

**NATIVE HAWAIIAN GOVERNMENT  
REORGANIZATION ACT**

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---

**HEARING**

BEFORE THE

**COMMITTEE ON INDIAN AFFAIRS  
UNITED STATES SENATE**

**ONE HUNDRED NINTH CONGRESS**

FIRST SESSION

ON

**S. 147**

TO EXPRESS THE POLICY OF THE UNITED STATES REGARDING THE  
UNITED STATES RELATIONSHIP WITH NATIVE HAWAIIANS AND TO  
PROVIDE A PROCESS FOR THE RECOGNITION BY THE UNITED STATES  
OF THE NATIVE HAWAIIAN GOVERNING ENTITY

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MARCH 1, 2005  
WASHINGTON, DC



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# NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT

TUESDAY, MARCH 1, 2005

U.S. SENATE,  
COMMITTEE ON INDIAN AFFAIRS,  
*Washington, DC.*

The committee met, pursuant to notice, at 10 a.m. in room 485, Russell Senate Building, Hon. John McCain (chairman of the committee) presiding.

Present: Senators McCain, Akaka, and Dorgan.

## **STATEMENT OF HON. JOHN MCCAIN, U.S. SENATOR FROM ARIZONA, CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS**

The CHAIRMAN. Good morning. Please take your seats and we will begin the hearing on time.

I am pleased to convene this hearing this morning on S. 147, the Native Hawaiian Government Reorganization Act of 2005, which my friends from Hawaii, Senators Akaka and Inouye have worked so hard to advance. I might add that Senator Inouye is ill this morning. I got a call from him. He is a little under the weather, and so he will not be here this morning, but he obviously has a very longstanding commitment and involvement on this issue.

S. 147 legislates a process whereby Native Hawaiians can re-constitute a governmental entity. The history of the Hawaiian Islands and their annexation in the United States is not one of the shining moments in our history. That said, my reservations with this legislation have been reported more widely, in fact, than I anticipated. First, I want to be sure that the recognition of a Native Hawaiian government is not inconsistent with any understanding or agreements at the time of statehood in 1959. My staff on the Indian Affairs Committee has been researching this issue and I am sure others have been doing that as well.

Second, I think the bill should not be read to release the State of Hawaii of any liabilities it has incurred or any obligations that it undertook as part of the statehood process.

Finally, I feel that the resources are currently available to the Bureau of Indian Affairs, the Indian Health Service and other Federal agencies conducting Indian programs are already inadequate to meet the needs of Indian people. We want to be very careful about spreading it any thinner than they already are with the addition of a large population of new program recipients.

I look forward to addressing these issues this morning. I understand that there are many people who have asked to testify today

who we could not accommodate, including the Association of Hawaiian Civic Clubs. Regrettably, although our committee invited the Department of Justice to testify, they chose not to send a witness to today's hearing. I hope we can get the Administration's views on this bill at a later time.

[Text of S. 147 follows:]



109TH CONGRESS  
1ST SESSION

# S. 147

To express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

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IN THE SENATE OF THE UNITED STATES

JANUARY 25, 2005

Mr. AKAKA (for himself and Mr. INOUE) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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## A BILL

To express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Native Hawaiian Gov-  
5 ernment Reorganization Act of 2005”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1           (1) the Constitution vests Congress with the au-  
2           thority to address the conditions of the indigenous,  
3           native people of the United States;

4           (2) Native Hawaiians, the native people of the  
5           Hawaiian archipelago that is now part of the United  
6           States, are indigenous, native people of the United  
7           States;

8           (3) the United States has a special political and  
9           legal responsibility to promote the welfare of the na-  
10          tive people of the United States, including Native  
11          Hawaiians;

12          (4) under the treaty making power of the  
13          United States, Congress exercised its constitutional  
14          authority to confirm treaties between the United  
15          States and the Kingdom of Hawaii, and from 1826  
16          until 1893, the United States—

17                (A) recognized the sovereignty of the King-  
18                dom of Hawaii;

19                (B) accorded full diplomatic recognition to  
20                the Kingdom of Hawaii; and

21                (C) entered into treaties and conventions  
22                with the Kingdom of Hawaii to govern com-  
23                merce and navigation in 1826, 1842, 1849,  
24                1875, and 1887;

1           (5) pursuant to the Hawaiian Homes Commis-  
2           sion Act, 1920 (42 Stat. 108, chapter 42), the  
3           United States set aside approximately 203,500 acres  
4           of land to address the conditions of Native Hawai-  
5           ians in the Federal territory that later became the  
6           State of Hawaii;

7           (6) by setting aside 203,500 acres of land for  
8           Native Hawaiian homesteads and farms, the Hawai-  
9           ian Homes Commission Act assists the members of  
10          the Native Hawaiian community in maintaining dis-  
11          tinct native settlements throughout the State of Ha-  
12          waii;

13          (7) approximately 6,800 Native Hawaiian fami-  
14          lies reside on the Hawaiian Home Lands and ap-  
15          proximately 18,000 Native Hawaiians who are eligi-  
16          ble to reside on the Hawaiian Home Lands are on  
17          a waiting list to receive assignments of Hawaiian  
18          Home Lands;

19          (8)(A) in 1959, as part of the compact with the  
20          United States admitting Hawaii into the Union,  
21          Congress established a public trust (commonly  
22          known as the “ceded lands trust”), for 5 purposes,  
23          1 of which is the betterment of the conditions of Na-  
24          tive Hawaiians;

1 (B) the public trust consists of lands, including  
2 submerged lands, natural resources, and the reve-  
3 nues derived from the lands; and

4 (C) the assets of this public trust have never  
5 been completely inventoried or segregated;

6 (9) Native Hawaiians have continuously sought  
7 access to the ceded lands in order to establish and  
8 maintain native settlements and distinct native com-  
9 munities throughout the State;

10 (10) the Hawaiian Home Lands and other  
11 ceded lands provide an important foundation for the  
12 ability of the Native Hawaiian community to main-  
13 tain the practice of Native Hawaiian culture, lan-  
14 guage, and traditions, and for the survival and eco-  
15 nomic self-sufficiency of the Native Hawaiian people;

16 (11) Native Hawaiians continue to maintain  
17 other distinctly native areas in Hawaii;

18 (12) on November 23, 1993, Public Law 103-  
19 150 (107 Stat. 1510) (commonly known as the  
20 “Apology Resolution”) was enacted into law, extend-  
21 ing an apology on behalf of the United States to the  
22 native people of Hawaii for the United States’ role  
23 in the overthrow of the Kingdom of Hawaii;

24 (13) the Apology Resolution acknowledges that  
25 the overthrow of the Kingdom of Hawaii occurred

1 with the active participation of agents and citizens  
2 of the United States and further acknowledges that  
3 the Native Hawaiian people never directly relin-  
4 quished to the United States their claims to their in-  
5 herent sovereignty as a people over their national  
6 lands, either through the Kingdom of Hawaii or  
7 through a plebiscite or referendum;

8 (14) the Apology Resolution expresses the com-  
9 mitment of Congress and the President—

10 (A) to acknowledge the ramifications of the  
11 overthrow of the Kingdom of Hawaii;

12 (B) to support reconciliation efforts be-  
13 tween the United States and Native Hawaiians;  
14 and

15 (C) to consult with Native Hawaiians on  
16 the reconciliation process as called for in the  
17 Apology Resolution;

18 (15) despite the overthrow of the government of  
19 the Kingdom of Hawaii, Native Hawaiians have con-  
20 tinued to maintain their separate identity as a dis-  
21 tinct native community through cultural, social, and  
22 political institutions, and to give expression to their  
23 rights as native people to self-determination, self-  
24 governance, and economic self-sufficiency;

