MEDIATOR AND ADVOCATE: THE HISTORY OF THE
HONOLULU COMMUNITY-MEDIA COUNCIL

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by

Ralph Thomas Kam
To Kathy, Emalani and Joshua
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ABSTRACT

This dissertation takes the first comprehensive look at the political and intellectual history of the Honolulu Community-Media Council. Since 1970 the council has played a significant role in shaping the political landscape of Hawaii. This study describes the council's dual role as media watchdog and as media champion. As media watchdog it has served as mediator between the most powerful individuals and organizations in Hawaii. Governors, mayors, and media conglomerates have been parties to its more than one hundred mediations. The council has also resisted increasing media consolidation, and promoted fair and accurate coverage of individuals and organizations. As media champion the council has opposed government secrecy and censorship and lobbies for increased access to governmental proceedings. Using archival materials and interviews, this study explores the council’s impact on media policy and law. This study looks at factors contributing to the continuing viability of the organization and its implications for other communities interested in forming press councils.
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CHAPTER 1: INTRODUCTION

"I infer that [the press'] security [. . .] must altogether depend on public opinion, and on the general spirit of the people and of the government."

—Alexander Hamilton, The Federalist Papers, No. 84

This dissertation looks at the history of the Honolulu Community-Media Council, a private, nonprofit voluntary association that "seeks to promote accurate and fair journalism in Hawaii, broaden public understanding of the role of the media, foster discussion of media issues, strengthen public support for First Amendment rights and freedoms, and improve public access to information."1 For more than three decades the council has played a significant role in shaping the political landscape of Hawaii through its dual function as media watchdog and as media champion. As media watchdog, it has served as mediator between the most powerful individuals and organizations in Hawaii. Governors, mayors, and media conglomerates have been parties to its more than one hundred mediations. In performing the watchdog function, the council also resists increasing media consolidation, and promotes fair and accurate coverage of individuals and organizations. As media champion the council opposes government secrecy and censorship and lobbies for increased access to governmental proceedings and records. In doing so the council also has influenced issues central to a vibrant democracy—freedom of the press, open government, media responsibility, equal time, fair trials, and privacy.
The Honolulu Community-Media Council performs these roles in the common ground between the public, media, and government. Former council member Wilbur Schramm, the founding director of the East-West Center’s Communications Institute, described in 1977 the model of the Honolulu Community-Media Council as “situated in the middle of a triangle, between government, the media, and the people.”2 Although writing about a proposed national news council, the model presented by Ralph Lowenstein of the University of Missouri School of Journalism could apply also to local councils. He wrote in Press Councils: Idea and Reality: “We must picture in our mind’s eye powerful national media on one side, powerful centralized government on the other side, and now a powerful national press council in the middle.”3

Called “unique”4 by one of its founders, the council has survived longer than dozens of its kind, and even witnessed the birth and death of its national counterpart. As early as 1946 the publisher in Littleton, Colorado, had hosted a group of citizens to “roast” his newspapers at an annual gathering. The Commission on Freedom of the Press, also known as the Hutchins Commission after its chairman, University of Chicago President Robert M. Hutchins, recommended an organization like a press council in 1947. The commission, in its report titled A Free and Responsible Press, called for “the establishment of a new and independent agency to appraise and report annually upon the

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performance of the press.” The recommendation was one of three items listed under the heading “What Can Be Done By the Public.” Just three years after the Hutchins report the first press council appeared in the United States albeit at a local rather than national level. Formed in Santa Rosa, California, nearly two decades before Honolulu’s, the press council lasted only three years. Between 1967 and 1969 the Mellett Fund sponsored six experimental councils in Redwood City, California; Bend, Oregon; Cairo, Illinois; Sparta, Illinois; St. Louis, Missouri; and Seattle, Washington. Starting in 1970 the Peoria Journal-Star paid the 21 members of its Women’s Advisory Board to solicit feedback concerning the newspaper. Thus, several press councils preceded the Honolulu effort; all but the latter one, however, ended operations before the start of the Honolulu Community-Media Council. So, although not a pioneer, the Honolulu council has demonstrated its staying power. The Minnesota News Council started in 1971, just months after its Honolulu counterpart. In the next couple years three more press councils formed in Iowa Falls, Iowa; Greenville, Mississippi; and Riverside, California; but all three had closed by 1976. The latter council shared with its Honolulu counterpart the commitment on the part of The (Riverside) Press and Daily Enterprise to publish the council’s findings but also the recognition that: “The editors in no sense will be bound by

7 Bertrand, An Arsenal for Democracy: Media Accountability Systems 156.
the council’s findings; they retain absolute discretion in determining the content of the newspaper as well as ultimate responsibility for what appears in print in the news and editorial columns.”

More than two decades later, a 1998 split of the six-year-old Northwest News Council resulted in the establishment of the Washington News Council. Today, Honolulu, Minnesota and Washington have the only remaining media councils in the United States, though dozens of national and provincial news councils exist in other countries.

Internationally, press councils have a history far exceeding the half-century of U.S. experience. Press councils have a lineage that dates back to 1916 when Sweden established the first national press council. Finland and Norway established their councils around a decade later. In the years following World War II, various organizations expressed increased interest in freedom of expression. The Royal Commission of the Press in Great Britain proposed establishing a press council there as early as 1943, though the actual entity would only form a decade later—the first English-language national council. Even today, the only definition of “press council” in English language dictionaries is one contained in the Oxford English Dictionary, and it refers not to a general idea but to the specific body established in Great Britain. Another post-war effort, the Universal Declaration of Human Rights, adopted by the United Nations in 1948, includes in Article 19: “Everyone has the right to freedom of opinion and expression; this
right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."\(^{13}\) Article 19 established the basis for press councils that have formed in dozens of countries. The Netherlands started a press council the same year.\(^{14}\) The United Nations in 1953 established the Convention on the International Right of Correction "to give States directly affected by a report, which they consider false or distorted and which is disseminated by an information agency, the possibility of securing commensurate publicity for their corrections."\(^{15}\) Thus, the Honolulu Community-Media Council possesses a rich tradition historically and a national and international context.

Beyond the narrow scope of press councils, this study also looks at the interplay between the Honolulu Community-Media Council and other individuals and organizations with similar missions. One such entity is another concept borrowed from Sweden—the ombudsman. Indeed the role of the press council and the ombudsman are so similar that the *Honolulu Star-Bulletin*, in its attempt to explain the new press council, called the council a "media ombudsman."\(^{16}\) An ombudsman serves as an independent arbitrator between organizations and the public. Hawaii was one of the first, in April 1969, to establish an ombudsman for state government. In conjunction with the state attorney general, the state ombudsman helped provide media access to government

records. The media soon after adopted the ombudsman idea. In 1974 the *Honolulu Advertiser* named Charles Ware as its first ombudsman to help mediate reader concerns. The credit for the first U.S. newspaper ombudsman goes to Barry Bingham, publisher of the *Louisville Courier-Journal*, whose paper, under editor Norman E. Isaacs, appointed its ombudsman in 1967. Both Bingham and Isaacs would also play prominent roles in the press council movement. In 1979 the Honolulu council had the opportunity (almost a symbolic salute to its intellectual forbears) to host a talk by Lennert Groll, Sweden’s press ombudsman.

The Honolulu council has also formed coalitions with other voluntary associations to achieve mutual aims. The American Civil Liberties Union, League of Women Voters and Common Cause have teamed up with the council to press for open government meetings. The council drew two of its chairs, Rhoda Miller and Ian Lind, from coalition members League of Women Voters and Common Cause respectively.

**Current State of Knowledge on the Topic**

Though the Honolulu Community-Media Council now lays claim to the title of the oldest existing media council in the United States, this dissertation surprisingly represents the only comprehensive telling of the operation and accomplishments of the Honolulu Community-Media Council. Council founder Jim Richstad provided the most recent and longest telling of the council’s story in his 13-page chapter titled “Honolulu

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Community-Media Council," part of Claude-Jean Bertrand’s *An Arsenal for Democracy: Media Accountability Systems.*²⁰ A short one-page history of the council formed part of the 1991 *State of Journalism in Hawaii* report, and another on the council’s Web site makes a brief update of the history. The short accounts, however, do not do justice to the important work of the council. The accounts also do not adequately set the actions of the council in their political context.

Because press councils are a topic of interest to journalists, the *Columbia Journalism Review,* *American Journalism Review* and *Editor & Publisher* have devoted articles to the Honolulu council and its founding. A national publication like *The Progressive* magazine has covered the council when it has acted on issues of import to the magazine’s readers. Works not devoted to the council give relatively little information. Given the 150-year scope of her work *Shaping History: The Role of Newspapers in Hawaii,*²¹ it is not surprising that Helen Chapin, former council chair, devotes less than two hundred words to the Honolulu Community-Media Council. George Chaplin, founding member of the council, wrote about the same number of words in his *Presstime in Paradise: The Life and Times of the Honolulu Advertiser, 1856-1995.*²² Some newspaper articles refer to the Honolulu council only as an instance of a surviving entity, usually in the same sentence as the Minnesota council. Public records,

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too, have scant reference to the council until after its incorporation in 1995 made public annual reports a legal requirement. Even then the public reports list only the names and titles of officers. Fitting it is, then, that much of the council’s history has been preserved in the very media it has sought to preserve.

This dissertation completes a missing portion of the record of press councils in the United States. Two years before the formation of the Honolulu Community-Media Council William Blankenburg completed his 1968 dissertation at Stanford University titled *Community Press Councils*. The same year four journalism educators conducted a symposium on press councils. Kenneth Starck explored the inner workings of press councils in “What Community Press Councils Talk About” Lawrence Schneider looked at one of six experimental press councils in his article “A Media-Black Council: Seattle’s 19-Month Experiment.” The Seattle council focused on the relations between blacks and the media. All six community press councils received detailed treatment when William L. Rivers joined Blankenburg, Starck, and Earl Reeves to discuss the early history of press councils in their 1972 book *Backtalk: Press Councils in America*. Starck along with L. Erwin Atwood studied the impact of the recently established groups in “Effects of Community Press Councils: Real and Imagined.” Later Ralph Lowenstein

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The Honolulu council’s now defunct national counterpart has also received much research interest. Amanda W. Nunamaker studied the National News Council halfway through its life in her 1977 dissertation *The National News Council: A Study of Its Concept and Development, 1972-1977.* Patrick Brogan covered the demise of the U.S. national media council just a year after its end in *Spiked: The Short Life and Death of the*  

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National News Council. Gloria Cooper called the National News Council a "noble experiment" in her analysis of its demise, while Robert A. Logan looked at the historical and philosophical roots of its death. L. Paul Husselbee provided a more detailed record of the National News Council in his 1999 dissertation titled A Question of Accountability: An Analysis of Grievances Filed with the National News Council, 1973-84.


versus Minnesota.\textsuperscript{44} The \textit{Wall Street Journal} covered the Minnesota and Honolulu councils in a 1996 article.\textsuperscript{45} Gary Gilson, executive director of the Minnesota News Council, brought an insider’s perspective in his article “On Resistance to News Councils” in the \textit{Harvard International Journal of Press/Politics}.\textsuperscript{46} Erik Forde Ugland and Jack Breslin studied the Minnesota council from an ethics perspective in their 2000 article “Minnesota News Council: Principles Precedent, and Moral Authority” in the \textit{Journal of Mass Media Ethics}.\textsuperscript{47} In contrast, the more recent Washington News Council, started in 1998, has just a short history on its Web site.\textsuperscript{48} Although never formed, a planned Missouri state news council was discussed in Larry Fiquette’s article “Local News Council is Touchy Subject.”\textsuperscript{49}

Various research techniques were employed to complete this study. More than 420 newspaper stories, just about evenly split between the \textit{Honolulu Star-Bulletin} and the \textit{Honolulu Advertiser}, relate directly to the Honolulu Community-Media Council. Oral histories and written accounts were gathered from current and past members of the council, including one of its founders and early executive director, Jim Richstad; and former chairs Robert Fiske, Ian Lind, Richard Miller, Helen Chapin, Warren Iwasa,

\textsuperscript{45} G. Bruce Knecht, "Rare Breed: Media Watchdog with Some Bite.," \textit{Wall Street Journal - Eastern Edition} 20 November 1996.
\textsuperscript{49} Larry Fiquette, "Local News Council Is Touchy Subject," \textit{St. Louis Journalism Review} 27.192 (1997).
Jeffrey Portnoy, Moya Gray and Beth-Ann Kozlovich. According to extant council rosters just 170 individuals have served on the council during the 34 years covered in this dissertation. Interviews also took place with longtime members Philip Chun, Charles Frankel and Alf Pratte. Interviews were also conducted with individuals who, though not members, played a major role in the history of the council, especially former mayor Frank Fasi. Other persons interviewed included former journalist Toni Withington (whom Fasi banned from his news conferences); John Kernell, Fasi’s former director of information and complaint; and journalist Richard Borreca. Journalist Malia Zimmerman offered an outside perspective of the council and its mediation process. Interviews with many of the 33 individuals who comprise the founding members of the council also provided additional detail to the organization’s formation. These interviews included ones with Richard Abel, Reeve Hennion, and John Witeck.

Another set of interviews was conducted with journalists who had written articles on the council. Janos Gereben, Jay Hartwell, and Phil Mayer had each written multiple stories on the council. These individuals had knowledge of the council and a special perspective as working journalists.

Existing oral histories, such as the John A. Burns oral history project, gave insight into the lives of the founders to the council. The papers of Harlan Cleveland and Thomas Hamilton, housed in the University of Hawaii archives, and the papers of A.A. Smyser, George Chaplin and Desmond Byrne, in special collections at Hamilton Library, were examined for material related to the council. The minutes of the University of Hawaii Board of Regents were also studied. The not yet cataloged archives of the Honolulu
Community-Media Council, still in its initial stage, also provided a wealth of documentary evidence. Much deserved praise goes to the efforts of Sarah Vann, emeritus librarian of the University of Hawaii, and former council chairman Richard Miller in gathering from members and preserving the historical records of organization.

Since the council has proposed, supported and opposed several bills, the journals of the state house of representatives and senate as well as committee reports and testimony provided additional insight into the council's work. Bills included legislation related to the open meeting law and the Office of Information Practices. The archives of the Honolulu mayor and city council also provided additional documentation of the activities of the Honolulu Community-Media Council. Court decisions, too, provided a record on issues related to the council, especially Barreca v. Fasi, and Fasi v. Gannett.

Outline of Study

This dissertation takes primarily a chronological look at the issues faced and decisions made by the council as well as an examination of its future. Chapter 1 gives a brief introduction to the dissertation. Chapter 2 studies the various personalities associated with the creation of the council, especially Mayor Frank Fasi, whose dispute with the Honolulu Star-Bulletin served as a catalyst for its formation. Chapter 3 looks at the first year and the leadership setbacks endured by the fledgling organization. Illness and death struck the council's first two chairmen, ending the great promise of their leadership. The council's first major intervention in the dispute between Barreca and Fasi forms the core of Chapter 4. Barreca v. Fasi is a precedent-setting case now cited in media law courses. Chapter 5 looks at the council's efforts to secure public and media
access to legislative decision making through lobbying and forming coalitions in support for an open meeting or “sunshine” law. A rebuff by the University of Hawaii Board of Regents regarding coverage of its meetings set a new course for the council. The next chapter looks at the council’s role in introducing cameras in the courtrooms. Chapter 7 studies the limits of free speech and how the council approached press liberty versus license. Chapter 8 critiques the council’s role in mediating disputes between individuals and the media. The next chapter explores the council as an intermediary between politicians. As television assumed a greater role in the outcome of political races, candidates complained about advantages their opponents had in the media. The chapter also looks at the council’s role in establishing standards for political polls. Chapter 10 looks at the dispute between two titans, Kamehameha Schools and the Honolulu Star-Bulletin. The chapter concludes with a look at the second battle between the Star-Bulletin and Kamehameha Schools, the publishing of the “Broken Trust” article that forced major changes to Bishop Estate. An analysis of the council’s first major critique of the media, titled State of Journalism in Hawaii, and its impact on the organization forms the substance of Chapter 11. The next chapter looks at high profile politicians and their disputes with the full spectrum of the media as exemplified by the cases of City prosecutor Keith Kaneshiro and KGMB, Fasi and Gannett, Rep. Alex Santiago and the North Shore News, and Governor Ben Cayetano and Malia Zimmerman of Pacific Business News. The work of the council or members of the council to preserve diverse editorial voices through intervention in the Save Our Star-Bulletin and television anti-duopoly efforts are studied in Chapter 13. The council’s stand in combating government
secrecy and strengthening access to information is covered in Chapter 14. The chapter looks at the council's support of the Office of Information Practices and opposition to attempts to amend the state's open meeting law. The open meeting laws, which started with a closed meeting of the University of Hawaii Board of Regents, come full circle back to the regents with their firing of the university's president in 2004. The final chapter takes a look at the future of the Honolulu Community-Media Council and its implications for other potential councils.
CHAPTER 2: PROLOGUE

Where there is hatred, let me sow love.

—St. Francis of Assisi

Frank F. Fasi savored his victory as he stood at campaign headquarters. Just days earlier the Honolulu Star-Bulletin had endorsed his Republican opponent D.G. "Andy" Anderson in the 1968 mayoral race in an editorial titled "Cause for Concern."50 Now at 48, Fasi had reached the culmination of a political career he had started 16 years earlier, showing the evening paper just how wrong its editorial had been. Not that Fasi should have expected favorable treatment by the newspapers. He never endeared himself to the newspapers in general or the Star-Bulletin in particular.

During the 1968 campaign candidate Fasi had questioned whether the six-year-old Hawaii Newspaper Agency, created by the Honolulu Advertiser and Honolulu Star-Bulletin to share business and production facilities, had violated anti-trust laws.51 The Honolulu Advertiser sought the agreement, signed on May 31, 1962, to prevent its demise. The joint operating agreement would provide Fasi with a platform to complain about the local newspapers for years to come.

In 1967 Fasi had accused Mayor Blaisdell's administration of favoritism in the rezoning of Makaha land owned by Chinn Ho, president and director of the Star-Bulletin.52 The Star-Bulletin returned the favor. John Kernell, Fasi's first director of

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51 "Fasi Queries Kobayashi About HNA," Honolulu Advertiser 6 August 1968.
52 "Chinn Ho Offers to Debate Fasi," Honolulu Advertiser 3 August 1967.
information and complaint, recalled a trick that the paper pulled shortly before the
election. The photographer "used a telephoto lens to make it appear that candidate Fasi's
property on Kalanianaole Highway with scrap metal legally on it was 'obscuring the
view' of the Arizona Memorial from the highway. You can't really see the Memorial with
the naked eye from that spot. I know I took my camera with an ordinary lens,"53 John
Kernell remembered. The Advertiser, on the other hand, confined its anti-Fasi antics to
the advertising arena. Kernell recalled:

The Honolulu Advertiser had accepted an expensive full page reverse ad
from our campaign committee in the same time frame which simply said
FASI! in reverse white on black with the proper disclaimer in small print
below. When the ad eventually ran, somebody had "arranged" for "Wake
up, Hawaii, vote Republican!" to be printed in reverse at the top of the ad
as if it had been rubbed in at the last moment.54

Perhaps the news media should have taken the cue from a sign posted at Fasi
headquarters the night of the election. The Advertiser noted that Fasi was in a "room
marked 'Do Not Disturb.' But a newsman got in."55 Asked by an Advertiser reporter
about the election year press coverage, Fasi replied, "I'll say this flatly [ . . . ] The
Advertiser in its news columns was eminently fair in reporting the campaign. Ninety-nine
per cent of all the reporters tried to do a professional job. My opinion on the slanting of

53 John Kernell, E-mail to author, 18 August 2004.
54 John Kernell, E-mail to author, 18 August 2004.
55 Drew McKillips, "Fasi Hopes to Build Administration with Competent Aides," Honolulu Advertiser 6
November 1968.
news by the Star-Bulletin doesn’t matter at this stage.”\textsuperscript{56} Interestingly, the \textit{Star-Bulletin} report of the same quote inserts the words “from both newspapers” resulting in “Ninety-nine per cent of all reporters from both newspapers tried to do a professional job.”\textsuperscript{57} In an exclusive interview with \textit{Advertiser} columnist Eddie Sherman, Fasi sharply criticized “the Star-Bulletin and those opponents who took the low road—the very low road, especially here, in the land of aloha.”\textsuperscript{58} That Eddie Sherman, a three dot columnist, got the exclusive is not surprising. A \textit{Sun Press} editorial related a story about Sherman that clearly explained the reason. Once Sherman was complaining to his editor about yet another Fasi item that had been cut.

“I know it was,” admitted the editor. But everything you ever say about Fasi is good. How come you never write anything BAD about that guy??”

“For crying out loud,” Eddie said. “I never write bad things about ANYBODY!”

And that, you know, is the absolute truth. People can joke about Eddie’s column and sneer about its journalistic shortcomings. But going as far back as I can remember, Eddie Sherman never once used his column to do a hatchet job on anybody.”\textsuperscript{59}

\textsuperscript{56} McKillips, "Fasi Hopes to Build Administration with Competent Aides."
\textsuperscript{57} Stephen L. Sanger, "Fasi Says 'the Little People' Made Him Honolulu's Mayor," \textit{Honolulu Star-Bulletin} 6 November 1968. [Italics mine.]
\textsuperscript{58} Eddie Sherman, "New Mayor Says Views Vindicated," \textit{Honolulu Advertiser} 6 November 1968.
For Fasi, Sherman's positive coverage stood in stark contrast to the work of other reporters.

\textit{Star-Bulletin} Ban

It didn't take much, therefore, to get a reporter from the \textit{Honolulu Star-Bulletin} banned just six months into Mayor Fasi's term. The reporter, Toni Withington, possessed strong credentials. Trained at the Medill School of Journalism at Northwestern University, Withington was one of ten journalists nationwide awarded a Washington Journalism Center fellowship.\textsuperscript{60} As \textit{Star-Bulletin} City Hall reporter covering the prior administration, Withington was one of eighteen who had been appointed by former Mayor Neal Blaisdell to the Water Safety commission. The appointees also included others from the news media, including Cecil Heftel of KGMB-TV.\textsuperscript{61} Despite her experience, it took just eleven words to finally get Withington banned. In response to her article on a proposed tramway on Koko Head, Fasi accused the 26-year-old reporter of a campaign against his administration. "This is not the first time she has made unfounded statements about my administration . . . statements which appear to be attempts to discredit my whole administration."\textsuperscript{62} The offending paragraph, seventh from the end of the twenty-five paragraphs in the story read, "Fernandez's attorney, Vincent Esposito, was an active campaigner for Mayor Fasi."\textsuperscript{63} For Fasi, who had campaigned on ridding City Hall of corruption, the sentence called to question the integrity of his administration.

\textsuperscript{60} "Reporter Awarded Washington Fellowship," \textit{Honolulu Star-Bulletin} 6 May 1968.
Fasi announced "henceforth, he [would] not give any information to her."

Fasi was not alone in his opinion of Withington. John Kernell, Fasi’s director of information and complaint at the time, recalled years later, “I didn’t think very highly of her, then or now. Lousy reporter with a clear ax to grind.”

Withington reflected on the times of her ban:

In those days there was no Freedom of Information Act. It was usually up to any of the state or city department heads to determine which records were available to the public. Usually those reporters who garnered the best info where those who cottoned up to the department heads. Most political reporters in those days did a lot of sucking up. Personally and alcoholicly. In '65 I had just graduated from Medill Journalism School at Northwestern where investigative reporting was, and still is, the sport of choice. In '68 I completed an upgraded training at the Washington Journalism Center. I was steeped in integrity, in independence and thoroughness. Getting information was a piece of cake for me. Yes, I was genial, but I was also professional, a compliment even Fasi has given me many times. When Fasi could not “catch” me with the facts, he tried to deny quotes. My bosses had me carrying a tape recorder around with me.

Before Fasi the mayor's mouthpiece was almost always a former newspaper person. Fasi appointed an aggressive public relations person John Kernell. Then Fasi tried to close off information from departments,

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64 Arakaki, "Fasi Accuses Reporter of 'Discredit' Effort."
more than just the Star-Bulletin and I got angry. My union stepped in. The ACLU stepped in. The whole question of what information can a Mayor or department head restrict was out in the open. It was in this atmosphere that the council was suggested and eventually formed. I was glad to see it happen.66

Withington puts the blame for her soured relationship with Fasi on a story she wrote about a new car he received shortly after his victory.67 Withington related:

Fasi always drove new Cadillacs as a councilman. He was proud of them. Not long after his election he pulled into his preferential parking spot in a brand new top of the line Cadillac. It took me only a few calls to find out it was a “gift” from a supporter. Fasi tried to shift the gift to the City as the official mayoral car. His lawyers said no go. He had to give it back and to prove he was elected the favorite of the “little man,” forever after drove a van.68

Access to Fasi or no access, it was not to be Withington’s last comment on City Hall issues. The following month Withington ambushed Fasi’s aide Matthew Esposito at his home just before 7 a.m. The reporter questioned Esposito about his endorsement of a check written to his daughter Jeanne Dye by Columbia Inn for advertising on ticket envelopes used by the City’s Honolulu International Center (now renamed the Neal

65 John Kernell, E-mail to author, 18 August 2004.
66 Toni Withington, Email to the author, 15 December 2004.
67 Toni Withington, Email to the author, 30 November 2004.
68 Toni Withington, Email to the author, 30 November 2004.
Abraham Poepoe, editor of the weekly *Suburban Press*, attributed the *Star-Bulletin* ban to the ticket envelope stories. While acknowledging the slant of the *Honolulu Star-Bulletin*, Poepoe nevertheless called for Fasi to end the ban. Poepoe wrote, “If Mayor Fasi truly has set up a people’s government, then access to him and his cabinet must be free and open.” Poepoe made a not too subtle analogy to the totalitarian Soviet Union when he called the ban a “Koa Curtain,” referring to the wood used to make the doors to the mayor’s office.

The ban stuck, but the *Star-Bulletin* refused to take Withington off the beat. Hobert Duncan, managing editor of the *Star-Bulletin* said,

The *Star-Bulletin* has affirmed its confidence in the integrity and professional competence of its City Hall reporters by leaving them on that job despite the Mayor’s news blackout. Actually the so-called blackout is more ‘show’ than fact. Our reporters at City Hall are continuing to do a competent job of reporting day-to-day activities of City Hall and doing it effectively.

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70 "The Mayor’s 'Koa Curtain'," *Suburban Press* 30 July 1969.
71 "The Mayor's 'Koa Curtain'." 
72 "The Mayor's 'Koa Curtain'."
Fasi was later to use this comment in defense of his ban. Eventually, though, the *Honolulu Star-Bulletin* reassigned Withington as its planning reporter. Withington recalled:

> While I was doing my job OK several attempts were made to sabotage my credibility by Fasi and his supporters. Even before the flap happened I could see how decisions made in county and state planning were having a giant impact. General Plans were in their infancy. The Advertiser had a good planning reporter in Bill Cook and I wanted to spend more time in that arena.

**Opposition to the Ban**

Few sided with the mayor on his decision. Hawaii’s media-related voluntary associations lined up with Fasi’s media nemesis. Not surprisingly, the Hawaii Newspaper Guild, which represented newspaper workers, voiced its opposition to the ban. Ironically, its parent union, the AFL-CIO had endorsed Fasi in the mayor’s race. The Honolulu Press Club that just seven months earlier had named Fasi as its newsmaker of the year also criticized the policy. The American Civil Liberties Union, Hawaii branch, headed

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75 Toni Withington, Email to the author, 30 November 2004.
by Wally Fukunaga, also joined in criticizing the mayor, calling the news ban "a
dangerous precedent that is only a step away from formal censorship."79

The end of summer approached and still Mayor Fasi would not budge in regards
to the *Star-Bulletin* ban. America could put a man on the moon on July 20, 1969, but no
force seemed capable of returning a *Star-Bulletin* reporter to City Hall. The Hawaii
Newspaper Guild made an early attempt to reconcile the two parties, asking on July 23
for Fasi to lift the ban. The mayor answered "It is well within my prerogative and that of
my department heads to refuse personal comment to them. Neither freedom of the press
or the public’s right-to-know is being affected by this action."80 A *Star-Bulletin* editorial
titled "Dangerous Precedent," echoing the ACLU’s statement, gave prescient advice:
“What the Mayor can do to one newspaper today he can do to other media tomorrow."81
By mid-October, the Associated Press joined the *Honolulu Star-Bulletin* in Fasi’s
doghouse.82 By the end of October 1969 the newspaper union was looking toward the
courts to end the ban. Roy Kruse, administrative officer for the union, summed up the
union position: "We have a moral obligation to the community and to our membership to
follow this thing through."83

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79 "ACLU Brands Fasi News Ban as a 'Step Away from Formal Censorship'," *Honolulu Star-Bulletin* 29
July 1969.
80 Withington, "Mayor Rejects Request from Union for Open Access to the News."
Let Me Sow Love

Into this media environment of contention came an Episcopal priest whose middle name honored the saint who prayed “where there is hatred, let me sow love.” In response to the discord, the Rev. Claude Francis Du Teil, 49, tried to plant the seeds of peace. Du Teil was more than just a local parish priest. The rector of St. Christopher’s Episcopal Church in Kailua, Hawaii, Du Teil was one of nine candidates that year for Episcopal Bishop of Hawaii. In the month following the ban he first approached the editors of the two dailies and the director of Mayor Fasi’s office of information and complaint. After his conversations with each Du Teil said that he came to the conclusion that “a press council seemed to be the answer.”

Community-News Media Conference

He then established the Community-News Media Committee to put together a conference ostensibly “to study news media quality.”

“Right now we’re looking at the problem,” said Claude Du Teil. “We don’t have a pat solution. That’s what the conference will be examining—ways to help the community get the quality of news and opinion it needs to make rational public decisions.”

Jim Richstad related the following account of Du Teil’s response to the squabble:

Du Teil made calls to John Kernell, director of the Office of Information and Complaints for Fasi, and to A.A. Smyser, editor of The Star Bulletin,

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85 Community-News Media Conference brochure, Honolulu Community-Media Council Archives, Special Collections, Hamilton Library, University of Hawaii.
and George Chaplin, editor of The Advertiser. Each turned to the same idea: maybe a community press council, similar to those in several Mainland cities, might work in Honolulu.  

From the beginning Du Teil saw the conference from a long-term perspective. "This is a long-standing issue [...] and one that we ought to go about exploring very slowly and very thoroughly so that the best interests of the community and of the press (which in the long run will, of course, coincide) may be served," Du Teil wrote in a letter to Robert Scott, program director of journalism at the University of Hawaii, in August 1969. The daylong Community-News Media Conference took place on January 13, 1970, at the University of Hawaii at Manoa between the fall and spring semesters. More than 100 representatives from "local newspapers, radio, television, business, labor, community groups, government, education, churches, the military and the professions" participated in conference. At the conference, Mayor Fasi's director of information and complaint, John Kernell, "was asked whether the establishment of a press council might end the impasse. 'That's a reason for this meeting,' Kernell replied. "Perhaps it might.'" Kernell, a former TV newscaster with KONA-TV (now called KHON), had

86 Richstad, "Community-Media Panel Here Unique."
88 "News Media Conferees Push for Press Council."
"helped to engineer the election of Frank Fasi as Mayor of Honolulu" 90 when he worked for W.S. Myers & Associates advertising and public relations agency.

Although the dispute between the mayor and the dailies formed the germ for holding the conference, Du Teil used it as a springboard to broader issues, as seen in the purpose published in the conference brochure:

This conference is designed to explore the frontier between the community and the news media in Honolulu and the causes of breakdown in communication between them. The conference objective is to so explain the concerns of the community and news media what ways may be found to help each appreciate the special needs, responsibilities and difficulties of the other as they mutually seek to serve the vital public need for news and opinion. Hopefully, a continuing community-news media forum will emerge, in one shape or another, from the conference. 91

The conference featured a set of eight panels focusing on different media issues. The panels and chairs comprised Law Enforcement, Ward Russell; Community Organizations, Mary George; Education, Charles Campbell; Minorities, Poverty Groups and Protestors, Robert Dye; Religion, Robert Fiske; Business and Labor, Ernest Moore; Politics and Government, Tom Dinell; and Professions, Floyd Matson.

The conference organizers with an ambitious preliminary budget of about $1,500 sought to bring in speakers from the mainland United States. They extended an invitation

to speak to William L. Rivers of Stanford University’s communications department. The foremost expert on press councils, Rivers had worked on establishing a number of experimental press councils in Oregon and California. Whether Rivers would actually be available to speak at the conference, however, was an initial concern. Rivers noted in a letter to Jim Richstad that the dialysis treatment for his diabetes allowed him to travel, but that the schedule for his kidney transplant might conflict with the conference dates. Rivers suggested he could have his speech delivered by Robert W. Chandler, publisher of the Bulletin in Bend, Oregon. Chandler did end up delivering Rivers’ speech; Rivers in a follow-up note to Richstad remarked that as the conference started he was on the operating table having his kidney removed. One person disappointed in not seeing Rivers was the other speaker, Douglass Cater. Rivers had served as his deputy at the Record. As publisher of The Reporter in the early 1950s, Cleveland, too, had connections with Cater, who wrote for the magazine.

The Honolulu Star-Bulletin extended it congratulations to the conference’s co-chairmen. “The Rev. Claude DuTeil and Dr. James Richstad of the University of Hawaii Department of Journalism deserve credit for their pioneer work on the project. President Harlan Cleveland of the University is also owed a debt of thanks for his willingness to

have the University support the project both for Tuesday’s conference and on an ongoing basis.\footnote{[Editorial], "Media Ombudsman," Honolulu Star-Bulletin 15 January 1970.} Jim Richstad, 38, was no stranger to Hawaii media or its relation to government. A former reporter with the Honolulu Advertiser, Richstad had completed his doctoral dissertation three years earlier at the University of Minnesota\footnote{"Jim Richstad Is Awarded Doctorate," Honolulu Advertiser 11 June 1967.} on “the press and the courts under martial law in Hawaii during World War II.”\footnote{Jim Richstad, The Press and the Courts under Martial Rule in Hawaii During World War II from Pearl Harbor to Duncan V. Kahanamoku (1967).}

The conference served as a catalyst for change. “The problem now,” said Du Teil, “is not to lose the momentum that that has been generated.”\footnote{"News Media Conferees Push for Press Council."} To garner commitment for a future permanent forum, attendees were provided cards that allowed them to express an interest in a future organization. A Star-Bulletin editorial following the conference noted Du Teil and University of Hawaii journalism professor Jim Richstad planned “future meetings with those who Tuesday indicated an interest in keeping the press council idea alive here.”\footnote{"Media Ombudsman."} Even at this early juncture, the path to having a press council was already strewn with the remains of defunct councils, a fact not lost on the local newspapers. “The fact that many other communities have tried such councils and closed them down is a caution signal on the road toward forming a council here,” the editorial noted. On a positive note the editorial then added “But it is a caution signal, not a stop sign.”\footnote{"Media Ombudsman."} The efforts to form the council initially centered on keeping the University of Hawaii as an active partner. The formation of the council came at an opportune time for the long-term
involvement of the university. After the resignation of Thomas H. Hamilton in 1968, the presidency of the University of Hawaii passed to a couple of acting presidents, Robert Hiatt (1968-1969) and Richard Takasaki (1969). The official inauguration of Harlan Cleveland on March 18, 1969, cleared the way for university involvement at the highest levels. According to the *Honolulu Advertiser*, “Du Teil and others approached Cleveland, asking if he would support the concept of utilizing the University’s Journalism department as a fulcrum for getting the council off the ground.”\(^{102}\) It was an action that echoed the suggestion of William L. Rivers. In Rivers’ speech, which had opened the Community-News Media Conference, he cited the efforts of Barry Bingham, editor of the *Louisville Courier-Journal* and *Louisville Times*. According to Rivers, Bingham thought “it necessary for an outside agency, probably a university, to operate such a council.”\(^{103}\) Rivers in his description of the only two press councils in major cities, noted that both the St. Louis and Seattle councils “were established and operated by professors.”\(^{104}\) Cleveland, however, wanted broad-based support for the new organization beyond academia. In a memorandum to Jim Richstad, Cleveland expressed his desire: “I would prefer that someone in the media, or better yet the community, eventually take charge with the University providing whatever support necessary.”\(^{105}\) Even with university support, the council faced coming challenges. The editorial writer of “Media Ombudsman” rightly captured the potential perils of the council:

\(^{102}\) "Media Ombudsman."
\(^{104}\) Mayer, "U.S. Journalists Not Responsive to Community Press Council Idea."
The danger that Messrs. DuTiel and Richstad fully recognize is the fact that that council could become an interest group or the tool of an interest group and start grinding political axes. If it becomes this it will fail. But if it can avoid this pitfall it can become a thoroughly constructive force in the community.  

Attempts to Overturn the Ban

One such interest group took Fasi to court in its attempt to overturn the ban. By late January 1970 the Hawaii Newspaper Guild filed the legal action. The Fasi administration agreed that a lawsuit would resolve the situation. “If those who oppose the ban want to see the issue resolved, they should do so in the courts.”

Fasi opened another front in his war with the media as he extended his criticism to KHVN-TV, although he denied there was a feud. Fasi held that his actions simply attempted to establish the bounds of the FCC’s equal time provision. Television station owner Cecil Heftel in turn criticized Fasi’s Star-Bulletin ban. Fasi would ask for free airtime just four months later.

Some of the reporting of the squabbles turned downright silly, with the Advertiser reporting and later retracting a story that Fasi had stomped on a copy of the Star-
Bulletin. Even official acts took on a humorous air. Democrat councilman Brian Casey, a former Honolulu Advertiser reporter and director of information and complaint under Fasi’s Republican predecessor, introduced a resolution against any action that “degrades the political process and gives action to demagoguery that damages public trust.”

Although everyone knew to whom the action was addressed, the resolution did not actually name Fasi, causing repressed laughter and prompting the city clerk to note the lack of “specific parties for mailing.” The Star-Bulletin, of course, took a more serious approach devoting two articles to the resolution.

Planning Committee

Meanwhile the move to establish a media council continued to gain ground. Cleveland, responding to a memorandum from Jim Richstad, outlined a way for the university to aid in the formation of a council. “Perhaps the best way to initiate action, Cleveland suggested, “is for me to host a group of selected representatives of the various constituent groups of the Council [. . .]. This group could serve as a planning committee for the establishment of the Council itself, and in this way the University could play an integral part in its inception without seeming to take the lead in its formation.”

Cleveland asked Richstad to develop the list of representatives. An announcement of a planning session soon followed. Ironically, on the same day that the Honolulu Advertiser

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114 "Fasi News Ban Criticized in Resolution by Council."
announced a planning session to establish a media council, in the *Star-Bulletin* Fasi once again “blamed reporters for creating controversy.” The *Advertiser* article noted: “The feud between Mayor Frank F. Fasi and the Star-Bulletin would be a topic for the council, and has probably helped spur formation of the council.”

**Alice in Blunderland**

On a lighter note, the controversy that formed the impetus for creating a media council would literally take center stage at the 18th annual Gridiron Show, held March 13 and 14, 1970. In the irreverent political roast sponsored by the Honolulu Press Club, the Jeanne Dye ticket envelope advertising story and Withington’s exclusion from City Hall would play prominently. Withington played the lead role in the “Alice in Blunderland” themed political satire “and to the tune of “Over the Rainbow” lamented that the King of Hearts never [would] grant her an audience.” Withington recalled: “The lyrics to the opening song I sang at the Press Club Show to Somewhere over the Rainbow were ‘Somewhere over the rainbow there’s a place, where an honest reporter is part of the human race.

Somewhere even in China I know well, Mao Tse Tung doesn’t need a spokesman like John Kernell.’” To the tune of “Diamonds are a Girl’s Best Friend,” the character representing Dye sang “My job with the City to some folks looked funny/but contracts

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are a girl’s best friend.” John Kernell got another jab from the satiric pen with a full-fledged character in the show.

Patt Patterson, as the White Rabbit—or John Kernell, Fasi’s top press aide—was seen lamenting the fact that he was going to be late for the King of Heart’s birthday party, where a considerable amount of money was to be raised.

And to the tune of Frankie and Johnny,” the White Rabbit said of the King of Hearts’ visit to Bombay:

“A-rootie-toot-toot, three times he did shoot/His big mouth off that day/That travelin’ man, he was a wreckin’ my plan.”

