

MAR 07 2014

SENATE CONCURRENT RESOLUTION

REQUESTING THE HAWAII ACCESS TO JUSTICE COMMISSION TO CONVENE A WORKING GROUP TO DEVELOP AN EDUCATIONAL LOAN REPAYMENT PROGRAM FOR WILLIAM S. RICHARDSON SCHOOL OF LAW GRADUATES TO EXPAND OPPORTUNITIES TO PURSUE PUBLIC INTEREST CAREERS IN HAWAII THAT DIRECTLY SERVE UNDERSERVED COMMUNITIES.

1 WHEREAS, the Legislature finds that there is a significant,
2 and income-based disparity in the ability of Hawaii residents to
3 meaningfully achieve justice in both the civil and criminal
4 courts of the State; and

5
6 WHEREAS, the Hawaii Supreme Court's Access to Justice
7 Commission, established in 2008 to increase access to justice in
8 civil legal matters for low- and moderate-income residents,
9 found that one of the reasons for the severe disparity among
10 citizens' abilities to access the judicial system is the
11 insufficient number of attorneys choosing to practice public
12 interest law in Hawaii; and

13
14 WHEREAS, the Legislature finds that there are not enough
15 new lawyers that are able to practice public interest law due to
16 accumulated educational debt incurred, the high cost of living
17 in Hawaii, and the low compensation for public interest work
18 compared to other practice areas; and

19
20 WHEREAS, the legislature further finds that the federal
21 government and 26 other jurisdictions nationwide have loan
22 repayment assistance programs to encourage lawyers to pursue
23 public interest work within their jurisdictions; and

24
25 WHEREAS, there are several available options that could
26 achieve an effective Hawaii-focused loan repayment program, and
27 such a program is necessary to bring similar benefits to the
28 State's underserved communities; and



1 WHEREAS, the William S. Richardson School of Law has served
2 as Hawaii's law school since 1973 and provides an excellent
3 legal education for attorneys pursuing all sectors of law, with
4 an emphasis on public service and public interest law that,
5 compared to law school education elsewhere in the United States,
6 provides a relatively low cost and high value legal education
7 that allows Hawaii residents the opportunity to pursue a
8 rewarding legal career in-State; and

9
10 WHEREAS, many students of the William S. Richardson School
11 of Law express a high level of interest in pursuing public
12 service careers in Hawaii, including in the State's rural
13 communities, and a loan repayment program would be a substantial
14 factor in enabling Richardson graduates to pursue these careers;
15 and

16
17 WHEREAS, many underserved communities in Hawaii would
18 benefit directly from a loan repayment program that supports
19 graduates of the William S. Richardson School of Law pursuing
20 public interest careers; and

21
22 WHEREAS, a successful loan repayment program needs to be
23 crafted carefully to:

- 24
25 (1) Ensure maximum compatibility with the federal
26 repayment program;
27
28 (2) Ensure broad support from law students and graduates,
29 the Judiciary, the Hawaii State Bar Association, and
30 the State's public service providers;
31
32 (3) Be financially sustainable; and
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34 (4) Include a collection program that provides for
35 appropriate administrative support through the William
36 S. Richardson School of Law, but avoids conflicts of
37 interest with respect to its graduates; now,
38 therefore,

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40 BE IT RESOLVED by the Senate of the Twenty-seventh
41 Legislature of the State of Hawaii, Regular Session of 2014, the
42 House of Representatives concurring, that the Hawaii Access to
43 Justice Commission is requested to convene a working group to
44 develop an educational loan repayment program for William S.



1 Richardson School of Law graduates to expand opportunities to
2 pursue public interest careers in Hawaii for the benefit of
3 underserved communities; and

4
5 BE IT FURTHER RESOLVED that the working group be composed
6 of members of the Hawaii Access to Justice Commission, faculty
7 and staff of the William S. Richardson School of Law, the
8 Student Bar Association of the William S. Richardson School of
9 Law, the Alumni Association of the William S. Richardson School
10 of Law, the Hawaii State Bar Association, a retired member of
11 the Hawaii Supreme Court, Hawaii Consortium of Legal Service
12 Providers, Hawaii Justice Foundation, a member of the House of
13 Representatives, a member of the Senate, and a representative of
14 the Governor's Office; and