1           (16) Native Hawaiians have also given expres-  
2           sion to their rights as native people to self-deter-  
3           mination, self-governance, and economic self-  
4           sufficiency—

5                   (A) through the provision of governmental  
6           services to Native Hawaiians, including the pro-  
7           vision of—

8                           (i) health care services;

9                           (ii) educational programs;

10                          (iii) employment and training pro-  
11                          grams;

12                          (iv) economic development assistance  
13                          programs;

14                          (v) children’s services;

15                          (vi) conservation programs;

16                          (vii) fish and wildlife protection;

17                          (viii) agricultural programs;

18                          (ix) native language immersion pro-  
19                          grams;

20                          (x) native language immersion schools  
21                          from kindergarten through high school;

22                          (xi) college and master’s degree pro-  
23                          grams in native language immersion in-  
24                          struction; and

25                          (xii) traditional justice programs, and

1 (B) by continuing their efforts to enhance  
2 Native Hawaiian self-determination and local  
3 control;

4 (17) Native Hawaiians are actively engaged in  
5 Native Hawaiian cultural practices, traditional agri-  
6 cultural methods, fishing and subsistence practices,  
7 maintenance of cultural use areas and sacred sites,  
8 protection of burial sites, and the exercise of their  
9 traditional rights to gather medicinal plants and  
10 herbs, and food sources;

11 (18) the Native Hawaiian people wish to pre-  
12 serve, develop, and transmit to future generations of  
13 Native Hawaiians their lands and Native Hawaiian  
14 political and cultural identity in accordance with  
15 their traditions, beliefs, customs and practices, lan-  
16 guage, and social and political institutions, to con-  
17 trol and manage their own lands, including ceded  
18 lands, and to achieve greater self-determination over  
19 their own affairs;

20 (19) this Act provides a process within the  
21 framework of Federal law for the Native Hawaiian  
22 people to exercise their inherent rights as a distinct,  
23 indigenous, native community to reorganize a Native  
24 Hawaiian governing entity for the purpose of giving

1 expression to their rights as native people to self-de-  
2 termination and self-governance;

3 (20) Congress—

4 (A) has declared that the United States  
5 has a special responsibility for the welfare of  
6 the native peoples of the United States, includ-  
7 ing Native Hawaiians;

8 (B) has identified Native Hawaiians as a  
9 distinct group of indigenous, native people of  
10 the United States within the scope of its au-  
11 thority under the Constitution, and has enacted  
12 scores of statutes on their behalf ; and

13 (C) has delegated broad authority to the  
14 State of Hawaii to administer some of the  
15 United States' responsibilities as they relate to  
16 the Native Hawaiian people and their lands;

17 (21) the United States has recognized and re-  
18 affirmed the special political and legal relationship  
19 with the Native Hawaiian people through the enact-  
20 ment of the Act entitled, “An Act to provide for the  
21 admission of the State of Hawaii into the Union”,  
22 approved March 18, 1959 (Public Law 86-3; 73  
23 Stat. 4), by—

24 (A) ceding to the State of Hawaii title to  
25 the public lands formerly held by the United



1 States, and mandating that those lands be held  
2 as a public trust for 5 purposes, 1 of which is  
3 for the betterment of the conditions of Native  
4 Hawaiians; and

5 (B) transferring the United States' respon-  
6 sibility for the administration of the Hawaiian  
7 Home Lands to the State of Hawaii, but retain-  
8 ing the authority to enforce the trust, including  
9 the exclusive right of the United States to con-  
10 sent to any actions affecting the lands that  
11 comprise the corpus of the trust and any  
12 amendments to the Hawaiian Homes Commis-  
13 sion Act, 1920 (42 Stat. 108, chapter 42) that  
14 are enacted by the legislature of the State of  
15 Hawaii affecting the beneficiaries under the  
16 Act;

17 (22) the United States has continually recog-  
18 nized and reaffirmed that—

19 (A) Native Hawaiians have a cultural, his-  
20 toric, and land-based link to the aboriginal, in-  
21 digenous, native people who exercised sov-  
22 ereignty over the Hawaiian Islands;

23 (B) Native Hawaiians have never relin-  
24 quished their claims to sovereignty or their sov-  
25 ereign lands;

1 (C) the United States extends services to  
2 Native Hawaiians because of their unique sta-  
3 tus as the indigenous, native people of a once-  
4 sovereign nation with whom the United States  
5 has a political and legal relationship; and

6 (D) the special trust relationship of Amer-  
7 ican Indians, Alaska Natives, and Native Ha-  
8 waiians to the United States arises out of their  
9 status as aboriginal, indigenous, native people  
10 of the United States; and

11 (23) the State of Hawaii supports the reaffir-  
12 mation of the political and legal relationship between  
13 the Native Hawaiian governing entity and the  
14 United States as evidenced by 2 unanimous resolu-  
15 tions enacted by the Hawaii State Legislature in the  
16 2000 and 2001 sessions of the Legislature and by  
17 the testimony of the Governor of the State of Hawaii  
18 before the Committee on Indian Affairs of the Sen-  
19 ate on February 25, 2003.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) ABORIGINAL, INDIGENOUS, NATIVE PEO-  
23 PLE.—The term “aboriginal, indigenous, native peo-  
24 ple” means people whom Congress has recognized as  
25 the original inhabitants of the lands that later be-

1 came part of the United States and who exercised  
2 sovereignty in the areas that later became part of  
3 the United States.

4 (2) ADULT MEMBER.—The term “adult mem-  
5 ber” means a Native Hawaiian who has attained the  
6 age of 18 and who elects to participate in the reor-  
7 ganization of the Native Hawaiian governing entity.

8 (3) APOLOGY RESOLUTION.—The term “Apol-  
9 ogy Resolution” means Public Law 103–150 (107  
10 Stat. 1510), a Joint Resolution extending an apol-  
11 ogy to Native Hawaiians on behalf of the United  
12 States for the participation of agents of the United  
13 States in the January 17, 1893, overthrow of the  
14 Kingdom of Hawaii.

15 (4) COMMISSION.—The term “commission”  
16 means the Commission established under section  
17 7(b) to provide for the certification that those adult  
18 members of the Native Hawaiian community listed  
19 on the roll meet the definition of Native Hawaiian  
20 set forth in paragraph (8).

21 (5) COUNCIL.—The term “council” means the  
22 Native Hawaiian Interim Governing Council estab-  
23 lished under section 7(c)(2).

24 (6) INDIGENOUS, NATIVE PEOPLE.—The term  
25 “indigenous, native people” means the lineal de-

1 scendants of the aboriginal, indigenous, native peo-  
 2 ple of the United States.

3 (7) INTERAGENCY COORDINATING GROUP.—The  
 4 term “Interagency Coordinating Group” means the  
 5 Native Hawaiian Interagency Coordinating Group  
 6 established under section 6.

7 (8) NATIVE HAWAIIAN.—For the purpose of es-  
 8 tablishing the roll authorized under section 7(c)(1)  
 9 and before the reaffirmation of the political and  
 10 legal relationship between the United States and the  
 11 Native Hawaiian governing entity, the term “Native  
 12 Hawaiian” means—

13 (A) an individual who is one of the indige-  
 14 nous, native people of Hawaii and who is a di-  
 15 rect lineal descendant of the aboriginal, indige-  
 16 nous, native people who—

17 (i) resided in the islands that now  
 18 comprise the State of Hawaii on or before  
 19 January 1, 1893; and

20 (ii) occupied and exercised sovereignty  
 21 in the Hawaiian archipelago, including the  
 22 area that now constitutes the State of Ha-  
 23 waii; or

24 (B) an individual who is one of the indige-  
 25 nous, native people of Hawaii and who was eli-

1           gible in 1921 for the programs authorized by  
2           the Hawaiian Homes Commission Act (42 Stat.  
3           108, chapter 42) or a direct lineal descendant  
4           of that individual.

