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◆ DECEMBER 5, 2015 ◆

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## EDITORIALS

# OMM Mission to Spread Aloha and Christmas Cheer

**A** band of medical brothers and sisters from the Ohana Medical Missions (OMM) are preparing for another mission of mercy to the Philippines—just in time for Christmas. They will be in such towns as Payatas in Quezon City, Batangas City, and Cabugao, Santo Domingo, San Juan Lapog and Vigan City in Ilocos Sur. The weeklong mission is a labor of love for volunteers who pay their own way, including airfare, hotel and food, at a minimum cost of \$2,000. Each volunteer is essential, including nonmedical laypersons whose tasks are to clean surgical instruments, wash gowns or conduct administrative work.

It cannot be stated enough that these missions are essential to the health and wellbeing of poor and needy families. OMM's missions not only provide free medical services to underserved communities, but also act as beacon of light and hope for those who all too often feel abandoned and forgotten. So eager are people to receive medical care that long lines form well before the crack of dawn on the first day of treatment. Procedures like surgeries to remove tumors or an emergency Caesarean section equate to several hundred U.S. dollars—an amount that is well beyond the financial reach of these poor people. For families who earn no more than \$250 a year, paying the bill would require selling their *carabao*, motor scooter or other prized possession. That said, those who are fortunate to live in the U.S. cannot begin to fathom life without adequate access to medical care or even afford medicines to treat various ailments.

For volunteers, nothing beats the satisfaction of giving their time and resources to those who could never be able to repay them for their kindness. Although volunteers treat hundreds of patients during the course of the mission, they are still able to connect personally with many of them. These brief moments where mission volunteer bonds with patient truly make all of the hard work and sacrifice worthwhile. To members of our OMM team, thank you for your big hearts and willingness to give of yourselves. Good luck and God-speed!

## Making Sense Out of Senseless Terrorism

**F**ollowing the deadly shootings and explosions in Paris that left more than 120 victims dead and 300 injured, the world began reverting back to a post 9/11 atmosphere of fear and hate.

Since 9/11, we have learned that there must be limits to security measures that supposedly keep us safer, and that we must balance these increased measures with rights to privacy and freedom. At one end of the spectrum, we face the risk of being a totalitarian type society where freedom is lost due to excessive control in the guise of security and anti-terrorism. At the other end, we leave ourselves vulnerable to all sorts of violence where regulation is non-existent. So the debates, tension and struggles that the world community went through following 9/11, actually turned out to be necessary growth pangs that make us as a society that's more balanced when it comes to addressing terrorism and security.

But have we really learned enough since then?

## FROM THE PUBLISHER

**W**

elcome to the latest issue of the Hawaii Filipino Chronicle! It's already the first week of December with Christmas and New Year's fast approaching. There are yuletide decorations to hang, Christmas trees to trim, gifts to shop for and festive parties to attend. Despite the "busyness" of the season, don't let it distract you from the real reason we celebrate Christmas—the birth of our Savior Jesus!

Speaking of Christmas, we encourage you to attend *Pasko Sa FilCom!*, set for Sunday, December 6, 2015 at the Filipino Community Center in Waipahu from 3 pm to 7 pm. Christmas is truly one of the most important times of the year for Filipinos and perhaps no event captures the essence of a Filipino-style Christmas as much as *Pasko Sa FilCom!* A big mahalo to the FilCom Center and the many other Filipino community organizations that work so hard to make this event a success year in and year out. Don't forget to bring the kids and see you at *Pasko Sa FilCom!*

Our cover story for this issue is about the upcoming Oahu Medical Missions (OMM) trip to the Philippines from December 12-18, 2015. While each mission is different and presents an entirely new set of challenges that must be met, what doesn't change is the tremendous need for medical assistance in many poor and underserved villages in the Philippines. Please turn to page 4 for more on the mission and the team's preparation efforts. Good luck to our OMM volunteers for a safe and successful mission!

On a final note, we would like to congratulate the 15 Hawaii high school seniors who were selected for a special internship program offered by U.S. Sen. Brian Schatz. Two of them are outstanding Filipino students, who will benefit from this unique, hands-on opportunity to make a difference in public affairs. Turn to page 8 to read more about the program and these Filipino students.

Lastly, we encourage you to read the other informative columns and articles we have for you in this issue. Mahalo for your continued support! And as always, if you have a story idea, suggestion or concern, please email it to our staff at: [filipinochronicle@gmail.com](mailto:filipinochronicle@gmail.com). We'd love to hear from you!

Until our next issue...*aloha and mabuhay!*

*Chona A. Montesines-Sonido*

### Terrorism—What Is It Really?

The sheer magnitude of the terror in Paris and the aftermath of fear and anger will test whether we have learned much, if at all. First, there is still a misperception of what "terrorism" actually is. The obvious generalization is that terrorism is rooted in the Middle East. Some believe that Islam and Muslims are responsible for terrorism. In political circles worldwide, the idea of terrorism is one-sided, namely, that the Western world and leaders point their fingers at Arabs and Muslims as the perpetrators of terrorism.

The shameful mainstream media has done close to nothing in the years following 9/11 in exploring both sides of terrorism, the politics behind it, the origins, nor any future resolve. Carnage, victims and bad guys are all we see in the media. It's black and white and good for media ratings.

But is terrorism really that simplistic? Surely, terrorists can't be willing to risk their lives and kill for no reason other than to kill. Until we truly examine the root causes of terrorism, the regional grievances and historical injustices, the world and hu-

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CANDID PERSPECTIVES



By Emil Guillermo

# More Than Trump: Rep. Gabbard Leads the Charge of America

**O** always thought Hawaii was so far away from Washington that it could withstand whatever ailed all those inside the beltway.

Of course, what can you say about commuters like Hawaii's Rep. Tulsi Gabbard?

She was one of the Democrats who crossed over and voted for tougher restrictions on Syrian refugees seeking entry to the U.S.

That surprised me a bit. But then, she has advocated for a change in the waiver standards of Europeans to the U.S.

Does it feel like 1942 to you? America, if you haven't noticed, isn't feeling like itself these days. Instead of large, gracious and visionary—the bastion of freedom and liberty—our country and its leaders are feeling puny and small. Donald Trump “Put-up-a-

Wall” small.

And it all changed on November 13. Add that day to September 11 on your list of days to never forget. On that Friday the 13th, the terrorist attacks in Paris seemed to make everyone a Francophile again. And it turned most of our politicians and leaders into raging Islamophobes.

Sure enough, by the Monday after the attacks, GOP frontrunner Donald Trump was linking the ISIS terrorists responsible for the Paris terrorism with the Syrian refugee crisis. What do the two have to do with each other?

Nothing really. But you can make the link like Trump did the other day and sound totally reasonable. Then again, he tries to make deporting 11 million people seem rational. Trump was on with a right-wing radio host in Boston this week and didn't sound apologetic for practically stripping the Statue of Liberty naked and blowing out her torch.

“This isn't a question of

refugees,” Trump reportedly said on the radio program. “This is a question of safety for the people for our country. This could be the ultimate Trojan horse where people are coming in under the guise that we are taking care of them and they end up blowing up big parts of our cities.”

Meanwhile, President Obama was in Turkey, before heading to the Philippines for APEC this week. Before he got to Manila, he put ISIL/ISIS in its place. It's no nation state, the president said. It's a band of suicidal killers. I was struck by his blunt line: “If you have a handful of people who don't mind dying, you can kill a lot of people.”

That's what America is up against. When the fodder doesn't mind being the fodder, that's worse than going up against the terminator.

But the president warned that stereotyping ISIL will lead to greater recruitment if this be-

comes defined “as a Muslim problem, as opposed to a terrorist problem.”

The puny terrorists need leverage to win. In fact, they can't win, unless the leaders in the West act even punier—which our leaders do when they rely on fear. So what do our politicians do? They go straight to fear. There are now more than 30 governors who want to ban Syrian refugees in the U.S. When I talked recently with Congressman Mike Honda from California, he was trying to stay optimistic. “There are about 17 governors who will say yes,” said Honda, when I called him.

Yes, that's a little bit better than 1942, when only a single governor (from Colorado) was brave enough to stand up to the anti-Japanese war hysteria and say no to the internment.

