

IN-MIGRATION AS A COMPONENT OF HAWAII POPULATION GROWTH: ITS LEGAL IMPLICATIONS

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FOREWORD

The successful completion of this report would not have been possible without the assistance of Don DeSonier, Herbert Hamada, Connie Howard, Douglas John, Wendy John, and Jeffrey Long, law students who did most of the data-gathering and much of the legal research. And thanks go to Robert Gardner and Eleanor Nordyke of the East-West Population Institute who gave advice and consent on the use of EWPI migration data.

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Samuel B. K. Chang
Director

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TABLE OF CONTENTS

	<u>Page</u>
FOREWORD	iii
STATEMENT OF PURPOSE	1
SUMMARY	2
I. POPULATION TRENDS OF THE WORLD, THE NATION, AND THE STATE	6
The World	6
The Nation	7
The State	7
II. IN-MIGRATION AS A FACTOR OF STATE POPULATION GROWTH . . .	9
Proportion of In-migration to all Growth	9
Foreign Immigration	10
In-migration from the U.S. Mainland	14
Age and Fertility of In-migrants	15
III. THE AVAILABILITY AND QUALITY OF HAWAII MIGRATION DATA . .	18
Motivational Data	18
Demographic Data	19
Socio-economic Data	21
IV. IN-MIGRATION AS THE BEARER OF SPECIAL GOVERNMENT BURDENS .	25
Education	25
Crime	27
Transportation	29
Employment	31
Public Assistance	32
Housing	34
Health	35

	<u>Page</u>
V. CONSTITUTIONAL PRINCIPLES	38
Supremacy Clause Limitations	38
The Right to Travel	39
Durational Residence Requirements	41
Effect of Future Court Decisions on In-migration	42
VI. INFLUENCING INTERSTATE MIGRATION	44
Entry Census	44
Exit Census	46
Occupational Licensing	47
Direct Quota System	50
Land Use and Taxation	52
Others	52
Tuition Differentials	52
School Registration Limits	53
Airport Tax	54
VII. LIMITING FOREIGN IMMIGRATION	56
FOOTNOTES	60

Graphs

1. Comparison of Hawaii's civilian population in 1970 with projected populations in the year 2000 assuming different levels of net-inmigration	11
2. Comparison of foreign immigration rates per 1000 population for the United States with that of Hawaii	13
3. Comparison of in-migrants from the U.S. mainland with immigrants from other countries	16

ANNOTATED BIBLIOGRAPHY	65
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STATEMENT OF PURPOSE

This report has been prepared in response to Act 202, Session Laws of Hawaii 1972, of the Seventh Legislature of the State of Hawaii.

The purpose of this study is (1) to collect available demographic and socio-economic data regarding Hawaii in-migration; (2) to particularize, based upon collected data, some aspects of the problem of in-migration as it relates to population stabilization; (3) to identify the special governmental demands relating to in-migration as, for example, in education, crime, transportation, employment, public assistance, housing, and health; (4) to formulate alternative legislative and other policy measures to influence in-migration; and (5) to evaluate the constitutionality of policies recommended.

SUMMARY

In the past 150 years, the world's population has almost quadrupled, increasing from 1 billion in 1830 to nearly 4 billion in 1972. Industrial, technological, and medical advances have contributed to this geometrical population expansion throughout the United States and particularly in Hawaii. For example, in the first fifty years of this century, the population of the United States doubled while that of Hawaii tripled. This rapid growth has presented serious challenges to social institutions attempting to meet the needs of an increasingly greater number of people. The important questions, however, concern not past, but future growth and the need to begin planning now for the problems that will confront the State if its population is permitted to grow at the present rate.

Effective planning for future growth cannot take place unless the factors causing that growth are fully known. Based on present knowledge and anticipating what needed research will show, it is the purpose of this report to discuss the effects of in-migration on the State's population growth and to assess some approaches to the in-migration phenomenon. This report suggest possible courses of action that might be undertaken after needed data are acquired which will enable the State to better understand its migration experience and its constituent parts. When that experience, both past and projected, is more fully understood, then precise policy responses can be more confidently formulated.

It is estimated that net in-migration represented about 40 per cent of the total actual population increase experienced by Hawaii between 1960 and 1970. However, since out-migration statistics are not recorded, the figure can only be approximated by attributing to in-migration the increase in population minus the increase due to births and deaths. It is known that the average age of recent in-migrants is in the midtwenties. Consequently, the effect of in-migration on population growth will be felt for many years since this group is at a family-producing age.

There are two sources of migrants to Hawaii: foreign immigrants and in-migrants from the U.S. mainland. The 1965 Immigration and Naturalization Act which seeks to reunite families has been a major contributor to the increase of foreign immigrants. The State has a large number of first-generation immigrant families whose relatives have immigrated to Hawaii since the 1965 Act. An even larger number of persons

SUMMARY

come to Hawaii from the U.S. mainland, constituting over three-quarters of the total number of in-migrants coming into Hawaii annually since 1961.

Why do so many people move to Hawaii each year? What is known about these new residents? Questions such as these need to be asked if valid proposals are to be made which influence in-migration. However, only very limited and incomplete data are available from which conclusions can be drawn about in-migrants. The local studies that cover in-migration are not conclusive. The information that is obtained on in-migrants and in-migration has been drawn by extrapolation and comparison from various sources such as U.S. Census figures, State Department of Agriculture statistics, and national migration studies. Generally, these sources do not provide comprehensive insight into Hawaii's in-migration problem. The major source of data in this area comes from the Hawaii Visitors Bureau's Survey. However, the HVB form not only fails to provide sufficiently detailed information that would permit in-depth analysis of the consequences of in-migration, it is voluntary and, therefore, probably does not provide a representative sampling of the limited data it does supply on in-migrants. Further, as the only major source of in-state data on in-migration, the HVB form, is in danger of being discontinued in the spring of 1973. As yet, no substitution has been planned, such that the State would be left with virtually no source of in-migration data.

Due to the lack of comprehensive data, very little is known about the motivation that brings the migrant to Hawaii or his socio-economic impact on the State. Aside from limited information on in-migration as it relates to health and education, the effect of in-migration on crime, transportation, employment, housing, and public assistance is almost unknown. All that can be determined from present data is that since Hawaii's population has grown faster than the growth that can be attributed to the natural increase, the difference must be due to in-migration. In the same manner, since public school enrollment has increased, the number of crimes committed has risen, motor vehicle registrations have increased, public assistance applications are rapidly rising, and since there is a serious housing shortage, it might be assumed that these problems are causally related to in-migration. Unfortunately, these assumptions do not have the necessary data to support them. Until such data are acquired, the effects of in-migration on Hawaii's social and economic foundation cannot be stated with any certainty.

Assuming that the anticipated effects of in-migration are correct, methods of influencing population growth in

IN-MIGRATION: ITS LEGAL IMPLICATIONS

Hawaii can be discussed here so that the State will have some realistic areas to consider once the in-migration problem is clarified through development of more comprehensive information.

Four important areas of constitutional development determine the limits of methods that can be designed to affect in-migration. The Supremacy Clause of the United States Constitution places exclusive power to regulate foreign immigration in the federal legislature. Therefore, the State is prevented from imposing its own direct limitations on immigration. Similarly, the State cannot penalize the right to travel from state to state by imposing requirements on intended residents that would chill the exercise of that right. Any restriction on travel must be minimal and promote a compelling state interest. The State is further required to show that there is no other constitutional means to achieve its purpose. Among the restrictions that have been held to unconstitutionally burden the right to travel are durational residence requirements. Residency restrictions have been successfully challenged as not having any reasonable relationship to the State's police power and as being restrictions on the right to travel. Residence requirements are not, therefore, a constitutionally respected means of influencing in-migration. A fourth important area of concern when considering ways of affecting in-migration are ever more frequent judicial pronouncements in related constitutional areas. The right to travel and durational residency have acquired importance with regard to in-migration only in the last few years. It can be expected that pertinent doctrinal development will continue apace in the courts.

With these constitutional boundaries and concerns in mind, possible methods of influencing in-migration can be considered. These will, of course, require further development and analysis when the in-migration phenomenon is better understood. A detailed entry census required of all incoming persons can be developed to acquire greatly needed data on potential residents. A census can be established that does not infringe on the privacy of respondents but nevertheless gathers information as to age, sex, marital status, employment and housing prospects, etc. Much higher tuition for out-of-state students is a potential area that could affect population movement into the State. However, the feasibility of this method depends on the view adopted by the Supreme Court in a decision on tuition differentials that should be announced in the near future. Present problems can also be redesigned to affect the movement of population into Hawaii. For example, limits on the number of out-of-state students that will be permitted to attend state-supported colleges affects population growth as does the application of licensing standards to entering professional, skilled, and technical workers.

SUMMARY

Other methods of influencing in-migration such as direct quotas on entrance, an airport user tax, land use controls, and restrictive taxation schemes can be rejected as either inappropriate or unconstitutional.

Foreign immigration can be primarily influenced by state recommendations made at the federal level. However, before sound proposals can be developed in this area, considerably more data are required on the relationship between various immigration entry categories and foreign immigrants arriving in Hawaii; the effect of specific controls on Hawaii's resident population; and the impact of any proposal on the purpose of the federal immigration law.

Many people contend that the problem of migration into Hawaii has reached major proportions. Planning needs to begin to prevent the deterioration of the islands caused by a too large population. However, effective and constructive plans cannot be developed to influence the growth of Hawaii's population until the causes and effects of this increase are defined through comprehensive data analysis. Only then can in-migration be affected through knowledgeable programs which address themselves with precision to identifiable components of Hawaii's migration experience.

Chapter I

POPULATION TRENDS OF THE WORLD, THE NATION, AND THE STATE

The World¹

One way to look at world population growth is in the perspective of man's development as a species. During the hundreds of thousands of years of the Old Stone Age when man was a hunter and a food gatherer, the world population probably never exceeded *10 million*. Sometime between 8000 B.C. and 6000 B.C. man learned how to grow his own food and create settlements and eventually cities. The shift from food gathering to food growing was a momentous change. Man found he could support vastly larger numbers by settling down, cultivating the soil and planting seeds. Thus, by the year 1 A.D., man's numbers had increased to about *300 million* and by 1650 A.D. reached an estimated *500 million*. In the 200 years from 1650 to 1850, the world population doubled and reached its *first billion*. In the next 80 years, population growth was even more rapid and by 1930, it doubled again to *2 billion*. And at the present birth and death rates, it will double again, in about forty-five years, to a total of *4 billion* by 1975. World population will exceed *6 billion* by the year 2000.

What has happened since 1650 to increase the world's population so rapidly? The answer seems to be that man is witnessing a compound, geometric increase, the effect of many significant causes. In the space of a few centuries, an industrial and technological revolution swept the world, rapidly urbanizing, while agricultural improvements made it possible to support more people with a smaller proportion of farm labor and land. This revolution changed the basic patterns of civilization in much of the world during the last two centuries. These changes were accompanied by a great expansion of scientific knowledge and technology, principally in the treatment and prevention of disease. The resulting lowered mortality rates, unaccompanied by a parallel reduction in birth rates, has given rise to an explosive growth in world population.

The effects of this population growth are seriously crippling developmental efforts in the nations containing two-thirds of the world's population. The primary reason for this inability to develop is that these governments must

POPULATION TRENDS OF THE WORLD, THE NATION, AND THE STATE

divert an inordinately high proportion of their limited resources away from productive investment in order to maintain the current low level of existence of their peoples.

The Nation²

By the year 1918, the total population of the United States was just over *100 million* following three centuries of steady growth. By 1968, just one-half century later, it hit the *200 million* mark. If the present rate of growth continues, the third hundred million persons will be added in about thirty years so that, by the year 2000, the U.S. population will be over *300 million*. Many factors contribute to the yearly increase, including the large number of couples of childbearing age, the typical size of families, increased longevity, lowered infant mortality, and in-migration.

This growth produces serious challenges for society. Many social problems can be related to the fact that we have had only about fifty years in which to accommodate the second hundred million, thus accomplishing in a very few decades an adjustment to population growth which was formerly spread over centuries. And we will have to provide for a third hundred million in an even shorter period of just thirty years. The critical question is whether social institutions will be ready for this growth. Many of these institutions are already under tremendous strain as they try to respond to present demands. Will they be swamped by the growing flood of people in the next thirty years? Society will *not* be ready for this growth unless it begins its planning immediately by asking such important questions as: Where will the next hundred million live? How will we house them? How will we educate and employ them? Will the transportation systems be adequate? How will we provide adequate health care? What of our natural resources and the quality of our environment? Will our political structures have to be reordered when our society grows to such proportions?

The State³

In the five decades from the beginning to the middle of this century, while the population of the nation as a whole doubled, Hawaii's population tripled its total population, as shown below:

1900	154,001
1910	191,874

IN-MIGRATION: ITS LEGAL IMPLICATIONS

1920	255,881
1930	368,300
1940	422,770
1950	499,794
1960	632,772
1970	769,913

In the last two decades, population growth has continued in the same increasing trend. Between 1950 and 1960, 132 thousand persons were added to Hawaii's population, for an addition equal to one-quarter of the 1950 population. Another 137 thousand were added from 1960 to 1970, increasing the total population of the State from 499,794 in 1950 to 769,913, the final corrected census figure for 1970. This increase is due in large part to the net increases from migration into the State for, historically, Hawaii has encouraged and welcomed in-migrants. However, if the present rate of growth continues, Hawaii's population will be well over the one million mark by the year 2000. More detailed population projections under various assumptions, with their demographic implications, will be dealt with in Chapter II under "In-migration as a Factor of State Population Growth".

Chapter II

IN-MIGRATION AS A FACTOR OF STATE POPULATION GROWTH

The State has no control over the great fluctuations in the military population moving in and out of Hawaii. If included in this study, the military population would distort the in-migration data. Therefore, it is best to confine the study of migration into Hawaii to the civilian population. Also excluded from consideration in this study are the many tourists, since there are no records of how many, if any, tourists decide to remain or return to Hawaii to become residents. The significance of this lack of information will be further discussed below.

Proportion of In-migration to All Growth

In the decade since Statehood, between 1960 and 1970, the number of civilian in-migrants to Hawaii has shown a great increase. In 1961, in-migrants totaled 13,542 compared to 41,228 in 1970, a more than three-fold increase distributed as follows:¹

1961	13,542
1962	17,503
1963	18,082
1964	20,965
1965	23,281
1966	20,817
1967	31,404
1968	33,398
1969	34,071
1970	41,228

The method used to estimate the number of net in-migrants is by comparing the increase in civilian population between the 1960 and 1970 censuses with the increase due to natural growth (excess of births over deaths); the difference between the two figures is attributed to net in-migration. The net in-migration figure between 1960 and 1970 was thus estimated to be 52,446 which accounted for about 40 per cent of the total actual increase of 132,136.² That is, 40 per cent of the growth in civilian population in that decade is due to the over-balance of net in-migrants to out-migrants.

IN-MIGRATION: ITS LEGAL IMPLICATIONS

It is thus a major factor in determining Hawaii's future growth. (In comparison, between 1960 and 1970, only 16 per cent of the nation's population growth was due to net immigration.³⁾

A study on population projections prepared by the East-West Population Institute includes projected populations to the year 2000 under different levels of net in-migration while assuming that the 1970 fertility and mortality rates will continue.⁴ The difference in civilian population growth under six levels of net in-migration levels are shown in Graph 1. Specifically, if net in-migration continues at the *same* rate as observed in the period between 1960 and 1970 and 1970 fertility and mortality rates also continue, then the civilian population will almost double by the year 2000 to over 1.25 million (Projection E). If *no* net in-migration is assumed, that is, in-migration equals out-migration and all growth is due only to natural increase, the projected population in the year 2000 will only be about 913 thousand (Projection A). However, if zero net in-migration seems to be an unrealistic or unobtainable goal to achieve, three other projections are shown on the graph for comparison. These projections assume net in-migration of one-quarter, one-half, or three-quarters of the 1960-1970 rate. For example, if net in-migration is lowered to one-half of the rate observed between 1960 and 1970, the projected population for the year 2000 will be cut down by at least one-fourth to just under 1.1 million (Projection C). The implications of these projections for state planning purposes can be readily seen and will be further explored in Chapter III under "The Availability and Quality of Hawaii Migration Data".