5           (9) NATIVE HAWAIIAN GOVERNING ENTITY.—  
6           The term “Native Hawaiian Governing Entity”  
7           means the governing entity organized by the Native  
8           Hawaiian people pursuant to this Act.

9           (10) OFFICE.—The term “Office” means the  
10          United States Office for Native Hawaiian Relations  
11          established by section 5(a).

12          (11) SECRETARY.—The term “Secretary”  
13          means the Secretary of the Interior.

14 **SEC. 4. UNITED STATES POLICY AND PURPOSE.**

15          (a) POLICY.—The United States reaffirms that—

16               (1) Native Hawaiians are a unique and distinct,  
17               indigenous, native people with whom the United  
18               States has a special political and legal relationship;

19               (2) the United States has a special political and  
20               legal relationship with the Native Hawaiian people  
21               which includes promoting the welfare of Native Ha-  
22               waiians;

23               (3) Congress possesses the authority under the  
24               Constitution, including but not limited to Article I,  
25               section 8, clause 3, to enact legislation to address

1 the conditions of Native Hawaiians and has exer-  
2 cised this authority through the enactment of—

3 (A) the Hawaiian Homes Commission Act,  
4 1920 (42 Stat. 108, chapter 42);

5 (B) the Act entitled “An Act to provide for  
6 the admission of the State of Hawaii into the  
7 Union”, approved March 18, 1959 (Public Law  
8 86–3, 73 Stat. 4); and

9 (C) more than 150 other Federal laws ad-  
10 dressing the conditions of Native Hawaiians;

11 (4) Native Hawaiians have—

12 (A) an inherent right to autonomy in their  
13 internal affairs;

14 (B) an inherent right of self-determination  
15 and self-governance;

16 (C) the right to reorganize a Native Ha-  
17 waiian governing entity; and

18 (D) the right to become economically self-  
19 sufficient; and

20 (5) the United States shall continue to engage  
21 in a process of reconciliation and political relations  
22 with the Native Hawaiian people.

23 (b) PURPOSE.—The purpose of this Act is to provide  
24 a process for the reorganization of the Native Hawaiian  
25 governing entity and the reaffirmation of the political and

1 legal relationship between the United States and the Na-  
2 tive Hawaiian governing entity for purposes of continuing  
3 a government-to-government relationship.

4 **SEC. 5. UNITED STATES OFFICE FOR NATIVE HAWAIIAN RE-**  
5 **LATIONS.**

6 (a) ESTABLISHMENT.—There is established within  
7 the Office of the Secretary, the United States Office for  
8 Native Hawaiian Relations.

9 (b) DUTIES.—The Office shall—

10 (1) continue the process of reconciliation with  
11 the Native Hawaiian people in furtherance of the  
12 Apology Resolution;

13 (2) upon the reaffirmation of the political and  
14 legal relationship between the Native Hawaiian gov-  
15 erning entity and the United States, effectuate and  
16 coordinate the special political and legal relationship  
17 between the Native Hawaiian governing entity and  
18 the United States through the Secretary, and with  
19 all other Federal agencies;

20 (3) fully integrate the principle and practice of  
21 meaningful, regular, and appropriate consultation  
22 with the Native Hawaiian governing entity by pro-  
23 viding timely notice to, and consulting with, the Na-  
24 tive Hawaiian people and the Native Hawaiian gov-  
25 erning entity before taking any actions that may

1 have the potential to significantly affect Native Ha-  
2 waiian resources, rights, or lands;

3 (4) consult with the Interagency Coordinating  
4 Group, other Federal agencies, the Governor of the  
5 State of Hawaii and relevant agencies of the State  
6 of Hawaii on policies, practices, and proposed ac-  
7 tions affecting Native Hawaiian resources, rights, or  
8 lands; and

9 (5) prepare and submit to the Committee on  
10 Indian Affairs and the Committee on Energy and  
11 Natural Resources of the Senate and the Committee  
12 on Resources of the House of Representatives an an-  
13 nual report detailing the activities of the Interagency  
14 Coordinating Group that are undertaken with re-  
15 spect to the continuing process of reconciliation and  
16 to effect meaningful consultation with the Native  
17 Hawaiian governing entity and providing rec-  
18 ommendations for any necessary changes to Federal  
19 law or regulations promulgated under the authority  
20 of Federal law.

21 **SEC. 6. NATIVE HAWAIIAN INTERAGENCY COORDINATING**  
22 **GROUP.**

23 (a) ESTABLISHMENT.—In recognition that Federal  
24 programs authorized to address the conditions of Native  
25 Hawaiians are largely administered by Federal agencies



1 other than the Department of the Interior, there is estab-  
2 lished an interagency coordinating group to be known as  
3 the “Native Hawaiian Interagency Coordinating Group”.

4 (b) COMPOSITION.—The Interagency Coordinating  
5 Group shall be composed of officials, to be designated by  
6 the President, from—

7 (1) each Federal agency that administers Na-  
8 tive Hawaiian programs, establishes or implements  
9 policies that affect Native Hawaiians, or whose ac-  
10 tions may significantly or uniquely impact Native  
11 Hawaiian resources, rights, or lands; and

12 (2) the Office.

13 (c) LEAD AGENCY.—

14 (1) IN GENERAL.—The Department of the Inte-  
15 rior shall serve as the lead agency of the Interagency  
16 Coordinating Group.

17 (2) MEETINGS.—The Secretary shall convene  
18 meetings of the Interagency Coordinating Group.

19 (d) DUTIES.—The Interagency Coordinating Group  
20 shall—

21 (1) coordinate Federal programs and policies  
22 that affect Native Hawaiians or actions by any agen-  
23 cy or agencies of the Federal Government that may  
24 significantly or uniquely affect Native Hawaiian re-  
25 sources, rights, or lands;

1           (2) ensure that each Federal agency develops a  
 2 policy on consultation with the Native Hawaiian peo-  
 3 ple, and upon the reaffirmation of the political and  
 4 legal relationship between the Native Hawaiian gov-  
 5 erning entity and the United States, consultation  
 6 with the Native Hawaiian governing entity; and

7           (3) ensure the participation of each Federal  
 8 agency in the development of the report to Congress  
 9 authorized in section 5(b)(5).

10 **SEC. 7. PROCESS FOR THE REORGANIZATION OF THE NA-**  
 11 **TIVE HAWAIIAN GOVERNING ENTITY AND**  
 12 **THE REAFFIRMATION OF THE POLITICAL**  
 13 **AND LEGAL RELATIONSHIP BETWEEN THE**  
 14 **UNITED STATES AND THE NATIVE HAWAIIAN**  
 15 **GOVERNING ENTITY.**

16           (a) **RECOGNITION OF THE NATIVE HAWAIIAN GOV-**  
 17 **ERNING ENTITY.**—The right of the Native Hawaiian peo-  
 18 ple to reorganize the Native Hawaiian governing entity to  
 19 provide for their common welfare and to adopt appropriate  
 20 organic governing documents is recognized by the United  
 21 States.

22           (b) **COMMISSION.**—

23           (1) **IN GENERAL.**—There is authorized to be es-  
 24 tablished a Commission to be composed of nine  
 25 members for the purposes of—

1 (A) preparing and maintaining a roll of the  
2 adult members of the Native Hawaiian commu-  
3 nity who elect to participate in the reorganiza-  
4 tion of the Native Hawaiian governing entity;  
5 and

6 (B) certifying that the adult members of  
7 the Native Hawaiian community proposed for  
8 inclusion on the roll meet the definition of Na-  
9 tive Hawaiian in paragraph (8) of section 3.

