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of  
architects

HA

# HAWAII ARCHITECT

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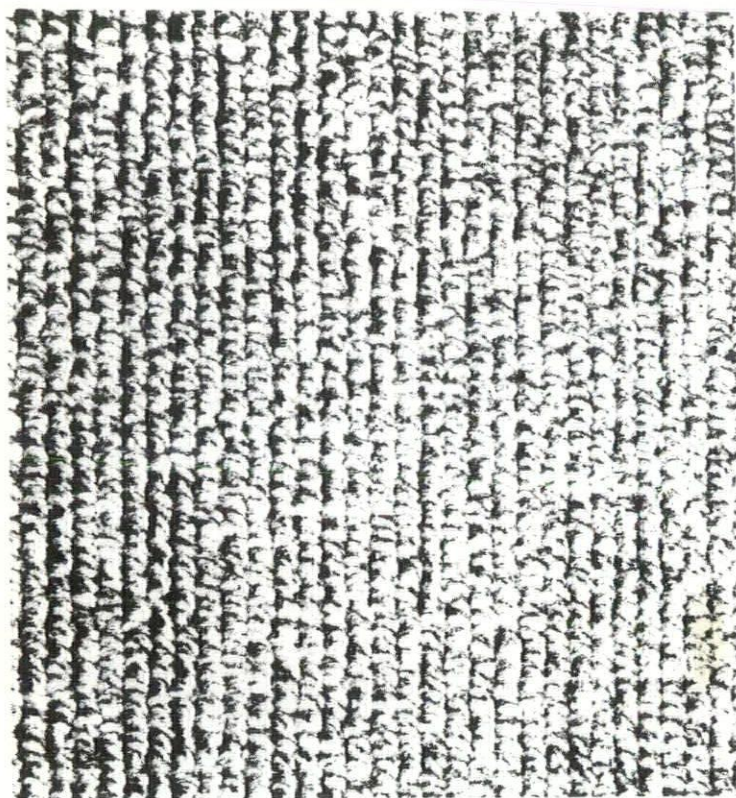
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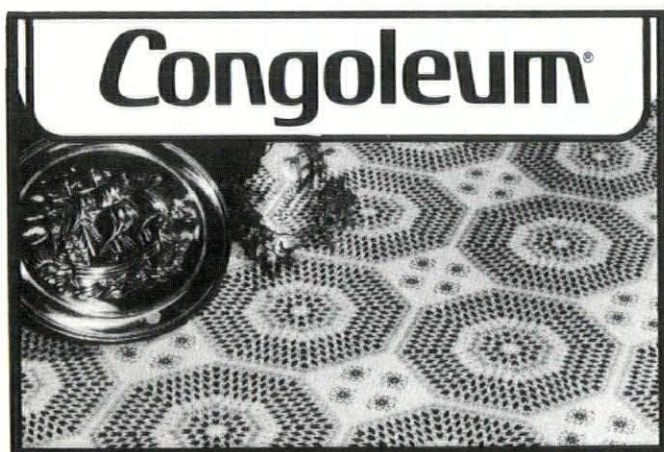
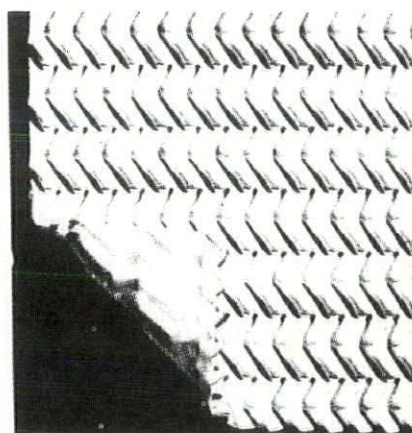
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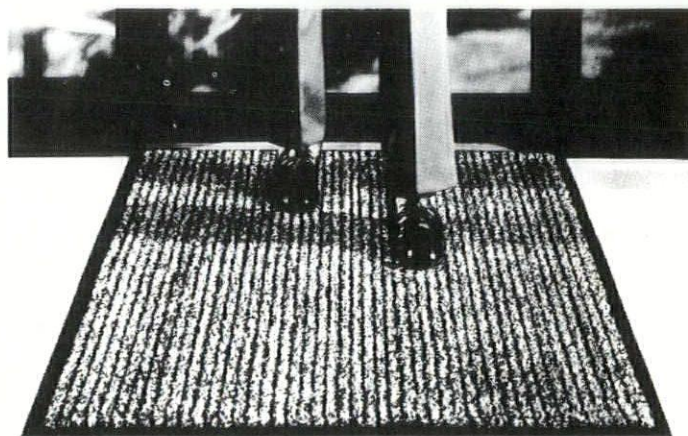
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## Contents

### QUID PRO QUO

by George Cooper

4

### HS/AIA MERIT AWARD:

#### JUN KON GOLDSMITH

by Gilman Hu, AIA

9



### ACOUSTIC PLANNING & DESIGN

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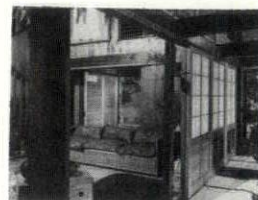
10

### HS/AIA MERIT AWARD:

#### HAWAIIAN ENERGY HOUSE

by Jim Pearson, AIA

12



### TOURNAMENT OF CHAMPIONS

by Glenn Mason, AIA

14



### BUILDINGS FOR UTILITIES

Photo Feature

18



### BALLPOINT: COMMENTARY/LETTERS

26

### NEW MEMBERS

28

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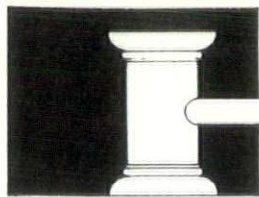
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## LEX SCRIPTA opinions/comments

# Quid Pro Quo

by GEORGE COOPER

However infrequently the basic quid pro quo principles of the contract-contribution system are articulated by its participants, and regardless what they may understand of the possible applicability of state or federal criminal laws, there is a possibility that participation in the system may involve ethical and even legal violations of the law.

(HPC 710-1040(1)(a),(b).)

The State Ethics Code, with sanctions of its own, may also be violated by the officials involved. (HRS 84, Standards of Conduct.)

Federal law may also apply. Patterned, systematic instances of bribery involving federal, state, or local government officials is outlawed. (18 USC 1961-1968.) Local practice though, appears to be that federal officials involved with law enforcement will defer to state or local officials in a case of concurrent jurisdiction.

What, though, would be the particular elements to be proven in a bribery case? The system appears to be one where a public official who awards A&E contracts, or his or her agent, solicits campaign contributions for administration-supported candidates from architects and engineers who are either doing business or who would like to do business with public agencies.

It is probably seldom explicitly stated that these design professionals must make donations, and donations commensurate in size with the fees they've gotten or expect to get,

in order to get or continue to get any or much public agency work, but in fact it is generally understood by most or all participants in the system that these professionals must give in order to get. Once an individual architect or engineer or firm is initiated into the system, it may be the case that donations are made without solicitation, or at least without solicitation in the case of each contribution.

### Hawaii State Bribery Law

Hawaii law covers both the private individual in such a situation, and the public official. Hawaii Revised Statutes S710-1040 provides:

"A person commits the offense of bribery if: (a) He confers, or offers or agrees to confer, directly or indirectly, any pecuniary benefit upon a public servant with the intent to influence the public servant's vote, opinion, judgment, exercise of discretion, or other action in his official capacity; or (b) While a public servant, he solicits, accepts, or agrees to accept, directly or indirectly, any pecuniary benefit with the intent that his vote, opinion, judgment, exercise of discretion, or other action as a public servant will thereby be influenced."

Whether prosecuting a public official or private person, there appear to be five basic elements of the law to be proven:

1—"A public servant" be one of the parties.

2—There be an offer, giving, or

agreement to give by the private person, and/or a solicitation, acceptance, or agreement to accept by the public servant.

3—Number two (above) involve "any pecuniary benefit."

4—Number two (above) take place "directly or indirectly."

5—There be intent on the part of the party charged to influence the public official in the course of his or her official action.

Element 1, that a public servant be one of the parties, may be proven simply by reference to statute.

Element 2 of the Hawaii statute is broad in a way typical of most bribery laws: that the mere offer, agreement or solicitation, without anything more, consummates the crime. It's also important to recognize here, as with Element 5 on intent, that the corrupt actions and transactions proscribed can and do occur in very vague ways.

As a four man dissenting opinion in the United States Supreme Court case of *U.S. v. Shirey*, 359 U.S. 255 (1959) noted:

"It is of course true . . . that relatively indirect and subtle inducements may contain the seeds of the same mischief as the crudest bribery."

And as the Hawaii Supreme Court noted in an opinion in affirming, among other things, a jury instruction on the validity of circumstantial evidence:

"(An offer) need not be expressly stated in all its terms, but may be implied and inferred from all the facts and circumstances in the case . . ." *State v.*



Cooper is a student at the University of Hawaii Law School. This article is the first in a series of educational features related to design professionals and the law. Future articles will explore the consultant contract contribution system, as well as past and present consultant selection reform efforts.

Yoshida, 45 Hawaii 50 (1961).

Element 3 has one possible problem: Is a campaign contribution "any pecuniary benefit"? A related problem is whether it matters that the public official involved in the corrupt agreement, solicitation, or transaction be the one who has the election campaign that will make use of the funds?

Hawaii law is not explicit on this point. The bribery statute defines "any pecuniary benefit" as "benefit in the form of money, property, commercial interests, or anything else the primary significance of which is economic gain."

The U.S. Supreme Court has clearly indicated, though, that a campaign donation may be the requisite benefit in a bribery statute such as Hawaii's, and that the donation need not go to the campaign chest of the public official involved in the transaction.

In *U.S. v. Shirey*, 359 U.S. 255 (1959), the Court held that bribery was committed if a person offered a congressman to make a regular donation to the Republican Party in exchange for that congressman using his influence to secure the person an appointment as a postmaster. The federal statute involved, 18 U.S.C. 214, is similar in construction to the Hawaii bribery statute in parts pertinent to this discussion, in particular that a payment, promise or offer to pay must concern "any money or thing of value."

Although there was a four-man dissenting opinion, it concerned two points of statutory construc-

tion that don't apply to the Hawaii statute. The dissent said that a statute revisor unintentionally omitted from the statute in question several words that would clearly have required that the donation go to the campaign chest of the public official directly involved in making the agreement.

The dissent also pointed out that a companion statute that covers the public official's involvement, also clearly carries this requirement. It is probably noteworthy that the dissent appears to accept the idea that a campaign donation may be the object of a bribe.

The New Jersey Supreme Court, in dealing with the questions of whether a campaign donation can be used as a bribe, and whether the donation needs to go to the use of the official involved in the transaction, reached the same conclusion in *State v. Smagula*, 39 N.J.S. 187, 120 A.2d 621 (1956).

