

VAL OKIMOTO
Minority Whip



HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

September 1, 2020

The Honorable David Y. Ige
Governor of Hawai'i
Executive Chambers, State Capitol
Honolulu, Hawai'i 96813

Aloha Governor Ige:

I am writing as a concerned Legislator and citizen. The people of Hawai'i have had their lives disrupted by the outbreak of COVID-19. On top of this, bitter partisanship continues to undermine trust in elected officials and government institutions across our country. The people of Hawai'i are losing faith in their leaders. Transparency is vital to bolster confidence in democracy and the rule of law during these turbulent times. Your recent refusal to release information directly undermines transparency.

I am specifically referring to your refusal to release information to the Legislature, state Auditor, and requests by journalists as referenced in the Honolulu Star-Advertiser article *Hawaii Gov. David Ige Declines to Address Open-Records Request* from August 24, 2020. That article quotes you stating, "When the suspension is lifted and government employees are able to work in their offices and normal government operations have resumed, your request will be addressed." In the quote, you are referring to the suspension due to your emergency proclamation. This suspension was supposed to end in May but was extended through July, then through August. Now we are in another stay-at-home phase until mid-September. How long does an emergency need to last before it starts being normal?

The continual creep of the emergency proclamation and orders, compounded with the multitude of changes and additional orders, calls into question if the decisions made are formulated or if they are being arbitrarily chosen. Many individuals and businesses feel the state is unfairly using its power to enforce orders that negatively impact them economically. The longer this emergency continues, the more questionable the state's use of force. Cooperating with freedom of information principles will go a long way in fostering the public's opinion that the rule of law still guides decision-making in our state.

Additionally, there have recently been references to being "at war" with the coronavirus in order to emphasize the need for citizens to follow government guidance as if a cunning enemy were trying to destroy us. Our opponent is not cunning or consciously plotting to subvert the government – it is a virus. Therefore, the use of emergency powers normally intended to protect the state from a thinking adversary, one who uses information to their advantage, is an overreach. The release of information will in no way empower this foe, but it will engender much needed trust in government.

I understand and support the need to provide for the safety of our citizens during this pandemic. However, I believe this need for safety puts the responsibility on the government to provide safe ways for citizens to

The Honorable David. Y. Ige

September 1, 2020

Page 2

continue their participation. Instead, the approach taken seems to be the opposite, which has resulted in restricting many of the ways the public partakes in governance.

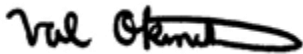
I would like to point out that the state's constitution *begins* with Article I, Hawai'i's Bill of Rights. The U.S. Constitution places creation of the legislative, executive, and judiciary before the Bill of Rights. The meaning behind this is important: the citizens of Hawai'i place the preservation of individual rights above all other obligations and responsibilities of the state.

The preamble to our state's constitution also reminds us that, "We reaffirm our belief in a government of the people, by the people and for the people..." If the public is barred from actively engaging in governance, the government is inherently no longer with the people.

In closing, I do not want to appear hypocritical. I believe the Legislature failed to provide citizens with safe and practical ways to participate in legislative hearings this past session. I will advocate for collaboration with my colleagues to ensure there is a way for people to provide online testimony and rebuttals before the opening of the next legislative session.

Thank you for your continued service on behalf of the people of Hawai'i. Should you have any questions, please do not hesitate to contact me at (808) 586-9460 or at repokimoto@capitol.hawaii.gov.

Sincerely,

A handwritten signature in black ink that reads "Val Okimoto". The signature is written in a cursive style with a long, sweeping underline.

VAL OKIMOTO

Representative – District 36

VO:km