15
16 BE IT FURTHER RESOLVED that the working group is requested
17 to:

- 18
19 (1) Explore alternative methods of encouraging law
20 graduates to pursue public interest careers that
21 provide legal services directly to underserved
22 communities and nonprofit organizations;
23
24 (2) Consider the compatibility of the federal law graduate
25 loan repayment programs with a Hawaii program;
26
27 (3) Consider the establishment of an incubator program for
28 post-graduate apprenticeship to afford practice-ready
29 training for graduates of the William S. Richardson
30 School of Law and to encourage multidisciplinary
31 training of graduates; and
32
33 (4) Draft proposed legislation or alternative measures, if
34 needed, to implement such programs; and

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36 BE IT FURTHER RESOLVED that the members of the working
37 group should not be considered state employees based solely upon
38 their participation in the working group; and

39
40 BE IT FURTHER RESOLVED that the working group is requested
41 to submit a final report of the working group's findings and
42 recommendations, including any proposed legislation, to the
43 Legislature no later than 20 days prior to the convening of the
44 Regular Session of 2015; and



S.C.R. NO. 116

1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Governor, the Chief
3 Justice of the Hawaii Supreme Court, members of the Hawaii
4 Access to Justice Commission, the Dean of the William S.
5 Richardson School of Law, the President of the Student Bar
6 Association of the William S. Richardson School of Law, the
7 President of the Alumni Association of the William S. Richardson
8 School of Law, the Executive Director of the Hawaii State Bar
9 Association, members of the Hawaii Consortium of Legal Service
10 Providers, and the Commissioners of the Hawaii Justice
11 Foundation.

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14

OFFERED BY:



A handwritten signature in black ink, appearing to read "R. D. O. J. L.", is written over a horizontal line.





Association of Hawaiian Civic Clubs

P. O. Box 1135
Honolulu, Hawai`i 96807

HOUSE COMMITTEE ON HIGHER EDUCATION

SCR 116 REQUESTING THE HAWAII ACCESS TO JUSTICE COMMISSION TO CONVENE A WORKING GROUPS TO DEVELOP AN EDUCATIONAL LOAN REPAYMENT PROGRAM FOR WILLIAM S. RICHARDSON SCHOOL OF LAW GRADUATES TO EXPAND OPPORTUNITIES TO PURSUE PUBLIC INTEREST CAREERS IN HAWAII THAT DIRECTLY SERVE UNDERSERVED COMMUNITIES

Monday; 4/14/14; 9:00 a.m.; Room 329

Aloha Chairman Choy, vice chair Ichiyama and members of the House Committee on Higher Education. I am Soulee Stroud president of the Association of Hawaiian Civic Clubs (AHCC) here to support this Senate Concurrent Resolution to provide student loan assistance to certain students.

The first club of the AHCC was founded in 1918 by Prince Kuhio and a group of Native Hawaiian citizens to act upon issues impact the Native Hawaiian population. There are now sixty eight clubs throughout Hawaii and on the continent. Each year the AHCC holds a convention to deliberate on AHCC business and Native Hawaiian issues of the day. Our process is through resolutions that are introduced, discussed and voted upon in committee and finally in plenary session by the House of Delegates.

The AHCC passed Resolution 13-19 in 2013 “Supporting the Creation of a State Task Force to Establish a State Program for Graduates of the University of Hawaii at Manoa William S. Richardson School of Law Who Pursue Public Interest Work In Hawaii In Order to Increase Access to Justice In Honor of William S. Richardson.”