10 (2) MEMBERSHIP.—

11 (A) APPOINTMENT.—Within 180 days of  
12 the date of enactment of this Act, the Secretary  
13 shall appoint the members of the Commission  
14 in accordance with subclause (B). Any vacancy  
15 on the Commission shall not affect its powers  
16 and shall be filled in the same manner as the  
17 original appointment.

18 (B) REQUIREMENTS.—The members of the  
19 Commission shall be Native Hawaiian, as de-  
20 fined in section 3(8), and shall have expertise in  
21 the determination of Native Hawaiian ancestry  
22 and lineal descendancy.

23 (3) EXPENSES.—Each member of the Commis-  
24 sion shall be allowed travel expenses, including per  
25 diem in lieu of subsistence, at rates authorized for

1 employees of agencies under subchapter I of chapter  
 2 57 of title 5, United States Code, while away from  
 3 their homes or regular places of business in the per-  
 4 formance of services for the Commission.

5 (4) DUTIES.—The Commission shall—

6 (A) prepare and maintain a roll of the  
 7 adult members of the Native Hawaiian commu-  
 8 nity who elect to participate in the reorganiza-  
 9 tion of the Native Hawaiian governing entity;  
 10 and

11 (B) certify that each of the adult members  
 12 of the Native Hawaiian community proposed for  
 13 inclusion on the roll meets the definition of Na-  
 14 tive Hawaiian in section 3(8).

15 (5) STAFF.—

16 (A) IN GENERAL.—The Commission may,  
 17 without regard to the civil service laws (includ-  
 18 ing regulations), appoint and terminate an exec-  
 19 utive director and such other additional person-  
 20 nel as are necessary to enable the Commission  
 21 to perform the duties of the Commission.

22 (B) COMPENSATION.—

23 (i) IN GENERAL.—Except as provided  
 24 in clause (ii), the Commission may fix the  
 25 compensation of the executive director and

1 other personnel without regard to the pro-  
 2 visions of chapter 51 and subchapter III of  
 3 chapter 53 of title 5, United States Code,  
 4 relating to classification of positions and  
 5 General Schedule pay rates.

6 (ii) MAXIMUM RATE OF PAY.—The  
 7 rate of pay for the executive director and  
 8 other personnel shall not exceed the rate  
 9 payable for level V of the Executive Sched-  
 10 ule under section 5316 of title 5, United  
 11 States Code.

12 (6) DETAIL OF FEDERAL GOVERNMENT EM-  
 13 PLOYEES.—

14 (A) IN GENERAL.—An employee of the  
 15 Federal Government may be detailed to the  
 16 Commission without reimbursement.

17 (B) CIVIL SERVICE STATUS.—The detail of  
 18 the employee shall be without interruption or  
 19 loss of civil service status or privilege.

20 (7) PROCUREMENT OF TEMPORARY AND INTER-  
 21 MITTENT SERVICES.—The Commission may procure  
 22 temporary and intermittent services in accordance  
 23 with section 3109(b) of title 5, United States Code,  
 24 at rates for individuals that do not exceed the daily  
 25 equivalent of the annual rate of basic pay prescribed

1 for level V of the Executive Schedule under section  
2 5316 of that title.

3 (8) EXPIRATION.—The Secretary shall dissolve  
4 the Commission upon the reaffirmation of the politi-  
5 cal and legal relationship between the Native Hawai-  
6 ian governing entity and the United States.

7 (c) PROCESS FOR THE REORGANIZATION OF THE NA-  
8 TIVE HAWAIIAN GOVERNING ENTITY.—

9 (1) ROLL.—

10 (A) CONTENTS.—The roll shall include the  
11 names of the adult members of the Native Ha-  
12 waiian community who elect to participate in  
13 the reorganization of the Native Hawaiian gov-  
14 erning entity and are certified to be Native Ha-  
15 waiian as defined in section 3(8) by the Com-  
16 mission.

17 (B) FORMATION OF ROLL.—Each adult  
18 member of the Native Hawaiian community  
19 who elects to participate in the reorganization  
20 of the Native Hawaiian governing entity shall  
21 submit to the Commission documentation in the  
22 form established by the Commission that is suf-  
23 ficient to enable the Commission to determine  
24 whether the individual meets the definition of  
25 Native Hawaiian in section 3(8).

1 (C) DOCUMENTATION.—The Commission  
2 shall—

3 (i) identify the types of documentation  
4 that may be submitted to the Commission  
5 that would enable the Commission to de-  
6 termine whether an individual meets the  
7 definition of Native Hawaiian in section  
8 3(8);

9 (ii) establish a standard format for  
10 the submission of documentation; and

11 (iii) publish information related to  
12 clauses (i) and (ii) in the Federal Register.

13 (D) CONSULTATION.—In making deter-  
14 minations that each of the adult members of  
15 the Native Hawaiian community proposed for  
16 inclusion on the roll meets the definition of Na-  
17 tive Hawaiian in section 3(8), the Commission  
18 may consult with Native Hawaiian organiza-  
19 tions, agencies of the State of Hawaii including  
20 but not limited to the Department of Hawaiian  
21 Home Lands, the Office of Hawaiian Affairs,  
22 and the State Department of Health, and other  
23 entities with expertise and experience in the de-  
24 termination of Native Hawaiian ancestry and  
25 lineal descendancy.

1 (E) CERTIFICATION AND SUBMITTAL OF  
2 ROLL TO SECRETARY.—The Commission  
3 shall—

4 (i) submit the roll containing the  
5 names of the adult members of the Native  
6 Hawaiian community who meet the defini-  
7 tion of Native Hawaiian in section 3(8) to  
8 the Secretary within two years from the  
9 date on which the Commission is fully  
10 composed; and

11 (ii) certify to the Secretary that each  
12 of the adult members of the Native Hawai-  
13 ian community proposed for inclusion on  
14 the roll meets the definition of Native Ha-  
15 waiian in section 3(8).

16 (F) PUBLICATION.—Upon certification by  
17 the Commission to the Secretary that those list-  
18 ed on the roll meet the definition of Native Ha-  
19 waiian in section 3(8), the Secretary shall pub-  
20 lish the roll in the Federal Register.

21 (G) APPEAL.—The Secretary may estab-  
22 lish a mechanism for an appeal for any person  
23 whose name is excluded from the roll who  
24 claims to meet the definition of Native Hawai-



1           ian in section 3(8) and to be 18 years of age  
2           or older.

3           (H) PUBLICATION; UPDATE.—The Sec-  
4           retary shall—

5                   (i) publish the roll regardless of  
6                   whether appeals are pending;

7                   (ii) update the roll and the publication  
8                   of the roll on the final disposition of any  
9                   appeal; and

10                   (iii) update the roll to include any Na-  
11                   tive Hawaiian who has attained the age of  
12                   18 and who has been certified by the Com-  
13                   mission as meeting the definition of Native  
14                   Hawaiian in section 3(8) after the initial  
15                   publication of the roll or after any subse-  
16                   quent publications of the roll.

17           (I) FAILURE TO ACT.—If the Secretary  
18           fails to publish the roll, not later than 90 days  
19           after the date on which the roll is submitted to  
20           the Secretary, the Commission shall publish the  
21           roll notwithstanding any order or directive  
22           issued by the Secretary or any other official of  
23           the Department of the Interior to the contrary.

24           (J) EFFECT OF PUBLICATION.—The publi-  
25           cation of the initial and updated roll shall serve

1 as the basis for the eligibility of adult members  
 2 of the Native Hawaiian community whose  
 3 names are listed on those rolls to participate in  
 4 the reorganization of the Native Hawaiian gov-  
 5 erning entity.

