

ACT 161

H.B. NO. 1375

A Bill for an Act Relating to John E. and Aiko T. Reinecke.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The purpose of this Act is to allow John and Aiko Reinecke to sue for damages incurred in connection with their dismissal from the Department of Public Instruction on October 29, 1948.

John E. Reinecke and Aiko T. Reinecke were, at the time of their dismissal, experienced members of the territorial school faculty. Each had taught for more than 17 years and both held lifetime teaching certificates. In 1947, John and Aiko Reinecke were accused of being communists, not possessing the ideals of democracy, and therefore being unfit to teach.

The Reineckes were suspended without pay on November 22, 1947 and subsequently tried before the Commissioners of Public Instruction. Following commission hearings, they were dismissed from employment on October 29, 1948, and John Reinecke's teaching certificate was revoked. The Commission determined that there was potential for bias to occur, and that the Reineckes should be discharged for the good of the Department of Public Instruction.

John and Aiko Reinecke did not find further employment in the teaching field in Hawaii.

In 1976, a "Committee for Justice for the Reineckes" was formed for the

purpose of reinvestigating the 1948 actions. On June 17, the Board of Education appointed a special committee which held several hearings and gathered material in regards to this case. The Office of the Attorney General held a public hearing on August 5, 1976 and subsequently determined that the extraordinary circumstances of the case merited rehearing.

On August 26, the special committee recommended to the full Board that action be taken to correct injustices done to John and Aiko Reinecke in 1948. The Board of Education on October 7, 1976 revoked the decision of the Commissioners of Public Instruction to dismiss John and Aiko Reinecke, and restored the teaching certificate of John Reinecke.

**SECTION 2.** John E. Reinecke and Aiko T. Reinecke are hereby authorized to sue the State of Hawaii in an appropriate State court to recover damages incurred in connection with their dismissal from the Department of Public Instruction.

**SECTION 3.** For the purpose of this Act and the adjudication of any claim, the immunity of the State to suit is hereby waived, and John E. Reinecke and Aiko T. Reinecke may proceed against the State as in the case of any other defendant, subject to the same procedures and defenses, except for the defense of immunity from suit or of the statute of limitations, the provisions of which are hereby expressly waived.

**SECTION 4.** The claimant John E. Reinecke and the claimant Aiko T. Reinecke shall commence the action authorized by this Act in appropriate State court within two years from the effective date of this Act.

**SECTION 5.** This Act shall take effect upon its approval.

(Approved June 2, 1977.)