn't do what the Democrats wanted it to do." HB 4,5, and 392 (re:land measures) were then adopted.

Disagreement within the conservative senate proved to be quite a problem as earlier predicted. On about eight big measures, Senate Democrats appeared to be split over house-passed bills. This, according to a veteran observer, was nothing new as previous sessions have had them despite Republican majorities in both houses. The Democrats proved to be susceptible to the same problems.

Starting the week of Monday Apr. 11th, House Democrats began keeping a suspicious eye on Speaker Charles Kauhane, who was referring a number of bills to select committees which he appointed, instead of following the normal practice of sending them to regular standing committees. Chairmen of these select committees were either Manuel Henriques or William Fernandez, both Kauai Democrats and strong Kauhane supporters.

A two hour closed caucus was necessary to patch up trouble on Thursday, April 14, when 16 of the 22 Democrats rose in open revolt to his authority. Accusations were flung, and a threat to strip him of his powers anytime he abused it was made. Yet Kauhane came right back at his antagonists with additional referrals to his select committees. It was obvious things had to come to a head scon.

In the meantime, however, Senate and House Democrats had gotten together to discuss the budget and tax bill. Many items that senators wanted to have included in the bill were not listed due to "lack of funds". In order to see their desires realized, therefore, the upper house was forced to find even more revenue to pay for the additions. Few items in the house budget could be excluded without inflicting violent criticism or breaking campaign promises. Many more had to be included. So the Ways and Means went to work, and on the night of April 19th, teetered at the edge of final decision on a huge tax increase bill that would produce \$12,213,000 in new revenue.

The next day, Governor King asserted his authority, as everyone expected, by vetoing the police county control bill, and at the same time took a swing at the Democratic majority for failing to make statehood its number one home rule objective. On the 22nd, the house unanimously approved and sent to the Senate a \$116,629,060 budget after having it read in full upon the insistence of Henriques.

The next note of interest was dissension within the senate over the tax bill that had almost been agreed on several days prior.

A minority opinion by three Democrats on the Ways and Means committee weakened the senate stand considerably along with the "noncommitments and reservations" of several senators. Dillingham and Itagaki described it as being "descriminatory and unworkable".

In lieu of the proposal, the two Republican senators offered a sales tax plan that received surprisingly support from some Democratic circles as well the HGFA and HEA, Republicans and PTA. The ILWU, on the other hand, came out violently against a sales tax plan. What effect this stand had to do with the final Democratic decision to eliminate a sales tax from their bill is all a matter of conjecture. But the Republicans began taking advantage of this action early, and pointed to this as "proof that the ILWU does exert influence on the Democratic members of our legislature". April 24th, be publicly lambasted the democrats for bowing to ILWU leadership -- an incident which electrified the senate and suddenly drew large crowds into the gallery. Another factor that prompted his outburst was resolution 67, which called on congress to grant statehood to Hawaii. In essence, his arguement was based on the supposition that the ILWU had too strong a control over Hawaii -a factor which made Communist subversion simple, and Hawaii as a state weak. "Because of this, I will not support statehood at this time". Angry Democrats took turns in answering Dillingham.

That Sunday, weary lawmakers worked under stopped clocks in a desperate effort to speed the progress of major legislation during the last five days. King's veto of the attorney bill added more troubles to the Democratic party's growing list. Furthermore, King was not expected to grant the Democrats an extension of time. But there were some who did not show concern over this, as they were still confident that they "could finish it by stopping the clock."

On the morning of April 26, the senate passed the tax bill by an 8-6 margin with Nobriga voting with the Republicans. No sales tax was called for.

Immediately after this, a two-pronged attack against the Senate-passed tax bill was launched. Business sought the revival of the sales tax plan, and government workers and teachers put on pressure for a pay raise. Both groups made it plain that they were not happy over the tax bill as passed by the senate.

The House passed the Public Works Budget bill on April 28th, three weeks after the working budget. Calling for a spending of \$28,000,000, the breakdown further revealed an authorization for \$13,700,000 for school and classroom construction. Both chambers had to stop their clocks to save this and certain other bills... the reason being that readings had to be held on separate days.

The sales tax fight continued with hope that the House would favor it, but the odds appeared definitely against it. Kauhane, Inouye, and Serizawa all expressed their solid positions against the sales tax despite heavy pressure on the part of HGFA and the HEA. Some Government workers claimed that the proposed tax would be over and above their proposed 3% raise. David Trask Jr., leading the government employees in their battle, claimed the 3% raise was an insult, considering all the other factors involved, including the high tax.