Calling upon the Justice Commission to convene a working group instead of a task force sounds like it may serve a very similar purpose. Hawaii needs more public interest attorneys and if this provides that opportunity the AHCC supports it. Mahalo. Contact: jalna.keala2@hawaiiantel.net

***ASSOCIATION OF HAWAIIAN
CIVIC CLUBS***

A RESOLUTION

13 - 19

SUPPORTS THE CREATION OF A STATE TASK FORCE TO ESTABLISH A STATE PROGRAM FOR GRADUATES OF THE UNIVERSITY OF HAWAI‘I AT MĀNOA WILLIAM S. RICHARDSON SCHOOL OF LAW WHO PURSUE PUBLIC INTEREST WORK IN HAWAI‘I IN ORDER TO INCREASE ACCESS TO JUSTICE IN HONOR OF WILLIAM S. RICHARDSON

WHEREAS, this year is the Fortieth Anniversary of the founding of the University of Hawai‘i at Mānoa School of Law, renamed after its founder and champion, Chief Justice William Shaw Richardson; and

WHEREAS, William S. Richardson was born on December 22, 1919 in Honolulu to Amy and Wilfred Kelelani Richardson; and

WHEREAS, William S. Richardson was born to a working class Hawaiian, Chinese, and Caucasian family; and

WHEREAS, William S. Richardson served as a platoon leader in the United States Army during World War II; and

WHEREAS, William S. Richardson led the Hawai‘i Democratic Party from 1956–1962; and

WHEREAS, William S. Richardson served as President of the Hawai‘i State Bar Association from 1961–1962; and

WHEREAS, William S. Richardson served as the Lieutenant Governor of Hawai‘i from 1962–1966; and

WHEREAS, William S. Richardson served as the Sixteenth Chief Justice of the Hawai‘i Supreme Court from 1966–1982; and

WHEREAS, William S. Richardson clarified that Hawaiian Kingdom Law is an integral part of Hawai‘i Common Law and further affirmed public rights for Native Hawaiians and all people in Hawai‘i; and

WHEREAS, the Association of Hawaiian Civic Clubs acknowledges his leadership in the creation of educational and professional opportunities for Hawai‘i’s most disadvantaged groups, particularly Native Hawaiians; and

WHEREAS, the mission of the William S. Richardson School of Law embraces Hawai‘i’s diversity and values and recognizes a special responsibility to our state and the Pacific region [William S. Richardson School of Law Strategic Plan 2012-2017]; and

WHEREAS, the William S. Richardson School of Law seeks to instill in students the values of Ho‘owaiwai; “to create wealth and well being for the community”, and to provide programs that address the “legal claims of indigenous peoples” and promote “abiding commitment to public service” [William S. Richardson School of Law Strategic Plan 2012-2017]; and

WHEREAS, Honorable Representative Robert Kimura explained why the school was needed: “Crushing, for too long, however, is the situation faced by students who are unable to finance the travel, tuition and living costs away from home. Now, the opportunity of equal education for all students, despite economic background, illuminates as a vision fulfilled—the fulfillment that each individual can contribute to his society in a way that satisfies his own self esteem.” [H.S.C.R. 694 House Floor Debate (1971)]; and

WHEREAS, similar fiscal obstacles preventing students in 1971 from obtaining a legal education away from Hawai‘i face students in Hawai‘i today; and

WHEREAS, students of the William S. Richardson School of Law incur an average debt of \$68,016 upon graduation [William S. Richardson School of Law Financial Aid Department 2011-2012 School Year] resulting from the financial obstacle of tuition that has increased 170 percent over the last ten years and over 10,000 percent since the Law School was founded in 1973 [William S. Richardson School of Law Timeline]; and

WHEREAS, the high cost of a legal education keeps otherwise qualified local students, particularly Native Hawaiians, from pursuing a legal education and then doing public interest work in state to benefit their communities with their acquired legal education; and

WHEREAS, the Access to Justice Hui authored *Achieving Access to Justice for Hawaii’s People* (2007) and identified the following Access to Justice issues:

- The greatest unmet civil legal needs are in housing (24%), family (23%), domestic violence (8%), consumer problems (7%), health (6%), public benefits (5%), and education (5%).
- Only 1 in 5 low and moderate-income Hawai‘i residents have their legal needs met.
- Legal service providers are able to help only 1 in 3 of those who contact them for assistance.
- Substantive barriers exist in community members obtaining legal assistance including affordability of an attorney, language and cultural obstacles, and limited knowledge of legal rights, limited knowledge on available legal services, and obstacles in accessing legal services programs.
- There is one private attorney for every 361 persons in Hawai‘i.
- There is one legal service attorney for every 2,291 persons living below 125% of the federal poverty guideline in Hawaii.