6 (2) ORGANIZATION OF THE NATIVE HAWAIIAN  
 7 INTERIM GOVERNING COUNCIL.—

8 (A) ORGANIZATION.—The adult members  
 9 of the Native Hawaiian community listed on the  
 10 roll published under this section may—

11 (i) develop criteria for candidates to  
 12 be elected to serve on the Native Hawaiian  
 13 Interim Governing Council;

14 (ii) determine the structure of the  
 15 Council; and

16 (iii) elect members from individuals  
 17 listed on the roll published under this sub-  
 18 section to the Council.

19 (B) POWERS.—

20 (i) IN GENERAL.—The Council—

21 (I) may represent those listed on  
 22 the roll published under this section in  
 23 the implementation of this Act; and

1 (II) shall have no powers other  
2 than powers given to the Council  
3 under this Act.

4 (ii) FUNDING.—The Council may  
5 enter into a contract with, or obtain a  
6 grant from, any Federal or State agency to  
7 carry out clause (iii).

8 (iii) ACTIVITIES.—

9 (I) IN GENERAL.—The Council  
10 may conduct a referendum among the  
11 adult members of the Native Hawai-  
12 ian community listed on the roll pub-  
13 lished under this subsection for the  
14 purpose of determining the proposed  
15 elements of the organic governing doc-  
16 uments of the Native Hawaiian gov-  
17 erning entity, including but not lim-  
18 ited to—

19 (aa) the proposed criteria  
20 for citizenship of the Native Ha-  
21 waiian governing entity;

22 (bb) the proposed powers  
23 and authorities to be exercised by  
24 the Native Hawaiian governing  
25 entity, as well as the proposed

1 privileges and immunities of the  
2 Native Hawaiian governing en-  
3 tity;

4 (cc) the proposed civil rights  
5 and protection of the rights of  
6 the citizens of the Native Hawai-  
7 ian governing entity and all per-  
8 sons affected by the exercise of  
9 governmental powers and au-  
10 thorities of the Native Hawaiian  
11 governing entity; and

12 (dd) other issues determined  
13 appropriate by the Council.

14 (II) DEVELOPMENT OF ORGANIC  
15 GOVERNING DOCUMENTS.—Based on  
16 the referendum, the Council may de-  
17 velop proposed organic governing doc-  
18 uments for the Native Hawaiian gov-  
19 erning entity.

20 (III) DISTRIBUTION.—The Coun-  
21 cil may distribute to all adult mem-  
22 bers of the Native Hawaiian commu-  
23 nity listed on the roll published under  
24 this subsection—

1 (aa) a copy of the proposed  
2 organic governing documents, as  
3 drafted by the Council; and

4 (bb) a brief impartial de-  
5 scription of the proposed organic  
6 governing documents;

7 (IV) ELECTIONS.—The Council  
8 may hold elections for the purpose of  
9 ratifying the proposed organic govern-  
10 ing documents, and on certification of  
11 the organic governing documents by  
12 the Secretary in accordance with  
13 paragraph (4), hold elections of the  
14 officers of the Native Hawaiian gov-  
15 erning entity pursuant to paragraph  
16 (5).

17 (3) SUBMITTAL OF ORGANIC GOVERNING DOCU-  
18 MENTS.—Following the reorganization of the Native  
19 Hawaiian governing entity and the adoption of or-  
20 ganic governing documents, the Council shall submit  
21 the organic governing documents of the Native Ha-  
22 waiian governing entity to the Secretary.

23 (4) CERTIFICATIONS.—

24 (A) IN GENERAL.—Within the context of  
25 the future negotiations to be conducted under

1 the authority of section 8(b)(1), and the subse-  
2 quent actions by the Congress and the State of  
3 Hawaii to enact legislation to implement the  
4 agreements of the 3 governments, not later  
5 than 90 days after the date on which the Coun-  
6 cil submits the organic governing documents to  
7 the Secretary, the Secretary shall certify that  
8 the organic governing documents—

9 (i) establish the criteria for citizenship  
10 in the Native Hawaiian governing entity;

11 (ii) were adopted by a majority vote of  
12 the adult members of the Native Hawaiian  
13 community whose names are listed on the  
14 roll published by the Secretary;

15 (iii) provide authority for the Native  
16 Hawaiian governing entity to negotiate  
17 with Federal, State, and local govern-  
18 ments, and other entities;

19 (iv) provide for the exercise of govern-  
20 mental authorities by the Native Hawaiian  
21 governing entity, including any authorities  
22 that may be delegated to the Native Ha-  
23 waiian governing entity by the United  
24 States and the State of Hawaii following  
25 negotiations authorized in section 8(b)(1)

1 and the enactment of legislation to imple-  
2 ment the agreements of the 3 governments;

3 (v) prevent the sale, disposition, lease,  
4 or encumbrance of lands, interests in  
5 lands, or other assets of the Native Hawai-  
6 ian governing entity without the consent of  
7 the Native Hawaiian governing entity;

8 (vi) provide for the protection of the  
9 civil rights of the citizens of the Native  
10 Hawaiian governing entity and all persons  
11 affected by the exercise of governmental  
12 powers and authorities by the Native Ha-  
13 waiian governing entity; and

14 (vii) are consistent with applicable  
15 Federal law and the special political and  
16 legal relationship between the United  
17 States and the indigenous, native people of  
18 the United States; provided that the provi-  
19 sions of Public Law 103-454, 25 U.S.C.  
20 479a, shall not apply.

21 (B) RESUBMISSION IN CASE OF NON-  
22 COMPLIANCE WITH THE REQUIREMENTS OF  
23 SUBPARAGRAPH (A).—

24 (i) RESUBMISSION BY THE SEC-  
25 RETARY.—If the Secretary determines that

1 the organic governing documents, or any  
 2 part of the documents, do not meet all of  
 3 the requirements set forth in subparagraph  
 4 (A), the Secretary shall resubmit the or-  
 5 ganic governing documents to the Council,  
 6 along with a justification for each of the  
 7 Secretary's findings as to why the provi-  
 8 sions are not in full compliance.

9 (ii) AMENDMENT AND RESUBMISSION  
 10 OF ORGANIC GOVERNING DOCUMENTS.—If  
 11 the organic governing documents are re-  
 12 submitted to the Council by the Secretary  
 13 under clause (i), the Council shall—

14 (I) amend the organic governing  
 15 documents to ensure that the docu-  
 16 ments meet all the requirements set  
 17 forth in subparagraph (A); and

18 (II) resubmit the amended or-  
 19 ganic governing documents to the Sec-  
 20 retary for certification in accordance  
 21 with this paragraph.

22 (C) CERTIFICATIONS DEEMED MADE.—  
 23 The certifications under paragraph (4) shall be  
 24 deemed to have been made if the Secretary has  
 25 not acted within 90 days after the date on



1           which the Council has submitted the organic  
2           governing documents of the Native Hawaiian  
3           governing entity to the Secretary.

4           (5) ELECTIONS.—On completion of the certifi-  
5           cations by the Secretary under paragraph (4), the  
6           Council may hold elections of the officers of the Na-  
7           tive Hawaiian governing entity.

8           (6) REAFFIRMATION.—Notwithstanding any  
9           other provision of law, upon the certifications re-  
10          quired under paragraph (4) and the election of the  
11          officers of the Native Hawaiian governing entity, the  
12          political and legal relationship between the United  
13          States and the Native Hawaiian governing entity is  
14          hereby reaffirmed and the United States extends  
15          Federal recognition to the Native Hawaiian govern-  
16          ing entity as the representative governing body of  
17          the Native Hawaiian people.