The court indicated that a donation met the statutory requirement of being "any money, valuable thing or reward," and that, "in our opinion the gist of the offense charged here was the solicitation of money by the defendants bargaining their votes with a corrupt mind; and it mattered not whether the money was to go to them personally or for campaign funds (of another person)." "It makes no difference to what use the money is to be put; it still is bribery."

Well-known defense attorney F. Lee Bailey has written:

"It is well-settled that if the component elements of the

crime of bribery are present, it is no defense that the subject matter of the bribe is solicited or used for campaign expenses, and that the recipient whose official conduct it was sought to influence did not personally use it or contemplate using it."

The Hawaii Fifth Circuit Court in a trial this February indicated that a campaign donation could be the object of a bribe. (*State v. Dilwith*, Hawaii Fifth Circuit Court Cr. Nos. 1605-1608.) In its instructions to the jury, the court simply said that "'Pecuniary benefit' in this case means money," indicating that the use the money may be put to is immaterial.

Here it's interesting to note that it appears common for parties charged with bribery to claim that whatever discussions or transactions may have transpired in fact concerned only legitimate campaign contributions. Agnew appears to have made this claim, despite overwhelming evidence to the contrary.

He told the court in pleading guilty to one count of tax evasion: "I admit that I did receive payments during the year 1967 which were not expended for political purposes and that, therefore, these payments were income taxable to me in that year and I so knew."

And, as Bailey has noted:

"The criminal offense of bribery is not avoided by the use of a pretext. Some of the common pretexts are donations to a political police charity or burial

Continued on page 6



# Quid Pro Quo

Continued from page 5

fund, a political contribution to an individual, a contribution to a political party, a personal loan, or the reimbursement of an officer for loss of time from his service affairs while discharging official duties.

"However, the prosecution must establish that the purported pretext for the conferring of a benefit was in fact a pretext." (Bailey, at 359.)

Element 4 may involve the problem of showing that a particular person or persons were parties to the alleged crime by acting through intermediaries. If this can be shown, apparently the intermediary may have committed chargeable acts as well. *Commonwealth v. Schwartz*, 115 A2d 826.

In any case, the person for whom the intermediary was acting has probably committed an offense, provided other elements of the crime are shown:

"A bribe can be consummated without any personal dealings between the offeror and the offeree of the bribe. The entire transaction may be handled by an intermediary acting for one or the other of the parties.

"In such a case the prosecution must establish that the intermediary was in fact the agent of one of the parties to the bribe and that he had the authority to act for that party." (Bailey at 361.)

Element 5 seems clearly the most difficult area in the broad case considered in this article. It will be taken up in some detail in a subsequent section on investigation.

At this point, it can be said that

the typical case appears to involve some circumstantial evidence, such as perhaps unusually large campaign contributions made by a business person to a government official who has discretion to issue that businessperson certain permits or let certain contracts.

But also, and it appears generally more significant, there is at least one witness who testifies to having heard the defendant make incriminating statements. Often this witness is someone who is an accomplice who turns state's evidence.

Circumstantial evidence alone, as a rule, makes for a weak case. At least one government investigator has said that normally a prosecutor won't take such a case to trial.

Case authorities do indicate, though, that there may be a conviction based on circumstantial evidence alone. One of Hawaii's very few State Supreme Court cases held this to be so in *State v. Yoshida*, 45 Haw. 50 (1961).

The New Jersey Supreme Court has said that "actions speak louder than words" in trying to prove a corrupt relationship without showing there was any express agreement in *State v. Begyn*, 167 A2d 161 (1961). And in an earlier case that court said that the burden of proof on the state was met "by showing that such a relationship between the receipt of the money and the failure to prosecute was a rational and legitimate inference."

The law of bribery then, appears relatively well-settled. Determining relevant laws,

interpreting, and applying them is probably not even half the battle though. Of equal and probably greater importance is developing convincing evidence through the use of sound investigative techniques.

## Investigating Bribery

How you investigate depends, of course, on what you're looking for.

Investigating bribery where it appears that, for example, payments were made covertly by a business person to a government official for corrupt purposes, seems to start with subpoenaing corporate records and auditing them thoroughly, as well as any relevant government records.

One Hawaii-based federal attorney spoke of starting an investigation with an extremely detailed audit of a company's records. A former U.S. attorney for New Jersey, described by one pair of writers as probably the nation's foremost racket-buster reportedly told the Maryland U.S. attorney who was to get then-Vice President Agnew:

"Move quickly. Subpoena the county's records and simultaneously subpoena the records of the firms that do the most business with the county. When you have the records, look for the telltale bookkeeping signs that indicate cash is being generated. Large amounts of cash . . . should be a red flag: In a credit card and checkbook society there is no need for large amounts of cash."

The former U.S. attorney, Herbert Jay Stern, is now a federal

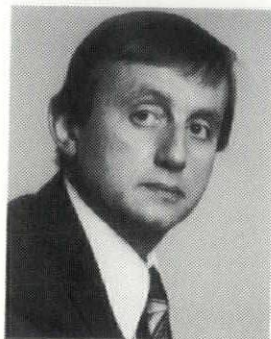
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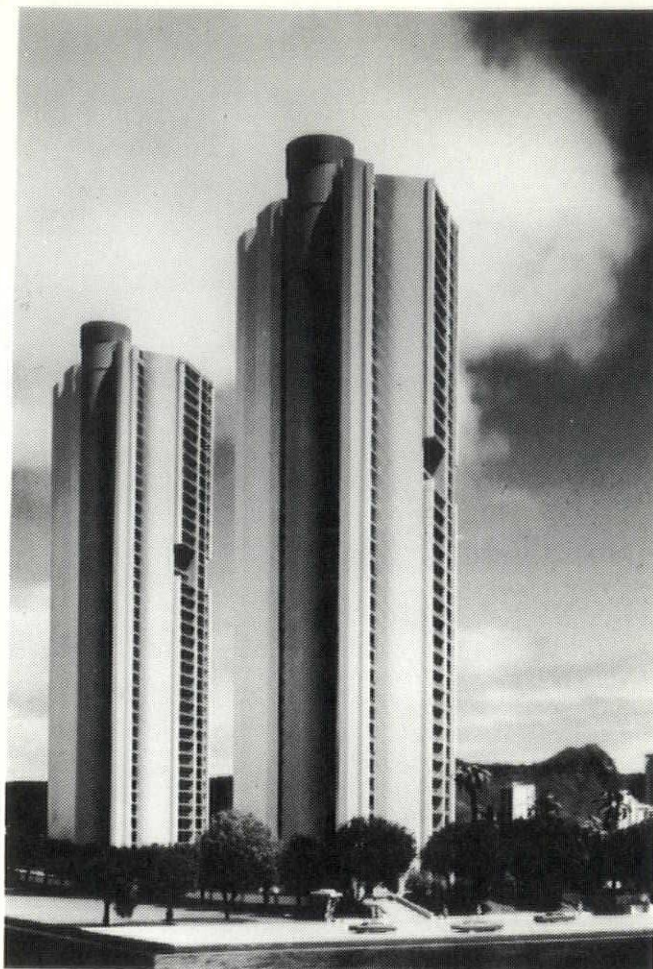


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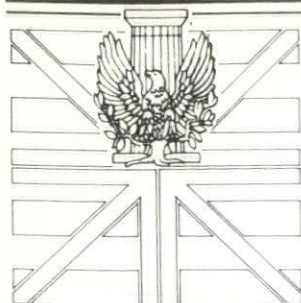
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## MERIT AWARD

# Jun Kon Goldsmith

by GILMAN HU, AIA

### Problem Description

- Create a new store for the merchandising of jewelry in a space formerly occupied by a retail florist.
- Design a storefront to convey the quality of merchandise and yet compete with nearby storefronts.
- Recognize the strong design and size of the neighboring Honolulu Book Store.
- Scale displays for a variety of merchandising values.
- Tie-in the quality of the client's printed advertising image with the store image.
- Build with a minimum of down-time.

### Problem Solution

Extra effort was made to be a good neighbor to an existing facade that is bold, transparent, and bright. This design is the opposite; solid and dark. In addition the design picked up the neighbor's 12-foot floor to ceiling vertical dimension, the 8-inch brass base, the 1/2-inch-thick glass, and the 45 degree 2 foot by 2 foot module which was carried throughout the interior ceiling as well as the wall and floor displays.

### Jury Comments

The design is precise and well-executed. The store is planned for effective merchandising techniques. Recognition of its neighboring store is highly commended.





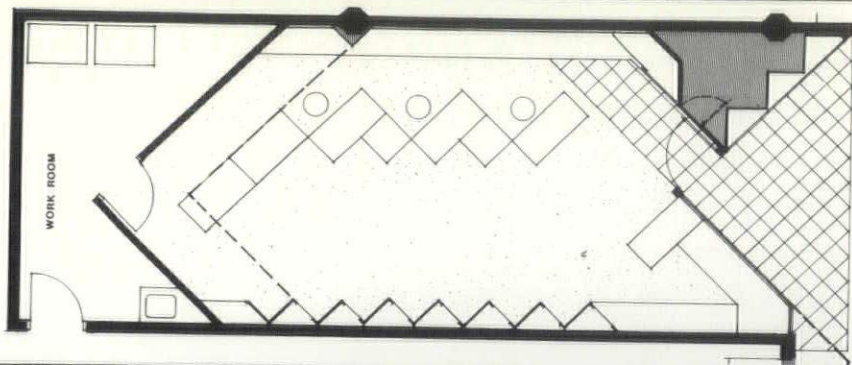


photo by LEYLAND LEE



**PROJECT:** JUN KON-Goldsmith

**LOCATION:** Ala Moana Center, Honolulu

**ARCHITECT:** Gilman Hu, AIA

**MECHANICAL ENGINEER:** Ferris & Hamig, Inc.

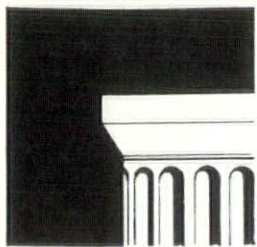
**GENERAL CONTRACTOR:** S&M Sakamoto, Inc.

**CONSTRUCTION PERIOD:** 28 calendar days

**AREA:** 850 square feet

**CONSTRUCTION COST:** \$57,000 (including furnishings)





## CONSTRUCTION materials/methods

# Acoustic Planning & Design

by MICHAEL JAMES LEINEWEBER, AIA

This article is based on a speech prepared for the First Town Meeting on Noise, presented Thursday, June 23, at the Blaisdell Center, Honolulu. The meeting was sponsored by the Engineering Association of Hawaii and Citizens Against Noise.

When it comes to acoustics, we have a lot of answers, but few of us are asking the right questions. Part of the problem may lie in the complexity of the solutions to problems of noise reduction.

There are no simple solutions, no simple answers, but there are a lot of simple questions that we can all ask.