But if we're better than 1942, it's not by much. Not

when one public official, Mayor David Bowers of Roanoke, Virginia, proudly proclaims this:

*“I'm reminded that President Franklin D. Roosevelt felt compelled to sequester Japanese foreign nationals after the bombing of Pearl Harbor and it appears that the threat of harm to America from ISIS now is just as real and serious as that from our enemies then.”*

You see, it really is 1942.

Honda, an incarcerated relocation camp baby, was astonished by Bowers' wrongheadedness on the matter. He remembers Executive Order 9066 that sent more than 100,000 people of Japanese heritage to relocation camps in America.

As a bawling infant, Honda's camp experience was not much different than that of the infants and orphans among the Syrian refugees. Yearning for a clean diaper, he was an innocent caught in the hateful

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**EDITORIALS (from page 2, MAKING SENSE....)**

manity will continue to experience 9/11s and Paris' 2015 attacks, no matter how much policing, security, regulation and anti-immigration policies are enacted. We all know this. But it's easier to be ignorant of this reality and opt to accept the current black and white, superficial model of terrorism.

**Civilized Society**

Famed contemporary physicist Dr. Michio Kaku gives an evocative working definition of terrorism, as the opposite polarity of civilization, in his Three Levels of Civilization model. Dr. Kaku does not identify terrorists as any particular political or religious group steeped in violence. Rather, he postulates that the real terrorists are those who are working against a one-world type civilization, where humanity is one, moving forward together.

The terrorists are those who fear this movement; because terrorists are stuck in intolerance, fear, ignorance and adopt laws that foster political separation and suppress technology and information that help bring the world community together. Dr. Kaku's working definition is

broad and controversial but upon closer, impartial examination, he identifies more clearly the true nature of terrorism, independent of political and religious biases.

At this current juncture in history, we are an uncivilized society, Type 0. Terrorism and violence are only two examples of where humanity falls short. The transition to becoming a more advanced, Type 1 civilization is a difficult leap forward because much of that resistance comes from “sacred ideas” such as patriotism over humanity, religious zeal over humanity and centric-minded extraction of the world's resources over humanity.

Bottom line: until we are willing to work together as a one world community, this idea of “us” versus “them” will continue to have deadly consequences. War and terrorism are only a few examples of how humanity might never make it to being a Type 1 civilization. Citizens of the world have to make a choice, but clearly, the dialogue of what our alternatives might be, is not even being presented to us, the masses, except perhaps in academia settings. This is not enough.



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## COVER STORY

# Volunteers Return to the Philippines to Give Gift of Health

By Fiedes Doctor

**T**he Ohana Medical Missions (OMM) is making final preparations to return to the Philippines for another round of humanitarian work. From December 12-18, 2015, volunteers will be visiting indigent communities in Payatas in Quezon City, Batangas City, Cabugao in Ilocos Sur to provide medical assistance and bring the gift of health. A small contingent of volunteers will also render medical mission for smaller Ilocos Sur towns such as Bantay, San Ildefonso, Santa Catalina, Caoayan and San Vicente. Additionally, a team of Ilocos Surian local physicians will serve the Ilocos Sur towns of Santiago and Santa.

More than 20 doctors, nurses, surgeons, pharmacists, and other volunteers from Hawaii, California and Maryland will be offering free medical consultation, diabetes, blood sugar and blood pressure screenings, psychiatry diagnosis and treatment and minor surgical procedures, with the help of twelve doctors, six dentists, two ophthalmologists and one nurse from the Philippines.

For volunteer physician Dr. Jane Park, this mission is her first since graduating from medical school. She looks forward to events like this that will help her to grow as a more competent and compassionate physician.

“Serving the community is part of my dream as a physician,” she says. “I’m thrilled with this opportunity for me to join the mission and I think that

this will be a life-changing experience for me.”

OMM volunteers have prepared gift bags containing rice, sardines, noodles and useful personal items such as socks and slippers. These bags will be distributed to the indigent and most needy families—just in time for Christmas.

On average, OMM has treated between 8,000 to 12,000 patients during its previous medical mission trips. The most common medical issues in children are malnutrition, parasitism, respiratory tract infections, dermatosis, primary complex and other gastrointestinal ailments. For adults, common health problems include hypertension, arthritis, gastrointestinal (GI) complaints, cold/asthma, dermatitis, migraine, diabetes and arthritis.

OMM president Dr. Rus-

sell Kelly says participating in medical missions such as this often brings busy physicians back to square one and reminds them of the very reason why they became doctors in the first place.

“When we go to the Philippines and provide help to our fellow countrymen and women, it renews the spirit of being a physician. It is a very rejuvenating feeling,” says Dr. Kelly. “It reminds us that this is what we were called to do. Helping those who can do very little to help themselves is our passion in life.”

Dr. Carolina Davide, who participated in the December 2013 medical mission to assist Leyte typhoon victims, says she has reaped numerous personal benefits by volunteering.

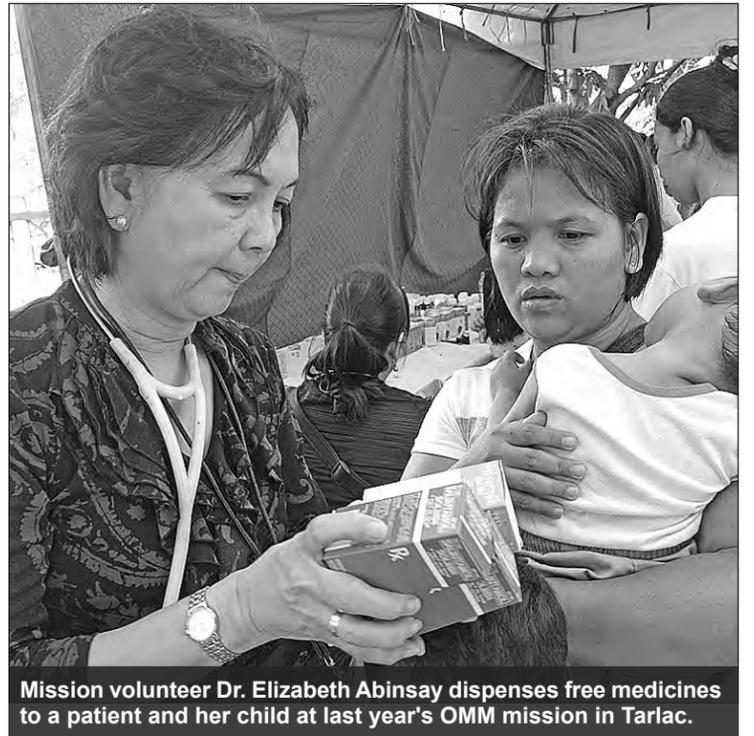
“I feel uplifted and lots of blessings come my way whenever I’ve done volunteer work,” she says.

Davide’s colleague and fellow volunteer Dr. Eduardo de la Cruz agrees with the tremendous amount of personal satisfaction he feels while doing missions work which he calls “medicine in its purest form.”

“I’m thankful that I am able to ‘pay it forward’ and give to others who are in need,” he says.

OMM Inc., a six year old organization, is the outreach arm of the Philippine Medical Association of Hawaii (PMAH). The goal of both PMAH and OMM is to establish themselves as excellent professionals and to help fellow Filipinos through outreach projects and medical missions.

Outreach missions are also at the very heart and soul of every PMAH and OMM



Mission volunteer Dr. Elizabeth Abinsay dispenses free medicines to a patient and her child at last year's OMM mission in Tarlac.

member.

“Since then, we have conducted multiple missions and even to areas in the Philippines that have been devastated by natural disasters,” says Dr. Kelley.

In late 2013, OMM was one of the first overseas organizations that responded to the devastation in Leyte caused by Typhoon Haiyan. About 50 physicians led that outreach and provided much-needed medical and humanitarian assistance to more than 12,000 individuals who were victims of the disaster.

OMM team leader Dr. Romeo Perez says the Leyte mission was one that the many volunteers will never forget for the rest of their lives.

“Those who participated in December 2013, four weeks after the worst super typhoon that devastated Leyte know just how satisfying it was in ways which may not be apparent to those who have not,” says Dr. Perez.

“Many of us continue to volunteer and to seek out opportunities to do so. The personal fulfillment that comes from serving others and being part of something larger than yourself is hard to beat.”

Dr. Perez has continued to lead outreaches to his home country after Typhoon Haiyan. He says OMM’s medical mission trips are not only extremely valuable to host communities but also to the volunteers themselves in terms of professional and personal development.