18 **SEC. 8. REAFFIRMATION OF DELEGATION OF FEDERAL AU-**  
19 **THORITY; NEGOTIATIONS; CLAIMS.**

20          (a) REAFFIRMATION.—The delegation by the United  
21          States of authority to the State of Hawaii to address the  
22          conditions of the indigenous, native people of Hawaii con-  
23          tained in the Act entitled “An Act to provide for the ad-  
24          mission of the State of Hawaii into the Union” approved

1 March 18, 1959 (Public Law 86-3, 73 Stat. 4), is re-  
2 affirmed.

3 (b) NEGOTIATIONS.—

4 (1) IN GENERAL.—Upon the reaffirmation of  
5 the political and legal relationship between the  
6 United States and the Native Hawaiian governing  
7 entity, the United States and the State of Hawaii  
8 may enter into negotiations with the Native Hawai-  
9 ian governing entity designed to lead to an agree-  
10 ment addressing such matters as—

11 (A) the transfer of lands, natural re-  
12 sources, and other assets, and the protection of  
13 existing rights related to such lands or re-  
14 sources;

15 (B) the exercise of governmental authority  
16 over any transferred lands, natural resources,  
17 and other assets, including land use;

18 (C) the exercise of civil and criminal juris-  
19 diction;

20 (D) the delegation of governmental powers  
21 and authorities to the Native Hawaiian govern-  
22 ing entity by the United States and the State  
23 of Hawaii; and

24 (E) any residual responsibilities of the  
25 United States and the State of Hawaii.

1           (2) AMENDMENTS TO EXISTING LAWS.—Upon  
2 agreement on any matter or matters negotiated with  
3 the United States, the State of Hawaii, and the Na-  
4 tive Hawaiian governing entity, the parties are au-  
5 thorized to submit—

6           (A) to the Committee on Indian Affairs of  
7 the Senate, the Committee on Energy and Nat-  
8 ural Resources of the Senate, and the Commit-  
9 tee on Resources of the House of Representa-  
10 tives, recommendations for proposed amend-  
11 ments to Federal law that will enable the imple-  
12 mentation of agreements reached between the 3  
13 governments; and

14           (B) to the Governor and the legislature of  
15 the State of Hawaii, recommendations for pro-  
16 posed amendments to State law that will enable  
17 the implementation of agreements reached be-  
18 tween the 3 governments.

19 (c) CLAIMS.—

20           (1) IN GENERAL.—Nothing in this Act serves  
21 as a settlement of any claim against the United  
22 States.

23           (2) STATUTE OF LIMITATIONS.—Any claim  
24 against the United States arising under Federal law  
25 that—

1 (A) is in existence on the date of enact-  
2 ment of this Act;

3 (B) is asserted by the Native Hawaiian  
4 governing entity on behalf of the Native Hawai-  
5 ian people; and

6 (C) relates to the legal and political rela-  
7 tionship between the United States and the Na-  
8 tive Hawaiian people;

9 shall be brought in the court of jurisdiction over  
10 such claims not later than 20 years after the date  
11 on which Federal recognition is extended to the Na-  
12 tive Hawaiian governing entity under section  
13 7(c)(6).

14 **SEC. 9. APPLICABILITY OF CERTAIN FEDERAL LAWS.**

15 (a) INDIAN GAMING REGULATORY ACT.—Nothing in  
16 this Act shall be construed to authorize the Native Hawai-  
17 ian governing entity to conduct gaming activities under  
18 the authority of the Indian Gaming Regulatory Act (25  
19 U.S.C. 2701 et seq.).

20 (b) BUREAU OF INDIAN AFFAIRS.—Nothing con-  
21 tained in this Act provides an authorization for eligibility  
22 to participate in any programs and services provided by  
23 the Bureau of Indian Affairs for any persons not otherwise  
24 eligible for the programs or services.

1 **SEC. 10. SEVERABILITY.**

2       If any section or provision of this Act is held invalid,  
3 it is the intent of Congress that the remaining sections  
4 or provisions shall continue in full force and effect.

5 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

6       There are authorized to be appropriated such sums  
7 as are necessary to carry out this Act.

○

The CHAIRMAN. Please know that the committee will very carefully consider any written testimony it receives. I thank you all for being here, and I want to emphasize I am keeping an open mind on this issue. I have reservations, but I think those reservations will be ventilated here in this hearing process.

Senator Dorgan.

**STATEMENT OF HON. BYRON L. DORGAN, U.S. SENATOR FROM NORTH DAKOTA, VICE CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS**

Senator DORGAN. Mr. Chairman, thank you very much.

Let me just as a point of personal privilege as we begin this process say that this is the last hearing that will be attended by Patricia Zell, who has been the chief of staff on the minority side for so many years. She has worked with this committee for 24 years. There is perhaps no one in this country who is as knowledgeable and has committed their lives quite as wholly as Patricia Zell has to so many important causes. The committee will miss her expertise, but let all of us thank her for the wonderful service she has given to this country over these many years.

[Applause.]

Senator DORGAN. I will at the next hearing introduce Sara Garland who is succeeding Patricia Zell in this role.

In the meantime, let me thank you, Mr. Chairman, for holding this hearing. Let me welcome the Governor and the two members of Congress. I think that our Senators, the two Senators from Hawaii, both of whom serve on this committee, have done an extraordinary job in laying out a process here that I think is reasonable and prudent and which will enable three levels of government here to develop a working relationship with one another that will be premised upon the consensus that will have to be built even after we pass this legislation, if we pass the legislation.

I might say that I am inclined to be supportive of it. I think that this is a really important issue and an interesting issue. I will say, as the chairman did, that Senator Inouye, for whom this is an extraordinarily important issue, is not able to be with us today due to an illness, but I know Senator Akaka will ably represent him and the delegation today.

I thank Congressman Case and also Congressman Faleomavaega for being with us. I have had the opportunity to visit with the chair of the Board of Trustees of the Office of Hawaiian Affairs and others, and learned that through this bill the Native Hawaiian people are asking for a status under Federal law that is equal to that of America's other native peoples, American Indians and Alaska Natives.

This is just a really important issue where I am very pleased, Mr. Chairman, that you have called a hearing on this as early as we have. I look forward to hearing all of the witnesses.

Let me ask that my full statement be made a part of the record, and also that the opening statement of Senator Inouye be made a part of the record.

The CHAIRMAN. Without objection.

[Prepared statements of Senators Dorgan and Inouye appear in appendix.]

The CHAIRMAN. Senator Akaka.

**STATEMENT OF HON. DANIEL K. AKAKA, U.S. SENATOR FROM HAWAII**

Senator AKAKA. Thank you very much, Mr. Chairman. I thank you very much for holding this hearing. Mr. Chairman, I want you to know that I am joining you on this committee and will be working with you with much aloha coming from Hawaii, and tell you that I really appreciate what you are doing for Hawaii and the people of Hawaii today by having this hearing.

As you know, this is the fourth Congress in which this committee is considering this legislation. Time has really flown. Our committee favorably reported the bill in the 106th Congress, the 107th, and 108th and here we are now in the 109th Congress. I am hopeful and confident that our colleagues on this committee will once again support our efforts to extend the Federal policy of self-governance and self-determination to Native Hawaiians.

Mr. Chairman, I want to begin by thanking Hawaii's Governor Linda Lingle for joining us this morning. Since her election in 2002, I have worked closely with Governor Lingle and appreciate all that she has done in working to gain the support of the Bush administration for the enactment of this bill. Governor Lingle's support demonstrates an important facet of this bill, the fact that for the people of Hawaii addressing the condition of Hawaii's indigenous peoples, Native Hawaiians, is a non-partisan priority.