It is the nature of our social, political, and economic system to respond to demands. If noise control is demanded, then architects as well as others will respond. The Citizens Against Noise pamphlet entitled "23 Hidden Noises in Houses, Apartments and Condominiums" is a potent collection of questions that should be used by anyone who wants to rent, buy, or build a place to live. If enough people demand noise control, and insist on noise control, then our political and economic institutions will eventually come around to providing protection that we need.

Why do we not have this protection now? Why isn't noise more of an issue on the public agenda, and the planning, engineering, and design professionals' programs?

One reason we have to put up with noise is that it is often contended that we are capable of becoming adapted to noise. This is a myth. The physiological indicators of noise trauma and stress, such as the inner ear and the circulatory system, show that as animals we may become conditioned to noise, but this is not adaptation. Conditioning can, in fact, sensitize susceptibility to aggravation from noise after repeated or prolonged exposure.

Unfortunately, most damage to human life caused by noise

insults is so delayed and so indirect that it escapes recognition in simplistic cause-effect analyses. How do we demonstrate the relationships and costs of ulcers, cardio-vascular problems, psychoses, neuroses, social, and learning disabilities to environmental noise? The links and the costs are as difficult to document as the relationship say, of lung cancer to smoking. Statistically, we can demonstrate broad relationships, but in many cases, the exact mechanisms remain unknown.

What, though, is the **architect's role** in controlling noise?

Surveys by the National Bureau of Standards have established that the most common noise complaint in multifamily dwellings is transmission from one dwelling unit to another within the building. In other words, outside, ambient, or impact noise levels historically have not generated as many complaints as internal noises. Typical noise sources are musical instruments, television, radio, stereo, occupant activity, plumbing fixtures, and appliances. Of all these sources, television sets are the most frequent offenders.

In other than residential areas, different land uses can be more, or less, sensitive.

Institutional buildings often require a greater degree of sound isolation than residential structures because the institutional uses require lower sound levels. Take, for instance, the low ambient noise level requirements for hospital patients, or for our speech levels in schools, churches, public assembly places, as well as offices.

But as we architects and engineers learn to control inter-

nal noises, or in areas where internal noises are not a source of complaint, as for instance, a residential zoned neighborhood with low density housing, then outside noise sources cause distress. The major offenders include aircraft operations, vehicular traffic, fixed guideway transportation, industrial plant operation, unshielded building mechanical equipment, and power garden equipment, as well as earth moving, construction, and street repair equipment.

As an extreme example of outside noise impact, there are documented instances of schools located in areas where aircraft noise impacts are so severe that new schools have had to be built outside of these impact areas. Even in relatively less severe noise environments, suitable classroom communication is often not obtainable, resulting in repetition, misunderstanding, and inability to concentrate on complex subject matter.

How can we control these outdoor sources of noise? These are clearly disturbances in the public sector that affect the public health, safety, and welfare. One course of action at the local level is to develop and enforce both zoning and noise control ordinances. As citizens we must be alert to violations of these ordinances, and bring these violations to the attention of enforcement authorities.

A second course of action at the national level is to require that manufacturers of electrical and mechanical equipment and appliances label the sound power ratings of their products. This can serve as an aid in comparison shopping as well as prima

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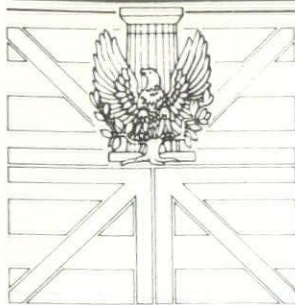


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## MERIT AWARD

# Hawaiian Energy House

by JIM PEARSON, AIA

**Project:**  
Hawaiian Energy House

**Location:**  
University of Hawaii, Manoa  
Mauka end, East-West  
Center Road

**Architect:**  
Jim Pearson

**Contractor:**  
Avant-Garde Builders

**Bid Date:**  
June 1976

**Construction period:**  
Four months

**Project description:**  
Site size: approx. 10,000 sq. ft.  
Exterior walls: single wall  
cedar

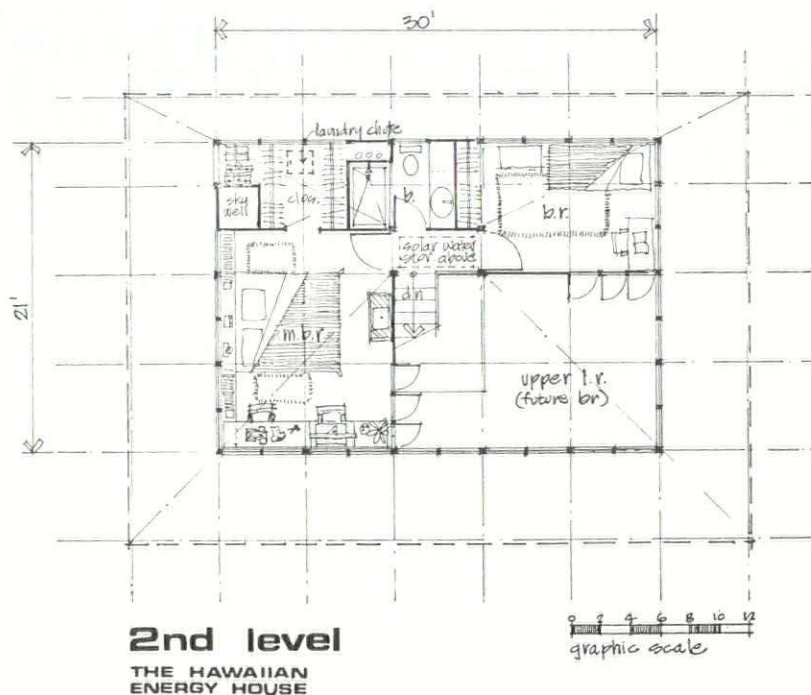
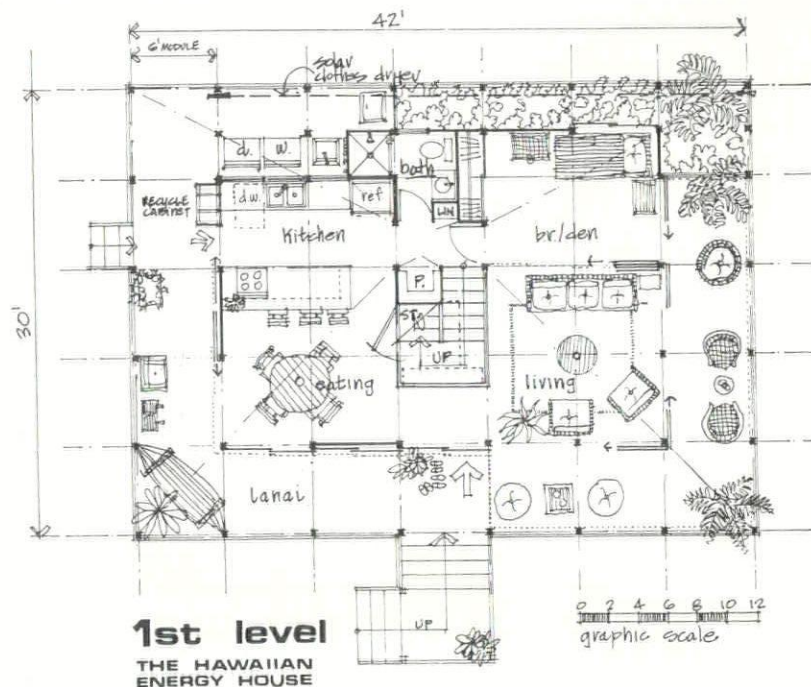
**Partitions:** single wall cedar

**Roof framing and  
weatherproofing:** corrugated  
aluminum roofing on 2 x 6  
rafters at 24 inches o.c. with  
an aluminum foil insulation

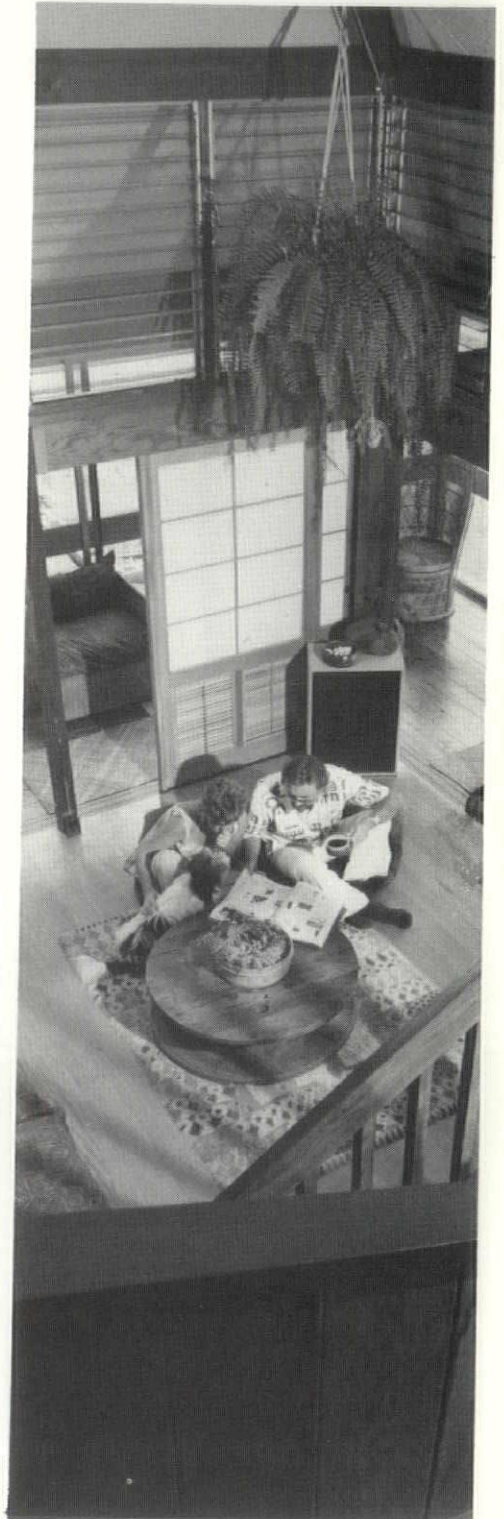
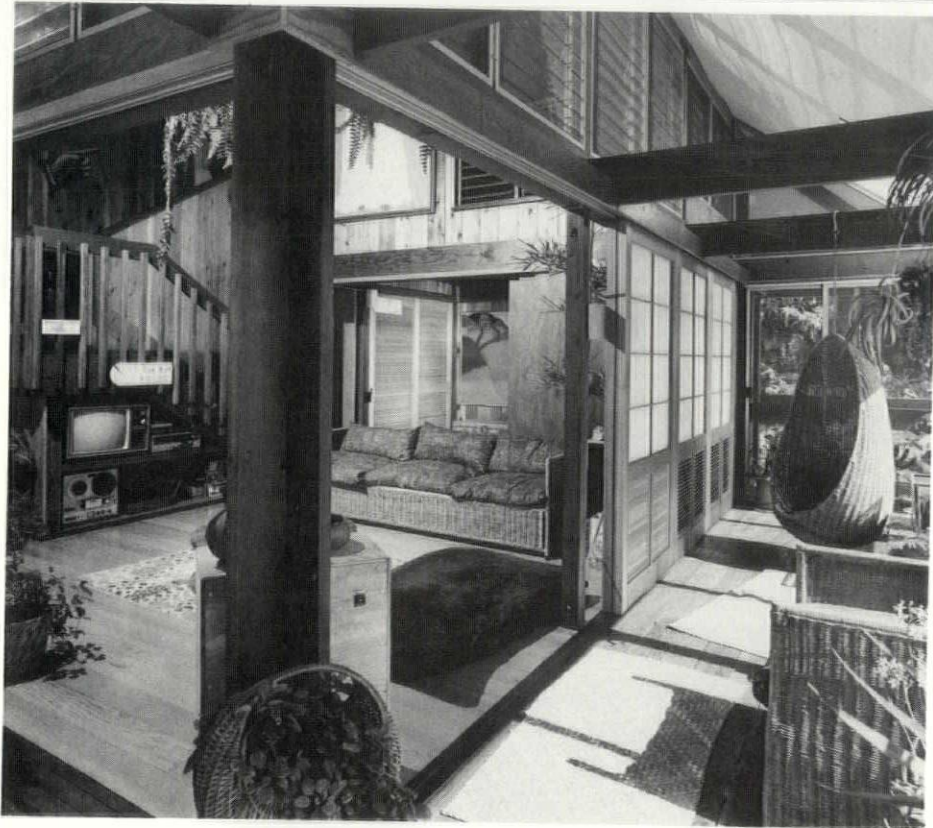
**Floors:** 1 x 6 T&G, Douglas fir