On April 29th, the governor's veto; on Home rule bills that would have given the counties control over their police and liquor commissions were sustained in the Senate. The upper chamber also passed a \$110 million budget ...this was headed for an embattled showdown in joint conference committee. The HVB and Welfare suffered heavy cuts in the senate version of the budget.

With clocks stopped, the legislature began a lengthy April 29th.

With our legislators working gratis, tempers were short, but the session long and drawn out. Senator Duarte contributed further to this atmosphere by attempting to filibuster flouridation out of contention, but was stopped when he yielded to a question from Nelson Doi. I noted that by May 5th, the long, drawn-out vaiting had even discouraged the lobbyists, as few were to be seen around the formerly crowded hall ways of Iolani Palace. The key log in the jam was obviously the senate-passed omnibus tax bill, which was under study in the House finance committee. The senate, in the meantime, had eliminated Oahu's \$8,000,000 real property tax ceiling, and at the same time, paved the way for a 25% hike in assessment rates throughout the Territory. This came in passage of HB Z, and went back to the House for concurrence on the Senate amendments.

A letter to each legislator from the PTA touched off quite an incident during the waiting period. Described as a "blackmail" threat by certain legislators, the letter emphasized that whatever the House did, it would be remembered by the PTA's 58,000 voting members at the next election. The Gaeth letter was not only a little too strongly worded, but came at the wrong time. Perhaps this is what caused Dan Inouye to remark, "It is surprising that an organization such as the PTA would stoop to blackmail."

On May 11th, Speaker of the House Charles Kauhane asked Governor King for an official extension of the session. This the Governor refused, mainly because he could not perjure himself by dating an extension order back to April 29. Meanwhile, legal officials were studying the question of whether any of the legislature's actions since Apr. 29 were legal.

Senator Dillingham resumed his blasting of the Democrats the next day, when he tore into the party because of its failure to join hands with the Republicans against Communism in Hawaii. Senator Lee, who was visib ly disturbed, returned with an equally eloquent speech. The whole matter, however, appeared to be a project designed by Dillingham to create publicity, and kill time while the House pondered the difficult question of tax revision.

Speaker Kauhane was next to lambast-his own party. Criticizing the Democratic majority in the Senate, Kauhane fell back on Governor King's ideas, declaring them to be "quite acceptable" in his mind.

This "accord on most items in the Governor's tax program" was a surprise move as far as other democrats were concerned. Conjecture is that Mauhane may have been putting himself in line to play the role of "Savior" should the Governor veto the final tax bill as agreed upon by both houses. Then Charley Mauhane would appear to be the smarter, "I told you so" man in the final analysis. At any rate, Kauhane had little to lose by making such a move, and in the opinion of some, may have jockeyed himself into a hero position.

"The 1955 legislature has been operating illegally for the past three weeks", roared Manuel Henriques on May 10th. The challenge, on behalf of Speaker Kauhane, came as a dramatic reprisal against 15 rebelling Democrats who had sought to fight down apportantments by the speaker to the vital conference committee on the budget bill. Claiming that all legislation since stoppage of the clock was null and void, the Mauai representative demanded an opinion from the attorney general. The incident threw both Houses into an uproar; for stoppage of the clock on the last day was legal, but the previous acts (Apr. 23, 27,28) were questionable.

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As it turned out, no official request for an opinion was registered, indicating that the act was probably a bluff by the Acuhane faction to keep the rebels in line. After having some time to mult over the situation, most legislators agreed that the legality issue was in their favor as long as the journals say nothing about "stopping the clock". As Governor King put it, "the courts do not look beyind the journal...they have not in the past questioned the official record." Fear of illegality of the session gradually subsided.

This did not mean, however, that everything was patched up as far as House Democrats were concerned. The following day, battle—lines were agin drawn with the primary goal of the rebels being "either a compromise or Asuhane's ouster". The rebel group, led by Vice-speaker Elmer Cravalho and Vincent Esposito, were stymied by a counter-plan of Kauhane's -- starting the clock and running it past midnight. The fight had widehed the breach between the two factions so much that there simply was no trust left on either side. An extra session, the only way a new speaker could be eleted, seemed to be the most probable course of action by the 15 insurgents.

