

From: [Kenneth Fukunaga](#)
To: [Standards of Conduct](#)
Subject: Commission to Improve Standards of Conduct
Date: Friday, June 10, 2022 9:48:24 AM
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Dear Commission,

Without a postal address, I am submitting comments to the commission by email.

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June 10, 2022

Commission to Improve Standards of Conduct
StandardsofConduct@capitol.hawaii.gov.

Dear Commission Members:

Regarding the Commission to Improve Standards of Conduct, formed by the H.R. No. 9, Regular Session of 2022:

The recent prosecution of two members of the legislature for taking bribes arises from the power that the legislators held, which they sold. As Lord Acton said: “Power tends to corrupt, absolute power corrupts absolutely” (attributed to Lord Acton, 1834-1902). Acton was referring to the popes but the message is the same for legislators who wield immense power – a single legislator can advance, modify without hearing, or kill legislation. One person is easier to bribe than an entire committee or the chamber. Power corrupts absolutely when it is absolute as in the case of Jamie Kalani English and Ty Cullen.

From a public health perspective, it is cheaper, more effective, and longer lasting to prevent disease than treat it after it develops and spreads.¹ Both of the examples show that prevention is a lot cheaper and more effective than treatment later. Similarly, prevention of corruption is a lot cheaper and more effective than fines and jail later which depend on self-reporting or a conspirator confessing.

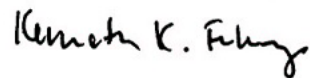
Thus, I believe that the Commission should focus on prevention by changing the power structure in the legislature, to remove the temptation of shortcutting the legislative process. While ethical oversight is often a paper solution, keep in mind the Latin phrase: “Quis custodiet ipsos custode?” (attributed to Juvenal, a Roman poet, 1-2nd century), translated as “Who will guard the guards themselves” or from Star Trek, “who watches the watchers”. In Hawai‘i no one locally; it required the US Attorney’s Office on the mainland to investigate and prosecute Jamie Kalani English and Ty Cullen. They were charged with, ironically, depriving the people of Hawai‘i of their honest work. They face 20 years in prison. But the cleaning task will be immense. Hercules in Greek mythology cleaned the Augean stables (holding thousands of cattle and other animals and never cleaned for 30 years) in one day. I don’t see anyone like that locally, the proof being in the fact that prosecution of the two legislators occurred by out of state

¹ Dr. John Snow’s pioneering work in the 1800’s with tracing cholera to a contaminated water pump is an early example showing that providing clean water through a pump is lots less expensive than treating thousands of cholera victims. See also: Florence Nightingale, who statistically analyzed death rates in the British Army and determined the high rates were caused by lack of sanitation, cleaning the wards, beds, etc. was a lot cheaper and more effective than treating dying soldiers with infections from filthy conditions. Nightingale, known as a nurse, was a foremost statistician and the first woman to be admitted into Royal Statistical Society.

prosecutors. This underscores how essential it is for prevention to be used. For example, by the time the police or fire departments respond to a crime or fire, there is injury or property damage. Far better to prevent injury or property damage.

I would also like to remind the Commission of why the Democrats control the legislature: from about 1946 to 1954, when the Democratic Party's political revolution took place, the veterans from Hawai'i who fought and died in WWII (100th Battalion; the 442nd Regiment; Military Intelligence Service) worked mostly quietly but decidedly assiduously with John Burns and with all parts of the local population including the unions, to gather the votes needed to take control of the Hawai'i legislature. Prior to WWII, Hawai'i was controlled by the Republican Party. The returning veterans were not welcome in the Republican Party. In 1954, the well documented Democratic revolution or Blue Wave occurred, and from 1954 to this day, there have hardly been any Republicans in the legislature because the veterans' plan was executed so very well, perhaps too well since it gave Hawai'i one party rule – a switch from Republican control to Democratic control. To understand this history and why it is important, several books are useful to read: *Land and Power in Hawai'i: The Democratic Years* by Cooper and Daws; *Catch a Wave* by Tom Coffman; and *Ambassador in Arms: the Story of Hawai'i's 100th Battalion* by Thomas D. Murphy². These books remind us why the Democratic Party is dominant. Bribery and selling of favors are in derogation of the storied history of the veterans who brought about historic change.

Very truly yours,



Kenneth K. Fukunaga, JD, PHD

² I refer to Murphy's book, because unlike the many others which are summaries or second/third hand accounts or based on interviews decades later, he interviewed 100th Infantry veterans right after the war for their recent memories, as a professor of history at the UH. His book was published in 1954, the year of the Blue Wave takeover. In the last chapter of the book Murphy details the 10-year period that led to the Blue Wave which from the viewpoint of 2022, was prescient in describing what was about to happen in local politics.