**Cost:**

Architectural & Structural:	\$35,900
Mechanical:	\$12,085
Electrical:	\$ 4,135
<b>TOTAL</b>	<b>\$52,120</b>
Cost per square foot:	\$28
Cost for repeating house:	
Professional Estimate:	
\$38,000 (excluding solar & wind equipment)	









# Tournament of Champions

by GLENN MASON, AIA

All the kites were flown, sandcastles built and the volleyballs, tennis balls, pingpong balls, and golf balls were laid to rest. Then, as the shifting crowd of 60 to 70 attendees began to drift away, a mellow core of guitar players and singers began a two-hour session which brought the 1977 Tournament of Champions to a 7:30 ending on July 2.

The day was filled with great weather, just enough disorganization to make it relaxing and enough organization, somehow, to get all the winners declared. In tennis singles the champ was Don Goo. He and Laura Goo also tied for first in doubles tennis with Owen and Leona Chock.

Golf's A-flight trophy was taken by Vernon Inoshita with the B-flight trophy picked up by Vernon Kim. Vernon Inoshita became a double winner when he prevailed in the table tennis tournament.

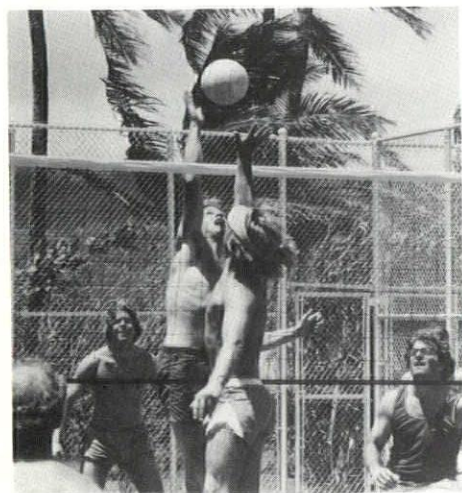
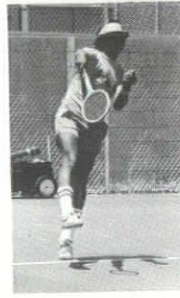
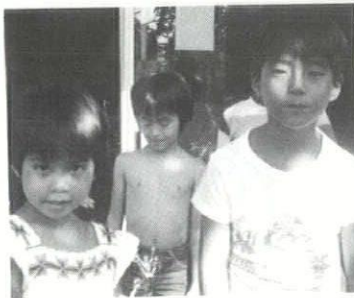
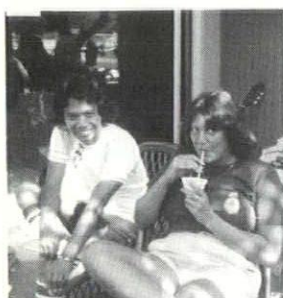
The sandcastle contest saw Maile and Mika Miyamoto come in first with Paige and Monte Costa coming in second. The sand sculpture contest was won by Aaron and Aolani Yamasato with Allison Chock coming in second.

Then the kite division. El presidente, Don Goo, became the day's only triple winner by taking the Most Original category with a fantastic, incredibly

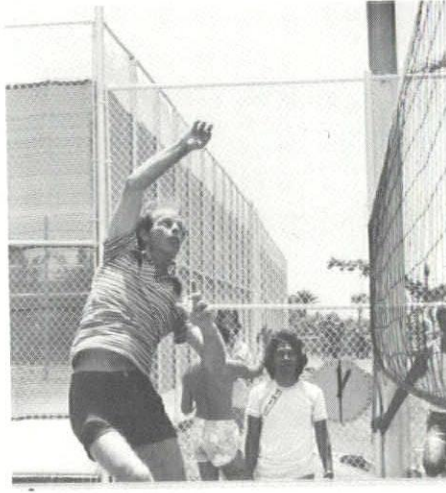
terrific paper bag kite. The Most Acrobatic and Most Beautiful categories were both captured by the team of Bobby Viggayan and Paige Costa. The Highest Flying kite was that flown by Aaron and Aolani Yamasato.

Volleyball captured the most participants. Kekoolani/Wise and crew took the top slot in relatively short order and the rest of the day was spent in different pick-up games.

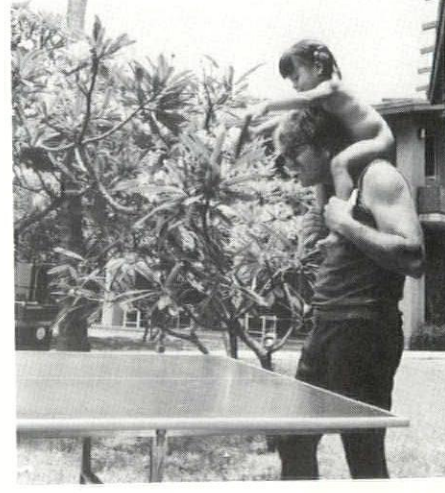
All had a great day. One of the very few suggestions this writer could make would be the addition of a new competitive category: shave ice eating. Perhaps I'd have won something too.



Intense action.



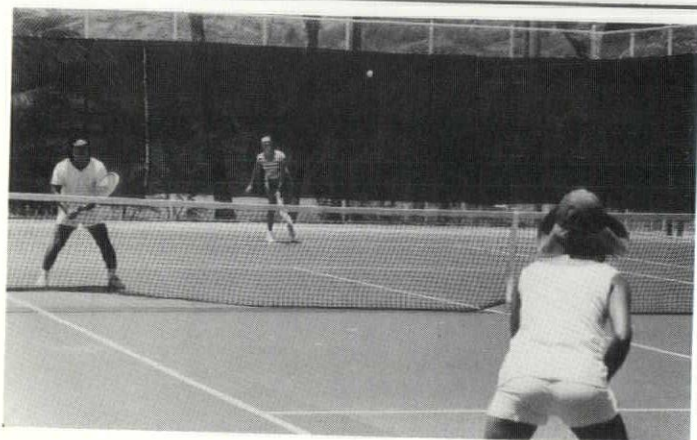
Hawaii Architect editor Holecek. Get 'em, Ron.



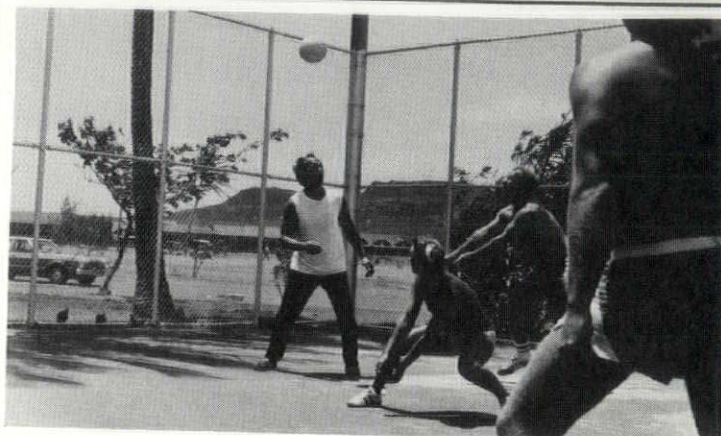
A developing sports threat with George Berean.

HAWAII ARCHITECT





**Tennis with Maurice Yamasato.**



**Ball in play.**



**Shave ice headquarters with Jimmie Young doing the honors.**

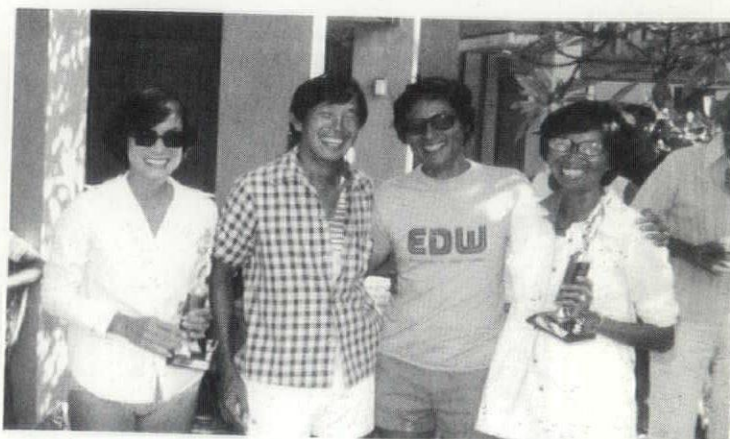


**Part of the lunch bunch.**



**Some of the volleyball champs: Mike Okada, George Kekoolani, George Johnson and Bill Wise.**

**8/77**



**Tied for first: Laura and Don Goo with Owen and Leona Chock.**







# HISTORY REPEATS ITSELF.

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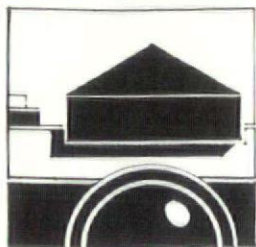


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Courtesy to brokers.