Kernell, a former member of the media, attended the showcase and so got to hear Patterson’s performance. “With a lisp,” Kernell recalled. “Ha, ha. So, what else is new?” Even the Gridiron program displayed the silliness of the event, with two front covers and pages numbered with odd numbers in both directions. A full-page advertisement also captured the goofiness of the evening. A caricature of future council chairman Nelson Prather, standing behind a microphone marked “A&B,” (for Alexander & Baldwin, one of Hawaii’s Big Five corporations), intoned, “This is Nelson Prather, brought to you by Nelson Prather, in a Nelson Prather production, directed by Nelson Prather, edited by Nelson Prather, approved by…” The focus, however, was squarely on the mayor. One cover featured Alice in Wonderland; the other included Fasi dressed

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120 Hunter, "The Griddle's Hot Down in Blunderland."
121 Hunter, "The Griddle's Hot Down in Blunderland."
as a cowboy, with his six-shooter pulled. Not surprisingly, Fasi did not attend the event’s opening night.

List of Thirty

In response to Cleveland’s request for a list for a planning committee, Richstad suggested 30 individuals. Richstad also recommended that the planning committee address three agenda topics: “should we have a media council, what would its scope and rationale be, and how would it be composed.”124 Though the list was predominantly male and white, it also reflected Hawaii’s ethnic diversity. The group, included persons of Chinese, Hawaiian, Japanese, Korean, and Samoan ancestry. Among the thirty names were three future chairmen of the council: Nelson Prather of Alexander & Baldwin, Max Roffman of the United Public Workers and Robert Fiske of Christ United Methodist Church. The organization’s future executive directors, Jim Richstad and Ah Jook Ku, also came from the initial roll. The founding members showed just how porous the boundary between the media and government could be. Charter member Ku, a former Associated Press and Star-Bulletin reporter, worked in government as a public relations specialist in the Hawaii state department of education.

The first planning session convened by Cleveland consisted of a dinner and panel. It took place at the Kahala Hilton Waialae Room on Thursday, April 6, sponsored by

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Theta Sigma Phi and Sigma Delta Chi. 125 Toni Withington related her connection with the sponsors: “I was a member of Theta Sigma Phi, the honorary journalism organization that became Women in Communication, a group that was strongly supportive of the council.” 126 Withington played a role at the meeting, making formal introductions. The panel featured “Hobert Duncan, Star-Bulletin managing editor; John Kernell, director of City Hall office of information and complaints; Cecil Heftel, KGMB president, and Dr. James Richstad, assistant professor of journalism, University of Hawaii.” 127 The panelists brought up many of the objections associated with press councils. The meeting also resulted in the first televised discussion of the topic in Hawaii. Heftel’s station scheduled the hour-long program for Sunday, April 12, 1970. 128 On April 20, 1970, a follow-up planning session for the 30 invited members from took place in the Pacific Ballroom, Jefferson Hall, at the East-West Center.

Twenty of the planning committee members met again on April 30 and appointed a three-person group to develop an action plan. The planning group comprised Cleveland, Du Teil and Richstad. An early point of contention in the formation of the council concerned media representation. To the initial three members, Cleveland added Honolulu Advertiser editor George Chaplin, Big Five executive Nelson Prather and KHON television general manager Duane Harm. 129

127 “Panel to Discuss Formation of Press Council.”
129 Richstad, "Community-Media Panel Here Unique."
Ban Ended

The following week Fasi dropped his ban on the *Star-Bulletin* "as the result of the formation of a citizen's press council."

Fasi said that the media council would "more or less ride herd" on the media. Interestingly the mayor, often compared to a maverick himself, used a cowboy analogy to describe the monitoring role of the council. The Honolulu Community-Media Council had chalked up its first victory even before its official birth. Ironically, just three months after the lifting of the ban, Toni Withington, whose exclusion from City Hall had resulted in the formation of the council, resigned from the *Star-Bulletin* to work on the ultimately unsuccessful U.S. Senate campaign of Cecil Heftel. Relationships ultimately caused her change in direction. Withington recalled:

I fell in love. What can I say. My husband Rick Schulze was active politically as an avid independent. He was elected leader of Con-Con. He was asked to run for office by the Republicans and the Democrats in 1970. He deferred, but suggested a client of his Cec Heftel who owned KGMB and wanted to get involved. I had served with Heftel on the Water Safety Commission and knew him through that. He agreed to run if I would be his campaign manager. I saw it as a way to exit the SB and try something new.

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133 Toni Withington, Email to the author, 30 November 2004.
She was not the only Honolulu reporter to trade in a journalism job. In 1968 KHVH-TV newscaster Mason Altiery had joined the staff of Patsy Mink. Advertiser reporter Drew McKillips joined the gubernatorial campaign staff of Samuel P. King. Gardiner B. Jones, who wrote the first Honolulu Advertiser article about the council, took a position with David McClung, state Senate president.

Planning Continues

The steering committee convened by Harlan Cleveland continued to work on the formation of the council. A meeting on June 4, 1970, considered methods for considering complaints, staffing for the council, the budget, converting the planning committee into a council, and election of a council chairman. Regarding the latter, Richstad in a June 25 memorandum to the planning committee wrote, “The chairman should be a person of high standing in all parts of the community, one who will inspire public trust.” Two-thirds of the planning committee responded to the memorandum. Among the suggestions for chairman were: steering committee members Cleveland, Du Teil and Richstad; Stuart Gerry Brown, University of Hawaii American studies professor; Emmett Cahill, executive director, John Howard Association; Gerald Corbett, retired Family Court judge;

135 "McKllips to Aid King Campaign," Honolulu Advertiser 22 April 1970.
Herman Doi, state ombudsman; and Allan Saunders, Hawaii chapter, American Civil Liberties Union.\textsuperscript{137}

Even before its official birth the editorial writers of the \textit{Honolulu Advertiser} were already filling the council's plate: "It may be that the proposed Media Council would devote as much time to TV as it would to questions about the newspapers. Certainly any such media-citizen body should because of the potential for improvement in TV programming and the need for more serious local programs are obvious. [...] Again it may be the Media Council will serve this function with a strong committee watchdogging TV (and certainly with equal time for the print media)."\textsuperscript{138} In the absence of a media council Fasi took on the role of the watchdog. Fasi provided a strong critique of the \textit{Honolulu Advertiser} editorials concerning his response to the occupation of the ROTC building on the University of Hawaii campus and didn't miss a chance to once again complain about the joint operating agreement between the \textit{Star-Bulletin} and \textit{Advertiser}. Fasi said, "If the editor will wake up, he will find that he has the credibility gap. He will also find that this Mayor has not, does not and will not have his Administration run by the editors of two newspapers who have been and are operating in violation of our State and Federal anti-trust laws for the past seven years."\textsuperscript{139} The mayor's accusation would ring moot with the passage of the Newspaper Preservation Act in July 1970. The act required approval for agreements entered into after July 24, 1970, thereby providing a grandfather clause for the Hawaii Newspaper Agency. The act allowed for "an operating agency

which allows a common printing plant, coordinates method and field of publication, allocates production facilities, plans distribution, conducts advertising solicitation, provides a shared business department, establishes advertising and circulation rates, and determines revenue distribution. Thus one of the major newspaper controversies occurred before the formation of the council.

Du Teil for his part was busy promoting the new organization. At a convention of the Hawaii Newspaper Publishers meeting in Kailua-Kona, Hawaii, Du Teil announced to the Big Island gathering that the council would be organized at a meeting taking place on November 16, 1970. The meeting would address “problems of budget and financing, the question of how to establish membership, the election of a chairman and adoption of a charter.” The Republicans also offered additional tasks for the yet to be formed media council. James Hall, research assistant for the Hawaii state senate Republicans, suggested that the council should “set down policies and procedures on how and under what circumstances can media people become candidates.” While Hall’s commentary does not name Cecil Heftel, the response of the Advertiser identifies the KGMB-TV owner as the target for Hall’s criticism. Hall’s complaint came the day after Heftel’s narrow loss to two-term incumbent Republican senator Hiram Fong. A political pundit after the election attributed Heftel’s near upset to “good ammunition; he used both television and

139 "Fasi Attacks Cleveland, Advertiser," Honolulu Advertiser 13 June 1970.
radio effectively. Similarly, both newspapers treated him quite fairly.”143 Fong, who had been considered unbeatable because of his 10,000 vote victory margins against Fasi in 1959 and 15,000 margin in the contest with Thomas P. Gill in 1964,144 polled 124,163 voters to Heftel’s 116,597. Fong was quick to attribute the surprising finish to Heftel’s media ownership. “Any man with a TV and radio station that will use it for his own advantage—a man in that position—is going to be a strong opponent,”145 Fong said. The senator cited a specific example in support of his contention. KGMB had offered Fong’s campaign equal time that evening. “This gave us just a few hours to prepare a half hour show—it was an unfair advantage for Heftel,”146 Fong complained.

Another Republican shared Fong’s view of the media. The defeated Republican candidate for governor, Judge Samuel P. King, called the “news media in Hawaii” the “second major factor” in his loss. King said, “The Republicans simply do not have a voice in the Islands, except perhaps for [Pacific Business News publisher] George Mason. [...] Without a Republican voice in the media, a toll is taken over the years.”147

144 Tom Coffman, "Burns Re-Elected in Landslide; Fong Edges Heftel as Most Incumbents Win," Honolulu Advertiser 4 November 1970.
146 Tenbruggencate, "Tremendously Unfair Campaign' after the Fight a Charge."
Political candidates and politicians sought fairness and accuracy from the media during the months before the formation of the Honolulu Community-Media Council but had no other avenue for redress except for lawsuits.
CHAPTER 3: LET IT BE

Whisper words of wisdom, let it be.

—John Lennon and Paul McCartney

The first official meeting of the Honolulu Community-Media Council took place on November 16, 1970 in the days following a statewide election. Looking outside the thirty-three people originally gathered by Harlan Cleveland, the council picked Judge Gerald Robert Corbett, 67, to head the new but already battle-tested organization. That Corbett should head the organization instead of Du Teil is in no small part due to Du Teil’s desire that the chairman “command the respect of the community.” John Kernell added another possible reason for Du Teil to pass up the chairman position: “He wasn’t in it for the glory. He just wanted to make it happen. A decent guy whom I (and others) respected greatly.” Corbett had just the credentials to add to the stature of the council. Corbett, called the “father of the Family Court system” for establishing the first family court in the nation, served as a Family Court judge from 1966-1969, and in Juvenile Court for the decade prior to the new court’s establishment. When he retired in April 1969 he had served 23 years, longer than any other judge in the state. He was ideal for founding chairman of the brand new council because of his experience with newly formed organizations. Besides establishing Hawaii’s family court system to take care of

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youth in court, Corbett was instrumental in forming an organization to keep youth out of court. Seeing the plight of fatherless boys then Juvenile Court Judge Corbett in 1963 gathered local civic leaders Henry Damon, George Schnak and Ernest Kai to form Big Brothers of Hawaii. The organization named him Big Brother of the Year in 1966. At the first meeting of the Honolulu Community-Media Council Du Teil was elected as vice chairman. Richstad served as the executive director.

The official start of the council came in conjunction with the largest gathering of news editors Hawaii had ever seen. The meeting of the American Society of Newspaper Editors brought 500 editors from throughout the United States. Vice President Spiro T. Agnew addressed the gathered editors. He was fresh from his September 11 speech in San Diego in which he had called journalists "nattering nabobs of negativism."

The roster of 33 founding members (Appendix A) differed slightly from the list announced six months earlier. Gone were Milan Meeske, University of Hawaii journalism professor; Abraham Poepeoe, Sun Press editor; Robert Strand, president of the Associated Students of the University of Hawaii; and Wes Young, community relations director, Honolulu Police Department. Bringing the total back up to 33 were Lark Daniel, Hawaii Educational Television; Reeve Hennion, United Press International; Marie Stires, Linapuni Action Movement (formerly Kuhio Park Terrace and Kuhio Homes Tenants Association); and Betty Vitousek, Family Court judge.

The gathered community represented opposites: the military by Maj. Richard Abel of CINCPAC and the war protestor by John Witeck of Youth Action; management by Robert Grunsky of the Hawaii Employers Council and labor by Max Roffman of the
United Public Workers; the powerful by Nelson Prather of Big Five corporation
Alexander & Baldwin and the powerless by Marie Stires of a public housing tenants’
association. It also covered all the bases with the three branches of state government
represented by Herman Doi, the state ombudsman appointed by the governor; Gardiner
Jones, executive assistant of the state Senate president; and Judge Betty Vitousek of the
judiciary. John Kernell of the mayor’s office was balanced by city councilman Charles
Campbell. The University of Hawaii had each of its constituencies represented:
administration by President Harlan Cleveland; faculty by professors Jim Richstad and
Sunwoo Nam; and students by Ken Kobayashi, student newspaper editor. Despite the
differences the council forged a shared vision for the future.

The council set forth three purposes at its inaugural meeting, each clearly
influenced by the media dispute that had served as the catalyst for its formation:

1. The primary purpose of the Council will be to serve as a community forum for
discussions of policies and practices related to access to and public
dissemination of information and how these affect the community, and to
improve understanding between the mass media and the community.

2. A cardinal principle of the Council will be the preservation of freedom of the
press.
3. The Council will concern itself in a positive way with the quality of information provided to the community by the mass media.\footnote{Guidelines for establishment and operations of the Honolulu Community-Media Council], 16 November 1970. Honolulu Community-Media Council Archives, Special Collections, Hamilton Library, University of Hawaii.}

Community members embraced the newly formed council. Gene R. Ward, who would later serve as House Republican leader, wrote to the Honolulu Advertiser that the media council “is really of great importance if it can continue to communicate the awareness of survival that we all need if we are to survive.”\footnote{Gene R. Ward, "Like 'Future' Essay," Honolulu Advertiser 3 December 1970.}

First Complaint

The day after its first meeting, Richstad received the council’s first complaint from a representative of the conservative or evangelical churches in Hawaii. The complaint by the Rev. William Goodman of the Ewa Beach Church of the Nazarene, first raised at the Community News-Media Conference in January, centered on the “amount, and balance of religious news coverage by the Honolulu Star-Bulletin, and the Advertiser, and all news coverage concerning religion in Hawaii.” The council ultimately decided that the newspapers provided adequate coverage.\footnote{Guidelines for establishment and operations of the Honolulu Community-Media Council], 16 November 1970. Honolulu Community-Media Council Archives, Special Collections, Hamilton Library, University of Hawaii.}

Changing Roles

The yin and yang of Hawaii’s media landscape exhibited itself in the case of two of the principals in the Fasi exclusion controversy. On the one hand, Toni Withington had left journalism for politics, while John Kernell, who had represented the Fasi
administration in the formation of the council, would leave the politics of City Hall for journalism in January 1971. Adversaries regarding the ban, Withington and Kernell would both end up supporting Cecil Heftel of KGMB, the former as his campaign manager, the latter as an executive at his television station.

Early Issues

Both Kernell and Heftel would share a common goal at the first meeting of the new year and only the council's second ever. The January 28, 1971, meeting agenda included looking at the "press policies of Gov. John A Burns, coverage of previous news and letters to the editor." From its earliest meeting the council displayed the courage to take on the top political force in the state. Held at the East-West Center's Asia Room in Jefferson Hall, Judge Corbett presided over the public meeting. At the first meeting after his election, the selection of a retired judge seemed propitious. Harlan Cleveland, president of the University of Hawaii, and a moving force in convening the council, lit the fuse to the spirited meeting when he introduced a memorandum that proposed the media "not initiate coverage when it appears likely . . . that such coverage might act to provoke disruption." Cleveland described the impact of the media on the campus:

There are times...when the presence of television cameras before anything has really happened tends to be a happening in itself—exacerbating
controversy and encouraging those present to perform with perhaps more excitable
ty than if less public notice were being taken.\textsuperscript{158}

Cleveland obliquely referred to the anti-war protests that had attracted media attention at the University of Hawaii and displayed his well-placed wariness of the media. The protests had culminated a couple of years earlier under his predecessor Thomas Hamilton when the University of Hawaii denied tenure to anti-war activist and professor Oliver Lee. The action resulted in a sit-in at the university's administration building.\textsuperscript{159} Future council chair Ian Lind provided a photographic record of the event.\textsuperscript{160} Years later John Griffin wrote of Cleveland's relationship with the press: "Former University of Hawaii President Harlan Cleveland, a sometimes journalist himself, used to only half joke that a barber had to have a license to cut your hair but a reporter didn't need anything to cut your throat."\textsuperscript{161} A discussion ensued between Cleveland and council members who had participated in past protests. The meeting closed with the contentious issues still smoldering. The major issue of the meeting, the press policies of Burns, never came to the table when Corbett "advised the members that the Governor's press secretary, Don Horio, had scheduled a meeting [. . .] to discuss the matter with newsmen."\textsuperscript{162} The Burns issue finally came before the council at its March 11 meeting. The motion made by John Kernell, who by now was with KGMB-TV, demanded that "Gov. John A. Burns "hold

\begin{footnotes}
\item J.F. Cunningham, "Burns Gets Demand from Media," \textit{Honolulu Advertiser} 12 March 1971.
\item Lind, \textit{The Bachman Hall Sit-In}.
\item "Council Cool to Media Plan."
\end{footnotes}
press conferences at least monthly.”163 The motion passed 14-3.164 Another motion by A.A. Smyser established a committee to look at the “governor’s present availability to the press and explore all methods, including press conferences, for putting him in touch with the public.”165 The four committee members, appointed by acting chairman Claude Du Teil, included: Dr. Ralph Barney of The Church College of Hawaii (now called Brigham Young University Hawaii); Reeve Hennion, bureau chief of United Press International; John Kernell of KGMB-TV; and Donna Spaulding of the Hawaii Mental Health Association.166

John Witeck, a community activist with Youth Action, called for a repudiation of the Cleveland memorandum. Founded in 1969, Youth Action “sought to raise and distribute seed monies to youth social change agents doing projects among youth and in schools and the community.”167 Witeck would later join council member Max Roffman on the staff of the UPW.

Witeck quoted from a March 5, 1970, letter from Honolulu Advertiser editor George Chaplin to the council, stating, “The best guideline is the exercise of media responsibility, situation by situation.” Witeck continued from the editor’s letter, “But on the basic point, pre-censorship is fraught with danger to the public’s right to know. Despite having strong supporting evidence from one of the affected media, Witeck’s

163 Cunningham, "Burns Gets Demand from Media."
165 Cunningham, "Burns Gets Demand from Media."
166 Cunningham, "Burns Gets Demand from Media."
motion failed to pass.\textsuperscript{168} It would not be the last time that the activist would stand on the short end of a vote.

What’s in a Name?

The headline of the Honolulu Advertiser story reporting the results of the meeting, “Burns gets a demand from media,” showed the confusion possible with an organization with “media” in its name. Although the council resolution was moved by a member of the media, the headline more properly should have reflected the dual membership of the organization. Barney, chairman of the committee charged with the Burns issue, quickly responded to clarify the headline. In his letter to the editor, the Church College journalism professor made the point that usually “such an error would be considered insignificant and dismissed as of no import, but I think if the Community-Media Council is to be an effective body it must be made clear that it is not merely a media council, but a Community-Media Council with all that implies.”\textsuperscript{169} Unfortunately, the more accurate Community-Media Council takes up too much room in headlines, and the organization has most often been referred to as “media council.” Even the headline to Barney’s letter is ironic; it reads “media council explained.”\textsuperscript{170} Called “group,” “council,” “media council” and even “media unit” in newspaper headlines, the Honolulu Community-Media Council has never been referred to by its full name in a newspaper headline. The

\textsuperscript{168} Mayer, "Burns Pressed for News: Monthly Conferences Asked."
\textsuperscript{170} Barney, "Media Council Explained."
headlines for the stories announcing the first meeting of the council called it a “news media council”\textsuperscript{171} in the Honolulu Star-Bulletin and a “media council”\textsuperscript{172} in the Honolulu Advertiser. The closest reference was to a “community-media panel” in a headline to a story by former journalist and council executive director Jim Richstad.\textsuperscript{173} Even the Star-Bulletin recognized the confusion caused by using “media council.” In its editorial it had to add a parenthetical phrase to show it was not being biased: “We agree with the Media Council (a majority of whose number are non-media people).”\textsuperscript{174}

Avoiding the Pejorative

For an organization so focused on what to call itself, the agenda item of the Honolulu council looking at what the media should call groups in Vietnam surprised no one. Although he was unable to defeat Cleveland’s efforts to reduce television coverage of war protests, John Witeck was able to convince the council that the media should avoid the “pejorative” use of “‘Viet Cong,’ “enemy,” “Communist” and “Reds”\textsuperscript{175} in news stories. Witeck suggested the “use of specific titles such as “National Liberation Front,” “National United Front” (in Cambodia) and “Pathet Lao” (in Laos). The discussion showed the diversity of the council. Labor representative Max Roffman shared his McCarthy era “experiences with words of disparagement.” Maj. Richard Abel disagreed with Witeck on at least one word—“enemy,” noting “We have lost over 40,000 men in Vietnam and it doesn’t appear to me that they were killed by ‘friends’—so the

\textsuperscript{171} “News Media Conferees Push for Press Council.”
\textsuperscript{172} “1st Media Council Meet Nov. 16.”
\textsuperscript{173} Richstad, “Community-Media Panel Here Unique.”
word ‘enemy’ can be used interchangeably." 176 (Four years later Clare Luce Booth in a letter complained that the “gutless gook” image put forward by the Advertiser had soured the American people against the South Vietnamese. 177 The Advertiser responded to the letter in its editorial column stating, “For the record, we have never used words like “gook”, “gutless” or “worthless” in referring to the Vietnamese people, or any racial group, for that matter.” 178) As with many council agenda items the item was referred to a committee for later report.

Leadership Crisis

The same April 28, 1971, meeting brought a leadership crisis to the fledgling organization, when the council accepted the resignation of Judge Gerald R. Corbett, who cited health reasons for his decision. 179 Vice Chairman Du Teil served as acting chairman at the meeting as he had at the prior month’s meeting. Nelson Prather, 57, was named to head the committee charged with finding a replacement for Corbett. 180 The following month Prather, an Alexander & Baldwin vice president and former Hawaii Sugar Planters Association public relations executive, was elected to succeed Corbett. The council’s 57-year-old chairman was no stranger to the media. He had worked for short stints at both Honolulu dailies before establishing his own company. Known as the “dean of public relations in Hawaii,” Prather served as a member of the national board of directors of the

176 “Pejoratives’ in News Rapped.”
179 “What Do You Call the Other Side in War?” Honolulu Star-Bulletin 29 April 1971.
Public Relations Society of America and president of its local chapter. He also kept his media ties strong as a member of the Honolulu Press Club. His wife, Doris "Dec" Prather, a former Honolulu Star-Bulletin writer, had served as public relations assistant for the 1958 campaign of Mayor Neal Blaisdell. What would have been Prather's second meeting was instead chaired by acting chairman Claude Du Teil. The special meeting on June 21 featured William Rivers, who had missed the 1970 Community-News Media Conference because of his kidney transplant. At the same meeting the committee reported on Witeck's proposal concerning biased language. Rivers praised the effort, saying "You are talking about language and language is absolutely basic." The discussion was given national prominence when Rivers included an account of the issue in his inaugural "Monitoring Media" column in The Progressive magazine. River's column, titled "'Who Shall Guard the Guards,'" used the action in support of establishing a national news council. Rivers pointed out the final report was adopted unanimously and eventually cited by United Press International vice president Roger Tatarian, who concluded: "We certainly agree with the Honolulu Community-Media Council that specifics are preferable to generalities and should be used wherever possible." Tatarian's remarks received national and international distribution throughout the wire service's offices. Although Rivers conceded the rarity of such results from a local

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180 "What Do You Call the Other Side in War?"
council, he said the example "underlines the need for a national body that can speak
directly to the far-flung wire services and the nation spanning networks and
magazines."185 The Witeck resolution later found its way into Rivers’ 1972 book titled
*Backtalk: Press Councils in America.*

**Prather Dies**

Five days after the meeting, council chairman Nelson Prather died, on June 26,
1971, just a month after being elected. His passing was marked by a front-page obituary
in the *Sunday Star-Bulletin & Advertiser.* Council founder and *Honolulu Advertiser*
editor in chief George Chaplin said:

Nelson Prather exemplified the enlightened and contributing citizen.

Professionally, as a respected leader in communications, he was held in
highest regard for his ability, his integrity and his deep commitment to
accuracy and fair play. Personally, as one who gave generously of time
and talent, he helped advance many worthy causes and organizations.

Nelson was a man of warmth and good cheer.186

The Rev. Claude Du Teil, acting chairman of the council, too, lamented Prather’s
death from both a personal and organizational standpoint. Du Teil said, “Nelson Prather
was a most talented man. The new Honolulu Community Media Council will miss him.
His good work on the early planning committee and his continuing service on the agenda

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185 Rivers, "’Who Shall Guard the Guards?’”: 26.
186 "A&B Vice President Nelson Prather Dies.”
and membership committees led us to elect him chairman of the council earlier this
year." Du Teil failed to note just how recent the vote had been. Instead he expressed
the heartfelt regret that members of the council experienced. "Those who knew him
well," said Du Teil, "will miss him even more for what Nelson Prather was as a person.
His quiet smile helped us over many rough spots. It felt good just to have him around." Du Teil, an Episcopal priest, conducted the graveside services at the National Memorial
Cemetery of the Pacific at Punchbowl on June 30. Prather had served as a major in
Army intelligence in the Philippines during World War II, earning the Bronze Star. Even
with his health problems Corbett would outlive his successor by two years. Du Teil
would not take the helm as chairman, choosing instead once again to steer the
organization on a temporary basis as acting chairman. So far, no chairman had presided
over more than two consecutive meetings. The council may have once again taken a
heavy blow, but its work would continue. Its forums would continue to feature nationally
prominent speakers. The July 15 meeting would feature yet another national press council
expert, the second in as many months, when Alfred Balk, visiting editor of the Columbia
Journalism Review, addressed the council. Balk came to see the operations of the
Honolulu council as part of his research for a paper on press councils for the Twentieth
Century Fund. The fund would later bankroll a national press council. The Honolulu
Advertiser was proud to emphasize Balk's point that "Honolulu is the largest American

187 "A&B Vice President Nelson Prather Dies."
188 "A&B Vice President Nelson Prather Dies."
190 Gene Hunter, "Visiting Editor Says All Forms of Media Need Improvement," Honolulu Advertiser 16
July 1971.
city with a media council."\textsuperscript{191} Balk also talked about the government's attempts to prevent the publishing of the Pentagon Papers on national security grounds. "There's no question in my mind that there was no genuine danger to national security in publishing this historic material," he said. Balk was quick to make the distinction between censorship by the government and self-censorship by the media. Balk said, "We've always believed that you publish anything—but you pay the consequences. In this case the presses were stopped, and this is intolerable in a democracy."\textsuperscript{192} Although the \textit{New York Times} presses were never literally stopped, a restraining order prevented the publication of the secret history of the Vietnam War until the Supreme Court ruled that the Nixon administration had not made its case for prior restraint.\textsuperscript{193}

At the next council meeting on August 5, 1971, the first order of business was the announcement by acting chairman Du Teil that nominations for chairman were still open. The chairman of the search committee, a future council chairman himself, was Max Roffman. Fiske's committee started the meeting with a recap on what to call groups fighting in the Vietnam War, followed by a visit by Balk. Then Ralph Barney's committee, appointed to look into the relationship between the governor and the media, issued its report. The council committee made five recommendations that focused on support for the First Amendment, the necessity to "bring together" the governor and the media, the need for the media to "continue the self examination and pursuit of professionalism," continuing interaction between politicians and the media, and

\textsuperscript{191} Hunter, "Visiting Editor Says All Forms of Media Need Improvement."
\textsuperscript{192} Hunter, "Visiting Editor Says All Forms of Media Need Improvement."
publication of the report in the media. George Chaplin moved for adoption of the report with Betty Vitousek providing a second. Among its findings was that the governor claimed he was responsive to the media, but “reserved the right to determine which matters he will and will not discuss.” The governor had a unique perspective of being a politician and a former journalist. Besides his time on the police force, Burns had worked as a cub reporter for the Honolulu Star-Bulletin. The report by Barney would be his last for the council as he announced his move to Brigham Young University in Provo, Utah.

The council never got the governor to change his stance, but an editorial in the Star-Bulletin highlighted in its editorial headline just what a voluntary association with no real power to compel could do—“Keep Talking.” The editorial noted that all parties had their own sets of interests. The Star-Bulletin editorial writer in a rare moment of candor wrote:

Fault us for self-interest. We are not about to stand idly by and let critics utterly destroy us and our product. But our very success depends on being fair and non-malicious. We need community acceptance and trust to be welcomed into more than 100,000 homes each afternoon.

The Community-Media Council suggests that there is a community interest in government officials telling their story regularly to the public through the media. It sees an equal interest in the media conveying these stories fairly and responsibly.  

Blurring the Line Between Government and Media

The line between government and the media once again blurred when one of the founding members of the council, KHVH-TV general manager Lawrence S. Berger, hired sitting state Senator Mason Altiery as a newscaster for the station. Altiery had been elected less than a year earlier in the multi-member 6th State Senate District along with three Republican incumbents, Eureka Forbes, Percy Mirikitani and Wadsworth Yee. Advertiser reporter Gerry Keir, then president of the Hawaii Capitol Correspondents Association, quickly condemned the move. Keir said, "We question whether Sen. Altiery can appear as a newsman without laying himself and the standards of journalism open to criticism."  

Altiery responded the next day, "I believe that this question of journalistic bias is one to be judged by the general public, for it is their judgment to which senators and newscasters must ultimately answer." Altiery did concede, however, that his nightly television appearances might give him a political

198 "Keep Talking."
199 "Keep Talking."
202 Kakesako, "Let the Public Judge, Says Sen. (Newscaster) Altiery."
advantage. He said, "I don’t think there is any question that I will have more exposure than other incumbents . . . (and) other candidates who might run at some future date."\(^{203}\) That exposure was central to a complaint by Republican state Rep. John Leopold to the Federal Communications Commission. Leopold noted to the commissioners that "the free public exposure [ . . . ] may have far reaching ramifications if held by a legislator during his term of office."\(^{204}\) Leopold had also asked the state ethics commission to investigate the matter. The ethics commission ruled that the state conflict of interests laws did not apply in Altiery’s case. Leopold saw in the commission’s dismissal of his complaint “an increasing danger that elections [would] be decided, not on the basis of individual ability or character, but rather by the surface imagery of television exposure.”\(^{205}\) The FCC decided in October that Altiery was not in violation of a federal law that required journalists to resign to run for office because he took the position after his election.\(^{206}\) Perhaps the lack of a chairman distracted the group, but for whatever reason the Honolulu Community-Media Council failed to weigh in on an issue at the core of its mission. Altiery would join the council the following year.

Hamilton Elected Chairman

Finally, at its tenth meeting, on October 13, 1971, Dr. Thomas Hale Hamilton, a special advisor to the Bishop Estate and former president of the University of Hawaii

\(^{203}\) Kakesako, "Let the Public Judge, Says Sen. (Newscaster) Altiery."
\(^{205}\) Arakaki, "Ethics Group Clears Newscaster Altiery."
(1963-1968), became the third chairman of the organization in less than a year. Not a founding member of the council, Hamilton nevertheless had close relationships with members of the organization. Indeed, but for one member of the council, *Advertiser* editor George Chaplin, Hamilton would not have even been in Hawaii. It was Chaplin who a regent suggested Hamilton contact for an unbiased assessment of the university.\(^{207}\) The close relationship Hamilton had with one of the most powerful members of the media was duplicated in the highest levels of government. Someone told Hamilton that whenever others would come to criticize his actions as University of Hawaii president, Burns would end the discussion by simply saying, “Hamilton is my friend.”\(^ {208}\) Indeed, Chaplin relates “Jack Burns called me and said, ‘Our friend Tom Hamilton’s resigned.' And he sort of implied that if I had any influence with Tom I ought to get on it.”\(^ {209}\) So once again the council had met Du Teil’s community respect standard in the selection of its chairman.

The October meeting also continued consideration of a complaint made in August by James V. Hall concerning newspapers lobbying the legislature concerning newspaper preservation. Hall’s concerns centered on the boundaries between the media and government, for in lobbying, newspapers stepped over the line from reporting news to being an active participant in making the news. Just before the formation of the council, Hall had complained about an issue concerning the same boundary.


\(^{208}\) Hamilton and John A. Burns Oral History Project. Phase II., *Interviews with Thomas Hamilton*. 

\(^{209}\) Hamilton and John A. Burns Oral History Project. Phase II., *Interviews with Thomas Hamilton*. 

The close of the Honolulu Community-Media Council’s first year saw yet another
Fasi controversy, this time between the mayor and Cecil Heftel, whom the *Star-Bulletin*
noted was “often mentioned as a possible challenger in next year’s mayoral election.”210
The dispute concerned an October 27 on-air editorial by Heftel about a local youth
cleanup effort. James Loomis, Fasi’s director of information and complaint attempted to
have a rebuttal to the editorial taped. Heftel, after seeing the proposed rebuttal, prevented
the taping. Heftel said of the rebuttal: “This violates the whole meaning of the FCC’s
fairness doctrine and equal-time provisions. Nobody has ever before deviated from the
issue.”211 Loomis also shared his perspective of the boundary between the media and
politics. He said, “I, for one, would like to know if all this sanctimonious criticism is
coming from a private citizen who happens to own a television station or from a
television station owner who happens to be running for office.”212 Loomis called for
transparency concerning the on-air editorials by Heftel, saying: “I think it helps put it in
perspective for the average fellow in front of the tube to know of an editorialist’s
ambitions for public office.”213

A declared candidate for mayor, Kekoa D. Kaapu, also complained about Fasi’s
relationship with the media. Kaapu claimed that Fasi had not spoken with reporters for
the eight weeks, and that the office “carries with it the responsibility and obligation to be

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209 George Chaplin and John A. Burns Oral History Project. Phase II, *George Chaplin Interviewed by
210 David Shapiro, "Heftel Says Fasi Trying to Gag Him by Intimidation," *Honolulu Star-Bulletin* 15
November 1971.
211 Shapiro, "Heftel Says Fasi Trying to Gag Him by Intimidation."
212 Shapiro, "Heftel Says Fasi Trying to Gag Him by Intimidation."
available and accessible to answer questions concerning the conduct of business at City
Hall.”

The end of its first year would also be marked with a major new media player in
Hawaii—Gannett Co. Inc. Gannett was quick to assuage fears concerning the buyout of
the Honolulu Star-Bulletin from local investors, most notably Chinn Ho. In a full-page
advertisement titled “Aloha, Hawaii” Gannett, giving specific examples of other papers it
owned, stated, “We often say we make it a business of not running our associated
newspapers, and we mean it. Local editors and publishers do, so the newspaper voice and
commitment are local—whether in Burlington, Vt., Boise, Ida., San Bernardino, Calif., or
on the bustling island of Guam.”

First Anniversary

Although the council itself had no first anniversary celebration, the media would
not let the year go by without positive comment. A December editorial in the Honolulu
Advertiser simply titled “media councils” praises the council’s early efforts. “In a sense it
is still feeling its way, but it has already shown its ability to provide a healthy forum for
ventilation of grievances, real or imagined, about the performance of local newspapers,
TV and radio.” A full-page February article by council founder A.A. “Bud” Smyser
titled “Sizing Up the Media Council” shared a similar sentiment: “Our Council has not
yet fulfilled the fondest hopes of some proponents, but it remains a useful forum and

safety valve that has escaped degeneration into the extremes of either impotence or divisive stridency."\(^{217}\) In the article Smyser makes reference to the committee reviewing the Honolulu Community-Media Council, headed by Dr. Chandler Rowe, president of Hawaii Loa College (now part of Hawaii Pacific University).

The next meeting, held fittingly on the Ides of March, would feature the resignation of John Witeck. Calling himself the council’s “house radical,” Witeck resigned after he failed to get the council to take a stand on the firing of the Rev. Larry Jones, a Honolulu Advertiser columnist, from his job at the paper. Jones had created controversy two years earlier when he had participated in a sit-in of the Reserve Officer Training Corps building at the University of Hawaii at Manoa. His reappointment to a lecturer position lapsed and his recommendation for reappointment lagged while an investigation took place. Cleveland finally recommended his reappointment after Jones made “a commitment to academic freedom and a collegial right to teach even subjects with which I disagree.”\(^{218}\) Du Teil and Advertiser editor Chaplin successfully persuaded Witeck to reconsider his resignation. Jones would later be invited to join the council.

Evaluating the Council

The July 5, 1972, meeting of the council heard a report by Serrell Hillman and Paul Grimes.\(^{219}\) Serrell Hillman was a former Time magazine correspondent.\(^{220}\) Grimes

\(^{218}\) Harlan Cleveland, "Cleveland on the Jones Case," Honolulu Star-Bulletin 8 October 1970.
was an editor for the *Bangkok Post* and later worked for the *New York Times*.\(^{221}\) The report gives a glimpse into the already introspective organization.\(^{222}\) Grimes observed that the media members dominated council discussions, and that even non-media members might have a pro-media bias if their jobs depended on a positive relationship with the media. Grimes noted in his part of the report: “For example: Abel, Roffman, Loomis, Ku—even Cleveland. Thus one must question their objectivity when the media is in the fire.”\(^{223}\) The named members represented major components of Hawaii society—the military, organized labor, city government, state government and the university—and demonstrate the difficulty in drawing together an organization untouched by media influence. Reviewer Serrell Hillman’s conclusion could have ended the 18-month-old council. Hillman’s parting shot read, “Finally, I would suggest another review of the Council in a year’s time. If real progress has been made, fine. If not, I would then conclude that the Council has no meaningful existence and should disband.” The results of the critical report, far from being privately distributed to the council alone, were discussed in an open meeting and published in the *Honolulu Star-Bulletin* under the headline “Media council has tired blood.” The author of the article, Janos Gereben, would later appear as a panelist at a council meeting held October 3, 1972. The panel, titled “The Media Council,” featured what columnist Eddie Sherman called “a flock of cerebral

\(^{223}\) Grimes and Hillman, [*Committee Evaluating Honolulu Media Council*: Office of the Trustees, Bernice P. Bishop Estate.}
types." Other members of the panel included Thomas Hamilton, president of the council; John Griffin; council member Byron Baker; Janos Gereben, a Star-Bulletin reporter; and council member John Witeck.

Media Savvy Politicians

While council founding member Cecil Heftel had been mentioned as a possible opponent to Mayor Fasi in the 1972 primary elections, it was the employee of another council founding member, Lawrence S. Berger, who would make the challenge. State senator and newscaster Mason Altiery would parlay his media “exposure” against Fasi’s “image building.” Thus the contest would pit two media-savvy politicians against one another in a race “waged through high-priced advertising campaigns in the mass media [that would turn into] the bitterest name-calling spectacle.” Altiery had also served as executive assistant to Fasi from 1969 to 1970. Former councilman Kaapu, who complained about Fasi’s lack of news conferences, finished a distant third. Defeating one state senator in the Democratic primary meant that Fasi would face another state senator in the general election, his nemesis from the 1968 mayoral race, D.G. “Andy” Anderson. In the midst of claims and counter-claims about the media, the council remained silent. In its meeting between the 1972 primary and general elections, on Friday, October 27, the council chose to “discuss recommendations for the handling of individual complaints against the media. The complaints procedure was set out in a

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225 Kakesako, "Let the Public Judge, Says Sen. (Newscaster) Altiery."
report by the council's restructuring committee." The complaints, however, would not come from Fasi. Indeed the close win by Fasi in the general election (Fasi would win by fewer than 7,600 votes over Anderson) seemed to make the mayor more conciliatory. "I am extending—not shoving—the olive branch to everyone, including the news media," Fasi said. The peace was short-lived, however, when a reporter asked Fasi about press conferences. "When I want a press conference," Fasi replied, "I will call it. I don’t want anyone telling me when to have one." The Honolulu Advertiser also sent a two-edged message to the mayor in its editorial titled “Fasi’s Narrow Win”: “The mayor deserves, and will get, our support in what we consider programs good for Oahu—as well as notice that we will continue to do our duty as we see it.” Also elected that year to the House of Representatives 14th District was future council member and vice-chairwoman Jean King.