“One of the most important benefits of a medical mission is that an effective and trusted partnership with the host community is gained,” he says. “Volunteers learn to establish a relationship with each other and with local leaders, including the local medical staff and community.”

“We have already developed a number of relationships of equality, mutual respect and cooperation with host communities which are essential to long-term sustainability.”

This year’s mission is a joint medical mission project with the Ilocos Surian Association of Hawaii (ISAH) headed by its president Danny Villaruz and adviser former Rep. Jun Abinsay for the mission to Ilocos Sur. Volunteer assistance and logistics support will also come from the staff of Siloam Academy in Payatas, Quezon City, Rotary International Club of Batangas, Titans from UST, Ateneo de Manila medical graduates and several volunteer medical students from FEU’s Institute of Medicine and the Ilocos Sur Medical Society. Other volunteers also include the officers and members of various towns of Ilocos Sur living in Hawaii.

Pre-departure orientation for volunteers include training sessions on the importance of collaboration with fellow team members and the local staff, in addition to information related to their respective tasks and responsibilities. Lectures also in-

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COVER STORY

(from page 4, VOLUNTEERS ....)



Dr. Carolina Davide and Charles Sonido (wearing white t-shirts) search for medicines to give to patients during a medical mission in Leyte.



Dr. Russell Tacata examines a child during a medical mission in Davao.

cluded information about Philippine history, culture and an overview of the Philippine health system.

From Hawaii, the volunteer physicians traveling to the Philippines include: Dr. Jane Damo, Dr. Russell Kelly, Dr. Cynthia Romano-Kelly, Dr. Jane Park, and Dr. Charlie Sonido. The surgeons are Dr. Salvador Cecilio and Dr. Romeo Perez who also specializes in OB-Gynecology. Dr. Carolina Davide is the pediatrician volunteer while Melissa Fletcher will be serving as a physician's assistant.

Nurses Corazon Perez,

Fely Pula, Nena Sarmiento and Cathy Wilson are also part of the team, as well as pharmacists Veronica Esteban and Clarita Gambalan. In charge of the administrative aspects of the trip are Armind Guting, Melba Manuel, Jose-Pedro Orias, Peter Sarmiento, Chona Montesines-Sonido and Nelson Sonido.

Volunteer physician Dr. Steven Maier will be joining the team from California, while volunteer surgeon Dr. Ed Dela Cruz will be traveling all the way from Maryland on the East coast.

OMM is still accepting

more volunteers for the upcoming mission. Physicians, surgeons, dentists, nurses, physician assistants, optometrists, pharmacists, administrative assistants and other interested individuals may call JP Orias at (808) 387-8297 for more details.

Donations are also being accepted from the public and Filipino community, including items such as medicines, surgical supplies and eye glasses. All donations and monies will be used to help defray mission-related expenses. Please call JP Orias for details on how to donate to the mission.



Dr. Russell Kelly (top left), J.P. Orias (bottom) and Dr. Romeo Perez check packages filled with medicines that were donated by Americare for the December 12-18, 2015 medical mission.

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## COMMENTARY

# Members of Congress Need to Spend More Time on Capitol Hill

By Lee H. Hamilton

**W**hen Paul Ryan became House Speaker a few weeks ago, he made it clear that he has no intention of spending too much time in Washington. His wife and children are in Wisconsin, he pointed out, and he plans to commute, as he's done since he got elected to Congress. "I just work here," he told CNN. "I don't live here."

I have great sympathy for Ryan's urge to strike a balance between family and work. It is very, very tough for every member, let alone the Speaker, to live and work far from home, and to weigh constantly whether to be in Washington or back in the district. I remember that when I served in Congress, I felt I was in the wrong place wherever I happened to be. If I was home in Indiana, I missed important meetings on Capitol Hill. When I was in Washington, the calendar in Indiana was filled with events I should have been attending.

Yet while we should sympathize with the compromises members of Congress have to make between their duties in Washington and their responsibilities back home, there's no

question where they must be to discharge their public responsibilities. If we want a well-functioning Congress, they need to be in Washington more.

When I first got elected to Congress in 1964, members didn't have to split time between their colleagues on Capitol Hill and their families back in the district, because most of us moved our families to Washington. But over the years, the politics of the country have grown strongly anti-Washington. Members of Congress do not want to be associated with the city. They want to show they haven't been seduced by the lifestyle of the nation's capital or adopted an "inside-the-beltway" mindset. They take pride in rejecting the elitism of Washington. Today's politics make it hard to argue that members should be spending more time on Capitol Hill.

Yet as Washington Post writer Dana Milbank noted recently in an insightful column on the topic, "It's no mere coincidence that in the time this trend has taken hold, much of what had previously existed in Washington disappeared—civility, budget discipline, big bipartisan legislation and just general competence. In place



of this have come bickering, showdowns, shutdowns and the endless targeting of each other for defeat in the next election."

Expanding the Capitol Hill workweek, in other words, isn't just a symbolic gesture. It's one of the keys to reversing congressional dysfunction.

For starters, you have to get to know your colleagues in order to do business with them. The amenities are crucial in politics, even more than in most spheres of working life. In any legislature, whether it's on Capitol Hill or in a state capital or in City Hall, the very nature of the job is going to in-

volve disagreement. Yet everyone is there to solve problems together and have no choice but to work together. It's hard to attack a person you know well, but even more important, getting to know one another—and one another's families—is an essential lubricant for resolving the issues you confront together.

Second, drafting legislation is highly demanding, because the core of it involves building consensus. It takes time. It can't be forced. Members have to have the time and room to consider the options, look for common ground and think through alternatives. Politi-

cians, in other words, need sufficient time to be good politicians and good legislators. The array of tough issues that face Congress can't be dealt with by part-time legislators.

Which is what they are right now. Members of Congress work hard, but they do not work hard at legislating. They work hard at constituent relations and raising money and campaigning. Legislating, whether we like it or not, takes a five-day week, not the three they put in at the moment.

What I'm arguing for here will not be popular with members of Congress and it certainly won't get a warm reception from their families. But they were elected to do the job of legislating. For the good of the institution they serve and the work product they owe the nation, members need to spend more time in Washington.

**LEE HAMILTON** is a Distinguished Scholar, Indiana University School of Global and International Studies; and a Professor of Practice, IU School of Public and Environmental Affairs. He was a member of the U.S. House of Representatives for 34 years.

## (CANDID PERSPECTIVES from page 3, MORE THAN ....)

politics of the day. But he was lucky. He survived the camps and grew up to be a congressman.

The Syrian refugees are being denied even a horse stall in America. By week's end, the House of Representatives followed suit with the passage of the aforementioned bill. Gabbard voted for: a veto-proof 289-137 vote to prevent Syrian refugees' entry to the U.S. without a more thorough screening in place. Never mind that it's already pretty stringent and can take up to two years for the majority of refugees who want to come to America—orphans, women and senior citizens. The vote was an act of political cowardice. Politicians giving in to fear, with 47 Democrats swayed by GOP hysteria.

Make no mistake, this was led by the "small government," "free-market" types, who were more than happy to shut the door on the people we used to routinely welcome to America.

There are better approaches to the entire mess but it will take less fear mongering and a lot more understanding.

Iyad Madani, secretary general of the Organization of Islamic Cooperation (OIC), was on CNN recently donning a headdress scarf known as a *keffiyeh*. I hope people watching could get beyond his *keffiyeh*.

Madani makes a lot of sense. The OIC is the second-largest intergovernmental organization after the UN, with a membership of 57 states over four continents. The group condemned the Paris attacks and Madani said bluntly what America should do.

"If you want to face up to this phenomenon of terrorism of extreme violence, you have to understand the context, the causes, the roots and the environments where such phenomena breed," he said. "Security measures and military bombardments will not do the

trick. This should be part of a larger approach. It's unfortunate that all the money is spent on military action in Syria and Iraq. But what about the political context and the socioeconomic environment? What about dismantling the discourse on both sides?"

Dismantling the discourse on both sides? It's changing the narrative to a more humanitarian approach.

"What you call ISIS, we call the Non Islamic state—NISIS," Madani said. "They are criminals, nihilists. We should deprive them of the legitimacy they claim for themselves."

But ISIS knows what ails Syrians, Iraqis and sympathetic Muslims worldwide. ISIS sees young people with no purpose and gives them something to live for. Madani sees it as part of the ISIS process—giving the hopeless a sense of promise, a source of income, and a sense of community.