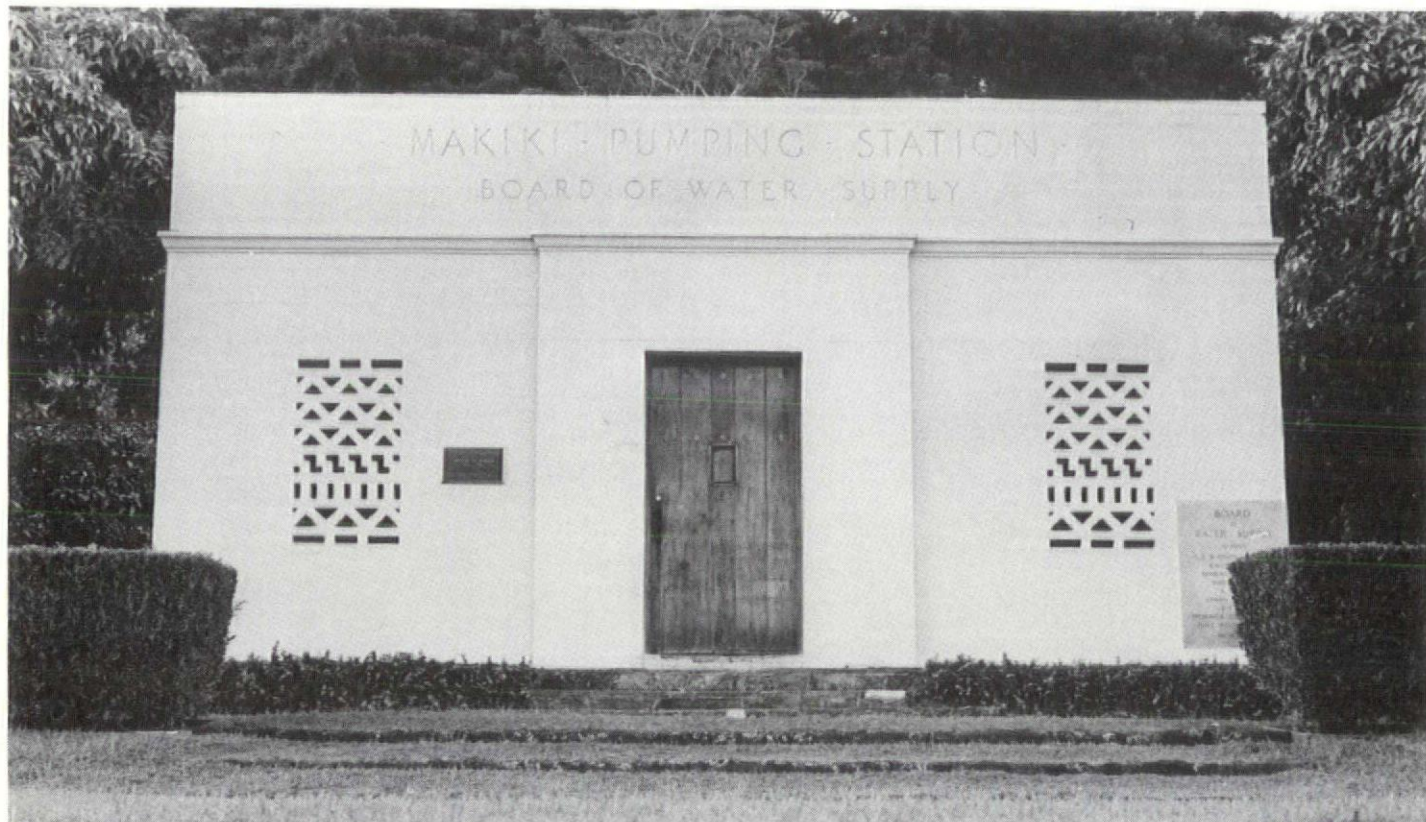




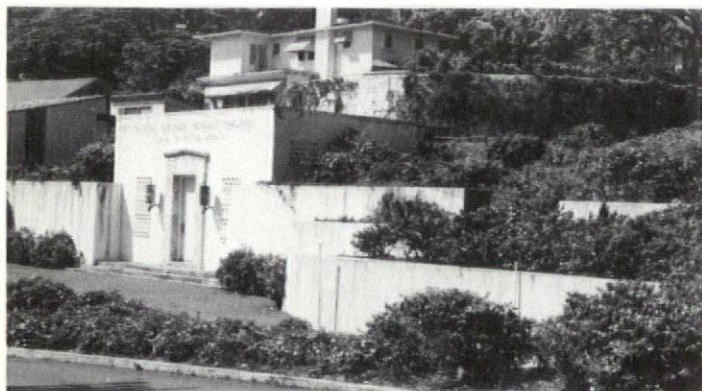
# Buildings for Utilities

Photos by T. E. Garduque, AIA and  
Kevin Chun. Research by Rob Hale, AIA.

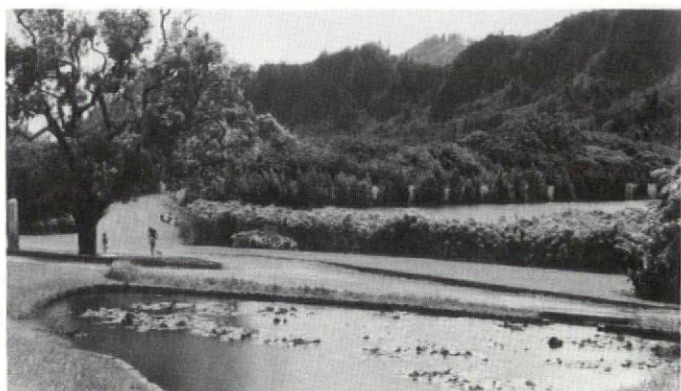
## WIDE-OPEN photo feature



A



B



C

A— Makiki Pumping Station, Board of Water Supply  
1934, Hart Wood, architect.

B— Pacific Heights Pumping Station, Board of Water  
Supply, 1932, Hart Wood, architect.

C— Pali Booster Pumping Station, Board of Water Supply,  
1932, Hart Wood, architect.

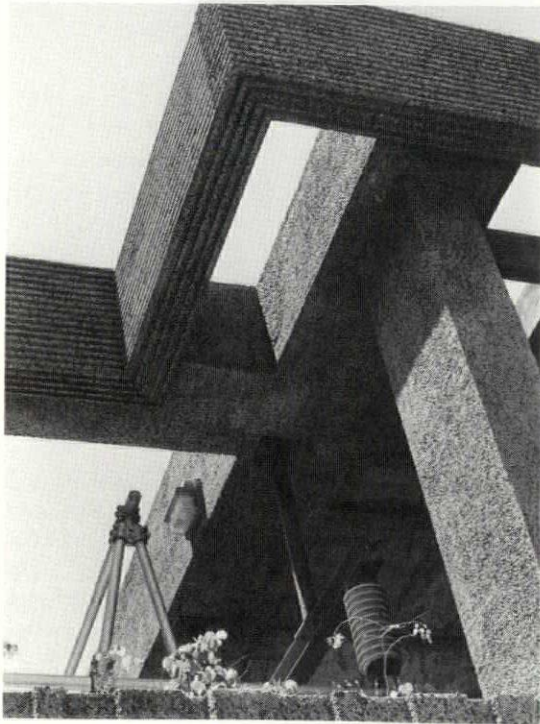


D— Kuhio Avenue, Substation, HECO, 1973, Sanborn, Cutting Associates

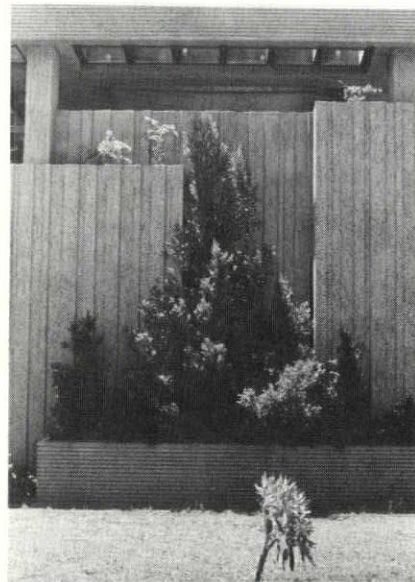
E— Kuhio Avenue Substation.

F— Ala Moana Sewage Pumping Station, O. G. Traphagen, architect.

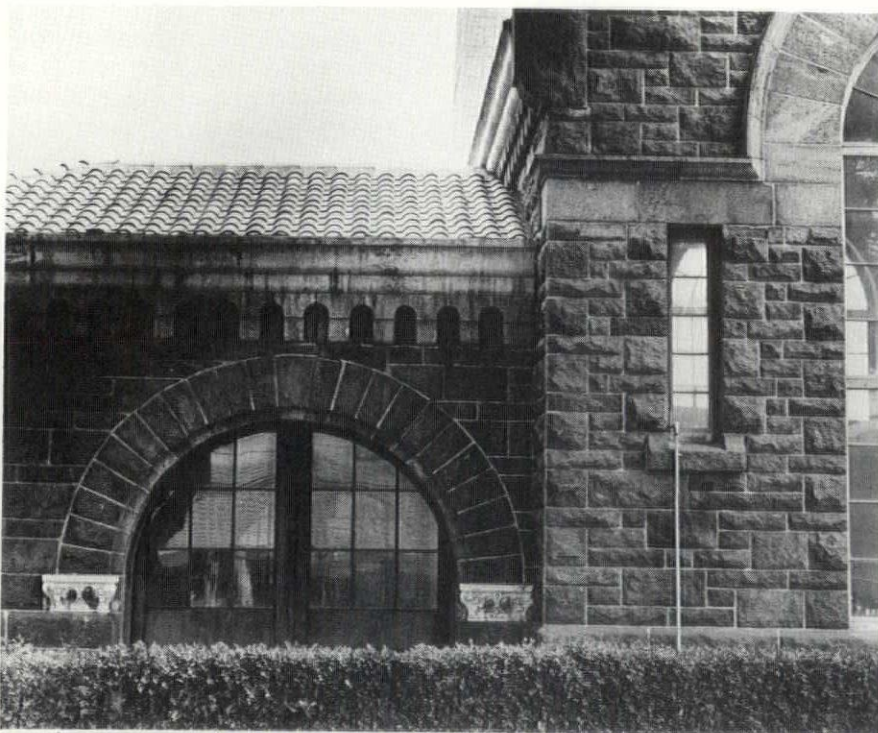
G— Ala Moana Sewage Pumping Station.