At the same time that the under-funded Honolulu Community-Media Council was undergoing its latest introspective thoughts of reorganization, on the mainland the Twentieth Century Fund was looking to fund a national news council.232

Hamilton Resigns

The new year would see yet another leadership crisis for the young organization. Citing “increased community commitments,” Thomas Hale Hamilton resigned his

227 Keir, "Now It's Fasi Vs. Anderson on Nov. 7."
228 Men and Women of Hawaii 1972, 15.
231 "Fasi's Narrow Win," Honolulu Advertiser 8 November 1972.
position as chairman on January 30, 1973, but continued as a council member. At Hamilton’s last meeting as chair the council introduced a new set of bylaws. The new committee structure reflected Wilbur Schramm’s model of the council between the government, media and the public. Along with the executive committee, the new bylaws established two other standing committees: a Government-Media Relations Committee and a Public-Media Relations committee. The new bylaws also refocused the council’s purposes. The new bylaws proposed the council:

(a) become an open forum for the discussion of ideas that relate to the press and the public,

(b) move positively to resolve confrontation between members of the public and the press, and government and the press,

(c) develop reasonable and practical standards of conduct, and

(d) develop expeditious and fair procedures to resolve complaints.

The reorganization brought about by the new bylaws topped the January agenda. The move to change portions of the governing documents of the council did interject some humor into the process. When a motion before the council called for the end of sexist language, one defender of the language came from an unexpected quarter. Judge Betty Vitousek called for the continued use of “chairman” and “he.”

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234 “Leaves Media Council Post.”
A special meeting on Thursday, February 8, 1973, expressed support of the protection of reporters from having to reveal their sources. "We would hold that the various legal attempts to force reporters, both in printed and electronic media, to reveal their confidential sources interfere with that free flow of information to no good end, and with great potential for mischief."[237]

Brown Elected Chairman

It would be nearly six months after Hamilton's resignation before his successor, Stuart Gerry Brown, would run his first meeting on June 13, 1973. Brown, the first chairman elected by mail ballot, would have an inauspicious start as the meeting lingered for a half-hour before enough members arrived to establish a quorum.[238] Family Court Judge Vitousek, an former associate of Judge Corbett, brought the total attending to meeting up to the required eleven members. Even the quorum, though, depended on the interpretation by Jim Richstad of the bylaws section that stated "to conduct business, at least a quorum, composed of no less than one half of its active membership, shall be present."[239] Richstad reasoned if members who were out of town were considered to be inactive, the council needed only eleven to constitute a quorum.[240] So after two failed attempts to achieve a quorum, a lowered target made Brown's first meeting as chairman possible.

The meeting took up a complaint by Janos Gereben of the Honolulu Star-Bulletin regarding secret deliberations by the University of Hawaii's Board of Regents. The 15-month-old complaint, which had lingered under Thomas Hamilton, a former UH president and then chairman of the council, passed to a chairman who had an active affiliation with UH. The findings of the council, though taking the regents to task, nevertheless had no power to compel any change in behavior. Gereben was clearly disappointed at the action of the council, going so far as to call it a "Mickey Mouse council." Gereben's expression no doubt came from his perception of an ideal media council. It should, Gereben said, "ask questions and support the underdog." Other media members of the council had a more pragmatic view of the abilities of the council. Reporter Byron Baker noted that the council lacked standing to bring the regents to court "even if it maintains the fiction of open meetings." In the end a referral to yet another committee put the issue on hold. The new committee was charged with interviewing the witnesses to the regents' violation of the state's administrative procedures act. Another hot topic, too, would be taken off the active agenda. The relationship between the most powerful politician in the state, Governor John A. Burns, would not come up for review before the council again.

Like Hamilton before him, Brown supported Burns, even writing a foreword for the 1973 edition of Tom Coffman's To Catch a Wave: A Case Study of Hawaii's New

241 "Media Council Has Quorum Trouble."
242 "Media Council Has Quorum Trouble."
243 "Media Council Has Quorum Trouble."
Politics and undertaking the massive John A. Burns Oral History project. Brown offers keen insight into the arena of the Honolulu Community-Media Council:

Political journalism is itself a part of the political process. [...] One of the prime elements in the success or failure of a president is his ability to deal with the press effectively, to project his personality and views on television. So it is with governors or mayors as they interact with the reporters around state capitols and city halls and seek to reach their constituencies through radio and television.\textsuperscript{244}

Tom Coffinan was another on the jump to into politics, either as members of campaign staffs or the staffs of elected officials. Hobert Duncan, managing editor of the Star-Bulletin during the Withington ban, also left to support Burns’ successor, Gov. George Ariyoshi.

Council Under Fire

The same day as Brown’s inaugural meeting, the Honolulu Community-Media Council also came under fire in a column by Peter Wolf, managing editor of the Sun Press and later a council member from 1976 to 1981.

But alas, the public interest is served by the Honolulu Community Media Council, which, my friend claims “has been sucking its collective thumb since last December” over a documented complaint concerning the Advertiser’s efforts to influence the grand jury. At any rate, what this boils

\textsuperscript{244} Coffman, Catch a Wave; a Case Study of Hawaii’s New Politics xi.
down to, as far as I see it, is that if the media isn’t interested in the public, and the public committee is a foot dragging, self-serving body, why doesn’t somebody do something—but who.

Well, this newspaper, small though it may be, is interested in the community and in the media.

I think I’m going to call my new-found friend and ask him to be an ally...perhaps our community readers would like to see a column by an educator of journalists—yes I think I’ll call my friend and ask him to do me and the community a favor—write about writers. After all they are shaping our daily lives by giving us information.

It could be a whole new way to look at news media. 245

Echoing the narrator in *Moby Dick*, David A. Ward, University of Hawaii associate professor of journalism and first to teach public relations there, opened his first column with “Call me Scrutator.” 246 Wolf’s new ally in the battle with the dailies had several harpoons for the larger newspapers in town. Ward took *Star-Bulletin* publisher Robert A. Scott to task for comments he made in a speech to the Honolulu Rotary Club. Ward’s harshest criticism applied to a May 10, 1973, article in the *Honolulu Advertiser* on attempts to indict Fasi’s campaign committee. Although Ward tried to criticize the story in a letter to the editor, the *Advertiser* never published his missive. His letter and a reply from Buck Buchwach, executive editor of the *Honolulu Advertiser*, show the

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behind-the-scenes aspects of published criticism. Buchwach wrote in the exchange:

"hope ur students don’t take you too seriously, otherwise all they’ll ever write for newspaper publication are waspish, shallow letters filled with intemperance and meaningless debate points."\(^{247}\) Ward also criticized a May 18 article on Mason Altiery and Fasi in a letter to the paper that he copied to Fasi. In a letter to Ward dated the following day Buchwach “contended [Ward] had no business raising such points."\(^{248}\) Another letter written by Ward, about a story of Police Chief Francis Keala, brought another response from Buchwach, with a copy to Keala: “We have come to expect streams of prose, usually impugning our integrity, from you."\(^{249}\)

In closing his first column Ward dismissed the opinion of the council. “Whatever the Honolulu Media Council might think about it, I think it was a flagrant example of lousy journalism."\(^{250}\) Ward next complained about a series that Advertiser reporter Gene Hunter wrote on popular radio personality Hal “Aku” Lewis. “Some of Aku’s listeners darkly hinted that the real reason was that he had risen occasionally to the defense of Mayor Fasi in instances of biased reporting by the Advertiser, Chaplin, Buchwach, et. al., and had decided to do a hatchet job on the radio personality.” Ward quotes Chaplin from the series: “Hal’s primary beef with the Advertiser stems from his apparent feeling that he’s not just a disc jockey—that he’s an important figure in the communications field, that he’s a serious commentator, and that the paper doesn’t treat him as such . . . ”\(^{251}\)

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\(^{247}\) Ward, "The 'Facts' of Life Aren't in the Newspapers.

\(^{248}\) Ward, "The 'Facts' of Life Aren't in the Newspapers.

\(^{249}\) Ward, "The 'Facts' of Life Aren't in the Newspapers.

\(^{250}\) Ward, "The 'Facts' of Life Aren't in the Newspapers.

Ward provided media criticism that the Honolulu Community-Media Council found more difficult to make. Unlike the council, with its presence of two editors of the major dailies, the fringe media found an easier time taking aim at mainstream media and defending the practitioner outside the center. The council, however, could come to the defense of the media more easily.
CHAPTER 4: DÉJÀ VU

“Déjà vu all over again.”

—Yogi Berra

While assessing the corridors of power in Honolulu may have seemed an attractive assignment, the City Hall beat experienced great turnover. To cover arguably the second most powerful politician in Hawaii in 1972, the Honolulu Star-Bulletin sent one of its youngest reporters, Richard Borreca, who just three years earlier had managed KTUH, the University of Hawaii’s infant radio station. The juxtaposition of the young reporter and the seasoned politician created a volatile mixture that once more resulted in a Star-Bulletin reporter being banned from Honolulu Hale. Borreca, who had been a college junior when the first Star-Bulletin reporter had suffered exclusion, found himself outside the doors. Friction between Fasi and Borreca started in June 1972 over an article about the city’s refuse and sewer division. Fasi had called for an apology from Borreca and co-author Dave Shapiro “for the part of the article connecting him personally to the rumor campaign” regarding a dispute at the city’s refuse division. “I have no doubt,” Borreca wrote, “that my specific ban was triggered by a series of stories that I and Dave Shapiro had written detailing how Fasi’s campaign supporters had arranged for city inspectors to sell fund-raising tickets to property owners while they were inspecting their

properties."

Four months later Fasi would ask Borreca not to report his remarks at Stag Night sponsored by the Hawaii Kai Recreation Center. The center’s president, George Lewis, then asked Borreca to leave after Fasi indicated he would not speak if his remarks to the private group were on the record. Nine months later, in a July 24 speech before the West Kauai Rotary Club, Fasi announced “he had instructed his department heads to withhold information from Star-Bulletin reporter Richard Borreca.” Fasi objected to Borreca’s statement that he would give Fasi a “shafting” in his election-year stories. Borreca denied Fasi’s charge. In his Kauai speech Fasi said “that he came to speak to such relatively small groups of a hundred or so because he cannot get fair coverage in the daily newspapers.”

Star-Bulletin reporter Buck Donham summarized Fasi’s relationship with the media in an article titled “Fasi and the Press,” listing a number of reporters who had found themselves persona non grata, either because of their own actions or the actions of their bosses. Jim Loomis, John Kernell’s replacement at City Hall, found himself defending his boss in a rebuttal. Ironically, among the reporters named as “good reporters” was June Watanabe, future wife of Richard Borreca. In the rebuttal Loomis listed his own experience working with Borreca including an accusation that the journalist read papers on Loomis’s desk. Loomis also noted the revolving door between the media and politicians as one of the sources of friction between Fasi and the press. He cited the case of Bob Wernet, who went from City Hall reporter for KGMB, to

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253 Richard Borreca. Email to author, 6 January 2005.
256 “Fasi Bars Giving Information to Reporter.”
campaign worker for Fasi rival Andy Anderson, and back again. At this point, however, Borreca only lacked access to department heads. On November 3, 1973, Borreca was physically banned from a Fasi news conference. Loomis said the ban occurred because of a “two year history of unfair reporting on his part.” Borreca was surprised by the move. He wrote, “As I recall, before being denied access, actually physically barred from entering by Fasi’s public relations man, Jim Loomis, there had been no indication that I would not be able to attend a public news conference.”

Executive editor Hobert Duncan quickly compared the situation to the national situation. “Watergate has made many politicians squeamish about reporters.” He added later, “Mayor Fasi, President Nixon and Spiro Agnew are all angry with us. I guess it’s a way of life.” An Advertiser editorial the next day continued the comparison, saying, “There are distressing parallels between the attitudes of Mayor Fasi toward the media and those of President Nixon.” The editorial also captured the essence of the Borreca ban. The Advertiser editorial writer was quick to point out: “We think the news media, as the representative of the public’s right to know what government is doing, has more complaints with Fasi than vice versa.” Political cartoonist Harry Lyons put a knight labeled “Public’s Right to Know” across the moat from a raised drawbridge while a pipe-

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259 Loomis, "Fasi and Press—a Rebuttal."
261 Richard Borreca. Email to author, 6 January 2005.
264 "Fasi & the Press."
smoking caricature of Fasi as a king lounged on the castle’s ramparts. While the Honolulu Community-Media Council was ready and willing to take complaints, neither side took advantage of its services. Fasi certainly knew of the council. Indeed he cited its formation when he dropped his ban on Withington because he saw the media council as a forum to resolve such disputes.

Turning Proactive

The fledgling council, on the other hand, quickly took up the Borreca case on its own. At its November 27, 1973, meeting the council took the proactive step to look at Fasi’s ban of the newsman, a first for the council, since neither Fasi, the Honolulu Star-Bulletin, nor Richard Borreca had asked it to intervene. The council appointed the Rev. Robert W. Fiske and his government-media relations committee to study the issue further. It was a watershed moment for the council. A month prior the council, at its October 17, 1973, meeting, had been looking for “Ways to make the Honolulu Community-Media council more effective.” Leading that discussion were Du Teil and Kernell, now a vice president of the Honolulu Press Club and director of community affairs for Cecil Heftel’s KGMB. The new stance of the council certainly fit the bill.

The déjà vu aspect of the Borreca ban was compounded by comments from Kernell, formerly with the Honolulu mayor but now with the media. Patrick De Costa, assistant director of the city’s office of information and complaint, in a letter to the Sun 265

Press was quick to point out Kernell’s position on the Withington ban when he was working for Fasi. He quotes a letter from Kernell to Smyser: “I charge you with playing the news one way for one person and the opposite way for another, with having changed reporters’ stories to reflect discredit on the mayor, with having been caught more than once printing outright falsehoods. . and I ask you to stop.” He also quotes Kernell’s 1970 position: “If those who oppose the ban want to see issue resolved they should do so in the courts. I do not believe, however, that any rule of law prohibits a public figure from formalizing a ‘no comment’ from him and his department heads so long as the media are permitted full access to public information.”269 A week after De Costa’s letter appeared in the Sun Press, an Advertiser editorial titled “Positions in their past” defended Kernell:

John Kernell, the articulate TV executive who was Mayor Fasi’s original top press aide, has had some very critical things to say of the Mayor lately for his ban against the newspapers.

It’s also been pointed out Kernell defended Fasi when the Mayor was boycotting the Star-Bulletin a few years ago. If so we would commend the results of Kernell’s soul-searching and recommend it to others in the Mayor’s employ.270

Kernell left Hawaii in 1974 to take a position as vice president of special projects at Cole Weber, a Seattle, Washington, advertising agency.

The Hawaii Newspaper Guild also took an early and expected stance against the mayor’s exclusion of Borreca. The organization’s executive board called the ban “deplorable, irresponsible and uncalled for.” On the other hand, David A. Ward, associate professor of journalism at the University of Hawaii, blamed the Honolulu Star-Bulletin editors for the impasse. “It seems to me,” wrote Ward, “that if a reporter is supposed to be an objective observer who never permits personal opinions or bias to appear in his reports, it shouldn’t matter who he is.” Ward concluded that a newspaper that required a reporter to continue to cover a beat even after being declared persona non grata was itself responsible for “impairing the ‘public’s right to know.”

Borreca at first tried to work around the ban; instead of talking with the mayor he went to the mayor’s deputies. But James Sakai, city finance director, refused to discuss with Borreca a settlement of a lawsuit against the city. Sakai told the reporter “I have no comment to you, that’s the Mayor’s policy. I can tell the Advertiser, but not you.” Although Loomis quickly denied he knew any reason why Sakai would not talk to the reporter, Fasi himself had announced the ban in a speech on Kauai four months earlier. Exclusion from another news conference on December 13, 1973, marked the third time the mayor banned

273 Ward, “The Ban on Borreca.”
Borreca. Even though he would not talk with Borreca, Fasi did tell another reporter when Borreca would return to his office: “When hell freezes over.”

Gannett Files Suit

To get a more timely resolution of the dispute, the Gannett Pacific Corporation, publisher of the Honolulu Star-Bulletin, filed suit in federal district court against Fasi and Loomis stating that Borreca’s “liberty, livelihood and well-being depend on his being allowed to gather news from sources available to other news reporters.” Borreca’s suit asked for a preliminary injunction to prevent Fasi from again banning him. The suit, which was to be held before Federal Judge Samuel King, was initially delayed while King recovered from the flu. Fasi attempted to make major components of the suit moot by issuing a directive freeing department heads to speak to reporters, including Borreca. Fasi’s directive, however, fell short of allowing Borreca back to the mayor’s news conferences. King issued his initial ruling on Monday, January 7, 1974, which prohibited Fasi from excluding Borreca from all press conferences, including the mayor’s. Fasi responded to King’s preliminary ruling in a column in the Sun Press. He wrote:

I am not trying to tell them who I want to cover City Hall. I only said I will not talk to the one of the Star-Bulletin reporters—a reporter who has

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called me “corrupt”; who has said he will “shaft” me in his stories, and
who has consistently distorted coverage of me and my administration.
(What other way can I defend myself against that guy?)

Fasi found a way that relied on the language of the initial ruling which referred to
“press conferences.” In response to Judge King’s initial decision, Fasi opened his next
conference, on January 8, 1974, only to representatives of the electronic media, that is,
radio and television, effectively banning both Honolulu Star-Bulletin and Honolulu
Advertiser reporters. Doug Carlson of the Honolulu Advertiser had joined Borreca on the
outside. Fasi clearly took the letter and not the spirit of the initial ruling into his decision
to hold what he considered a news conference and not a press conference. That strategy
angered Bob Sevey of KGMB-TV. It made Sevey “[a]ngry enough, at first, to consider
boycotting Fasi just as he has embargoed the daily papers—by refusing to cover his
meetings with electronic media reporters, refusing to broadcast his announcements as he
calls them.” Fasi was not without his supporters. David A. Ward, writing in his Sun
Press column, suggested that the broadcast media ensured “fair, full and accurate
presentation to the public” because the “broadcast media must be fair or risk losing their
licenses. By contrast, newspapers have a constitutional right to be unfair, if they so
choose.” John Kernell wrote a response to Ward in the next issue of the Sun Press. He
responded “as an individual,” and also noted he was “a founding member of the Honolulu
Community-Media Council, a body formed to deal with a previous lockout of the

Honolulu Star-Bulletin by Mayor Fasi while [he] was still part of the administration."281

Kernell questioned Ward's contention that use of the Fairness Doctrine supports a right of reply. Kernell pointed out that the Fairness Doctrine only applied to "editorials that personally attack him [Fasi]."282

Advertiser Files Suit

The Advertiser response went beyond anger; it decided to file suit. On September 10, 1974, the morning paper asked U.S. District Court to compel Fasi to admit "Advertiser reporters the same access to City Hall news as any other newsman."283 The suit also demanded $15,000 in damages.284

Fasi Drops Ban

On January 20, 1974, Fasi held a news conference for all media, print and electronic. Borreca did not attend the conference, lending credence to reports that Fasi and Robert Scott, publisher of the Star-Bulletin, had worked out a compromise. Fasi invited Borreca to a ceremonial presentation later that day, which the reporter attended, to quash such speculation. Scott announced that Borreca had asked to be reassigned to covering the legislature.285 Borreca wrote:

Originally there was some agreement that the Bulletin would be allowed back in City Hall and I would go on to other things. But I and several

282 Kernell, "Ward Isn't up on FCC."
284 "Advertiser Seeks Equal Access."
other reporters at the Bulletin’s capitol bureau insisted that I would actually be allowed in one more news conference. The news conference was held. As I went in, Paul Devens [corporation counsel], suggested that I keep it cool and not ask any argumentative questions and I complied. Because the Bulletin at that time had a fairly large state Capitol bureau, it was easy for me to transfer to state government without any disruption.286

The next day King made his final decision in the Borreca case. In it King called Fasi’s actions a “form of censorship” and that “requiring a newspaper’s reporter to pass a subjective compatibility-accuracy test as a condition precedent to the right of that reporter to gather news is no different than requiring a newspaper to submit its proposed news stories as a condition precedent to the right of that newspaper to have a reporter cover the news.”287 The *Borreca v. Fasi* decision is now cited in support of sunshine laws and taught in university media law classes alongside *Near vs. Minnesota*, a landmark case that extended First Amendment protections to the state level. Among the texts citing *Borreca vs. Fasi* are Paul Siegal’s *Cases in Communication Law* and John Zelezny’s *Communications Law: Liberties, Restraints, and the Modern Media.*

The conclusions of law in the Borreca case read:

Plaintiffs are entitled to a preliminary injunction enjoining Defendant Frank F. Fasi from preventing, or from instructing or advising any person

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286 Richard Borreca. Email to author, 6 January 2005.
to prevent, Plaintiff Richard Borreca from attending any press conference on the same basis and to the same extent that other news reporters attend press conferences.\textsuperscript{288}

Although the distinction between a press conference and a news conference was discussed in the hearing, King wrote, “Without engaging in any attempted semantic niceties at this time, I have granted the preliminary injunction in the exact words [press conferences] requested by plaintiffs.” The \textit{Honolulu Star-Bulletin} subsequently dropped its suit. The \textit{Honolulu Advertiser} suit to get a permanent injunction, on the other hand, advanced.

The council, meeting on January 30, 1974, weighed in on the dispute with a formal statement of principle: “We affirm that no public official has the right to refuse access to information and/or press coverage by any representative duly appointed by the media.”\textsuperscript{289} At least one council member argued against the action. “I am unable to find the logic or justification,’ he said that day, “for compelling an elected official to accept into his/her news conference a representative of the media whose competence of motives he seriously questions.”\textsuperscript{290} Chairman Brown, on the other hand, contended that council had the

\textsuperscript{290} “Council Supports Open-Meeting Law.”
“opportunity to participate in the defining of some very important policy regarding the relationship between public officials and the media.”

Polls Take Center Stage

Responding to a complaint by Buck Buchwach, executive editor of the Honolulu Advertiser, the council also criticized Fasi concerning the accuracy of an advertisement, titled “Whatever happened to ‘The Public’s Right to Know’,,” placed by Good Guys for Fasi. The advertisement, which ran November 9 and 10, 1973, in both dailies, complained that the Honolulu papers, unlike the Maui News, had failed to report on a pro-Fasi survey. The poll of 500 Maui residents, conducted by Martin Dupont and Associates, showed Fasi leading all candidates in the race for governor. The committee report on the complaint focused on the words of the advertisement that claimed, “neither paper saw fit to report the survey results.”

Although not as prominent as the front-page coverage in the Maui News, one of the Honolulu newspapers’ columnists had made a mention of the poll.

As polling took a more prominent role in local elections, the council’s Public-Media Relations committee met February 13, 1974, to develop polling guidelines that would result in “uniform criteria for the benefit of the press and

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291 "Council Supports Open-Meeting Law."
the public alike." The meeting pulled in two academics, Earl Babbie and Dan Tuttle, to provide specific expertise on opinion polls. Babbie had created a polling manual for the media to use during the 1970 election. Tuttle presented a simpler 11-point guide to polling that the council eventually adopted at its February 26 meeting. The required information that Tuttle recommended newspapers disclose when publishing public opinion surveys included "sponsors, wording, definition of area, representativeness, size of sample, make-up of sample, how were contacts made, interview or secret ballot, dates of survey, margin of error and estimate of refusal rate." With reporters from both Honolulu dailies news conferences, Fasi announced that the Advertiser suit to compel him to admit all reporters to his news conferences was now moot, but the paper continued its suit to get a "permanent injunction."

Friend of the Court

On March 29, 1974, the executive committee of the Honolulu Community-Media Council approved a position paper regarding the Honolulu Advertiser case, which sought to prevent the mayor from excluding Honolulu Advertiser reporters from his press conferences, and presented it to the council’s

lawyers to prepare a petition to join in the suit. A little over a month later, on May 3, 1974, the council’s attorney, Dennis A. Daugherty, filed a “friend of the court” brief in the Advertiser case. Highlighting why the council would have standing regarding the case, Daugherty said, “It is only too obvious that any altercation between a government agency and the news media, and especially the continuing dispute between the mayor and print media, is not only within the scope of the council’s business but pertains to the very essence of the council’s function.” On May 17, federal Judge Martin Pence refused to dismiss the case against Fasi. Pence also ordered the parties to return June 10 to his chambers “to see if they can agree upon a formula for the conduct of press conferences.” Although refused the opportunity to join the case, the council’s language on press relations was integrated into the final decision. Once again Fasi had helped to invigorate the council.

But Fasi’s response to the decision also highlighted the advisory role of the council. Pence had asked the parties to develop guidelines for Fasi’s news conferences. The council in turn had worked on developing “general principles that the media and government could follow on news conferences,” attorney Dennis Daugherty said to the July 10 meeting of the council.

Fasi had a simple response to the strict rules on news conferences; he stopped holding them. According to Douglas Carlson, the Honolulu Advertiser

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City Hall writer, whom Fasi had banned: "Fasi's last "open ended" conference was on Jan. 24 [1974]. Since then, his meetings with news media have covered only one or two topics—chosen by the Mayor—and he has refused to answer questions not pertinent to the "approved" subject."\(^{290}\) The courts may have been able to force the mayor in include all comers to his news conferences but could not coerce him into a dialogue with the media. Indeed, the mayor retrenched by granting only individual interviews, a move that lead Carlson to lament: "So by granting only some of the interviews, Fasi and his advisers can pick and choose just whom the Mayor will favor. Carrying this further, news media that don't criticize the mayor may be most successful in obtaining interviews. And that would amount to attempted manipulation of the press through reward and punishment."\(^{301}\) It is clear which side of the balance Carlson fell on.

Having lost in the legal arena, Fasi seemed more open to mediation concerning his next complaint about the media. Fasi's complaint fit right in with the topic of the council's May 22, 1974, meeting. Dr. William L. Rivers of Stanford University, whose speech had been delivered at the Community-News Media Conference that helped start the council, gave a talk titled "Media Accountability and Self Criticism."\(^{302}\) Rivers was the first speaker in a three-part series on "stock-taking." The others were council founder

\(^{290}\) "Judge Refuses to Dismiss Suit," *Honolulu Advertiser* 18 May 1974.
\(^{301}\) Carlson, "Fasi Unmeets Press."
\(^{302}\) "Researcher Talks to Media," *Honolulu Advertiser* 22 May 1974.
Harlan Cleveland and *Advertiser* ombudsman Charles Ware. \(^{303}\) Rivers found that Fasi’s war with the Honolulu daily papers was an “adversary relationship that has become a little too wild.” \(^{304}\) Fasi was not alone in his disdain for the newspapers. Legislators introduced a bill in the 1974 session designed to treat the joint operating agreement as a public utility, though the bill ultimately failed. \(^{305}\) The *Honolulu Advertiser* would editorialize a couple of months later that “an adversary relationship—some conflict—between media and politicians is part of the way the democratic system works—and should work.” \(^{306}\) The editorial also mentioned a subject that would play a key role in the relationship between the two sides. “Some of the polls which have shown Fasi well ahead reportedly also show his lead diminishing. In plain fact, nobody knows, and the question of who’s now ahead is not a primary issue with us.” \(^{307}\) For Fasi, however, the polls and reporting of polls during the Democratic primary would be quintessential. The polls gave voters a glimpse at who others thought might win. A private Maui poll, published in the *Maui News*, showed him with a lead over Gov. George Ariyoshi. The Maui poll showed strength for Fasi on the Neighbor Islands, an area generally conceded to the Ariyoshi camp. The refusal to run his poll results only confirmed to Fasi the unfairness of the *Advertiser*, a position the paper was quick to point out: “In Hawaii, Mayor Fasi has adopted a similar critical hostility toward The Advertiser especially, and in the past we have credited him with being somewhat successful in listing us in his growing pantheon.

\(^{303}\) “Researcher Talks to Media.”  
of demon conspirators against him. Today's poll bears that out; it's worth noting backers of both his opponents feel we are generally fair."^{308} If the internal polls like the ones conducted by Burns in the successful 1970 gubernatorial race had shaped campaigns from within, the publicly visible external polls would shape the campaign of candidates from without. The most visible of the external polls, the Honolulu Advertiser's Hawaii Poll was the brainchild of Gerry Keir, who served as its Capitol bureau chief starting in 1969. Critics charged that the poll went beyond the news reporting function of newspaper and strayed into the news making role by actually influencing voter behavior and the outcome of election. Gerry Keir was pleased with the results of last of the Advertiser's Hawaii Poll conducted two weeks before the primary election. The results, wrote poll originator Keir, "match up well with the findings of the final survey." In explaining a slight variance between the election results and the newspaper's survey, Keir revealed just how such a poll could influence an election. In explaining Ariyoshi finishing three points ahead of the polls, Keir pointed out that the surge could have come from "undecided voters who finally came to rest in the Ariyoshi camp when it seemed as though he had the best chance to beat Fasi."^{309} Such an assessment could only have come from the September 24, 1974, Hawaii Poll.

For the media Fasi's loss came as a result of his newspaper ban. "It would seem," intoned a Star-Bulletin editorial, "that he lost crucial votes for his [ . . . ] hostile attitude

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^{307} "Fasi's Odds & the Media."
toward openness in government and the legitimate role of the press." But Fasi blamed the Hawaii Poll for his loss.

Questioning Polls

The Committee to Elect Mayor Fasi Governor turned to the council to determine the fairness of the Honolulu Advertiser's Hawaii Poll. The council ultimately decided that the polling methods were fair. The Honolulu Advertiser would thereafter imbed the council's stamp of approval in its description of the poll. Council chairman Stuart Gerry Brown also defended the Hawaii Poll in a letter to the editor in the Honolulu Advertiser.

After talking about guidelines and sample sizes, Brown wrote, "We urge your newspaper to continue the high reporting standards of your first two polls and to accept no less from other political pollsters." In another complaint the Fasi campaign questioned the fairness of election year news reports. The grievance brought the council full circle from Fasi as defendant against the newspapers in the Withington case to Fasi as plaintiff against the newspapers. The actual complaint came, not from Fasi, but from his campaign chairman Iwao Yokooji. Yokooji claimed that "the extraordinary amount of publicity caused immeasurable damage to his recent campaign for governor." On June 26, 1975, the council met in a public meeting to discuss its findings. The Honolulu Advertiser also had completed its own look into the matter, as had United Press International reporter Dan Carmichael, who

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had written his senior thesis for the University of Hawaii.\textsuperscript{313} The findings were not favorable to the mayor. The report concluded: “We cannot and do not believe that the Mayor was intentionally singled out by newspaper reporters for special unfair treatment, or that he was an unwitting victim of a newspaper ‘monopoly’ or ‘conspiracy’ on the part of the editors and reporters.”\textsuperscript{314} The report would also contain a wish for the future: “the time has come to put behind us the so-called clash between Mayor Fasi and the printed media.”\textsuperscript{315}

The \textit{Star-Bulletin} editors, however, felt the need to have the last word in an editorial titled “Election Footnote,” attacking University of Hawaii journalism professor David Ward. Ward, who the editorial said, “is an all-out Fasi backer who columns for him in the Press newspapers and tells lies about us in the process.”\textsuperscript{316} The newspaper dredged up the then two-year old survey for an election more than half a year earlier for its editorial commentary, thumbing its nose once again at Fasi. The editorial concluded: “Since Prof. Ward raised the issue, we’d like to add that our treatment of the 1973 poll looks pretty good, too, in retrospect.”\textsuperscript{317} Ward subsequently filed a $750,000 libel suit in Circuit Court against the paper, claiming that the editorial consisted of “false, scandalous and defamatory libel.”\textsuperscript{318} Judge Arthur Fong threw the case out, ruling that Ward was a public figure and failed to prove that the editorial was written with malice.\textsuperscript{319} In 1979

\textsuperscript{313} “Fasi Fund Probe Coverage Topic.”
\textsuperscript{317} “Election Footnote.”
\textsuperscript{318} “Prof Files Libel Suit against Gannett Corp.,” \textit{Honolulu Advertiser} 19 June 1976.
\textsuperscript{319} “Professor's Libel Suit Thrown Out,” \textit{Honolulu Star-Bulletin} 18 November 1977.
Ward, who taught the University of Hawaii’s first public relations course, helped charter a chapter of the Public Relations Student Society of America, a chapter that today still bears his name.\textsuperscript{320} Ward would die the following year of a heart attack.\textsuperscript{321}

Fasi would not be the last politician to exclude journalists. In yet another \textit{déjà vu} moment, a non-union shop gave Gov. George Ariyoshi just the circumstance to ban KITV from his 1977 news conferences. Once again establishing that politics and media make strange bedfellows, the Ariyoshi ban found Hobert Duncan, managing editor of the \textit{Honolulu Star-Bulletin} during the Fasi’s ban of Toni Withington, defending actions of his new boss, Gov. Ariyoshi. Duncan’s departure from the \textit{Star-Bulletin} had given his old boss, A.A. “Bud” Smyser the opportunity to explore the “creative tension” between press and government. Given the number of media types who had moved into politics or government, Smyser noted that Duncan was “not the first to cross the bridge, and he won’t be the last.”\textsuperscript{322} Indeed, Duncan took over the post from acting press secretary Cornelius Downes, who also had worked for the \textit{Star-Bulletin}.\textsuperscript{323} Keith Haugen, another \textit{Star-Bulletin} reporter, was named as state director of information, reporting to Duncan.\textsuperscript{324} Unlike Borreca’s dispute with Fasi, the council took no action in the KITV case.

Political forces have repeatedly set up dynamic tensions between the media and the government, often resulting in mixing of the players at the borders, and sometimes

\textsuperscript{321} “David Ward, UH Professor,” Honolulu Advertiser 15 March 1980.
\textsuperscript{323} “Star-Bulletin Executive Quits to Take State Media Post,” Honolulu Star-Bulletin 5 April 1976.
\textsuperscript{324} “Haugen Named,” Honolulu Star-Bulletin 17 April 1977.
repeat performances. When déjà vu occurred, the Honolulu Community-Media Council performed its role at the intersection of media, government and the public.
CHAPTER 5: LET THE SUNSHINE IN

"Let the sunshine / let the sunshine in / the sunshine in"
—“Aquarius” by James Rado, Gerome Ragni and Galt MacDermot

“Sunlight is said to be the best of disinfectants”
—Supreme Court Justice Louis Brandeis,
Other People’s Money, and How Bankers Use It

Under the leadership of Stuart Gerry Brown, the council started in 1973 on a road of legislative activism, a path that would eventually let the sunshine in on government decision-making. The two-pronged approach first took a proactive look at legislation that could aid the media and second a reactive look at anti-media legislation already in the hopper. The key example of the former approach came about as a result of one of the earliest complaints to the council. Although Janos Gereben’s complaint about secret meetings of the University of Hawaii’s Board of Regents had resulted in no administrative policy changes by the regents to open meetings, the resistance by the regents encouraged the council to take a new route to achieve open meetings. Though not written to Gereben’s satisfaction then, the findings by public relations man Edward Joesting did contain a kernel—a reference to the Colorado Sunshine Law—that would eventually serve as a catalyst for the council to challenge secret meetings. Just as the

325 Morse, "Media Council to Review Regents' Meeting Policy."
Fasi ban of a *Star-Bulletin* reporter had shaped the council’s mediation function, the Gereben complaint from 1972, which centered on the refusal of the University of Hawaii Board of Regents to admit reporters to decision-making meetings, galvanized its efforts in a new direction—pushing for legislation to codify open-meeting requirements.

The council’s November meeting saw the complaint by Janos Gereben against the University of Hawaii Board of Regents come to conclusion. Harold C. Eichelberger, chairman of the board of regents, “simply acknowledged” the letter from council chairman Stuart Gerry Brown. Brown had sent a letter on September 19 to Eichelberger, chairman of the regents, that read in part: “The council will be recommending to the next session of the Legislature revision of the statutes covering administrative procedures of all public boards and commissions to require a higher standard of openness in the making of decisions of public concern.” In the meantime, Brown also urged the regents to “use its ample power to modify its own rules so as to make its deliberations more open to the public and the media.”

**Toward Legislative Activism**

On January 30, 1974, the council approved the first tentative steps toward legislative activism. The start of the 1974 legislature saw the introduction of a bill patterned after a proposal by the council. With trust in government at a low point nationally because of Watergate, House Bill 2369, titled “A Bill for an Act relating to

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326 “Council Will Look at Fasi-Borreca.”
meetings open to the public," was introduced by freshman Rep. Jean King and supported by House Speaker Tadao Beppu. Despite being referred to the House judiciary and corrections committee on February 17, 1974, the bill was not heard until just two hours before the final deadline for committee to pass out legislation. Chairman James H. Wakatsuki scheduled the hearing for the bill at 2 p.m. on April Fool's Day along with a lobbying bill. Testifying in favor of the bill, council chairman Stuart Gerry Brown said, "To be meaningful, the public's right to attend meetings involves more than its mere observance of a governing body is following a pre-arranged decision-making plan unaffected by public participation or scrutiny." Council member Max Roffman, representing the Kokua Council for Senior Citizens, called the bill "an idea whose time has come." Unfortunately Roffman was not in control of the timing. Others on the list of testifiers were Shunichi Kimura, Hawaii county mayor; Marsha Reynolds and Matt Levi, Big Island Press Club; James P. Wohl, president of the Hawaii Island Media Advisory Council; Melvia Kawashima, president of League of Women Voters; A.A. Smyser, editor of the Star-Bulletin; John Kurnell, director of community affairs for KGMB-TV and radio; and Louise McDonald, legislative concerns chairman of the Democratic Action Group. Smyser, Kurnell and McDonald were founding members of the Honolulu Community-Media Council. Written testimony from Vicki A. Owens of Common Cause Hawaii, dated March 11, 1974, noted that the bill had " lain idle since its assignment to the Judiciary Committee on February 7th. The issue of "sunshine"

329 "Open-Meeting Bill Favored."
legislation has been very much a part of the news and should be given due consideration by our state's lawmakers. We cannot afford to lapse into the dangerous position of a government divorced from the public.\textsuperscript{331} Kawashima's testimony, dated March 25, 1974, stated, "The League of Women Voters as well as the Media Council and other Citizen Groups urge you to hold a public hearing on this measure this session."\textsuperscript{332} Wakatsuki said, "1975 is just around the corner if the bill fails to move this year."\textsuperscript{333}

Extraordinary Event

The failure to move the bill from committee led to an extraordinary event on the 56\textsuperscript{th} day of the 60-day legislative session. At 10:03 p.m. on Friday, April 5, after coming back from a recess, Jean King moved to recall H.B. 2369 from committee. Anson Chong seconded the motion. Speaking in favor of her motion King gave credit to the Honolulu Community-Media Council: "This bill that was drafted by Herman Doi, who was the Chairman of a Committee of Three set up by the Media Council to draft a model sunshine bill. That Committee looked a number of sunshine bills from various states and came up with this version which was introduced intact."\textsuperscript{334} Because the bill had missed the internal deadline to cross over to the Senate some representatives questioned the extraordinary timing of the bill. One of the bill's sponsors, Dennis O'Connor rose first to speak in opposition based on the arrangement with the Senate. Toni Kunimura called the motion a "Cheap trick." Steve Cobb put the recall motion into perspective. "Now this is an

\textsuperscript{332} Melvia Kawashima, "Testimony for House Judiciary Committee," (Honolulu: 1974), vol.
\textsuperscript{333} Takayama, "Legislators Not Eager to Let the Sunshine In."
exceptional motion. And this is also an exceptional time for we see before us, not only an
election looming but eight months away, but also the lowest rating in American history in
the confidence of the people in their government. And it is precisely because of the
informal arrangements, the backroom agreements, and the deals made behind closed
doors, that this kind of legislation was ever proposed in the first place.” Although the Big
Island had approved a sunshine law for the county, one of its representatives said that he
would “hang [his] head in shame” before he would recall the sunshine bill from
committee. The vote fell three votes short of the 17 votes needed to recall the bill. If the
17 representatives originally sponsoring the bill had voted for the recall, the motion
would have passed. Voting in favor of recalling the bill were six of the sponsors of the
bill Representatives Anson Chong, Steve Cobb, Jean King, Kenneth K.L. Lee, Howard
Oda (one of two Republicans originally sponsoring the bill) and Jann L. Yuen. Joining
the sponsors were Democrats Richard Wasai, Richard S.H. Wong, T.C. Yim. Five
Republicans also joined the effort to overturn the committee decision: Ralph Ajifu, James
Aki, John S. Carroll, Archie Hapai, and John Leopold. Voting against moving forward on
the bill they had originally sponsored were Speaker Tadao Beppu, Vice Speaker Pedro de
la Cruz, Tats Kishinami, Oliver Lunasco, Rick Medina, Keo Nakama, Dennis O’Connor,
W. Buddy Soares (the other Republican sponsor) and Charles Ushijima. Sponsors
Richard Garcia and Richard Kawakami had been excused from the vote. All told, 31
members voted against taking the bill out of committee. Despite the negative outcome of

334 Journal of the House of Representatives of the Seventh Legislature, State of Hawaii: Regular Session of
the legislative inaction, the sunshine law would continue to be discussed in the community.