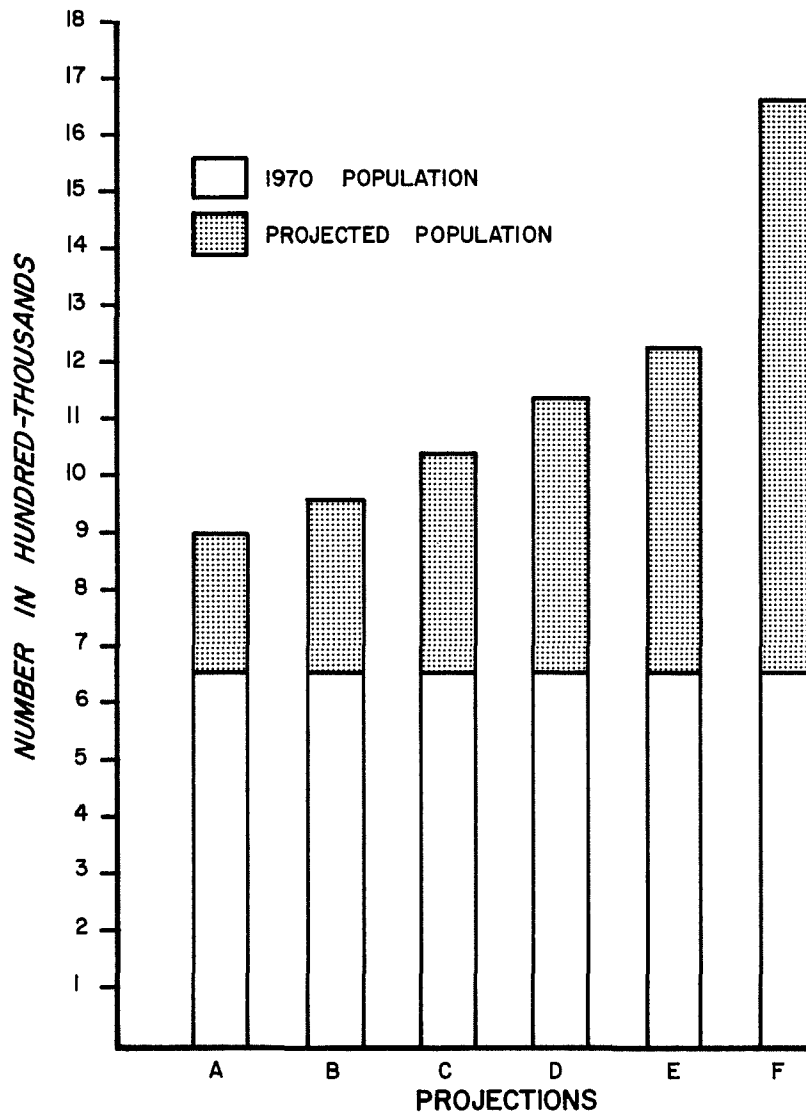
Foreign Immigration

The number of foreign immigrants to Hawaii has shown a remarkable increase since the enactment of the 1965 amendment to the U.S. Immigration Law, relaxing the quota system. In 1965, before the amendment became effective, only 1,721 persons immigrated to Hawaii from foreign countries. Since then, the number has increased to a high of 9,013 in 1970. By contrast, the number of foreign immigrants to the nation as a whole only increased from 296,697 in 1965 to the highest in 1968 of 454,448, as follows:⁵

Foreign Immigration

<u>Fiscal Year</u>	<u>Hawaii</u>	<u>U.S.</u>
1965	1,721	296,697
1966	3,070	323,040

**COMPARISON OF HAWAII'S CIVILIAN POPULATION IN
1970 WITH PROJECTED POPULATIONS IN THE YEAR 2000
ASSUMING DIFFERENT LEVELS OF NET-INMIGRATION**



All six projections assume that 1970 fertility and mortality will continue, but with different levels of net-immigration as follows:

- A - assume there is no net-immigration, i.e., in-migration equals out-migration and all growth is due to natural increase.
- B - assume net-immigration will continue at one-quarter of the rate observed in the period 1960-1970.
- C - assume net-immigration will continue at one-half of the rate observed in the period 1960-1970.
- D - assume net-immigration will continue at three-quarters of the rate observed in the period 1960-1970.
- E - assume that net-immigration will continue at the same rate observed in the period 1960-1970.
- F - assume that net-immigration will continue at twice the rate observed in the period 1960-1970.

Data source: Data obtained from Robert Gardner from an on-going study conducted by a team at the East-West Population Institute, Honolulu.

IN-MIGRATION: ITS LEGAL IMPLICATIONS

<u>Fiscal Year</u>	<u>Hawaii</u>	<u>U.S.</u>
1967	3,825	361,972
1968	4,693	454,448
1969	5,199	358,579
1970	9,013	373,326
1971	6,055	370,478
1972	6,765	384,685

Graph 2 compares foreign immigration rate per 1,000 population for the nation with that of Hawaii. It shows clearly that, since 1965, Hawaii has received a much larger share of foreign immigrants in proportion to its population than the rest of the United States.

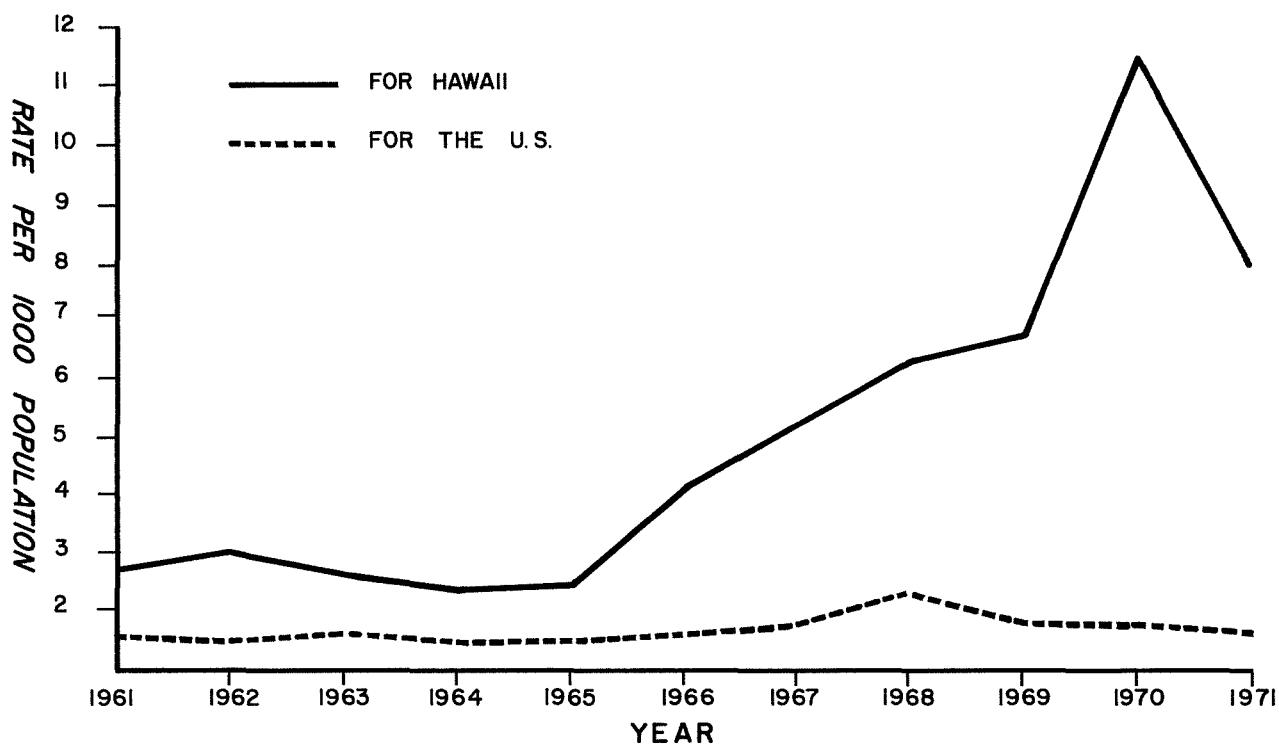
The main reason for this much larger share is due to the greater number of U.S. citizens and permanent residents of Asian ethnicity in Hawaii, including many first-generation families from China, Japan, Korea, and the Philippines. In the 1970 decennial census, 33 per cent (256,172) of the total population of Hawaii were of foreign stock which, in the census definition, means first- or second-generation Americans. Of these persons, 79 per cent (202,965) were of Chinese, Japanese, Korean, or Filipino origin. Under the 1965 amendment, the first preference for foreign immigrants is given to unmarried sons or daughters of U.S. citizens; second preference is given to those who are the spouses and unmarried sons or daughters of permanent resident aliens; fourth preference is given to married sons or daughters of U.S. citizens; and fifth preference is given to brothers or sisters of U.S. citizens. (The third preference is given to members of the professions with exceptional ability in the sciences or arts.⁶) An extreme example of this disproportionate share of immigrants remaining in Hawaii can be illustrated by the yearly number of immigrants from the Philippines coming to Hawaii as percentages of the total yearly number of Filipino immigrants to the United States as a whole:⁷

<u>Fiscal Year</u>	<u>Hawaii</u>	<u>U.S.</u>	<u>% Hawaii/U.S.</u>
1966	1,352	6,093	22
1967	2,147	10,865	20
1968	3,033	16,731	18
1969	3,181	20,744	15
1970	6,426	31,203	21
1971	3,704	28,471	13
1972	3,764	29,376	13

The proportion of Filipino immigrants coming to Hawaii ranges from 13 to 22 per cent of the total number to the United States annually, but the population of Hawaii constitute

GRAPH 2

COMPARISON OF FOREIGN IMMIGRATION RATES PER 1000 POPULATION
FOR THE UNITED STATES WITH THAT OF HAWAII



DATA SOURCE: ELEANOR C. NORDYKE, "IN-MIGRATION: THE PRIMARY FACTOR OF HAWAII'S POPULATION GROWTH," EAST-WEST POPULATION INSTITUTE, HONOLULU, JUNE 1972, TABLE 3.

IN-MIGRATION: ITS LEGAL IMPLICATIONS

much *less than 1 per cent* of the total U.S. population. This disproportionate pattern is also true of immigrants from other countries, but to a lesser extent.

Filipino immigrants also represent a very high percentage of the ethnic composition of the total annual number of immigrants to Hawaii:

<u>Fiscal Year</u>	<u>Filipino</u>	<u>Total</u>	<u>% Filipino/Total</u>
1966	1,352	3,070	44
1967	2,147	3,825	56
1968	3,033	4,693	65
1969	3,181	5,199	61
1970	6,426	9,013	71
1971	3,704	6,055	61
1972	3,764	6,765	56

Although only 12 per cent of the total population of Hawaii are Filipinos,⁸ Filipino immigrants have constituted at least half to two-thirds of the total number of foreign immigrants coming to Hawaii annually since 1967.

There is another group of immigrants to Hawaii which is neither foreign nor from the U.S. mainland; they are nationals of U.S. territories such as American Samoa who are free to immigrate to the U.S. without any quota restrictions or prior qualifications. Though no separate tabulations are kept on these immigrants, they seem to be increasing greatly. For example, sample surveys done between 1964 and 1967 reported about 2,400 Samoans on Oahu;⁹ a task force of the State Immigration Service Center found that the figure has increased to 6,544 during an island-wide survey in December 1971.¹⁰

In-migration from the U.S. Mainland

The 1970 national census showed that 16 per cent of the total population (125,732 out of 769,913) were living in another state in 1965. Of this number, 41 per cent were living in the western part of the mainland, 30 per cent in the South, 17 per cent in the North Central, and 12 per cent in the Northeast.

According to the data collected by the Hawaii Visitors Bureau and analyzed by the Department of Planning and Economic Development, the number of civilian in-migrants from other states totaled 31,873 for 1971. This figure is the second

IN-MIGRATION AS A FACTOR OF STATE POPULATION GROWTH

highest since the start of data collection in 1951, with the 1970 figure of 32,215 being the highest. In the last seven years, with one exception, the number of in-migrants from other states increased each fiscal year and averaged around 29,000 annually, as follows:¹¹

1966	17,800
1967	27,579
1968	28,705
1969	28,872
1970	32,215
1971	31,873
1972	33,847

In the last decade, available data on the civilian in-migrants have shown that they were mostly young, female, and in the professional and technical occupations. The largest proportion came from the Pacific Coast states. Taking the 1971 in-migrants as an example, about half were less than 24 years old, and only 2 per cent were 60 or over; there were only 872 males per 1,000 females; and 64 per cent were in professional, technical, business, managerial, or official occupations.¹² Computations made by Hawaii's State Statistician using U.S. Census data for total population showed that California was the leading source of in-migrants, accounting for 34,257 of the 125,732 persons (27 per cent) who were mainlanders in 1965 and islanders in 1970. Other leading states were Virginia with 6,938 and Texas with 6,937. The proportion of ex-mainland residents in Hawaii is increasing: from under 14 per cent in 1950 to 17 per cent in 1960 to 18 per cent in 1970.

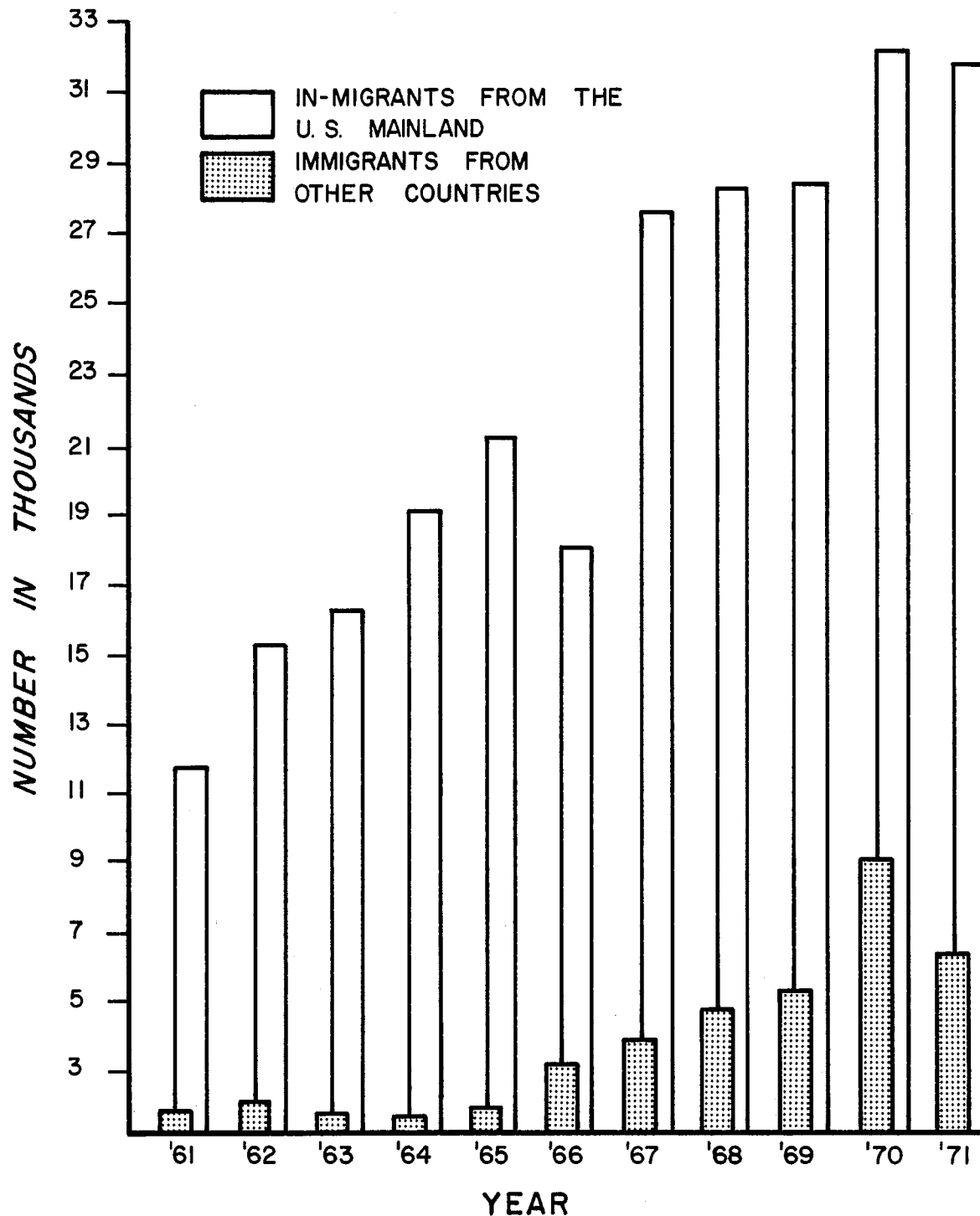
Graph 3 compares the number of in-migrants from other states with the number of immigrants from other countries. Persons from the U.S. mainland constitute over three-quarters of the total number of in-migrants coming into Hawaii annually since 1961.

Age and Fertility of In-migrants

Population growth has a peculiar characteristic of being greatly affected by the age distribution of the population. A very rapid change in population growth for a decade or more causes a significant change in the age structure, which will be felt for a long time thereafter. It is extremely difficult to slow down population increase after a surge of rapid growth. The longer the surge the greater the momentum and the harder it is to achieve a condition of slow growth

GRAPH 3

COMPARISON OF IN-MIGRANTS FROM THE U.S. MAINLAND
WITH IMMIGRANTS FROM OTHER COUNTRIES



DATA SOURCE: REPORT OF THE TEMPORARY COMMISSION ON POPULATION
STABILIZATION, STATE OF HAWAII, HONOLULU,
JANUARY 1972, TABLE 13.

IN-MIGRATION AS A FACTOR OF STATE POPULATION GROWTH

in the future. This phenomenon is due to the fact that increased population growth results in larger proportion of young people in the total population.

The fact that the median age of Hawaii's recent in-migrants was between 22 and 24 years of age¹³ means that they have long potential fertility spans before them, thus adding to the population more children who mature and become parents. This further creates a population which is young and economically dependent.

The conscious restriction of family size, which is so commonly identified with the efforts of people to improve their economic and social position under western values, presupposes a greater emancipation from native country traditions than can be expected of the first-generation immigrants. One discovers, therefore, high birth rates and larger families on the part of the first-generation immigrants.¹⁴ This is especially true of those who come from countries which culturally value large families such as Samoa and the Philippines. This aspect will be dealt with more fully in the sections of this report dealing with foreign immigration.

Although a national study of the 1960 census found that the fertility rates of migrant women tend to be somewhat lower than non-migrants, it also emphasized that their fertility varies by age, color, and specific region considered.¹⁵ Unfortunately, a comparable study has not been found that deals with fertility rates for in-migrants to Hawaii. The study on population projections prepared by the East-West Population Institute indicates that civilian population may be expected to double in about thirty-five years if the 1960-1970 rate of migration and 1970 fertility and mortality rates were to continue. However, under similar fertility and mortality assumption but with no net in-migration, the population will not double in number for another eighty years.¹⁶ This same study also shows that the impact on reducing population growth would be far greater if migration is controlled so that no net-migration results than if an immediate reduction of fertility to replacement level (when net reproduction rate equals 1.0) is achieved. This is shown by the projected populations to the year 2000: with zero net in-migration, but continued 1970 fertility rates, population will only be at the 913 thousand level, whereas with the net reproduction rate at 1.0 and continued 1960-70 migration rates, the population is projected at about 1.19 million.¹⁷

Chapter III

THE AVAILABILITY AND QUALITY OF HAWAII MIGRATION DATA

Motivational Data

The field of motivation in migration to and from Hawaii is filled with uncertainties and the specific causes of migration are unexplored. Legal and practical obstacles discourage extensive information gathering. Available data are not collected for the purpose of studying motivation, thus only inferences can be implied from them to answer the question of why people come to reside in Hawaii. Two sources of data from which a few motivational ideas may be drawn are the Hawaii Visitors Bureau's (HVB) questionnaire and the Chamber of Commerce of Hawaii's records. For example, the Department of Planning and Economic Development, in its statistical reports on in-migrants derived from HVB data, found that about 18 per cent of the civilian in-migration party heads reported their function as that of students and 15 per cent were non-employed.¹ Can we presume that the remainder are motivated to reside in Hawaii because of what they considered to be better employment? And are the non-employed coming to Hawaii seeking jobs or for some other motives? These questions cannot be answered until more detailed information are asked of these in-migrants.