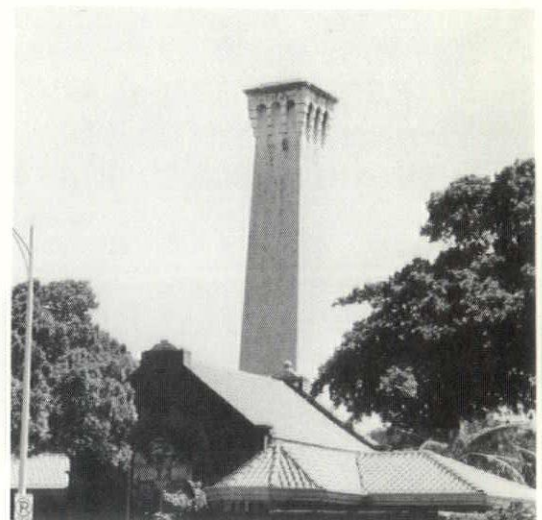
D



E

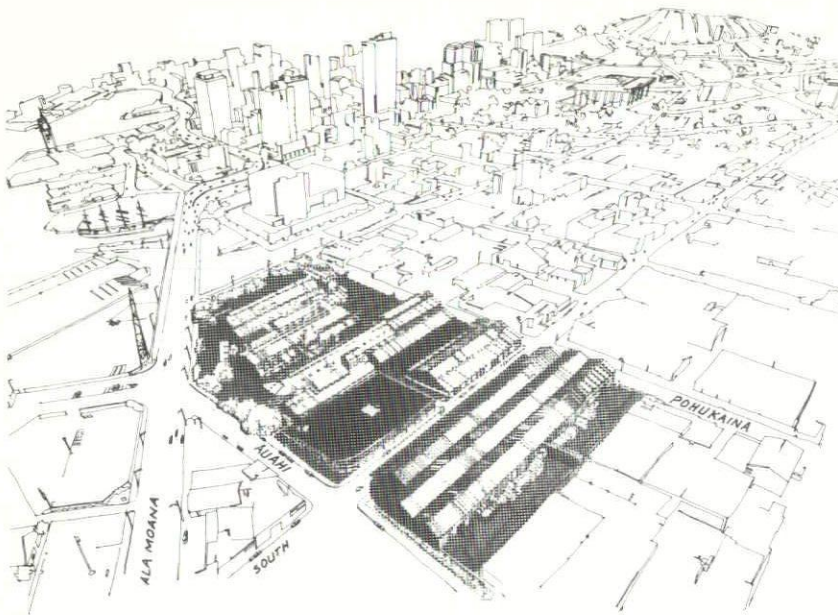


F



G





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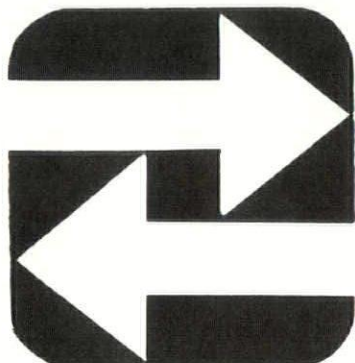
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## Quid Pro Quo

Continued from page 6

judge.

Stern's advice was taken and applied by the Maryland U.S. attorney, George Beall, and generated information that led to a series of indictments and convictions.

The Hawaii investigator explained, interestingly, that bribers fairly consistently leave themselves open for being exposed by investigations in this way, when instead they could hide the money in ways that audits wouldn't uncover. But the investigator said typically through "greed" the corporations involved chose to show the payments in some way in their corporate books so they can be used as expenses against which taxes may be written off. He said that were it not for this attempt to use the money twice in effect, many investigations would never get off the ground.

The type of bribery this article is concerned with, though, probably has less use for audits because the bribes are often in the form of openly made campaign contributions that are publicly reported in campaign spending reports.

Investigating this kind of bribery probably involves leaning more heavily on a second area of techniques, one on which the case of the covert payments also rely heavily: on developing witnesses who can testify to incriminating statements or activities on the part of the defendant.

An old reliable technique here, in say the case of investigating a high public official suspected of

**HAWAII ARCHITECT**



taking bribes, is building steadily from the bottom up by trapping business people who have been making payments and inducing them to become government witnesses.

A review of reported cases indicates that generally the government's case had at least one, and generally several witnesses, plus whatever circumstantial evidence that may have been collected. A Hawaii investigator indicated it would not be wise to go to trial without at least one witness, if not several.

Offering immunity to individuals suspected of having committed crimes, usually as an accomplice to the target of investigation, is a well-established practice. (Murphy v. Waterfront Commission of New York Harbor, 378 US 52 (1964); Kastigar v. United States 406 US 441 (1972).)

HRS 621C codifies it for Hawaii, and makes the immunity, which is granted by the court upon application by a prosecutor, "transactional." Such immunity means the person to whom it is given cannot be prosecuted for any activities related to what he testifies about as a result of the immunity grant.

Transactional immunity stands in contrast to "use" immunity, in use in federal courts, which allows prosecutions for activities related to what the immune witness testifies about, though only if the prosecutor can show that the prosecution derived from evidence other than the protected testimony. (See Kastigar.)

Another very useful technique, is consensual monitoring, though there seems to be a major possible pitfall of entrapment here. Consensual monitoring is basically bugging a conversation involving at least two people, with the knowledge and consent of at least one of the parties. The U.S. Supreme Court has approved this technique, distinguishing it from other cases that

Continued on page 22

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## Quid Pro Quo

Continued from page 21

prohibited nonconsensual bugging without a warrant. (*White v. United States*, 401 US 745 (1971), as distinguished from *Katz v. United States*, 389 US 347 (1967).)

The entrapment pitfall is that in consensually bugging a conversation, the person who has consented and who is therefore

acting as a government agent, cannot induce the target of the bug to make incriminating statements. Bailey has said that one of "the two most common defenses to a charge of bribery" is "unlawful entrapment." (Bailey at 370.)

But successful use of this technique can clearly provide some of the best possible evidence: The defendant himself making incriminating statements that can be recorded and used at trial.

## Acoustics

Continued from page 10

facie evidence of the noise generated by the product.

A third course of action, which is occurring on both a national and local level, is to educate architects, planners, engineers, legislators, and civil servants to incorporate noise control principles in the planning and design of our urban systems.

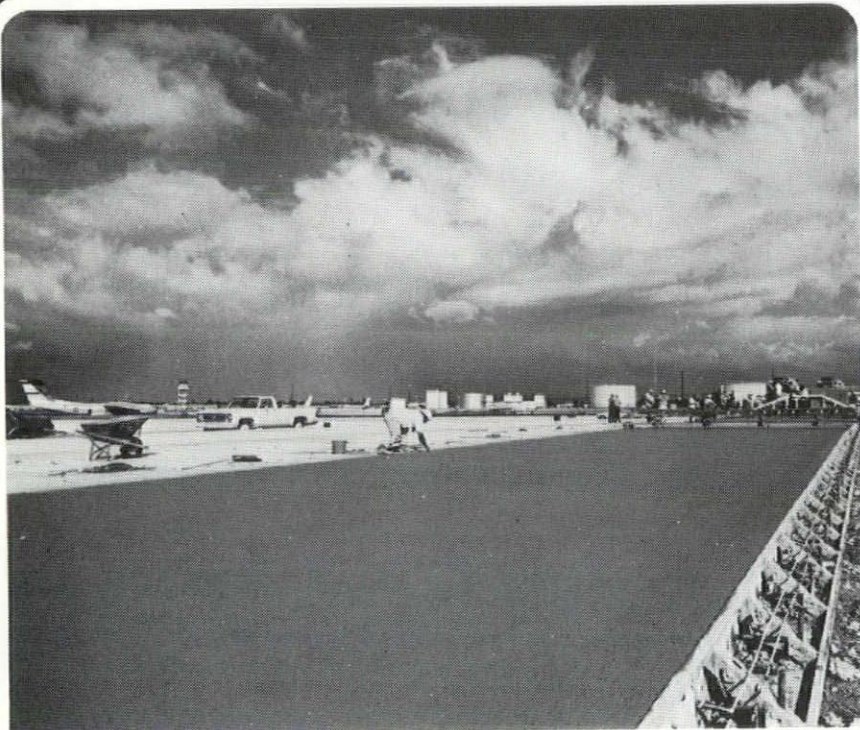
Why, then, is noise becoming an issue on the public agenda? There are a number of reasons that seem apparent to me as an architect. One of the most obvious is the trend to lighter weight building structures. For reasons of economy and availability, we are using increasingly lower density, lighter weight building envelopes. Partitions, floors, ceilings, and structural assemblies provide less acoustic insulation than the stone, concrete, and masonry buildings constructed in the past.

Second, poor acoustic design is often reflected in land use decisions, site selections, and building orientation, as well as in the layout and design of individual spaces. This poor design is usually the result either of lack of consideration or of noise control not being considered a significant planning requirement.

Third, I would say that poor workmanship is responsible for nullifying even well-designed sound insulation designs. Materials that are not installed according to the plans and specifications, improper caulking of sound insulating walls, cracks, holes, penetrations, and equipment installations, as well as lax enforcement of the contract documents by lending institutions and design professionals, causes even good acoustic design to be rendered useless.

Fourth, we demand and use increasing amounts of audiovisual, mechanical, and labor-saving devices. Unless we also

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Continued on page 23

HAWAII ARCHITECT



demand noise control of this machinery, we will have to live with its noise.

Fifth, we are tending increasingly to construct and dwell in high density situations. Concentrations of families in high-rise, high-density apartment buildings results in very large concentrations of people in relatively small circulation areas, with much greater social frictions.

At the same time, our live-and-let-live Hawaiian lifestyle, coupled with increasing demands for

peace, quiet, and privacy at least within the confines of our dwellings, causes social friction.

What is the solution? As I stated earlier, I do not see any simple solution. There are many technical solutions existing today. We have only to be aware of them, demand them, and be willing to pay the price for them. Awareness is engendered by education. Demand is created by the public, both as individuals in the marketplace and through our elected representatives.

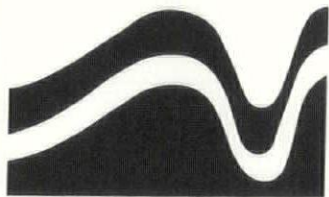
Willingness to pay the price will be a lot easier to come by if we are educated to the problems of noise control, demand cost-effective solutions, and see the true social, economic, and human costs of not controlling noise in our environment.

I think that when we are aware of what noise costs us in these terms, we will gladly make the relatively small changes in public policies and allocations of resources needed to achieve noise control.