After the close of the legislative session, the University of Hawaii Board of Regents, which had served as a catalyst for the council’s push for an open meetings law, again demonstrated the need for such a law. In mid-May 1974, a secret meeting between the regents and university President Harlan Cleveland set the stage for the regents’ public approval a five-year contract, with a $25,260\textsuperscript{335} a year salary, for football coach Larry Price (now a high-ratings media personality for radio station KSSK), bypassing the university administration in the process.\textsuperscript{336} An editorial in the Honolulu Advertiser stated clearly what the Honolulu Community-Media Council had pressed for during the session. The issue, the editorial writer concluded, "is one of public information and education, an aspect of democracy not enough people in public office seem to understand."\textsuperscript{337} Harold C. Eichelberger, who as head of the regents rebuffed council Chairman Stuart Gerry Brown’s call for greater openness, retreated from the world of public meetings to the private James Campbell Estate.\textsuperscript{338} Circuit Court stipulated that Eichelberger, a former president of Big Five corporation Amfac, resign from his post as chairman of the University of Hawaii Board of Regents to secure approval of him as a Campbell Estate trustee.\textsuperscript{339}

\textsuperscript{336} "Lessons for Openness," Honolulu Advertiser 25 May 1974.
\textsuperscript{337} "Lessons for Openness."
\textsuperscript{338} "Campbell Estate Gets New Leader," Honolulu Advertiser 27 December 1974.
\textsuperscript{339} "Eichelberger Is Campbell Trustee," Honolulu Star-Bulletin 28 December 1974.
Given the council's recent experience with secret meetings of public entities, opposition to open meetings would come from a surprising source at the June 5, 1974, meeting of the Honolulu Community-Media Council. Council founder Harlan Cleveland spoke in favor of closed meetings when he said, "These types of favored people will get the media coverage. Those who advocate compromise and cooperation will not, because one assumption among media people is that things aren't 'open' if cooperation and compromise are the dominant theme."³⁴⁰

Sunshine Bill Passes

Newly elected state Speaker of the House, Rep. James H. Wakatsuki, who held the last minute judiciary committee hearing of the open meetings bill in 1974, made the "sunshine" bill a centerpiece of the Eighth Legislature. In his opening remarks to the House, he said, "There is within our community skepticism—even suspicion, if you will, with our governmental processes. Our response shall be openness, candor, and accountability."³⁴¹ His words were echoed a few days later by Gov. George Ariyoshi in his state of the state address: "There is a need for greater access by the community-at-large to our decision-making processes. I believe that our decisions must adequately reflect our people's needs and concerns."³⁴² The bill was introduced by Wakatsuki's replacement as judiciary committee chairman, Stanley H. Roehrig. Among the other sponsors were future governor Ben Cayetano and several supporters of the failed 1974

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bill. Missing from the list of House sponsors was Jean King, who had attempted to pull the bill from committee; she had been elected in the interim to the state Senate. Unlike the previous year, the 1975 legislation advanced smoothly through both houses of the legislature and was signed into law by Gov. George Ariyoshi.

**Tracking Legislation**

One of Brown's last acts in office was to appoint the committee charged with a watchdog role over legislation affecting the media. Though the legislature had already adjourned by the time the committee was named, and no bills had passed, most bills could be easily resurrected in the 1976 session. The special committee, headed by council vice chairman Claude Du Teil, consisted of Robert Fiske, Rhoda Miller and Alf Pratte, with now state Senator Jean King serving in an advisory role. Fiske and Miller would later chair the council. The bills reviewed by the committee included bills that newspaper executives felt had a potential "chilling" affect on their First Amendment rights. One such bill, an amendment to the Newspaper Preservation Act, was designed to make public the profits of the newspapers. The bill would have also established a "Media Responsibility Commission" serving many of the roles of the non-governmental and private Honolulu Community-Media Council. Other bills from previous legislative sessions, considered dead, would have needed to have been reintroduced. The bills included a law that would have required newspapers to publish replies to their articles.

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Another would have put the newspapers under the Public Utilities Commission.343 Interestingly, the article announcing the committee formation mistook Rhoda Miller for former Hawaii state Supreme Court justice Rhoda Lewis, not surprising given the high visibility judges who had been members of the organization.344 (A retired state Supreme Court justice, H. Baird Kidwell would join the council in 1980).

If the council was moving towards a more activist approach, Brown’s successor was an ideal match for the new manner of doing things. In a fitting conclusion to Brown’s term, Lt. Gov. Nelson Doi spoke on the Sunshine Law at Brown’s last meeting as chair on October 30, 1975.345 Doi used the meeting as a platform to propose that the Hawaii state constitution be amended to bring the legislature under the provisions of the open meetings law. “It does seem strange to me,” said Doi, “that such groups as the advisory committee on invertebrates and aquatic vertebrates and the board of examiners of abstract makers are bound by the provisions of the sunshine law, while the legislature, the highest policy-making body in the State, can make its own rules as it goes along.”346

Roffman Assumes Reins

When Max Roffman, 65, assumed the reins of the council that day, he brought a new perspective to the Honolulu Community-Media Council. As the first representative of the labor movement to serve as chair, Roffman stands in sharp contrast to his

predecessors, two academics, an executive from one of the Big Five corporations and a judge.

Coaxed to Hawaii by United Public Workers head Harry Epstein in 1953, Roffman set out to organize blue-collar workers on Oahu. Roffman was no stranger to politics, serving as lobbyist for the union until his retirement in 1974. During his tenure as chair, Roffman, a charter member of the council, also became a member of the media. In 1975 he started producing the labor documentary “Rice and Roses” on Hawaii’s public television station.347

Ku Succeeds Richstad

Another charter member of the council teamed up with Roffman that year. Ah Jook Leong Ku, forced to retire from her state position at age 65,348 replaced Jim Richstad as executive director of the organization. Ku was well qualified to succeed Richstad. A 1935 graduate of the school of journalism at the University of Missouri, Ku held a bachelor of journalism degree. She had two years earlier received her bachelor of education degree from the University of Hawaii.349 After college Ku wrote for three years at the Associated Press and a decade at the Honolulu Star-Bulletin. Starting in 1948 she left her job as a Star-Bulletin reporter to head the English language copy desk of the China Information office. In 1949 she was elected to head the local chapter of Theta Sigma Phi, a journalism honorary fraternity, just days after marrying photographer Ping

Liang "Brownie" Ku. After a two-year stint as public relations director of the Salvation Army, in 1958 she joined the public relations department of the Chamber of Commerce of Honolulu. In 1961 Ku, then a staff writer for the Hawaii Employers Council, wrote "The Chinese in Hawaii." By 1969 she was information specialist with the Hawaii state department of education when she was invited to help form the Honolulu Community-Media Council.

Ku's retirement from the state department of education also saw the formation of a group to bring a public radio station into Hawaii. The nonprofit group, Hawaiian Islands Public Radio, elected Ku secretary of the newly incorporated group. The Honolulu Community-Media Council at its meeting on January 20, 1976, had heard a presentation by Al Hulsen, radio project director, about the proposed public radio station. Hulsen would later join the council. At the same meeting members voiced their opposition to a national criminal justice bill. The bill, which sought to standardize federal criminal law, included a provision that would have given "the executive branch power to censor all information relating to defense and foreign affairs." The council, of course, was more interested in the First Amendment aspects of the legislation called S1, calling it "a danger to the traditional liberties of the United States." The council's words echo the sentiment of chair Max Roffman, who had a month earlier in the Honolulu Advertiser's "Other Voices" column written: "Either S-1 dies or American liberty as we cherish it will

349 William Lee, "Ah Jock Leong to Get Degree: Journalism Student at Missouri Will Return to Islands This Month," Honolulu Star-Bulletin 2 August 1935.
352 "Media Council Opposes Bill."
surely perish from the earth." Two council members took a critical look at the national security topic in a paper published that year in the *Administrative Law Journal*. Harlan Cleveland, director of the Program in International Affairs at Aspen Institute and former University of Hawaii president, and former council chairman Stuart Gerry Brown, American studies professor, looked at "The Limits of Obsession: Fencing in the 'National Security' Claim." Cleveland drew upon his experience as U.S. ambassador to the North Atlantic Treaty Organization.

The nation's bicentennial provided an apropos time to examine liberties. Council member, Rhoda Miller, called a "Librarian and Civic Worker" in her byline to a special bicentennial column titled "free press...free society," called for bridge building. "We need an improved climate of mutual respect between the press and the public," she wrote in the column. Journalists must approach their news stories as objectively as possible, and not choose to report what will fit neatly into their *a priori* judgment. Though expressed in broad terms, Miller's words would be given specific substance as democracy worked itself out that year.

**Media and Candidates**

In another example of the power of the media, former television station owner Cecil Heftel won a seat in the U.S. House of Representatives. Republican Fred Rohlfing made the media resources available to Heftel a campaign issue resulting in the sale of

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KGMB-TV.\textsuperscript{356} (Heftel would still express lament over the sale more than a quarter century later). Even after the sale buyer Lee Enterprises retained Heftel as a $86,000 a year consultant.\textsuperscript{357} (A year earlier Republican John Leopold had challenged “the propriety of Heftel’s continued presence on KGMB-TV’s broadcasts.”\textsuperscript{358} In December the council had decided that Heftel’s editorials were his legal right, but that his potential candidacy was, according to council chair Max Roffman, “a grey area.”\textsuperscript{359} ) Political columnist Jerry Burris was quick to note that Heftel “spent more than a half-million dollars, most of it his own money loaned to his campaign, in winning his seat. That made him the biggest spender in a high spending year [ . . . ].”\textsuperscript{360}

The race for First Congressional District seat also introduced Kathy Hoshijo, a candidate from the newly formed Independents for Godly Government party, to the political scene along with some particularly strong opinions concerning the media. The party, with links to Chris Butler, a guru of a Hare Krishna offshoot, took pro-environmental and anti-development political positions.\textsuperscript{361} As a third-party candidate, Hoshijo especially expressed concern about the impact of money on the race. She said, “It appears the media judges candidates seriously by the money they put in their campaign. The media played a great part in putting across the idea that third parties are

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\item \textsuperscript{355} Rhoda Miller, "2-Way Respect Is Required," \textit{Honolulu Advertiser} 3 November 1976.
\item \textsuperscript{356} Sandra S. Oshiro, "Most Winners Outspent Their Opponents," \textit{Honolulu Advertiser} 4 November 1976.
\item \textsuperscript{357} Douglas Woo, "Heftel to Get $86,000 a Year as Consultant to KGMB-TV," \textit{Honolulu Advertiser} 4 November 1976.
\item \textsuperscript{358} Doug Boswell, "Heftel Defers Race Decision Till Next Year," \textit{Honolulu Star-Bulletin} 23 October 1975.
\item \textsuperscript{359} Gregg Kakesako, "Heftel TV Appearances OK until He Declares for Office," \textit{Honolulu Star-Bulletin} 23 December 1975.
\item \textsuperscript{360} Jerry Burris, "1976: Clearly Democrats' Year in Hawaii," \textit{Honolulu Advertiser} 3 January 1977.
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losers.” Fasi, nevertheless, was impressed by the losing candidate’s use of the media. Commenting on her television campaign, Fasi said, “What [Hoshijo’s poll numbers] show is what we’ve been telling people for years. Forget the newspapers.”

Fasi’s own use of television had resulted in his reelection by the largest margin since his defeat of D.G. Anderson in 1968 and set him up for a run for the governor’s office in 1978. The 1976 election year also saw voters pick former Star-Bulletin political reporter Byron Baker as representative for the 15th House District.

The election of 1976 gave the council another platform from which to address media fairness. Democrat Minoru Hirabara and Republican George A. Hendrickson discussed “the relationship of the media and political candidates” at its Tuesday, March 30, meeting held at the egalitarian Nuuanu YMCA. Though Hirabara and Hendrickson would agree that “Hawaii’s news media have been fair to the State’s political parties,” the standard of fairness was difficult to gauge. The council looked at the issue of monitoring the media at its July 20 meeting of the council. Richard Elam, Jr., a visiting professor of journalism at the University of Hawaii and associate dean of the school of communication at the University of Texas at Austin, said “it takes a lot of time to keep an eye on the news media to see whether their political campaign coverage is fair.” His recommendation was that “newspapers [could] exercise fairness to candidates by setting up a forum for them to express their views. Such a forum would

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give equal coverage to each candidate at a specified time."\textsuperscript{367} Elam’s research had a strong impact of the position of the council’s executive committee as it decided not to monitor political coverage but remain instead in its tradition role of responding to complaints. Chairman Max Roffman, with the Center for Labor Education and Research at West Oahu College, “indicated that with research help of University of Hawaii student volunteers, the Council hopes to be able to investigate complaints quickly.”\textsuperscript{368} The Honolulu Star-Bulletin was quick to praise the council’s position. In an editorial titled “Monitoring Us,” the Star-Bulletin wrote: “We hope you don’t have any complaints about our coverage. Throw bouquets at us every day, if you want, and we won’t mind. But if you do have brickbats to throw, let us know about them. And if we don’t give you satisfaction, then try the Media Council. We’ll report the findings whether we like the findings or not.”\textsuperscript{369}

Although he didn’t take the Star-Bulletin to task, one of the council’s founding members, Harlan Cleveland, did send a brickbat to its rival. The openness of both papers to self-examination was quite evident, and the mechanisms for such introspection took at least some of the work away from the council. The council no longer provided the sole place at which to lodge a complaint about the media. The media themselves were taking public, self-examining actions. Cleveland made use of one such remedy—the Honolulu Advertiser’s two-year-old position of ombudsman—when he complained of

\textsuperscript{366} Harold Hostetler, "Media Role in Election 'Uncertain'," Honolulu Advertiser 21 July 1976.  
\textsuperscript{367} Hostetler, "Media Role in Election 'Uncertain'."  
misrepresentation of his remarks on “Foreign Policy in the Presidential Campaign”\textsuperscript{370} delivered at the September 8, 1976, meeting of the council. The ombudsman responded the day after the original article appeared with the self-flagellating conclusion that the \textit{Advertiser} story “failed to convey these expressions clearly.”\textsuperscript{371} The original article read, “While the topic of ‘honor in the politics of foreign policy makes good rhetoric,’ said Cleveland, ‘it begins to sound petty and pretty silly’ when it starts getting down to specifics.” The ombudsman reported that Cleveland said, “that a call for a more moral foreign policy makes good political rhetoric, but when you get down to specifics it will turn out that each candidate has a different notion of what is moral.”\textsuperscript{372}

Candidate Complaint

Although Cleveland might have been pleased, one election year complainant who did not get “satisfaction” from the \textit{Star-Bulletin} took its suggestion to “try the Media Council.” The grievance, centered on fairness to political parties, came from Kathy Hoshijo, congressional candidate from the Independents for Godly Government party. Hoshijo complained that the \textit{Star-Bulletin} was “making a corporate contribution to her opponents by giving them space to express their views without allowing her to appear at the same time in a candidates’ forum on the paper’s editorial pages.”\textsuperscript{373}

The eight-member council investigative committee, consisting of Robert Fiske, Al Hamai, Ah Jook Ku, Louise McDonald, Alf Pratte, Jim Richstad, John Spaulding and

\textsuperscript{370} “Foreign Policy Not an Issue?” \textit{Honolulu Advertiser} 9 September 1974.
\textsuperscript{371} “The Ombudsman: Cleveland's Media Council Comments Clarified,” \textit{Honolulu Advertiser} 10 September 1976.
John Witeck, met and supported Hoshijo’s complaint. (Alf Pratte would complete his American studies dissertation on the *Star-Bulletin*, the subject of the complaint, a couple of months later. On his committee were former council chair Stuart Gerry Brown and council evaluator Serrill Hillman). The committee report concluded: “We cannot understand how space limitations can be used as a valid argument for the prejudicial treatment of minor party candidates in this particular series.” A.A. Smyser, council member and *Star-Bulletin* editorial page editor, quickly responded, “We reject the concept that as soon as you pay a filing fee you are guaranteed absolutely equal coverage.” The council’s executive committee delayed taking a position until after the general election, proposing also a broad discussion of the topic. The *Honolulu Star-Bulletin* for its part was supportive of a follow-up discussion, noting, “The question of fairness is a difficult one, however, and the Star-Bulletin believes the Media Council discussion can be constructive.” The resulting discussion, titled “What Should be Media Coverage of Minority Political Candidates,” took place at the council’s November 23 meeting. Stuart Gerry Brown served as moderator of a panel featuring *Star-Bulletin* managing editor John Simonds, John Luter of the UH journalism program, *Hawaii Observer* editor Tuck Newport and KITV news director Steve Cheifet. Council member and editorial page editor A.A. “Bud” Smyser had originally been scheduled to

372 "The Ombudsman: Cleveland's Media Council Comments Clarified."
represent the *Star-Bulletin*.\(^{377}\) But starting November 20, Smyser, George Chaplin and former council chairman Thomas Hamilton were on a "tourism study mission to the South Pacific."\(^{378}\) One can only speculate if Smyser would have treated the subject matter differently. Hoshijo, who had filed the original complaint that had resulted in the forum, took offense to comments by his replacement, John Simonds, "that newspapers should dig deeply into where [Hoshijo’s] party got their money."\(^{379}\)

Hoshijo was not the only one to complain about the media and 1976 election. Council member Alf Pratte "complained that winner Cecil Heftel misused his ownership of KGMB-TV" during his bid for the U.S. House in which he had defeated Pratte’s former boss Fred Rohlfing.\(^{380}\) Although the complaint was ultimately dismissed, the panel made several recommendations for future elections, among them, establishing a mechanism for candidates to complain about media unfairness, increasing the time between the primary and the general elections and lengthening the time between the election and filing deadlines.\(^{381}\)

**Free Press versus Fair Trials**

Although a shield law had been introduced by Republican state representative John Carroll in 1976, it took a story by KITV reporter Matt Levi to prompt a look at the boundaries between free press and fair trial. In the broadcast story Levi revealed secret


grand jury testimony regarding the 1977 Fasi bribery trial. The trial centered on alleged kickbacks to Fasi’s campaign organization from the developer of the Kukui Plaza project. Circuit Court Judge Toshimi Sodetani then ordered him to appear and to bring the copy of the purported transcript. According to a letter from the state special prosecutor, Levi was advised to bring a lawyer with him because he might be jailed if held in contempt of court. A copy of a California court decision that jailed William Farr for 46 days for refusing to reveal his sources during the Charles Manson trial was attached to the subpoena. Levi refused and Sodetani “reluctantly and regretfully” ordered him jailed at Halawa Correctional Facility. The judge, however, delayed enforcement of his order until the state supreme court had heard an appeal. The judge said to Levi: “The court recognizes your First Amendment rights but at times they are outweighed by more important and compelling need for disclosure.” The threat of jail prompted state House judiciary committee chairman Richard Garcia to support a bill that would shield journalists from having to reveal their sources. Because Carroll’s bill was introduced in the first half of a two-year session it could serve as such a vehicle. To aid Levi, the American Civil Liberties Union announced that it would provide legal assistance. Its executive director, Reinhard Mohr, noted, “To require a reporter to disclose the identity of sources to whom he or she has promised anonymity would weaken the effectiveness of

381 "Media "Court" Urged."
384 Dooley, "Levi Warned by Cooper: TV Newsman Subpoenaed to Divulge Kukui Source."
one of the principal tools employed in the reporter's task of keeping the public informed. The Honolulu Press Club followed with its support. Its president said, "We believe that Matt Levi has a constitutional right not to disclose the source of the Oahu Grand jury transcript." The threat of jail also prompted a newspaper advertisement titled "Would You Be Willing To Go to Jail for Doing Your Job?" signed by 147 broadcast and print reporters. With only monthly meetings, it would take the council until August 3 to voice its support of the beleaguered reporter. The statement from the council called the contempt order a "direct incursion on first amendment right." The statement continued, "In this case, we defend the freedom of the press and the corollary principle that a reporter has the right to protect the confidentiality of his sources of information." The court eventually dropped the contempt charges against Levi in April 1978, four months after the Fasi bribery case was dismissed after the key prosecution witness refused to testify. Thus the state Supreme Court did not make any decision regarding the case.

Though Mayor Fasi had relished the thought of the council "riding herd" on the media, the council had weighed in supporting the media and not him as a defendant in the trial.

The council has also shown its zeal to protect the free flow of information in other trials, sometimes taking positions that put it at odds with other civil liberties. The right to fair trial, for example, brought the opposing positions to light. Responding to a gag order issued in a recent trial, chairman of the council Rhoda Miller, 43, wrote: "In the final

387 Dooley, "Levi Won't Reveal Source: Reporter Opt for Jail."
390 "Media Council States Support for Matt Levi."
analysis, in a republican form of government such as ours an informed citizenry must protect and defend its constitutional rights. The right of freedom of the press invites no concessions.\textsuperscript{392} David A. Ward took exception to the council's opposition to the order. "Ms. Miller, at least some media council members, and the local media managers must certainly realize that the Bill of Rights consists of more than the First Amendment. There are nine other amendments, among them the Sixth, which guarantees to any defendant the right to a fair trial before an impartial jury, unprejudiced by publicity."\textsuperscript{393} It would not be the last time Ward questioned council actions.

For an organization that had already lost two of its chairman to death, the survival of the sixth person in that office, Rhoda Miller, must have brought a heightened sense of relief. On November 1, 1977, Miller survived a head-on collision between her car and a car that crossed the center divider near Wahiawa.

**Constitutional Amendment**

The push to provide greater protection for the sunshine law came at a fortuitous time in the history of the state of Hawaii. Admitted to the union in 1959, the Hawaii state constitution called for a constitutional convention every 10 years. The timing provided a window of opportunity to codify open meetings at the highest level possible, and thus keeping opponents from eroding the law's power through amendments allowing exclusions. So, on Tuesday, July 18, 1978, the council endorsed the "sunshine or right-to-

\textsuperscript{392} Rhoda Miller, "Gag Motion: 'Rights Threat',' Honolulu Advertiser 23 February 1977.
\textsuperscript{393} David A. Ward, "'Court of Public Opinion',' Honolulu Advertiser 1 March 1977.
know amendment to the state constitution."\textsuperscript{394} The committee's chairperson, Melvin Nishimoto, said the amendment would establish "a form of "sunshine" protection of the public's right to know what takes place at decision-making meetings of the legislature. It was felt that this right should be constitutionally protected rather than left to the discretion of the house or senate."\textsuperscript{395} Among the supporters of the amendment was a future mayor of Honolulu, convention delegate Jeremy Harris. He said, "I believe our government should be open to the people, and information within government agencies should be open to the people. I believe we need more openness and honesty and not tighter controls."\textsuperscript{396} Harris, also a future managing director under Mayor Frank Fasi, expressed his opinion concerning newspapers and government corruption. "If muckraking is what brought public notice to Watergate and other examples—even local ones here, such as Kukui Plaza—then I think we need more of that and not less."\textsuperscript{397} Charles Campbell, delegate and member of the Honolulu Community-Media Council, had the last word on the issue: "If this is the means by which we can safeguard the public trust in our governmental officials, I think it is wrong not to use it."\textsuperscript{398}

On September 19, 1978, Constitutional Convention Delegate Bruce E. Barnes put forward a resolution "relating to the certification of the governmental sunshine and access

principles. The resolution was referred to the legislature committee. In the end, language in the final version of the state Constitution would require open meetings of the legislature and its committees. The provisions, however, would not extend beyond the legislature.

The actions of the police commission showed precisely why the sunshine laws needed to be codified at the highest level. In response to queries about police misconduct, Police Chief Francis Keala refused to name names. Instead he gave a broad assessment by presenting five years worth of statistics. The genesis of the study came about when the police commission seven months earlier had “clamped the lid of secrecy on the board’s decisions of citizen complaints against officers.” Once again, the Honolulu Community-Media Council was joined in opposing the secrecy by a voluntary association with a similar mission. The American Civil Liberties Union also attacked the November action by the police commission. The ACLU, however, was not initially part of the coalition formed to make the “sunshine law more effective. Representatives of Common Cause-Hawaii, the Hawaii Council of Churches, the Honolulu Community-Media Council, and Common Cause-Hawaii met in late September 1979 to plan their strategy to help strengthen the provisions of the open meetings law.” The year’s end saw the death of Thomas Hale Hamilton, council chairman when the council received its

first complaint about closed meetings, the germ that eventually resulted in the sunshine law and coalition.

By the following year's legislative session, the ACLU had joined the coalition, one of five organizations faulting the governing body for "procedural irregularities." The irregularities included "short form" bills and violations of the requirement for 48 hours notice of committee meetings.\textsuperscript{403} Not surprisingly the boards of the coalition shared common members. Founding Honolulu Community-Media Council member Emmett Cahill represented the Hawaii Council of Churches; League of Women Voter's member Rhoda Miller was also part of the community-media council; Council chair, the Rev. Robert Fiske was also a member of the Hawaii Council of Churches. In addition to the general legislative administrative hurdles, Fiske also complained at the group's Sunday news conference that the closing of a House Finance Committee hearing "was in violation of the state sunshine law, in spirit if not in fact."\textsuperscript{404}

Though the passage of the "sunshine" law expanded the public's knowledge of decisions in government, it also started a movement on the part of government for exclusions to the law. In 1981, Rhoda Miller joined Jim Richstad and Tom Grande in a letter to the editor from the Sunshine Law Coalition of Hawaii that criticized the Honolulu City Council for excluding the public from deliberations regarding development plans.\textsuperscript{405} Two years later, another council member would use more forceful means in his attempt to open government. Jeffrey Portnoy, representing KHON-TV, filed

\textsuperscript{403} Jim Borg, "5 Groups Rap Lawmakers: 'Procedural Irregularities',' Honolulu Advertiser 17 March 1980.  
\textsuperscript{405}
a suit to compel the Governor’s Advisory Committee on Water to make its meetings open to the public.\textsuperscript{406} Judge Wendell Huddy ruled that the committee was “merely a discussion group which shares information and may or may not make recommendations to the governor” and thus free of the sunshine law provisions.\textsuperscript{407}

The impact of privacy laws on the sunshine laws continued to be a focus of the council even two years later. At a two-day forum titled “Media Freedom in Hawaii: Liberty vs. License,” Jean King chaired a session titled “Sunshine vs. Privacy.” The panel comprised Ian Lind of Common Cause Hawaii and former council chair Stuart Gerry Brown. The forum also featured Norman Isaacs, former head of the National News Council.\textsuperscript{408}

Although the sunshine law helped preserve media freedom, events several months later showed the sunshine law could also be used for purposes for which it was not designed. When the liquor commission suspended Hyatt Regency’s license because of discrimination at its Spats Discotheque, the hotel used a violation of the sunshine law as reason to dismiss the charges.\textsuperscript{409}

Even lawmakers known as civil libertarians are not immune from the desire to mitigate the effects of the sunshine law and keep deliberations private. In 1989 City Councilman Neil Abercrombie introduced a bill to allow private conversations between

\textsuperscript{405} Jim Richstad, Tom Grande and Rhoda Miller, "No 'Open' Council," Honolulu Advertiser 11 November 1981.
\textsuperscript{406} Ken Kobayashi, "Water, Sunshine: Judge to Rule If Meetings Should Be Open," Honolulu Advertiser 5 August 1983.
\textsuperscript{407} Pat Guy and Lee Catterall, "Water, Sunshine: Judge to Rule If Meetings Should Be Open," Honolulu Star-Bulletin 5 August 1983.
council members. The bill was ultimately rejected by House Intergovernmental Relations Committee. Even without the legislative mandate Rene Mansho called an executive session to discuss the James McKellar case. Mansho’s action prompted Jeffrey Portnoy to call her move “certainly unorthodox” and questioned whether subject level committees could have an executive session concerning material outside the scope of the committee.

The efforts by the Honolulu Community-Media Council to pass the sunshine law represent perhaps its greatest achievements in protecting the rights of the community and media.

CHAPTER 6: LIGHTS, ACTION, CAMERA

"Gentlemen, I give you science in action. Proof-positive the camera does not lie; it sees all, tells all."

— Barney Fife, "The Andy Griffith Show"

Unlike the active role the Honolulu Community-Media Council took in passing the sunshine law, the council played a lesser support role in opening the judicial branch of government to public scrutiny. The lobbying role adopted by the council in its legislative efforts had no counterpart in the unelected realm of the courts. Its role primarily took the shape of the educational forum. Fortunately, at the highest level of the judiciary the notion of openness had its champion. While the U.S. Supreme Court may have held in the 1979 case of *Gannett Co. Inc. v. DePasquale* that: “The Constitution nowhere mentions any right of access to a criminal trial on the part of the public,” in Hawaii, Supreme Court Justice William S. Richardson was open to the idea. He went so far as to suggest at a January 1979 meeting of the Hilo Press Club that “at the appellate level, arguments before the Supreme Court on important issues could be broadcast or televised.” He tempered his openness with requirements that “before television and radio can become an acceptable presence in the courtroom, well thought-out standards will have to worked out

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jointly by bench, bar and press.” He further delineated the boundaries of his remarks, saying, “Such a joint effort should give full weight to first and sixth amendment considerations, to individual rights of privacy, to the administrative needs of the courthouse, and to the technical requirements and limitations of the broadcast equipment itself.” The committee reflected the charge, consisting of members of the media, lawyers, judges and judiciary employees. The media representatives comprised Buck Buchwach, Jack Kellner, Don Robbs, Bob Sevey, John Simonds, Don Rockwell, and Charles Stubblefield. The council had no representative on the committee.

National Shift

At the same time that Hawaii was looking at the possibility of introducing cameras, the opinion on the national level was also shifting. On January 26, 1981, the U.S. high court changed course in the case of Chandler v Florida when it ruled: “An absolute constitutional ban on broadcast coverage of trials cannot be justified simply because there is a danger that, in some cases, conduct of the broadcasting process or prejudicial broadcast accounts of pretrial and trial events may impair the ability of jurors to decide the issue of guilt or innocence uninfluenced by extraneous matter.” That ruling reinforced the local efforts. Just three months after the Chandler ruling, on March 20, 1981, the Hawaii state Supreme Court permitted part of its session to be recorded. Once again the council’s leadership fit the issue of the moment. John Luter’s election as

415 “Final Report of the Hawaii State Bar Association Committee on "Cameras in the Courtroom"."
chairman of the Honolulu Community-Media Council in 1982 marked the first time in its
twelve-year history that the organization, called most often the “media council,” was
headed by a former member of the media. John Luter already had two major
accomplishments under his belt. A year earlier he had created the Parvin Fellowships,
bringing journalists from the People’s Republic of China to study American journalistic
practices. The same year Luter persuaded Carol Burnett to use a part of her libel
settlement with the National Enquirer to form the Carol Burnett Fund for Responsible
Journalism. 417

Richstad Leaves

At the same time that a former journalist turned academic was heading the
council, another former journalist turned academic and council founder was leaving. Jim
Richstad left the University of Hawaii in 1982 for the University of Oklahoma. His final
contribution to journalism in Hawaii came a year later with a section on journalism in
Asia and the Pacific, which he co-authored with Luter, in John C. Merrill’s book Global
Journalism: A Survey of the World’s Mass Media. A section by founding council member
Ralph S. Barney also appeared in the same volume. 418

418 John Calhoun Merrill, Global Journalism: A Survey of the World's Mass Media, Longman Series in
Luter thus had the right set of tools to address the interaction between the media and the courts. His successor, Seymour Lutzky, too, though not a journalist, had already established his academic interest in journalism. His dissertation was titled *The Reform Editors and Their Press*. It was during Lutzky's term that began in 1984 that the move for cameras in the courtroom took off.

**Tentative Steps**

Starting in 1984, court rules had been developed to allow news cameras on a daily basis but still as an experiment.\(^{419}\) The experiment almost immediately started to fray with the coverage of the Gertrude K. Toledo trial. Toledo's attorney, John Edmunds, complained at a University of Hawaii Legal Forum seminar of "grossly inappropriate media conduct." Also on the panel were KITV news director Don Rockwell, attorney Jeffrey Portnoy and Circuit Judge Leland Spencer. The same day, a panel addressed the same issue before the Honolulu Community-Media Council. The panel consisted of retired Supreme Court Justice Benjamin Menor; attorney and former reporter KGMB-TV Bambi Weil; and KHVH assignment editor Art Shotwell. The latter two served on the Supreme Court's Evaluation Committee on Cameras in the Courtroom. During the presentation Richard Miller commented on complaints he had heard regarding taping outside the courtroom.\(^{420}\)

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Besides the television cameras, the new rules also introduced still photography into the courtroom. To limit the number of still cameras in the courtroom, the rules established a shared system of pool cameras. The arrangements for pool cameras were made more complex because of the Newspaper Preservation Act and its antitrust exemptions. Judge Leland Spencer allowed only one camera in the courtroom for the William West rape trial. That camera, Leland ruled, would be from the Honolulu Advertiser because of the Star-Bulletin’s unwillingness to share photographs with the rival paper.  

John E. Simonds defended his paper’s reticence the following day. He wrote in “The Case for Competition”: “Hawaii’s experiment with in courtroom photography has moved forward. What’s undecided is how competing newspapers can continue to compete when the courts may be forcing them to cooperate for no particular reason.” The Honolulu Advertiser executive editor Buck Buchwach dismissed the conflict. “Any argument that participating in such a mandated pool, ordered by rules promulgated by the Hawaii judiciary, might be questioned because of the Newspaper Preservation Act, is without substance.” The Star-Bulletin managing editor William Cox was not convinced. He said, “We should not be sharing news products with the Honolulu Advertiser. [ . . . ] We will not pool with the newspaper with which we share an anti-trust exemption; we don’t think we can do that legally and we don’t think we should do it.”

Instead of the Honolulu Community-Media Council mediating the situation, Bambi Weil

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422 Simonds, “The Case for Competition.”
“agreed to act as a mediator between the two newspapers to avoid unnecessary confrontations or court hearings over what some feel is a media dispute.”

Bambi Weil appeared a year later on a panel at a discussion titled “Arrogance in the Media,” part of the Citizenship Institute sponsored by the University of Hawaii law school. She said at the August 6, 1985, gathering that cameras in the court had resulted in a fairer impression of defendants because the media are no longer limited to pictures of them in handcuffs outside the courtroom. Star-Bulletin managing editor William Cox, whose dispute over still cameras in the courtroom had been mediated by Weil, took a responsible stance. The trial of Gertrude Toledo, accused of killing her wealthy husband, a Waianae dairyman, provided fodder for discussion. Reflecting on the Toledo trial, Cox said, “We must always keep in mind that ‘excessive’ pretrial publicity could be prejudicial.” The experiment was slated to end in December 1985.

The experiment again seemed on the verge of unraveling during the trial of Henry Huihui, reputed Hawaii crime boss, when a newsman allegedly violated the judge’s order not to record the image of the defendant. In that trial Judge Marie Milks had restricted the media from photographing Huihui. At one point in the trial deputy sheriffs claimed that a pool cameraman had violated the order. At first Milks wanted to hold the cameraman in contempt of court, until it was pointed out that the cameraman was simply pointing the

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427 "Media's Increased Access to Courtrooms Lauded."
428 Morse and Guy, "2 Views on Cameras in Court: Retired Justice Backs Them; Attorney Hits Staffers' Conduct."
camera, and not recording. The pictures were not taken until the reporters in the adjacent room pressed the buttons that started recording the scene that the camera was pointed at. Huihui's lawyer requested that the court impound the tapes, but Milks denied the request, but said she might subpoena them later.429

Access to Court Records

At the same time that the courts were opening up to public scrutiny through cameras, the court was deciding whether media would have access to the printed court records. Castle Medical Center asked Circuit Court Judge Robert Klein to seal the pre-trial public records in its civil trial, because allegations by a former employee might have a negative impact on its "business reputation." Because of the rarity of the request, the Hawaii Supreme Court had never made a determination on the issue. Council member Jeffrey Portnoy expressed his fear that if the court did seal the records it would represent a "very serious trend toward secrecy in the court system, which the Constitution indicates shouldn't be tolerated."431

By December 7, 1987, the Hawaii State Supreme Court made permanent its experiment of cameras in the courtroom.432 The Honolulu Community-Media Council fulfilled its mission to "improve public access to information" by providing a forum for discussion of access to court proceedings.

431 Kobayashi, "Court Issue: Whether to Seal Records in a Civil Case."
432 "No Court Photo Coverage of Handa," Honolulu Advertiser 8 December 1987.
CHAPTER 7: LIBERTY OR LICENSE

License they mean when they cry Liberty;

For who loves that, must first be wise and good.

—On the Distraction which followed upon

my writing certain Treatises, Milton

Another camera—the motion picture variety—would also take a prominent place on the agenda of the Honolulu Community-Media Council. The motion pictures tested the boundaries of First Amendment rights, especially regarding advertising for adult entertainment in newspapers. The issue concerned the council from its earliest days. In April 1971 A.A. “Bud” Smyser forwarded a copy of a “Hawaii Newspaper Agency memorandum on advertising from massage houses, adult-only films and similar subjects” to Jim Richstad. 433 The Suggested Policy Memorandum, date March 10, 1971, came about “because of continuing pressure from various groups in connection with advertising copy of so called “X rated” movies and adult night club entertainment.” The suggested rules included:

No illustrations concerning the movies will be permitted and the copy shall consist only of the title of the movie (if the title is acceptable), the name of the theater, the address and telephone number of the theater, and

copy designating the fact it is "adult entertainment only" must be included.\footnote{434} The memorandum would be one of the last policy statements by \textit{Star-Bulletin} publisher James H. Couey, Jr. In June Couey died of a heart attack suffered in Rome en route from Helsinki where he had attended a meeting of International Press Institute. Pallbearers at his Atlanta funeral included \textit{Star-Bulletin} owner Chinn Ho and managing editor Hobert Duncan.\footnote{435}

In 1973 council member Jim Loomis, a \textit{Sun Press} columnist writing under the pseudonym Kimo (Hawaiian for Jim), took a strong position against the practice of publishing the advertisements at all. He wrote:

\begin{quote}
And most particularly, I am disgusted by the holier-than-thou newspapers and the editors who tut-tut the ethics of our politicians and constantly preach about what's wrong with our city or state or nation.

You see, these very same newspapers apparently cannot resist the advertising bucks and continue to carry display ads for every porno movie and live sex act in town.\footnote{436}

The columnist continued with a description of his 7-year-old daughter's request to see a movie advertised in one of the dailies. He asked her which movie she wanted to see, and she replied "Lollypop Girl." Kimo put the situation squarely before the two editors,
\end{quote}

\footnote{435} "Couey Services in Atlanta," \textit{Honolulu Advertiser} 29 June 1971.
both founders of the Honolulu Community-Media Council. Loomis challenged the two editors: "Hey, George Chaplin . . . OK, Bud Smyser . . . would either one of you high-class journalists care to explain to my kid why she can't see "Lollypop Girl?" Careful. She's only 7."

Later that year, Frank Fasi suggested that "by giving up revenues now produced by ads for strip shows and pornographic movie houses," the Star-Bulletin might find it possible to give free advertising space for candidates.

The same year the United States Supreme Court decided the case Miller v. California, which established the obscenity standard followed by Hawaii in its law.

Council Takes Position

The Honolulu Community-Media Council would eventually weigh in publicly on issue that pitted advertising revenue on the one hand with morality on the other. At a meeting on September 20, 1977, the council sought to establish community standards regarding the promotion of pornographic motion pictures. That the move against pornography should take place during Rhoda Miller's term as chairman made sense to those who knew her. The Rev. Robert W. Fiske recalled,

Rhoda Miller was a very compassionate person who was always concerned about public policy regarding people. My particular involvement with her involved a concern about the ads for pornographic

437 Loomis, "Porno Makes It to Neighborhood Shows."
movies which always appeared in the sports section of the local papers and invariably included pictures of naked women. We went after this practice, not on a moral ground, but on the basis that they were degrading to women. Interestingly, it was soon after our report on this that the ads began to disappear or were “cleaned up.”

