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May 30, 2007

Mr. Michael S. Flores
Acting Field Office Director
U.S. Department of Housing and Urban Development.

Dear Mr. Flores,

Re: Demand pursuant to the APA that HUD and other agencies and the United States cease and desist from enforcement or implementation of the Compact in §4 Hawaii Admission Act, the HHCA and all other laws, customs or practices that assist, finance, aid or abet the enforcement or implementation of the HHCA.

Thank you and Secretary Jackson for your letter of May 14, 2007. I called Assistant Secretary Kim Kendrick's office this morning ~~but have not yet heard back.~~ *they asked me to fax the letters. HWB*

As you may know, in 1990, the United States amended the Housing and Community Development Act of 1974, to waive the race discrimination prohibitions regarding assistance to Hawaiian Home lands. Pub.L. 101-625, Sec. 911, added subsec. (d), thereby rather blatantly purporting to give HUD a free pass to discriminate by race in violation of the equal protection requirement implicit in the Fifth Amendment of the U.S. Constitution. President George H.W. Bush, in his signing statement November 28, 1990, pointed out that the preference for native Hawaiians is a racial classification; and the exemption of this preference from the laws relating to nondiscrimination on account of race, cannot be derived from laws giving benefits to members of Indian tribes. He directed the Attorney General and the Secretary of Housing and Urban Development to prepare remedial legislation for submission to the Congress during its next session, so that the 1990 Act, and similar provisions in other Acts, can be brought into compliance with the Constitution's requirements.

I would like to know what HUD has done, with respect to HHCA, since 1990 to bring its operations into compliance with the Constitution's requirements of nondiscrimination on account of race; whether it now intends to do that; and, if so, how soon will HUD stop assisting, financing, aiding or abetting the enforcement and implementation of the HHCA.

Very truly yours,

A handwritten signature in cursive script, appearing to read "H. William Burgess".

H. William Burgess

cc: Assistant Secretary Kim Kendrick via FAX