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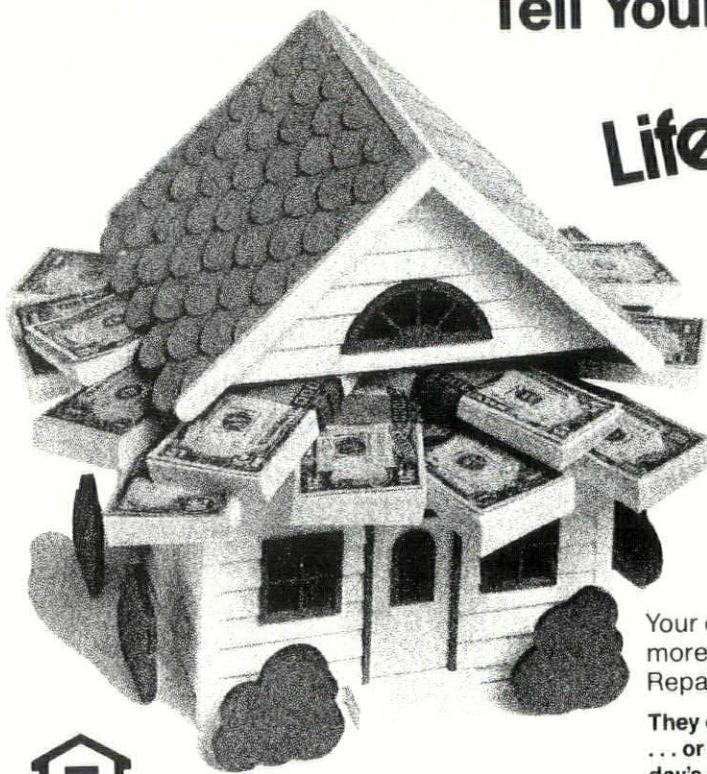
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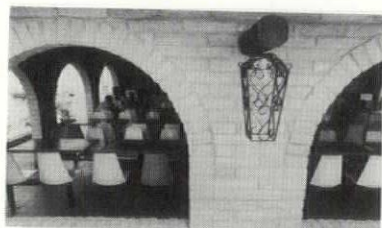


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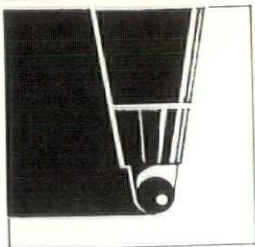
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## BALLPOINT commentary/letters

### EDITORS NOTE:

As a follow-up to Jim Reinhardt's article and HS/AIA's interest and increased active role in legislative affairs a meeting was held at the AIA office on July 14. Rep. Richard Garcia spoke on how to get involved and elected to the Constitutional Convention. The HS/AIA is encouraging its members to take an active role in the Con-Con and those interested should contact the AIA office or Jim Reinhardt.

The Stone, Marraccini, and Paterson, enclosure is available at the AIA office.

July 11, 1977

OPEN LETTER TO: THE GOVERNOR OF THE STATE OF HAWAII  
THE MAYORS OF ALL COUNTIES

#### ARCHITECT-ENGINEER SELECTION

Recent newspaper stories relative to Mayor Frank F. Fasi's statements regarding methods of selection of non-bid consultants and stories relating to political contribution of a design consultant represent the basis for requests by the Hawaii Society AIA and other design consultants for an improved selection process. The taint of AE-selection based on favoritism, quid pro quo cronyism is not in the best interest of public confidence in government or the proper profile for a design consultant. Our professional reputation has been lowered by this type of action. Spiro Agnew's fall from office is but one example of this type of publicity.

The HS/AIA, at its annual meeting, has affirmed its interest in establishing a selection process based on merit and free from political pressure. Our citizens have a right to expect this type of process, where "sunshine" and reason prevail.

The design professions are actively encouraging such a "sunshine" system. We are seeking a collective cooperation for this by the public and the press. We want to establish the public's confidence in a government for all the people and the Architect-Engineer selection based on a "sunshine" process.

Very truly yours,

Donald W. Y. Goo  
President, Hawaii Society AIA

DWYG:dt

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MARY GEORGE

STATE SENATE  
WINDWARD DISTRICT  
STATE CAPITOL  
HONOLULU, HAWAII 96813

June 17, 1977

The Editor  
Hawaii Architect  
Hawaii Society AIA  
1192 Fort Street Mall  
Honolulu, HI. 96813

Dear Sir:

I was delighted to read Jim Reinhardt's persuasive "Architects Need to Run for Con-Con" in the May issue and would like to add my enthusiastic endorsement.

I have long advocated that a constitutional convention should be dominated by citizens rather than by politicians. I think it is equally important for a diversity of our citizens with various talents, training and interests to be represented in the group considering constitutional reform. There is no question in my mind but what members of the design professions have very special contributions to make to a con-con, and therefore a collateral responsibility to make sure of representation.

The election for delegates to the convention will be next May 20th. If any of you have interest in being a candidate, perhaps I can provide you with background information on probable issues, some perspective on our two previous conventions, and details about the election. My office is Room 220 in the Capitol, and my telephone number is 548-4107. Don't hesitate to get in touch with me if you think I can be of any help.

Most sincerely,

*Mary George*

MARY GEORGE  
Senator

**SMP**

June 22, 1977

Hawaii Society  
American Institute of Architects  
1192 Fort Street Mall  
Honolulu, HI 96813

Subject: Letter to the Editors - Hawaii Architect

Gentlemen:

In support of the June, 1977 Hawaii Architect article "Lien Law - Architects and Engineers Face Problems" by James N. Reinhardt, AIA, the enclosed summary of the Mechanics' Lien Law of California provides interpretable and definitive lien rights, too often not utilized to the advantage of the profession because of failure to exercise those rights.

A significant provision of this law establishes that, "It is mandatory that every licensed contractor (including architects, engineers, and other non-contractor claimants) give his notice not later than 20 days after he had first furnished labor, services, equipment, or material to the job site . . ." to be eligible for lien rights.

As a matter of good business practice, the action of establishing lien rights at the onset of a job clearly establishes the licensed contractor's (including architects, engineers, and other non-contractor claimants) rights to an implied timely payment of a fee for service or other remuneration.

I suggest that the enclosed summary be published in the Hawaii Architect as an example from which the Hawaii Society, AIA, might define their position relative to lien rights within the State of Hawaii.

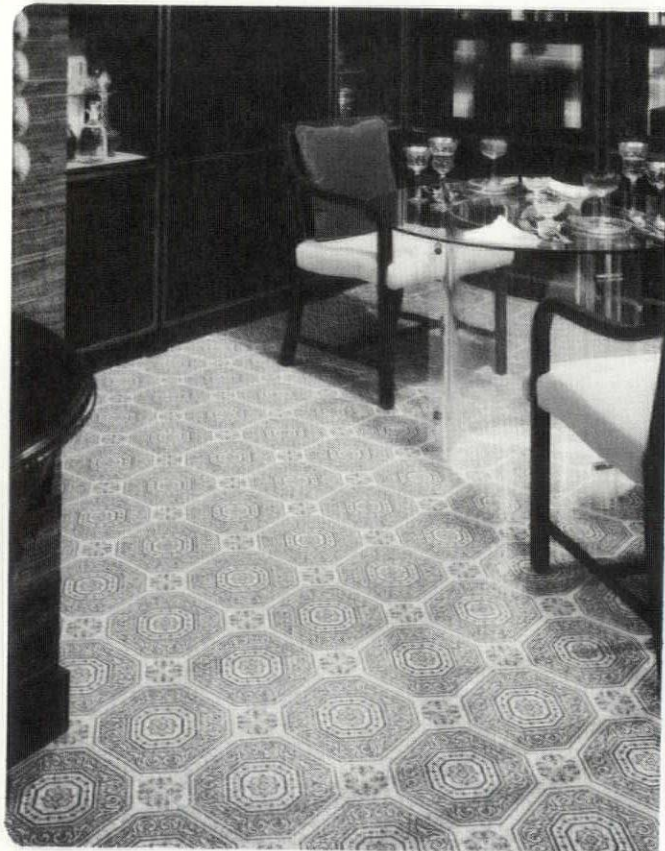
Very truly yours,

*Keith Eric Johnson*  
Keith Eric Johnson, AIA  
STONE, MARRACCINI AND PATTERSON

KEJ/dsg

Encl.

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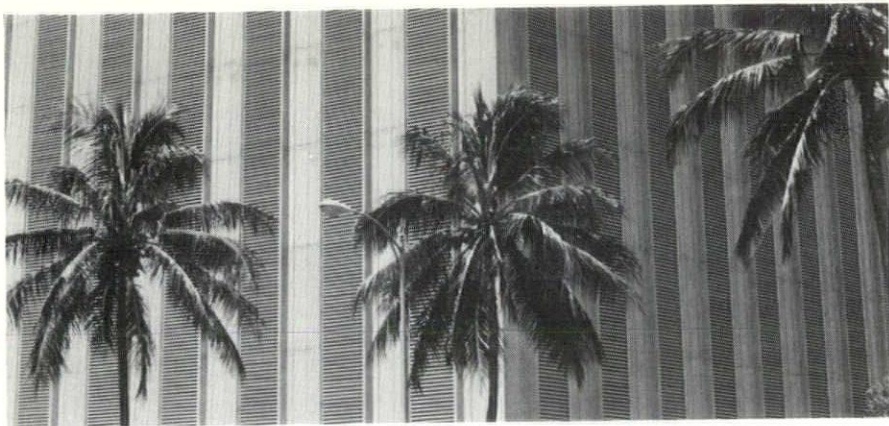
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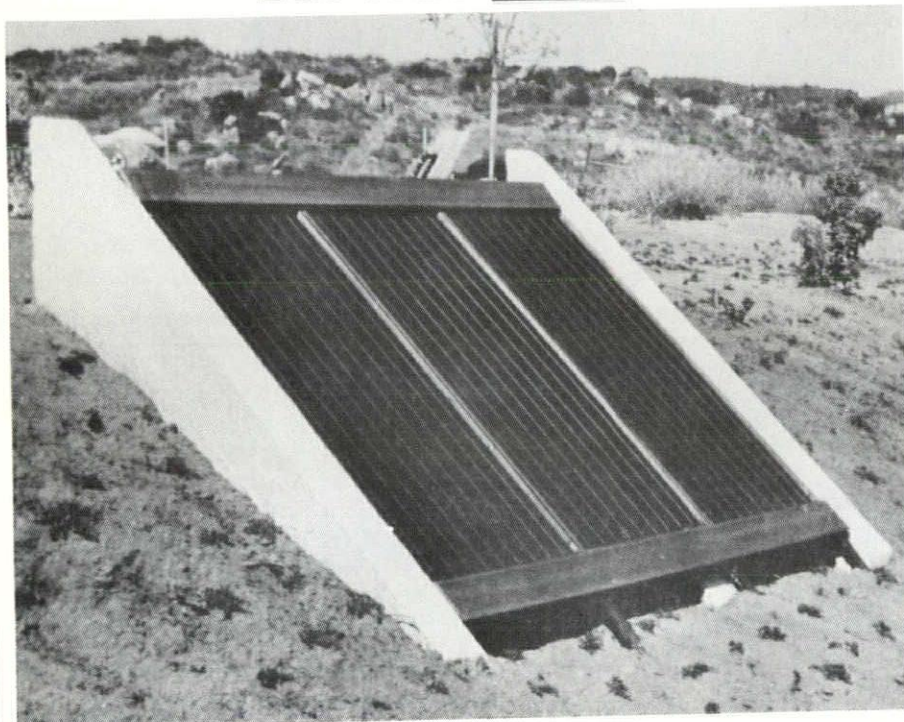
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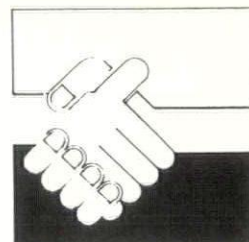
- |                        |   |
|------------------------|---|
| 1. Banyon Street Manor | 3. Hawaii Housing Authority Waipahu Project |
| 2. Diamond Head Alii   | 4. A&W Restaurant (Pearl City)              |

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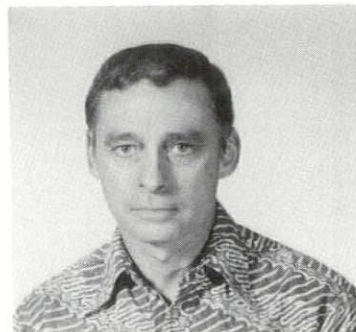
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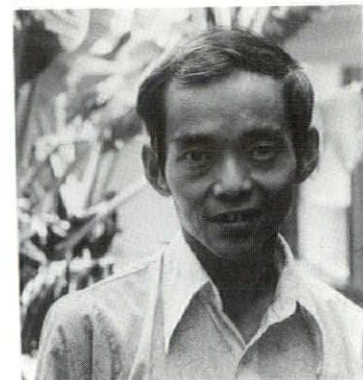
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 537-5285**



## NEW MEMBERS



**DAN GLENN.** Associate; U.S. Navy Civil Engineer Corps. M. Arch. and B. Arch., U. of Oklahoma. Wife: Sherry. Children: Kristi 3, Curt 1. Hobbies: silk screen printmaking, photography.