Another argument made by the report against the newspapers running the ads was for the protection of children. The committee’s report noted, “The latest trend is toward child pornography and “snuff” films (actual murders).” The executive committee tabled the motion, deciding instead to wait until after a meeting with the HNA to “discuss the question of restraining such advertising.” The same day as the deliberations the Star-Bulletin ran nine advertisements under the top border consisting of thrice repeated phrase “Adult Movies - Entertainment.” The advertisements for Hawaii Theater included “3 torrid hits that will light your fire.” The first, titled “Teenage Bride” featured the tagline “and you don’t have to be a stewardess to fly her.” The second was “Runaway Teenagers.” The third was titled “Girls in the Street.” Another listing at the Waipahu I theater featured “Too Young to Care” and “Lollipop.” The Honolulu Advertiser, featured the same top border of “Adult Movies - Entertainment” and same advertisements courtesy of the joint operating agreement. The Los Angeles Times and New York Times had no X-rated movie ads or illustrations in the September 20 edition. A comparison between the local papers and their national counterparts formed the core of the argument

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in a September 24 letter from Claire Booth Luce, titled “Press Shouldn't Run Porn Film Ads: A Particular Point of View.” The letter from Luce, widow of Time magazine founder Henry Luce, was followed by an unusual rebuttal. Besides the placement of the response immediately following her letter, the rebuttal featured a September 14 advertisement from the Los Angeles Times, and claimed “the pictures seem to us as sexually provocative and suggestive as anything we have seen for X-rated films.” Unlike the nude figure in the HNA advertisement, however, the Los Angeles Times figures were clothed. The meeting with HNA advertising executives did result in a policy change that limited “the size, content and placement of ads for “non-rated” adult films.” The graphics for adult films were gone in the November 1, 1977, issue of the Honolulu Star-Bulletin; with only the titles of the movies remaining. Oddly, the HNA subsequently started interspersing the adult entertainment ads with the non-adult movies. As a result of the juxtaposition, the ad for Little League comedy “The Bad News Bears Break Training” at the Kaneohe Windward Twin appeared adjacent to adults only “Candy Candy” plus “Heat Wave” at the Aquarius theater. It did not take long, however, for the graphics to creep back into the advertisements. Three months later the Valley Isle, a Maui paper, complained about the pornographic advertisements of the Hawaii Newspaper Agency, which handled joint advertising for the Honolulu Advertiser and Honolulu Star-Bulletin. The editor noted:

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440 Robert W. Fiske, E-mail to author, 7 October 2004.
The main case in point, of course, is display ads for pornographic and "x"-rated movies. After years of resisting public criticism by taking shelter of "freedom of expression in advertising", the editors, shamed by the lead of such papers as the Los Angeles Times, vowed that they would limit pornographic advertising to titles, locations and times. But now that all the hoopla has died down, the power of the dollar once again prevails—as anyone who looks at the "entertainment" pages can readily see. 445

A survey of the February 1, 1978, Honolulu Advertiser does contain prominent display ads for two X-rated movies, topping the column. The first, "Vanessa," had the tagline "A Beautiful Woman's Erotic Introduction to the Seductive World of Oriental Pleasures." 446 The second, "Liz," proclaimed: "Most women dream their fantasies. This woman lives them." 447 Without the taglines the movie titles, just two women's names, would give no clue to their content. The RNA policy obviously had not resulted in keeping adult entertainment advertisements in check.

Call for Media Restraint

Cecil Heftel, too, reflected on the need for media restraint in his proposal to license the TV industry. He said, "In the final analysis, our nation, as a whole, must recognize that the ability of television to achieve its full potential is dependent upon a sense of balance between profits and the public interest. I know from my personal

445 "Notes from the Editor.," Valley Isle 1 February 1978.
446 "Vanessa," Honolulu Advertiser 1 February 1978.
experience that the financial success of television stations, networks, and cable systems can be achieved without the excessive use of violence or an appeal to prurient interests.”

Call to Do More

Two years after last addressing the issue of advertising “adult” movies, the council once again asked the Honolulu Star-Bulletin and Honolulu Advertiser to “do more in the way of restricting these ads.” The recommendations included a call to “segregate” the ads, look at advertisements for movies that might not be rated because of foreign origin, and to spell out what it considers “objectionable materials.” While the advertisements two years earlier did not feature illustrations, by the time of the review by the council, the Honolulu Advertiser had illustrations for the movies “Baby Face” and “The Double Exposure of Holly.” The HNA policy of 1977 called for a review of “any illustrations and/or copy which the HNA considers to be objectionable.” The objections from five members of the community had prompted the council’s study of the newspapers’ compliance with their own policy. Nobody opposed the recommendations made by the Public-Media Relations committee, chaired by Philip S. Chun of the Kalihi YMCA. The two editors, however, abstained from the vote. Not all in the community agreed with the council’s position. In a letter to the editor of the Honolulu Advertiser,

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450 "More Restraints Urged for 'Adult' Movie Ads."
451 "More Restraints Urged for 'Adult' Movie Ads."
Kerry M. Berger said that the council’s position “requesting the newspapers to further segregate adult films is going beyond the Theory of Social Responsibility in the Press. It borders on outright censorship.” Berger also questioned the council’s action “on such trivia when there are serious issues in our media that could be discussed and solved.

The council would continue to address the issue well into the next decade. In its 1986 forum titled “Media Freedom in Hawaii: Liberty vs. License,” council returned to its discussion of pornography, addressing the topic “When Does Liberty Become License—Pornography?”

University Advertising

The same year, Eighth Circuit Court of Appeals sided with the student-run Daily Nebraskan on the issue of advertising decisions, ruling that any interference by the school’s board of publications would constitute infringement of First Amendment rights. The ruling set the stage for a dispute 13 years later when the University of Hawaii’s student newspaper, Ka Leo o Hawaii, ran an advertisement for hostess bars. The newspaper staff argued in accepting the $30,000 contract that it conformed to the standards of the local dailies for such advertising. Members of the university community reacted quickly. The paper’s advisor, Jay Hartwell, explained, “Some believe the ads are so objectionable, they want the university to terminate the mandatory student...
fee that supports the bulk of the student programs.\footnote{Community Protests against Adult Night Club Ads: Newspaper Staff Says They Need the Money.} The daily newspapers for their part relegated discussion of the issue to their humor columnists. “Ever diligently checking out hostess bar ads for oddities,” wrote three-dot columnist Dave Donnelly, “I came across one called “Club Strip Search” which states it’s across the street from Honolulu Community College. Wouldn’t it be more appropriate near the cop house?”\footnote{Dave Donnelly, "Hawaii," Honolulu Star-Bulletin 2 March 2000.}

Objectionable Content

*Ka Leo o Hawaii* came under fire once again for sex-related material with the publication of a “Valentine’s Package” on February 14, 2003. The feature consisted of a series of vignettes describing how to treat different types of women. The feature provoked a flurry of commentary from the university community. The controversy eventually resulted in a May forum on media ethics. Although the council was not called upon to make a formal determination concerning the *Ka Leo o Hawaii* article, its chair Moya Gray served as one of four panelists at the forum.\footnote{Panelists Discuss Media Ethics," Ka Leo o Hawaii 5 May 2003.} In a seeming attempt at responsibility, *Ka Leo o Hawaii* in September 2003 began publishing a weekly column to answer sex questions.\footnote{Maria Medina, "Synching Libidos Requires T.L.C.," Ka Leo o Hawaii 18 September 2003.} The column moved the discussion of the topic from controversy to information. That type of change was one supported by Alayne Yates, director of the division of child and adolescent psychiatry at the University of Hawaii, who noted that
“student journalists can use their influence to either inform (with mature, fact-based discussions of sex) or misinform (with articles published just for shock value).”

Public Access Pornography

The controversy would expand to television when on August 9, 1996, a music video that featured several graphic sex scenes aired on public access television Channel 22, prompting several viewers to complain. ‘Olelo: The Corporation for Community Television turned the tapes over to the police who conducted an investigation and recommended the case go forward. ‘Olelo head Richard Turner had been a member of the council for three years. A *Star-Bulletin* editorial exemplifies the narrow line between liberty and license. The editorial, titled “Porno on Olelo” makes the plea: “While the rare incident led to public cries for stricter monitoring of public access programming, the station must be careful that overzealousness doesn’t lead to censorship.” The prosecutor’s office eventually dropped the obscenity charges against the producer of the “Blue Hail” video. The reversal left community member questioning standards for airing materials on public access television. The editorial writer for the *Star-Bulletin* came to a similar conclusion:

The decision of the city prosecutor against bringing obscenity charges in the case of the "Blue Hail" video that was shown on a public

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464 "Olelo TV Obscenity Case Dropped."
access television channel here leaves the public to wonder whether anything goes on television nowadays.

Considering that the video reportedly included graphic scenes of oral sex, we have to wonder what it would take in the way of content to persuade the current prosecutor and his staff to prosecute for obscenity. [... ] Is public access television - and perhaps the commercial channels as well - to be wide open to pornography in Hawaii, or is the prosecutor's office willing to stop it?465

Unlike its very proactive role in its early history in pressing for community standards, the latter-day council remained silent on the issue, despite having a former council member near the center of the issue.

Internet Filters

While the council could fight to keep children from seeing graphic visuals in the newspapers of the 1970s, the media of the 2000s put up a much more formidable opponent. Libraries were the new battleground, pitting censorship and the First Amendment. Even arguments supporting the protection of children fell on deaf ears. Virginia Lowell, Hawaii state librarian, opposed putting Internet filters on library computers because other options were "a lot less violent to the public library's First Amendment concerns."466 Once again the media council was silent on the issue.

Although the Honolulu Community-Media Council served in its early years as a watchdog of community standards, it has remained silent in recent years, choosing to focus on other issues.
Although the Honolulu Community-Media Council has had a Public-Media Relations committee for most of its history, the council took very little action in one of the longest-running disputes between a member of the public and the media.

Mehau vs. Reed (1977-1996)

The decades long dispute between Big Island rancher Larry Mehau and Maui publisher Rick Reed gave the council several opportunities for involvement, albeit not at the request of the dueling sides. Though the dispute between an individual from the county of Hawaii and a Maui county publication would at first seem outside the purview of a Honolulu council, a television reporter from Honolulu station played a crucial role in the genesis of the story. A wide range of Honolulu media also would subsequently repeat the information. The disagreement started when journalist Rick Reed, publisher of the now-defunct Valley Isle newspaper, first called Mehau the “godfather” of organized crime in Hawaii in a June 15, 1977, article in the publication. In a report submitted to the fourth issue of the Valley Isle, Scott Shirai of KHON-TV wrote that Kaho‘olaw activist George Helm told him “that the so-called “godfather” of organized crime in Hawaii had visited him last summer entertaining at the Gold Coin Restaurant.” The piece expanded
on allegations Shirai had made during a February 2 KHON-TV broadcast. In the television story he made reference to “a member of a State board . . . the so-called ‘godfather’ of the operations.” Although Shirai’s article never mentioned the identity of the “godfather,” a boxed sidebar containing an interview with an anonymous witness to the meeting named Mehau as the one who threatened Helm at the Gold Coin Restaurant. On June 23, 1977, Larry Mehau and Moses W. Kealoha filed suit against Valley Isle Publishers; Honolulu Star-Bulletin; Scott Shirai; KHON-TV; Kinau Boyd Kamalii; KHVH Radio; KGMB-TV; Hawaii Tribune Herald; KITV; United Press International; James Leslie Moore, Rick Reed and Geoffrey Silva. On the original cover page of the suit Reed’s name is misspelled “Reid.” A week after Mehau filed suit, KHON-TV suspended Shirai for two weeks without pay for his report in the Valley Isle.

Stultifying Roar of Silence

His suspension elicited a strongly worded chastisement of the media community by University of Hawaii associate professor of journalism David A. Ward, who wrote:

How is it that one of the few local reporters who deserves to be called a “professional journalist,” KHON-TV’s Scott Shirai, can be summarily penalized by his employer for exercising his constitutional right to free speech, and all we get from the indefatigable, multifarious and vociferous

469 "Why Would Anyone Want to Kill George?" Valley Isle 1977.
champions of the First Amendment—such as George Chaplin, the American Civil Liberties Union, Max Roffman, Alf Pratte, John Griffin and Rhoda Miller's Honolulu Community Media Council, to name a few—is a stultifying roar of silence. 471

Ward raises a concern central to the council's mission. The individuals named by Ward, to a person, were members of a council dedicated to defense of the First Amendment and "accurate and fair journalism." The council, nor Mehau, nor any of the parties named in the suit proposed mediation. Mehau took instead the route of formal legal action. Although neither Mehau nor Reed sought council intervention, the council had already established a precedent of independent action in the Borreca case. In some instances Mehau was successful in his attempts to clear his name or at least to punish the media for making unfounded statements. Scott Shirai and his station KHON-TV made an out-of-court settlement of $42,500 with Mehau in July 1978. 472 The Valley Isle established a defense fund drawing contributions from a diverse readership, including Kauai county council member and later mayor JoAnn Yukimura 473 and future Hawaii state board of education member Carol Gabbard. 474 Twelve entertainers also sued Reed over comments in the Valley Isle linking them with the godfather of organized crime. Reed was dropped from the suit in January 1985, and emboldened, once again raised the charge in an

August 6, 1985, campaign speech to the Kiwanis Club. The charges were in part developed from law enforcement documents that Reed gained access to in his role as deputy to City prosecutor Charles Marsland. Three years later Reed released the actual confidential documents from the Operation Firebird investigation of organized crime.\textsuperscript{476}

The release of the documents did not diminish Mehau's political position, for in 1989 two of the five state Supreme Court justices pressed for his appointment as a Bishop Estate trustee.\textsuperscript{477} Only a stalemate forced the justices to compromise on another candidate, Oswald Stender.

Strange Twists and Turns

Although peripheral suits had included Reed over the "godfather" charges, Mehau and Reed finally faced off man-to-man in a libel trial that started November 25, 1991. At the 1991 trial Mehau was overheard saying, "I want the story out, man."\textsuperscript{478} The front-page story included wide-ranging testimony from former police chief Francis Keala, who testified "we had nothing to prove that Mr. Mehau was the godfather,"\textsuperscript{479} and the disallowed testimony from U.S. Attorney Dan Bent who said Mehau was a "significant

\textsuperscript{475} Kevin Dayton, "Reed: Public Deserved to Know of Mehau Allegations," Honolulu Advertiser 27 November 1991.
\textsuperscript{476} Ken Kobayashi, "Reed and Mehau Begin Court Showdown: City Also Named in Libel Lawsuit Brought over 'Godfather' Allegations," Honolulu Advertiser 26 November 1991.
\textsuperscript{478} Kobayashi, "Reed and Mehau Begin Court Showdown: City Also Named in Libel Lawsuit Brought over 'Godfather' Allegations."
organized crime figure with substantial influence in state government."¹⁴⁸⁰ Eleven weeks later the Circuit Court jury ruled in favor of Reed, who had represented himself against powerful lawyer David Schutter. Mehau found some good despite the loss. "If nothing else, at least you guys (the media) got the straight story."¹⁴⁸¹ Council member and media lawyer Jeff Portnoy suggested that although the trial finally brought the lawsuits and charges to an end, the trial resulted in a "somewhat skewed idea about what libel and invasion of privacy is all about . . . because of all the strange twists and turns."¹⁴⁸²

Reed's victory was short-lived, however, as Circuit Court Judge Wilfred Watanabe overturned the jury verdict regarding Reed, but let stand its decision freeing the deep-pocketed City and County of Honolulu from any responsibility. In overturning the verdict, Watanabe said, "Defendant Reed's often asserted 'free speech' rights must be weighed against plaintiff's right to privacy."¹⁴⁸³ Reed, then running against U.S. Sen. Dan Inouye, called the ruling a "blatant political ploy."¹⁴⁸⁴ Reed's campaign was not without political intrigue in its own right. Reed ran television commercials that featured the secretly taped charges by hairdresser Lenore Kwok that Inouye had sexually harassed her seventeen years earlier.¹⁴⁸⁵ When the public sentiment instead turned against Reed for revealing the incident, "Reed took the strange defensive tactic of claiming he was

¹⁴⁸⁰ Ken Kobayashi, "Mehau Tied to Isle Crime: Called a 'Significant Crime Figure' by Bent," Honolulu Advertiser 8 January 1992.
compelled to reveal the incident because he was basically an investigative reporter, having owned a small newspaper in Maui in 1977.\textsuperscript{486} To avoid being caught up in the political maelstrom, Mehau waited until after Reed lost the U.S. Senate election to again file the invasion of privacy charges. Two years later the Hawaii Supreme Court affirmed the judge's order overturning the jury's verdict.\textsuperscript{487} Mehau eventually dropped the suit, recognizing that Reed did not have the money to satisfy any judgment. The man who at one time said he would have accepted a dollar judgment to clear his name ended up accepting a letter of apology. In the letter, however, Reed only apologized for violating Mehau's privacy, not for Reed's "godfather" claim.\textsuperscript{488}

Although mediation by the council could have achieved the same outcome in the Mehau case, the parties never made a request. And unlike the Borreca case, the Honolulu Community-Media Council made no attempts to intervene. Clearly Reed, another example of journalist turned politician, made use of the charges and subsequent legal proceedings to bolster his political position as underdog.

The composition of the media council has made it inherently open to perceptions of conflicts of interest. The media people on the council had a clear interest in covering the continuing story, a story that would have ceased with a successful mediation. The media, too, had an interest in revealing criminal activity; the council, on the other hand,

\textsuperscript{487} Ken Kobayashi, "Top Court Lets Mehau Seek New Trial against Reed," \textit{Honolulu Advertiser} 11 March 1994.
had the public interest that the media reports be fair and accurate and that the media not invade privacy.

The threat of a lawsuit against an organization with limited financial resources, too, may have given the organization pause in its pursuit of such a case. In any event, the council did not weigh in. Today, Mehau still lives on the Big Island. After his political losses, Reed relocated to the Pacific Northwest, but later came back to Kailua on Oahu.489

Rees vs. Bob Jones

The complaint by columnist Robert Rees against columnist Bob Jones pointed out a serious flaw in the council’s committee structure, for the dispute between two media persons did not fit neatly into the public-media relations committee that would make the review. Nevertheless, the council accepted its first complaint from a sitting council member at its December 17, 1996, meeting. The complaint by Robert Rees centered on a column written by Bob Jones titled “A Question of a Critical Writer’s Ethics” in the May 8, 1996, issue of MidWeek. A former KGMB-TV anchor, Jones had previously written for the Honolulu Advertiser and Louisville Courier-Journal.490 Using the May 1996 issue of Honolulu magazine as its source, the Jones column implied that Rees had tried and failed to get Mufi Hanneman to stop a review of Rees’ agency by the state. The column ended “Where is the Media Council when we really need them?”491 Jones plea for council

intervention came, but not to investigate Rees. A month after the MidWeek column, Robert Rees filed a complaint with the council to “facilitate an answer.” In the time between the publication of the column and his complaint Rees had made numerous attempts to resolve the situation. Just two days after original Jones column Rees fired off a letter to the editor. MidWeek published an edited version of the letter on May 22, but left out a paragraph that resulted in Rees asking that “MidWeek or Jones retract and apologize for its errors in a prominent space either in or directly adjacent to Jones’ column.” Ken Berry, publisher of MidWeek, responded in a June 5 letter to Rees that precluded any retraction. “It seems clear to us” Berry wrote, “that your complaints involve unhappiness over defensible word choices, strained characterizations of the meaning of the column and disagreements with Mr. Jones’ various expressions of opinion.” Three days later Rees filed the complaint.

In the end the council’s task force recommended “no further action.” Key to decision of the task force was the “lack of guidelines regarding complainants who also are members of the council; guidelines that would ensure that such complainants will not receive special consideration.”

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495 Sean McLaughlin, Memorandum to Richard Miller regarding Complaint of Robert M. Rees Against Bob Jones and Midweek, 16 December 1996. Honolulu Community-Media Council Archives, Special Collections, Hamilton Library, University of Hawaii.
For various reasons, relatively few private citizens have made use of the mediation function of the council. From the perspective of former chairman Stuart Gerry Brown, the primary reason is the availability of the lawsuit as an alternative to mediation. He wrote in 1986, "It also appears that media councils are to some extent casualties of the rising tide of litigation: 'If you don't like it, sue!' In a lawsuit, whether for malpractice in medicine or libel, there is always the chance of financial reward for the winner and, of course, the danger of loss for the loser." The history of the council, on the other hand, is rich with the pleadings of politicians.

CHAPTER 9: JUST POLITICS

"'The question is,' said Humpty Dumpty, 'which is to be master—that's all.'"

—Lord Shawcross

Invariably in politics the media become a battleground, and politicians draw upon every resource they believe will give them an advantage over their rivals. Thus the council has been drawn into the fray, most often in election years. The political campaigns operate within a web of laws designed to level the playing field. Campaign spending laws dictate when monies can be expended and for what acceptable purposes. Other laws force certain politicians to resign from office to run for higher office, and require the media to provide equivalent amounts of airtime for candidates. Locally politicians have sought the council to in their quest for equal treatment by the media. Not surprisingly, Frank Fasi has played a prominent role in yet another episode of the council’s history.

Fasi versus Anderson (1984)

In the long-shot campaign to regain City Hall, Fasi waged his battle in the media against the woman who had unseated him. Even before Eileen Anderson announced her candidacy for mayor, Fasi was already questioning the timing of the announcement of her run for mayor. He said that it was to avoid making him eligible for equal time. Indeed, Anderson’s delay resulted in Bob Dye, a former aide to Fasi and Heftel, becoming the

first Democratic candidate for mayor when he announced his plans on May 29, 1984. Anderson would finally announce her candidacy nearly a month later on June 27.

Frank Fasi took back his office from Eileen Anderson in the 1984 election by a margin of more than 15,000 votes, 132,875 to 117,841. A Honolulu Advertiser editorial congratulated the “new mayor elect” but also took a moment to reflect on the past, noting: “Frank Fasi and this newspaper have different philosophies about leadership and public morality. We have strongly expressed those differences on this editorial page, as distinguished from neutrality in our news columns.” The Honolulu Star-Bulletin also could not refrain from noting that the mayor said he would work with the newspapers. In a retrospective of the campaign, Fasi credited his nemesis—the Honolulu Advertiser—for his most recent victory. Fasi insider Don Clegg called the pro-Anderson editorials for three consecutive Sundays and their use in Anderson television spots “blatant” and “overkill.” An editorial in the top half of the page above the fold on October 21, 1984 proclaimed in its headline “For City Hall integrity, it’s Eileen,” while below the fold the Advertiser used 15-year’s worth of former foe but now supporter Andy Anderson quotes against Fasi. The following week’s editorial reiterated the paper’s stand in another piece focusing in on integrity, questioning Fasi’s charges against the Blaisdell

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administration. The October 28 editorial drew a response from Republican Party Chairwoman Patricia Saiki: “In my opinion, abusing that editorial privilege to make vicious attacks on individuals or on public or private entities, is irresponsible and unwarranted.” The final editorial looked at the issue of crime, an issue that had originally carried Anderson into City Hall.

Fasi also credited his win on the disparity between an internal poll which showed Fasi and Anderson tied and the Advertiser’s Hawaii Poll, which showed a large Anderson lead. The difference caused the Fasi camp to identify a key campaign theme of Anderson as a “do-nothing” mayor. By defeating Eileen Anderson, a presumptive heir for two-term Ariyoshi, Fasi set the scene for the 1986 governor’s election. Among the politicians testing the waters for the 1986 gubernatorial free-for-all was U.S. representative Cecil Heftel.

The 1984 elections gave the media council a full supply of complaints regarding the media. Just weeks after the election, at its November 20, 1984, meeting, the question of the use of polls by newspapers took center stage. Jim Loomis, a supporter of Robert Dye’s failed run for mayor, complained about the reporting in two instances. The first concerned Dye. Loomis said that television coverage for his candidate ceased after the newspaper polls gave the “perception that he was out of the race.” The second

504 "Key Issue in Mayor’s Race Is Still Integrity," Honolulu Advertiser 28 October 1984.
507 Burris, "Fasi Credits Win to a Gamble, Breaks."
concerned the use of polls to influence political decisions in the case of Office of Hawaiian Affairs trustee Walter Ritte. The poll asked for public opinion about whether Ritte had forfeited his OHA office because of a felony conviction. The Honolulu Advertiser made the poll results known prior to an OHA meeting called to make the decision.510

Meeting on Tuesday, February 19, 1985, council members heard about polling techniques, last minute smears, and the impact of television rating periods. Each came before the council meeting on Tuesday, February 19, 1985. Kaapu claimed that the actions of KGMB reporters, Matt Levi and Tina Shelton, “damaged [his] reputation and career and that journalism and the media, in this instance have dipped to a low point.”511 The KGMB story focused on Kaapu’s efforts to help developer Jeff Stone get property he had bought near Hauula reclassified from park to residential zoning. Kaapu had asked Stone for $4,000 to work on the plan.512 Councilman Rudy Pacarro would deny any knowledge of the project just a week before the Honolulu Community-Media Council’s meeting at which Kaapu would air his complaint.

Kaapu would not be long away from politics as he jumped headfirst into the next fray—running for a city council seat vacated when three councilmen were recalled after Frank Fasi convinced them to change parties and join him as Republicans.

By the 15th anniversary of the Honolulu Community-Media Council, mediations (the council’s original reason for existing) were already dropping. Brown came to the

510 Kakesako, "Media Council Hears Complaints on Pre-Election Polls."
conclusion that the council continued to survive because leadership found “a variety of continuing interests and concerns.” The council had become, he related with pride, “a focal point for community interest in the relation of the public to their newspapers, radio and television stations and a medium for the exchange of ideas and opinions among lawyers, the judiciary, the media, and the public.” He also took a forward look in his assessment of the council following its fifteenth anniversary: “As it looks to the future, the council welcomes suggestions for programs, stands ready to mediate complaints, and generally to foster better quality of news reporting and better understanding among the media, the government and the public.” The council did not have to stand ready for long as a coming election year promised even more mediations.

Marilyn Bornhorst vs. Fasi (1986)

Even Mayor Frank Fasi’s commitment not to seek the governor’s office in 1986 was not enough to keep him out of controversy. Fasi’s use of the media to bolster his political positions caused opponents to cry foul. Marilyn Bornhorst, Honolulu city councilwoman, said that Fasi “regularly goes beyond the bounds of truth and good form.” The council appointed an ad hoc committee to investigate the complaint. Once again the council that Fasi saw as “riding herd” on the media had turned its gaze on him. Fasi’s longtime nemesis, the Honolulu Star-Bulletin, through its editor A.A. “Bud”

513 Brown, "The Media Council after 15 Years."
514 Brown, "The Media Council after 15 Years."
Smyser, a founding council member, was quick to publicize the Bornhorst complaint, and to highlight the services of the council, which he noted he had “served on since the beginning.” Shortly after the Bornhorst complaints were made to the council, the mayor decided to end his radio commentaries, all the while claiming no link between the two. Indeed, his explanation to KORL general manager Richard Helm had a ring of truth to it. Helm said, “He just advised us he had a lot of evening commitments. Getting up at a little after 5 every morning gets to be weary.” Bornhorst may have prevented Fasi from sharing his particular view of the world, but her actions also had the unintended consequence of shutting down communication from the mayor. Bornhorst would wait another two months before firing another salvo at Fasi, once again at a council meeting.

At the annual Freedom of Information luncheon Bornhorst complained about openness in executive branch of the City. She said, “The mayor can meet in private. Division heads can meet in private. And they make policy.” As if to demonstrate the openness of the legislative branch, Bornhorst announced plans for live broadcasts of the City Council. The broadcasts started April 6, 1986 in taped form. Bornhorst recognized the inherent bias that the televised sessions might display. In order to take the politics out of the telecast, therefore, Bornhorst chose the Honolulu Community-Media Council to pick

which segment to air.\textsuperscript{522} Bornhorst's choice of the council underscores the key role of the council as a disinterested third party in media discussions. Despite the conclusions of the 1972 Hillman and Grimes report that even non-media members of the council might have pro-media biases, the council has maintained its reputation as impartial arbiter. It serves its role much in the same way as the League of Women Voters serves as non-political arbiter on what candidates get excluded from televised debates. In the 1986 election, perhaps remembering back to the Hoshijo controversy several years earlier, the league chose to include the seven candidates in the Democratic primary who had at least 5 percent of the intended voters in polls.\textsuperscript{523} The historic role of the league in picking participants in televised debates could as easily have been a function of the council.

Among the seven selected for the debate was Cecil Heftel, founding member of the Honolulu Community-Media Council. Heftel had resigned from his office in the U.S. House of Representatives to run for governor. Heftel's campaign also pulled another media person into politics. Bob Sevey retired as KGMB-TV anchor in order to serve as press spokesman for the Heftel campaign. Freer to speak about the media, Sevey delivered a speech before the August meeting of the council that called for the repudiation of the "onslaught of the bottom line" that had changed the character of television news. He said, "Budgets should be left in the hands of journalists so that . . . what goes on the air has substance."\textsuperscript{524}

\textsuperscript{522} "City Council Session to Be on Television."
\textsuperscript{523} Floyd K. Takeuchi, "League Yields on Governor Debate, Invites All Seven Dem Candidates," Honolulu Advertiser 7 August 1986.
\textsuperscript{524} "City Council Session to Be on Television."
Heftel Smear

Unfortunately for Heftel something lacking substance—the rumor—would ultimately derail his campaign for governor. An unidentified informant made unfounded charges about Heftel’s personal life contained in a typewritten form from the state Department of Health’s Investigation and Narcotics Control Section. The known recipients of the August 29, 1983, document were Attorney General Corrine Watanabe, Republican gubernatorial candidate D.G. “Andy” Anderson, Lt. Gov. John Waihee, and the Hawaii State Teachers Association.\(^{525}\) Anderson minimized the impact of the last minute leaked report, which was mailed the Thursday and Friday before the state primary election on Saturday, September 20, 1986. “I don’t think those were in circulation enough. But I don’t know how many were out there. But I don’t think those were in circulation enough to do anybody any harm in that last minute. You (reporters) didn’t print it, so I don’t think anybody can say that was part of the loss,”\(^{526}\) Anderson said.

Heftel also blamed Fasi when he broke his silence after his primary election loss.\(^{527}\) City Prosecutor Charles Marsland also had access to the report, but he denied releasing it. Marsland, who said he supported Heftel for governor, said, “it doesn’t make sense for us to attempt to undermine the candidacy of the one person (Heftel) who is not beholden to any part of the Ariyoshi-Mehau machine.”\(^{528}\) Eventually, Heftel’s own investigation would point to Waihee backers and unions. Council member Jeff Portnoy


\(^{526}\) Morita and Catterall, "State Is Probing Leak of Report in Political 'Smear'."

served as Heftel’s attorney.\textsuperscript{529} In the state probe that followed investigative documents were made available to the media. Gov. George Ariyoshi at a later point sealed the documents, but not before Bob Jones of KGMB-TV identified the informant of the smear document as well as her unlisted telephone number. The woman and her husband then filed a $10 million invasion of privacy suit against the state and KGMB-TV.\textsuperscript{530} Although attorney Paul Tomar won the case, in the end the judge awarded the plaintiffs just $22,000 in damages.\textsuperscript{531}

Heftel’s was not the only media-related suit associated with the 1986 elections. Lt. Gov. Ben Cayetano sued D.G. Andy Anderson and his campaign over last minute advertising that linked Cayetano, a lawyer, with a milk contamination case.\textsuperscript{532}

That candidates choose lawsuits over council mediations is not surprising. Lawsuits remain newsworthy from the day they are filed until their conclusion. Legal maneuverings capture daily headlines; council determinations usually appear just once at the conclusion of the mediation, depending on the willingness of newspapers to publish the findings. Lawsuits, too, can financially punish wrongdoers.

\textbf{“Media Team”}

If the recriminations surrounding the primary election taught any lesson, it was that the media needed lightning-fast responses. Where better to get individuals familiar

\textsuperscript{528} Walter Wright and Mark Matsunaga, "Heftel Told About Report by Marsland," \textit{Honolulu Advertiser} 25 September 1986.
\textsuperscript{531} Paul Tomar, telephone conversation with author, January 3, 2005.
with the demands of the media than from the media itself? So in John Waihee’s selection of his “media team,” ostensibly created for media relations purposes, the Waihee appointees drew heavily from the media themselves. The selections once again point out the porous boundary between the media and the government of which they are charged to be watchdogs. The Waihee media team that spoke before Hawaii Chapter of the Society of Professional Journalists comprised Chuck Freedman, director of communications; Carolyn Tanaka, press secretary; and Byron Baker, administrative assistant. Tanaka was a former KGMB and KHON reporter. Her shift from the media to government was the subject of a speech to the Hawaii Library Association titled “From Asking to Answering.” Waihee had initially wanted a different television reporter for press secretary—Elisa Yadao. The lone person on the panel without media connections, Chuck Freedman, was formerly administrative assistant and press secretary for Lt. Gov. Jean King. But even his promotion had ripples in the media. When Chuck Freedman advanced from press secretary, he was replaced by Melanie Granfors, a KHVH reporter (Granfors was a member of the council in 1984). Byron Baker was a former Star-Bulletin, KHVH radio and television reporter who was elected in 1976 to the House of Representatives for four terms. During his first term Baker clashed with the Honolulu Star-Bulletin over an editorial, branding the paper a liar. When he lost in 1984 he

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returned to radio station KHVH covering the legislature. A Star-Bulletin reader questioned the move: “To believe an ex-legislator and defeated candidate can report unbiased Capitol news is ridiculous. Can we next expect one of the dailies to pick up Eileen Anderson to cover City Hall?” Former mayor Eileen Anderson had unseated Frank Fasi for one term before losing to him.

The Honolulu Community-Media Council has had to play an unbiased and objective role in a politically charged realm that set some of the most powerful individuals in the state against one another. Given its composition, however, can the council truly be an impartial arbiter?

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CHAPTER 10: BATTLE OF THE TITANS

“To defy power, which seems omnipotent”

—Percy Blythe Shelly, “Prometheus Unbound”

The mediation in 1988 between Kamehameha Schools and the Honolulu Star-Bulletin pitted two of the state’s most powerful interests. Powerful landowner Bishop Estate (with a 2003 endowment valued at $5.5 billion) had just entered a cash-rich phase of its existence because of mandatory sales of its residential leasehold land to fee simple. The Honolulu Star-Bulletin, owned since 1971 by media giant Gannett, possessed the financial resources to resist the state’s most powerful landowner.

A three-part series in the Honolulu Star-Bulletin, titled “Kamehameha: The Richest Private School,” set the titans on a collision course. The first article of the series by Charles Memminger appeared on August 31, 1987, during the centennial year of the school. The series stands in stark contrast to the articles that appeared just six months earlier that proclaimed “Kamehameha Starts New Era: Campus Transformed by 100th Birthday Facelift” and “Kamehameha Schools evolved from Princess Bernice Bishop’s Concern for Her People.” The former article, Ann Auman’s “Special to the Star-Bulletin,” captured some of the discontent from critics Abraham Pi‘ianai‘a and Lilikala Dorton, but balanced the criticism with quotes from businessman George Kanahele. Celebrating $38 million in campus improvements, retiring Kamehameha Schools
president Jack Darvill could rightly say “I can’t think of a more exciting era in the schools’ history than the one I’ve been privileged to be part of.”

The headline of the Memminger series captured the tone of the new look at the private school: “Kamehameha Schools Under Fire: Lots of Money but Little Progress, Say the Critics.” The article compared Kamehameha Schools and other private schools with smaller endowments and questioned its academic rigor and ability to prepare its students for college.

Kamehameha Letters

The Honolulu Star-Bulletin invited response in a September 3 editorial:

“Kamehameha backers may be upset with some of the points raised in this week’s articles. There is ample opportunity to respond. The Star-Bulletin welcomes all letters on the subject.” If letters were what the newspaper wanted, letters were what the newspaper got, most of them critical of the Star-Bulletin and its staff. Nick Houtman in a letter to the Star-Bulletin complained: “these articles came across as nasty, bitter and biased.” Another letter took a look from an academic perspective. “By coincidence,” the teacher wrote, “my Kamehameha Schools journalism class happened to be discussing the need for fairness, balance, and objectivity in news stories. Your series on Kamehameha gave us a fine example of newswriting deficient in all these qualities. Any

legitimate criticisms of the school in the series were totally obscured by its lack of journalistic integrity.\textsuperscript{543} Kekoa Paulsen wrote in his letter to the editor: “Your series on Kamehameha Schools is a textbook example of what happens when reporter, editors and publishers ignore ethical standards of journalism in their pursuit of personal, hidden agendas.”\textsuperscript{544} The final and most complete response to the series came from Neil J. Hannahs, director, public affairs of the Kamehameha Schools/Bishop Estate, more than a month after the series. In the letter to the \textit{Star-Bulletin} Hannahs offered a point by point clarification of the issues brought up in the series. Near the conclusion of the letter Hannahs stated: “We are still wondering why the \textit{Star-Bulletin} would so harshly condemn our attempts to contribute to the advancement of a people and the progress of our community.” In explaining a policy by the school that gave the response of “no comment” to queries by the \textit{Star-Bulletin}, Hannahs noted: “We intend to maintain our trust and confidence in those who have been fair in the past. Our hope is that this will begin a process of rebuilding a mutually respectful relationship we have long enjoyed with this newspaper.”\textsuperscript{545} To the newspaper’s credit it continued to offer space for rebuttals. “We have printed virtually every letter to the editor we received on the subject,” wrote \textit{Honolulu Star-Bulletin} publisher Catherine Shen, “although it was evident that many of them were part of an orchestrated campaign.”\textsuperscript{546}

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The ire of Kamehameha supporters over the series spilled over into the legislative arena where the school had well-placed individuals in both houses. State Rep. Henry Peters, a Bishop Estate trustee since 1984,\textsuperscript{547} was Speaker of the House when he was appointed. State Sen. Milton Holt, a Kamehameha Schools graduate, was associate athletic director at his alma mater.\textsuperscript{548} The resolutions submitted by the pair cited the council efforts and said its report "found conclusive evidence of unfair and inaccurate reporting."\textsuperscript{549}

Shen, in a letter to chairman Seymour Lutzky, faulted the report, saying that the grievance process itself took a biased stance:

The Media Council committee appears merely to have accepted Kamehameha Schools allegations and, more importantly, did not solicit the Star-Bulletin's side of the story before concluding we "failed to present a fair and even-handed picture of academic progress at Kamehameha Schools."

Schools officials presented their side in writing and documents; no similar opportunity was given to us to present why we think our series was fair, accurate and responsible. To give school officials a means to discredit the newspaper without our input is unfortunate.\textsuperscript{550}

\textsuperscript{549} "Peters, Holt Call for Reform at Newspaper," Honolulu Star-Bulletin 8 April 1988.
\textsuperscript{550} Catherine Shen, Letter to Seymour Lutzky, November 18, 1987, 1. Honolulu Community-Media Council Archives, Special Collections, Hamilton Library, University of Hawaii.
The mediation shows the potential bias that affects a community-media council composed of community members. Active community members have already formed opinions about the parties involved in mediations. Future chairman of the council Desmond J. Byrne, in a 1987 letter to the editor of the Honolulu Star-Bulletin attacked the way that Bishop Estate trustees had chosen compensation. He would later criticize Bishop Estate’s refusal to release information on trustee compensation. The judicial system has change of venue to protect its process from undue bias; short of forwarding the mediation to Minnesota or Washington for another media council to consider, the community media council lacks such an option. (In 1990 Seattle Times suggested just such a remedy in its dispute with Nordstrom. The option, though, may not even exist. As Fred Brown, a Denver Post columnist, wrote: “A good assessment requires knowing the territory. Even the Minnesota News Council concedes it hasn’t figured out how to handle complaints outside the Twin Cities area.”).