The Chamber of Commerce receives tens of thousands of letters from prospective in-migrants asking for information about Hawaii. However, these queries are not tabulated by the reasons, if given, or why they are thinking of coming to reside in Hawaii. The only related data are as follows:²

Mail inquiries for 1971:

From students	29,066
Prospective residents	3,265
Prospective visitors	6,300
From business firms & others	9,896

In view of the lack of local studies and data on Hawaiian migration motivation, alternative sources of information may be found in national migration studies. But here again only two such nationwide studies have been done having results that may possibly apply to Hawaii. In 1963, the U.S. Bureau of Census obtained data in a household sample survey on the

THE AVAILABILITY AND QUALITY OF HAWAII MIGRATION DATA

reasons for moving; however, the number of households in Hawaii included were too small for significant motivational analysis (about 100 households from which, at most, 25 might be recent in-migrants).³ In the same year, the Lansing and Mueller survey study on migration motivation was conducted with a narrower focus on the determinants of geographic mobility as affecting distribution of the U.S. labor force.⁴ This study provides information on motivation on a national basis, and some of the findings may be applicable to Hawaii. Another study using data from the Lansing and Mueller study, and data from follow-up interviews one year later, derived more detailed findings.⁵ These studies all point out that economic motives overwhelmingly dominate reasons for moving, with an intention to reunite with relatives trailing second.

These national studies may be used as guides and comparisons for similar studies to be done in Hawaii but not as substitutions. Motivational data applying only to Hawaii's in-migrants would be invaluable in helping policy makers formulate future programs which are dependent on future population characteristics.

Demographic Data

The most widely used source for demographic data on in-migrants to the State comes from the Hawaii Visitors' Bureau Survey which is administered in conjunction with the agricultural declaration forms given to travelers to Hawaii. The HVB form includes questions regarding purpose of trip, intended length of stay, age, sex, occupation, etc. However, the forms need only be filled out by those persons who have agricultural materials to declare. Thus the HVB has to expand the demographic information obtained on the forms which they do receive according to the total passenger counts on the carriers. In addition, the voluntary nature of the form results in many questions not being answered. Also, the forms are only distributed to westbound passengers on civilian carriers and not to either eastbound or northbound passengers. Thus there is no information recorded on travelers coming from the latter areas. Unfortunately, even this source of data is in danger of discontinuation in the spring of 1973 and, as yet, no substitution has been planned.⁶

Another source of in-migration data comes from a continuing annual survey taken by the Hawaii Newspaper Agency. Sample data collected yearly between 1967 and 1971 revealed that the proportion of heads of Oahu households, including military households, who had been living in a different state or country

IN-MIGRATION: ITS LEGAL IMPLICATIONS

one year earlier varied between 10 and 11 per cent each year. Information on the characteristics of these heads of households include level of education, family income, house owner or renter, area of residence, and number of persons in household.⁷

Limited data on migrants can be obtained by analyzing census and survey tabulations on place of residence at an earlier date. For example, the U.S. Bureau of the Census, in recent decennial censuses, tabulated the population of Hawaii five years of age or older who were living in a different state or country five years earlier. The 1970 census for Hawaii showed that 23 per cent of the population five years old and over were not living in Hawaii in April 1965: 16 per cent were in another state and 4 per cent were in another country.

Since yearly numbers of out-migrants are not recorded, it is not possible to determine the yearly number of net migrants by using the direct method of taking the difference between total number of in-migrants minus the total of out-migrants each year. Only an approximate annual net figure can be obtained by indirect methods of using census data, vital statistics, and intercensal estimates. The two most commonly used methods are:

- (1) *Residual method*: the change in population between two dates is compared with the change due to natural growth and the difference between the two figures attributed to migration.
- (2) *Survival ratio technique*: the death rates of the intercensal period are applied (in the form of life table survival rates) to age the census population and to give the expected population at the end of the period, a comparison between the observed and the expected population may be used to estimate the balance of migration by *age* and *sex*.⁸

Some in-migrant statistics may be derived from records kept by various agencies of the state government such as the Department of Transportation, Department of Health, Department of Education, Department of Labor and Industrial Relations, and Department of Social Services and Housing. In-migration data from these sources are described in the next section under "Socio-economic Data".

THE AVAILABILITY AND QUALITY OF HAWAII MIGRATION DATA

Socio-economic Data

The Department of Planning and Economic Development uses a number of sources, including U.S. Census figures, State Department of Agriculture statistics, and of course, the HVB questionnaire, to produce an annual report known as *Hawaii's In-migrants* (Statistical Report 89, 1971, is the latest). This report, though containing the most definitive information available, reflects the deficiencies of the HVB form which provides its foundation. Socio-economic data are limited to age, sex, and an overly-broad occupational designation. Nowhere is there an industry-by-industry breakdown showing just where the particular civilian in-migrant might fit. The income level of the in-migrant is not mentioned, a factor of extreme importance to the state planner who wants to know whether the particular in-migrant looks like a productive member of the local labor force or a welfare case. What type of housing does the in-migrant have here or expect to find? Will his children go to public or private schools? How many cars is he bringing or how many will he use? What is his state of health?

Attempts have been made to answer questions such as the above, either by the particular branch of the government which must deal with the respective problem, or by someone who has taken the time to extrapolate from the limited statistics available, draw comparisons, and form conclusions. The resultant derivative data, their quality and usefulness, are summarized into the following categories.

Education. The Department of Education discontinued in 1971 a series of annual reports which examined school-age membership by age of the student, for both public and private schools. These reports provided an index of migration by calculating the progression ratios based on the number of pupils ages 7 to 16 in a given year compared to the number ages 6 to 15 a year earlier. Though probably not intending it to be a substitute for the discontinued series of reports, the Department of Education will undertake a new survey for the first time in the 1972-73 school year. The form, to be filled out for all school children in the State, will offer information concerning migration trends of the families of these children. Shortcomings will be present, though, since the survey will not take into account families without children and families with children who are (a) below school age, (b) drop-outs for whatever reason, and (c) residing in Hawaii but receiving their education in the mainland.

IN-MIGRATION: ITS LEGAL IMPLICATIONS

Crime. Although county police departments publish annual reports of number of crimes by police districts, hour of occurrence, disposition of cases, involvement of juveniles, etc., no data correlating these with other demographic and socio-economic indicators are available. For example, how many cases are caused by civilian in-migrants? How many are caused by servicemen off military bases? How many are caused by foreign immigrants? Of those crimes caused by newly-arrived civilians, what percentage is caused by those migrants intending to reside here permanently and what percentage is caused by the "summer transient"? More detailed recording and evaluation of police reports would be required before these questions can be answered.

Transportation. A large proportion of mainland in-migrants are in the upper economic and professional levels, and may be predisposed toward automobile ownership. Records are kept by the Department of Transportation on the number of cars imported to the islands from mainland states. However, the question arises as to how many new or used cars are purchased here by the in-migrants to supplement those that they bring with them. Planners in transportation need to know how many cars are being operated on the streets by immigrants, not just the number that are brought into the State.

Employment. With regard to the occupations of those who migrate to Hawaii, the U.S. Census reports, the HVB reports, and reports by state departments such as the Department of Labor and Industrial Relations all use category definitions which differ from one another.⁹ Planners are therefore forced to guess to what extent similarity exists between these sources. Also, none of these sources offers a detailed breakdown of the general occupational categories into more specific areas. For example, an in-migrant who labels himself as "professional" may be an attorney (a reasonably high demand area) or a teacher (an area which presently exhibits little demand). The state planner who wants to maximize productivity and minimize the burdens of unemployment should be able to differentiate between these two. De-emphasizing the Hawaii pull factors in some areas (e.g., cutting down the size of the University of Hawaii teacher training programs, communicating with mainland college placement offices regarding the limited teacher demand in Hawaii) while emphasizing them in others (e.g., establishing a University of Hawaii Law School, advertising the attractiveness of legal practice in Hawaii at mainland law schools) can be conducted much more effectively if reliable information exists showing the extent to which Hawaii's needs are being met or aggravated through the operation of natural, and already ongoing migration forces.

THE AVAILABILITY AND QUALITY OF HAWAII MIGRATION DATA

The Department of Labor and Industrial Relations keeps records of mainland workers who were previously employed in the mainland and are now filing for unemployment insurance benefits in this State. However, these records do not include all unemployed in-migrants since there are in-migrants from the mainland who have either already exhausted their benefits under the reciprocal unemployment insurance program or who have failed as yet to qualify for any benefits inasmuch as they did not work prior to coming here.

Public Assistance. Although the Welfare Division of the Department of Social Services and Housing has socio-economic information on its welfare recipients, and also tabulates the percentage of those receiving welfare who are recent in-migrants, there is no study to determine the socio-economic characteristics for the in-migrant group separately.¹⁰ For example, it is difficult to determine whether the fact that in recent years, a rising percentage of welfare recipients are in-migrants is indicative of a general movement here by the poor and unmotivated or whether it is because too many are in occupations that are not in demand here.

Housing. According to information from the Hawaii Housing Authority, there were 174,107 housing units on Oahu in 1970 and roughly 38,000 units were lacking as of 1971. What proportion of this shortage is due to occupancy by recent in-migrants, and how many dwelling units should be built yearly to accommodate the in-migrants and what type and level of cost should they be? How many of the families will need state-assisted housing? For example, two studies conducted by the State Immigration Service Center in 1971 on immigrant Filipinos and Samoans found that their primary problem is inadequate housing. Two-thirds of the Filipinos and one-third of the Samoans must look to the State for aid in finding more suitable housing.¹¹

Health. Data are available relating increases in tuberculosis and leprosy to immigration. They show that increasing immigration in recent years has brought corresponding problems in these areas.

In the venereal disease area the data are incomplete since the reported cases are not classified by residence and nationality. VD is imported by various migratory agents including immigrants from abroad, servicemen returning from Southeast Asia, mainland youths and young adults migrating here temporarily. The data here should be categorized so that preventive and deterrent measures can be more effectively undertaken.¹²

IN-MIGRATION: ITS LEGAL IMPLICATIONS

Drug-related illness is another area where data on in-migrants are not available. Apparently no one has yet attempted a study that would bear out the relationship between drugs and the newcomers.

Others. The Social Security Administration records changes of address for social security registrants aged 65 and over; these can be used to obtain migration data for those of retirement age. The Department of Taxation tabulates records of tax returns from nonresidents separately from residents. The Department of Health and the Department of Planning and Economic Development will soon publish the results from a supplementary questionnaire attached to the ongoing Health Surveillance Study of the Department of Health. Migration data will then be forthcoming on those who have moved here within the last year, their military status, ethnic group, education, sex, age, occupation, and income.

Conclusion. It has been the purpose in this section to identify the deficiencies in present migration data which might suggest some priorities for data collection, some of which can be done rather easily, some of which will take more time and effort. Overcoming these deficiencies will facilitate proper examination and a more complete understanding of the problems relating to in-migration and immigration. Responsive programs to deal more effectively with these problems will then be possible.

Keeping in mind the availability and quality of migration data as noted in the above section, the content in Chapter IV, "In-migration as the Bearer of Special Governmental Burdens", is an attempt to gather from such data the extent to which in-migration and immigration add to certain governmental burdens.

Chapter IV

IN-MIGRATION AS THE BEARER OF SPECIAL GOVERNMENTAL BURDENS

It is evident that if population increases, government and social services will change in response to growing demands and pressures. However, little is known about the degree of association between the two. In particular, what part does population growth due to in-migration play in this relationship? To what extent do the demands of population growth due to in-migration differ from that of population growth due to natural increase? What special burdens are imposed on the government to meet these demands? An attempt will be made to answer these questions, specifically, in the areas of education, crime, transportation, employment, public assistance, housing, and health, keeping in mind the inadequacy of available data as specified in Chapter III.

Education

Since total public school enrollment in Hawaii increased by about 21,000 students between 1965 and 1971, and yet fertility rates have been declining since 1960 (child mortality rates remaining about the same), it seems likely that in-migration plays a major role in this student increase. Although in-migrants from the mainland do not need special language and education programs, their children do add to the burden of the public school system. From 1969 to 1971, in-migration of children from the mainland and from foreign countries (and a few crossovers from private schools) have resulted in yearly gains for the public schools that exceed the number of students moving out of the State (and losses due to dropouts and crossovers to private schools). The net migration gain has averaged 600 to 800 students per year.¹

Although exact yearly increases categorized by children from the mainland and those from foreign countries in the various school districts are not comprehensively available, information provided by the Advance Planning Section of the Department of Education give yearly increases in certain districts. For example, reports concerning the 1970 enrollments of the Maui and Hawaii districts contain the following excerpts:² (Similar information for Oahu and Kauai were not provided.)

IN-MIGRATION: ITS LEGAL IMPLICATIONS

Hawaii:

Foreign-Born Students - An increase of approximately 60 to 70 foreign-born students has occurred. Almost all of the increases are from the Philippine Islands and are attributed to younger families moving in to work in sugar cane plantations in Kohala, Kau, and Puna Districts.

Mainland Gains - Mainland in-migrants for this school year have exceeded out-migrants by approximately 150 students. The mainland gains appear to reflect in part managerial and service personnel associated with the tourist industry and other new and expanded service and industrial operations on Hawaii. The major impact of the mainland gains has occurred in the Hilo and Kona schools.

Maui:

Foreign-Born Students - A review of school registers shows a continuing in-migration of students from the Philippine Islands. This in-migration began to affect enrollments in 1967 and we estimate that at least 50 per cent of this year's enrollment increase is attributable to this source. It is also significant that new students from the Philippines are almost totally concentrated in grades K to 8.

Mainland and Inter-Island Gains - Lack of data precludes an accurate determination on whether gains from the mainland and other islands are having a significant impact into the Maui school system. In several geographic areas, school registers indicate that the mainland and Oahu gains have exceeded losses by about 10 to 25 per cent of the 1970 enrollment.

Also, a 1969 survey of the Maui school system for all students who were nonnative speakers of English showed that, of the 126 foreign students, 116 were from the Philippines (92 per cent).

Education of the adult immigrants is also a problem. In the 1970 national census, 42 per cent of the population in Hawaii (324,052 out of 769,913) reported that their mother tongue is not English. Of course this does not mean that they may not be fluent in English, but it does mean that

IN-MIGRATION AS THE BEARER OF SPECIAL GOVERNMENTAL BURDENS

these persons have had to learn English as a second language. In many cases they are poorly prepared in English and need adult education classes to help them assimilate culturally.³ For the same reason their children are not scholastically able to compete with their nonimmigrant classmates of the same age level.⁴ Schools must have special programs to deal with these children. Model Cities had a program operating in nine schools in the Kalihi-Palama area called English Language and Cultural Orientation Program; 544 students were enrolled in this program for the school year 1970-71.⁵ Its purpose was to teach English and to help students with their acculturation problems. However, it has been discontinued as of June 1972; no federally-funded new programs are planned as a substitution so the burden will now fall on the State if this program is to operate in the future.

This burden is already having some effect on the educational facilities of the State. No new teachers are being added to the state-sponsored Teaching English to Speakers of Other Languages Program, and many children with a severe language problem will not be able to attend this program. Some children who have never had any education cannot attend public schools because of inadequate "special school" facilities.

A study of immigrant and alien resident problems and services conducted by the Health and Community Services Council of Hawaii in 1970 showed education, among other problems, as the area most in need of expansion. The International Institute, the only agency in the State whose sole concern is providing needed counseling services to immigrants, reported a 1969 budget of \$30,305 based entirely on private donations. The study indicated that this amount was far from sufficient and sought to find means of state support.

The burden on educational programs due to in-migration is heavy. It takes additional money, time, teachers, and books to adequately educate these children. The State's existing fiscal and educational problems will become more strained with the yearly influx of immigrants and in-migrants.

Crime

Since data are not available in police records on cost/benefit ratios in terms of in-migration contributing to increasing law enforcement costs, there are no means of estimating the burden which crimes committed by in-migrants and immigrants impose on the State. However, it is a well-supported fact that increase in crimes attributable at

IN-MIGRATION: ITS LEGAL IMPLICATIONS

least indirectly to population growth creates a major burden on the State's service agencies.⁶

The studies of the President's Commission on Law Enforcement and Administration of Justice (National Crime Commission created in July 1965) based on 1960 arrest rates indicated that during the period between 1960 and 1965 about 40 to 50 per cent of the total increase in crime arrests (based on Uniform Crime Reports) could be attributed to the increase in population and changes in the age composition of the population.

The Commission also concluded that most forms of crime, especially those against property, are increasing faster than population growth. Since many of Hawaii's foreign immigrants are living on incomes below the poverty level, as shown by studies conducted by the State Immigration Service Center in 1971,⁷ it seems likely that this may be a factor in the increasing number of crimes in the State.

Most of the research and literature dealing with man and his environment would tend to support the premise that as population increases and limits the amount of space, problems and pressures as well as needs reach a stressful level which, in turn, negatively affects the environment and man's physical and mental health. An Oahu study revealed a close statistical association between small-area crime and delinquency rates and various measures of density and overcrowding, even when education and income were held constant.⁸ Since a majority of Hawaii's immigrants live in very crowded conditions due to their large family size and the high cost of housing, and are mostly located in areas of high population density, it seems likely that their crowded environment may add to the stress of cultural shock, resulting in some form of negative behavioral outlets.⁹

A study using the product-moment correlation test of association shows that the statistical association between civilian in-migration and crime (using larcenies and burglaries as indicators) is much higher than that between overall civilian population growth and these same indicators; that is, changes in the levels of these indicators are more closely associated with immigration than with natural increase in population.¹⁰

A brief report of transient effect on crime and related problems done by the Honolulu Police Department based on data gathered between March 8 and May 8, 1971, gave some idea of the extent to which transients contributed to crime. During this two-month period, 528 self-labeled transients came to Honolulu. According to undercover officers who

IN-MIGRATION AS THE BEARER OF SPECIAL GOVERNMENTAL BURDENS

had been living with transients, their sources of income came largely from (1) home, (2) state welfare, (3) assorted thefts, and (4) sale of illegal drugs. During this two-month period, 103 transients were arrested of which 72 per cent had lived here for less than three months and the rest for less than one year. Of these arrests, 48 were for illegal drugs, 17 for larceny, 9 for fraud, 5 for maliciousness, and the remainder were for over 15 other crime categories.

Population growth due to net in-migration and its implication for increases in crime requires further study to gain a more precise picture of its burden to the State. This is possible only if more social/demographic data relating to crime cases are available.