- There is one legal service attorney for every 4,402 persons living below 200% of the federal poverty guideline; and

WHEREAS, the Supreme Court of Hawai‘i established the Access to Justice Commission in May, 2008 by Court Rule 21, the purpose of which is “to substantially increase access to justice in civil legal matters for low- and moderate-income (together “low-income”) residents of Hawai‘i”; and

WHEREAS, 14.1% of Native Hawaiians Families and 41.8% of Native Hawaiian elders qualified for Social Security benefits and are below poverty level [ka puke ‘ikepili o nā ‘ōiwi Hawai‘i 2011 Native Hawaiian Data Book]; and

WHEREAS, an Office of Hawaiian Affairs report entitled *The Disparate Treatment of Native Hawaiians in the Criminal Justice System* (2010) found that:

- Since 1977, the number of people incarcerated in Hawai‘i has increased more than 900%.
- When found guilty, Native Hawaiians are more likely to get a prison sentence than all other groups.
- Native Hawaiians receive longer prison sentences than most other racial or ethnic groups.
- Native Hawaiians are sentenced to longer probation terms than most other racial or ethnic groups.
- Native Hawaiians make up the highest percentage of people incarcerated in out-of-state facilities.
- Hawai‘i has the largest proportion of its population of women in prison, with Native Hawaiian women comprising a disproportionate number of women in the prison.
- Parole revocations contribute to the number of Native Hawaiians in prison in Hawai‘i.
- Native Hawaiians do not use drugs at drastically different rates from other races or ethnicities, but go to prison for drug offenses more often than people of other races or ethnicities.
- Native Hawaiians bear a disproportionate burden of punitive response to drug use.
- Culturally inappropriate or unavailable re-entry services are not as effective for helping Native Hawaiians achieve successful life outcomes and stay out of prison.
- Incarcerated parents who lose their children may never get them back.
- While Hawai‘i has laws designed to prevent discrimination in the hiring of people convicted of offenses there is little done to enforce the laws and protect those who have been released from prison to the community.
- Native Hawaiian youth are disproportionately represented in the juvenile justice system in Hawai‘i.

WHEREAS, the Access to Justice Hui and the Access to Justice Commission clarify that Access to Justice issues are faced by a wide-cross section of Hawai‘i’s people; and

WHEREAS, OHA’s reports illustrate how Native Hawaiians are particularly vulnerable in both civil and criminal law areas; and

WHEREAS, Access to Justice issues, particularly those faced by Native Hawaiians, may be alleviated if graduates of Hawai‘i’s only law school increasingly pursued public interest work as employees in Hawai‘i state and local governments, state incorporated non-profits, or community based practice; and

WHEREAS, the Student Bar Association of the University of Hawai‘i at Mānoa –William S. Richardson School of Law (“SBA”) seeks to establish a State Task Force to address Access to Justice [SBA Resolution 13-1] and we support their intent; and

WHEREAS, the State of Hawai‘i enacted Act 187 (2012), creating the “Hawaii Health Corps,” which authorizes and funds the University of Hawai‘i at Mānoa schools of medicine and nursing educational loan repayment program available to their graduates who work to address Access to Health Care in Hawai‘i; and

NOW, THEREFORE BE IT RESOLVED by the Association of Hawaiian Civic Clubs at its 54TH annual convention at Kalapaki Beach, Kaua‘i, Hawai‘i this 16th day of November 2013, that it **SUPPORTS THE CREATION OF A STATE TASK FORCE TO ESTABLISH A STATE PROGRAM FOR GRADUATES OF THE UNIVERSITY OF HAWAI‘I AT MĀNOA WILLIAM S. RICHARDSON SCHOOL OF LAW WHO PURSUE PUBLIC INTEREST WORK IN HAWAI‘I IN ORDER TO INCREASE ACCESS TO JUSTICE IN HONOR OF WILLIAM S. RICHARDSON;** and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be given to the Governor of Hawai‘i, State Senate President, State Speaker of the House, State Senate Committee on Hawaiian Affairs, State House Committee on Hawaiian Affairs, Office of Hawaiian Affairs Chair of the Board of Trustees, All County Mayors, the President of the UH System, the Dean of the William S. Richardson School of Law, the Faculty of the William S. Richardson School of Law, the President of the Alumni Association of the William S. Richardson School of Law, the Access to Justice Commission, and the Student Bar Association of the University of Hawai‘i at Mānoa –William S. Richardson School of Law, and the Board of Regents of the University of Hawai‘i.