Anyone who has lived in Hawaii has experienced the aloha spirit, a special attitude which exudes happiness and generosity toward all. The aloha spirit for which the people of Hawaii is known is grounded in the culture and tradition of Hawaii's indigenous peoples. For that reason, Hawaii's citizens, whether or not they are Native Hawaiian, appreciate and support efforts to preserve the culture and tradition of Native Hawaiians. A large majority of Hawaii's residents support our efforts to enact this bill because it is the right thing to do for Native Hawaiians and for the people of Hawaii.

The Native Hawaiian Government Reorganization Act does three things. It establishes the Office of Native Hawaiian Relations in the Department of the Interior to serve as a liaison between Native Hawaiians and the United States. It establishes a Native Hawaiian Interagency Coordinating Group to be composed of Federal officials from agencies which administer Native Hawaiian programs. Both of these provisions are intended to increase coordination between the Native Hawaiians and the Federal Government. Finally, the bill provides a process of reorganization of the Native Hawaiian governing entity.

I am very proud of the fact that while the bill provides structure to the process, it also provides the Native Hawaiian community with the flexibility to truly reorganize the governing entity.

Mr. Chairman, as you may recall, in 1993 we enacted legislation I drafted which is referred to as the Apology Resolution. The resolution apologized for the actions of U.S. agents in the overthrow of the Kingdom of Hawaii. The resolution also addressed a process of reconciliation between Native Hawaiians and the United States. The process of reconciliation involves an incremental dialog be-

tween Native Hawaiians and the United States to discuss many of the longstanding issues resulting from the overthrow of the Kingdom of Hawaii.

My bill, Mr. Chairman, provides the structure for this process of reconciliation. The bill provides that following Federal recognition of the Native Hawaiian governing entity, the Federal and State Governments and the Native Hawaiian government will begin negotiations to address matters such as the transfer of lands, natural resources and other assets; the exercise of governmental authority over such lands and resources; the exercise of civil and criminal jurisdiction; and the exercise of governmental powers and authorities by the Native Hawaiian government. This, for me, Mr. Chairman, will be a large step in the process of reconciliation.

For too long, the people of Hawaii have lacked a structured process to deal with these issues. This bill holds the promise for all of us in Hawaii to come to terms with Hawaii's unique and often painful history, to rectify inequities, and to move on as a State. It is for this reason that I have worked so hard over the past six years to enact this measure. I believe this bill is critical for Native Hawaiians who seek greater autonomy over the use of their lands and natural resources and programs and services.

I also believe that this measure is just as important for non-Native Hawaiians as it provides us with a process to finally, after 112 years, begin to resolve the longstanding issues which resulted from what is considered by many to be the most poignant experiences in Hawaii's history, and that is the overthrow of the Kingdom of Hawaii.

Our Native brothers and sisters in Alaska and in Indian country understand our efforts. I want to thank them. I really want to thank them for their unending support over the years. They have always, always been willing to work with us to ensure that we benefit from the lessons they have learned. We are gaining for it. For this generosity, we will always be indebted to them.

I ask each of my colleagues here to stand with us as we work to extend the Federal policy of self-governance and self-determination to Hawaii's indigenous peoples, an effort for those in Hawaii that erases the boundaries between political parties and differences.

Thank you very much, Mr. Chairman, for this opportunity to make my statement.

The CHAIRMAN. Thank you very much, Senator Akaka.

We are always pleased to have our colleagues from the other side of the Capitol here to join us to make brief statements. We are very glad to see you. Honorable Faleomavaega, we are glad to see you again, and Congressman Case. Whoever wishes to go first, please proceed.

**STATEMENT OF HON. ED CASE, U.S. REPRESENTATIVE FROM HAWAII**

Mr. CASE. Thank you, Mr. Chairman, Senator Dorgan, Senator Akaka, members of the committee. Good morning and aloha.

I appreciate the opportunity to appear before you, as the proud representative of the congressional district with the most Native Hawaiians of any district in our country, in unqualified support of



S. 147, the Native Hawaiian Government Reorganization Act, as well as its House counterpart, H.R. 309, introduced by me and my colleagues Mr. Abercrombie, Mr. Faleomavaega, and others.

You have my written testimony, so allow me to make five brief points.

First, please have no doubt that this is the most important single piece of legislation affecting both Native Hawaiians and all of our Hawaii to come before Congress since 1959.

Second, that is because Federal recognition represents the long overdue, long-missing framework for Native Hawaiians to affirm and continue their longstanding relationship with the United States and achieve permanent and sustainable autonomy as exists for other indigenous peoples of our country.

Third, this must be accomplished not only to assure the survival and prosperity of the Native Hawaiian people and culture wherever they may live, but because Native Hawaiians are the very core of my Hawaii, of our Hawaii itself. For that reason, Federal recognition is indispensable not only for Native Hawaiians, but for all of us in Hawaii.

Fourth, we in Hawaii and beyond, with the other indigenous peoples of our country, have a broad-based consensus that this is what we want and need to do and must do.

Fifth, this bill provides each and all of the United States and Native Hawaiians with a reasonable structure under which to negotiate the details that you, Mr. Chair, referred to, and affirm Federal recognition so that specific concerns can and, I have great confidence, ultimately will, be worked out.

Mr. Chair and members, we ask you to let this bill go, to embrace it as we have, to do what is right and just and necessary for all of us.

Mahalo.

[Prepared statement of Representative Case appears in appendix.]

The CHAIRMAN. Thank you very much, Congressman Case.

**STATEMENT OF HON. ENI F.H. FALEOMAVAEGA, U.S.  
DELEGATE FROM AMERICAN SAMOA**

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman, Senator Dorgan, Senator Akaka, distinguished members of the committee.

I think the last time, Mr. Chairman, we were at a hearing we held on Molokai some years ago with Senator Inouye. It is always good to know that now of your capacity as chairman of this important committee. I certainly want to express my deepest appreciation for your initiative and leadership in calling this hearing this morning.

The CHAIRMAN. Thank you.

Mr. FALEOMAVAEGA. Mr. Chairman, as an original cosponsor of H.R. 309, the companion bill to S. 147, I want to state my absolute support of S. 147, the Native Hawaiian Government Reorganization Act of 2005, expressing the policy of the United States regarding the United States' relationship with Native Hawaiians and providing a process for the recognition by the United States of the Native Hawaiian governing entity.

I would be remiss if I do not express my appreciation to the Senior Senator from Hawaii, Senator Inouye, and of course Senator Akaka, Congressman Abercrombie, and Congressman Case, members of the Hawaii congressional delegation. I am very happy also to see the Governor, Linda Lingle, here with us, and my good sister Haunani Apoliona as chairman of the Office of Hawaiian Affairs.

Mr. Chairman, this bill goes to the very heart of our responsibility to protect the indigenous people who inhabit what is now the United States. As relative newcomers to this land where we have established this great Nation, we accepted responsibility for the care and protection of those who lived here before we arrived in the new world. The seriousness of this responsibility is borne out in the countless laws that Congress has enacted over the years for the benefit of Native Americans and the volumes of works addressing Indian law, the Supreme Court cases addressing native issues, and even now at the recent opening here in our Nation's Capital of the National Museum of the American Indian.

Some have expressed concern that we should not legislate for Native Hawaiians because they are not American Indians. In my readings, Mr. Chairman, of the U.S. Supreme Court Chief Justice John Marshall, pretty well defined the term "Indian" to include all of the original inhabitants or natives who occupied America when it was allegedly discovered by the great nations of Europe. Just as Marshall further defined "tribe" to mean a people distinct from others, a distinct community.

As an example, Alaska Natives are proof of the broad definition allowing indigenous groups to be recognized, even those who are culturally and genealogically distinct from the narrow conception of American Indian or tribe.