Transportation

A total of 404,463 motor vehicles were registered in Hawaii in 1970 (1.9 persons per vehicle). This number has doubled since 1958 and quadrupled since 1947. In 1950 Hawaii had a far lower ratio of vehicles to population than the United States as a whole, but by 1970 ratios for the two areas were almost equal. One reporter has projected that by 1972, this State will have the highest per capita number of cars in the country.¹¹ Oahu accounted for 70 per cent of all registered motor vehicles in 1970 and, as of October 1972, there were 348,565 cars on Oahu alone with an estimated 20,000 families having three or more cars. Aside from the resulting negative environmental impact, this extreme car density placed an imbalanced burden on Oahu to provide the necessary road space to accommodate this disproportionately greater number of cars.¹²

An examination of the highway situation over the 1961-1970 period comparing population increase with increase in miles of paved highway in the State shows that highway facilities per capita generally increased up until 1966 and have been decreasing since that time. This indicates that the highways have grown more crowded since 1966. An examination of the miles of paved highway per registered motor vehicle shows that highways have become increasingly more crowded over the entire ten-year period, even though there was a steady increase in paved mileage during that period.¹³ Therefore, the State must continue to bear the burden to stay abreast of the growing demand of the increasing number of vehicles operating in this State.

The role in-migration plays in this great increase can only be surmised since records of car ownership are

IN-MIGRATION: ITS LEGAL IMPLICATIONS

not differentiated between residents and in-migrants. However, this phenomenal increase cannot be explained simply by the fact that an increasing number of residents have become multiple-car owners. The fact that an increasing number of changes in interstate driver licenses were processed yearly would support the idea that in-migrants play an increasing part in making demands on state transportation facilities.¹⁴

Another area of transportation in which the State must provide facilities and services to the in-migrants is at the airport. Here again, the lack of data on separating tourists, residents, potential residents, and out-migrants makes it difficult to ascertain to what extent in-migrants add to the airport demands. The cost to the State of not having this data can be illustrated by an error in planning which has resulted in an added burden to the state treasury.

In 1968 Hawaii commissioned a mainland firm to study the character and intensity of air traffic which utilized the Honolulu airport facilities. The objectives of this study was to be a Bond Prospectus Report¹⁵ whereby state policy makers could project the financial outlay that would be required of the State and the airlines in order to satisfactorily meet the expected demands.

In order to collect necessary information about passenger numbers and characteristics and cargo weight and characteristics, the airlines were asked to submit detailed air traffic reports. Basing the findings on these responses, one of the Bond Prospectus Report findings was that the Department of Transportation could expect to make \$7 to \$8 million per carrier to defray the substantial cost of improving the Honolulu airport to handle the air traffic congestion. This and other recommendations were accepted by the State and it authorized a bond issue to get the airport improvement program underway.

These recommendations have since been shown to be remiss. It appears that the air carriers failed to distinguish mainland-to-Hawaii traffic from mainland-to-Asia via Hawaii traffic and also neglected to note the effect the Vietnam War has on Hawaii's air traffic, and other passenger characteristics. The resultant cost to the State from following these recommendations has not been slight. In 1969, there was a \$647 million total cost of bonds outstanding. The State has been forced to increase the interest it pays on the bonds to deter creditors from redeeming them prematurely, and the State is hard pressed as the result of its bond flotation.

IN-MIGRATION AS THE BEARER OF SPECIAL GOVERNMENTAL BURDENS

Employment

Mainland In-migrants. Data about in-migrant unemployment were derived from statistics obtained from the Department of Labor and Industrial Relations as reported in its annual publication, "Characteristics of the Insured Unemployed" for 1969 through 1971. The in-migrants were classified therein as "interstate" claimants. These interstate persons who filed for unemployment insurance probably did not comprise all of the unemployed in-migrants in the State since some might not have filed claims and others were ineligible to file. Occupational breakdowns by percentages, however, are very likely to be accurate reflection of the overall complexion of unemployed in-migrants in the State.

These available data showed that the percentages of interstate insured unemployed claimants in the professional-technical-managerial occupations and the clerical-sales occupations were consistently much higher than that for the unemployed claimants for the State as a whole, as follows:

Professional, technical and managerial:

<u>Year</u>	<u>Interstate</u>	<u>State</u>
1969	20.2	15.7
1970	15.4	10.0
1971	20.5	12.1

Clerical and sales:

<u>Year</u>	<u>Interstate</u>	<u>State</u>
1969	29.3	14.0
1970	25.5	15.2
1971	29.7	15.5

At the time of the 1970 national census, the total number of civilian persons 25 years and over who were employed was 231,014 of which 40,416 (about 18 per cent) were persons who resided in a different state in 1965. Of these in-migrants, 61 per cent were in the professional-managerial or sales-clerical occupations as compared to 47 per cent for those who were residents of this State since 1965.

Since the 1970 census showed that a majority of the in-migrants were in white-collar occupations, and if this unemployment trend continues, the State will have to bear the burden of providing unemployment service and eventually undertake the welfare burden as well.

IN-MIGRATION: ITS LEGAL IMPLICATIONS

Foreign Immigrants. Data for immigrants who are claiming unemployment insurance are not available but are presumed to be minimal since many are not eligible to claim. However, those unemployed do receive public assistance and thus add to the State's burden. The two previously mentioned 1971 surveys of Filipinos and Samoans as reported by the State Immigration Service Center give an indication on the employment status of these groups. The unemployment rate among the Samoans was alarmingly high. Only four out of ten who were 19 years old and over were gainfully employed. It was indicated that they were hampered in seeking employment because of communication problems and lack of training. Although the Filipino unemployment rate was not high, 43 per cent of the Filipino adult immigrants indicated they were holding jobs in Hawaii not related to their training experience; only 10 per cent with technical and college education found jobs suitable to their training.

Unavailable are data on how many of the yearly unemployed in the State are local residents who have been "displaced" by in-migrants and immigrants. Such data will show more clearly the extent to which in-migration has aggravated the unemployment burden of the State.

A study has begun in the Department of Planning and Economic Development to relate employment to civilian in-migration which will yield further data on the relationship of in-migration and employment.

Public Assistance¹⁶

During 1971 Hawaii's welfare rolls and costs were rising at unprecedented rates, continuing a steep upward trend that began in 1968. Between fiscal years 1968 and 1971, the average monthly number of individuals on welfare increased from 28,009 to 48,828 and total state-funded welfare financial and medical costs advanced from \$14.8 million to \$35.8 million, a 142 per cent increase in three years. Between July 1967 and July 1971, the proportion of Hawaii's population on welfare doubled from 3.6 per cent to 7.1 per cent.

In order to find out how many recent in-migrants and immigrants are applying for welfare assistance and how much is being paid to support these cases, the Department of Social Services and Housing conducted surveys in 1970 and 1971 on the various welfare categories. The principal findings of these surveys are that the proportion of welfare recipients with less than one year residence in Hawaii is rising in all categories.

IN-MIGRATION AS THE BEARER OF SPECIAL GOVERNMENTAL BURDENS

During July 1971, over 38 per cent of all approved applications for assistance were filed by persons with less than one year residency in Hawaii (nonresidents). By county, there was considerable variation as to nonresident percentages, they range as follows:

Maui	58.6%
Kauai	43.0
Hawaii	37.8
Honolulu	29.2

Over 90 per cent of these nonresidents approved for financial assistance are in-migrants from the U.S. mainland, while the others are immigrants of which more come from Samoa than any other country. (More than 30 per cent of the Samoans identified by the State Immigration Service Center's 1971 study were on some form of public assistance.)

The cost of direct financial assistance was at least \$321,782 monthly or \$3,861,384 annually for nonresidents (exclusive of Federal Food Stamp Bonus). By category, the breakdown was:

<u>Category</u>	<u>Monthly</u>	<u>Annually</u>
General Assistance	\$138,324	\$1,659,898
Aid to Families with Dependent Children	176,514	2,118,158
Aged, Blind or Disabled	6,944	83,328
TOTAL	\$321,782	\$3,861,384
Federal Funds	1,045,706	1,045,706
State Funds	2,815,678	2,815,678

Thus the welfare burden to the State for nonresidents was roughly \$3 million annually. In addition to direct assistance costs, many of these individuals and families are entitled to medical and other expenses. These costs will likely continue to mount as nonresidents continue to come and remain in Hawaii. (The median length of stay while receiving assistance was about two years.) Furthermore, unlike some other states, Hawaii does not have a ceiling or limit to the payment of welfare in ratio to the number of recipients in a family; as the family size grows, payments increase according to a sliding scale until the number reaches 15, when \$40 is paid for each additional person.

Since there are no longer any residency or citizenship eligibility restraints, the State must provide public assistance to all newcomers who require it.¹⁷ If recent trend of increasing

IN-MIGRATION: ITS LEGAL IMPLICATIONS

number of in-migrants and immigrants continues and constitutes an ever-greater proportion on public assistance, this direct financial burden on the State will continue to increase as well.

Housing

The problem of housing is a great burden on the State as illustrated by the approval of the \$100 million housing omnibus bill, Act 105. Proponents of the bill point to the extremely low vacancy rate in the islands, rising rental rates, the high degree of dilapidation and the high cost of housing versus income. The Hawaii Housing Authority (HHA) and the Hawaiian Homes Commission noted their ever-lengthening waiting lists. The HHA has been advised that about 38,000 new dwelling units must be built within the next five years if the housing situation is to be stabilized by then; but the following five years will undoubtedly see the need for more than 38,000 additional units if the present rate of population growth continues. And if the number of in-migrants increases over the number projected, the already existing housing problem will be aggravated.

An even more serious problem is to somehow reduce the cost of housing to a level that permits those families with annual incomes below the poverty line to enter the housing market, and also to provide more state-subsidized housing for those who need them.¹⁸

State-subsidized housing on Oahu consists of 3,577 units of "low rent", 431 "leased", and 479 "state" units. To qualify for these housing, a family of two or more must earn below \$5,150 annually for the "low rent" housing, (for families of ten or more the limit is \$8,000), and \$6,200 for "state" housing (the limit is \$10,700 for families of ten or more). The waiting list as of August 1972 for available housing is over 4,000 names long.¹⁹

This short supply is compounded by the growing number of newcomers to the State who need subsidized housing. Housing was overwhelmingly cited as the main problem in surveys of Filipino and Samoan immigrants in 1971 as mentioned previously. Findings from these surveys also show that the income of over two-thirds of the Filipino immigrants sampled was less than \$6,000 per year, and about one-third of the Samoans on Oahu were on public assistance. Also, the average number of persons in a Samoan household is eleven, and five in a Filipino household, which makes it more difficult

IN-MIGRATION AS THE BEARER OF SPECIAL GOVERNMENTAL BURDENS

for them to find reasonable housing. Since there are no resident or citizenship requirements for obtaining subsidized housing, and many of the immigrants and in-migrants (as indicated by the increasing number of nonresidents on the welfare roll) qualify for them, the State is in the position of having fewer public housing units for local residents who need them, thus the State must not only bear the burden of supplying the needed housing for its residents but must also provide them for low-income families continuously coming into Hawaii.

Health

The health problems of foreign immigrants as a source of burden to the State is well illustrated by the following excerpt from an article in which the head of the State's Division of Communicable Disease points the finger at recent immigrants for Hawaii's rise in chronic diseases such as tuberculosis and leprosy. He said: "Not only are uncommon disease conditions, such as ascaris and hookworm infestation, amoebic dysentery, typhus and typhoid being reported with increasing frequency in Hawaii, but those diseases which have been major problems for decades--tuberculosis and leprosy--have experienced a resurgence due to the high proportion of these diseases among immigrants."

He reports that 70 per cent of new TB cases last year were among immigrants to Hawaii and half of these cases occurred during the first year of residence.

He said, "Eighty-five per cent of new leprosy cases were foreign or Samoan-born over the past two-and-a-half years."

He notes that 72 per cent of all recently arrived immigrants come from the Philippines (which is a high prevalence area for these diseases).

"As a general principle, the health status of a migrant population reflects that of its country of origin," he said, and added: "No matter how thorough the health examination before departure or on arrival, few diseases in the early incubating stage can be screened out. For many conditions, only watchful waiting for symptoms or signs of illness, recognizable by a physician, will bring them to light."²⁰

The following information on tuberculosis and leprosy, as the most striking examples, will illustrate in more detail the burden of these diseases on the State.

IN-MIGRATION: ITS LEGAL IMPLICATIONS

Tuberculosis. The following table shows the number of persons immigrating to Hawaii from 1965 to 1970 and the number of these immigrants who have active or inactive tuberculosis.

<u>Year</u>	<u>Foreign Immigrants</u>	<u>TB Cases</u>	<u>Per Cent</u>
1965	1,721	71	4
1966	3,070	151	5
1967	3,825	228	6
1968	4,693	165	4
1969	5,199	269	5
1970	9,013	519	6

The percentage of those who have evidence of TB in the general population is much less than one per cent, yet the percentage within the immigrants has ranged between 4 and 6 per cent since 1965.

A comparison by percentages of the total number of active and inactive tuberculosis cases for 1970 by place of birth shows as follows:²¹

	<u>Cases</u>	<u>Per Cent</u>
Foreign-born	519	66
U.S. Mainland-born	42	5
Hawaii-born	144	18
Unknown	82	11
TOTAL	787	100

Although foreign-born persons constitute not more than 15 per cent of the population, they accounted for 66 per cent of TB cases in 1970.

Leprosy. The incidence rate of leprosy for foreign-born persons is higher than that of native-born residents and since 1965, after the liberalization of the Immigration Law, the rate for the foreign-born has been sharply increasing while that of the native-born has been steadily decreasing. The total number of detected cases between 1966 and 1971 by place of birth breaks down as follows:²²

Hawaii	25
Philippines	54
Samoa	20
India	1
Tahiti	1
TOTAL	101

IN-MIGRATION AS THE BEARER OF SPECIAL GOVERNMENTAL BURDENS

Three-quarters of these cases were born in foreign countries of higher leprosy prevalence than Hawaii.

As shown in the following table, the State spent about \$4 million in 1970-71 for tuberculosis and leprosy control programs:

	<u>Tuberculosis</u>	<u>Leprosy</u>	<u>Total</u>
Out-patient treatment	\$ 103,000	\$ 127,000	\$ 230,000
Prevention & detection	575,000	12,000	587,000
In-patient treatment	1,550,000	1,708,000	3,258,000
TOTAL	\$2,228,000	\$1,847,000	\$4,075,000

Thus it is quite evident that, if the number of immigrants increases in the future as it has in the past, the burden on the State to provide health facilities for these and other diseases will have to increase accordingly, or state health services will deteriorate.

Chapter V

CONSTITUTIONAL PRINCIPLES

Whether seeking direct or indirect methods to control population distribution, the means finally used must come within the boundaries of the United States Constitution. There are two major constitutional areas with which the legislator should be concerned: first, the restrictions the Constitution may impose on the power of a state to affect distribution of persons arriving from outside the United States (aliens); and second, the authority of the state to affect the movement of people from one state to another.

Supremacy Clause Limitations

The United States Congress has exclusive power to enact legislation regulating immigration. Since the late nineteenth century when states attempted to directly control immigration, the power to regulate has been held to be reserved to the federal government. The attempted action by the states was considered an unconstitutional interference with the powers of the federal legislature.¹ Thus, states are prohibited from directly regulating the number of people who come to the state from foreign countries.

Congress can, of course, delegate to the states some of its power to control international immigration. Limited delegation has occurred under the Immigration Act of 1965. This requires that immigrants not in preferred categories and not having close relatives in the United States produce a document from the state employment bureau where they wish to reside stating that they have "a bona fide job offer at the prevailing local wage rate and there are no available American workers to fill the job".²

Beyond this employment area, individual states have little authority to control either the number or source of immigrants. This does not, however, preclude the possibility that Congress could further delegate power over immigration in areas concerned indirectly with distribution, such as the location, housing, or age of would-be immigrants.³

CONSTITUTIONAL PRINCIPLES

Once an immigrant legally enters the United States, he must be afforded the same rights and privileges as American citizens.⁴ This, of course, reduces the potential impact of any authority delegated to the states. Alternatively, the power of the state to affect the alien increases with his arrival since he is then subject to the same laws as other citizens of the state. However, important constitutional restrictions limit the scope of the state's power to affect the movement of both aliens and United States' citizens.

The Right to Travel

The right to pass freely from state to state, commonly referred to as the right to travel, is guaranteed by the Constitution and represents a major hurdle to the state in any attempt to limit the movement of persons coming within its border.

The source of this constitutionally protected right is not derived from any particular provision in the Constitution. It has instead been held to flow from a variety of constitutional sources such as the privileges and immunities clause⁵ (although the clause has little current vitality), the commerce clause⁶ (which makes suspect any state statute interfering with free movement of persons and goods between states), the due process clauses of the Fifth and Fourteenth Amendments⁷ (that make "the right to travel...a part of the liberty of which citizens cannot be deprived without due process of law under the Fifth Amendment"), and the equal protection clause of the Fourteenth Amendment⁸ (which restricts the states from attempting to penalize the right to travel). Since the courts have not come to a clear agreement on the source of the right to travel, legislation which affects that right is presently subject to challenge under any of these constitutional sources.

In 1969 the United States Supreme Court reaffirmed and strengthened the right to travel. In *Shapiro v. Thompson*⁹ the Court held that the effect of the state requirement that a person reside in the state for a specified period of time prior to being eligible to receive welfare benefits worked to chill and penalize the right to travel. The significance of this judicial decision is that it expanded the right to now include state action that indirectly as well as directly infringes upon population mobility. In other words, before *Shapiro*, no court had invalidated a state statute that, as one of its side effects, curtailed travel

IN-MIGRATION: ITS LEGAL IMPLICATIONS

but did not expressly restrict the act of moving from place to place.

The right to travel is, therefore, clearly important in its impact on current and intended state legislation. The importance lies in the fact that travel may be intertwined with many otherwise lawful state statutes and, conversely, anticipated statutes may touch upon the freedom of travel without intending to do so. What, then, is the scope of the right and what requirements does it place on the state's legislative power?

Since the expansion of the right to travel doctrine by *Shapiro* is recent, its full impact has not yet been established. Therefore, in determining what ramifications the doctrine may have on potential state legislation, a broad interpretation will be employed.

