

# DEFEATED

## Himeno rejection sends a stern note to Waihee

PRO

“  
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”

Gov. John Waihee

### What's next

Here are the steps left for selecting a Supreme Court associate justice:

- **Deadline:** Gov. John Waihee has 10 days in which to select another nominee from the earlier list sent to him by the Judicial Selection Commission.
- **Confirmation:** The Senate then has 30 days after the nomination is submitted (starting day after submission) to disapprove. If they don't act within 30 days, the nomination goes through.



By Craig T. Kojima, Star-Bulletin

Sharon Himeno: Supreme Court appointment rejected.

CON

“  
*By overwhelming numbers people are saying to us, 'Something is wrong,'*  
”

Sen. Randy Iwase

### What's inside

- Attorneys leading charge against the nomination don't expect a backlash.
- Controversial California office complex deal helped scuttle nomination.
- Confirmation seemed certain at first.
- Earlier nominee had favored Himeno.
- Who voted for and against.
- Senate wants an independent candidate next.

Page A-4

### The Senate wants the nominee to be free of political taint

By Helen Altonn  
Star-Bulletin

In rejecting Sharon Himeno as a Supreme Court associate justice, the state Senate is telling Gov. John Waihee it wants his next candidate to be "independent," says Senate President James Aki.

Another woman nominee also is desirable, he said. "The majority of citizens have indicated to us it's time

for more women in our leadership positions."

Waihee agreed that it's important to have a woman on the Supreme Court but said he doesn't know yet who he will appoint.

With support from a majority of members, the Senate in unprecedented action yesterday:

- Pulled Waihee's Supreme Court nominations from the Senate Executive Appointments Committee.
- Suspended a rule requiring a one-day notice before voting on nominations.
- Rejected Himeno's appointment on a 17-7 vote and unanimously confirmed Associate Justice Ronald Moon to replace retiring Chief Justice Her-

man Lum. Moon and his wife were present for the vote.

Milton Holt, Appointments Committee chairman and Senate vice president, was the only member absent.

The Senate chamber was packed with staff members, attorneys and others anxious about Himeno's nomination.

"Our judicial selection system won a big victory," said James J. Bickerton, among more than 245 attorneys who signed petitions protesting Himeno's appointment. "We feel our faith in the system has been restored."

"Fabulous!" reacted attorney Elizabeth Fujiwara, a key figure in the

See REJECTION, Page A-4

## REJECTION: Waihee gets the message

Continued from Page A-1  
petition drive.

Himeno, 36, could not be reached for comment. Waihee said she was disappointed when he talked with her after the vote but "she took it rather well."

A private attorney, former state Land Use Commission member and state Land Board member, Himeno's nomination received heavy support from legal and business firms and law organizations.

But residents and lawyers swamped senators the past week with calls and letters, charging that Himeno isn't qualified for the state's highest court and her appointment reflected "political cronyism" and "old boy politics."

She is the wife of former state Attorney General Warren Price and daughter of developer Stanley Himeno.

"We are hearing the voice of a broad cross-section of our community and by overwhelming numbers people are saying to us, 'Something is wrong,'" said Sen. Randy Iwase.

"The people's continued faith and confidence and trust in our court system is paramount and must be preserved."

Waihee said he believes the Senate would have found Himeno "very highly qualified" for the Supreme Court if it had continued deliberations until a March 7 deadline for a

vote.

"The concern appeared to be more with the pending deadline than with the qualifications of the nominee herself," Waihee said. "In the long run, the process should have been allowed to separate fact from rumors and innuendos."

But since the Senate "chose to exercise its prerogative to reject my nomination," he said, "I think it's best that we move on to provide the very best Supreme Court for the people of Hawaii."

The Senate normally would wait for a report and recommendations from the Executive Appointments Committee before voting on nominations, but it went into recess today with no formal sessions until March 4.

Because of that, Aki said, the Senate had a "time constraint" to act on the appointments and he was unable to reach Holt all week. Holt's staff members said they didn't know where he was.

Aki said Holt didn't return any of his calls until yesterday morning, when he asked that action be delayed on Himeno. "I conveyed to him the urgency of the situation," Aki said, pointing out the Senate must act within 30 days of receiving a nomination or it is confirmed automatically.

