

# U.H. LAW LETTER

Volume II, No. 3

April 20, 1981

## Racism in Paradise

This recent outrage over a Finnish white woman allegedly raped by four local youths brings to mind the Kahahawai-Massey incident where a young Hawaiian was killed by Navy men for raping a white woman, a crime for which it was later proven Kahahawai did not commit.

Lt. Massey and his wife, who were responsible for the killing of Kahahawai, were quickly sent back to Washington without so much as an indictment against them. The white community and the colonized locals were not outraged at that occurrence, nor was it outraged at the fact that it decided to drop an atomic bomb on Hiroshima instead of Germany, or drop "Agent Orange" on the Vietnam countryside, thereby causing cancer and abnormalities in not only the Vietnamese, but on its own soldiers.

The colonized locals and the white community scream for justice in this Finnish rape case yet, recently, the newspapers printed an article on foreign investments which, to paraphrase a bank official, indicated that the middle class will have to find jobs away from Hawaii because "it is soon to become a playground for the wealthy." Translated to realistic terms, this statement means locals must leave the polluted, "acid rain", decaying American cities to find suitable employment, or stay and become the richman's servants. It does not matter that you're Hawaiian and this is your homeland, it does not matter that you're Asian and your ancestral plantation sweat and blood went into making Hawaii a decent place to live. The aforementioned occurrences are examples of institutional and behavioral racism, yet where are the colonized local or white community outrage?

Let us not overlook another question of the Finnish woman's attitude. Attitudinal racism such as to be "white is right", or "because I'm white, wherever I go I own". etc., may have reared its ugly head in this case. Having two daughters, it makes sense to advise them to stay away from danger, investigate, analyze, be humble, and listen to others and then, act on your own decision. It is difficult to say whether the woman followed this sensible advice because the young lady was a foreigner, however, if she did investigate island conditions, why did she still go to the Waianae coast? I'm fairly sure my daughters would not.

Perhaps it was because of attitudinal racism. This attitude has caused many drownings in local waters and many fights in local bars (i.e., Kaneohe Marines). This letter in no way condones crime, or reverse racism, but is a plea to think before we ride this emotional anti-crime wave to its extreme and end up choking our own necks. Think about racism, think about the history of these islands, think about these laws, think about the effects of this wave of anti-crime emotion on this land and its island people. Without adequate thought, preparation and planning, aloha may mean living on three-mile island. /S/ John Saxton

---

The LAWLETTER is published every month. All views expressed herein reflect those of the individual authors and are not necessarily those of the Law School administration, faculty student body or the editorial staff. We welcome writings for publication by the law community of the University of Hawaii. Submit contributions to the editorial staff located in Room 39. Mahalo, Stephen "Gus" Garcia, Arthur "Pepe" Trask, Geronimo "Gerry" Valdriz, Editors of the U. H. LAWLETTER.

# Women Together News

2

## WOMEN TOGETHER ASKS FOR MORE COMPREHENSIVE LEGISLATION ON SEXUAL ASSAULT

---

On March 25, 1981, Susan Sherretz spoke on behalf of Women Together at the Hearing of the Judicial Committee on H.B. 300, S.D. 1 regarding sexual assault.

The following is a summary of the testimony:

We share the concerns of many that our present rape law is inadequate. We are women with a dual identity--concerned for our own protection and that of our sisters, on one hand, and future lawyers who care about the law on the other. We realize that the proposed amendment to H.B. 300 is a response to the outcry which followed the recent multiple defendant rape trial. However, we feel that it is critical that any action which the Judiciary Committee or the Senate takes be more than just a gesture in response to current events. Therefore, we oppose the introduction of S.D. 1 because we are convinced that this Committee can go farther this session. We are also opposed to the appointment of any new commissions or committees to study the problem of sexual assault because we feel that this matter has been fully studied by Rep. Stanley's 1980 Committee on Sexual Violence and by the Crime Commission. The Committee produced an excellent proposal which was introduced and in 1980 as HB-2877-80 and adapted and reintroduced this session by Rep. Hirano as HB 1654. The reintroduction at this time of HB 1654 would serve as a starting point for a law which will serve the women of Hawaii and all citizens of this state far better than halfway measures and promises of future action.

HB 1654 incorporates provisions which we feel are necessary to make our Penal Code sex-neutral. These provisions include the elimination of the resistance requirement in determining the amount of force used; the elimination of the voluntary sexual companion requirement, and the recognition that sexual  
(cont.)

assault includes incidents where there is no forcible compulsion, but there is no consent.

Based on the foregoing, Women Together urged that HB 1654 be considered instead of HB 300.

The matter at this point is unresolved. HB-300 is now scheduled to go to a conference committee which has not yet been formed.

---

### A SHORT NOTE ON THE NATIONAL CONFERENCE ON WOMEN AND THE LAW by Linda Rosehill

---

I thoroughly enjoyed my recent trip to Boston to attend the National Conference on Women and the Law. It was my first trip to the mainland and as such, provided many new and exciting experiences. The conference itself centered on issues such as ERA litigation, affirmative action, courtroom skills, rape, and a wide variety of topics of particular concern to women. I met many women from other law schools and had the opportunity to share ideas, problems and interests. Overall, I found that although there are a lot of areas of concern to all women, i.e. rape, job discrimination, Hawaii's concerns are sometimes unique and are difficult to reconcile with those of the mainland. I would like to thank the Law School Administration as well as Women Together for affording me this unique and most worthwhile experience.