Some of the requirements that should be met by legislation having an adverse effect on the right to travel have been stated to be that:

- (1) the regulation is within the constitutional power of government;
- (2) a compelling governmental interest is furthered by the regulation;
- (3) the government's objective is not to suppress free travel;
- (4) the incidental restrictions on the right to travel are no greater than necessary to further the governmental interest, and there is no other constitutionally available means to achieve the desired purpose.¹⁰

There are at least two major areas of power within which states traditionally legislate. These are, first, under the police power which permits the state to legislate to protect the health, safety, and welfare of its residents. Second, the state has recently been held to have broad discretionary powers in the areas of economics and social welfare.¹¹ Neither of these sources of legislative power necessarily restricts travel. However, if the objective of legislation under these powers is to restrict travel, the legislation is constitutionally suspect. Under the above quoted standards, avoiding a declaration that the statute is unconstitutional requires a showing that the restriction on the right to travel is minimal, that it promotes a compelling state interest

CONSTITUTIONAL PRINCIPLES

(e.g., distribution of state funds or combatting crime) plus a demonstration that there is no other constitutional means that would achieve the state's purpose.

Beyond these enumerated requirements which would mean an essentially equal application of the law on all persons, whether resident or nonresident, the scope of the right to travel cannot be stated in exact terms. With any legislation, however, the questions to be answered under the prevailing *Shapiro* rationale are whether the state statute chills the exercise of the right to travel and, if so, whether there exists a compelling state interest to justify the restriction.

Durational Residence Requirements

One of the principal methods of developing the right to travel concept has been through challenges to state statutes that require a waiting period before a state benefit will be provided to a new resident. These waiting periods are referred to as durational residence requirements.

The successful attack in *Shapiro v. Thompson* was based on the chilling effect the residence requirement placed on the right to travel. In 1972, the Supreme Court was again asked to further define the constitutionality of durational residency requirements. In *Dunn v. Blumstein*¹² the Court stated that all residence requirements would be presumed to penalize the right to travel interstate.

"In sum, durational residence laws must be measured by a strict equal protection test; they are unconstitutional unless the state can demonstrate that such laws are necessary to promote a compelling governmental interest."¹³

As a result of the *Dunn* decision, the traditional acceptance of the legislative rationale for residence requirements is no longer accorded credibility by the courts. Nearly all challenges to durational residence requirements have been successful because the state's purpose has not been to promote a compelling interest.

To avoid a declaration of unconstitutionality, residence requirements must meet a two-fold test similar to that imposed when a statute has an adverse effect on travel. First, the governmental objective must promote a compelling interest of the state. Second, the approach taken by the statute must be necessary and involve the least restrictive means available.

IN-MIGRATION: ITS LEGAL IMPLICATIONS

Further, in Hawaii, a residence requirement for admission to the practice of law did not withstand attack when challenged on grounds requiring less exacting proof by the State. In *Potts v. The Honorable Justices of the Supreme Court of Hawaii*,¹⁴ the Court held that the State was not able to establish any reasonable basis for the imposition of the residence requirement. Traditionally, this "reasonable basis" test has been relatively easy for the State to pass. However, *Potts* is instructive in demonstrating the weakness of residence requirements as prerequisites to the receipt of a state's benefits.

Throughout the recommendations and discussions to follow, it is, therefore, essential to avoid proposals that would violate an in-migrant's constitutional rights either by unreasonable residence restrictions or by inhibiting the right to travel through the use of residence requirements. These should not be sought as means of effectively influencing in-migration.

Effect of Future Court Decisions on In-migration

The question of whether a state can impose higher tuition rates on out-of-state students has recently come to the United States Supreme Court in the case of *Vlandis v. Kline*.¹⁵ The Supreme Court will decide this question in the near future. Because Hawaii presently differentiates between resident and nonresident students for tuition purposes, the form that the Supreme Court's decision takes will have an obvious impact on the State's program and the attendance of nonresident students in its state-supported schools.

The manner in which the question is presented to the Supreme Court is also significant. It asks whether a student can be classified nonresident the entire time he is attending a state college and thus have a permanent tuition differential imposed, or whether as the District Court held,¹⁶ the student can acquire residency while attending college and, therefore, become entitled to a lower-tuition rate.

If the Supreme Court follows the decision of the District Court, the imposition of tuition differentials would not have much effect on the attendance of nonresident students in Hawaii. However, if the Court upholds the authority of the state to classify a student as permanently nonresident while in a state college, the possibility arises of employing tuition differentials to influence in-migration.

CONSTITUTIONAL PRINCIPLES

The decision could also have significance in what is said with regard to residence requirements. The formulation of the question presented to the Court implies that temporary nonresident student status is acceptable. The Court could conceivably reject the imposition of any residence requirement for tuition purposes.

A decision by the Supreme Court prohibiting tuition differentials could have an impact beyond this single area depending on the Court's characterization of the problem. For example, if the Court should hold that a state cannot impose any kind of restriction on an entering person, the proposals for data gathering may require re-evaluation. An entry census could be considered a restriction similar to tuition differentials. On the other hand, licensing requirements would probably not experience a similar effect from the Court's decision since licensing regulations are imposed uniformly on residents and nonresidents. However, a program that may possibly treat an incoming resident differently than a current resident should be viewed with the consequences of the tuition differential decision in mind.

The collateral effects of a decision prohibiting tuition differentials will require a full re-evaluation of any anticipated programs designed to curtail the number of persons entering the state. The potential effects that this future decision can have on the development of planning for population growth are apparent. Other judicial decisions affecting the areas discussed in this report will surely arise. These decisions must then be incorporated and analyzed as the above case has been, according to the effect they have on projected programs to influence in-migration.

Chapter VI

INFLUENCING INTERSTATE MIGRATION

The following recommendations and discussion represent possible methods through which a state may influence population movement. The recommendations are neither a comprehensive survey of all potentialities nor a definitive statement of the areas within which a state must operate. These are merely representative approaches that could be used to reverse the possible findings of needed but as yet unknown data.

The recommendations are made with a view toward the constitutional principles within which legislation must operate. Considerations beyond those constitutional areas are included in the discussion following each recommendation.

Entry Census

In order to make valid recommendations and develop workable responses to Hawaii's population growth, it is essential that necessary and relevant data be acquired. Throughout the United States, the most flexible means of obtaining demographic, economic, housing, and other data have been through the federal decennial census. The census device is a widely accepted tool to which people respond fairly willingly. No state can approach Hawaii's opportunity to gather information at its borders, given the relatively few methods and points of entry. It is recommended, therefore, that an entry census be developed by which relevant in-migrant data can be acquired.

A state entry census can be established that permits anonymous answers, thus guarding the privacy of the respondents. The only significant consequence of the anonymity would be to impair the collection of follow-up data on resident in-migrants. However, if future information is necessary, this can be acquired through an appendage to federal census forms that asks, for example, if the respondent has filled out state census forms in the last five to ten years, and if so, when. This would not constitute a major obstacle to federal census takers.

INFLUENCING INTERSTATE MIGRATION

The initial advantage of an entry census is that it would enable the state to acquire motivational information to help determine why there is the great influx of mainlanders into Hawaii. At present, only guessing can serve to suggest the reasons for Hawaii's in-migration.

Closely related to motivation is the socio-economic status of the in-migrant. It may be that the reason Hawaii attracts mainlanders is associated with income or social status on the mainland. Census questions can be formulated to develop the presence or absence of such relationships.

Further it can readily be learned from census data whether in-migrants have previously visited Hawaii and whether the visit bears a significant relationship to the decision to move permanently to Hawaii.

Other common features of a census, in its ordinary meaning, are those factors relating directly to the individual. This information would include age, sex, nationality, marital status, and number of dependents arriving with the respondent.

An entry census could also request information as to whether the in-migrant has employment awaiting his arrival, his housing prospects, and other information deemed necessary for the development of a solid foundation for state population planning.

The fact that the federal government currently takes a census every ten years does not prevent the state from doing so more often. Since the entry census would be administered on a daily basis, questions may arise as to the power of the state to require information of the depth recommended here. The mandatory federal census questions have been upheld by courts where the government set forth social planning as the objective for the information.¹ Since the purpose of requiring persons coming into Hawaii to fill out an entry census is to permit the State to develop realistic plans for the future of the islands and its people, there would not appear to be merit to a challenge to an entry census based on the overreaching of state power.

Without cases directly on point, it is unlikely that a compulsory entry questionnaire would be considered a burden on the right to travel. Unlike *Shapiro v. Thompson* where the objective of the statute in question was to exclude the poor from the state, the objective of an entry census is primarily to collect data for planning purposes. A mandatory questionnaire would not operate to exclude intended residents since it would neither be of sufficient burden to affect any fundamental right nor would it have as its

IN-MIGRATION: ITS LEGAL IMPLICATIONS

ultimate purpose or objective the exclusion of would-be residents from Hawaii.

Finally, consideration must be given to the penalty to be imposed for failure or refusal to fill out the census form or for giving false information. It is obvious that some kind of sanction must apply. The federal census statute punishes by fine or imprisonment or both in this situation. The threat of fine would appear to adequately deter any objection that would manifest itself in refusal to fill out the form.

In conjunction with the penalty is the scope of the state statute implementing this recommendation. In *Republic v. Paris*² the Hawaii court required that the statute imposing the penalty be strictly construed. The court refused to permit the collection of data that went beyond the scope of the authorizing statute. It is, therefore, important when considering legislation in this area to be certain that the proposed statute is comprehensive and provides adequate room to permit requests for data not specifically called for in the statute.

Exit Census

If population stabilization is adopted as a state goal, data regarding out-migrants will be near as pertinent as data regarding in-migrants. This is so because a "rolling equilibrium" will be achieved whenever the in and out migratory flow is equal.

Twin factors distinguish an exit census from an entry census: it will likely produce demographic data which are less suggestive of methods of influencing migration and it will come from a general class of people whom the State is less likely to want to influence, even given stabilization as a goal.

In-migrants are "pushed" from numerous points of origin by disparate factors and "pulled" to their Hawaii destination by factors which, to a significant extent, are amenable to state influence. On the other hand, out-migrants are "pushed" from Hawaii by factors peculiar to the State and "pulled" to destinations for reasons not subject to Hawaii influence. The principal policy lessons of exit data would teach which circumstances Hawaii could alter to minimize the migratory push. Such information, put to such use, is counter-productive of migratory stabilization.

INFLUENCING INTERSTATE MIGRATION

On the other hand, if the data were used to intensify those factors pushing migrants outward, the result would, by definition, worsen the circumstances of many others--if not at all--even though not to an extent sufficient to push such others out of the State. And therein lies the relative unattractiveness of intensifying discernible "push" factors: to do so achieves population stabilization by influencing actual rather than potential citizens.

Nonetheless, an exit census would gather demographic data important to state planning. It would corroborate population information derived secondarily from other sources, as described above. It would permit precise measurement of shifts in age distribution within the population and plot corresponding shifts in demand for age-specific public services. It would also serve, to some extent, to quantify those facts of Hawaii life which translate into migratory decisions.

Virtually the same constitutional considerations would apply to an exit as to an entry census. The burden imposed on interstate travel is negligible and far outweighed by the State's interest in planning.

Occupational Licensing

Requiring a license as a precondition to employment in a particular occupation may be the most effective method of limiting Hawaii's population growth. Licensing could have the further positive asset of distributing the population and labor force more broadly and evenly throughout the State.

The most common method used to license professions and trades is through an independent licensing board. In most states the board has two main duties. The first is to control entrance into the occupation by applying standards of entry set forth in the licensing statute. The second is to enforce the standards of practice required of the licensed practitioners. As a means of influencing in-migration, the principal concern here is with the first duty of the board.

In Hawaii, present licensing statutes generally describe the composition of the licensing boards, the criteria and qualifications for obtaining a license, the form of the license, whether there are any licensing fees, and the penalties imposed for engaging in that occupation without

IN-MIGRATION: ITS LEGAL IMPLICATIONS

a license. Through a strict application of these statutory prescriptions, along with additional supportive measures, Hawaii can effectively limit the number of in-migrants seeking to engage in low-demand occupations.

Among the measures to be considered beyond those presently specified in Hawaii's licensing statutes are controls such as occupational quotas and criteria that more clearly define the qualifications relevant to each occupation. The most important recommendation that can be made, however, is that current licensing statutes be applied more strictly.

Residency requirements have long been advanced as a condition of licensing. However, the recent attacks on this requirement and the declaration by the United States Supreme Court that residence restrictions are presumed unconstitutional, make this a presently unwise requirement prior to issuance of a license.

Licensing fees are another means of discouraging would-be in-migrants. It must be recognized, however, that fees equally deter the indigenous population from entering a particular occupation if the required fees are too high. Since in-migrants are probably aware of the higher cost of living in Hawaii, and since in-migrants likely are prepared for the possibility of paying a fee, this does not appear to be a highly effective means of limiting in-migration. Rather, the burden of the fee would appear to fall most heavily on residents of Hawaii.

A third possibility for influencing the movement of populations to Hawaii is through the imposition of occupational quotas. This could be developed as a flexible tool used in conjunction with employment trends in order to balance the need in particular occupations with the demand for licenses in those areas. For example, in 1971 there was a possible oversupply of professional and clerical-sales workers, whereas service and certain skilled labor occupational workers were in demand.³ With a quota system, the licensing board would be required to look not only at the particular qualifications of the applicant, but also to the general employment situation throughout Hawaii.

A corollary to general occupational quotas could be the granting of a license in an occupation where there was not a high demand for the services provided the licensee practiced in an area that lacked his occupational benefit. Although the corollary has the potential of infringing on the applicant's right to travel, the infringement occurs only on his movement within the state, not between states. The intrastate character of the restriction would not appear

INFLUENCING INTERSTATE MIGRATION

to be the kind of "chilling" effect on travel that concerned the Supreme Court in *Shapiro v. Thompson*.

The multiple effect that licensing can have on employment rates in particular occupations, the distribution of the population and labor force, and the growth of the population from the influx of migrants seeking employment in Hawaii, is highly desirable. The factors considered above should be viewed as complements to the administration of licensing statutes.

The authority of the state to require a license as a precondition to practicing a trade or profession derives from the power of the state to protect and promote the health, safety, morals, and welfare of the public through appropriate legislation.

The licensing of occupations has its legal basis in the so-called "state police power" which is intended to protect the public health, safety, and welfare and to prevent fraud and exploitation of the public.⁴ However, only since the decision in the *Slaughter-House Cases*⁵ has the licensing of various occupations rapidly developed into an important regulatory function of state governments. It has come to be accepted that the police power may overcome the right to pursue a lawful occupation when regulation is needed to protect the public's health, welfare, and safety.⁶

In determining the validity of state licensing statutes, the courts must look to whether the licensed occupation can be categorized as one affecting the public health, safety, morals, or welfare.⁷ Professions which affect the public health usually deal with the healing of or administering to the human body or mind and, therefore, they require a great deal of skill and training. Thus, regulation of the practice of medicine,⁸ dentistry,⁹ optometry,¹⁰ nursing,¹¹ and pharmacy¹² have generally been recognized as fitting into this category.¹³ Public safety, on the other hand, requires the exercise of police power to protect the public from ignorance or incapacity in certain professions and vocations. This category would include professions such as architects,¹⁴ electricians,¹⁵ etc. Finally, the power to provide for the general welfare authorizes regulations to protect the public in those professions where the clientele must have confidence in and reliance upon the person they have chosen to represent them. Examples of professions in this category include those in which undue influence, imposition, and fraud might occur, such as law,¹⁶ banking,¹⁷ and accounting.¹⁸

IN-MIGRATION: ITS LEGAL IMPLICATIONS

Therefore, as a justification for a licensing requirement to be a valid exercise of the police power, the courts generally demand a showing that the requirement at least tends to promote the public health, morals, safety, or welfare.¹⁹ However, a classification generally will be upheld if any reasonable and substantial basis can be found to justify the classification, and it will be struck down only if purely arbitrary and capricious, where no reasonable or substantial ground can be found.²⁰ Thus, under particular fact situations and enactments, courts have held that the state's police power was not sufficient to justify the requirement of a license for housepainters,²¹ conductors of private dancing schools,²² florists,²³ and land surveyors operating under private contracts.²⁴ A popular example of an occupation which bears no reasonable relation to public health, welfare, etc., is photography, and Hawaii is among the many states that have struck down statutes licensing photographers.²⁵

However, once a licensing statute is passed and the licensing administration established, there yet may be grounds for objection--at least as regards the administrative aspects of the statute. Various courts have found, for example, that: the apprentice requirements were too restrictive;²⁶ the length of time required in the occupation before a master's license could be obtained was too long;²⁷ the license fee was prohibitive;²⁸ there were insufficient standards to control administrative discretion;²⁹ the regulation violated the state constitution;³⁰ and the scope of the regulation was too broad.³¹

Many commentators have claimed that, viewing the law of licensing realistically, once a licensing statute is passed in the legislature, rarely do the courts strike it down.³² Contributing to this fact is the policy of the United States Supreme Court to refrain, if possible, from reviewing state licensing statutes.³³

It would seem, therefore, that there is little preventing the Hawaii legislature from legally enacting licensing statutes which are pointed partially at restricting the number of in-migrants. As long as there is some relation between the regulation desired and the public welfare, then the trend is to uphold it.

Direct Quota System

A potential means of influencing in-migration is through the direct application of quotas to various areas of concern,

INFLUENCING INTERSTATE MIGRATION

such as entry into Hawaii itself or employment within the State. However, direct quotas are extremely coercive devices and legally impermissible. Although no recommendation will be made with regard to the use of the quota system, the reason for its rejection does merit discussion.

First, the Civil Rights Act of 1964 states that quota systems are discriminatory. Hawaii has a proud history of ethnic harmony and insight that should not be adulterated to achieve other goals.

Second, a direct quota plan, whether formulated with regard to entry into the state or employment, is likely to be successfully challenged as violating the right to travel. Imposed quotas represent a more forceful restriction on movement from state to state than do residence requirements since quotas would not only have a "chilling" effect on travel, but could conceivably prohibit movement into the State altogether. To avoid a declaration of illegality, the State would have to show either a compelling interest that justifies the burden on travel or that the quota does not burden travel. Such justification is considered with regard to occupational licensing and university admissions.

The *Philadelphia Plan* is generally advanced as supporting the concept of quotas. This plan became effective in Philadelphia in 1969. The goal of the plan is to solve minority unemployment in federal contracts. The plan was upheld by a federal court as being constitutional.³⁴ The court held that the plan established goals which contractors were required to make a good faith effort to meet. The plan did not establish numerical quotas.