Aki said he didn't want to take that chance because it would circumvent the Senate's advise-and-consent role in the judicial selection process.

Sen. Russell Blair said it appears Holt "has abdicated his responsibility to the system and to his colleagues and to his constituents and to the people of the state of Hawaii . . ."

He asked that Senate leaders review the

situation and consider whether Holt is fit to continue serving as committee chairman.

"When he (Holt) comes back we will deal with that problem," Aki said after the session. "I think it really looks bad for Sen. Holt in that respect."

Republican Sen. Rick Reed said the Senate's opposition to the nomination "will send a clear message to this governor and future governors . . . that when it comes to the Supreme Court, that is a body that deserves an independent justice and the state Senate has taken a stand on behalf of that independence."

GOP Sen. Stan Koki also said he's proud of the Senate "for declaring we're not going to be led by the powers that be on where we should go."

Sens. Mike McCartney, Bert Kobayashi, Donna Ikeda, Rey Gaulty and Eloise Tungpalan voiced concerns about Himeno's qualifications and the need to maintain public trust in the state's highest court.

Legislators are responsible "for carrying through with that notion of democracy of government of the people, by the people and for the people," Kobayashi said.

"Just focusing on the nominee's qualifications, I found them to be lacking," Ikeda said.

Ikeda and Tungpalan also said they still have questions about Himeno's involvement in the state Employees Retirement System's purchase of California property from a company partly owned by the Himeno family, despite Himeno's explanation.

Himeno said she and her law firm, which represented ERS, removed themselves from the deal and she had no knowledge of it.

## 2 attorneys say effort worthwhile

□ Bickerton and Fujiwara say they don't fear retaliation

Star-Bulletin staff

Buoyed with the confidence that "democracy works," two attorneys who spearheaded a petition drive challenging the appointment of Sharon Himeno to the state Supreme Court say they don't fear or expect retribution.

"This nomination helped us to cross a line where people have their faith in the system restored and people feel free to openly and publicly debate the issue," attorney James Bickerton said yesterday.

Attorney Elizabeth J. Fujiwara added: "Anyone would be foolish to try and retaliate. . . . Enough people have vocally expressed their concerns about the process, there should be nothing to fear."

Bickerton and Fujiwara were among 235 lawyers who signed a petition presented to Senate President James Aki this week, before the Senate's rejection yesterday of Himeno's nomination.

Fujiwara said she continued to get more names of attorneys wanting to sign the petition, bringing the total to 257.

Bickerton, among the first attorneys to speak against Himeno, said it was difficult getting signatures in the beginning because "you only know so many people."

But he said as word spread about the petition drive, he received more names of attorneys wanting to sign.

Bickerton noted that two-thirds of the signatures were received last week before the first signs that Himeno's support was eroding. "People were willing to take a stand early," he said, "before it looked like the nomination was going to fail."

Bickerton is a director of the Hawaii State Bar Association, which voted 12-4 with one abstention to endorse Himeno. Bickerton voted against the endorsement. Fujiwara is also a member of the bar and Hawaii Women Lawyers, which also endorsed Himeno. The attorneys say they don't expect any retribution from their organizations' leaders.

Because Himeno's nomination was so "blatantly political," Fujiwara said it was easy to persuade people to come forward.

Asked about the governor's next choice, Fujiwara said: "Because of this very recent experience, the governor will be very careful and judicious in his next selection and know a large number in the bar and the public demands and expects the best and the brightest."

## Real estate deal set off alarm bells

□ Many questioned her role in a sale that involved the state retirees' fund

By Benjamin Seto

Star-Bulletin

A gleaming office complex in an industrial area of Southern California may become known as the building that scuttled a Hawaii Supreme Court nominee.

CentrePointe, a complex of three buildings housing offices and warehouse space in Carson, Calif., sparked questions among state lawmakers about the judgment of attorney Sharon Himeno, Gov. John Waihee's choice to fill a vacancy on the high court.

The complex was purchased in 1989 for \$23 million by SS 168 Properties Corp., an enterprise partly owned by Himeno's father, Stanley. Sharon Himeno was a company director.

The same day the building was purchased, SS 168 Properties sold it for \$26 million to the state Employees Retirement System. Sharon Himeno's law firm represented the retirement system in the past.