The 1988 mediation was not the first contact between the council and Bishop Estate. Sixteen years earlier the council’s third chairman, Thomas Hamilton, had served as a special adviser to the Bishop Estate. The estate even published the 1972 evaluation of the council by Grimes and Hillman. In the end the council rendered a split decision in the Kamehameha mediation. Of the 11 charges the council upheld three, dismissed

three and could not decide the remaining five.\textsuperscript{556} Former Lt. Gov. Jean King expressed concern for the council itself after the report. Because the council depends on the media to publish any findings by the council, King expressed fears that the “cooperative relationship” might be compromised.\textsuperscript{557} Indeed, Shen had asked council chairman Seymour Lutzky not to make the report public. Nevertheless, the \textit{Star-Bulletin} published final findings of the council. Despite her disagreement with the report, Shen told the council: “When you reach your final conclusions, please send us a brief summary and we will publish it.”\textsuperscript{558} King may have been correct in her concerns as the \textit{Honolulu Star-Bulletin} report\textsuperscript{559} of the council’s findings took up half the space devoted to the topic in the \textit{Honolulu Advertiser}. The report took a conciliatory tone even as it criticized the actions of the \textit{Star-Bulletin}, noting that Hawaii “would benefit from more critical investigative reporting on this and other subjects, and we hope that nothing in these findings will discourage the Star-Bulletin or other media from undertaking such reporting in the future.”\textsuperscript{560}

The mediation would not end criticism of the Kamehameha Schools and Bishop Estate by the Star-Bulletin. A column by A.A. Bud Smyser would again draw a slew of

\textsuperscript{555} Grimes and Hillman, \textit{[Committee Evaluating Honolulu Media Council]: Office of the Trustees, Bernice P. Bishop Estate.}
\textsuperscript{556} “Media Council Faults, Defends Kamehameha Schools Series.”
\textsuperscript{558} Catherine Shen, Letter to Seymour Lutzky, November 18, 1987, 3. Honolulu Community-Media Council Archives, Special Collections, Hamilton Library, University of Hawaii.
\textsuperscript{559} “Media Council Faults, Defends Kamehameha Schools Series.”
\textsuperscript{560} Dooley, “Media Council Releases Report on Bishop Estate/Schools Series.”
letters in defense of the school.561 The Star-Bulletin would continue its special interest on the Kamehameha Schools through the next decade, chronicling the challenge to Protestant-only hiring,562 and a student protest against mandatory leasehold conversion.563 The Star-Bulletin paid special attention to the annual reports submitted by the Bishop Estate to the Probate Court.564 Though the issues would remain on a low simmer, an even more explosive article would find a home in the Star-Bulletin a decade after the publication of the Memminger series.

Broken Trust

On Saturday, August 9, 1997, an article appeared in the Honolulu Star-Bulletin, titled “Broken Trust,” that would change the course of the state’s largest private landholder, Bishop Estate, and the estate’s beneficiary, the Kamehameha Schools. Unlike the earlier Memminger series, the article was written by five prominent local figures: Samuel King, U.S. District Court judge; Msgr. Charles Kekumano, chairman of the smaller Queen Liliuokalani Estate; Walter Heen, former state appeals court judge; Gladys Brandt, chairwoman of the University of Hawaii’s board of regents; and Randall Roth, a University of Hawaii law professor. Roth had joined the Honolulu Community-Media Council in 1997. Despite their stature in the community, the illustration that accompanied

the article graphically presented the relative position of the parties. The line drawing shows three small figures pulling a line attached to a tilting, giant seal marked “Bishop Estate Trustees.”

How the “Broken Trust” article appeared in the issue with the smallest circulation of the week in the smaller of the two dailies points out the political forces at play in the dispute. Although on the surface the council’s 1988 mediation of the Kamehameha Schools coverage might seem to have presaged the 1997 “Broken Trust” saga, the Honolulu Star-Bulletin by then was a part of the much smaller Liberty Newspapers of Arkansas. In 1993 Gannett had sold the now declining Star-Bulletin in favor of the ascending Honolulu Advertiser. Instead a battle of the titans, the dispute more closely resembled the fight between the shepherd boy David and the giant Goliath.

The appearance of the article should have surprised no one, especially not the Bishop Estate trustees. The issues that Charles Memminger had identified in his series a decade earlier, especially trustee pay, continued to fester. When trustee Lokelani Lindsey summoned a student down to her office, the course was set for the establishment of a voluntary association of alumni, parents, teachers and students called Na Pua a Pauahi. The group first marched on May 15, 1997, from Bernice Pauahi Bishop’s grave at the Royal Mausoleum to the state Supreme Court and then to Bishop Estate’s offices in Kawaiahao Plaza. There they delivered their demands to the trustees who assured a review of the petition as well as a meeting.

565 King, Kekumano, Heen, Gladys and Roth, "Broken Trust."
Opponents to the trustees questioned the micro-management the trustees exhibited. The trustees, on the other hand, saw all functions of the school falling within their purview. Trustee Lokelani Lindsey wrote, “The administration of Kamehameha Schools/Bishop Estate rests solely with the board of trustees. The accountability for the administration of the trust cannot be delegated by the trustees to any third party.” Thus the stage was set for the battle between the trustees and supporters of the school.

Author of the original series, Charles Memminger, now an award-winning humor columnist, was quick to acknowledge the impact of the article. In a column touting the Star-Bulletin’s “We Make Waves” advertising campaign, Memminger wrote, “Despite attempts by other media to minimize our impact, we were the first paper to run the ground-breaking “Broken Trust” report. The waves of that continuing coverage are rocking Bishop Estate's boat something fierce.”

Unlike the Memminger series, Bishop Estate did not approach the council for mediation concerning the “Broken Trust” series. The only council effort, part of its mission to “broaden public understanding of the role of the media,” came two years after the “Broken Trust” article appeared. On October 19, 1999, the council hosted three of the five authors of the article, Randall Roth, Walter Heen and Samuel King. The authors described what took place in the negotiations for publishing the article. The authors said they had initially reached a tentative agreement with Honolulu Advertiser editor Jim Gatti. Gatti also served on the Honolulu Community-Media Council. The authors

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subsequently took the article, slated to run in the Sunday, August 17 edition of the Honolulu Advertiser, to the Honolulu Star-Bulletin after negotiations broke down regarding an earlier publishing date. Star-Bulletin managing editor Dave Shapiro and Diane Chang decided to publish “Broken Trust” a day after Randall Roth had offered it to the Star-Bulletin, on Saturday, August 9. Unable to respond on the Sunday following the appearance of the “Broken Trust” article, the Honolulu Advertiser was forced to wait a week until the August 17 before it could comment on the Honolulu Star-Bulletin scoop. The response, of course, included a detailed explanation of why the Honolulu Advertiser “refused to print it.”568 The council forum helped reveal to the public for the first time the behind-the-scenes actions of the Honolulu dailies.

Through its educational endeavors the Honolulu Community-Media Council provides the means for members of the public to gauge the actions of the media. It was a continuing effort probably best exemplified by the council’s earlier look at the state of journalism in Hawaii.

567 Charles Memminger, "By Any Other Name, We're Not as Sweet," Honolulu Star-Bulletin 12 November 1997.
568 Treena Shapiro, "'Broken Trust' Authors Worry About a One-Newspaper Town," Honolulu Star-Bulletin 20 October 1999.
CHAPTER 11: STATE OF JOURNALISM IN HAWAII

"Watch dog sees and watch dog knows, watch dog keeps us on our toes."
—Carol Hall, “Watch Dog Theme,” The Best Little Whorehouse in Texas

By the time that Fletcher Knebel, 79, took the top position at the Honolulu Community-Media Council nearly thirty years of fiction writing had established him as a nationally known author. His 1962 book Seven Days in May, about a coup in the United States, was published just before the assassination of President John F. Kennedy. But before his foray into fiction Knebel had established himself as a journalist’s journalist. Inspired by H.L. Mencken, Knebel had started his career at the Coatesville (Pennsylvania) Record in 1934. Knebel related, “Thanks to Mencken, I decided to become a newspaper man and writer. He had an enormous impact on me.” By 1937 he was reporting Washington affairs for the Cleveland Plain Dealer, which prepared him for his satirical political column “Potomac Fever” starting in 1950 for the Cowles chain. From a world of national politics (his second major novel set at the U.S. presidential retreat was titled Night at Camp David), Knebel found in Honolulu a place well removed from the national political center. Knebel found in the council an organization closely aligned to his own interests.

In 1987, the year Knebel joined the council, Morrow published his book on alternative dispute resolution titled *Before You Sue: How to Get Justice Without Going to Court.*

Knebel's most crucial contribution to the council would come towards the end of his term as chairman. Although the council had for nearly two decades served a media watchdog role through its mediation of grievances, the move into actual analysis of the quality of journalism in Hawaii was a new arena for the organization. Certainly the topic had been looked at from the periphery. Eleven years earlier the council had called for a study of newspaper finances but had opposed efforts by the legislature to require an annual report from the newspapers. The council and the Honolulu Journalists Association had also received $5,268 to sponsor a conference on “The News Media and The Public Trust.” At a council meeting in 1974 William Rivers had given an informal review of newspapers. Two years later Richard Elam had addressed the council on the issue of monitoring the media. But Knebel’s effort went far beyond the previous ones. Like the Hillman and Grimes report that had publicly shown the weaknesses of the Honolulu Community-Media Council itself, the study of journalism in Hawaii would reveal publicly all of the flaws of Hawaii’s media. Council member Baird Kidwell, at a subcommittee convened to discuss Knebel’s media monitoring proposal, “cautioned that

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574 "Papers Found Responsive to Complaints of Readers."
[the Council] should be sensitive to all parties involved. If Jean King had thought the 1988 Kamehameha Schools mediation report might disrupt the council’s cooperative relationship with the media, it was minor compared to the *State of Journalism in Hawaii*. To characterize the study as unwelcome would be an understatement. Gerry Keir, *Honolulu Advertiser* editor, resigned from the Honolulu Community-Media Council over its planned review of Honolulu’s major dailies. From Keir’s point of view it was not an attempt to avoid accountability, for he was a proponent for it. Three years earlier, on his first day as editor, Keir expressed his philosophy concerning accountability: “We want our news coverage to be fair. We want to do things right the first time, and to quickly correct errors when we fall down on the job. On Page A-4 of every day’s paper, “Getting it straight” tells you how to bring our mistakes to our attention.” Many newspapers have adopted correction columns to provide media accountability. Unlike the self-published columns, however, press councils offer independent monitoring.

**Watershed Resignation**

This attempt by the council to truly adopt a media watchdog role would have profound consequences. Keir’s resignation was a watershed event in the history of the council. For the first time in its existence its membership included just one of the two editors of Honolulu’s major daily newspapers. To keep an *Advertiser* voice on the

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575 Minutes, Subcommittee to discuss Fletcher Knebel’s monitoring proposal, 26 August 1987. Honolulu Community-Media Council Archives, Special Collections, Hamilton Library, University of Hawaii.
council, the Newspaper Guild, and not the newspaper itself, called for representation, which resulted in reporter Kevin Dayton being brought on board.\textsuperscript{578}

Two-part Publication

The Honolulu Community-Media Council published the \textit{State of Journalism in Hawaii} in two parts. The first part, published in October 1991, focused on the two Honolulu daily newspapers, namely the \textit{Honolulu Advertiser} and \textit{Honolulu Star-Bulletin}. The second part, published in September 1992, looked at the three daily local television news shows in Honolulu on stations KHON, KITV and KGMB. Although chairman of the council, Knebel called himself on the title pages of the reports simply “Editor and Coordinator.”

Call for Major Improvements

The report took aim squarely at the bottom lines of the two dailies, calling for the “newspapers to make major improvements in news coverage---above all, increasing the space allotted to news.”\textsuperscript{579} Since advertising space pays for news space, meeting the council recommendation would have required an increase in advertising space to make a larger news space, or converting advertising space into news space. With less advertising space, the latter strategy would have reduced the profits of the Hawaii Newspaper Agency. The council would not have had access to profit figures anyway. Even requests


for seemingly innocuous materials met resistance from an uncooperative Hawaii Newspaper Agency. The agency would not even help by supplying a copy of the joint operating agreement between the Star-Bulletin and Advertiser. Richard E. Hartnett, president of the Star-Bulletin and HNA head, instead referred the council committee to the public record.580 If the production side of the newspapers put up roadblocks to the study, the editorial side was no less resistant. The first report records the reticence of the newspapers to cooperate with the study. “A Council committee sought interviews with the top editors, Gerry Keir of the Advertiser and John Flanagan of the Star-Bulletin, to discuss all aspects of the report. However, after reading questions submitted in advance, the editors declined to meet with the committee.”581 The council recognized that the editors of the newspapers might approach the report with less than open minds. Indeed, before analyzing the findings of the report, the council made one last attempt to remind the newspapers of the motives behind the critique. “We present this appraisal,” the council emphasized, “in the spirit of helpfulness, not confrontation.”582

Inner Struggle

Knebel saw the dispute over the newspaper critique as an “inner struggle between those who want to expand the horizons of the Media Council and those who want to stick closely to the traditional functions—resolving disputes, listening to monthly luncheon

speakers and sponsoring an annual freedom-of-information event."583 The report did
credit the newspapers with great advancement, but only compared to the “pre-World War
II days when they served primarily as voices for the plantation and mercantile interests
dominating Oahu.”584

Final Recommendations

All told, the council’s final report made 15 recommendations:

Print more news,

Increase national and foreign coverage,

Ban advertising from op-ed pages,

Establish Washington correspondents,

Improve design and quality of printing,

Make investigative reporting part of daily routine,

More digging by reporters,

Bonus for reporters who scoop the rival paper,

Name and train specialists in covering ethnic Hawaiian affairs,

Establish a magazine in Sunday paper for features about Hawaii,

Cut back on self-promotion,

Name a scrappy columnist who’ll kid the pompous and goad the sacred cows,

Cover islands’ richly varied spiritual life with sensitivity,

583 Knebel, Becker and Honolulu Community-Media Council., State of Journalism in Hawaii 1991 Annual
Report, 9.
Cover local business and finance more thoroughly and vigorously, [and]

Print more sports news and cut down on cheerleading.585

In making the recommendations, the council readily recognized its advisory role and that the newspapers could pick and choose what they wanted from the report. The council also, however, expressed the hope that the two papers might implement a portion of the suggestions, resulting in “livelier, more informative and more respected daily newspapers.”

Newspaper Editor Panel

To add to the authority of the report Knebel gathered a panel of retired newspaper editors from Pulitzer Prize-winning newspapers to make the analysis. The editors comprised Martin Hayden, editor from 1951 to 1977586 of the Detroit News; Richard H. Leonard, editor from 1967 to 1985587 of the Milwaukee Journal; Kenneth MacDonald, editor from 1953 to 1976588 of the Des Moines Register & Tribune; and J. Richard Nokes, editor from 1975 to 1982 of the Portland Oregonian. Hayden’s paper, the Detroit News, a Gannett newspaper, operated, like the Honolulu dailies, under a joint operating agreement. An award winning daily, the Detroit News had received a Pulitzer Prize in 1942 in photography and 1982 in the public service category.589 Of the four Leonard

586 Vivian Baulch. Email to author, 30 December 2004.
probably had the greatest insight into the local papers; he was editor-in-residence at the East-West Center from 1986-1989. His paper, the Milwaukee Journal, won a Pulitzer Prize in 1967 for public service for the “successful campaign to stiffen the law against water pollution in Wisconsin.” The Des Moines Register & Tribune garnered five Pulitzer prizes during MacDonald’s tenure as editor. Gannett bought the Des Moines Register & Tribune in the mid-1980s. The Portland Oregonian earned a Pulitzer Prize in 1957 for local reporting when Nokes worked in the newsroom. Knebel had gathered four former editors from Pulitzer Prize-winning newspapers to study two newspapers that hadn’t achieved that lofty goal. The news release announcing the report wryly suggested that if the papers followed the council’s recommendations, “one of the newspapers might even win its first Pulitzer Prize someday, sharing an honor already won by more than 180 newspapers around the country.”

Although the dailies’ editors Keir and Flanagan refused to respond to the report, council founder George Chaplin, editor-at-large for the Honolulu Advertiser, took a stab at dissecting the council’s work at its November 15, 1991, meeting. The title of the session established the even credentials of the sides: “A Retired Editor’s view of the Critique of Honolulu’s Daily Newspapers by Four Retired Editors.” One of the four editors, Martin Hayden, had died exactly one month earlier.

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Television Report

In the television report that followed soon after the newspaper report, the June 1992 evening news shows were judged “with an eye to journalistic excellence and enterprise, balance and fairness, accuracy, objectivity, lack of errors, quality of filming, professionalism, significance and service to viewers.”592 Four local teams and five reviewers from the U.S. mainland conducted the study. Reporter Jim Becker chaired the evaluation teams. He had joined the council in May 1989. The mainland evaluators, all retired television news directors were: Bob Brunner, former news director of WSAZ-TV in Huntington, West Virginia; Wayne Collins, news director at Honolulu stations from the late-1940s to the mid-1960s; Ken Kurtz, former vice president of news for WKYT-TV, Lexington, Kentucky; James L. Snyder, onetime producer of the CBS Evening News with Walter Cronkite and former Washington, D.C., news director; and Bill Swing, former news director of KPTV in Portland, Oregon. The report quite proudly concluded that the reviewers, recommended by the executive director of the Radio-Television News Directors Association, had more than a century and a half of combined experience. Brunner also was a past chairman of the association. Snyder had spent more than two decades “monitoring the news product at [Post Newsweek Stations] and consulting with the stations’ staffs on ways to improve the news gathering and news program production effort.”593

593 Knebel, Becker and Honolulu Community-Media Council., State of Journalism in Hawaii Appendix 1, [26].
Unlike the lack of response by editors to the newspaper critique, the television report contains the responses of two of the three stations studied. Kent Baker, news director of KHON-TV and Walter Zimmermann of KITV composed detailed reviews of the report. Although invited to respond, KGMB declined. For Fletcher Knebel the council’s work with the electronic media was a sea change from the experience with the print media. “This was a gratifying change,” wrote Knebel, “from the editors of the two daily newspapers who last year refused to answer a list of Council questions and who acted as if the publications had something to hide.”

Knebel may have been pleased with the cooperation, but the Hawaii news directors were far from pleased with the end product. Kent Baker, news director of KHON-TV, then the Hawaii’s NBC affiliate, panned the report, saying he gave “little credence to the sour and ill-natured opinions of a group of self-appointed, self-professed mainland “experts” who have little or no knowledge of or sense about this special place in which we are privileged to live.”

Walter Zimmermann echoed Baker’s comments, calling the mainland opinions “less constructive, often ignorant, and in some cases factually inaccurate.” The two local news directors did, however, praise the findings of the local teams, with Baker calling the local evaluation teams’ comments “sensible, realistic and, in some cases, helpful.” Zimmerman called the local evaluation “constructive.” Among the criticisms of the news

on Baker’s KHON-TV: “a lack of ‘live’ coverage,” “lack of political coverage,” “not much community news,” “virtually no coverage of arts or cultural activities,” and “too much chit-chat.”598 For Zimmermann’s KITV, the review team found too great a focus on court news, women underrepresented and “virtually no hard news stories.” It also found the “interactions and ‘chatter’ between news anchors strained.”599

The television report was not without its shortcomings. The focus of at least one media reviewer strayed from the quality of the reporting to “a young, high octane beauty with incredible eyes,”600 a comment that did not slip by Baker who called it “sexist drivel.” The council’s own summary glossed over the comment, only referring to “high marks to Channel 9 and to Anchorwoman Jade Moon.”601 Even one of the reviewers noted, “I saw only a week of coverage.” Despite the short time frame the reviewers did attempt a fairly detailed analysis. To assist the retired news directors in their efforts, the council supplied them with a comparison of newspaper and television stories for the week. The side-by-side analysis led the only reviewer with past local connections to take a swipe at the Honolulu dailies. Responding to a list that showed a large percentage of the stories appearing on television first, Wayne Collins wrote: “I have a hard time believing Honolulu’s TV newsrooms have come to scoop the two newspapers 70 percent of the time. If they do, George Chaplin and Bud Smyser ought to saddle up, yank their spurs

and six-guns down off the wall and go raise a little hell with their heirs and assigns."^602

The *Star-Bulletin* and *Advertiser* could not escape criticism even in a study focused on television.

**Well Below Top Flight**

The overall assessment of television news in Hawaii was not positive. The report concluded that the council would "rate all three TV news programs as well below top flight," and that three evaluation teams "turned in downbeat reports" and the fourth said "all three lacked the polish and substance of first-rate news programs."^603 The report also dwelled on another key media issue—ethics—noting that all stations in the study "breached reasonable standards of behavior which hold that the news should be free of the taint of commercialism."^604 The report cited three cases illustrating the ethics violations. KITV, Hawaii's ABC affiliate, allowed a Mickey Mouse character to "chat away at the anchor desk and help conduct the weather report." (Interestingly, just four years later Disney would purchase Capital Cities/ABC, making the entire ABC network a subsidiary of the "house that Mickey built"). The conflict at KGMB-TV centered on anchorman Bob Jones and a free trip to Vietnam that American Express funded. The report found the most egregious ethical lapse in an all-expenses-paid trip for a crew from KHON-TV at the Princeville Kauai resort.

The council made eleven recommendations, all designed to make minimal demands on the television stations’ budgets. The items focused in on ways to eliminate ethical lapses, reduce non-news commentary, expand news coverage of Hawaii state news outside of Honolulu and regarding women, and focus on important stories. To their credit the news directors at KHON-TV and KITV both agreed to consider the recommendations. Baker wrote: “But we shall—in honesty and seriousness—give them some careful consideration.” Zimmermann pledged to “make the suggestions part of our own review of our efforts.”

Local Team Praised

Some recommendations found greater favor in the eyes of Zimmermann. He wrote, “In all honesty, I found the suggestions of the local Hawaii group of more value than the mainland news directors.” The Honolulu evaluators comprised 21 individuals, 11 of whom were council members. Council members on the local teams comprised Jim Becker, Kevin Dayton, Arlene Kim Ellis, Fletcher Knebel, Jan Kuramoto, Ah Jook Ku, Ruth Lieban, Ian Lind, Sean McLaughlin, John Schidlovsky and Richard Turner. The remaining 10 members consisted of Betty Becker, Vera Benedek, Keith Finkboner, Charles Frankel, Heather Givgri, Shurei Hirozawa, Ruth Hisatomi, Meda Chesney Lind,

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608 Knebel, Becker and Honolulu Community-Media Council, State of Journalism in Hawaii.
Gale Myers and Jo Scheder.\textsuperscript{609} Former council chairman Ian Lind and Meda Chesney Lind formed a husband and wife team. Four new members served on the panel, including Kevin Dayton of the *Honolulu Advertiser*. In an interesting turn of events, the replacement for *Advertiser* editor Gerry Keir (who resigned over the previous year’s critique of Honolulu’s dailies) sat in judgment of television stations. The local evaluation teams each looked at the 6 p.m. newscasts of one of the three stations from June 1 to 5, 1992. The only two newscasters praised by the KHON team, Bob Hogue and Barbara Wallace, would later enter politics. Charles Frankel would echo one of the mainland reviewers when he noted: “When I was a working newsman, TV seldom broke an important story unless the time factor worked to TV’s advantage. Now I regularly see news on TV several days before it appears on the pages of the two major dailies.”\textsuperscript{610}

**Knebel’s Swan Song**

The production of the *State of Journalism in Hawaii* would be Fletcher Knebel’s swan song. In it he combined his zeal for the profession of his lifetime—journalism—and his emphasis on the consumer. Knebel would die just five months after the publication of the analysis of the state’s broadcast media. Ironically, Knebel, the wit who coined the much repeated quote, “It is now proved beyond doubt that smoking is one of the leading causes of statistics,”\textsuperscript{611} would one day suffer from lung cancer. Faced with enduring the

\textsuperscript{609} Knebel, Becker and Honolulu Community-Media Council., *State of Journalism in Hawaii* Part 2, Appendix 1, 43.

\textsuperscript{610} Knebel, Becker and Honolulu Community-Media Council., *State of Journalism in Hawaii* Part 2, Appendix 1, 35.

pain from the cancer, Knebel, a member of the pro-suicide Hemlock Society, took an overdose of medication. The eleventh chairman of the council died February 26, 1993, in Honolulu, the same day that the terrorists set off a bomb in a van parked at the World Trade Center in New York. He was survived by his widow, Constance, who continued on the council in her husband’s stead for a couple of years. His contribution to the Honolulu Community-Media Council and his State of Journalism in Hawaii were recognized in articles about his death only in passing as “critical jabs at local newspaper and television coverage.”

Fletcher Knebel Award

The council quickly acknowledged Knebel’s contribution to journalism in Hawaii, naming an award in his honor and presenting it just three weeks after his death. At its annual Freedom of Information luncheon, timed to coincide with the birthday of First Amendment author James Madison, the council gave its first ever Fletcher Knebel award to James Dooley, investigative reporter for the Honolulu Advertiser. George Chaplin lavished praise on his reporter. He said, “It is as a watchdog on public affairs that Jim Dooley stands out as a beacon shining into dark corners.” The recognition turned out to be a trailblazer as the Hawaii state Senate honored him with a resolution a week later, and Common Cause with an award in late May.

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612 Wright, "Novelist Fletcher Knebel, 81, Dies: Isle Resident Takes Life 'with More Than Ordinary Reluctance'."
614 "Advertiser Reporter Dooley Honored: Receives Fletcher Knebel Award for Media Contribution."
The Knebel award has continued to pay homage to his name and recognize journalists who have made outstanding contributions to the media. Recipients include: former *Honolulu Star-Bulletin* editor Adam A. "Bud" Smyser (1994), the Society of Professional Journalists, University of Hawaii Student Chapter (1997); editorial cartoonist Corky Trinidad (1999); former *Star-Bulletin* editor David Shapiro and University of Hawaii journalism professor Beverly Keever (2001). Long-time executive director Ah Jook Ku received the award in 2002, followed the next year by former *Honolulu Advertiser* reporter Cobey Black and *Star-Bulletin* writer Tim Ruel. Rob Perez, *Honolulu Star-Bulletin* investigative columnist, picked up the 2004 award.

Continuing Model

Although his death resulted in an annual award, the "projected annual report on the state of journalism in Hawaii" would not extend beyond Fletcher Knebel's lifetime. It would serve, nevertheless, as a continuing model. A review of 'Olelo by Helen Chapin concludes with a tribute to his example:

I would like to suggest that we follow the model provided by Knebel (Ah Jook [Ku] suggests this, too) that would involve finding a broadcast savvy media person—better yet one with a high profile—to assemble committees to look at 'Olelo and, perhaps, material on one or two successful mainland entities. The goal would be to produce a "state of public access television in Hawai'i report that would be presented publicly

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at a Media Council event co-sponsored by communications organizations.\textsuperscript{616}

Knebel thus made a lasting impact upon the Honolulu Community-Media Council through his model for actively serving as a watchdog of an otherwise unwatched media.

\textsuperscript{616} Helen Chapin, Memorandum to Richard Miller regarding ‘Olelo, 27 August 1995. Honolulu Community-Media Council Archives, Special Collections, Hamilton Library, University of Hawaii.
CHAPTER 12: POLITICIANS VERSUS THE MEDIA

“We live under the government of men and morning newspapers.”

—Wendell Phillips, *Speeches*

If Sir John Seeley’s observation rings true that “History is past politics,” and the media publish the “first draft of history” clearly an intimate relationship exists between them. At various times in its history, the Honolulu Community-Media has been at the center of a battle between politicians and the media. Politicians have brought complaints against a full spectrum of media. Television stations, newspaper chains, community newspapers and business publications have found themselves subject to council mediations. Outside of legal action the council provides one the few independent alternatives to resolve grievances concerning the media.

Not all politicians avail themselves of the services of the council. Instead of council mediation, for instance, Mayor Frank Fasi filed suit January 10, 1991, claiming that KHON-TV and then council immediate past chairman Ian Lind, editor of a political newsletter called *Hawai‘i Monitor* (August 1990-January 1993), had made statements were “libelous, slanderous and defamatory per se because the statements impute corrupt conduct, criminality, and moral turpitude to . . . Frank F. Fasi and otherwise expose him to hatred, contempt and ridicule and defamation of character.”617 Lind claimed that the

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suit was simply "an attempt to silence the Hawaii Monitor." Within a week of filing the suit Fasi decided to drop it citing "the excessive drain on his schedule pursuing the suit at this time would entail." Other politicians, on the other hand, have sought to restore their reputations through the council.

Kaneshiro and KGMB-TV (1991)

Honolulu prosecutor Keith Kaneshiro and Doug Woo, his public relations deputy, brought a grievance against a female reporter for KGMB-TV, claiming that she "engaged in unethical and unprofessional behavior in a criminal case." Billie Beamer, chairwoman of the Government-Media relations committee, looked into Kaneshiro's allegations. A newly adopted grievance procedure allowed the parties to appear in person. The hearing took place on February 19, 1991, and featured Kaneshiro and Terry Heaton, KGMB's news director. Beamer's report that concluded that the complaint was unwarranted was adopted. Doug Woo is yet another journalist who moved from broadcasting into government. An early story on Charles Toguchi came back to haunt Woo when Toguchi's friend, newly elected Gov. Ben Cayetano, denied Woo a job.

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618 Waite, "Fasi Sues KHON, Editor--Says Broadcast Libeled Him: Story Dealt with Campaign Contributions."

Out of office a restless Frank Fasi, who after his 1984 comeback vowed not to again seek the governor’s office, ruminated over the cause of his loss. He first focused on a legal remedy to his discontent, focusing his attention of the balloting itself and calling for a recount.623 His later focus on the media as a cause for his loss once again used the lawsuit as a remedy instead of the Honolulu Community-Media Council.

Fasi critics attributed his loss to the ethical concerns during his final year as mayor. The ethics charges started flying with a complaint by Jay Hartwell, a former Advertiser reporter turned communications officer for the Honolulu City Council, to the Honolulu city Ethics Commission regarding a Fasi speech recorded for Honolulu Municipal Television and aired on ‘Olelo, public access television on Oahu. The producer of the segment, Nick Houtman, took responsibility for the ethical lapse.624 But Hartwell wrote in his former paper that the responsibility for the ethical lapse rightly belonged with Fasi. Hartwell noted, “The mayor knew the employee was there; he knew the city’s Standards of Conduct; and he knew what he was saying when he promised them jobs if elected governor.”625 The city Ethics Commission asked Fasi to “follow through on the pledge to the Ethics Commission not to make reference to [his] state candidacy ambitions in future official City administration television programs.”626

More troubling for Fasi would be the actions of one of his cabinet members. The election year indictment and guilty plea of City wastewater management chief Ken Rappolt, certainly did not help his campaign. Fasi, remembering the impact of the Kukui Plaza indictment had on his 1978 bid for governor, vowed “It ain’t going to happen again. There’s no way I’m gonna sit back and take all this crap.”\textsuperscript{627} \textit{Star-Bulletin} columnist Richard Borreca laid out a laundry list of past investigations into Fasi campaign practices. His conclusion of the impact of the new charges centered around the decision that Fasi needed to make on whether to officially announce his candidacy. Borreca wrote, “Fasi must now decide whether he can defend himself while maintaining a campaign for governor, or whether he will need the authority and power of the office of mayor to save his reputation.”\textsuperscript{628}

Indeed, during the campaign Fasi was quick to finger the media as overplaying the story. The \textit{Honolulu Advertiser} was quick to respond, “But it does not follow, as Fasi contends, that news coverage of the incident is some sort of news media plot to deny him the governorship.”\textsuperscript{629}

Fasi was quick to use his daily radio on KGU show to charge U.S. attorney Elliot Enoki had political motivations behind scheduling a federal grand jury inquiry into campaign finances at the city.\textsuperscript{630} Fasi used paid time on KGU to take a political platform. Fasi’s previous use of free radio time on KIKI, on the other hand, came into question by

\textsuperscript{627} David Waite, "Rappolt Plea Won't End Probe: Mayor Vows Case Won't Hurt His Election Bid," \textit{Honolulu Advertiser} 7 July 1994.
\textsuperscript{629} "Rappolt Reporting: Does Fasi Really Expect Us to Ignore the Case?" \textit{Honolulu Advertiser} 4 July 1994.
the state Campaign Spending Commission, which ruled that Fasi’s program was
“political in nature and campaign oriented.”

Fasi once again turned to the courts to attack the object of his ire. This time Fasi
sued the Star-Bulletin over a July 1993 Star-Bulletin editorial titled “Blackmail
Incorporated.” Fasi had objected to the use of the words “extortion” and “blackmail” in
describing his zoning practices. In December 1995 Fasi’s libel suit against the Star-
Bulletin was dismissed. Fasi appealed the ruling, but in May 1997 the U.S. Court of
Appeals affirmed the state of Hawaii District Court ruling that called the use of the words
rhetorical. The court dismissed Fasi’s libel claim because “no reasonable mind, in the
context of the entire editorial, could have taken the article to accuse Fasi of the literal
crimes of extortion and blackmail.” Council member Jeffrey Portnoy had once again
successfully defended his client against Fasi. A subsequent appeal to the U.S. Supreme
Court was denied. The Honolulu Community-Media Council could have mediated Fasi’s
dispute with the Star-Bulletin but could not have equaled the $70 million price tag that
the mayor had attached to his honor. Other politicians with smaller targets, on the other
hand, have taken advantage of council mediations.

Alex Santiago and the North Shore News (1995)

While most of the mediations of the council involved the two largest dailies, the
council also handled complaints concerning smaller weeklies that in some cases

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dominated a politician’s district. Such was the case of Alex Santiago, who represented the North Shore from Waialua to Kahuku, and the North Shore News, which covered issues of importance to the residents of the same area. He claimed that the North Shore News had misrepresented his positions concerning the same-sex marriage issue, the Haleiwa bypass road and the development of the Lihi Lani housing project.

The North Shore News hit key issues of importance to Santiago’s constituency. By reporting Santiago’s views on same-sex marriage, the North Shore News could have endangered his support in the Kahuku area where a high number of members of the Church of Jesus Christ of Latter-Day Saints supported the state constitutional amendment that would have prevent same-sex unions. At the other end of his district, the North Shore News report of his testimony regarding the Haleiwa bypass road had a great impact on the businesses and residents of Haleiwa, another set of key constituencies. Yet another hot button issue in his district, the proposed Lihi Lani development on the hills overlooking Pupukea, provided yet another issue with a strong impact on his political office.

The Santiago mediation once again highlighted the powerlessness of the council to compel any action. In essence, Ron Valenciana, editor and publisher of the North Shore News, thumbed his nose at the council, refusing to cooperate during the investigation and not surprisingly refusing to show up at the hearing at which the negative report had its hearing. In the end the council ruled in favor Santiago regarding the same-sex marriage and Haleiwa issues, but could not rule in the third complaint. The

council at the time was chaired by Richard Miller, who was no stranger to media scrutiny. As dean of the University of Hawaii law school a decade earlier, Miller was “accused of bowing to political pressures in the admission of three students to the school. He denied any wrongdoing and was supported by university administrators.” Indeed, the desire to preserve the reputation of the law school had initially drawn Miller to the media council.

Ward and ‘Olelo

One of the earliest to sing the praises of the newly formed Honolulu Community-Media Council, Gene Ward would wait more than 25 years before submitting his first complaint. In his role as House Republican leader, Ward “complained the House Minority Caucus [had] been denied equal access to Olelo during the 1996 Legislative session.” Since the House majority caucus determined the content of the broadcasts on ‘Olelo, Richard S. Miller indicated: “it appears not to be a complaint against a news medium but one party against another.” The council could have offered to pick the televised segments as it had for the City Council at the request of then-Council Chairman Marilyn Bornhorst, but instead chose to remain outside the process.

Lingle and *Haleakala Times* (1999)

Edward Rampell, reporter for Maui’s *Haleakala Times*, complained that gubernatorial candidate and Maui mayor Linda Lingle refused to conduct an interview with the paper, after the reporter showed up at a Waianae, Oahu, campaign event.  

Rampell said, “The acts by Lingle and her campaign manager raise serious questions. As an elected official, candidate for higher office, and especially as an ex-journalist, should Lingle be more sensitive about First Amendment issues and press accessibility?”  

Rampell had an answer from council member Jeffrey Portnoy, who is quoted in a *Haleakala Times* editorial as saying, “It’s ridiculous and bad policy for candidates not to treat the media in an equal way, especially at a public event.” The Honolulu Community-Media Council set up a mediation session between the two parties, but the complaint was later dismissed when Rampell failed to appear for a subsequent mediation session. Candidate Lingle would lose to Governor Ben Cayetano, who after his reelection would bring a major mediation before the council.


Displeased by negative reporting about the economic conditions of state during his watch, Gov. Benjamin Cayetano attempted to use every means at his disposal to defend his administration.

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637 “Lingle’s Campaign Turns Weird.”  
638 “Lingle’s Campaign Turns Weird.”  
The resulting complaint against *Pacific Business News*, more specifically targeted its reporter Malia Zimmerman. Starting in 1997, Zimmerman had worked as an investigative reporter for *Pacific Business News*. Though she wrote a number of stories critical of the business climate in Hawaii, it was an October 22, 1999, story by Timothy Ruel (who later won a Fletcher Knebel award) that set off a firestorm of controversy. Zimmerman wrote a sidebar to the story titled “1998 law seeks to ease biz burden” and was credited second in the byline. The story, titled “Task force criticizes state attitude,” reported on a draft report of the Small Business Task Force. The story clearly points out the preliminary nature of the report in the paper’s possession, calling it a “nearly complete version.” Governor Cayetano asked his director of communication, Jackie Kido, to submit a complaint with the Honolulu Community-Media Council. Kido filed the complaint with the council on November 30, 1999. Helen Chapin, council chair, subsequently notified Kido of receipt of her complaint, including the necessity of a signed waiver and agreement. Roughly a month after the filing of the complaint, on January 5, 2000, Chapin informed *Pacific Business News* of the complaint. After recommending that the parties in the complaint meet, the council formed a three-member complaint committee consisting of Janice Wolf, attorney; Mark Santoki, editor, *Hawaii Herald*; and Sean McLaughlin, executive director of Akaku, Maui Community Television. (McLaughlin had joined the council in 1990 when he was an independent

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producer). Santoki would later resign from the committee citing an undisclosed conflict of interest.\footnote{Helen Chapin, Letter to Gina Mangieri, 5 January 2000.}

Two weeks later, noting the similarity between the draft report and the final report from the Small Business Task Force Pacific Business News publisher Larry Fuller requested the council dismiss the complaint. The council refused to drop the complaint. Instead, on February 7, 2000, the attorney on the complaint committee requested Fuller and Pacific Business News editor Gina Mangieri to make “amicable settlement,” or proceed to mediation.\footnote{Janice Wolf, Letter to Larry Fuller, 7 February 2000.} Subsequently, Fuller, Mangieri, and Kido met to discuss Zimmerman case.\footnote{Samuel M. Slom, “Governor’s Conspiracy: A Chilling Warning to Business and Media,” Small Business News July 2000.}

On February 18, 2000, Kido sent a letter to the council informing it that she was unable to make a settlement.\footnote{Helen Chapin, Letter to Larry Fuller and Jackie Kido, 21 March 2000.} In response to Kido, Chapin sent letter to Fuller and Kido attempting to set up a mediation under Ted Tsukiyama, attorney and member of the Honolulu Community-Media Council.\footnote{Helen Chapin, Letter to Larry Fuller and Jackie Kido, 21 March 2000.}

On April 24, 2000, representatives of Pacific Business News and the Governor’s office held a private, six-hour meeting that Zimmerman was asked not to attend. Looking for any possible conflict and based on a dedication in a book by council member Jovita Zimmerman, Kido charged at the meeting that Jovita Zimmerman and Malia Zimmerman were related. Kido later sent an apology when she found out that Jovita Zimmerman

\begin{footnotes}
\item[642] Helen Chapin, Letter to Gina Mangieri, 5 January 2000.
\item[643] Janice Wolf, Letter to Larry Fuller, 7 February 2000.
\item[645] Helen Chapin, Letter to Larry Fuller and Jackie Kido, 21 March 2000.
\item[646] Helen Chapin, Letter to Larry Fuller and Jackie Kido, 21 March 2000.
\end{footnotes}
dedicated a book, not to the Pacific Business News reporter, but to her six-year-old granddaughter, also named Malia.\(^{647}\)

After the meeting, Mangieri wrote to Tsukiyama, noting that “Ms. Kido was, in fact, concerned more with our reporter Malia Zimmerman than about the stories the complaint involves (team-written pieces led by another reporter).”\(^{648}\) Meanwhile Pacific Business News started conducting its own investigation in mid-May, searching Zimmerman’s computer files, accusing her of bias and “collaborating with other journalists on voting fraud stories.”\(^{649}\)

Chapin sent a letter to Fuller and Mangieri announcing that Ted Tsukiyama had determined that “for all practical purposes effort to resolve the complaint of Jackie Kido, Director of Communications, Office of the Governor, against Pacific Business News through mediation have failed.”\(^{650}\)

By late May 2000 charges swirled around Zimmerman and her principal supporter, state Sen. Sam Slom, founder of Small Business Hawaii. First, Cayetano accused Slom of ghostwriting John Fund’s editorial “Hawaii’s Gray Politics” that had appeared a couple days earlier in the Wall Street Journal.\(^{651}\) Then following day, on May 25, Pacific Business News accused Zimmerman of writing the Fund editorial. The paper offered to let her resign, but Zimmerman refused and was subsequently fired.\(^{652}\) Despite the confidentiality of a personnel action, the news quickly got to the governor’s office.