Even though the plan is constitutional, it nevertheless has a primary distinction that would curtail its use on a statewide basis in Hawaii. As discussed above under Constitutional Principles, the right to travel has not generally been held to impose a restriction on the power of the State to affect movement within the State. The right presently goes only to movement between states. Since the effect of the Philadelphia Plan is principally on in-state movement, it has little effect on the constitutional right to travel. However, such a plan on a statewide basis might easily be attacked as inhibiting travel between states and thus be held illegal. Therefore, under its present formulation, a plan similar to the Philadelphia Plan does not appear to be feasible in Hawaii.

IN-MIGRATION: ITS LEGAL IMPLICATIONS

Land Use and Taxation

Land use controls and taxation are often regarded as functional methods for limiting the desirability of an area for outsiders. Clearly, these methods are effective tools to limit population growth. They are rejected here, however, because their primary burden will fall on current residents of the State.

Hawaii presently has a major housing shortage that requires roughly 38,000 units to meet the needs of the present population. To place land use and zoning restrictions on the land beyond those currently in force would work to burden a satisfactory solution to the housing problem of Hawaii's population. It is estimated that the in-migrant population is a modestly wealthy group that could be expected to meet the higher land and housing prices more easily than the less wealthy indigenous population.

In a like manner, restrictive taxation would impose its primary burden on current residents. For example, the encouragement of the movement of retired couples to Hawaii through lower taxes for retired persons would have the direct effect of placing a higher tax requirement on young and middle-aged families already in the islands.

At the same time, higher taxation of young persons would not necessarily encourage out-migration since the restrictions could operate to reduce rather than increase the possibility that the present population would be financially able to respond to high taxes by moving out of the state. Because the principal burden of these kinds of controls fall on the present and less wealthy population, they are rejected as a desirable means of influencing in-migration.

Others

The following represent methods which would influence in-migration but which do not necessarily require state action to put into practice. They are discussed here since they would likely be viewed as secondary methods which might be considered in a comprehensive program of population planning.

Tuition Differentials. At the present time Hawaii differentiates in tuition assessments between residents

INFLUENCING INTERSTATE MIGRATION

of the State and students coming to the University from outside the State.

A usual feature of a tuition differential system is the imposition of a durational residence requirement that must be satisfied before the student will be allowed the in-state tuition rate. Although residence requirements have been successfully challenged in most cases, they have been upheld in some instances where the effect was limited to the tuition rate paid.³⁵ In those cases upholding tuition differentials, the objective of tuition rates favoring in-state over out-of-state residents has been held to be the protection of previously established interests of the in-state students. The objective has not been held to discourage travel.³⁶ Theoretically, the lower in-state tuition is designed to reflect the prior investment of state residents through taxation. If tuition contributes only as much as one-third of the financial requirements of a publicly supported college, with another major portion coming from state revenue allotments (taxes), the tuition differential might be justified on an economic basis. The viability of this justification has not been approved by all courts, however. This is demonstrated by previous discussion of *Vlandis v. Kline*. Since *Vlandis* is the principal case before the United States Supreme Court on the question of the constitutionality of tuition differentials, the decision in that case should resolve the current legal conflict on the issue. And as discussed, the decision will determine the future use of tuition differentials in Hawaii.

School Registration Limits. Closely related to tuition differentials is the practice of limiting the number of out-of-state students who will be permitted to attend Hawaii's public colleges.

The prospect of an unlimited number of out-of-state students coming into Hawaii would be economically unsound. A tuition differential would have to be extremely high to compensate Hawaiians for the non-tuition financing supplied to the school and to make the financial contribution of out-of-state students equivalent. A limitation on out-of-state attendance is, therefore, reasonable.

From a legal point of view, the limitation would appear to derive justification from the United States Supreme Court opinion in *Dandridge v. Williams*. In that case the Court upheld the right of the state to establish its own economic regulations free of constitutional restraint. Since college level education places a major economic burden

IN-MIGRATION: ITS LEGAL IMPLICATIONS

on the state, a limitation on the number of students from outside the state who will be permitted to take advantage of the state's resource contribution to the education of students beyond the students' tuition contribution would appear to be adequately justified.

Again, however, the continuation of this program may depend on the form of the Supreme Court's decision in *Vlandis v. Kline*. If the Court adopts an expansive view that prohibits any limitation on a student's acquisition of higher education, this kind of limitation may no longer be permissible. Further, it should be developed through careful data collection and analysis whether a limitation on the number of out-of-state students allowed to attend Hawaii's schools has a demonstrable correlation with permanent immigration or whether the limitation is a superfluity.

Airport Tax. A use tax in the form of airport service charge would likely be ineffective and faces several barriers. The service charge is generally a \$1 or \$2 tax collected from airline passengers. It is principally a revenue device and would have virtually no consequence on population planning. Whether the tax is imposed on the passenger or carrier, the ultimate person to pay will be the passenger through higher fares even though the tax is directed toward the carrier.

The Attorney General of Hawaii has determined that an airport "head tax" would violate the Constitution. His 1969 opinion was expressed with regard to the legality of a proposed bill which had as its purpose defraying the cost of improving airport facilities, "including highways to and from the airport as well as highways to resort facilities and tourist destination areas".³⁷

In concluding that such a tax is illegal, the Attorney General stated:

"It has long been held by the Supreme Court of the United States that a state does not have the right to levy a tax upon residents or non-residents leaving a state. (*Crandall v. Nevada*, 73 U.S. 35 (1867).) *Crandall* involved an 1865 act of the Nevada legislature, which levied a capitation tax of one dollar upon every person leaving the state by any railroad, stage coach, or other vehicle engaged in the transportation of persons for hire, and mandated that the owners or corporations pay the tax. The United States Supreme Court struck down the tax on the ground that the

INFLUENCING INTERSTATE MIGRATION

right to move freely through the nation was a right of national citizenship....

While the case is not of recent vintage, it has not been overruled and is still good law.

* * *

We see no difference between a statute which levies a tax upon a person leaving a state from a state levying a tax upon a person entering a state, relative to the application of this constitutional provision. In both instances, the constitutional right of the person to move freely from state to state is directly impaired. Any attempt to levy a tax upon a person's right to move freely from state to state is repugnant to the privileges and immunities clause of the Fourteenth Amendment and as a consequence, is, in our opinion, unconstitutional."

Chapter VII

LIMITING FOREIGN IMMIGRATION

It merits restating that the State cannot through its legislation violate the supremacy clause of the United States Constitution by encroaching upon the regulatory programs of the federal immigration scheme.¹ The power to formulate and administer an immigration policy is reserved exclusively to the federal government.

The State can, however, submit recommendations to the federal legislators to effect changes in the current policy. The influx of foreign immigrants to Hawaii since the 1965 passage of the Immigration and Naturalization Act suggests that proposals to change the consequences of the present immigration policy warrants consideration by Hawaii's legislature.

Since 1965 Hawaii has experienced a 368 per cent increase in foreign immigration into the State compared with a nationwide increase of only 25 per cent. Hawaii has a large population of first generation families from Japan, Korea, China, and the Philippines. The 1965 law was designed to reunite families separated by pre-1965 national quota limitations, resulting in a proportionately higher increase in immigrants coming to Hawaii than to the rest of the United States. Coupled with the fact that under the 1965 Act third preference is given to professionals who represent a large number of new in-migrants to Hawaii, the 1965 law has much more dramatically affected housing, education, health, employment, underemployment, and other services in Hawaii than in the nation as a whole.

The problems the new immigration policy has created in Hawaii demand that remedial measures be taken to lessen the impact of immigration in Hawaii. Four possible areas exist that could reduce the number of immigrants coming into the State: (1) change the professional category to the lowest preference; (2) establish stricter sponsorship laws; (3) geographical distribution of immigrants; and (4) more stringent entry requirements on education, language, health, and employment.

- (1) Although a change in preference for foreign professionals could possibly limit the number of alien immigrants to Hawaii, it is not at

LIMITING FOREIGN IMMIGRATION

the present time a sound proposal. First, it is not clear to what extent professional foreign immigration is a specific problem. Present data are not sufficiently specific to determine whether immigrants arriving under one category (for example, as a relative) could have entered under the professional category and thus have an impact in the job market beyond that which would be anticipated from immigration data. Secondly, the fact that the professional category was inserted between two categories covering familial relationships suggests that federal legislators still consider professionals an important addition to the United States. It is necessary to collect more detailed information on the relationship between foreign immigration and the number of professional people entering Hawaii as well as the relationship between immigration and the professional job market in other states. Once these data are acquired, it can then be determined whether an argument exists for lowering the preference of the immigrant professional from its third category status.

- (2) At the present time affidavits of support are not mandatory for immigrant aliens,² although consular officers have generally required such assurances from sponsors for the last forty years.³ A sponsor is a third person to a visa transaction (besides the applicant and the consular officer) who expresses a willingness to aid the alien in the event he encounters financial difficulties after his arrival into the United States.⁴ Even though sponsorship is not required, an affidavit is frequently requested to aid the consular officer in a determination that the alien will not become a public charge. Any conclusion that the alien will become a charge upon the public makes him ineligible for admission to the United States.

A possible area of consideration for limiting the number of alien immigrants is, therefore, through stricter sponsorship laws. However, this is rejected at the present time for at least three reasons. First, the legality and enforceability of affidavits of support is not settled.⁵ If the affidavit cannot be legally enforced against the sponsor, it has little effect in the overall administration of immigrant entry.

IN-MIGRATION: ITS LEGAL IMPLICATIONS

Secondly, it cannot be determined from present available data whether such a proposal would have any effect in Hawaii. Before stricter sponsorship is considered as a method of limiting immigration, it must be determined without a doubt whether there is a strong relationship between alien immigration and the increasing welfare obligation of the State. This should be detailed to the extent of providing the State some insight into the economic needs of immigrants once they arrive relative to the economic status proclaimed in the application form.

Should the arrival of immigrants be found to have a major impact on Hawaii's growing welfare rolls, there is yet a third reason for rejecting stricter sponsorship as a viable limitation on foreign immigration. The purpose of the 1965 Immigration and Naturalization Act is to reunite families. The effect of more stringent sponsorship laws would consequently fall most heavily on first generation immigrants who are attempting to reunite their separated families. If these first generation Americans have not yet obtained financial security, imposition of sponsorship liability could effectively destroy whatever economic foundation they had achieved. This result would be contrary to the spirit of the people of Hawaii.

- (3) Geographic distribution of immigrants after their arrival is rejected as not presently desirable for many of the same reasons that stricter sponsorship laws are not viewed as feasible. Assuming that the increase in foreign immigration to Hawaii is due to the realization of the purpose of the 1965 Act, geographic redistribution would defeat that purpose by once again separating families. Therefore, before any recommendation can be made along these lines, it is necessary to insure through the collection of more sophisticated data that the anticipated effect on first generation immigrant families would not result.
- (4) Entry requirements similar to those presently imposed on alien professionals, skilled and unskilled persons could limit the number of

LIMITING FOREIGN IMMIGRATION

foreign immigrants entering the State. Aliens seeking entry as skilled or unskilled workers are required to demonstrate that their employment will not adversely affect wages and working conditions of individuals already similarly employed in the United States.⁶

A similar kind of demonstration could be required for immigrants entering the United States under one of the four "relative" provisions that are intended to reunite families. For example, foreign immigrants could be required to meet specific educational, health, and employability standards before they would be permitted to migrate to the United States. Depending on the kinds of standards developed, these entry requirements could have a substantial impact on the number of alien immigrants coming to Hawaii. It is necessary to ascertain first, however, the present status of immigrants with regard to any proposed entry requirements in order to determine whether or not the imposition of the requirements would in fact affect the rate of immigration to Hawaii. If immigration would be curtailed, it must then be determined whether the benefit sufficiently outweighs the effect this would have in frustrating the reuniting of families. Further, it does not appear that the federal legislature would be receptive to these kinds of limitations on foreign immigration in view of the purpose of the 1965 Act to unite separated families. Without more substantial data on immigrants, it is not presently possible to formulate sound recommendations regarding foreign immigration.

FOOTNOTES

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2. 10 Hawaii 579 (1897).
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5. The Slaughter-House Cases, 73 U.S. 36 (16 Wall 36 1873).
6. "(In Mugler v. Kansas, 123 U.S. 623) the Court laid out the plan of the struggle which has since been accepted as axiomatic. On the one hand, lying within the Court's purview and protection, are the various interests of the individual comprised under the general words in the Fourteenth Amendment: life, liberty, property (and due process of law). On the other hand, the Court recognizes the police power of the State, which in proper cases may alter, restrict, or destroy these interests for supposedly greater social consideration." Brown, Police Power--Legislation for Health and Personal Safety, 42 Harv.L.Rev. 866 (1929).
7. "The police power may be exerted in the form of state legislation where otherwise the effect may be to invade rights guaranteed by the Fourteenth Amendment, only when such legislation bears a real and substantial relation to the public health, safety, morals or some other phase of the general welfare.... A state cannot under the guise of protecting the public, arbitrarily interfere with private business or prohibit lawful occupations or impose unreasonable and unnecessary restrictions upon them." Sutherland, J., Liggett v. Baldridge, 278 U.S. 105, 111-112 (1928).
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15. Ex parte Cramer, 62 Tex. Crim. Rptr. 11, 136 S.W. 61 (1911).
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20. "It is not for us to inquire into the expediency or the wisdom of the legislative judgment. Unless the act of the Legislature cannot be supported upon any rational basis of fact that reasonably can be conceived to sustain it, the court has no power to strike as violative of the Constitution." Sperry and Hutchinson v. McBride, 307 Mass. 408, 418, 30 N.E.2d 269, 274 (1940). See also, Ex parte Whitwell, 98 Cal. 73, 79, 32 P. 870, 872 (1893).
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25. Territory v. Kraft, 33 Haw. 397 (1935).
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27. Tesoriero v. Examination Bd. of Plumbers, 36 Misc. 2d 412, 232 N.Y.S.2d 706 (1962), five years of work required; it is interesting to note that the Hawaiian statute specifies a term of seven years and it apparently has not been ruled too long. (See 25 H.R.S. 448E-5(7)).
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29. See, L. Jaffe, Administrative Law 52053 (1953).
30. E.G., Mercer v. Hemmings, 194 So.2d 579 (Fla. 1966).
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34. Contractors Association of Eastern Pennsylvania v. Secretary of Labor, 311 F. Supp. 1002 (Penn. 1970).
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2. Robert A. Mautina, Sponsor Liability for Alien Immigrants: The Affidavit of Support in Light of Recent Developments, 7 San Diego L. Rev. 316 (1970).

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Preliminary investigation touching population increase, proposals for control, and their consequences. Primary focus on distribution potentials with short discussions on in-migration and fertility. Job availability as an economic measure of control is explored.

Baxa, Artemio C., "Immigration from Far East Asia: Will the Pot Boil Over?" unpublished paper, Pacific Urban Studies and Planning Program, University of Hawaii, December 1970.

A historical analysis of Hawaii's alien population, their acculturation process, their geographic distribution, and the increasing number since the 1965 liberalized amendment.

Chung, Nak Chin, "Effects of Immigration on the Population Problems of the State of Hawaii," unpublished paper, School of Public Health, University of Hawaii, December 1971.

Gives general statistics regarding Hawaii's migration trends between 1960 and 1970, including information regarding immigration from abroad and the public health problems connected with it. Discusses the tuberculosis problem in relation to immigrants, giving statistics regarding tuberculosis trends in Hawaii. Also mentions immigration in relation to leprosy, venereal diseases, mental illness and other diseases, and costs of medical care.

David, Kenneth H. and King, William L., Review and Analysis of Problems of Recent Immigrants in Hawaii, Evaluation Division, Office of Social Resources, City and County of Honolulu, August 1972.

Problems of immigrants are presented under education and language, employment, housing, health, and interculturalization; also shows the Hawaii immigration patterns and the unavailability of data on recent immigrants.

Day, T. and Cromley, W., "Can Dispersion of Oahu Population to the Neighbor Islands Resolve Oahu's Population Problems?" unpublished paper, School of Public Health, University of Hawaii, December 1971.

Conclusions are (1) a population redistribution program cannot be regarded as an approach to solution of Oahu's population problems; (2) the urbanization problems introduced into the neighbor islands by a dispersion of Oahu population and the limited effects of such a program upon Oahu population growth suggest the need for a problem-oriented rather than pressure-oriented approach to state population and economic problems; (3) realization of desirable quality of life for Hawaii citizens can probably best be based upon regulation of the use of state natural resources linked to a local program for rapid achievement of zero population growth.

Demeny, P., Gardner, R., and Nordyke, E., "Eight Projections for the Civilian Population of Hawaii: Demographic Implications of Different Levels of Fertility and Migration," unpublished paper, East-West Population Institute, Honolulu, August 1972.

Comparison of eight population projections presented in table and graph forms.

Demeny, P., Gardner, R., and Nordyke, E., "Five Projections for the Civilian Population of Hawaii: A Note on Alternative Demographic Futures," unpublished paper, East-West Population Institute, Honolulu, December 1971.

Presented at the Institute on Stabilizing Hawaii's Population sponsored by the Hawaii State Association of Counties during December 8 to 10, 1971, Kauai.

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DeSonier, Don and Hamada, Herbert, "The Efficacy of Durational Residency Requirements as a Deterrent to Would-Be In-Migrants," unpublished paper, School of Public Health, University of Hawaii, August 1972.

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Forye, Thomas J., "The Relationship Between Civilian Immigration in Hawaii and Selected Social Indicators," unpublished paper, School of Public Health, University of Hawaii, August 1972.

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Hawaii State Commission on Manpower and Full Employment, "Report of the State Immigration Service Center," January 1972.

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Brief mention of the welfare and unemployment situation of nonresidents but the situation

for the population as a whole is comprehensive and useful.

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Vol. II: West Hawaii, 1972.

Plan discusses amount of hotel workers who are from the mainland and abroad. States that potential manpower will increasingly be in-migrants and immigrants.

Hawaii State Department of Social Services and Housing,
Division of Welfare, Report to the Sixth Legislature of the State of Hawaii on House Resolution No. 119, (Study of Transients Receiving Welfare Aid), December 22, 1971.

This report is divided into two sections: (1) transiency in all categories: analysis of July 1971 applications; (2) demographic data based on a sample of general assistance recipients in November 1970.

Hawaii State Governor's Conference on Immigration, Migration Trends in Hawaii, 1959-1969, December 1969.