(continued on page 10)



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## IMMIGRATION GUIDE

# Court Blocks Obama Amnesty and "The Imperial Presidency"



By Atty. Emmanuel Samonte Tipon

**M**illions of illegal aliens hoping that the amnesty President Obama promised them would be upheld by the courts so they would have something to thank for on Thanksgiving were disappointed when the U.S. Court of Appeals for the 5th Circuit affirmed the U.S. District Court's order enjoining the implementation of DAPA and DACA (aka "Obama immigration executive action" or "Obama amnesty"). What was the President's reaction? Instead of respecting the Court's decision, he ordered his subordinates to appeal to the Supreme Court which they did on November 20, 2015.

As we had confidently predicted on our radio show, Obama would lose in the District Court and in the Court of Appeals because his immigration amnesty was against the rule of law. However, we cannot predict how the Supreme Court will rule because it has become politicized with the 4 Democratic appointed justices voting with Obama and the 5 Republican appointed justices generally voting against Obama, although two Republican appointed justices sided with Obama in the Obamacare ruling. Justice Scalia lamented in his dissent in *King v. Burwell*, the "discouraging truth that the Supreme Court of the United States favors some laws over others, and is prepared to do whatever it takes to uphold and assist its favorites." Is immigration amnesty a favorite?

If Obama was really sincere in reforming the immigration laws and helping immigrants, he could have easily done so like what he did with Obamacare which was enacted when the De-

mocrats were in control of both houses of congress. Now that the Republicans are in control of both houses, he blames them for not passing an immigration bill. He knows that congress has the sole power to enact immigration laws. But because congress did not act, Obama took it upon himself to enact an immigration law by giving amnesty to illegal aliens.

"Lawless" is a book by Professor David E. Bernstein, a fellow Yale Law School graduate, which compiles the cases of "the Obama Administration's Unprecedented Assault on the Constitution and the Rule of Law," including the Obama amnesty. Prof. Bernstein quotes Obama: "We can't wait for an increasingly dysfunctional Congress to do its job. When they won't act, I will."

Senator Ted Cruz, in his "Foreword" to the "Lawless" book said: "No longer able to enact his agenda through Congress, and unwilling to compromise, Obama began to take matters into his own hands by claiming he had the power to act when Congress would not, as though his powers were somehow enlarged the moment Congress refused to address his priorities."

Arthur M. Schlesinger, Jr.'s book "The Imperial Presidency" talks about how a presidency becomes "imperial" when it goes out of control and exercises powers beyond those granted by the constitution.

Deferred Action for Parental Accountability (DAPA), an amnesty program announced by President Obama on November 20, 2014 and ordered implemented in a Memorandum issued by the Secretary of Homeland Security allows parents of U.S. citizens and lawful permanent residents illegally in the U.S. before January 1, 2010 and physically present on November 20, 2014 to request deferred action from deportation. About

4.3 million illegal aliens would have qualified.

Deferred Action for Childhood Arrivals (DACA) is an amnesty program which allows aliens under the age of 31 on June 15, 2012, and who entered the U.S. before June 15, 2007 under the age of 16, to request deferred action for two years. The expanded program would have applied to eligible immigrants who entered the U.S. prior to January 1, 2010 before the age of 16, regardless of how old they were in June 2012 or on November 20, 2014, and would extend work authorization to three-years.

Twenty six states led by Texas sued the United States, the Secretary and other top officials of the Department of Homeland Security in the U.S. District Court in Texas to prevent the implementation of DAPA and DACA on the ground that they did not comply with the notice-and-comment requirement of the Administrative Procedure Act ("APA") and that DAPA was an abrogation of the President's constitutional duty "to take care that the laws be faithfully executed." On February 16, 2015, the District Court enjoined the program on the ground that the states had standing because they would suffer a financial injury by having to issue driver's licenses to DAPA beneficiaries at a loss; and the states were likely to succeed on their claim that DAPA is subject to the APA's notice-and-comment requirements. *Texas v. United States*, 86 F. Supp. 3d 591 (S.D. Tex. 2015).

The U.S. appealed to the Court of Appeals, 5th Circuit, and moved to stay the injunction pending resolution of the merits. On November 9, 2015, the Court of Appeals affirmed the preliminary injunction because the states have standing to sue since they alleged an injury resulting from issuing driver's licenses to DAPA beneficiaries at a loss; they have established a substantial

likelihood of success on the merits of their APA claims; DAPA is manifestly contrary to the Immigration and Nationality Act; and they have satisfied the other elements required for an injunction including irreparable injury if the injunction is not issued. 2015 WL 6873190

In the petition for certiorari filed with the Supreme Court, the government lawyers mischaracterized the DAPA and DACA memorandum as simply "guidance" to subordinates and therefore exempt from the "notice-and-comment" requirement of APA because they are merely "general statements of policy". We have a case before the U.S. Court of Appeals, 9th Circuit, in which we challenged a rule promulgated by the Attorney General as invalid because it did not comply with the "notice-and-comment" re-

quirement. We said that when agency action affects substantive rights, it is not merely a policy and therefore is not exempt from the "notice-and-comment" requirement. The giving of amnesty to illegal aliens thereby allowing them to get work permits, social security cards, welfare benefits, and require states to give them driver's licenses at a loss affects substantial rights.

**ATTY. TIPON** has a Master of Laws degree from Yale Law School and a Bachelor of Laws degree from the University of the Philippines. He specializes in immigration law and criminal defense. Office: 900 Fort Street, Suite 1110, Honolulu, HI 96813. Tel. (808) 225-2645. E-Mail: [filamlaw@yahoo.com](mailto:filamlaw@yahoo.com). Websites: [www.MilitaryandCriminalLaw.com](http://www.MilitaryandCriminalLaw.com). He is from Laoag City and Magsingal, Ilocos Sur. He served as an Immigration Officer. He is co-author of "Immigration Law Service, 1st ed.," an 8-volume practice guide for immigration officers and lawyers. This article is a general overview of the subject matter discussed and is not intended as legal advice.

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## HAWAII-FILIPINO NEWS

## Sen. Schatz Names 15 Students for Internship Program

U.S. Sen. Brian Schatz has selected 15 outstanding Hawaii high school students for this year's Schatz Seniors High School Internship program.

Currently in its third year, the program provides students with a hands-on learning opportunity about the U.S. Senate, creates a forum for students to share issues and information with the senator and his staff, and encourages students to be leaders and advocates in their schools and communities. Students were selected based on community involvement, diversity of interests, and demonstrated leadership qualities.

"Every one of our interns is a stand-out," says U.S. Sen. Schatz. "They all share an interest in civic leadership and are highly engaged in their schools and communities. My staff and I look forward to working with them."

Among the students is Waimea High School senior Athena Abadilla who applied for the internship due to her interest in public affairs and human rights. She hopes the program will allow her to help her community, express her viewpoints on issues and participate in key conversations surrounding contemporary issues.

"I believe it's important for



young people to have a voice and be heard," she says. "We are the future leaders of our community, state and nation. Involving ourselves in civic and government affairs will help us shape society in a way that is pleasing to our generation and the generations to come. We are capable of influencing the world for the better, so why not start now?"

Abadilla is currently ranked number one in her class and holds an astounding 4.4 grade point average. She is also president of Waimea High School's Class of 2016 and a member of the school's National Honor Society, Spanish Club, Leo Club and Adopt-A-Freshman Program. In her spare time, she plays varsity soccer and volunteers for various school, church and community projects.

She hopes to attend col-

lege in New York and one day become a teacher or international educator. A career as an elected official is also a possibility.

"Many inspiring female public officials have stepped up to the plate and stood up for what they believed in," Abadilla says. "I'd love to do what Senator Schatz is doing, which is inspiring change that will benefit the people of Hawaii."

A second outstanding student is Thomas Hayashi from Seabury Hall on Maui. He relishes the opportunity to work with Sen. Schatz and to learn more about how the government functions.

Hayashi actively participates in student government, carries a 3.85 GPA and lists history and philosophy as his favorite subjects. He is also head moderator of Seabury Hall's

Philosophy Club and a member of the school's football team, student government spirit committee and a member of Maui Taiko. Hayashi hopes to one day earn a law degree but hasn't ruled out running for public office.

Hayashi says that Hawaii's young people are ill-informed about current events both locally and in the world.

"My school pushes me to learn about the issues of the globe, but I worry when my friends from other schools are not equally driven to understand the problems of the nation and world," he says. "In order to fix this issue, schools need to push their students to study current events and educate the masses to be able to filter biased and un-biased information."

