

THE phenomenon of coddling criminals has been taken to fantastic proportions by state legislators. Under astonishingly serious consideration is a bill that would strengthen a foolish law banning employers from deciding against hiring job applicants because of their criminal backgrounds -- grouping criminality with such categories as disability or ethnicity. The bill to protect those who might be called the criminally disadvantaged is being advanced with the apparent purpose of turning employers into involuntary counselors.

A bill approved by the Senate **Human Resources Committee** would forbid employers from considering convictions that are more than five years old in hiring decisions. If the conviction was more recent, the employer would be required to consider whether a person had been rehabilitated and if the conviction had a "substantial relationship" to the job being offered. Thus, a convicted embezzler would have to wait five years before being assured of a job at a financial institution, and a convicted pedophile's workplace would have to be someplace other than a day-care center for five years.

The legislation was prompted by the Hawaii **Civil Rights Commission's** recent discovery of an obscure inclusion of "arrest and court record" among illegally discriminatory hiring practices. The ban was enacted without notice in 1973 and had gone undetected ever since. Upon its discovery, the **commission** ambitiously went about writing guidelines to bring every business into compliance. (The law conveniently exempts the state and county governments.)

Ideally, people who commit crimes become rehabilitated during the penalty process, but recidivism rates show otherwise. Employers should be allowed to consider whether to take a chance on hiring a job applicant with a criminal record.

Inclusion of criminal backgrounds in categories of discriminatory hiring practices may have been some legislator's idea of a bad joke that nobody got 25 years ago. The House, apparently appreciative of the black humor in such a prohibition, has passed a bill to repeal it. It's time the senators caught on, too.

Federal spending

GIVE a politician money and, with rare exceptions, he or she is going to spend it. The scarcity of money to spend is causing a lot of pain in the Hawaii Legislature, but that's not the case in Congress. The booming national economy means happy days on Capitol Hill.

The balanced budget agreement reached last summer between the Republican Congress and President Clinton didn't signal the start of an era of austerity. Last year federal spending exceeded \$1.6 trillion. It is expected to rise another \$69 billion, or 4.3 percent, in fiscal 1998. The Congressional Budget Office projects that the budget will grow by 50 percent over the next 10 years, while remaining in balance or showing a surplus.

However, critics are warning that Congress is already about to bust the balanced budget agreement. The Senate has voted to increase transportation spending by 38 percent with a \$214 billion, six-year reauthorization of highway and mass transit programs.

John McCain, R-Ariz., one of the few critics of the plan, urged an end to "highway pork." As an example, McCain cited \$4 million to study Honolulu traffic problems.

To be sure, there are real traffic problems here. But considering that the City Council killed the rail transit project, which would have been partially financed with federal funds, it's hard to justify going back and asking Washington for more money to deal with the same problem the Council refused to act on.

In the House, Republican leaders are discussing the possibility of moving the highway trust fund off budget, to permit spending increases unrestrained by budget caps. And the GOP is supposed to be the fiscally responsible party!

Impasse at OHA

THE Office of Hawaiian Affairs has often been riven with dissension since its establishment in 1980, but now it has reached a new low point of futility. The board of trustees has been unable to agree on a replacement for the late Billie Beamer.

Governor Cayetano's remarks could easily have been interpreted as sarcasm when, in discussing the deadlock, he observed that he thought "this is a great time, and a great opportunity, for OHA to demonstrate that it can make a decision."

In fact, the trustees have been unable to make a decision, and it looks as though the governor will have to make it for them. The deadline for them to name a successor to Beamer, who died in January, was midnight Wednesday.

Cayetano said he wanted the trustees to keep on trying despite the passage of the deadline. But the OHA chairwoman, "Frenchy" DeSoto, said the board was "clearly at a stalemate that seems immovable."

Beamer had been a member of the faction that installed De-Soto as chairwoman, but with her death the factions are evenly divided. Thus the importance of choosing Beamer's replacement: He or she represents the balance of power on the board.

The trustees narrowed the field to two finalists, retired state Intermediate Court of Appeals Judge Walter Heen and Larry Kimura, a University of Hawaii-Hilo assistant professor of language and Hawaiian studies, but were unable to choose between them.

The board had been deadlocked 4-4, but at the last meeting Wednesday it changed to 4-3 due to the absence of trustee Moses Keala because of illness. However, a two-thirds majority, or six votes, is required. The inability of the trustees to transcend their differences and make this appointment is discouraging evidence of OHA's continuing troubles.

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