Nothing came of the rebel threat, as fear of further complications seemed to grip the frustrated hearts of the young, idealistic Democrats even greater. A number of them even went on record, via the two big dailies, as finding politics "dirty and discouraging". Several even went as far as withdrawing themselves from any further political activity. Obviously, this was one method of their expressing their disappointment and frustration over Kauhane's victory. They fully realized that further retellion meant running out the clock and automatic ajournment (Kauhane had moved the hands of the clock to 11:53).

May 17th was certainly a memorable day. Over 200 people, including yours truly, were packed into the chamber, awaiting the outcome of the anticipated slugfest. For over two hours, people sat, awaiting the arrival of the lawmakers while suspense mounted gradually. Shortly after four PM, the Democrats entered and were cheered loudly. Two minutes later, after setting a time for reconvening, the group broke up and boos filled the gallery. The main match had fizzled.

On the 19th, the House voted itself three weeks per diem. The amendment was in the form of a rider tacked on to a pay bill and passed by a 24-4 morgin. Immediately after this, damane picked a fight with the benate Democrats, including Bill Heen, for failure to take action on an agricultural labor bill backed by the ILWU. The following day, things looked even more precarious as funds were shrinking, and there was serious doubt that the legislature could continue on the little operational money that it had left. Everyone looked toward the 10 man conference committee to produced a speedy decision.

A senate ultimatum, which consisted of "pass the tax bill by midnight or we'll adjourn" shocked the House into prompt action. It passed the tax bill at 11:59 by a 19-10 vote. Once more, Kauhane flew into a rage over the "senate's high-handed action", and stormed out of conference to discuss matters with seven ILWU representatives. Pringing the senate's ultimatum to the floor, the chamber responded and passed the tax plan as offered by conference with a minute to spare. This was the might of May 24th. Two days later, a special conference committee poured over the budget for 10 hours, and were resdy to send it out. This cleared the way for adjournment within

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the next two days at least. It must be noted, however, that the conferees, who had been going over the budget item by item, were speeded up by a second senate "ultimatum". Bill Heen had the clock run until ll:50 with midnight as adjournment hour. The clock was finally stopped by the five senate conferees who asked for more time. Kauhane again lambasted the Senate for their actions.

At dawn on the 26th, after an all night session, the budget bill, along with a capital improvement budget, was passed. These called for expenditures of \$125,952,521 and \$49,531,848 respectively. The operating budget was almost \$11 million more than the \$115 million that the government is spending in the present blennium. The \$126 million figure included \$4,600,000 for pay raises for teachers and government employees, and \$4,917,744 in Federal funds.

Later on in the day, the Senate Iso passed the omnibus tax till by an 8-6 vote, sending it to the governor who is expected to veto it. Along with seante bill 818, House bill 4 was also passed, which boosts the tax levy on real property on Cahu from \$16.25 per \$1,000 valuation to a maximum of \$20 per \$1,000...a rise of about 25%. Neighbor islands could raise their tax 122%.

A complication arose after adjournment of both houses in the afternoon of the 27th. It was feared that a title error would kill the already approved pay raise for teachers and government workers. The matter is still pending, and a decision by the attorney general is forthcoming in the near future. Outside of this, emotions ran wild and "pals again" speeches filled the halls where just a week previous, various factions were cursing each other for uncooperativeness and dirty politics. Kauhane received a silver coffee set from

all the members of the House. Speeches lauding Kauhane were offered in closing, as the  $88\,^{44}$  legislature drew to a long-delayed climax

In analyzing our 28th regislature, let us first examine its accomplishments. Twelve major accomplishments would probably include:

- 1. Appropriated a budget of about \$120 million
- 2. Passed a Democratic tax bill raising \$8,000,000 in new revenues
- 3. Greated three new agencies to boost the economy:
  - a. a tourist authority

- p. an economic credit a ency
- c. an enlarged industrial and farm research agency
- 4. Knocked off real property tax ceiling
- 5. Passed a bond issue budget for capital improvements totaling \$49,431,848, including realignment of Kalakaua Ave.
- o. Adopted a new civil service code, and gave pay increases to gave ernment workers, teachers, and university staff members.
- 7. Workmen's compensations unemployment, expanded industrial safety, increased minimum wages
- 3. Passed two land reform bills
  - a. Zonging in forest reserves
  - b. Allow counties to zone for tax purposes best use of land.
- 9. Reduced UH tuition from \$200 to \$170 a year Pupil teacher ratio in DPI reduced to 32-1
- 10. Increased funds for DPI, Department of Public Welfare more aid
- 11. Adopted insurance code
- 12. Appropriated \$500,000 to pay costs of session