"I also believe it's important for everyone to get involved with civic and government affairs, so that people can understand their leaders and the events transpiring around them. Young people especially need to seek better understanding of the government, since the future is within our hands."

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## Pasko Sa FilCom! Set For December 6

Hundreds are expected to attend what's fast become one of the favorite events of the year for Oahu's Filipino community—the annual *Pasko Sa FilCom!*, scheduled for Sunday, December 6, 2015.

Themed *Tara na! Pasko na! Tayo'y magsaya!* (Come on! It's Christmas! Let's have fun!), Filipino and non-Filipino community groups, organizations and individuals will collectively celebrate the

meaning of Christmas at the Filipino Community Center in Waipahu from 3 pm to 7 pm. The free event will be filled with singing, dancing, crafts and cultural exhibits. Attendees will be treated to Christmas music and sights and sounds of the Philippines.

The fun and family-oriented event will also have several Philippine-inspired activities for children, including contests for creating parols (using traditional or recycled

materials), choral performances, tabletop Christmas tree decorations and Krismas karaoke. On the practical side, representatives from University of Hawaii-Manoa will also feature a college fair to help families plan for college.

"This year's theme emphasizes the enjoyment we have by coming together to celebrate Christmas," says FilCom Executive Director Franz D. Juan. "We invite everyone to join us in this celebration of FilCom's nine years of presenting and celebrating Filipino culture and traditions to Filipinos and non-Filipinos."

TRAVEL NEWS

# PANAGBENGA 2016 LAUNCHED

By Artemio Dumlao

**M**ANILA, Philippines – The Baguio Flower Festival, more popularly known as Panagbenga, will focus more on living flowers than short-lived cut-flowers in its 21st edition to be held in February next year.

“We are looking in that direction,” festival executive committee co-chairman Federico Alquiros said.

At last Monday’s launch in Baguio City of the festival theme “Bless the Children with Flowers,” organizers announced a revising of guidelines for the much-awaited



spectacle of the Flower Float Parade, to design a float with live potted plants and flowers rather than cut flowers.

“Then we can donate the

float to schools in Baguio for the children to appreciate life and nurture it,” tourism director for the Cordillera Venus Tan explained.

“We can look at a 50/50 combination of potted and cut flowers,” Alquiros said.

Panagbenga 2016 is again expected to draw throngs of

revelers, especially with the completion of the Tarlac-Pangasinan-La Union Expressway next year. With travel time expected to be a mere 2.5 hours from Balintawak to Baguio City, Tan said Baguio could easily become a weekend destination.

Panagbenga, added Tan, is aligned with the tourism department’s national campaign Rebloom: “We want to see Panagbenga as a year-round celebration that blooms in February.”

The tourism department has embarked on a program called “Regreening and re-blooming Baguio,” to bring back the old beauty and glory of the nation’s summer capital. (www.philstar.com)

## PHILIPPINE NEWS

### Braid Passes Away

Andrew F. Braid, Ph.D. and a long-time international development specialist with the Food and Agricultural Organization (FAO) has recently passed away.

He is the husband of Florangel Rosario Braid, a well-respected communications specialist, media practitioner, scholar, development advocate and educator who was featured in the March 7, 2015 edition of the Hawaii Filipino Chronicle.

Braid’s cremated remains are at the Church of the Risen

Lord, University of the Philippines-Diliman in Quezon City where a wake will be held December 3-4, 2015. He was born in Clydebank, Scotland and resided in Manila resident for 40 years.

Braid earned his bachelor’s degree from St. Francis Xavier University in Canada and a master’s and doctorate in agricultural economics from Cornell University in New York. He spent a number of years in agricultural development and cooperatives in countries like India, China, Jordan, Sri Lanka

and the Philippines. At the FAO Office in Rome, he served for 14 years as head of the cooperatives division and its representative in Sri Lanka.

A pacifist and a conscientious objector of war and violence, Braid became a Quaker and worked with the Friends

Ambulance Unit in China where he met his first wife. In the Philippines, he served as a consultant to the joint Canadian International Development Agency and the Philippine government’s Cagayan Valley cooperatives program. He was also active with the local St.

Andrew’s Society where he was vice-chieftain and its resident Piper.

Braid is survived by his wife Florangel, children Angus, Nancy, Marian, Ferdinand and their spouses, 10 grandchildren and five great-grandchildren.

## HAWAII-FILIPINO NEWS

### DBEDT Report Shows Trends in Home Sales

The State Department of Business, Economic Development and Tourism (DBEDT) has issued a new report on Hawaii home buyers which summarizes home sale activities from January 2008 to September 2015.

The “Residential Home Sales in Hawaii” report includes both resales of existing homes and new developments, single family homes and condominium homes, sales through

real estate agents as well as sales by owners. The data was compiled by Title Guaranty and based on recorded conveyances from the Hawaii Bureau of Conveyances.

The following is a brief summary of the report:

- Between January 2008 and September 2015, a total of 139,998 homes were sold, this represented an average of 18,064 homes sold per

(continued on page 14)

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## PHILIPPINE NEWS

# Cops, OFWs Fall Prey to Online Gold Scam

by Cecille Suerte Felipe  
Tuesday, December 1, 2015

**M**ANILA, Philippines - The company head is said to be a jetsetter who tools around town in a Ferrari.

Kevin del Mundo Miranda allegedly built a fortune estimated at hundreds of millions of pesos by swindling overseas Filipino workers (OFWs), police officers and young victims through an online scam.

Miranda and six other executives of EmGoldex, later renamed Global Inter-Gold (GIG), face an initial two counts of syndicated estafa filed by two policemen.

Apart from Miranda, also charged in the separate complaints filed before the Manila prosecutor's office and Quezon City Prosecutor's Office by the Criminal Investigation and Detection Group (CIDG) were Ryan Manuit, Charles Juiz Padilla, Raahbel Ymas, John Rafael Calicdan, Jose Victorio Cajita and Paul Alviar.

Last Nov. 6, the Securities and Exchange Commission (SEC) issued a cease and desist order (CDO) against EmGoldex, a company apparently based in Dubai and which recruits investors to buy gold online, in turn receiving huge bonuses for referring friends and associates.

The SEC also filed two cases before the Department of Justice (DOJ) against related entities GIG and Prosperous Infinite Philippines Holdings Corp. (PIPHC).

The SEC said the companies violated Sections 8 and 28 of the Securities Regulation Code (SRC) for selling or offering for sale or distribution unregistered securities to the public and without a license, respectively.

Upon conviction, each violation of the SRC is punishable with a fine of not more than P5 million or imprisonment of seven to 21 years, or both.

After the SEC issued the advisory against EmGoldex, it renamed itself GIG. Last August, PIPHC was also incorporated to aid GIG investors who were not able to get a return on their investment.

Earlier this year, the corporate regulator had issued an advisory asking in-

vestors to exercise self-restraint in putting their hard-earned money into EmGoldex.

The SEC, in cooperation with the Department of the Interior and Local Government, Philippine National Police and the National Bureau of Investigation, conducted an investigation on EmGoldex's operations.

It found that EmGoldex invites Facebook netizens to invest in its "Pinoy Style Patak-Patak" scheme, promising huge returns on their investment.

An investor who will put up P1,000 (\$21.30) is promised profits from P5,000 (\$106.50) to P10,000 (\$212.99), while an investment of P35,000 (\$745.48) will yield P180,000 (\$3,833.54) to P360,000 (\$7,668.25).

The SEC stressed that both EmGoldex and GIG are not SEC-registered corporations.

According to international media reports, EmGoldex has been banned in other countries.

The SEC said that crimes committed in cyberspace and through the use of information and communication technology carry a higher penalty as provided under the Cybercrime Prevention Act of 2012.

### Desperate investors

Supt. Bowenn Joey Masauding, chief of the anti-fraud and computer crime unit of the CIDG, filed the complaint of PO3 Lenin Guinit and PO2 Josegelio Dayrit III, who were victimized by the scam.

"One of the complainants told our investigators that their house was gutted in a recent fire incident and he was looking for ways to earn money to be able to reconstruct their house. Unfortunately, he was victimized anew," Masauding told The STAR.

There are at least 95 investors who made approximately P2,718,400 (\$57,899.65) cash investment in EmGoldex. The estimated return is reportedly at least P11 million (\$234,391.64).