Mahalo Nui Loa.

A special mahalo to Dean Anderson for assisting Women Together with funds....

---

MAHALO TO JUDGE MARIE MILKS FOR HIGHLIGHTING WOMEN TOGETHER'S LAST MEETING. JUDGE MILKS GAVE A VERY INFORMATIVE PRESENTATION AT OUR LAST POTLUCK-MEETING ON LITIGATION TECHNIQUES.

**COMING EVENTS:** April 15, 6:00 p.m.  
in Classroom 6: Workshop on Battered Women with film, "Too Many Lickin's"; Nancy Kriedman, Facilitator

POSSIBLE POTLUCK MEETING the last night before dead week. Date, Time and Place will be announced.

IT'S ADMISSIBLE

This article gives praise to the man on campus frequently and commonly parodied by many of us with a side to side sweeping of a knife-edged hand and the supporting statement, "How does it cut?" This is clearly an example of the saying "imitation is the best form of flattery." Have you guessed who I'm talking about? Right! I'm referring to our own Professor Addison Bowman, Crim extraordinaire, known in certain quarters and close circles as "Addie."

Prof. Bowman is one of the old-timers here, with his abundance of knowledge and experience (at this institution) going back to 1975. (He's really one to talk to when needing evidence of "those days back then".) Anyway, what I've been trying to say from the start is that his efforts and devotion to better our legal community, as well as our State, was recently recognized when the whole community, through the University of Hawaii Foundation honored him with the special Robert W. Clopton Award for Distinguished Community Service. The award gives recognition to individuals who have given their time and energy to community activities and organizations. In receiving the award, Prof. Bowman was cited as "one of the leading resource people on criminal justice in the State."

The somewhat candid interview with him (for this article) revealed a few

and perhaps, not too well-known things about this man. For instance, he admits a very close bond with "his school" and he reflects a strong desire and conviction (aside from the fact that the pay is surely not the motivating factor) to do his best in promoting a policy of building and achieving a "quality school" which he sees in time to come, "a tremendous benefit to the legal community, the entire State, and its people."

So when you have a chance (if this article is not persuasive) and if you dare, find out about the man behind the man. Try and ask him why he thinks Lanai is the best place. (Anybody know how to get him to Niihau or Kahoolawe...the two islands he's never been to yet?) If you do all these things, you may find that you'll be pleasantly surprised, if not enlightened. For it is his conviction to make it as tough for us in school as possible because, as he puts it, "it's tough out there", as if reflecting the knowledge of some personal life experience.

Well, whatever your conclusion, I'm sure we can all agree on at least one thing. Someday, we'll probably be proud to claim, "I learned evidence from Addie."

---

You Know Who You Are

This letter is directed to a student in the second year class, who, on several occasions, described our law school as "nothing but a joke" and as a "cow college."

Your low opinion of our school makes me wonder why you are still here. It also makes me wonder if you think you are doing your legal education a favor by putting down your own law school.

I am a strong supporter of my school and it hurts me to realize that you express your support by ridiculing it. /S/ Josie Bayudan

NEW LIBRARY HOURS

Due to the recent number of fires and acts of vandalism in the law school, the faculty unanimously voted to close the library from midnight to 6:00 a.m. daily during the regular semester. The schedule for holidays and the summer will be announced later. Effective Monday, April 20, 1981 the new library hours are:

- Mon.-Fri.: 6:00 a.m. - 12 midnight
- Saturdays: 10:00 a.m. - 12 midnight
- Sundays : 1:00 p.m. - 12 midnight

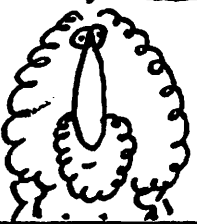
The locks on the four outside doors will be changed so that the student keys will be inoperable. The UH campus security guards have been asked to clear the library, close the lights and lock the doors at midnight.

The students who previously used to library between 12-6 a.m. are being asked to cooperate by rearranging their study schedules. Direct all inquiries to Asst. Dean Larry Kam.

**Kimo & Nalo** by *Gerardo J. Alvarez...*

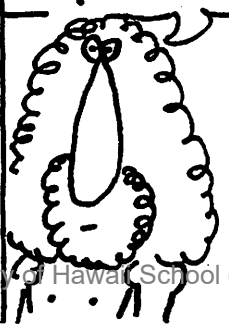
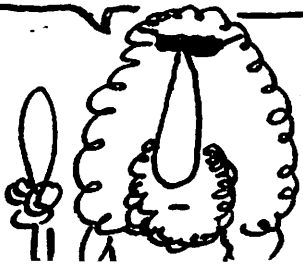
All this fuss about a permanent law school building can easily be settled. First, we'll start a huge fundraiser to generate the extra 5 million dollars needed!

We can sell portu- gese sausage, sweet bread, and Zippy's Chili. Also, we can walk, run, and crawl for man kind! How about hosting a 24 hour telethon? (Bucks for Lolo)...



Next, we take the money and buy into a pyramid scheme! I hear that cargo containers are also a good investment...

Finally, we throw a luan for the accreditation team! try to get another 3 year extension...



Kimo you so smart!

NOTICE!

The Administration has also noticed that several pieces of furniture, i.e., tables and chairs, are missing from the library. Please keep a watchful eye on our library and to those of you who may have borrowed items, please return!

HELPFUL HINT

Get a good night's sleep before each exam and good luck on each one! Get your exam numbers which have been made available in Rm. 24.