



# HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

May 12, 2020  
Rm. 016, 10:00 a.m.

To: The Honorable Karl Rhoads, Chair  
The Honorable Jarrett Keohokalole, Vice Chair  
Members of the House Committee on Judiciary

**LATE**

From: William D. Hoshijo, Executive Director, Hawai‘i Civil Rights Commission  
Robin Wurtzel, Chief Counsel, Hawai‘i Civil Rights Commission

## G.M. No. 749

G.M. No. 749 submits the nomination of Joan Lewis to the Hawai‘i Civil Rights Commission (HCRC), for Senate consideration and confirmation. If confirmed, this would be Commissioner Lewis’s second term.

The HCRC has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

The statutory qualifications for HCRC Commissioners are laid out in HRS § 368-2(a): “The members appointed to the commission shall be selected on the basis of their knowledge and experience in civil rights matters and on the basis of a demonstrated commitment to the preservation of the civil rights of all individuals.”

HCRC staff are appreciative of the contributions Joan Lewis has made as an HCRC Commissioner for the past four years, and her willingness to continue to serve. Ms. Lewis brings a wealth of experience and expertise to the Commission, and an impressive record of demonstrated commitment to civil rights for Hawai‘i’s people. Her background in education and labor have added valuable perspective to the work of the Commission, and we welcome the opportunity to work with Ms. Lewis for another term.

**GM-749**

Submitted on: 5/9/2020 10:07:44 AM

Testimony for JDC on 5/12/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Wesley Shinkawa	Individual	Support	No

Comments:

I am writing in full support and consideration for Mrs. Joan Lewis to be confirmed to the Civil Right Commission. Mrs. Lewis has the proven capacity to make tough decisions while remaining highly ethical and conducting herself with the utmost dignity and intergrity. She will bring a wealth of knowledge and experience to this commission and prove to be a valuable asset.

**GM-749**

Submitted on: 5/9/2020 12:20:08 PM

Testimony for JDC on 5/12/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stephen Terstegge	Individual	Support	No

Comments:

Joan Lewis is a champion for social justice in her school where she teaches and in her community. As a teacher for thirty years, a parent and a community member, Joan's reputation is one of selflessness, respect and integrity. Most importantly, her values are put into action in advocating for and supporting the civil rights of those who may not otherwise have a voice.

I highly, and without reservation recommend Joan Lewis to the Civil Rights Commission.

Stephen Terstegge

Testimony to the  
Committee on Judiciary

Chairman Rhoads and Vice-Chairman Keohokalole, my name is Joan Lee Husted and I am the retired executive director of HSTA and a commissioner on the Education Commission of the States.

It is my pleasure to support a second term for Joan Lewis as a commissioner on the Civil Rights Commission. I have known Ms. Lewis for more than thirty years. I worked with her when she was the Leeward unit president and an HSTA vice-president. I know her to research any topic that she has responsibility for. She is bright and articulate and can convey ideas with clarity and logic.

She is known for her commitment to human and civil rights as I am sure that her time on the Civil Rights Commission has demonstrated. She can analyze any situation presented to the Commission. Her skills are definite assets to the Commission.

Her continuation of the Commission is important for the cause of civil rights in Hawaii. I strongly urge her reappointment to the Commission for a second term.

Respectfully,

*Joan Lee Husted*

Joan Lee Husted

**LATE**

**GM-749**

Submitted on: 5/11/2020 5:48:38 PM  
Testimony for JDC on 5/12/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ray LHeureux	Individual	Support	No

Comments:

My name is Ray LHeureux and I am submitting this testimony in support of Joan Lewis for her confirmation as a member of the Civil Rights Commission. I have worked with Joan for many years and can, without reservation recommend her for this position. Her devotion to her community, her school, and ALL the children of Hawaii is remarkable. This commission will be lucky to have her. Joan's integrity, commitment to Hawaii Civil Rights, and her penchant to always do the right thing even when it is not popular is refreshing, and rare. I therefore enthusiastically recommend her for the term prescribed. You will not find a better candidate. Please reach out to me if I can further amplify my comments. Respectfully Submitted, Ray L'Heureux