Discusses occupational aspirations of mainland migrants and compiles statistics on age and sex distributions, marital status, mobility, and points of origin on the mainland. Contains charts showing broad occupational categories filled by mainland migrants.

Hawaii State Governor's Conference on Immigration, Proceedings of Conference, December 11 and 12, 1969, Honolulu, Hawaii, 1970.

A compilation of the problems of the foreign immigrants and how the State needs to coordinate more services to help them. The conference recognized Hawaii as the great melting pot, and pledged support to help all people that want to live in Hawaii. It also contains studies of Filipinos and the Samoans to elucidate the immigrant problem.

Hawaii State Temporary Commission on Population Stabilization,
Report of the Commission, Honolulu, Hawaii, January 1972.

Commission stresses need for zero net in-migration. Emphasizes that rapid increase in Hawaii's economy now and in the future will result in rapid increase in-migrants. States, briefly, the basic characteristics of in-migrants and immigrants, and states that the two principal reasons for the influx are the rapid growth of Hawaiian economy since statehood, and the relative attractiveness of Hawaii compared to other states. Makes recommendations relating to control of in-migration problem. Contains tables listing various statistics relating to migration.

Health and Community Services Council of Hawaii, A Study of Immigrant and Alien Resident Problems and Services, and of the YWCA International Institute, July 1970.

Sections dealing with (1) the immigrant population, (2) the Governor's Conference on Immigration, (3) existing major services to immigrants, (4) the International Institute, (5) organization of services, with recommendations for the future.

Hicks, Connie, "The Effects of Job Control on In-migration," unpublished paper, Pacific Urban Studies and Planning Program, University of Hawaii, December 1970.

Discusses the control of jobs as a potentially powerful control of in-migration and its likely effects on both prospective in-migrants and on residents.

Honolulu Police Department, "Study of Transient Effect on Crime and Related Problems," a report to the Chief of Police, May 1971.

Brief description of the transient population in a two-month period, and classification of crime arrests of those who lived in the State for less than one year.

John, Douglas and Wendy, "The Labor Market in Hawaii and the In-Migrant," unpublished paper, School of Public Health, University of Hawaii, August 1972.

Examines the labor market in Hawaii as it has developed over recent years. Of particular concern is the effect of mainland in-migration on Hawaii's labor market. Describes general occupational trends from available data, finding low demand in professional and clerical occupations.

John, Wendy, "Land Use Controls: What Implications for Population Stabilization through Limiting In-Migration," unpublished paper, School of Public Health, University of Hawaii, August 1972.

General overview of the possible employment of land use controls as a means of stabilizing population growth. Emphasizes the need to re-educate the public attitude toward land use and population control if effective programs are to be implemented with this tool.

King, Philip, "The Stabilization of the Population of the State of Hawaii: A Systemic View," unpublished paper, School of Public Health, University of Hawaii, December 1971.

Contents include components of population changes, population policies, modes of influence of population level, composition, and distribution.

Liljestrand, Robert H., "Migration in Hawaii: An Overview," unpublished paper, School of Public Health, University of Hawaii, May 1972.

Discusses the in-migration situation in terms of historical background, sources of data, possibilities for the improvement of data, and some current considerations involving migration including a series of recommendations.

Liljestrand, Robert H., "Migration in Hawaii: Its Estimation, Effect, and Control," unpublished paper, School of Public Health, University of Hawaii, December 1971.

Discusses migration data in Hawaii in relation to sources of information and the need for improved migration data. Also talks about control of in-migration, both direct and indirect and correlates with various recommendations.

Lind, Andrew, Hawaii's People, Honolulu: University of Hawaii Press, 3rd ed., 1967.

Drawing upon missionary reports, census data, and vital statistics, the book traces the native migrant population from 1778 to 1960. The races are described by proportion, settlement, and contribution to a shifting economy. Writer foresees racial intermingling result in one people.

Nordyke, Eleanor C., "In-migration: The Primary Factor of Hawaii's Population Growth," unpublished paper, East-West Population Institute, June 1972.

Historical review of the inflow of new residents to Hawaii and how they influence population composition and the part they play in population growth.

Sakaue, Henry, "Hawaii's Population and Migration from the Mainland," unpublished paper, Pacific Urban Studies and Planning Program, University of Hawaii, December 1970.

Contents deal with population growth, geographic distribution of the residents, projected growth, sources of migration data, number and profile of the in-migrants.

Schmitt, Robert C., "Migration Statistics in an Island State: The Hawaii Experience," The American Statistician, April 1968, pp. 20-23.

Shows how migration data is derived from various government and private agencies, such as school membership and interstate movement of workers seeking employment. Various statistical correlations about intended residents are discussed.

Schmitt, Robert C., "Travel, Tourism, and Migration", Demography, Vol. 5, 1968, pp. 306-310.

Comparing visitors and in-migrants to Hawaii: state of origin, state of destination, and timing of travel are similar; age, sex, and occupation are dissimilar.

Other (migration-related):

Hawaii State Department of Education, Enrollment Projections of the Public Schools in Hawaii 1972 to 1977, Honolulu, March 1972.

Enrollment trends are projected using births and migration data, and the grade-to-grade survival experience of the past three to five years. "In-migration has been the primary cause of enrollment increases in the three neighbor island districts."

Hawaii State Department of Labor and Industrial Relations, A Report on Unfilled Job Openings (Based on Hawaii State Employment Service Unfilled Job Openings at End of November 1971), January 1972.

Compilation and analyses of trends in non-agricultural shortage occupations in the City and County of Honolulu and the State; intended to

assess and examine apparent short-term labor shortages due to certain circumstances.

Hawaii State Department of Labor and Industrial Relations,
An Annual Report on Occupational Requirements for
Vocational Education, State of Hawaii Fiscal Year 1973,
December 1971.

Third annual report which attempts to assess occupational manpower imbalances in the local labor market. Reflects the "hard-to-fill" job openings approach, which is intended to provide some insight on occupational trends which may indicate reasonable employment prospects with respect to needs for vocational education training.

Hawaii State Department of Labor and Industrial Relations.
Annual Manpower Planning Report for FY 1973 (State of
Hawaii and Honolulu Standard Metropolitan Statistical
Area), February 1972.

This is the second issue of the Annual Manpower Planning Report. It is intended to serve as an overall manpower data base for local manpower and community planners. It includes comprehensive information on manpower developments and outlook with an emphasis on individuals in need of some form of employment-related assistance.

Hawaii State Department of Labor and Industrial Relations.
Characteristics of the Insured Unemployed 1970, October
1971.

Statistical abstracts of selected characteristics of the insured unemployed in Hawaii, intended to present a composite profile of the State's insured unemployed by age, sex, industry, occupation, and length of the current spell of unemployment. Page 37 charts certain characteristics for interstate claimants.

Hawaii State Department of Labor and Industrial Relations.
Manpower Direction to 1975 (State of Hawaii), A Report
on Industry and Occupational Manpower Needs CY 1971 to
1975, April 1972.

Describes the detailed occupational distribution of each major wage and salary industry of the economy. Provides base information on manpower needs to 1975 in the State of Hawaii for educators and planners in vocational education, legislators, students, etc.

Hawaii State Department of Planning and Economic Development,
Proceedings of the Conference on Socio-environmental
Indicators, Honolulu, March 15 to 17, 1971.

"Talks by nationally recognized authorities,
as well as by more than a dozen authorities on
various fields of Hawaiian statistics, prepared
the groundwork for active discussion on effective
means of monitoring the environment in which we
live, as well as the economy which produces that
environment."

Hawaii State Department of Planning and Economic Development,
The Population of Hawaii, 1970, Statistical Report 77,
November 19, 1970.

Table 8 presents components of change in the
resident population from 1960 to 1970 giving live
births, deaths, net migration, and change in
military status.

Hawaii State Department of Taxation, Hawaii Income Patterns,
1969.

Table 7 on page 20 gives nonresident tax returns
by number of returns, Hawaii adjusted gross income,
net taxable income, and tax liability by adjusted
gross income class--1969. Total nonresident returns
numbered 21,174.

Lane, W. L., Jr., "Is Hawaii Breaking Its Promise," speech
presented to the Annual Membership Meeting, Hawaii
Visitors Bureau, June 26, 1972.

Discussion of the assets of Hawaii with
respect to tourism and the need to protect those
assets with proper balancing of "quality and
quantity" in continuing and developing the
tourist industry. Emphasis on the value of the
environment and caution in not overburdening it.

Schmitt, Robert C. and Souza, Robert A., Characteristics of
Mixed and Unmixed Households on Oahu, Honolulu, January 16,
1969.

Using the Hawaii Newspaper Agency survey of
1961 of 2,500 households, various characteristics
are discussed, for example, mixed couples are less
likely to be recent in-migrants.

"Sunset Hawaii Reader's Questionnaire," and "Publisher's Survey
of Sunset Subscribers in Hawaii," Sunset Magazine, June
1972.

Sample survey of resident readers, gathering opinions on the subject of tourism, concluding that tourism holds a high interest for most families in Hawaii.

- U. S. Bureau of the Census, Census of Population: 1970, Detailed Characteristics, Final Report PC(1)-D13: Hawaii, U. S. Government Printing Office, Washington, D.C., 1972.

Tables 138 through 145 present data about Hawaii's population under these characteristics: race, nativity, place of birth, country of birth or origin, mother tongue, citizenship, year of immigration, and residence in 1965. Table 178 presents occupational and geographic mobility between 1965 and 1970 by race and sex.

- U. S. Bureau of the Census, Census of Population: 1970, General Social and Economic Characteristics, Final Report PC(1)-C13: Hawaii, U. S. Government Printing Office, Washington, D.C., 1971.

Mobility data are presented in tables 45, 50, 61, 72, 82, 102, 117, and 119. They show various tabulations of the 1970 population of Hawaii five years old and over who were living in a different state or county in 1965, years earlier.

Newspaper Clippings (1971-1972):

- "A Population Debate," Honolulu Advertiser, December 26, 1971.

Is population control practical or possible in Hawaii? Dr. Garrett Hardin said "yes" at the Hawaii State Association of Counties on Kauai.

- "Burns Hopes to Disperse Population," Honolulu Advertiser, June 2, 1971.

Burns' answer to the population problem is to disperse it to the outer islands, a "new community approach."

- "Counties Plan Population Control Group," Honolulu Star-Bulletin, December 11, 1971.

Discussions of the Hawaii State Association of Counties centered on a "re-examination of immigration policies toward a marked reduction." Opposition voiced the opinion that immigration made America great and should not be ended.

"Fasi Sees No Laws on In-migration," Honolulu Advertiser, May 2, 1972.

The mayor says he does not believe Hawaii can realistically hope to control in-migration through laws directly forbidding new residents to move here; but, economic conditions may have the same effect.

"Foreigners like Hawaii Better Than Other 49," Honolulu Advertiser, May 18, 1972.

Hawaii has the strongest allure for foreigners immigrating to the United States, the State reported.

"Hawaii and Overcrowding," Honolulu Advertiser, May 5, 1972.

A bill before Governor Burns is the establishment of a State Interdepartmental Transportation Control Commission with authority to limit transportation between Hawaii and the mainland, and the number of autos in the State. Purpose of the bill, introduced by Senator Yoshinaga, is to protect the health, safety, and welfare of the citizens.

"Immigrants' Effect on Isle Schools Cited," Honolulu Advertiser, March 3, 1972.

Masaishi Aunaga and Alf Pratte, chairman on the school advisory councils, expressed their concern over language and cultural problems suffered by immigrant children. The federal government must help subsidize the cost of additional immigrant education, because the State's current financial squeeze does not allow the schools to operate effectively.

"Immigrants and Hawaiians," Honolulu Advertiser, December 4, 1971.

Samuel E. Orphilla says that many professionals are allowed in under the third preference category, and now that they are here, there is a need for services to help in their assimilation process. He stressed that we should not waste their talents.

"Isles Popular Destination for Immigrants," Honolulu Star-Bulletin, May 17, 1972.

Hawaii is one of the most popular destinations in the nation for immigrants according to statistics prepared by the U. S. Immigration and Naturalization Service.

"Language, Housing, Jobs Still Frustrate Immigrants," by Helen Altonn, Honolulu Star-Bulletin, September 15, 1972.

Hawaii has had an increasing number of immigrants who have come here seeking a better life, only to find themselves buried under the weight of housing, employment, education, health, language and cultural problems.

"Limit Favored on Inflow of People," Honolulu Advertiser, April 13, 1972.

A resolution by Senator Yoshinaga favors a limit on migration to Hawaii from the U.S. mainland and foreign countries. It urges our congressional representatives to work towards a policy that no state will have to over-extend itself in the face of migration. It calls for a reduction in foreign immigration and the re-creation of the "Temporary Commission on Population Stabilization.

"Mark Says Population Limit Needed," Buck Donham, Honolulu Star-Bulletin, January 14, 1972.

Shelley Mark, State Planning Director, believes that a state limit on population is not possible until the "main parameters" are set. He believes that the key to population control is the economy and defining the "quality of life."

"Migration Curbs Asked by Rohlfing," The Sunday Advertiser, June 18, 1972.

Rohlfing says that increase of immigrants causes social, economic, and educational problems. He urges alternatives such as "federal relocation allowances" to relocate immigrants where they are needed, and a "job opportunities bank" which would bring people, skills and positions together.

"1970's Record Immigration", by Jerry Tune, Honolulu Star-Bulletin, February 4, 1971.

In 1970 Hawaii experienced the highest number of mainland in-migrants (excluding military) in its history; the chances are great that an in-migrant is young (median age of 24), female, and a white-collar worker.

"Officials Seek Population Stabilization," by John Knox, Honolulu Advertiser, December 11, 1971.

In the annual meeting of the Hawaii State Association of Counties, councilmen from all four counties approved a strongly worded policy

guideline on population stabilization including discouraging in-migration.

"Oregon Searches for Way to Stem Immigrant Tide," Leroy Aarons, The Sunday Advertiser, November 28, 1971.

Oregon recognized the overpopulation problem. Some of its measures are national T. V. ads "Please come visit us--but don't come here to live" and other discouraging slogans. Also comprehensive planning of business and natural resources are being discussed.

"Our Filipino Immigrants," The Sunday Advertiser, November 28, 1971.

A large problem of the Filipino immigrants is underemployment and over-qualification. We should made the most efficient use of this human resource, even though population is a problem. We must help these people once they are here to assimilate into the community.

"Our Population Issue," Honolulu Advertiser, December 8, 1971.

George Ariyoshi urged population control as a means of reducing spending and the quality of life. Suggestions include cutting down in-migration, birth control, and changing the life style of a consumer-oriented society.

"Report Cites Immigration in 1971," Honolulu Advertiser, April 18, 1972.

Over half of the 1971 immigrants came from the Philippines, and over one-third of mainland in-migrants came from west coast states.

"Residency and Beyond," The Sunday Advertiser, June 18, 1972.

"There is some irony in the fact the constitutionally-right rulings against residency come at a time when there is increasing talk and thought about how Hawaii can control its population size, including some restraints on migration here."

"Senator Seeks Migration Curb," by Gerry Keir, Honolulu Advertiser, June 10, 1971.

Yoshinaga is spearheading a fight to determine optimum population and to control growth beyond that point. He prefers indirect approaches instead of "singling out potential welfare recipients."

"60,898 Aliens Live in Hawaii," Honolulu Star-Bulletin,
March 15, 1972.

The Philippines was represented by the largest number of aliens living in Hawaii, followed by Japan, China and Taiwan, the United Kingdom, and Canada.

"State Meet on Population Aims Ideas for Future Action,"
Honolulu Advertiser, December 10, 1971.

Hawaii State Association of Counties had a conference to discuss migration and birth control. Dr. Garrett Hardin of UCSB suggested an exclusion bill to call attention to the problem. Mary George urged a more unified approach between government and business.

"The Population Effort", The Sunday Advertiser, December 12, 1971.

In a policy address at a Hawaii State Association of Counties gathering, Lieutenant Governor George Ariyoshi said, "The key work for Hawaii '72 is population control." Concerning in-migration, he talked about federal laws, possible if aimed at foreign immigration, and constitutional amendments, difficult to envision against interstate travel.

"35,855 Move in From Mainland," Honolulu Advertiser, April 9, 1971.

The total 1970 in-migration figure was contrasted against that of 1967, when an all-time high of 38,155 mainlanders moved to the Islands. The 1970 total was about equal to that of 1969, when 35,780 moved here.

"U. S. Official Says Isles Must Curb In-migration," by Lyle Nelson, Honolulu Star-Bulletin, December 16, 1971.

Hawaii must find a way to limit its permanent residents, not only by birth control but by limiting the migratory flow of citizens coming to Hawaii from the mainland.

"Yoshinaga Seeks Curbs on Population," by Gregg Kakesako, Honolulu Star-Bulletin, April 15, 1972.

Yoshinaga's resolution urging Congress to limit interstate migration was adopted unanimously by the Senate. One hundred fifty thousand dollars has been appropriated for population control and dispersal programs.

Migration - National

General:

Bogue, Donald J. and Thompson, Warren S., "Migration and Distance," American Sociological Review, Vol. 14, 1949, pp. 236-244.

Push and pull factors decrease with increasing distance, confirms intuitive beliefs that persons of higher income travel greater distances.

Butler, Edgar, et al., "Demographic & Social Psychological Factors in Residential Mobility," Sociology & Social Research, Vol. 48, 1964, pp. 139-154.

Residential mobility is measured by housing and neighborhood satisfaction.

Grumm, John G., "Population Change and State Government Policy," a paper prepared for the Commission on Population Growth and the American Future, January 1972.

Application of a method of migration policy analysis based mainly on multiple regression techniques and relying on causal inference theory; social indicators used for analysis education, public welfare, and health care.

Ielsky, Raymond, et al., "The Motivation and Characteristics of Internal Migrants," Milbank Memorial Fund Quarterly, Parts I & II, Vol. 41, April and July 1963, pp. 115-143 and pp. 217-248.

Interview maternity patients and married couples selected at random. Correlated variables of age, sex, and marital status. Results: migrants have higher IQ (Wechsler-Bellevue), better health, younger, and travel greater distance according to wealth.

Kammeyer, Kenneth C., An Introduction to Population, San Francisco: Chandler Publications, 1971.

Chapter 4 presents general knowledge and current theories on the nature, causes, and effects of migration. The heavy influence of economic and family factors are discussed. A three-level framework for studying migration is also given.