The undersigned hereby certifies that the foregoing Resolution was duly adopted on the 16th day of November 2013, at the 54th Annual Convention of the Association of Hawaiian Civic Clubs at Kalapaki Beach, Kaua‘i, Hawai‘i

Annelle C. Amaral, Acting President

Student Bar Association
William S. Richardson School of Law
University of Hawai'i at Mānoa

TESTIMONY IN SUPPORT OF SCR 116

House Committee on Higher Education

Hon. Rep. Isaac W. Choy, Chair
Hon. Rep. Linda Ichiyama, Vice-Chair

April 14, 2014
10:30 a.m.

Aloha Chair and Honorable committee members,

My name is Keani Rawlins-Fernandez, and I am the Chair of the Student Bar Association's Working Group on Access to Justice. I testify on behalf of the Student Bar Association at the William S. Richardson School of Law (SBA), which supports this resolution.

The SBA represents over 300 students. It was established in 1985 and it is the only association of law school students organized within Hawai'i. The SBA's mission is to foster service-oriented legal professionals, who strive for justice through meaningful change.

The student delegates discussed what distinguishes us as Richardson lawyers, how to be accountable to community, and the importance of public interest law, at our 2013 Constitutional Convention. Our association then created the SBA Access to Justice Working Group, to clarify our role and focus our efforts.

We understand that we are newcomers to a long-standing conversation on Access to Justice. We acknowledge the work of those that have come before us, including: the Hawai'i Access to Justice Commission, the Hawai'i Innocence Project, the Native Hawaiian Legal Corporation, the Hawai'i Appleseed Center for Law and Economic Justice, the Community Alliance on Prisons, Legal Aid Society of Hawai'i, and the many others.

The SBA advocates for Article 1, Section 8, of the Hawai'i State Constitution's promise that "No citizen shall be disfranchised, or deprived of any of the rights or privileges secured to other citizens, unless by the law of the land." It's time to act upon the recommendation of the Hawai'i Access to Justice Commission, to create a Loan Repayment Assistance Program (2012 Annual Report). Let us step together toward a more pono Hawai'i.

We ask that you:

(1) Add the Office of Hawaiian Affairs; the Association of Hawaiian Civic Clubs; Hawaii Community Alliance on Prisons; the Hawaii Innocence Project; and recipients of the service of the Consortium of Legal Service Providers to pg. 3, l. 5;

(2) Focus the goal of the working group to the task of creating a State Loan Repayment Assistance Program by deleting pg 3, l. 27 - 31 ("Consider the establishment of an incubator program for post-graduate apprenticeship to afford practice-ready training for graduates of the William S. Richardson School of Law and to encourage multidisciplinary training of graduates").

OHA and the Association of Hawaiian Civic Clubs provide necessary perspective on the state of Native Hawaiians and other groups disproportionately under represented in the judicial system, particularly in the criminal context. Similarly, the Hawaii Community Alliance on Prisons and the Hawaii Innocence Project also provides needed perspective. Furthermore, the work of the creation of a LRAP is considerable and the secondary focus upon the "incubator program" will detract from completing the proposed legislation by the indicated deadline.

Thank you for the opportunity to testify in support of SCR 116.

Mahalo.



Hon. Daniel R. Foley
Associate Judge
Intermediate Court of Appeals
Chair

Jill M. Hasegawa
Vice Chair

HAWAII ACCESS TO JUSTICE COMMISSION

Commissioners:

Hon. Simeon R. Acoba, Jr.
Rep. Della Au Belatti
Hon. Joseph Cardoza
Victor Geminiani
Moses Haia

Sen. Clayton Hee
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Mary Anne Magnier
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Scott S. Morishige
Darien Nagata
Hon. Trudy Senda
Gary M. Slovin
Dean Aviam Soifer

April 11, 2014

To: Representative Isaac Choy
Chair, House Committee on Higher Education

Re: House Committee on Higher Education
Hearing Date: Monday, April 14, 2014
Hearing Time: 10:30 a.m.