1. Please describe your understanding of the role and jurisdiction of the Civil Rights Commission.

*The HCRC serves as the state's civil right's watchdog. Although it is specifically tasked with enforcing state laws pertaining to the prohibition of housing, employment, and public accommodations as well as access to state funded services, it also serves as a first point of contact for those who believe they are being marginalized and don't know where else to turn. The existence of the HCRC shows the commitment of the State of Hawaii to protecting and supporting its citizens. The work of the HCRC demonstrates that the commitment is tangible.*

*While there are concerns that sometimes our work might encroach on other state and federal departments, or that others supercede us, I believe that our staff works diligently to ensure that we do the work that is intended for us, informs the commissioners when there might be potential problem areas and provides the kind of thoughtful information that helps us in our deliberations. In turn, I believe that as commissioners, we fulfill our responsibilities with fidelity and candor.*

2. How do you perceive the role and responsibilities of a member of the Commission?

*As a commissioner my role is to monitor what the HCRC does in relation to what it is charged with doing and act accordingly. As we review data points that serve as testament to the Commission's work, it is my job to see what is as it should be and question that which is not. If there are questions, I need to be prepared to ask them and then follow up as needed. Fortunately, the staff of the HCRC has been doing yeoman's work in addressing the needs of the community we serve. As a commissioner, I understand that I also need to support the work of the staff with policy recommendations as needed. Much of that comes by way of deliberating and ultimately deciding upon both proposals and testimonies for legislative issues. It also means staying current with the issues that occur in our community as well as keeping abreast of those issues that, while occurring elsewhere, can impact us.*

3. Why do you wish to continue to serve as a member of the Commission? Please

note if you initially applied to be nominated to the Commission or if you were invited to apply.

*I was initially invited to apply to the Hawaii Civil Rights Commission by Wil Okabe. At the time he was working as Governor Ige's Liaison on the island of Hawaii, and he thought that I could continue the work I had done with HSTA in a different venue. Although I was not sure that my experience would translate, I soon found that this work is even more fundamental to what I was trying to do with public education in the state of Hawaii.*

*I have served as a Commissioner for the duration of Donald Trump's term in office. I have been an unwilling witness to the decimation of both human and civil rights around the country and around the world and the push for policy changes at the Federal level that will push against those policies that speak to philosophical beliefs of this state.. But, I have been buoyed by the work that we do. I have found a great deal of validation for the work of this commission, even as I know there is more to do.*

*As a public school teacher, I have seen the negative effects of that dialogue that has coincided with the tenure of the current presidential administration in my school. Bullying, both virtual and actual, are on the rise. There is a growing sense that “I” is greater than “WE” in both the words and actions of our students and our school families. I can think of no better way to contribute to improving my community than by continuing on this commission and I would be most grateful for the opportunity to do so.*

Please describe why you believe that you are qualified to be a member of the Commission, and discuss any skills, expertise, knowledge, or volunteer involvement that would aid in your decision-making ability.

*I believe that the work I have done on the commission demonstrates my ability to continue on the commission. More importantly, I have found that my experience of working at the high school level in our public school system provides a perspective that can be quite different than both my staff counterparts and my fellow commissioners. In many ways, I can translate how our work and the state policies translate (or don't translate) to the lay population. I can raise questions that others may not have thought of because I do not work in a traditional adult, 9-5, downtown Honolulu, environment. Moreover, because I am not fluent in legalese, I think I help those around me build their own clarity on the matters we discuss. I have worked on a variety of teams my entire adult life and I am always committed to carrying my load of work, acting from a place of sincerity and curiosity, and making sure that everyone is heard and understood. I would also like to think that I have an off-beat sense of humor that provides just enough levity in hard conversations to keep things from being weighed down.*

5. What do you hope to accomplish during your second term as a member of the Commission?

*I would like to continue the work that the commission has been doing in regards to pay equity, and the pursuit of policies that provide safety and opportunities to thrive for the most vulnerable and/or disenfranchised in our community.*

6. What issues do you believe that the Commission has handled well in the past? What issues do you believe that the Commission should address in the future?