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\(^{647}\) Slom, “Governor’s Conspiracy: A Chilling Warning to Business and Media.”


\(^{649}\) Slom, “Governor’s Conspiracy: A Chilling Warning to Business and Media.”

\(^{650}\) Helen Chapin, Letter to Larry Fuller and Gina Mangieri, 22 May 2000.

\(^{651}\) Slom, “Governor’s Conspiracy: A Chilling Warning to Business and Media.”
Kido wrote to Honolulu Community-Media Council on June 5, 2000: “It has come to my attention that Ms. Zimmerman has been terminated by PBN. Therefore, we are hereby withdrawing our complaint. It is understood that should Ms. Zimmerman regain employment with PBN within the next 12-month period, the case may be reopened at our discretion.”\footnote{Jackie Kido, Letter to Helen Chapin, 5 June 2000.} Besides sending a letter withdrawing the complaint to the Honolulu Community-Media Council, Kido also distributed the letter to the media, the same media from which Zimmerman was seeking employment. Three days later, Rees (a member of the Honolulu Community-Media Council) published an article, titled "A Dirty Business," critical of Zimmerman, Slom and Fund. The following week, the author went beyond merely reporting the news and contacted the \textit{Wall Street Journal} demanding the firing of Fund.\footnote{Slom, "Governor's Conspiracy: A Chilling Warning to Business and Media.”} Ironically, despite the attacks by Cayetano and Rees on her professionalism, Zimmerman received, on June 17, 2000, the Excellence in Journalism award from the Society of Professional Journalists for her \textit{Pacific Business News} story “Businesses Allege Retribution.”\footnote{Slom, "Governor's Conspiracy: A Chilling Warning to Business and Media.”}

By the end of June, Chapin informed Fuller and Mangieri in a letter that the council had “dismissed the complaint” in accordance with the council’s procedures.\footnote{Helen Chapin, Letter to Larry Fuller and Gina Mangieri, 30 June 2000.}

The firing of Malia Zimmerman raised the question of whether \textit{Pacific Business News} had bowed to pressure from the governor. A \textit{Honolulu Star-Bulletin} editorial suggested just such a scenario, noting: “The PBN case is particularly disturbing evidence
that Cayetano does not tolerate criticism and is willing to retaliate against critics with little regard for the First Amendment.” In response, Gina Mangieri wrote in her “Editor’s Notebook” in *Pacific Business News*: “We make decisions based on ethics, not influence, regardless of the possible misinterpretations.”

The new president of the Honolulu Community-Media Council, Warren Iwasa, defended council’s handling of the Zimmerman case, writing, “To my knowledge [...] the council neither took any action nor expressed any opinion that it did not support Zimmerman.” Despite dismissing the complaint, the council found itself defending its actions. “The Honolulu Community Media Council says there are more “feisty media outlets” than just PBN and KHVH radio, and defends its handling of a complaint by the governor against PBN.”

Sadly, the only response from other voluntary associations with a keen interest in the issues at the center of the Cayetano complaint took the form of satire. At the Society of Professional Journalists’ Gridiron 2000 Election Deluxe, KITV’s Keoki Kerr played the state senator lamenting the firing of Malia Zimmerman from *Pacific Business News* by singing “Malia” to the tune of “Maria” from “West Side Story.”

Though the council ultimately dismissed Cayetano’s complaint, critics of the outcome still point to the complaint as an example of abuse of government power in silencing a government critic. Rees made this point in his article "A Dirty Business,”

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noting that Cayetano "had no business going to the council. He has plenty of access to other media to present his views, and lodging a complaint is at best heavy-handed."\textsuperscript{658}

The mediation, too, by virtue of the membership of the council, had numerous potential conflicts of interest. To avoid seeming self-serving, most media councils keep media membership below a majority. Nevertheless, the council draws its membership from business and community and government leaders. This form of membership presents a problem when the cases come before the council that involve business, community and government leaders.

At least one member questioned whether the council should even be in the business of handling grievances. Four months before assuming the presidency of the council, Jeffrey Portnoy wrote to Iwasa: "In my view the grievance procedures are seriously flawed, [...] I also think the formal grievance procedures may have outlived their usefulness with all the other alternative dispute resolution facilities now available to the public."\textsuperscript{659}

Ultimately, whether or not the complaint caused the firing of Zimmerman is moot. The mere perception that a firing is the result of a governor's displeasure is enough to give pause. The Honolulu Community-Media Council, started to help resolve Fasi's ban of a reporter, found itself powerless to resolve another attack on a reporter.

\textsuperscript{659} Jeffrey Portnoy, Letter to Warren Iwasa, August 14, 2000, 4. Honolulu Community-Media Council Archives, Special Collections, Hamilton Library, University of Hawaii.
Koolau News (2001)

The online publication of an article in *Koolau News* during an election year caused several of the Kailua Neighborhood Board to express concern. Faith Evans, chair of the Kailua Neighborhood Board, suggested the board “file a complaint with the Honolulu Media Council but was informed that the Board can only file a complaint with a government agency.”

Board member Jim Corcoran questioned whether the article “had to do possibly that some board members did not get reelected.”

Lingle’s Iraq Trip (2004)

Increasingly, when facts are not in dispute, accountability is played out in the media itself. When President George W. Bush tapped Republican governor Linda Lingle for a secret trip to Iraq, security concerns trumped any release of information to the media. Unfortunately, the attempt to conceal information on the part of the Lingle administration turned into an attempt to mislead the media. Even though Lingle had left for Washington, D.C., on Friday evening, February 6, on Monday, February 9, Russell Pang, told the Associated Press the governor was “around here, working on several things.”

A news release from the governor’s office made it clear on Tuesday, February 10, just where the governor was.

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661 Frank, *Minutes of Regular Meeting*.


663 Governor Lingle on Unprecedented Mission to Iraq, 10 February 2004, News release, Office of the Governor, State of Hawaii, Available:
In the aftermath, the media sought comment on the ethics of the deception. Council member Helen Varner responded: “There are legitimate reasons why a spokesperson cannot release information, but I can't think of a reason why an untruth would be necessary. Communications is built on trust, and it can be destroyed with one mistake and you lose all your credibility.” A Star-Bulletin editorial echoed the sentiment concerning the fine line between secrecy and deceit: “Secrecy surrounding public affairs is something that the media abhor, but have been known to tolerate in unusual circumstances. Dishonesty aimed at ensuring secrecy, however, is never acceptable.” Besides the comment by one of its members, the Honolulu Community-Media Council failed to voice its opinion regarding a highly visible dispute between a politician and the media, instead letting it play out its course in the media.

664 Borreca, "Lingle's Spokesman Defends Lying About Trip."
CHAPTER 13: PRESERVING DIVERSE EDITORIAL VOICES

“Letting a hundred flowers blossom
and a hundred schools of thought contend is the policy.”

—Mao Tse-tung

The dream that the Honolulu Star-Bulletin would be safely protected by the joint operating agreement for more than a decade into the next millennium came to an abrupt end when owner Liberty Newspapers of Arkansas announced in September it would close the paper on October 31, 1999. Gannett, owner of the Honolulu Advertiser, had made a deal with Liberty Newspapers to cease the operations of its rival Honolulu Star-Bulletin. News of the deal split the loyalties of the Honolulu Community-Media Council. Members with Honolulu Advertiser connections included, James Gatti, editor in chief; Gerry Keir, former editor in chief; John Griffin, former editorial page editor; former reporters Cobey Black, Gerald Kato and Peter Rosegg; and Jeffrey Portnoy, attorney for the paper. The Star-Bulletin camp comprised Ah Jook Ku, former reporter; A.A. “Bud” Smyser, former editor, and current contributing editor; John Flanagan, former editor and publisher; Charles Frankel, former news editor; and Arlene Lum Li, former publisher. Media representation on the council gave it expertise on an issue central to its mission yet rendered it incapable as an organization to take the lead in the issue. The 1972 concerns of council reviewers Serrell Hillman and Paul Grimes about media ties rang all the more true with more than twice as many individuals with media ties compared to when the reviewers first expressed their opinion.
Fortunately, Helen Chapin served as chairwoman of Honolulu Community-Media Council at the crucial juncture in 1999. A former reporter for the Hilo Tribune-Herald and Honolulu Advertiser, Chapin had an insider’s understanding of journalism combined with an academic’s objectiveness. Chapin, who once served as president of the Hawaiian Historical Society, shared her knowledge of the local newspapers in her 1996 book *Shaping History: The Role of Newspapers in Hawaii*. She in turn, as chairwoman of the council, would help it shape the discussion of newspapers. The council may have had divided loyalties and potential conflicts of interest, but less than a week after the closure announcement it sought to gauge the impact of the loss of the only statewide afternoon newspaper. Council member David Pellegrin sent an urgent email to Chapin and Charles Freedman to change the topic of the council meeting program coming in just five days. Pellegrin wrote: “Make a last minute change to Tuesday’s Media Council program and get SOMEONE from the Star-Bulletin and/or The Advertiser—especially The Advertiser—to talk about the Star-Bulletin’s closure. This is too important to put off.”

As a result Floyd D. Takeuchi’s talk “Taking Care of Business: What We’re Missing in Our Coverage of Business” was postponed. The council quickly pulled together a forum that featured Michael Fisch, Honolulu Advertiser publisher; John Flanagan, Honolulu Star-Bulletin publisher; Jim Gatti, Honolulu Advertiser editor; and Dennis Francis, Hawaii Newspaper Agency general manager. Fisch was quick to dismiss the premise that the closure was planned from the beginning. “I don’t buy into the conspiracy theory,” he

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666 David Pellegrin, Email to Helen Chapin and Charles Freedman, 16 September 1999. Honolulu Community-Media Council Archives, Special Collections, Hamilton Library, University of Hawaii.
said. While the council did not take an early stand on an issue that tied together the public, media and government, it supplied a forum for discussion and some of the foot soldiers of the movement to prevent the sale.

The sale and closure of the *Honolulu Star-Bulletin* may have surprised many because of the joint operating agreement, but the action was part of the long trend of newspaper consolidation. The closure of newspapers had been a constant feature of the industry since the peak of newspaper circulation in the 1950s. Indeed, the fear of closing had forced the *Honolulu Advertiser* into the joint operating agreement in the first place. In 1974, Mike Middlesworth, managing editor of the *Honolulu Advertiser*, had lamented the folding of the newspaper *Chicago Today*. His commentary on the demise of the paper with its 425,000 readers was ironically poignant in hindsight. “They liked it, and now their choice is gone. It would be terrible to not be able to make a choice.” More recently, in a 1996 council meeting, Roy C. Kruse, former newspaper guild head, had been singing the praises of the joint operating agreement. “There is no doubt,” he said then, “that the General Public is far better off with two daily newspapers instead of only one. There continues to be two editorial voices in Honolulu and that is healthy.” Suddenly the actions of one of the partners in the joint operating agreement had changed everything.

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Perhaps the most poignant tribute to the *Star-Bulletin* came from a former rival of the newspaper. Former *Honolulu Advertiser* editor and council member Gerry Keir wrote:

> When a city loses a newspaper, it’s like a death in the family, except many of the citizens may not immediately realize how serious it is.

> During all my years competing against you from my desk at the Honolulu Advertiser, the Star-Bulletin ran a professional newsroom that produced good journalism.

> Now there will be news stories that go uncovered, opinions that go unpublished. Public dialogue will be the poorer for it.

> Whether this is the inevitable product of changing lifestyles, a sluggish economy or the corporatization of American journalism, it’s a damn shame. Thanks for trying to keep two voices alive in Honolulu.

> We’ll miss you.\(^{671}\)

Council founder A.A. “Bud” Smyser, too, seemed resigned to the loss of the paper he formerly headed. Smyser said, “The Star-Bulletin was born in the 20th century. It will die in the 20th century. And in between it lived a good life.”\(^{672}\) Not all the newspaper’s rivals lamented its seeming demise. Longtime sparring partner Frank Fasi relished the end of the joint operating agreement he had fought against for more than three decades.\(^{673}\)

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The generation of journalists present at the beginning of the Honolulu Community-Media Council gave some of the earliest expressions of support for the Honolulu Star-Bulletin. Retired Star-Bulletin reporter Phil Mayer, who wrote some of the first stories about the Honolulu Community-Media Council, wrote a scathing letter to the editor titled “I Accuse” in which he charged the Honolulu Advertiser with “paying the Star-Bulletin’s owner to kill his own paper.” His letter inspired supporters of the beleaguered newspaper, prompting James V. Hall, who initiated one of the council’s early mediations, to join Mayer in lambasting Gannett. Hall said he hoped the tsunami of growing support for the paper would “wash those uncaring, master manipulators intent on creating a newspaper monopoly in Hawaii, right back to the East Coast.”

If the photograph of the newspaper boy holding a paper with the banner headline “STATEHOOD” captured the essence of Hawaii’s admission day, the picture of council member Ah Jook Ku by the roadside with a sign reading “STILL OPEN” exemplified the spirit of the newspaper preservation effort.

Save Our Star-Bulletin

By October 6, 1999 the supporters of diverse editorial voices, signaled their distress by forming Save Our Star-Bulletin, and took their first steps to prevent the demise of the paper. The prominent citizens forming the group included council members Jean King and Ah Jook Ku. Together they filed suit in U.S. District Court to prevent the...
closure. Also joining the suit against Gannett, the Honolulu Advertiser, Hawaii Newspaper Agency, Liberty Newspapers, and Rupert Phillips, was former city councilman Kekoa Kaapu who had initiated one of the mediations conducted by the Honolulu Community-Media Council. Tom Gill, former lieutenant governor; Ah Quon McElrath, a University of Hawaii regent; Richard Port, former head of Hawaii’s Democratic Party; and Alice Clay, a Honolulu Realtor rounded out the plaintiffs. Unlike the Honolulu Community-Media Council, Save Our Star-Bulletin was composed primarily of individuals with no media ties. Founding member of the council, Cecil Heftel, joined many when he wrote: “A pure profit motive should not be cavalierly allowed to close the Star-Bulletin in a short number of days from now.” At the same time as Save Our Star-Bulletin legal action, the state’s attorney general filed suit to block the Star-Bulletin closure in U.S. District Court. Attorney General Earl Anzai said before the filing, “We're always against what we consider to be antitrust activities or reducing or eliminating competition, and obviously in this particular situation I don't think anyone will says it's better to have one newspaper than two, as long as they are editorially independent.” When Judge Alan Kay issued on his preliminary injunction on October 20, 1999, less than two weeks existed before the termination date agreed to by Gannett and Liberty Newspapers. The injunction, subsequently upheld by the 9th Circuit Court of

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676 Mary Adamski, "Citizens Will Sue to Save Star-Bulletin: In Addition, the State Will Seek a Restraining Order to Keep the Star-Bulletin Open," Honolulu Star-Bulletin 6 October 1999.
Appeals, set the stage for the sale of the *Star-Bulletin*, albeit a sale that most experts called a difficult one. The reason for the pessimism of media analysts was the *Star-Bulletin* was a “virtual” newspaper since the 1993 sale had transferred the *Star-Bulletin’s* share of the Hawaii Newspaper Agency to the *Honolulu Advertiser*, leaving it with no underlying infrastructure.

The same day that the judges refused to hear Gannett’s request, the Honolulu Community-Media Council hosted another forum about the impact of a potential newspaper monopoly. Three of the five authors of the “Broken Trust” article, retired state judge Walter Heen, district court judge Samuel King and law professor Randall Roth, looked at a scenario without the *Star-Bulletin*. Council member Jeffrey Portnoy complained that the council was contributing to the negative attitude of the public toward the *Honolulu Advertiser*. He said his client had “done more for opening up government, for spending money to attack institutional bureaucracy and secrecy.”

Responding to the groundswell of community support and overcoming its divided membership, the Honolulu Community-Media Council took a stand beyond simply providing a forum for discussion of the issue. Council chairwoman Helen Chapin in a letter to the *Honolulu Star-Bulletin* wrote: “The Honolulu Community-Media Council supports the efforts of S.O.S. (Save Our Star-Bulletin) and the state’s lawsuit to stop the closure. We applaud the issuance of a preliminary injunction by U.S. District Judge Alan

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679 Shapiro, "'Broken Trust' Authors Worry About a One-Newspaper Town."
Kay.\textsuperscript{680} Chuck Frankel wryly noted that had the Honolulu Advertiser simply allowed the joint operating agreement to finish its natural course in December 2012, the asset-less Star-Bulletin would have eventually folded and given Gannett its desired monopoly.\textsuperscript{681} The joint operating agreement had granted the newspaper an anti-trust exemption for the purpose of preserving two newspapers. (Perhaps Gannett learned a lesson from its Star-Bulletin experience. It has announced that it will not renew its joint operating agreement with the Scripps-owned Cincinnati Post).\textsuperscript{682}

In the end the instrument that Gannett tried to use to finish off the Star-Bulletin became a two-edged sword. The joint operating agreement gave opponents the legal basis for opposing what otherwise would have simply been a sale and closing. The court case, with its planned September 2000 date, made the original closure deadline moot. Though the October 30 deadline proved false, it nevertheless gave Star-Bulletin columnists a chance to reflect what might have been if not for Judge Kay's order. Sports writer Cindy Luis summed up the turnaround when she wrote in what would have been her last column: "So instead of good-bye, I'd like to say mahalo [Hawaiian for thank you]."\textsuperscript{683} A.A. "Bud" Smyser changed his column from one that talked of a "funereal mood" to one where the "city room is vibrant again. The lion's tail has been twisted. There is joy in that."\textsuperscript{684} When Gannett and Liberty Newspapers closure agreement passed a December

\textsuperscript{681} Interview with Chuck Frankel, 7 October 2004.
23, 1999, deadline for any extension, *Star-Bulletin* supporters thought that Gannett and Liberty Newspapers had retreated. In the new year, however, the two owners challenged the October 6 suit, claiming that the suit was now moot since the agreement had lapsed. Although tweaking Gannett brought momentary pleasure, the *Star-Bulletin* was only entering another phase. The *Advertiser* still did not acknowledge the widespread support of the *Star-Bulletin*. Michael Fisch, publisher of the *Honolulu Advertiser*, said, "The criticism has been from a small group of very vocal people, and I respect their right to express their opinion. But what we’re trying to do is take the high road. The important thing is to keep in mind that this is mostly politics at its best in Hawaii." 685

For Sale

Faced with a continuing suit, on April 21, 2000, Liberty Newspapers finally relented and agreed to the sale of the *Honolulu Star-Bulletin*. It limited the transaction, however, to a 65-day period. Henry Peters, former Bishop Estate trustee, lamented that the estate did not buy the paper when Gannett sold it six years earlier. Peters said "I think we would have bought the Star-Bulletin, our local newspaper, and at least we would have a chance to have our side of the story told, because that is certainly not the case today." 686

On May 5, 2000, two weeks after the sales period countdown started, the parties in the suit agreed on a newspaper broker, and the effort to find a buyer began in earnest. Among the interested, auto dealer Mike McKenna, a former newspaper owner, told of his... 

failed attempt to buy the paper in 1992. The Star-Bulletin employees, as they did eight years earlier, looked into forming an employee stock ownership plan to secure an interest in the purchase. Another interested party, former congressman and broadcast owner Cecil Heftel, expressed concern that the purchase period was too short. A Kauai publishing group, headed by journalists trained at the University of Hawaii, hoped the court would see the group as a “qualified bidder.”

Recognizing that the end of the joint operating agreement would mean the creation of an actual rather than de facto newspaper monopoly, Frank Fasi revised his earlier position to one more supportive of the Honolulu Star-Bulletin. Candidate Fasi said, “I will use the full power and authority of my office to support the public financing of any competing group, including any and all Star-Bulletin and other news media professionals, to ensure an end to the news monopoly in Hawaii.”

An extension of the purchase deadline to September 1, brought in yet another bidder, Canadian newspaper chain owner David Black, who called the purchase “an interesting but sobering opportunity.” At the same time McKenna dropped his attempt and Heftel and the Kauai group explored a joint bid. Hadland Communications, owners of a chain of Los Angeles weekly newspapers, rounded out the bidders.
Sold

After being declared the only qualified bidder, on November 9, 2000, Black Press secured an agreement in principle with Liberty Newspapers to buy the Honolulu Star-Bulletin. Under the deal ownership of the paper would transfer on March 15, 2001. The virtual nature of the Honolulu Star-Bulletin became readily apparent as the key element of the newspaper—newsprint—became a roadblock to a final agreement. The contract with the Hawaii Newspaper Guild also presented a potential hazard. During the transition period Black found out what competing head to head with the nation’s largest newspaper chain was all about. To free the Star-Bulletin from having to use the Honolulu Advertiser presses, Black initially contracted for services with and later bought Midweek, which had published the weekly Sun Press newspaper.

In the shadow of the Save Our Star-Bulletin effort, the Honolulu Community-Media Council quietly celebrated three decades at a meeting held on Veterans Day, 2000. The meeting drew founder Jim Richstad and charter members Ken Kobayashi and Kenneth Minato. President Warren Iwasa offered a toast at the Pacific Club gathering: “What we do today, and perhaps more important, what we do not do, will determine whether or not the Council will continue for another 30 years. So I propose a toast to active membership; for a membership that does not slack off, and that will join me in laying the groundwork for the next 30 years. Kampai! [Cheers in Japanese]”

Closely related to the future was Iwasa’s announcement that the council had secured the rights to

the Internet domain name mediacouncil.org. Cobey Black asked "whether the name of the organization should be changed from the Honolulu Community-Media Council to Honolulu Media Council." Jean King responded to Black's question a couple weeks later in a memorandum to Iwasa. "The hyphenated “Community-Media” preceding the word Council is descriptive of our membership and of our purpose," she wrote in opposing the notion. (The hyphen had actually left the organization's name at its incorporation five years earlier, despite King calling the omission to the council's attention in her review of the documents). Retired journalist Charles Frankel wrote in an e-mail to Iwasa, "I have no objection to eliminating “community” from the name of the council, but there is a real need to put community back into our membership. It is overloaded with working journalists, public relations people and university professors. [ ... ] Early council membership was more representative than it is today. [ ... ] Another old problem: The council needs more non-haoles [non-Caucasians]." David Eyre, former publisher of Honolulu magazine, too, used the name change as a springboard to discussion about the future in an undated memorandum to Warren Iwasa: "Shorten the name. Isn't it redundant to have the word COMMUNITY follow the word HONOLULU?"
Isn’t Honolulu Media Council an easier moniker?” Eyre also used the memorandum to raise several other issues, including the council’s role in the preservation effort.

Should the council be taking legal action if and when it deems such action is in the public interest? A small group of citizens (four of them council members) joined union officials to form S.O.S., which sided with the state in filing anti-trust actions against Gannett and Liberty. S.O.S. has also done public speaking, pushed petitions, waved “picket signs” at the News Building—all in the conviction that a public voice should be heard while the publishing tycoons attempt to kill the competition. Would what S.O.S. has been doing have been a proper role for the Media Council? 701

The council exhibited its primary role when the following month’s meeting once again provided a public forum for Black to air his grievances against Gannett. He said at a December 12 council meeting: “The competition has moved beyond petty to viciousness. Their game is to make life as miserable as possible and do everything they can to prevent the Star-Bulletin from competing.” Among Black’s complaints were attempts by Gannett and Liberty Newspapers to prevent sales of newsprint to the Star-Bulletin, recruit key staff members from Midweek and prevent an increase of the size of Star-Bulletin staff. 702

701 David Eyre, Memorandum to Warren Iwasa, n.d. Honolulu Community-Media Council Archives, Special Collections, Hamilton Library, University of Hawaii.
After resolving all the outstanding issues, Black assumed the reins of the *Star-Bulletin*, ominously on Ides of March. In preparation for publishing a Thursday, March 15 issue, staff members took an emotional march Wednesday afternoon down South Street from the paper’s old home in the News Building on Kapiolani Blvd. to the *Star-Bulletin*’s new 7 Waterfront Plaza home. Among the marchers was A.A. “Bud” Smyser, longtime editor and founder of the Honolulu Community-Media Council. True to journalistic news values the top headline of the first *Honolulu Star-Bulletin* edition published under Black was not about the new ownership but about the state teachers’ strike. Just above the fold a smaller headline, however, made note of what everyone in the community knew: “Bulletin faces more challenges in future.”

The switchover would be followed a day later by events marking the 30th anniversary of the Honolulu Community-Media Council. Although the council turned 30 years old four months earlier, on November 16, 2000, the celebration was timed to coincide with its annual Freedom of Information Day. For the anniversary the council brought in nationally renowned media scholar James Fallows to discuss his book, *Breaking the News: How the Media Undermine American Democracy*. The following evening, on Saturday, March 17, council members reminisced about the council’s three decades at the luxurious Halekulani. There the council presented its Fletcher Knebel award to David Shapiro, former managing editor of the *Honolulu Star-Bulletin* and the Beverly Keever, University of Hawaii journalism professor.

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Absent from the celebration was council founder A.A. “Bud” Smyser. He had fallen that morning at his home. Suffering from a brain hemorrhage sustained in the accident, Smyser died on Monday, March 19, 2001. Smyser’s last column in the *Honolulu Star-Bulletin*, written in advance and titled “A Better Way to Die,” appeared the same day as his death. Two years later, George Chaplin died, like Smyser from a fall, on February 17, 2003 in Arlington, Virginia. Thus the Honolulu Community-Media Council lost two of its philosophical touchstones and the twin pillars of much of its early history.

**Emmis Duopoly (2003)**

The same groundswell of public outrage against attempts to consolidate newspapers did not occur when a combination of two of the four top television stations fell under the same ownership. No station would close its doors. No employees would lose their jobs. The effort, therefore, to reverse the purchase of the two stations, unlike the *Star-Bulletin* effort, took place after the fact. The battleground, too, would present a much more formidable challenge, as the decision to discontinue the waiver for Emmis would take place at the Federal Communication Commission’s office in the Washington, D.C., not in a local courtroom. An almost invisible letter-writing campaign by the council replaced the more visible sign-waving efforts of Save Our Star-Bulletin. Where the *Star-Bulletin* effort had been distinctly local, the anti-duopoly effort was almost exclusively national. After the council approved and sent the letter, all it could do was wait. The council’s letter opposing the Emmis duopoly made the case “as ownership of local TV channels is concentrated in few hands, the opportunity for opposing views to be
expressed has been reduced." 704 The FCC responded that it would "act on [letters from the council and Society of Professional Journalist] as appropriate." 705 For council chairwoman Moya Davenport Gray, who had headed an office charged with making Hawaii state government agencies responsive, the lack of response was "disappointing." 706

Radio Oligopoly

Not surprisingly, the reduction of diverse editorial voices is not limited to newspapers and television. Clear Channel, owner of seven radio stations in Hawaii, is part of the largest chain of radio properties in the world. Named for a type of radio station (clear channel) that broadcasts the most powerful signal, Clear Channel has come to dominate its markets. Ironically Hawaii lost its clear channel station when a media corporation had bought 50,000 watt KAIM-AM, took it off the radio spectrum, and transferred the rights to broadcast at that frequency to a Los Angeles station.

In Hawaii Clear Channel owns KSSK-FM (1st in the market), KSSK-AM (5th), KDNN-FM (8th), KUCD-FM (9th), KIKI-FM (13th), KHVH-AM (15th), and KHBZ-AM (20th). The KSSK Newscenter produces a Sunday morning public affairs called “Community Matters” for all Clear Channel stations in Hawaii. 707

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705 Sokei, "Stations Mix Some Resources as FCC Weighs Television Duopoly."
706 Sokei, "Stations Mix Some Resources as FCC Weighs Television Duopoly."

Sales that do occur simply shift stations from chain to chain. On Friday, August 13, 2004, Visionary Media sold KHUI-FM and K-POI-FM to Salem Broadcasting for $3.7 million. To make the sale more complex Visionary stripped off the KPOI call letters, but sold the 97.5 spot on the dial. Salem quickly gave the unnamed frequency the call letters KHNR-FM.\footnote{Wayne Harada, "O'ahu's Radio Landscape Changes: Conservative Talk Replaces KPOI Rock; More Hawaiian FM," Honolulu Advertiser 16 August 2004.}

Telecommunications

Besides the standard media, the Honolulu Community-Media Council has also looked at the telecommunication industry. Once again Ah Jook Ku, a stalwart from the council’s founding, took a leading role in familiarizing the council with the impact of the Telecommunications Act of 1996.\footnote{A. A. Smyser, "Prepare for Rules of the Future or Perish," Honolulu Star-Bulletin 28 January 1997.} The act, “first major overhaul of telecommunications law in almost 62 years” was designed to “let anyone enter any communications business -- to let any communications business compete in any market against any other.”\footnote{Telecommunications Act of 1996, 2001, Federal Communications Commission, Available: http://www.fcc.gov/telecom.html, 8 January 2005.}
At the same time that the council has served as a watchdog of media conglomerates to assure diverse sources for getting information out to the public, it has also served as a watchdog for the media to assure the media can get necessary information in the first place.
CHAPTER 14: COMBATING A "CULTURE OF SECRECY"

"For secrets are edged tools,

And must be kept from children and from fools."

—John Dryden, Sir Martin Mar-all, II, ii.

No doubt having Moya Davenport Gray, a former head of the Office of Information Practices, at the helm of the Honolulu Community-Media Council helped solidify the emphasis on the part of its mission to “improve public access to information.” In the office the council found a close ally in its efforts to combat a “culture of secrecy.” The office that Gray headed has had a long history of interaction with council members. In 1987 the Honolulu Community-Media Council joined the push for legislation providing access to public records.

The Constitutional Convention of 1978 included a provision for the right to privacy in the Hawaii Constitution that was approved by the voters on November 7, 1978. It read: “The right of the people to privacy is recognized and shall not be infringed without showing of a compelling state interest. The legislature shall take affirmative steps to implement this right.”

Privacy quickly served as an excuse for the state to curtail access to public records. The Honolulu Community-Media Council served as a forum for discussion of privacy issues in the community. At the council December 18, 1984 meeting, Ian Lind,

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head of Common Cause Hawaii, called for implementation of model legislation to provide greater access to government documents. Fellow panelist and council member H. Baird Kidwell, a former state Supreme Court justice, backed Lind’s stance “as a matter of philosophy." Lind also called the council to join his organization pushing for legislation to change the privacy law to withhold access only in the case of “unwarranted invasion.”

Faced with increasing use by state agencies of the privacy statues to thwart requestors of government information, and the inability of the legislature to balance the interests of individual privacy and access to public records, Gov. John Waihee, appointed an ad hoc Committee on Public Records and Privacy. The committee comprised nine men: Robert A. Alm, chairman of the committee and director of the Department of Commerce and Consumer Affairs; Andrew Chang, manager of governmental relations at Hawaiian Electric; Dave Dezanni, attorney withGoodsill, Anderson, Quinn and Stiefel; Ian Lind, former Common Cause executive director and Honolulu Community-Media Council member; Jim McCoy, assignment editor at KHON-TV; Stirling Morita, Honolulu Star-Bulletin reporter; Justice Frank Padgett of the Hawaii state Supreme Court; and Warren Price III, attorney general of the state of Hawaii. The committee was charged with reviewing the often conflicting laws related to privacy and public records, soliciting public comment, and looking at alternatives to the current law. Although the

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714 Oshiro, "Common Cause Calls for Changes in Privacy Law."
committee made no recommendations for changes in the law, it provided the research for the legislature to develop the needed bills.

For the Honolulu Community-Media Council the open records legislation proceeded logically from its efforts to secure open meetings. Council Executive Director Ah Jook Ku, in testimony to the Governor's Committee on Public Records and Privacy, spent the bulk of the letter “to review how Hawaii’s present “Sunshine Law” was enacted and the Sunshine Law Coalition’s role in its passage.”\textsuperscript{715} Although the bulk of the council’s letter to Alm focused on the open meetings law, it also gave examples of records that state agencies had kept secret, including the Honolulu police commission and “names of police officers who were the subject of commission investigation”; the state Department of Health and reports of pollutants in Mililani water; and “the salaries and periods of appointment of University [of Hawaii] personnel.”

Other council members would also testify, including future council chairman, Desmond Byrne and Beverly Keever. Byrne noted in his letter to Alm that open records required a new mindset. “The existing law,” he wrote, “and in fact any law would work much better if there was an attitude of openness in government.”\textsuperscript{716} Keever, too, saw problems in the implementation of existing laws by heads of state agencies. \textsuperscript{717}

Alm determined “there were only three suggestions for the framework of a public records and privacy law: (1) Leave the law alone; (2) Go with the Uniform Laws; and (3) Go with the Federal Act (FOIA).”

Instead of making piecemeal changes to the more than two thousand references to records in statutes, the legislature decided to enact the Uniform Information Practices Act. Interestingly, the legislature of the only other state with a press council, Minnesota, had been considering a Uniform Information Practices Act.

New and Improved Sunshine Law

On June 9, 1988, Gov. John Waihee approved an “improved sunshine law.” He claimed that it “appears to be able to satisfy the extremely legitimate issues involved in open government: the right of the public to know what government does and have access to public documents, and the right of individuals to be protected from unwarranted intrusion into one’s personal life.” The legislation also introduced a new Office of Information Practices to serve as a place where “one can go to get the information, that applies those standards the same way all the time.”

From its earliest days the office dealt with the interaction between media and government. Indeed, the second opinion letter generated by the office came as a result of a request by a Honolulu Star-Bulletin reporter to press secretary Carolyn Tanaka to see the recommendations of an executive search firm for a special master to look at problems

in the state’s corrections system. The office recommended a redacted report that deleted material related to unsuccessful candidates.\textsuperscript{720} Of the seventeen opinion letters written the first year of the office, four came as a result of requests by the media. Though most often made by Honolulu newspapers and television stations, a direct request by a neighbor island newspaper, the \textit{Hawaii Tribune Herald}, resulted in the release of a listing of prisoners in the Big Island’s Kulani facility. The department of corrections had originally refused to provide the material.\textsuperscript{721} National media, too, have an interest in Hawaii government documents. A query in 1991 by the \textit{Chronicle for Higher Education} for the contracts for University of Hawaii athletic coaches resulted in a determination by the office that the coaches were university employees and only salary ranges could be disclosed.\textsuperscript{722}

In 1994 two former council chairs, the daily newspapers and the office joined forces to oppose the Hawaii state Department of Commerce and Consumer Affairs proposed rules to increase fees for public access to government data. The rules would have charged requesters of large amounts of data up to $1,000 per magnetic tape reel.\textsuperscript{723} Speaking as an individual, \textit{Honolulu Star-Bulletin} reporter and former council chair Ian Lind wrote that government should err on the side of openness when establishing fees for

Office of Information Practices head Kathleen Callahan put the issue into a broader context when she remarked: "Does Hawaii want to have socio-economic classes of information holders? It's back to the old idea that information is power. You're designating a group of people who will be powerless due to their financial status." Immediate past chairman of the council Desmond Byrne and representatives of the two dailies met with Higa over the proposed rate increases, but Higa stuck to his position. The office sent a letter to Higa calling the fees "unreasonably burdensome."

At the same time as the executive branch was attempting to limit access to government records through pricing, the legislative branch sought to cut back on the six-day notice provision of the sunshine law. A Star-Bulletin editorial put the aims of the bill in clear perspective. "Requirements in Hawaii's sunshine laws undoubtedly are an inconvenience for state and county public officials. It would be much easier to run government in secrecy, without public participation." House Bill 2388, introduced by House Speaker Joe Souki, died in the House committee on Intergovernmental Relations. Opposing the bill was the Sierra Club. Although that bill died, several others survived, including a bill authorizing charging for public data and one the exempted police officers from a law that required disclosure of disciplined government employees. The Office of Information Practices had opposed both practices. Jean Motoyama, public information

officer for the Honolulu Police Department, served on the council at the time. Another bill, that ultimately failed to pass, required the Honolulu Advertiser and Honolulu Star-Bulletin to reveal their profits to the state attorney general. Although proposed as an effort to monitor the anti-trust exemption for the joint operating agreement, a Star-Bulletin editorial concluded the true reason for the bill was “harassment of the newspapers to retaliate for their criticism of politicians.”

The efforts of the Office of Information Practices flew counter to the wishes of the police and public employee unions. Not surprisingly, then, the 1995 reappointment of Kathleen Callaghan, recipient of a First Amendment Award from the Society of Professional Journalists and the Honolulu Community-Media Council, became a political liability for governor Cayetano. Despite appeals by the council and Common Cause, Cayetano refused to reappoint Callaghan, instead choosing Moya T. Davenport Gray to replace her. Although the office under Gray completed eight opinion letters from July to October 1995, it completed no opinion letters during the next seven months. Only three opinion letters, one a month appeared during the three months leading up to the “Locked Out” series. Gray explained that her office, beset by the loss of three attorneys, had focused on creating rules to help state agencies make decisions without asking the office for an opinion letter.

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731 Lind and Pang, "Locked Out: Hawaii Government's Slide toward Secrecy: The Gutting of the OIP."
The spotlight soon shone brightly on Gray’s office as the Honolulu Star-Bulletin published a six-day special report titled “Locked Out: Hawaii’s Slide Toward Secrecy: Hawaii Government’s Slide Toward Secrecy.” The series, introduced by managing editor David Shapiro, claimed that the “state Office of Information Practices, the agency responsible for insuring public access to government records, [had] been gutted.” The series highlighting the importance of the Office of Information Practices helped smooth the way for the hiring of three replacement attorneys for the office. In a news release announcing the new hires, Gray said, “In the future, the public’s requests for records and information can be addressed more promptly because of the implementation of new administrative rules will eliminate the constant demand for opinions that resulted in the backlog of work in this office under the previous director.” The comments about the backlog resulted in a short exchange between Callaghan and Gray, with the latter saying, “There’s no one in the past to blame and that is the last thing I want to convey.”

The “Locked Out” series may have had an unintended consequence as the 1997 legislature produced a record crop of bills concerning access to government records. Gray said her office was tracking 120 bills, three times as many as before. Although Gray concluded that the bills tended “to reflect the community’s concerns,” University of 

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The office also plays a role when members of the community release government documents to the media. In the case of a "former high ranking City official" and the Ethics Commission of the City and County of Honolulu "the Complainant released her version to the media and publicly disclosed the name of the subject of the opinion."\footnote{Carlotta M. Dias, \textit{OIP Op. Ltr. No. 98-1}, 16 January 1998, Available: http://www.state.hi.us/oip/opinionletters/opinion%2098-01.pdf, 15 July 2004.} The letters sent by the commission to the complainant retain the name of the persons involved. The publicly disclosed opinions have the names of all parties removed.\footnote{Dias, \textit{OIP Op. Ltr. No. 98-1}.}

Despite the actions of the complainant, the office recommended that the ethics commission not release the names of any of the parties to Common Cause Hawaii.

\textbf{State of Hawaii Organization of Police Officers v. Society of Professional Journalists—University of Hawaii Chapter}

The University of Hawaii chapter of the Society of Professional Journalists made a request in the August 30, 1993,\footnote{Hawaii Supreme Court Case No. 19583, 15 November 1996, Hawaii State Bar Association, Available: http://www.hsba.org/HSBA/Legal_Research/Hawaii/sc/19583.cfm, 19 July 2004.} to see the records of disciplined Honolulu Police Department officers. The department initially agreed to provide the records for the students, but with a hefty search fee of "approximately $20,000,"\footnote{Hawaii Supreme Court Case No. 19583.} that it thought was
allowed under draft rules of the Office of Information Practices. After the office ruled against the search fees, the department agreed to grant the request. The department notified the police union of its intent to release the records on February 11, 1994. The police union filed suit the day before the planned release to prevent the student chapter from gaining access to the records. The union suit requested that the court determine whether the privacy provision in its contract with the city overruled any request supported by the public records law. At the same time the union pushed through legislation to prevent future disclosure of disciplinary information. The resulting measure, Act 242, took effect on July 6, 1995. On November 15, 1996, the Hawaii Supreme Court ruled that the city must turn over the requested information and that the “there is no exception in the UIPA for requests that an agency deems too burdensome.”