(www.philstar.com)

### (CANDID PERSPECTIVES from page 6, MORE THAN ....)

Then it bags a new recruit. Likewise, the manipulation works on the West. The more you hear about "boots on the ground" and see Congress pass an anti-Syrian refugee bill, ISIS knows it's winning. The GOP and the 53 percent in the Bloomberg national poll who say Syrian refugees should go home, play right into the hands of the terrorists.

In the wake of all that, Asian-Americans should be the loudest critics. We know from history that a strategy of

xenophobia and hate isn't right for our democracy.

It didn't work in 1942 and it's not going to work now. If you agree with me, you should call Rep. Gabbard and let her know.

.....  
**EMIL GUILLERMO** is an award-winning journalist and commentator who writes from Northern California. He recently won the 2015 Dr. Suzanne Ahn Award for Civil Rights and Social Justice from the Asian American Journalists Association, California.

## PHILIPPINE NEWS

# Comelec Disqualifies Poe from Presidential Race

by Rosette Adel  
Tuesday, December 1, 2015

MANILA, Philippines — Sen. Grace Poe is out of the presidential race as the Commission on Elections (Comelec) on Tuesday canceled her candidacy.

“(T)he Certificate of Candidacy for President of the Republic of the Philippines in the May 9, 2016 National and Local Elections filed by respondent Mary Grace Natividad Sonora Poe Llamanzares is

hereby canceled,” the Comelec decision read.

The Comelec ruled on one of the four disqualification cases against Poe filed by lawyer Estrella Elamparo, accusing her of failing to meet the 10-year residency requirement mandated by the Constitution for a presidential candidate.

The decision was signed by Presiding Commissioner Al Parreno, Commissioners Arthur Lim and Sheriff Abas.

“We would have wanted to



declare the respondent eligible to seek the highest position in the land within the gift of our people. After all, she is not only

popular, she is, potentially a good leader. However, it is our bounden duty to resolve this case by applying the Constitu-

tion, law, jurisprudence and none other,” the ruling read.

Poe faces three other disqualification cases filed by former Sen. Francisco Tatad, De La Salle University Professor Antonio Contreras and former University of the East Law Dean Amado Valdez

Poe’s supposed running mate, Sen. Francis “Chiz” Escudero, said Poe’s camp will file a motion for reconsideration before the Comelec en banc session. ([www.philstar.com](http://www.philstar.com))

## Poe Camp to Appeal Disqualification from 2016 Race

by Rosette Adel  
Tuesday, December 1, 2015

MANILA, Philippines — Sen. Grace Poe’s camp said they are confident of the integrity of the Commission on Elections en banc in reversing the ruling of the poll body’s Second Division which earlier canceled her candidacy.

“I have faith in the process, and we are confident that the Comelec en banc will side with the interest of the people,” Poe said in a statement.

The presidential aspirant said her critics will use any excuse to exclude her from the 2016 race, and that they show a lack of trust in the ability of Filipinos to make the right decision,” Poe said.

Poe’s spokesperson, Valenzuela Mayor Rex Gatchalian, said they respect the decision of Comelec’s Second Division but said they will go to the Comelec en banc to appeal the case of Poe.

“Nirerespeto natin ang proseso pero may mga legal

remedies pa na pwedeng tahakin... We will exhaust all of those,” Gatchalian said. “We have confidence in the integrity of en banc. Let’s not get ahead of ourselves,” he added.

He stressed that there are seven commissioners in the en banc while the Second Division only has three. The Second Division is presided by Commissioner Al Parreno, with Commissioners Arthur Lim and Sheriff Abas.

“There are seven commissioners and collectively we

hope that majority of those will see the merits of our position,” Gatchalian said.

Gatchalian said he has not yet secured a copy of the 34-page ruling on lawyer Estrella Elamparo’s petition but he said the case decided over Poe’s residency and citizenship. He maintained that Poe is a natural-born Filipino and has met the required residency.

“Our camp believes she is a natural-born Filipino. She has evidence... They are saying that based on her earlier Certificate

of Candidacy as a senator that she did not meet the necessary residency but she was domiciled since 2005 until now,” Gatchalian said, arguing that Poe’s residency is more than sufficient.

Gatchalian also clarified that the Comelec should rule on fact and not on the information written on the certificate of candidacy. He also cited that the Senate Electoral Tribunal has ruled that Poe’s status is a natural-born Filipino. ([www.philstar.com](http://www.philstar.com))

## Catholics Blast Duterte for 'Cursing' at Pope Francis

by Camille Diola  
Tuesday, December 1, 2015

MANILA, Philippines — Davao City Mayor Rodrigo Duterte’s speech at his proclamation event on Monday was met with a range of reactions, but his profanities, among which appeared to be against Pope Francis, evoked many Catholics’ ire.

Months after the pope visited the Philippines, Duterte complained about heavy traffic the papal visit caused, saying he and his companions were stuck for hours on the streets of Manila before they reached their destination.

“From the hotel to the airport, alam mo inabot kami ng limang oras. Sabi ko bakit? Sabi pinasarado daw,” Duterte, a presidential aspirant, said.

He then recalled being told that the roads were closed



Mayor Rody Duterte

to give way to huge crowds wanting to see Pope Francis.

“Gusto kong tawagan, ‘Pope p\*\*\*\*\*, umuwi ka na,’” Duterte said, whose words made some supporters of political party PDP-Laban laugh.

Lingayen-Dagupan Archbishop Socrates Villegas, president of the Catholic Bishops Conference of the Philippines, said Tuesday that while corruption is a “great scourge” in Philippine politics and has to be condemned, vulgarity is

also a form of corruption.

“Vulgarity is corruption. When we find vulgarity funny, we have really become beastly and barbaric as a people,” Villegas said in a statement responding to Duterte’s remarks.

He said Duterte’s expletive directed at Pope Francis caused him “great shame.”

“When a revered and

loved and admired man like Pope Francis is cursed by a political candidate and the audience laugh, I can only bow my head and grieve in great shame. My countrymen has gone to the dregs,” Villegas said.

On social media, meanwhile, Duterte trended third on Twitter in the Philippines with netizens abuzz following

Monday’s event proclaiming him and Sen. Alan Peter Cayetano as PDP-Laban’s top candidates for the 2016 elections.

Presidential Spokesperson Edwin Lacierda, a Liberal Party stalwart, expressed on his personal Twitter account that he took offense to Duterte’s curseword against the pope. ([www.philstar.com](http://www.philstar.com))

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## ETHICS IN MEDICAL RESEARCH

# The Outcome of Nuremburg

By Sheryll Bonilla, Esq.

**T**he Holocaust was brought to an end by the Allies victory in WWII. The prisoners who were captured by the Nazis were forced against their will to be subjects in horrific medical “experiments” that we now recognize as torture. Disfigurement, trauma, permanent disability, and death resulted. After the war concluded, twenty-three doctors were put on trial at Nuremburg to account for their crimes against humanity, including sterilizations of over 3.5 million German citizens. The instinctive human revulsion at the atrocities committed led to the development of the Nuremburg Code of medical ethics.

American psychiatrist and neurologist Dr. Leo Alexander was a key medical advisor during the Nuremburg trials. Born in Vienna, Austria-Hungary, he was of Austrian-Jewish heritage. In 1929, he graduated from the University of Vienna Medical School in 1929 then did his internship at the University of Frankfurt. He emigrated to the U.S., becoming a professor at Harvard and Duke Universities. During WWII, he became a Major in the U.S.

Army, working as a medical investigator under U.S. Secretary of War Robert Patterson. After the war, Dr. Alexander was appointed to be the chief medical advisor to the U.S. Chief of Counsel for War Crimes, Telford Taylor. After observing and documenting the German medical experiments at Dachau, he set forth the principles that became known as the Nuremburg code of medical ethics. Later he became a professor of psychiatry at Tufts University Medical School, where he remained for almost 30 years.

In January 1946, President Harry Truman authorized the proceedings, which were led by U.S. counsel and held in Nuremburg, Germany. Several of the doctors defended their actions saying there was no law differentiating between legal and illegal experiments. In May 1946, Dr. Alexander submitted his formulation of ethical medical research to the Counsel for War Crimes. The trials began on December 9, 1946 and the judges rendered their verdict on August 20, 1947.