*I think our work on the various lawsuits that have been both settled or won outright have been tremendous in that they helped to bring productive closure to those wronged even as they helped to solidify what constitutes civil rights protections. I also believe that our work with the legislature in helping to shape testimony, like that for the continuation of closed captioning requirements in theaters, helps to expand the concept of what is acceptable and should be expected in the community. I would argue, however, that some of our best work has also come from not necessarily engaging in policy making. I understand that the community is truly struggling with the concept of service vs. support vs. the pet I am trying to say is something more animals. While it seems that there is an ongoing hue and cry that the HCRC intervenes in some way, I think that our current work deems otherwise, and frankly I*

*think that is us at our finest. This is an issue that cannot be adjudicated by us and should we insist on finding a way to insert ourselves (which we aren't) we will likely do no real good, but potentially cause real harm. We are open to discuss matters that others send our way, but I believe we are all firm in our understanding of what is "in our lane".*

*There are areas where we could use better clarity from the state. This is what I think we need to keep pursuing. Language that better supports wage parity, language that gives us true state level EOC guidelines, and language that helps clarify what is meant by exceptions to based on state or federal funding when it comes to exceptions to state law beyond what is covered by the Hawaii Department of Education.*

7. Can you foresee any possible conflicts of interests that could arise during your continued service on the Commission? How would you overcome any possible conflicts of interest?

*I do not foresee any possible conflicts of interests that would arise during my tenure on the Commission. I have effectively "Kon-Married" much of my involvement in non-work/family business. I focus my time and other resources on those works that "spark joy" and serving as a Commissioner on the Hawaii Civil Rights Commission is part of that work. To that end, I have made sure that I am not undertaking actions that would conflict with this work.*

*Should there be a possibility of conflict, however, I already have the model behavior to follow. During one of our case deliberations, it became clear that one of the commissioners had a relationship with someone who had a relationship to one of the individuals involved in the issue. She immediately stated the potential conflict of interest and asked that our attorney follow the proper steps to ensure that there was either no conflict or that there was a plan for our work to continue should she have to recuse herself. Our attorney followed up with the State Attorney and our work continued in a manner beyond reproach.*

*It is not possible to say that a conflict will never arise, but should I find that one does, I know how to address it properly and I also know I can count on both the HCRC staff and my fellow commissioners to help me with our good work.*

8. Is there any other information regarding your experience and background that you believe should be considered for your nomination?

*My husband and I were foster parents for eight years as part of Hale Kipa's Independent Living program. We worked with young men (ages 16-20) who had been a part of the state's various institutional programs. All were known to CPS. Many were known to HPD. Several came to our program after they completed their sentences at HYCF.*

*At the time, my older sister's husband passed away, leaving her a single mother of 4 young children (ages 2 - 8).*

*My younger sister's marriage was unstable and with a young baby, we often found ourselves babysitting their little one.*

*Both of my brothers have experience with long time drug use, and most recently one of them has become a part of the criminal justice and corrections system.*



*My father passed several years ago after suffering and ultimately managing adult onset mental illness (today known as bi-polar disorder).*

*My mother, who turned 85 while quarantined, is on a fixed and increasingly inadequate income.*

*My work in public education has brought me numerous experiences with students who also fit part of the above “demographics” as well as those not experienced by my own family members.*

*I bring this to the commission. I try to give voice for those not in the room when we do our work. At a minimum, I bring this experience as a way to offer various points for consideration and deliberation.*

9. Is there anything in your background that might be deemed as negative or controversial by the Senate?

*I do not think there is anything in my background that is either negative or controversial, but given the current state of things, I would argue that this is not up to me to decide.*

*Controversy, it seems, is in the eye of the beholder.*

*I AM a public school teacher at Kapolei High School. I have spent all 31 of my teaching years in the Leeward District (Nanakuli High and Intermediate School & Kapolei High School).*

*I have been an HSTA State Officer, and although I served with dignity and integrity throughout my years in office, the current president of HSTA ran a campaign against me that alluded otherwise. Vestiges of that disinformation may still be found on various electronic platforms.*

*I currently sit as a board member of both the Hawaii Education Association and the Education Institute of Hawaii. While the former board is considered both historic and quite benign, some would argue that the latter is less so.*

*I will be celebrating my 30th wedding anniversary to my husband, former New Yorker, Chris Lewis this summer.*

*I am also looking for an attorney on behalf of my mother. I believe her HOA has wronged her grievously and I want to find out if she has grounds for a lawsuit. Although I am not likely to be named in any part of this, we are a small state and I have no idea what will turn up.*