Council member Jeffrey Portnoy, attorney for the University of Hawaii chapter of the journalism group, received a First Amendment award from the national Society of Professional Journalists. For the student journalists’ efforts the Honolulu Community-Media Council awarded the Society of Professional Journalists UH chapter the 1997 Fletcher Knebel Award. The office issued another opinion letter regarding the police disciplinary records in February 1997, concluding, “the disclosure of this information does not constitute a clearly unwarranted invasion of personal privacy.”

The continuing difficulty in accessing government records and the reduction in resources supporting the office resulted in a formal expression of support for the

741 Hawaii Supreme Court Case No. 19583.
beleaguered agency by the council. At its June 20, 2000, meeting the council discussed the topic “Should the Media Council Support Continuation of the Office of Information Practices.” Past council chairman Ian Lind and member Moya Gray comprised a panel to “facilitate an informed group decision.” Following the presentation, the council adopted a resolution supporting the Office of Information Practices headed by council member Moya Gray. The council also conducted a Candidate Questionnaire on Open Government in August 2000, with plans to release the results on September 5, well in advance of the September 23 primary elections. Of the candidates, 45 percent responded to the poll. Although the October release of the results came after the primary elections, the results could help voters with the general elections. “We intend to remind lawmakers,” said council president Warren Iwasa, “that not only must they fully support the law of the land, but also that openness is fundamental to building trust, and that trust is essential to a healthy community.” When Gray assumed the presidency of the Honolulu Community-Media Council two years later, her work with the Office of Information Practices would take a radical turn. Unlike the case of Sean McLaughlin, where the council could support a council member who had lost a contact with the City Council to provide video production services after declaring a conflict, the council was

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743 [June 20, 2000, Meeting Notice], Honolulu Community-Media Council. Honolulu Community-Media Council Archives, Special Collections, Hamilton Library, University of Hawaii.
745 Candidate Questionnaire on Open Government, August 2000. Honolulu Community-Media Council Archives, Special Collections, Hamilton Library, University of Hawaii.
headed by the very council member who needed the support. Gov. Linda Lingle appointed Les H. Kondo as director of the Office of Information Practices on February 11, 2002, noting that he would “play a key role in our efforts to restore the public’s trust in government and to encourage public involvement and input in the democratic process.”

University of Hawaii

Newspaper interest in a 1999 Circuit Court suit by Anthony Perry, a university researcher, regarding intellectual property rights led once again to the doors of the Office of Information Practices. Reporter Tim Ruel requested access to the 1999 settlement agreement from Walter S. Kirimitsu, the university’s general counsel. Kirimitsu refused and suggested that Ruel submit his formal request to the Office of Information Practices. The office responded to Ruel’s November 28, 2001, letter in just over a month. Between Ruel’s request and the office’s final determination, Kirimitsu argued that the office could not even make its own review of the settlement. The office then readied a lawsuit to force the university to disclose the settlement to it. The university subsequently said it would release the settlement if Perry waived the confidentiality requirement. The Office of Information Practices position that the state could not make a bargain that was contrary to statute drew upon its previous determination in the SHOPO case. Ruel’s final story on the settlement, filed a day after the office’s opinion, concluded with Moya Gray’s opinion.

\[747\] Openline.
that the only reason for the confidentiality clause was "a culture of secrecy." For his efforts Tim Ruel was awarded the 2003 Fletcher Knebel award.

The settlement and closed board of regents meetings were top of mind when University of Hawaii president Evan Dobelle delivered the keynote speech, titled "Let the Sunshine In: Public Access at a Public University." He probably didn't foresee that the public access would have a direct impact on his own career when he gave the speech at the annual Freedom of Information Day luncheon held Monday, March 18, 2002. The luncheon was co-sponsored by the Honolulu Community-Media Council; The Society of Professional Journalists, Hawaii chapter; the Society of Professional Journalists, University of Hawaii chapter; the East-West Center and Ka Leo O Hawai‘i.

Once again the University of Hawaii board of regents played the antagonist in a secrecy drama. The body that had originally pushed the council into legislative activism regarding open meetings, once again challenged the boundaries of the sunshine law. As the university president delivered his address to the gathered supporters of openness public interest in Dobelle's performance evaluation had already been expressed by two members of the media.

The answer of the Office of Information Practices to a request by Star-Bulletin reporter Craig Gima and KITV's Keoki Kerr expressed the tension between privacy and the public interest:

Yes. President Dobelle has a significant privacy interest in the Evaluation and the Expectations. His privacy interest, however, is diminished by the

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fact that he is a public figure by virtue of his position as UH President. When balanced against the public interest in knowing how the Board of Regents is performing its duties, including the employment of the UH president, as well as knowing how President Dobelle is performing his job, we find that the public interest is greater and, therefore, conclude that disclosure of the Evaluation and the Expectations would not be a clearly unwarranted invasion of personal privacy under section 92F-13(1), HRS.749

The evaluation would only serve as a prelude to another tussle with the regents over open meetings and the release of records, this time by Dobelle himself. On Tuesday evening, June 15 the regents fired Dobelle “for cause.”750 Dobelle immediately hired a team of lawyers, including former council chairman Jeffrey Portnoy, to file suit against the regents. The counsel at once asked the Office of Information Practices whether the regents had violated the state’s open meetings law.751 By July 1, both sides had agreed to mediation to resolve the dispute.752 Although the mediator, former state attorney general Warren Price III, had closed all meetings to the public, by month’s end the information office had started reviewing the disputed documents including “a copy of the final draft of the Deloitte & Touche audit of Dobelle’s protocol fund maintained by the UH Foundation; [and] a draft of the Board of Regents’ June 15 executive session during

749 Kondo, Evaluation and Expectations of University of Hawaii President.
751 Creamer and Depledge, "Regents Fire Dobelle for Unknown 'Cause'."
which Dobelle was fired."\textsuperscript{753} Citing the ongoing mediation the University of Hawaii had initially refused to turn over the documents, forcing the media to appeal to the Office of Information Practices.\textsuperscript{754} Dobelle’s lawyers put in a request to see the documents on July 27, but Kondo refused the request, noting “In our opinion, Dr. Dobelle has adequate information and a sufficient understanding of the records to articulate his privacy interest, if any.”\textsuperscript{755} Besides Dobelle, “a number of news outlets […] turned to the OIP for help gaining access to documents.”\textsuperscript{756} The settlement agreement signed July 29 may have stipulated “no finding of wrongdoing on the part of Dr. Dobelle or the board,”\textsuperscript{757} but the public would soon see the documents that had initially supported the firing. The initial firing and subsequent mediation may have been held behind closed doors, but the public records law pushed by the Honolulu Community-Media Council assured the public’s right to know.

PEG Access Channels

Individuals also attempt to part the veil of secrecy surrounding quasi-public organizations, such as the corporations running the public educational and governmental access channels. In 2002, the office, under council chair Moya Gray, issued an opinion answering a 1998 request of the Community Television Producers Association and a

\textsuperscript{752} Beverly Creamer, "Mediator to Help Resolve Battle over Dobelle Firing," Honolulu Advertiser 2 July 2004.
\textsuperscript{754} Craig Gima, "UH Agrees to Turn over Documents on Dobelle," Honolulu Star-Bulletin 21 July 2004.
\textsuperscript{756} Beverly Creamer, "Regents Agree to Allow Scrutiny of Dobelle Files," Honolulu Advertiser 23 July 2004.
2001 query by the League of Women Voters of Kauai. The combined opinion applied to 'Olelo: The Corporation for Community Television and Ho'ike: Kauai Community Television. The request for a reconsideration of a previous opinion in the Ho'ike case also gave the office an opportunity to develop standards for handling appeals. In determining that 'Olelo and Ho'ike were “owned, operated or managed on behalf of this State,” overturning the previous opinions, the office made the two media corporations subject to the open meetings law. The new opinion overturned the determination made in 1993 that Akaku was not a government agency and in 1994 that Ho'ike and Na Leo 'O Hawai'i were not an agencies. Council member Sean McLaughlin served as the executive director of Akaku at the time. 'Olelo filed for a declaratory judgment on August 18, 2004, asking the court to rule that 'Olelo did not fall under the Uniform Information Practices Act and, therefore, not under the authority of the Office of Information Practices. On November 10, 2004, the board of 'Olelo met in executive session to “consult with the Board’s attorneys on questions and issues pertaining to the Board’s powers, duties, privileges, immunities and liabilities regarding the Uniform Information Practices Act and the Office of Information Practices.”

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Big Brother

The Office of Information Practices also has received requests from government agencies looking into private voluntary associations. In the case of Citizens for Protection of the North Kohala Coastline (also known as Hui Lihikai), the county director of planning requested the membership list for the organization that had protested the zoning of land at the northern most tip of the island of Hawaii. Interestingly, Toni Withington, whose ban had started the Honolulu Community-Media Council, had chaired the conservation group. The county said of the list: "As you know, Ms. Withington herself has made the disclosure of the membership list an issue because she is attempting to intervene in a contested case proceeding as the representative of that organization. In providing the list to the Planning Department in support of her intervention request, we assert that she has waived any claim for confidentiality." Upon review of the list the Office of Information Practices determined that the county could not make the names public. 761

Secrecy in the Courts

The move for transparency in government came also from elsewhere within government, albeit not from the executive branch. In the judiciary, as in the cameras in the courtroom issue, the motivation came from the very top. Chief Justice Ronald Moon "was the moving force behind the Nov. 7 [2003] conference, "Openness in the Courts — a Conference on Transparency in the Judicial System" that brought together judges,
lawyers, the media and members of the public to discuss ways of how to explain the court's process." Moon again brought the topic openness in the court at the first council meeting of 2004. In his speech Moon lamented, “despite the many ongoing projects and initiatives implemented by the Judiciary to inform the public about the judicial system and the work of the courts, there still appears to be a great number of our citizens who lack understanding about their justice system and believe that judges and the courts operate in secrecy.” Moon’s contention was that without transparency the courts would be unable to retain the trust and confidence of the public. Moon challenged the council to fulfill the portion of its letter to him that called for a partnership to “support or assist the Judiciary's goals of broader public interest and participation in issues of particular concern to the courts.” The Honolulu Community-Media Council, placed nearly a quarter century earlier by Schramm in the “middle of a triangle, between government, the media, and the people” is in the unique position to perform such a role. Indeed, Moon noted that conferees to the 2003 confab on transparency “were adamant that the public and the media should be educated about the basis of judicial reluctance to speak regarding pending or impending matters.” Moon suggested that civic groups could work

765 "Schramm Finds Fault with Media Panel."
with the judiciary to present an “on-going public debates about “fair trial versus free speech” issues.”

Secrecy in the Executive Branch

The executive introduced a bill in the 2004 session that would have allowed the Hawaii Convention Center Authority to keep the names of clients secret until five days after the completion of the meeting.

The executive branch was not alone is the arena of secrecy and the media. The legislative branch for its part introduced a bill that would have restricted information requests from “vexatious requestors.” Although quite serious in its consequences, both major dailies chose humor columnists to make the case against the bill. Lee Cataluna and Charles Memminger both wrote humorous columns satirizing the actions of the legislature.

While attempts have been made to lessen access to government records, existing laws and procedures have proved key in maintaining the public’s right to know. The Office of Information Practices especially has established itself administratively as the court of last resort. Longtime council member Beverly Keever used the office to gain access to University of Hawaii. Keever used the office to reveal the contracts of two of the highest paid state workers, football coach June Jones, and president Evan Dobelle.

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CHAPTER 15: FUTURE OF THE HONOLULU COMMUNITY-MEDIA COUNCIL

Time present and time past
Are both perhaps present in time future,
And time future contained in time past.

—T.S. Eliot, Burnt Norton, *Four Quartets*

A look at the future of the Honolulu Community-Media Council requires a look at the past to see what continuing factors may influence its existence. Clearly, the greatest factor was the media support given during its first two decades. Just two weeks after the formation of the Honolulu council a November 28, 1970, editorial in *Editor and Publisher* opined: “Newspaper editors and publishers will never stand in the way of organizing such councils, but very few will be prime movers in setting them up.”

By then Hawaii had already benefited from not one but two prime movers from the ranks of fourth estate. The editors of the only two daily papers remained in leadership at the papers and on the council for decades. A.A. “Bud” Smyser remained active from the council from its inception until his death 31 years later. George Chaplin, too, stayed with the council until he moved to Virginia.

Central, too, to the council’s efforts was Ah Jook Ku, who like Jim Richstad, retained the title of executive director. With no staff, however, Richstad and Ku did more executing than directing. Ku’s role, like that of Smyser’s lasted from the earliest days of
the council until 2002. She was its institutional memory, and for many, the organization personified. As Robert W. Fiske noted,

The Honolulu Community Media Council has survived as long as it has because of the dedicated work of Ah Jook Ku. As our unpaid Executive Director she was the glue that held the Council together. We depended on her for keeping us focused, for providing the reams of information which she always seemed to have at hand, and for making sure our members knew about our monthly meetings. I consider my friendship with Ah Jook as a part of the good memories I have about the Council. I am confident in saying that without her the Council would not have survived.\textsuperscript{768}

Although no founders are currently active with the council, the council still retains second-generation supporters as members. Alf Pratte, who started with the council in 1976, took the press council gospel to the Mainland with him. In Utah he attempted to establish a press council, but his Utah efforts ultimately came to naught despite his having lined up the support of the publishers of the two local dailies.

The council still retains its ties to academia. Helen Chapin (1999 council chair) is an emeritus faculty member of Hawaii Pacific University. From the University of Hawaii's School of Communications Gerald Kato and Beverly Keever, both former journalists turned educators, continue in the tradition of Jim Richstad. Keever also personifies an American studies undercurrent that characterizes the council. The

\textsuperscript{767} Husselbee, "A Question of Accountability: An Analysis of Grievances Filed with the National News Council, 1973-84," 12.
American studies department at the University of Hawaii has had two of its faculty chair the council, Stuart Gerry Brown (chaired from 1973 to 1975) and Seymour Lutzky (chaired from 1984 to 1987), and one of its students, Rhoda Miller (chaired from 1976-1978, Ph.D. in American Studies in 1990). Although never a chair, Alf Pratte, one of the council’s early leaders, gained his Ph.D. in American studies in 1976. His dissertation was titled *Ke Alaka ‘i: The role of the Honolulu Star-Bulletin in the Hawaiian statehood movement*. Their efforts have done much to promote the discussion of the American democracy outside the classroom.

Passing the Torch

With the deaths of Chaplin and Smyser, and with Ah Jook Ku no longer active, the last of the original 33 members have passed from the council scene. As member John Griffin said, “So it’s a good thing that some of the younger and older members of the media council have been talking about revitalization rather than letting it die of old age and apathy.” With members taking a more activist stance toward topics like media consolidation, apathy seems the farthest thing from the minds of members. Current council chair Beth-Ann Kozlovich said of the council’s new generation: “I think the media council has already gone through the strainer already, and those of us who have come out the bottom, and want to carry on, are really committed to making this

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768 Robert W. Fiske, E-mail to author, 7 October 2004.
769 John Griffin, "We Need a Revitalized Media Council to Address Tough Topics," Honolulu Advertiser 22 September 2002.
Key to thriving is the number of members who can work on the council projects. Throughout its history the council, with a roster rarely topping forty members, the council has had to decide upon which issues it would focus. A number of issues, therefore, central to its purpose, failed to receive any council action or even comment. “We want to be able to do more; we want to be more active,” said Kozlovich.

Though marking out new directions, the council still has some old business from its first three decades.

Unanswered Plea

Still unanswered is Jim Hall’s plea of more than 30 years ago for the council to propose a policy for media people running for public office. The ease with which media people translate themselves into politicians in Hawaii is astonishing. Councilman Jon Yoshimura, state Rep. Byron Baker, and U.S. Rep. Cecil Heftel comprise just a part of the list of former media persons who parlayed their name recognition into political office at the county, state and national levels. The former editor of a Molokai newspaper, Linda Lingle, who holds a journalism degree from California State University Northridge, is the current governor of the state of Hawaii. The media-savvy governor has a weekly radio segment on KHVH, as does her former opponent, Mayor Jeremy Harris. Mufi Hanneman,
winning 2004 mayoral candidate, also had a Saturday morning radio show on KUMU-FM. 772

Journalist Malia Zimmerman complained in Small Business News that 2002 candidates were “opting to use their false fame that being in the Hawaii media provided to bolster their chances of being elected.” 773 The candidates Zimmerman listed comprised incumbents: state Rep. Nestor Garcia, councilman Jon Yoshimura, and state Sen. Bob Hogue, and hopefuls: Barbara Marshall, KHON reporter; Jerry Drelling, KGMB reporter; Glen Wakai, KHNL reporter; and Dalton Tanonaka, former CNN anchor.

Even defeat does not easily take the luster off a media person’s star quality. Dalton Tanonaka’s second place finish for the lieutenant governor’s slot in the 2002 election made him no less viable as challenger as Cecil Heftel’s heir in the U.S. House of Representatives. Before returning to Hawaii, the former print journalist was news anchor for CNN and CNBC in Asia. From the political and business contacts he made in Asia as a journalist, Tanonaka hoped to serve as “the real political bridge to Asia.” 774 Cecil Heftel translated his media-generated name recognition into a seat on the state of Hawaii’s board of education.

The political parties, too, are placing their future in the hands of media people. At the 2004 Democratic convention, the race for party head pitted the chair of the Oahu County Democrats against radio and television personality Brickwood Galuteria. Former

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party chair Richard Port boiled down the essential difference between the two candidates when he said, “It’s experience versus the person who has the gift of communication with the media.” In the end the “media savvy” Galuteria carried the day. Host of KINE radio’s “Aloha Morning Show,” Galuteria said he listens to public radio. Galuteria brought in another former broadcast journalist into the newly formed position of communications director for the Hawaii Democratic Party. Donalyn Dela Cruz, sister of city council chairman Donovan Dela Cruz, said “As a point person for the media, I understand what they need.” Republicans complained about mailers and commercials produced by the Hawaii Democratic Party not to the Honolulu Community-Media Council but to the newly formed Clean Campaigns Project, an organization formed by former council chair Warren Iwasa and other prominent community members.

In the absence of a council policy, the policy of media management must suffice. Gerry Keir, when he was Advertiser editor, frowned upon the media-government revolving door. John Griffin said, “It’s not that such journalists are necessarily permanently biased. The problem is the reading public might think they are.” Certainly employment in the media at any point in one’s life should not be a permanent bar to public service, but would a policy asking current members of the media to restrain themselves from seeking elective office be too onerous? Defeat in a political race makes it necessary for media persons to return to perhaps the jobs in the only field they have

ever worked in. Set as it is in the middle ground between the public, media and
government, the Honolulu Community-Media Council should weigh in on this issue that
rests so clearly at the center to its mission.

Funding dilemma

Another unresolved issue also dates back to the council’s early days. Wilbur
Schramm more than 25 years ago suggested that the council would never achieve its full
potential until “it gets a permanent employee and gets more active into looking into
things itself.” Though more pro-active in shaping its agenda, the council is still looking
thirty-four years later for the source of funding for a full-time staff member. But sources
of funding bring yet another layer of complexity to the council’s mission. Both of its U.S.
counterparts have fixed sources of funding. For the Minnesota Media Council the funds
come for grants from the media companies. The funding for the Washington Media
Council is more problematic. The reliance of the Washington News Council on a grant
from Microsoft founder Bill Gates’ foundation, for instance, has resulted in the questions
in some quarters regarding the objectivity of the council. If donations of several thousand
dollars cause the public to question whether special interests have influenced a
politician’s actions, how much more so hundreds of thousands of dollars. As
demonstrated by the range of grievances, all organizations could potentially appear
before the council. Even the most benign of charitable operations may fall under the

778 John Griffin, "Columnist's Speech Raises Quite a Stir," Honolulu Star-Bulletin & Advertiser 1 January
1989.
779 "Schramm Finds Fault with Media Panel."
scrutiny of the media watchdog. A major grant, say from the Harry and Jeanette Weinberg Foundation, could taint any mediation outcome that involved the foundation. Other charitable trusts in Hawaii, that draw their income from investments in the state, also could some day find themselves the focus of media interest. The council’s attempts to broaden membership will bring in small amounts from a broad base not subject to the same concerns. Perhaps the funding source least subject to conflicts of interest would be an endowment established through bequests. A bequest would help fund the council only after the death of the giver.

The council has been successful at getting support for individual projects. A grant from the Strong Foundation will help fund a Freedom of Information Act education project in Hawaii’s schools. Another request for funding from Chaminade resulted in the presentation of the forum titled, “News Media and Society: How to Restore the Public Trust.”

Provincial focus

The focus of the council also has been provincial, not surprising for an organization that only addresses Honolulu issues. Even with membership from the neighbor islands, the council has continued to restrict its purview to Oahu. With increasing membership, the council might be able to reach statewide status, bringing it into the same league as the other two councils representing Minnesota and Washington. But even representing only part of the state, the Honolulu council, as one of only three examples of press councils in the United States, still has a broader role, statewide, nationally and internationally, if only as a model. Some members of the council have
helped to take the council’s experience to the world. Chris Conybeare, faculty and media specialist for the University of Hawaii-West Oahu, serves as vice president of World Association of Press Councils. The organization comprises seventeen press councils throughout the world. The association has promoted the formation of a world press council to mediate transnational complaints. As might be expected U.S. journalists have taken a dim view of the proposal. A commentary concerning a 1998 forum at the First Amendment Center about the proposal concluded: “Let’s hope that they come around to the notion that has served the American press and public so well for two centuries: The best possible regulators of the press, and the only ones necessary, are readers, listeners and viewers.” The involvement of the Honolulu council in the international organization has not been automatic. At the September 12, 2000, meeting of the council’s executive committee, Conybeare “suggested [the council] come to grips with the World Association of Press Councils (WAPC) issue.”

Back to the Future

In multi-ethnic Hawaii, with no majority presence, the Honolulu Community-Media Council has much to share with the nation and the world about fair coverage of all segments of society. The Hutchins Commission more than 50 years ago set improved media treatment of minority groups as one of its aims. The early councils in St. Louis and Seattle focused on the treatment of African Americans. The Honolulu council pushed for

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better coverage of Native Hawaiians in its report on the *State of Journalism in Hawaii*.

The establishment of the National Latino Media Council to look at the portrayal of Hispanics in the media and their employment in the media should come as no surprise. Like the Honolulu council, the Hispanic group has opposed media consolidation, especially the 2001 merger of NBC and Telemundo. The Honolulu council could serve as a source of information about media operations in a multi-ethnic society. But first, with its new open membership, the council should seek out Native Hawaiians, and other people of color to join the organization, answering Charles Frankel’s plea for “more non-haoles.”

Charting New Directions

The Honolulu Community-Media Council has a role to fill in the Asia Pacific region. It would be a fitting role for a council that held its first meeting at the East-West Center, and whose founding members, A.A. “Bud” Smyser and George Chaplin served on the East-West Center board. Richard Miller holds that U.S. councils have never had as prominent a role as press councils in other nations because of the First Amendment. Lacking a guarantee for press freedoms, press councils in other countries have a much more appreciated role in countries where the media would rather have a third party mediating disputes than a government curtailing media activities. As more countries provide for greater press freedoms, the Honolulu council can serve as a model for how

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781 Minutes, Executive Committee Meeting, 12 September 2000. Honolulu Community-Media Council Archives, Special Collections, Hamilton Library, University of Hawaii.
press councils can make the transition from primarily a mediation organization to a true advocate for press freedoms. At least one proponent for citizen-press councils has looked to the U.S. for a model. Eileen G. Mangubat of the *Cebu Daily News* addressed Philippines President Aquino and the country’s U.S. ambassador about her visit.

I went to the U.S. with questions about how newspapers demonstrated their “responsibility” to readers and whether Citizens-Press Councils were welcomed. [...] I was flatly told by Gene Mater of the Freedom Forum in Washington: “It doesn’t work in this country.” [...] Instead of being discouraged though, I am reminded that in pockets of the media industry in the Philippines, in some community papers, the environment is not incurably hostile to joint efforts even among rival papers to look into the mirror. [...] Careful steps have to be taken over time, built through dialogue. It is, after all, a test of maturity.  

Digital Frontier

The council has limited its efforts regarding the media primarily to the print and broadcast media missing an enormous segment of the media. The Internet has given Honolulu residents a worldwide source of information, making each computer in the city and county a media outlet. Google, a premier Internet search engine reports 7.5 million pages with a reference to Honolulu. The Internet has changed the sources of political

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783 Interview with Richard Miller, 12 May 2004.
information. The "Our Campaigns" site, billed as a "collaborative political news site," for example, puts the media user in the driver's seat regarding content. The site, however, plays a gatekeeper role in limiting direct access by new users, preferring candidates and campaign managers. Articles on the site are basically anonymous with only a pseudonym and profile supplied by the user providing any clues as to the credibility of the source. The Hawaii news on the site is provided by Edgewater, a Democrat from Chicago. In contrast, the Hawaii Reporter Web site attaches real names to its articles. The Hawaii Reporter has also found its supporters in council members. "I read HawaiiReporter.com for news stories others don't cover, commentaries others won't print, and the full text of speeches and viewpoints other media can't fit," wrote Les Ihara. Another council member, Beverly Keever, said, "I wouldn't miss a day without my Hawaii Reporter so I can keep up with the juicy buzz about town." Web logs, also called blogs for short, also provide an Internet alternative to print and broadcast news sources. During the efforts to save the Star-Bulletin former council chair Ian Lind posted what he called a diary, a publication that eventually cost him his job at the new Star-Bulletin. Lind was not the only blogger to suffer such a fate. As Steve Outing noted in his "Stop

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the Presses” column in Editor & Publisher, when professional journalists start blogs “their employers get uncomfortable. In a few cases, reporters have been fired or punished because of their personal blogs.”

The council embarked into this arena when it hosted a forum on November 15, 2004, titled “Technology & Digital Journalism.” The panel included Malia Zimmerman, former Pacific Business News reporter, whose HawaiiReporter.com broke the story about Jennifer Toma-Bainum, wife of losing mayoral candidate “Duke” Bainum. The losing side termed the series a “smear.” Zimmerman countered that the Bainum campaign was smearing HawaiiReporter.com and that the cause of Bainum’s loss was links to supporters like former Gov. Ben Cayetano and Larry Mehau. Zimmerman calls Mehau simply “a powerful political figure in Hawaii, who is a rancher and owner of a major security company in the state.” The rescheduled forum had initially featured former council chair Ian Lind on the panel with Zimmerman. Lind, who had criticized the stories on Bainum’s wife beginning October 24 on his Web log, did

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794 Zimmerman, $5 Million House of Cards Collapsed with Puff of Truth Duke Bainum Lost the Mayor's Race Because Pricy Campaign Was Built on Half-Truths, Misstatements and Arrogance.
not appear on the November 15 panel due to a scheduling conflict. Among Lind’s complaints were that the stories were “told from a single perspective” and that Zimmerman’s writing didn’t “lend itself to a critical stance.” Unlike Lind’s direct criticism of Zimmerman, the bylined editorial of Star-Bulletin editor Frank Bridgewater mentioned only “stories and court filings posted online about two weeks before the election.” Charles Memminger chimed in “I WOULD URGE Bainum not to try to crush the Internet object of his ire because, like it or not, the Internet is the front line of the war for free speech.” Instead Memminger suggested fair and balanced journalism would someday triumph “Eventually, the public will be able to tell the difference between responsible journalism sites and those with specific political bents. The fact that some people mistook the piece on Bainum’s wife as straight journalism shows we aren’t there yet.” The Zimmerman-Bainum dispute points to the changing boundaries of a council surrounded by government, the media (including the Internet) and the public. It also shows how narrow a stream the council must navigate to assure that the council remains not beholden to or biased toward any special interest. For current chair Beth-Ann Kozlovich and immediate past chair Moya Gray such forums are a key part of the council’s future. Kozlovich said,

I think that in the last year or so and beginning with Moya Gray’s term we really began to shift into a conduit of information education. And I feel

796 Lind, October 24, 2004 - Sunday.
799 Memminger, "Web Writing Isn't All Journalism."
very strongly about that. It’s a different Media Council now than it was in
days of yore. And one of the things we can do and do very well is create
opportunities for people to come together and to share information or get
information, be educated about certain subjects they may be they’re only
peripherally involved in or haven’t thought at all about, and be able to
create an exchange or coverage about something that maybe mainstream
media isn’t covering. And again to allow people to have a safe place
where we can discuss issues. 800

A Unique Opportunity?

Former Lt. Gov. Jean King, addressing a council-sponsored forum once said,
“The Chinese and Japanese character for crisis uses two words—danger and
opportunity.”801 As an organization the Honolulu Community-Media Council has faced
the danger and grasped the opportunity for its future. But is the story of the Honolulu
Community-Media Council peculiar only to Hawaii’s situation, or does the council’s
experience have broader application? The assessment by council founder Jim Richstad
that the council was “unique” must not be taken to mean unique to Hawaii but instead
unique in filling a particular niche in the mediated political landscape. The geographic
and cultural isolation of Hawaii that brought Portuguese sausage, eggs and rice to the
McDonald’s breakfast menu has given organizations in Hawaii a mandate to tailor their

800 Interview with Beth-Ann Kozlovich, 7 December 2004.
801 Rick Carroll, “High-Tech Future—Enslavement or Freedom?” Honolulu Star-Bulletin & Advertiser 22
efforts to the local community. Perhaps the uniqueness is the local press council’s best strength. Though that landscape varies, other communities may take the lessons learned by the Honolulu Community-Media Council to help shape press councils for their own unique situations.

Postscript

Mayor Frank F. Fasi, whose dispute with the Honolulu Star-Bulletin served as the catalyst for the formation of the Honolulu Community-Media Council in 1970, announced after his defeat in 2004 that he ran in his last race for mayor of the city and county of Honolulu at age 84.

Nearly fifty years ago, the Hutchins Commission made recommendations for “a new and independent agency to appraise and report annually upon the performance of the press.” The report noted that “it seems to us clear that some agency which reflects the ambitions of the American people for its press should exist for the purpose of comparing the accomplishments of the press with the aspirations which the people ought to have for it. Such an agency would also educate the people as to the aspirations which they ought to have for the press.” In 2004, the Honolulu Community-Media Council made the comparison between media accomplishments and aspirations in a forum titled “News Media and Society: How to Restore the Public Trust.” The council also hopes to educate

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the Hawaii's next generation of media users with its Freedom of Information Act
education program in Hawaii's schools.
APPENDIX A: HONOLULU COMMUNITY-MEDIA COUNCIL CHAIRS AND EXECUTIVE DIRECTORS

Chairs

Gerald R. Corbett, 16 November 1970 - 26 April 1971
Nelson Prather, 26 May 1971 - 26 June 1971
Stuart Gerry Brown, 12 June 1973- 30 October 1975
Max Roffman, 30 October 1975-1976
Rhoda Miller, 1976-1977
John Luter, 1982-1983
Seymour Lutzky, 1984-1988
Ian Lind, 1989-1990
Fletcher Knebel, 1991
Desmond Byrne, 1992-1993
Richard Miller, 1994-1997
Helen Chapin, 1998-1999
Warren Iwasa, 2000
Jeffrey Portnoy, 2001
Moya Davenport Gray, 2002-June 30, 2004
Beth-Ann Kozlovitch, July 1, 2004-
Executive Directors

Jim Andrew Richstad, 1970-1975
Ah Jook Ku, 1975-2002

Council Coordinator

Holly Green
APPENDIX B: CHRONOLOGY

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>1947</td>
<td>Hutchins Commission publishes <em>A Free and Responsible Press</em></td>
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<tr>
<td>1950</td>
<td>First press council established in Santa Rosa, California</td>
</tr>
<tr>
<td>1 June 1962</td>
<td><em>Honolulu Star-Bulletin</em> and <em>Honolulu Advertiser</em> sign joint-operating agreement</td>
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<tr>
<td>April 1969</td>
<td>Herman Doi named Hawaii state ombudsman</td>
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<tr>
<td>4 June 1969</td>
<td>Mayor Frank F. Fasi bans <em>Honolulu Star-Bulletin</em> reporter Toni Withington from City Hall news conferences</td>
</tr>
<tr>
<td>July 1969</td>
<td>The Rev. Claude Du Teil contemplates a media council</td>
</tr>
<tr>
<td>13 January 1970</td>
<td>Community-News Media Conference held at the University of Hawaii</td>
</tr>
<tr>
<td>30 April 1970</td>
<td>Planning committee convened by University of Hawaii President Harlan Cleveland. Members form temporary council.</td>
</tr>
<tr>
<td>1 May 1970</td>
<td>Richstad appointed senior program officer for the East West Center’s East-West Communication Program</td>
</tr>
<tr>
<td>5 November 1970</td>
<td>Executive steering committee nominates officers</td>
</tr>
<tr>
<td>16 November 1970</td>
<td>First meeting of the Honolulu Community-Media Council at the East-West Center</td>
</tr>
<tr>
<td>28 January 1971</td>
<td>Corbett presides over first meeting</td>
</tr>
<tr>
<td>28 April 1971</td>
<td>Corbett resigns, citing health reasons</td>
</tr>
<tr>
<td>26 May 1971</td>
<td>Nelson Prather elected to replace Corbett</td>
</tr>
<tr>
<td>26 June 1971</td>
<td>Nelson Prather, second chairman, dies in Honolulu</td>
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Minnesota sets up statewide press council

Gannett Corp. buys *Honolulu Star-Bulletin*

Hawaii Island Media Advisory Council adopts bylaws of incorporation

Hawaii Island Media Advisory Council elects first board of directors

Gerald Robert Corbett, first chairman, dies in Honolulu

National News Council formed

*Honolulu Advertiser* appoints Charles Ware as ombudsman

Claude Du Teil steps aside as vice chairman; Robert Fiske elected to replace him

Campaigning and media conference

Cameras in courts first proposed

Cable Satellite Public Affairs Network (C-SPAN) established

Thomas Hale Hamilton dies

Jim Richstad leaves the University of Hawaii to join the University of Oklahoma journalism department.

First Freedom of Information day

A.A. Smyser retires as editor of the *Honolulu Star-Bulletin*

Seymour Lutzky elected to serve two-year term as chairman starting 1 January 1984

National News Council closes
1986  Charles Ware, Honolulu Advertiser ombudsman, dies


1 December 1986  George Chaplin retires as editor of the Honolulu Advertiser

1988  Office of Information Practices established

31 December 1988  Buchwach retires as editor of the Honolulu Advertiser

1 January 1989  Gerry Keir succeeds Buchwach as Honolulu Advertiser editor

3 May 1989  Arlene Lum named Star-Bulletin publisher

August 1991  Gerry Keir quits Honolulu Community-Media Council

1991  Stuart Gerry Brown dies

1991  Council publishes State of Journalism in Hawaii

1993  Du Teil, Luter, serves last year on council

30 January 1993  Gannett sells Honolulu Star-Bulletin, buys Honolulu Advertiser;
   John Flanagan named Star-Bulletin editor and publisher

26 February 1993  Fletcher Knebel dies in Honolulu

1993  Fasi resigns as mayor to run for governor

1994  Student journalists press for records of disciplined police officers

1995  John Griffin retires as Honolulu Advertiser editorial page editor

July 21, 1995  Incorporated as 501(c)(3) nonprofit organization

September 1995  Gerry Keir resigns as Honolulu Advertiser editor

November 1996  State supreme court forces police union to hand over names of disciplined officers to student journalists
<table>
<thead>
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<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>9 August 1997</td>
<td>Honolulu Star-Bulletin publishes “Broken Trust” article.</td>
</tr>
<tr>
<td>10 June 1998</td>
<td>Fasi announces run for governor</td>
</tr>
<tr>
<td>10 December 1998</td>
<td>University of Hawaii picks June Jones as head football coach</td>
</tr>
<tr>
<td>16 September 1999</td>
<td>Liberty Newspapers announces Honolulu Star-Bulletin to close 30 October 1999 instead of 2012.</td>
</tr>
<tr>
<td>8 April 2000</td>
<td>John Luter dies in San Antonio, Texas.</td>
</tr>
<tr>
<td>19 June 2000</td>
<td>Deadline for expressing interest in purchasing the Honolulu Star-Bulletin</td>
</tr>
<tr>
<td>15 March 2001</td>
<td>David Black takes over Honolulu Star-Bulletin</td>
</tr>
<tr>
<td>19 March 2001</td>
<td>A.A. “Bud” Smyser dies in Honolulu</td>
</tr>
<tr>
<td>17 February 2003</td>
<td>George Chaplin dies in Arlington, Virginia</td>
</tr>
<tr>
<td>3 October 2003</td>
<td>Max Roffman dies in Seattle, Washington</td>
</tr>
<tr>
<td>2004</td>
<td>Frank Fasi makes last run for governor</td>
</tr>
</tbody>
</table>
### APPENDIX C: FOUNDING MEMBERS OF THE HONOLULU COMMUNITY-MEDIA COUNCIL

<table>
<thead>
<tr>
<th>Name</th>
<th>Title and organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maj. Richard Abel</td>
<td>public affairs, CINCPAC</td>
</tr>
<tr>
<td>Ralph Barney</td>
<td>journalism professor, Church College</td>
</tr>
<tr>
<td>Lawrence S. Berger</td>
<td>general manager, KHVH</td>
</tr>
<tr>
<td>Emmett Cahill</td>
<td>executive director, John Howard Association</td>
</tr>
<tr>
<td>Charles Campbell</td>
<td>councilman, City &amp; County of Honolulu</td>
</tr>
<tr>
<td>George Chaplin</td>
<td>editor, Honolulu Advertiser</td>
</tr>
<tr>
<td>Harlan Cleveland</td>
<td>president, University of Hawaii</td>
</tr>
<tr>
<td>Lark Daniel</td>
<td>Hawaii ETV Network</td>
</tr>
<tr>
<td>Dianne H. Dienstein</td>
<td>teacher, Waianae High School</td>
</tr>
<tr>
<td>Herman Doi</td>
<td>state ombudsman, State of Hawaii</td>
</tr>
<tr>
<td>The Rev. Claude Du Teil</td>
<td>St. Christopher's Episcopal Church</td>
</tr>
<tr>
<td>Chief Fuifaa Fau'olo</td>
<td>Susannah Wesley Community Center</td>
</tr>
<tr>
<td>The Rev. Robert W. Fiske</td>
<td>Christ United Methodist Church</td>
</tr>
<tr>
<td>Robert R. Grunsky</td>
<td>Hawaii Employers Council</td>
</tr>
<tr>
<td>Duane Harm</td>
<td>general manager, KHON</td>
</tr>
<tr>
<td>Cecil Heftel</td>
<td>general manager, KGMB</td>
</tr>
<tr>
<td>Reeve Hennion</td>
<td>United Press International</td>
</tr>
</tbody>
</table>
Gardiner B. Jones  executive administrative assistant, State Senate
President David McClung/Office of the Senate
Majority

John Kernell  director of information and complaint, City &
County of Honolulu

Ken Kobayashi  1970-1971 editor, Ka Leo o Hawaii

Ah Jook Ku  information specialist, Department of Education

Dr. Kenneth S. Minato  State Dental Association

Sunwoo Nam  journalism professor, University of Hawaii

Nelson Prather  vice president, Alexander & Baldwin

James Richstad  journalism professor, University of Hawaii

Max Roffman  United Public Workers

Allan Saunders  director, Hawaii ACLU

A.A. Smyser  editor, Honolulu Star-Bulletin

Donna Spaulding  Mental Health Association

Marie Stires  Linapuni Action Movement

Betty M. Vitousek  Family Court judge

John Witeck  Youth Action

George Zucker  bureau chief, Associated Press
APPENDIX D: AWARD WINNERS

Fletcher Knebel Award

1993  James Dooley
1994  Adam A. "Bud" Smyser
1995
1996
1997  Society of Professional Journalists, University of Hawaii Student Chapter
1998
1999  Corky Trinidad
2000
2001  David Shapiro

  Beverly Keever
2002  Ah Jook Ku
2003  Cobey Black

  Tim Ruel
2004  Rob Perez
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