Testimony in **Strong Support** of SCR 116, to convene a working group to develop an educational loan repayment program for individuals pursuing public interest careers directly serving underserved communities

Dear Chair Choy and Members of the House Committee on Higher Education:

The Hawaii Access to Justice Commission (the "Commission"), **strongly supports** the convening of a working group to develop an educational loan repayment program for individuals pursuing public interest careers directly serving underserved communities, and more especially those who pursue public interest work through our non-profit legal service providers.

The Commission, which was created by Rule 21 of the Rules of the Supreme Court of Hawaii on May 1, 2008, was established with the purpose of substantially increasing access to justice in civil legal matters for low- and moderate-income residents of Hawaii ("low income Hawaii residents"), including developing initiatives designed to enhance recruitment and retention of attorneys who work for nonprofit civil legal services providers in Hawai'i and to encourage law students to consider, when licensed, the practice of poverty law in Hawai'i.

The Commission was created in response to the 2007 Assessment of Civil Legal needs and Barriers of Low- and Moderate-Income People of Hawaii (2007

Assessment), which found that four out of five low income Hawaii residents do not have their legal needs met and that legal service providers are only able to assist one in three persons who contact them for assistance. The Commission recognizes that in order to increase delivery of legal services to low income Hawaii residents, more resources, including increasing the number of attorneys who practice public interest law is needed.

Many law students enter law school with the desire and passion to assist the public through public interest work. However, several barriers exist which deter those individuals from pursuing this aspiration. Among them is the financial reality of having to immediately payoff their student loans. One crucial step towards increasing the number of public interest attorneys is to lessen some of the financial burdens of those attorneys through a educational loan repayment assistance program. With such a program, those attorneys interested in practicing public interest law would have one less financial obstacle to overcome.

In order to create a successful sustainable educational loan repayment assistance program, the Commission realizes that many issues need to be addressed, which will require cooperation, discussion, and collaboration amongst a number of groups including, but not necessarily limited to: the William S. Richardson School of Law, law students, legal service providers, the Hawaii State Bar Association, and representatives from the legislative and judicial branches.

It is especially important for our legal service providers to have a voice in the creation of a successful educational loan repayment assistance program, as they are a critical piece of the discussion, and have legitimate concerns about any negative effect on their funding. The legal service providers, who provide valuable services to our underrepresented communities, are especially concerned that any funds to maintain an educational loan repayment assistance program, not supplant and/or be diverted from their programs.

The Commission strongly supports the passage SCR 116 and appreciates the opportunity that this resolution provides to further the discussion towards the creation of a successful educational loan repayment assistance program, that will truly benefit the underserved populations in Hawaii. Thank you for your attention to this matter.

Jill M. Hasegawa, Esq.
Vice-Chair
Hawaii Access to Justice Commission

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

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COMMITTEE ON HIGHER EDUCATION

Rep. Isaac Choy, Chair

Rep. Linda Ichiyama, Vice Chair

Monday, April 14, 2014

10:30 a.m.

Room 016

SUPPORT FOR SCR 116 - Working Group to Develop UH Richardson School of Law Loan Repayment Program for Graduates Working to Serve Underserved Communities

Aloha Chair Choy, Vice Chair Ichiyama and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies for more than a decade. This testimony is respectfully offered on behalf of the 5,800 Hawai'i individuals living behind bars, always mindful that approximately 1,500 Hawai'i individuals are serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

SCR 116 requests the Hawaii Access to Justice Commission to convene a working group to develop an educational loan repayment program for William S. Richardson School of Law graduates to expand opportunities to pursue public interest careers in Hawai'i that directly serve underserved communities.

Community Alliance on Prisons supports this measure that supports our community and we congratulate the students for their community heart.

We know many great law graduates are unable to pursue the meaningful work that in many cases was the reason they pursued a law degree because of crippling debt. Encouraging our brilliant law students who see a need and want to help our communities is a great investment in Hawai'i's future.

Without a sense of caring, there can be no sense of community.

Anthony Burgess

Community Alliance on Prisons respectfully asks the committee to support this resolution.

Mahalo for this opportunity to testify.