The verdict adopted Dr. Alexander’s six points and added four more. These ten defining criteria for ethical research constituted the Nurem-



**A cold water immersion experiment at Dachau concentration camp presided over by Professor Ernst Holzlöhner (left) and Dr. Sigmund Rascher (right). The subject is wearing an experimental Luftwaffe garment. Photo source: www.en.wikipedia.org**

burg Code. It is based on the principles of informed consent, voluntary participation, properly formulated scientific experimentation, and beneficence toward experiment participants. Its ten points are:

1. The requirement for inclusion in the study is the voluntary, well-informed, understanding consent of the human participant who has full legal capacity.
2. The experiment should aim at positive results for society that cannot be obtained in other ways.
3. The experiment should be justified and based on previous knowledge (such as results from animal experiments).
4. The experiment should be set up in a way that avoids unnecessary physical and mental suffering and injuries.
5. If there is a risk of death or disabling injury, the experiment should not be conducted.
6. The expected humanitarian benefits should outweigh the risks present in the experiment.
7. The preparations and facilities should adequately protect the subjects against risks in the experiment.
8. Project staff who conduct or take part in the experiment must be fully trained and scientifically qualified.
9. The human subjects must be free to immediately quit the experiment at any point

when they feel physically or mentally unable to go on.

10. The medical staff must stop the experiment at any point when they observe that continuation would be dangerous for the human participants.

Both it and the Declaration of Helsinki, adopted in Helsinki, Finland, in June 1964, formed the basis of our law on human experimentation here in the U.S. and in other nations as well. Developed for doctors by the World Medical Association, the Declaration sets forth ethical guidelines. It developed the ten principles of the Nuremburg Code and tied it to the 1948 Declaration of Geneva, a statement of physicians’ ethical duties. The Declaration of Helsinki modified the absolute consent required under the Nuremburg Code to “if at all possible,” permitting research without consent where a proxy (such as a legal guardian for minors or disabled persons) was available. The Declaration of Helsinki is often regarded as the cornerstone of human research ethics.

Even after the Nuremburg Code was adopted by the judges in 1947, however, other unethical experiments on humans occurred. The Tuskegee Syphilis Study was a long-term project between 1932-1972, where rural, impoverished sharecroppers from Macon County, Alabama were de-

ceived. They were told they were receiving free health care from the government, when in fact, they were being studied to see the natural progression of untreated syphilis. None of the men were told they had the disease and the researchers knowingly failed to cure the syphilis with penicillin even after the antibiotic became proven in 1947 for treating syphilis. During the Cold War, several notorious or controversial projects were conducted: numerous human radiation experiments, the Stanford prison experiment, the Milgram obedience experiment, and the CIA’s classified mind control studies known as Project MKULTRA.

Hawaii’s own Congresswoman Patsy Mink, became the plaintiff in a lawsuit against the University of Chicago that established the legal requirement for informed, express consent to participation in medical studies. One thousand women, many of them female students, underwent medical care for their pregnancies at the University of Chicago’s Lying-In Hospital. They were not told they were part of an experiment by the Eli Lilly Pharmaceutical Company nor that the pills given to them were DES. The drug gave children of the pregnant women increased risk of a rare form of cancer and of developing reproductive tract abnormalities.

To stop these abuses of humans in experiments, Congress passed the National Research Act of 1974. A National Commission was convened, which on September 30, 1978, issued the Belmont Report, setting forth ethical principles and guidelines for protecting human subjects of research. The Belmont Report outlined the primary ethical principles in human research – “respect for persons,” “beneficence,” and “justice.” Research can only be approved by an Institutional Review Board where there is bona fide informed consent from participants; risks to the subjects are balanced by potential benefits to society;

(continued on page 15)

Dr. David Mai MD | Dr. Sharon Takayesu OD | Dr. Michael Bennett MD  
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## LEGAL NOTES



By Reuben S. Seguritan

## Despite Latest DAPA Setback Immigrants Remain Hopeful

the decision is very disappointing.

Under the DAPA program, eligibility for deferred action is extended to certain parents of U.S. citizens and lawful permanent residents. Under the expanded DACA program, the age cap of 31 years under the original program is eliminated and the eligibility cut-off date for continuous residence in the U.S. is moved from June 15, 2007 to January 1, 2010. Some five million immigrants were expected to benefit from the programs.

This is the second time that the Fifth Circuit ruled against the administration. It can be recalled that after U.S. District Judge Hanen refused to lift the temporary injunction he issued

on February 16, 2015, the government filed a motion for an “emergency stay” of the order. The Fifth Circuit, in a 2-1 decision, denied the government’s emergency request to lift Judge Hanen’s injunction.

The administration decided not to bring the emergency request to the U.S. Supreme Court. They focused instead on their appeal of U.S. District Judge Andrew Hanen’s decision. On November 9, 2015, the Fifth Circuit, once again, in a 2-1 decision, ruled against the government and upheld the lower court’s injunction. The Obama administration has formally requested the U.S. Supreme Court to review the Fifth Circuit decision by filing a petition for certiorari.

Meanwhile, the Texas Attorney General’s office has requested the U.S. Supreme Court for more time to respond to the administration’s appeal. If the U.S. Supreme Court denies his request, a decision is expected in June 2016.

The Texas Attorney General in his request for extension to file his response indicated that the U.S. Supreme Court has “numerous pressing deadlines in other cases” pending before the administration filed its appeal. If the request of the Texas Attorney General is granted, it would most likely delay the U.S. Supreme Court’s decision until the mid-2017.

With the presidential elections coming up, advocates are

speculating whether the U.S. Supreme Court will immediately review the case or delay its decision until the next president is elected into office. With the Republican candidates vowing to cancel the program and the Democratic candidates promising to expand it, the decision will have far-reaching implications.

Despite the delays and hurdles, the immigrant community remains hopeful. As Elsa Caballero, president of SEIU Texas aptly stated, “We have faith that the Supreme Court will ultimately rule in favor of American principles—of inclusion.”

**REUBEN S. SEGURITAN** has been practicing law for over 30 years. For further information, you may call him at (212) 695 5281 or log on to his website at [www.seguritan.com](http://www.seguritan.com)

**P**resident Obama’s Deferred Action for Parental Accountability (DAPA) program and Expanded Deferred Action for Childhood Arrivals (DACA) continue to be held up in the courts. With the recent unfavorable ruling of the U.S. Fifth Circuit Court of Appeals, the Obama administration has appealed to the United States Supreme Court on November 20, 2015.

For the immigrant community that has long been waiting to benefit from the programs,

## MAINLAND NEWS

## National Filipino Youth Conference Launched in the Spirit of Bonifacio Day

Seattle, WA - In the spirit of the 152nd birthday of Filipino plebeian hero, Andres Bonifacio, Anakbayan-USA, Kapit Bisig Kabataan Network and the National Alliance for Filipino Concerns officially launch a national Filipino youth conference with the theme “Kabataan Magkaisa! Strengthen the Unity of Filipino Youth to Build a Brighter Future” to be held from January 16 to 18, 2016 at the Filipino Community Center in Seattle.

The conference aims to tackle burning economic and social justice issues affecting the Filipino community in the United States and in the Philippines. It is scheduled during the Martin Luther King Jr. weekend to show solidarity with our African-American brothers and sisters and to link Filipino youth and students in the growing fight against racism and economic inequality in the United States.

“Filipinos make up at least



3.4 million of the American population, with 56% being youth. The youth continues to play a significant role in creating change in society. With economic, and social inequalities, growing racism, lack of access to quality education, joblessness, forced migration, and lack of cultural identity, we must take up our historic role as catalysts of change in our communities,” says Yves Nibungco, National Chairperson of Anakbayan-USA.

This conference is a concerted effort from the convening national organizations to bring various Filipino youth

groups together and lay down the foundations to rebuild SanDiwa, a national Filipino youth and student alliance, to serve as a platform for youth across the United States to collectively advance the rights and welfare of our community, locally and in the Philippines.

The program will kick off on Saturday, January 16, with a cultural night themed “Strength of the Youth,” and the conference proper will start the next day and will consist of various speakers, two sets of workshops and a plenary session to unite participants on plans of action. On Monday, January 18, delegates are encouraged to join a solidarity march to stand with the Black community against state violence and link the struggles of the Filipino community with other marginalized communities. The conference is endorsed by the Northwest Filipino American Student Alliance.