Lansing, John B. and Mueller, Eva, The Geographic Mobility of Labor, Ann Arbor: Survey Research Center, 1967.

Variables discussed are personal economic incentives, family and community ties: their subjective results and the authors' implications derived. Also, a chapter on the decision-making process.

Lee, Everett S., "A Theory of Migration," Demography, Vol. 3, 1966, pp. 47-57.

"A simple schema for migration has been elaborated, and from it certain hypotheses in regard to volume of migration...and the characteristics of migrants have been formulated...and work is proceeding toward further development in regard to the assimilation of migrants and in regard to the effect upon gaining and losing areas."

Leslie, Gerald R. and Richardson, Arthur H., "Life Cycle, Career Pattern and the Decision to Move," American Sociologist Review, Vol. 26, 1961, pp. 894-902.

Comparison and validation of two theories of residential mobility.

Marckwardt, A. M., Differentials of Recent Internal Migration in the U. S., High Wycomb: University Microfilm Ltd., 1968.

Using the Lansing & Mueller data, author applies multi-variate analysis to voluntary/involuntary categories of migrants. Repeat migration has special focus along with re-interviews a year later. Author wants to show methodological significance.

Morrison, Peter A., Dimensions of the Population Problem in the United States, Report No. R-864-CPG, Santa Monica: Rand Corporation, August 1972.

"Americans are displaying unprecedented concern with something they have labeled 'the population problem'. What masquerades as overpopulation, however, is actually the combined product of the population's size and its impact, magnified by rising consumption per capita, irregular age structure, and uneven distribution over the national territory. The body of this Report examines how these factors impinge on issues of domestic policy."

Morrison, Peter A., Population Mobility: How the Public Interest and Private Interests Diverge, Working Note No. WN-7548-CPG, Santa Monica: Rand Corporation, August 1971.

This Working Note has been prepared as part of a study of U. S. population growth, distribution, and migration. It examines the individual and collective outcomes of population movements, focusing specifically on three areas of policy concern: rural decline, central city abandonment, and future urban growth. It is intended to sharpen issues and identify potential directions of population policy.

Morrison, Peter A., Population Movements and the Shape of Urban Growth: Implications for Public Policy, Report No. R-1072-CPG, Santa Monica: Rand Corporation, August 1972.

This report explores the determinants and consequences of regional and local population movements and identified pertinent issues for U. S. policy on population distribution and urban growth. The geographic pattern of population movements comprises a network of flows that are linked to basic shifts in the regional and territorial balance of the U. S. economy.

Morrison, Peter A., The Impact of Population Stabilization on Migration and Redistribution, Working Note No. WN-7709-1-CPG, Santa Monica: Rand Corporation, February 1972.

A population stabilization policy envisions attaining a national balance between fertility and mortality. The mechanisms by which lower fertility might affect migration and redistribution fall into two categories: (1) shifts in population composition - chiefly age and family structure - that would alter the tempo of migration; (2) reconstitution of natural increase and migration components in local growth.

Morrison, Peter A., The Role of Migration in California's Growth, The Rand Corporation, Santa Monica, California, May 1971.

This paper emphasizes the migration component of California's population growth. Separate sections are devoted to (1) trends of state migration, (2) the historical role of migration, (3) California's differentiated urban system, (4) the selective character of statewide migratory growth, (5) research on migrants, and (6) implications of the above for state population policy.

Petersen, William, The Politics of Population, Garden City: Doubleday and Company, 1964.

Four chapters dealing with migration in this book are: (1) The "Scientific Basis of Our Immigration Policy," (2) A General Typology of Migration,

- (3) Internal Migration and Economic Development, and
- (4) Planned Migration. These deal with migration and immigration from a historical perspective.

Rossi, P. H., Why Families Move: A Study in the Social Psychology of Urban Residential Mobility, Glencoe: Free Press, 1955.

Fairly intensive study and analysis and a proposed model for the reasons behind residential mobility. Factors such as living space, distance to work, etc., are the primary focus area.

Shryock, Henry S., Jr., Population Mobility Within the United States, Chicago: University of Chicago Community and Family Study Center, 1964.

One chapter analyzed the Census Bureau's mobility survey of 1946 asking migrants their reason for moving. Variables of age, sex, and veteran status are discussed.

Shryock, Henry S., Jr., "Survey Statistics on Reasons for Moving," International Population Conference, London: The International Union for the Scientific Study of the Population, Vol. 4, 1971.

Describes and differentiates several foreign studies of their respective migrant population.

Thompson, W. S. and Lewis, D. T., Population Problems, 5th ed., New York: McGraw-Hill Book Company, 1965.

Chapter 18 on migration emphasizes that economic motives dominate reasons for moving. Also mentioned are religious, political, personal, and family reasons.

U. S. Bureau of the Census, "Mobility of the Population of the United States: March 1966 to March 1967," Current Population Reports, Series P-20, No. 171, U.S. Government Printing Office, Washington, D.C.

Published each year for the March to March period. Useful sections for migration are those on occupational mobility.

U. S. Commission on Population Growth and the American Future, Population and the American Future, Washington, D. C.: U. S. Government Printing Office, March 1972.

Chapters 3, 13, 14, and 15 deal with national migration under the titles of Population Distribution, Immigration, National Distribution and Migration Policies, and Population Statistics and

Research. Recommendations relating to migration are also directed toward the state and other local levels.

U. S. Department of Immigration and Naturalization, 1971 Annual Report of the Immigration and Naturalization Service, 1972.

This series of reports, published annually, summarizes the years' activities of the Department of Immigration and Naturalization. The data is compiled in Washington and contains information for the nation as a whole. There are a few references to Hawaii. Presents immigration trends, age-specific data, employment and deportation for the nation.

Fertility:

Bayer, Alan, "Differential Fertility of Nativity--Parentage Groups in the U. S.: The Assimilation of European Female Foreign Stock," Sociological Inquiry, 37, Winter, 1967, pp. 99-107.

Fertility rate is used as a measure of assimilation into a native population. European foreign-born have a significantly different fertility than native Americans, but the second generation's fertility rate is more in conformance with Americans.

Kiser, Clyde V., "Birth Rates Among Rural Migrants in Cities," Milbank Memorial Fund Quarterly, 16, October 1938, pp. 369-381.

Fertility of small samples of rural- or village-born migrants compared to urban migrants under comparable age and social status.

Kiser, Clyde V., "Fertility Rates in the U. S. by Residence and Migration," Proceedings of the International Population Conference, 1959, Vienna: Christoph Reisser's Sohne, 1959, pp. 273-286.

Based on 1940 census, fertility differentials of residence and migration looked at. Age and regional differences noted.

Long, Larry H., "The Fertility of Migrants to and within North America," Milbank Memorial Fund Quarterly, 48, July 1970, pp. 297-316.

Comparison of per capita birth of the United States and Canada noting inter-regional differences;

concludes that migrants have lower fertility rates than non-migrants and that destination is important. The context in which migration occurs has considerable effects.

Macisco, John J., Jr., "Fertility of White Migrant Women, U. S. 1960: A Stream Analysis," Rural Sociology, 33, December 1968, pp. 474-479.

U. S. Census data, fertility rates for migrants and non-migrants are compared from their destination or origin, metropolitan or non-metropolitan; concludes that direction and timing are important factors.

Spengler, Joseph J., "The Decline in the Birth Rate of the Foreign Born," Scientific Monthly, 32, January 1931, pp. 54-59.

Increasing fear of a high birth rate of foreign immigrants is unwarranted. Higher rate than native Americans is due to higher rate of married women for foreigners. Foreign birth rate showed trend of declining as they adopt to American ways.

Waterhouse, J. A. H. and Brabban, Diana H., "Inquiry Into Fertility of Immigrants: Preliminary Report," Eugenics Review, 51, April 1964, pp. 7-18.

Compares fertility rates of foreign immigrants. Notes specific social differences and suggests a methodology for information gathering before implementing family planning measures.

Legal:

Constitutional Law--Equal Protection and Residence Requirements, Note 49 N.C. L. Rev. 753 (1971).

Discusses durational residence requirements for professional licenses in light of Shapiro v. Thompson. The article concludes that a residence requirement for professional licenses is inaccurate and punitive.

Edgar, Harold and Greenwald, Kent, The Legal Tradition and Some Population Control Proposals, The Hastings Center, Institute of Society, Ethics, and the Life Sciences, Hastings-on-Hudson, N.Y.

The article is concerned with the relationship between the legal tradition and population control. The focus is on four key values in the legal system as they might affect population proposals. The authors posit security and general welfare as supporting population control with freedom and justice in opposition to such measures. The authors further indicate that the federal government has the authority to implement population programs under the commerce power. Some general policy proposals are then set forth for population control.

Entrance and Disciplinary Requirements of Occupational Licenses in California, 14 Stanford L. Rev. 533 (1960).

Article discusses certain aspects of California licensing law. The note covers (1) the licensing controversy, (2) qualifications for licensing (e.g. character and experience), and (3) revocation and suspension of occupational licenses.

Equal Protection and Supremacy Clause Limitations on State Legislation Restricting Aliens, Comment, Utah L. Rev. 136 (January 1970).

Presents an overview of the scope of the supremacy clause and the limitations the clause imposes on state legislation restricting aliens. Discusses potential areas where states might be permitted to restrict aliens--holding elective office, engaging in certain professions, trades and occupations. Concludes that the operative area for state action is narrow and should be re-evaluated to eliminate alienage restrictions.

Fernandez, Ferdinand F., The Census, 42 So. Cal. L. Rev. 245 (1969).

Critical analysis of the federal census, discussing possible sources of federal census power and constitutional limitations on this power. Analysis on the possibility that the census is too expansive and represents a potential invasion of privacy.

Gellhorn, W., Individual Freedom and Governmental Restriants, Chapter 8, "The Right to Make a Living," Louisiana State University Press, Baton Rouge (1956).

Interesting and insightful opinions as to: (1) the extent of occupational licensing; (2) social consequences of licensing; (3) constitutional validity of licensing; (4) the intrusion

of irrelevancies; (5) the problem of administration; and (6) suggestions for a possible reorientation.

Golding, Naomi H., Ethical Aspects of Governmental Policies Affecting Immigration and Population Distribution, The Hastings Center, Institute of Society, Ethics, and the Life Sciences, Hastings-on-Hudson, N.Y.

Focuses on migration (population movement) and distribution (the physical contours of population spread within special parameters). Discussion centers on the interests of these two independent but interrelated populations as they might be affected by governmental programs. Concludes that social and welfare costs and benefits are pertinent in any analysis assessing policy even though popular sentiment may support the policy.

Goldman, Marshal, et al., Environmental Affairs, Boston College Environmental Law Center, Vol. 2, No. 1, Spring 1972.

Fourteen articles covering various aspects of the environment as it relates to the quality of life.

Graves, W. Brooke, Professional and Occupational Restrictions, 13 Temple L. Q. 334 (1939).

An interesting, although dated, article discussing the number and scope of licensing laws, the legal bases and organization of licensing laws, and the licensing problems of individual professional groups.

Howard, Connie L., "What Effect Has the 1965 Amendment to the National Immigration Law Had on Hawaii?", unpublished paper, School of Public Health, University of Hawaii, August 1972.

Relates the 1965 Immigration Act to the increase in the number of aliens residing in Hawaii. Demonstrates a 368 per cent increase in Hawaii while the rest of the nation has experienced only a 25 per cent increase since 1965.

Jackson, Z. B., America's Changing Immigration Policy, 4 Lincoln L. Rev. 72 (1968).

Practical guide to the maze and complexities of immigration and nationality law. General discussion of the historical evolution of those laws, their enforcement, and areas pertinent to a practitioner of immigration law such as entry

procedure, deportation, change of status of aliens within the United States, and state proceedings affecting the rights of aliens.

Legal Analysis and Population Control: The Problem of Coercion,
84 Harv. L. Rev. 1856 (1971).

Discusses factors that will need to occur prior to effective legislative action on population control. Analyses areas of legal development affecting population growth as well as public attitudes as to the form population control should take if it is to occur.

Lojek, Martin, Martinez, Monroe, "Equal Employment Opportunity Legislation: A Study of a Response to a Social Need,"
Denver Law Journal, Vol. 47, 1970, p. 521.

Describes the law with respect to job discrimination in Colorado and evaluates responses of a sample who are involved in the implementation of the laws. The state law is described as stricter than the federal law.

Maggs, Peter B., Legal Regulation of Population Movement To, From, and Within the United States--A Survey of Current Law and Constitutional Limitations, Working Paper of the East-West Center Population Institute, Number 25, June 1972.

Dr. Maggs deals in general with the constitutional limitations imposed on states by the Supreme Court re: Statutes limiting migration or discrimination between old and new residents of states. Discusses right to travel, vote, etc. Delves into area of restrictive zoning as one "indirect" method of controlling immigration. Such zoning provisions are also subject to constitutional attack, however, if they serve the purpose of discriminating against minorities, etc.

Miller, Arther S., and Davidson, John, Jr., Observations on Population Policy-Making and the Constitution, 40 Geo. Washington L. Rev. 618 (1972).

Analysis of the constitutional problems involved in population policy-making, primarily at the federal level. Concludes that major population policies are not contradictory to the Constitution as that document and public and judicial attitudes change over time.

Occupational Licensing: An Argument for Asserting State Control, Note, 44 Notre Dame Lawyer 104 (1968).

A brief survey of state licensing vis a vis city licensing and concluding with an argument for centralized licensing, particularly in the building trades.

Occupational Licensing Legislation in the States, prepared by the Council of State Governments, Chicago, Illinois (1952).

Booklet covering: (1) the scope and definition of licensing; (2) the history and background of licensing; (3) trends in contemporary licensing; (4) state organization; (5) powers and duties of occupational licensing boards; (6) licensing and occupational barriers; and (7) legislative considerations in the licensing field.

Pailinck, Jean, et al. (eds.), Regional and Urban Economics: Operational Methods, Vol. 2, North-Holland Publishing Co., Amsterdam (1972).

Articles and reviews of books concerned with operational solutions of problems in urban and regional economics. Each article is model-oriented, comprising a statement of a specific problem, the model used to solve the problem and a study of the statistical methods used to implement the model.

Power of the State to Restrict One's Right to Engage in Lawful Occupation, 25 Va. L. Rev. 219 (1939).

A short, concise report on the legal bases for occupational licensing.

Protection of Environmental Quality in Nonmetropolitan Regions by Limiting Development, Note, 57 Iowa L. Rev. 126 (1971).

This note focuses on the protection of environmental areas beyond the suburbs. The article hypothesizes major population groups moving from metropolitan areas (urban and suburban) into nonmetropolitan and largely unpopulated regions. Analyzes methods of controlling this development through zoning, public acquisition, and considers the barriers confronting a policy of limited development.

Residence Requirements after Shapiro v. Thompson, 70 Colum. L. Rev. 134 (1970).

Analyzes the decision in Shapiro v. Thompson and the effect of that holding on

other residence requirements. Concludes that the scope of Shapiro may extend well beyond what the Supreme Court had anticipated.

Sadler, Blair L., Legal and Ethical Implications of Reducing Immigration as Part of a Comprehensive Population Policy, The Hasting Center, Institute of Society, Ethics, and the Life Sciences, Hastings-on-Hudson, N.Y.

Considers the impact of the 1965 Immigration and Naturalization Act on U. S. population growth, the values and goals underlying the immigration policy, the legal authority of Congress to formulate policy. Hypothesizes proposals to reduce immigration in light of these legal and ethical considerations.

Scully, Thomas J., Is The Door Open Again?--A Survey of Our New Immigration Law, 13 U.C.L.A. L. Rev. 227 (1965-66).

Discusses the amendatory nature of the 1965 Immigration Act to eliminate inequities in the old law. Relates prior immigration policy, states the new law and its effects on the source of immigrants.

Shapiro v. Thompson: 89 S. Ct. 1322 (1969), Duquesne Law Review 170, at 178.

Article points out emphasis to be majority that appellees had not moved into new jurisdiction in order to get increased welfare benefits stating that if this is so, then since the welfare situation in Connecticut was not a moving factor, it was not relevant to decision to exercise the right to travel.

Shapiro v. Thompson: A New Approach Under the Equal Protection Clause? 6 California Western Law Review 179 at 182, 191, 193.

States that it is erroneous to conclude from Shapiro that all state laws based upon financial considerations are unconstitutional. Article distinguished Edwards v. California from Shapiro, pointing out that while Edwards involved a direct bar to interstate travel (statute prohibiting bringing into California of non-resident indigents), no such prohibition was presented by statute in Shapiro. Shapiro also criticized at 193.

Shapiro v. Thompson, Constitutional Law - Equal Protection - Residency Requirements: 394 U. S. 618 (1969), 21 Case Western Reserve Law Review 571, at 582, 583.

States circumstances favoring rule that members of professions be obliged to meet certain requirements before obtaining a license to practice within a state. States argument that one-year waiting requirement in area of professional licensing would not work such a hardship on the applicant as a one-year residency requirement for welfare would.

Shapiro v. Thompson, Equal Protection - State Residence Requirements for Welfare Recipients: 83 Harvard Law Review 118 at 121, 122, 125.

Talks about Justice Harlan's doubt in Shapiro as to the effect of the durational residency requirement on freedom of interstate travel. States that its impact on migration is largely unknown. At 125 it is discussed how, in the light of Shapiro, the interstate mobility of migrants in search of work will be inhibited by denying them welfare.

Smith, Bruce G., Airport "Service Charges" and the Constitutional Barriers to State Taxation of Airport Users, 43 U. of Colo. L. Rev. 79 (1971).

Analyzes the feasibility of airport service charges to aid airport construction and maintenance. Sets forth alternative methods of implementing the charge and the judicial considerations that should be considered when analyzing a statute containing such charges.

Sponsor Liability for Alien Immigrants: The Affidavit of Support in Light of Recent Developments, Comment, 7 San Diego L. Rev. 314 (1970).

The article is concerned with recent California decisions affecting the affidavit of support. Analyzes the legal status of the affidavit in light of these decisions.

The Right to Travel--Its Protection and Application Under the Constitution, Note, 40 U.M.K.C. L. Rev. 66 (1971).

Relates the historical derivations of the right to travel and the lack of any particular constitutional source of the right. Concludes that the application of the right among various areas is inconsistent because of the multitude of sources and that there is a further lack of specific guidelines for applying the right to varying factual situations.