Despite the criticism that nod been heared on the Democrats for their disputes and slowness, the record shows that the Democrate in the Legislature aid succeed in pushing through a large share of their promises and Party bills -- although in greatly changed forms. Virtually all of the bills on Civil Serice and government employees went through along with modified forms of party labor bills. All four nome-rule bills passed, but were killed by the governor. Reduction in pupil-teacher ratio was also achieved, as the sudget called for a new 32 to 1 ratio. So in analyzing the accomplishments of the Democrats in the legislature, we may generally say that they did accomplish most of what they said they were going out to do.

Our third consideration should be that of the majority party's actions during this session.

have the responsibility of operating a session. It appeared as if they came in with chips on their shoulders, blasting at what they felt were the sins of the past. But their highly idealistic attitude gradually subsided, and their words became more sober as they saw the seriousness of their task. One thing is certain — that the Democrate learned a lot by practical experience during this session, and should know what mistakes to avoid in the future.

We may say that their inexperience was quite detrimental. The young Democrats were the first to admit this. Another contention is that they tried to "bite off more than they could chew". This too they realized, but only at a very late date. They were too far committed to pull out any promises or planks by the time the session really got started. And finally, the split in the House will probably have father-reaching effects than the Democrats would like to have the public believe. Despite all the reversals and good will speeches offered on closing day, it is difficult to believe that everything has been mended to everyone's satisfaction. Intra-party rivalries and tension are bound to crop up as a result of this year's split. The matter might even have bearing on the Democrat party's success in the next election year. To most people, Kauhane appeared to be a dictatorial giant who was seriously damaging the name of the Democratic party. This is attributable to two main reasons: 1) "power" policyand 2) close the with powerful support group -- the ILWU. It would be difficult to guess how Kauhane will make out in future politics.

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As for the minority party, we may say that they too learned a big lesson -- what sort of role the minority party plays in the legislature. House republicans moved into their new roles of "minority party" with restraint. Rather than trying to bog down the session by employing a lot of technical parliamentary points, the Republicans left it to the Democrats to feud among themselves and in that way, create their own disorder and confusion. I'm sure the Republicans sensed a split coming in the House before the Democrats themselves. A few people in the party told me that there may be an open break between Kauhane and the young group before the session was over. Sure enough, the Republicans and a few others who anticipated a break fairly early were not disappointed. And what hand did the GOP have in this revolt? NONE! By playing the waiting game and straining themselves only when necessary, the Republicans were able to steer away from conflict and strengthen themselves for the next election campaign.

The only major criticism, to levy against both groups are:

Against the Democrats - insufficient minority party representation on committees, refusal to look over Republican sponsored bills.

Against the Republicans - poor t attendance, (punctuality), more caucus.

On the evidence of material gathered and heard, arrived at the foregoing a number of conclusions. In summary, they were:

)perience.

<sup>1.</sup> Legislature accomplished quite a bit.

<sup>2.</sup> The Democrats were able to fulfill most of their plank.

<sup>3.</sup> The majority party learned a lot this session via practical ex-

<sup>4.</sup> The minority party also learned by playing a new role,
-- one of helpfulness and cool-headed action

<sup>5.</sup> The major criticisms were based primarily on better distribution of jobs, equal treatment of minority bills, and punctuality.

To this list of conclusions, I would like to add a few words:

The report is incomplete without a discussion of Governor King's vetoes which will follow adjournment. Yet, I think we would be safe in saying that the 28th Hawaiian legislature will go down in the Territory's history as being a memorable one. Not only was the clock stopped for the longest period in the annals of legislative bodies, but the session marked the first time the Democrats came to power in Hawaii, holding the majority in both Houses. It was the first time a crew so politically inexperienced held sway in the confines of the lower chamber in Iolani Palace, and the first instance of a severe Democratic split that threatened overthrow of the speaker and immediate adjournment. Add to this the passing of Hawaii's largest operating budget, and concommitently, the largest tax bill in local history. Yes, these and other factors contributed in making this session unique in various ways, so it was imperative that the undersigned got a general picture, via a daily newspaper clipping file, of Hawaii's memorable 28th legislature.

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