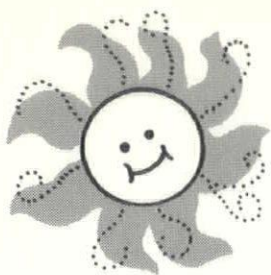
**THOMAS KATSUYOSHI.** Corporate; University of Hawaii, Dept of Architecture. M. Arch. and B. Arch., U. of Illinois. Wife: Renate. Children: Sarahesther 13, Heidi 9, Ilse 7. Hobby: aikido.



**CALVIN S. HIGUCHI.** Corporate; Architects Hawaii, Ltd. B. Arch., Washington State U. Wife: Sharon K. Hobbies: photography, tennis.

**HAWAII ARCHITECT**

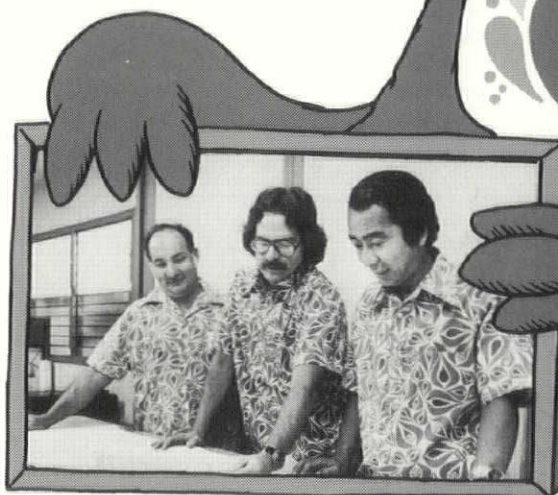




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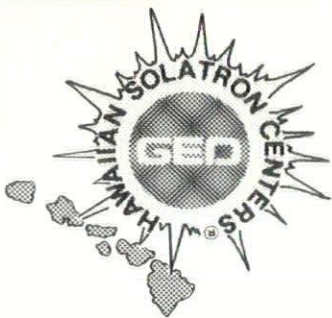
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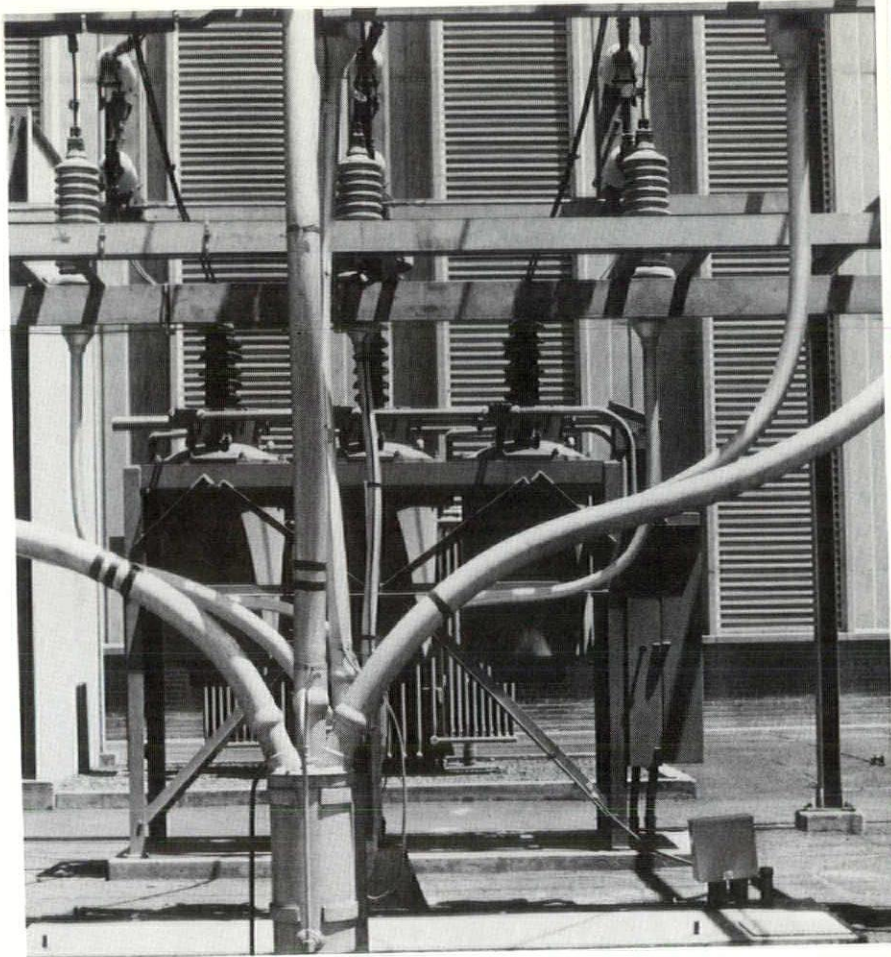


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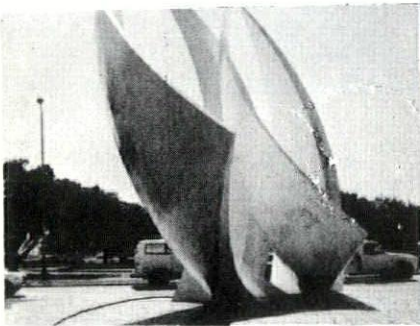
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## Keeping Hawaii Plastered



### SAIL SHAPES



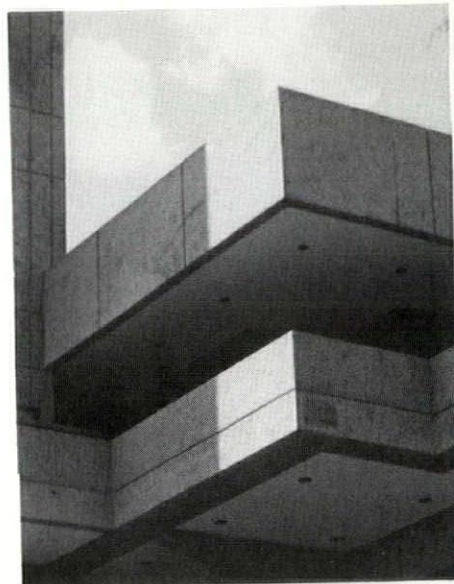
The sail shapes at the Yacht Harbor Towers were achieved through the use of metal lath and plaster. The base was formed of galvanized metal lath wire tied to the welded reinforcing bar shapes, followed by a scratch application of portland cement plaster. The ultimate terrazzo finish was accomplished by grinding and polishing a mixture of white cement and marble aggregates.

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## Advertisers Index

Aloha State Sales	27
Amelco Elevator	21
Ameron HC&D, Ltd.	25
C.C.P.I.	22
Cody Company	28
Columbia Inn	31
Flamingo Restaurants	23
Garden Court	31
Gasco, Inc.	29
H.M.S. Bounty	31
Hawaiian Air	26
Hawaiian Solatron	30
Hilton Hawaiian Village	31
Honolulu Blueprint	20
Imua Builders	32
Interior Show Place	11
Island Kitchen	23
Iron Works	20
Liberty Bank	24
Mr. Sub	23
Matteo's Royal Tavern	23
Pacific Bureau for Lathing & Plastering	30
Pagoda	31
Pizza Villa	23
Royal Iolani	16/17
Smitty's Pancake House	31
Sunsorce Pacific, Inc.	21
Teruya Restaurant, Inc.	23
Tile, Marble & Terrazzo Contractors	7
Walter Carpets	2



## ERRATA

Credit due: In the last issue, the book written by Georgia and Warren Radford will be published by the University of Hawaii Press.

In the last issue the transparent glass mosaic mural is titled "Four Chief Gods of Hawaii."





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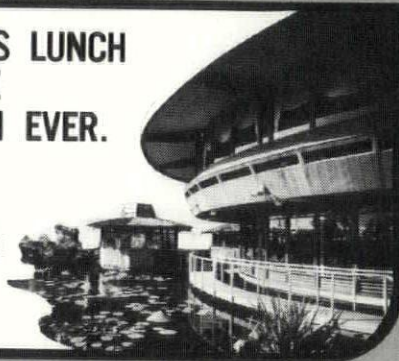
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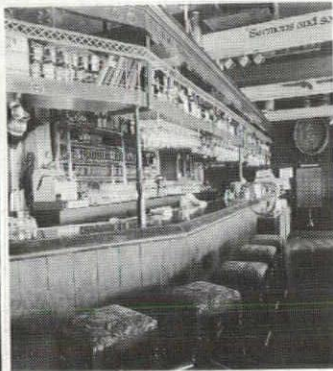


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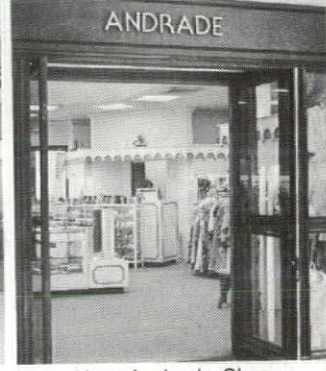
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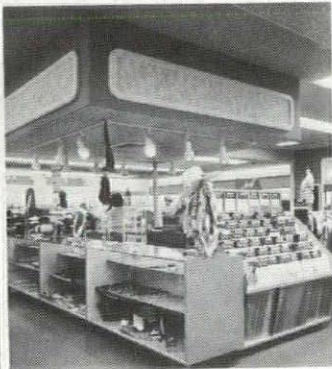
Horatio's Restaurant



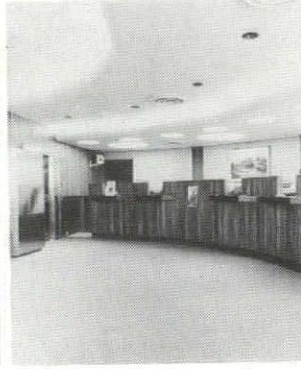
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