For more information on the conference, visit the website at [www.kabataanmagkaisa.org](http://www.kabataanmagkaisa.org)

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NEWS FEATURE

# State Lawmakers Question Proposed Sale of HECO to NextEra

by HFC Staff

**O**n December 2014, Florida-based NextEra Energy, Inc. submitted a \$4.3 billion bid to purchase Hawaiian Electric Company (HECO) and its subsidiaries.

If approved, the deal would be the largest acquisition in Hawaii history and also NextEra's biggest purchase to date.

Community leaders, legislators, Governor David Ige, the Consumer Advocate and many businesses and families have expressed serious concerns about what such a takeover might mean for Hawaii residents, who are already paying the highest energy costs per kilowatt-hour in the entire nation.

Critics have also questioned whether NextEra, which has developed little solar and wind energy in Florida, is able to fully meet Hawaii's goal of 100 percent reliance on renewable energy by the Year 2045.

A community forum sponsored by State Reps. Cynthia Thielen and Chris Lee was held on November 24, 2015 at Kailua Elementary School to discuss concerns about the proposed takeover as well as alternative options for public ownership of Hawaii's utility. Lee is chair of the State House's Energy Committee.

Thielen remains opposed to the sale of HECO to NextEra, which is located some 5,000 miles away from Hawaii.

"HECO had begrudgingly begun changing its corporate plan to allow and accommo-

date more renewable energy," Thielen says. "Now with the proposed sale, we are faced with a megalithic out-of-state corporation which does not support or allow individuals to install their own energy systems. Energy prices will continue to rise, and our local consumers will be paying the price if NextEra owns HECO."

Rep. Lee also joined State House colleague Rep. Beth Fukumoto and several community and business leaders at a November 30th news conference to express their opposition to the proposed sale. The group says NextEra has not committed to specific plans until after they receive approval, yet the company has publicly stated that it will spend up to \$30 billion for infrastructure expenditure, which will be recovered from ratepayers along with a 10 percent guaranteed profit margin.

Critics say extra care and assurance is necessary to ensure utilities do not arbitrarily drive up infrastructure costs to boost their profit margin. The



PUC, in particular, has already found HECO's short-term infrastructure plans actually raise costs, instead of lowering them as the utilities claimed.

"Without concrete and binding commitments to lower costs in the long-run, this raises significant concerns that we won't know how high consumer costs could rise, or if such costs are even justified,

until after NextEra has exclusive control of the monopoly," says consumer advocate Rebecca Soon.

The Public Utilities Commission (PUC) is holding up to 12 public hearings to review the proposed \$4.3 billion sale of HECO and its subsidiaries. A decision by the three-member panel is expected by June 2016.

**HAWAII-FILIPINO NEWS (from page 9, DBEDT ....)**

- year, or 1,505 homes sold per month.
  - Of the homes sold statewide, 72.5 percent were sold to Hawaii residents, 23.5 percent sold to U.S. mainlanders, and 4 percent sold to foreigners.
  - The average price for homes purchased by foreign residents was the highest at \$785,604, followed by homes purchased by U.S. mainland buyers at \$630,390, while homes purchased by Hawaii residents averaged at \$478,189.
  - About 47 percent of the neighbor island homes were sold to out-of-state residents, while only 15 percent of Oahu homes were sold to out-of-state residents.
  - Among buyers from the U.S. mainland, buyers from California accounted for 38.4 percent of the total, followed by Texas at 10.5 percent. Washington State buyers ranked third at 8.5 percent.
  - Among foreign buyers, Canadians ranked the first at 44.1 percent and Japanese were second at 37.9 percent. Buyers from Canada and Japan accounted for 82 percent of the total foreign buyers.
  - Buyers from Hong Kong had the highest average home price at \$1.05 million, followed by homes purchased by China at \$936,738, and Korea at \$882,894.
- DBEDT plans to issue an update to the report by breaking the home sales into single family and condominium homes, and will include the home sales data in its Quarterly Statistical and Economic Report going forward starting in February 2016.
- The full report is available at: [dbedt.hawaii.gov/economic/reports\\_studies/residential-home-sales-in-hawaii-trends-and-characteristics/](http://dbedt.hawaii.gov/economic/reports_studies/residential-home-sales-in-hawaii-trends-and-characteristics/)

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**COMMUNITY CALENDAR OF EVENTS**

**SANTANIANS ASSOCIATION OF HAWAII-USA ANNUAL CHRISTMAS PARTY AND ELECTION OF OFFICERS** | December 5, 2015 | ST. JOHN THE BAPTIST PARISH HALL (KALIHI) | Contact Julius Soria @ 722-9958 or Aurora Garcia @ 722-3150 or email santaniansofhiusa@gmail.com

at 680-0451

**SAKADA DAY** | December 6, 2015 | 9:00 AM - 3:00 PM | KEEAU COMMUNITY CENTER, HILO, BIG ISLAND | Contact Iris Viacrusis @ 808-895-9742 for details.

**PASKO SA FILCOM** | December 6, 2015 | 3:30 PM - 7:00 PM | FILCOM CENTER | For more info please call FilCom Center

**SAKADA DAY** | December 20, 2015 | 3:00 PM | STATE CAPITOL | Contact: Phl Consulate, 595-6316 ext. 112.

**MAINLAND NEWS**



**Seattle to Host 2016 Filipino Youth National Conference**

Anakbayan-USA, Kapit Bisig Kabataan Network and the National Alliance for Filipino Concerns are gearing up for a national youth conference called “Strengthen the Unity of Filipino Youth to Build a Brighter Future,” scheduled for January 16-18, 2016 at the Filipino Community Center in Seattle, Washington.

The conference aims to tackle economic and social justice issues affecting the Filipino community in the U.S. and the Philippines. The event is scheduled during the Martin Luther King Jr. holiday weekend to show solidarity with Afro-American advocates and to link Filipino youth and students in the growing fight against racism and economic inequality in the U.S. On January 18, attendees will join a solidarity march against violence with the black community and to link the struggles of the

Filipino community with other marginalized communities.

This conference is a concerted effort by several national organizations to bring various Filipino youth groups together and lay down the foundations to rebuild San Diwa, a national Filipino youth and student alliance, which organizers envision will serve as a platform for youth to collectively advance the rights and welfare of their community.

“We must take up our historic role as catalysts of change in our communities,” says Yves Nibungco, national chairperson of Anakbayan-USA. “Filipinos make up at least 3.4 million of the American population, with 56 percent being youth. The youth continues to play a significant role in creating change in society.”

For more information on the conference, go online to: [www.kabataanmagkaisa.org](http://www.kabataanmagkaisa.org).

**ETHICS IN MEDICAL RESEARCH (from page 12, THE OUTCOME ....)**

and the selection of subjects is a fair or just distribution of risks and benefits to eligible participants (i.e., no targeting of particular groups as subjects of experimentation).

Title 45, Vol. 46 of our Code of Federal Regulations, promulgated by the U.S. Department of Health and Human Services, governs federally funded human subjects research. These have been adopted by other federal agencies that fund research involving human subjects, such as the Food and Drug Administration.

Institutional Review Boards (IRB) are committees whose function is to approve, monitor, and review both biomedical and behavioral research. When researchers propose an experiment, the committee analyzes the protocol for risks to the participants and the benefits to society in reaching a decision whether

the project should be allowed. They make sure that the experiment is designed to protect the human subjects, with a key goal to prevent physical or psychological harm. The IRB also periodically reviews throughout the project to see whether modifications may be required and that the participants’ welfare is adequately guarded. IRBs are empowered by the federal agencies to approve or disapprove research to ensure that experiments conducted on humans are scientific, ethical, and beneficent. IRBs are most commonly used for studies in health (such as clinical trials of new drugs or devices or how health care is delivered and may be improved) and social sciences (such a studies of personal or social behavior).

The film “Judgment at Nuremburg” (1961) chronicled other events of the Holocaust. Director Stanley Kramer (“The

Caine Mutiny”) directed an all star cast of Spencer Tracy (who was also in the famous trial movie “Inherit the Wind”), Burt Lancaster, and Richard Widmark. Alec Baldwin and Christopher Plummer (“The Sound of Music”) starred in the TV mini-series “Nuremburg,” which was another dramatization of the war crimes trials.

It is beyond belief that there are followers of Nazism

today, especially in our country, where we believe our country to be the staunch protector and defender of human rights.

Let us remember that educating our younger generations on the values of human life and being strong

against evil are necessary to prevent any of these attacks on humanity from happening again.

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*From The Manangement & Staff of*  
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