



DEPARTMENT OF THE ATTORNEY GENERAL

News Release

LINDA LINGLE
GOVERNOR

Mark J. Bennett, Attorney General
Phone: (808) 586-1500
Fax: (808) 586-1239

For Immediate Release: August 23, 2005

News Release No. 2005-39

State of Hawaii files brief supporting Kamehameha Schools

(HONOLULU) Attorney General Mark Bennett, on behalf of the State of Hawaii, sent to the United States Court of Appeals for the Ninth Circuit an amicus curiae brief in support of Kamehameha School's Petition for Rehearing En Banc, which seeks to have eleven judges rehear the case, and overturn the 2-1 panel ruling striking Kamehameha's Native Hawaiian admissions policy as an illegal "racial" contract. The amicus brief urges the Ninth Circuit to rehear the case en banc, because the case presents a question of "exceptional importance."

The brief explains that the existing panel ruling will have a profound negative impact upon the State of Hawaii, the public interest, and Native Hawaiians. It explains that the ruling threatens an institution that has done more to remedy the wrongs committed against Native Hawaiians than perhaps any other private entity, and disregards clear evidence that Congress does not view the activities of Kamehameha as unlawful, but affirmatively endorses them. And the brief argues that the panel erred in declining to consider a fundamental argument -- that Congress does *not* view Kamehameha's admissions policy as being "racial" at all.

Attorney General Mark Bennett stated: "I continue to believe the Ninth Circuit panel decision was wrong, and I hope that rehearing En Banc will be granted. I have filed this amicus brief because of the importance of this case to the State of Hawaii."

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For more information, contact:

Girard D. Lau
Deputy Attorney General
Appellate Division
(808) 586-1360
hawaiiag@hawaii.gov
www.hawaii.gov/ag