Himeno told senators that she resigned from the family business and removed herself from any dealings with the transaction to avoid any conflict of interest.

But her explanation wasn't enough for lawmakers and for state retirees, some of whom called their senators and the media expressing concern about the CentrePointe investment.

Stanley Siu, executive secretary of the retirement system, said the system receives about \$2 million annually in rental income from the property — a yield of about 8 percent of the \$26 million purchase price.

"That's pretty damn good considering the economy," he said.

CentrePointe, whose main tenants include Canon Office Equipments, is in a region dominated by defense companies, which are feeling the brunt of California's downturn.

But Siu said the office complex has an occupancy rate of 88 percent, which has been steady since the purchase.

The average occupancy rate for buildings in the same region is about 75 percent to 80 percent, said Tim Mings, an appraiser with CB Commercial in Los Angeles.

Although times are tough in California, Siu said the retirement system "is a long-term investor. . . . We're not concerned about the market, because it'll turn eventually and then we may sell," he said.

## Waihee popularity nose-dives

□ The U.S. flag and Himeno flaps could be among the reasons

■ Editorial on Himeno **A-10**

**By Richard Borreca**  
Star-Bulletin

More than a quarter of the state's voters say Gov. John Waihee is doing a poor job, according to a new public opinion survey.

His refusal to raise the American

flag last month and his appointment of Sharon Himeno to the state Supreme Court appear to be cutting into Waihee's usually high marks.

A statewide public opinion poll taken for the Star-Bulletin Feb. 12-16 shows a drop in Waihee's overall performance rating. The poll has a margin of error of plus or minus 5 percentage points.

Twenty-six percent of the voters surveyed gave Waihee a poor rating. The average poor rating for Waihee for the five previous surveys was 10.4 percent.

In previous polls, an average of more than half the voters said Waihee

See **WAIHEE**, Page A-6


**POLL**

### Waihee's slipping popularity

■ How would you rate the performance of John Waihee as governor: excellent, pretty good, only fair or poor?

DATE	EXCELLENT	GOOD	FAIR	POOR	UNDECIDED
Dec. 1989	5%	60%	29%	6%	1%
May 1990	6%	52%	27%	11%	3%
April 1991	16%	46%	29%	7%	2%
April 1992	9%	41%	32%	18%	0%
Aug. 1992	5%	45%	39%	10%	1%
Feb. 1993*	4%	32%	27%	26%	1%

\*Asked of 411 registered voters by Political/Media Research Inc. from Feb. 12 to 16. The margin of error is plus or minus 5 percentage points.



## WAIHEE: His popularity drops to a new low

Continued from Page A-1

was doing an excellent or good job. In this month's survey, only 36 percent gave Waihee top marks.

A spokeswoman for Waihee speculated that the decline was a backlash from the flag issue and the judicial appointments.

In the community, however, several said the dissatisfaction has been brewing.

"I gave up on him," said Kathleen Hamilton, 47, a housewife and Avon saleswoman.

She was one of several voters who volunteered to elaborate on the poll's findings.

"I think he says one thing and does another. I'm part-Hawaiian, and I don't see him doing things for the people."

In a 1990 poll, Waihee was doing an excellent job according to 22 percent of the Hawaiian voters. In April 1992, 15 percent of Hawaiian voters described Waihee's job performance as "excellent." But this month only 6 percent of Hawaiians surveyed agreed Waihee was doing an excellent job.

Ralph Koga, 51, a school bus operator who lists himself as a Democrat who voted for Bush last year, says Waihee's performance hasn't lived up to its billing.

He faulted Waihee for the state's continual problems funding the public schools.

"Kids don't have enough books to use; the facilities are run down. If you are going to advocate education — then push it through," Koga said.

“  
*Kids don't have enough books to use, the facilities are run down. If you are going to advocate education — then push it through.*  
”

**Ralph Koga**

School bus operator

U.S. Sen. Daniel Akaka enjoys a high approval rating, with 49 percent saying he's doing an excellent or good job.

Honolulu Mayor Frank Fasi has gone up in Oahu voters' eyes. In August 1992, he had 45 percent of the voters giving him an excellent or good rankings while the February poll found 63 percent giving him those ratings.

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Tomorrow: A majority of voters thinks allegations of sexual misconduct against U.S. Sen. Daniel Inouye should be investigated.