I submit, Mr. Chairman, I honestly believe the Native Hawaiians also meet this definition. They are indigenous, aboriginal people living within what are now the borders of the United States. Native Hawaiians are estimated to have arrived on the Hawaiian Islands as early as 300 A.D., long before the new world was allegedly, again Mr. Chairman, discovered by Christopher Columbus.

As you are well aware, Mr. Chairman, Native Hawaiians are also collectively categorized by anthropologists and scientists as Polynesians. I might also note, Mr. Chairman, that the famous British explorer Captain James Cook did not discover many of the Pacific Islands settled by Polynesians, primarily because he was accompanied by a Polynesian Tahitian chief and navigator by the name of Tupai'a, and told Captain Cook the locations of these islands thousands of miles apart. What was surprising to Captain Cook was the similarities of the culture and the people, the language very closely related, whether they be the Maoris in New Zealand or the Tongans or the Samoans or the Tahitians. Hawaiians were the same people. Cook later described it as the largest nation on earth, from Hawaii to New Zealand and as far east as Rapanui or Easter Island.

Time will not permit me to discuss the origins of the Polynesian people, Mr. Chairman, but suffice it to say, Mr. Chairman, that the blood that flows in the veins of that good gentleman, Senator Akaka, is the same blood that flows in my veins.

History has not been kind to my Native Hawaiian cousins for the past 110 years or so. But years before that, for almost 2,000 years, there were constant rivalries and wars among the ruling chiefs of these islands. It was not until the 1750's, as it was prophesied, that a great warrior chief that would be known as the killer of chiefs, and that a fleet of 900 war canoes of some 20,000 warriors, was able to conquer the other chiefs and united the islands under one rule. This famous chief, of course, was Kamehameha. Kamehameha ruled the Hawaiian Kingdom for almost 20 years, and started a ruling dynasty that almost lasted 100 years. To this day, no other name is revered more by the Native Hawaiians than their King Kamehameha.

Mr. Chairman, when most people think of Hawaii, they think of honeymoons, grass huts, and tropical paradise, and think that natives still live in grass huts. Few are aware of the proud and painful history of some 300,000 Native Hawaiian people. Too few are aware of Hawaii as an independent sovereign country, a country that was illegally overthrown in 1893 by a U.S. minister to Hawaii using U.S. Marines to support the agenda of a small group of U.S. businessmen.

Mr. Chairman, I know the time is running. I just want to state also, some of my colleagues have suggested at this time to move on because Native Hawaiians have been absorbed into the larger U.S. culture and no longer need special consideration. The evidence suggests the contrary, Mr. Chairman. One look at the demographic profile of the Native Hawaiian community will reveal that Native Hawaiians are still suffering today from the loss of their lands and the damage to their traditional ways of life. The Native Hawaiian population is clearly suffering from poor health, poor living conditions, poor education, poor social conditions at a far higher rate than in the general population.

Native Hawaiians lag far behind the general population of Hawaii in virtually every category of well-being, and are disproportionately represented in nearly every negative category.

Mr. Chairman, one point I would like to emphasize is that the passage of this bill will involve no significant costs to the Federal Government. In fact, there is a specific provision in the proposed bill that excludes any funding that will go directly to the Bureau of Indian Affairs does not go into any consideration to be given for the needs of Native Hawaiians. The Congressional Budget Office estimates that the outlays to open the Office of Hawaiian Relations within the Department of the Interior would cost only about \$500,000.

We have an opportunity here, Mr. Chairman, to right a long-standing injustice that has been perpetuated on the Native Hawaiian people. We have a duty to protect this group of indigenous people who have suffered terribly as a result of their relationship with the United States. The solution offered in this bill is comprehensive and addresses the needs of the Native Hawaiian community. This bill will restore a measure of well-deserved autonomy to the Native Hawaiian people and provide a foundation for the reconciliation process.

Mr. Chairman, I spent many years in Hawaii, and my affection for the Hawaiian people is well known. Despite all adversity, the

Native Hawaiian culture remains rich and alive. The spirit of Aloha that emanates from these people is what makes the State of Hawaii very unique. The Native Hawaiian people have waited patiently for the day when we here in Congress would consider their case and do the right thing.

I submit that today is that day. The right thing is for us to pass the Native Hawaiian Reorganization Act of 2005 and to ensure the protection and the perpetuation of these magnificent people.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

I thank our colleagues for coming over and joining us today. Are there any questions?

Senator DORGAN. Mr. Chairman, I do not have any questions. I thought both of you did an excellent job in laying out your positions and being supportive of the legislation. Thank you very much.

The CHAIRMAN. Thank you.

Senator AKAKA. Thank you very much, Mr. Chairman. I want to say thank you to our delegation. As was reported here, Senator Inouye is not able to be here. And also, Congressman Abercrombie is not able to be here because of the weather. I wanted you to know that the delegation fully supports this bill. I want to thank our chairman for all he has done this far. I want to thank our Ranking Member, Byron Dorgan, for his support as well.

Thank you very much.

The CHAIRMAN. Thank you very much. Thank you for coming.

Our next witness is Linda Lingle, who is the Governor of the State of Hawaii. Welcome, Governor, thank you for being with us this morning. Welcome Governor, please proceed.

**STATEMENT OF HON. LINDA LINGLE, GOVERNOR, FROM HAWAII, ACCOMPANIED BY MARK BENNETT, ATTORNEY GENERAL**

Ms. LINGLE. Good morning, Mr. Chairman, Vice Chairman Dorgan, and Senator Akaka.

I am here today on behalf of the people of the State of Hawaii. I want to tell you that we are grateful and humbled that in the press of business that is facing this committee and this U.S. Senate, that you would set time aside to hear a bill that is critically important to the people in our State.

Mr. Chairman, because I know you are a person who likes to get to the heart of things quickly, let me say what I believe this bill is about at its essence. This bill is simply about equality and equal treatment under the law.

There are three groups of indigenous people in America. Two of the groups have been recognized by the American Government, and one has not. The failure to pass this bill would continue the discrimination that exists against the Native Hawaiian peoples not being included in the recognition that the other two Native groups have.

I think the bill does four things that are important to the Native Hawaiian people and to the State of Hawaii. First of all, the bill would promote self-sufficiency for Native Hawaiian people, and bring about greater economic opportunity for them. Native Hawaiians continue to rely too heavily on State and Federal programs

and by having a Native Hawaiian governing entity, it would allow them to move forward with independence.

It would also provide greater accountability to this U.S. Senate and to the State of Hawaii for the Government programs that do exist for Native Hawaiians. It would promote this accountability because you would have all Government programs that benefit Native Hawaiians now coming under one entity, instead of being dispersed the way they are now. There have been over 150 pieces of legislation of benefit to Native Hawaiians. I believe there should be and needs to be greater accountability for these programs and more effective use of the programs. I believe the creation of this entity would help to bring about that accountability and efficiency.

I also believe that S. 147 is our best opportunity to preserve the Native Hawaiian culture, which is the foundation of our being in Hawaii. It is the essence of who we are as a people and a State. It is also an economic imperative to our State because our State's largest industry, the tourist industry, is really dependent on the preservation of the Native Hawaiian culture.

Finally, S. 147 would protect the existing programs against the legal attacks that have become constant against programs that benefit Native Hawaiians. I want to focus on one of them in particular that has been under attack and remains under attack in the court system. That is a program that was set up by this U.S. Senate in 1920. In 1920, this U.S. Senate set aside 200,000 acres of land to benefit Native Hawaiians. It was the right of the Senate to do that and it was the right thing for the Senate to do. But today, that program is being challenged in court and S. 147 would allow us to protect the Hawaiian Homes Program as well as the other programs that benefit Native Hawaiians.

I do want to mention that it has been a long road on this bill, as has been outlined by Senator Akaka and others, but I believe the time has been well spent because I believe the bill today is something that a legal challenge can meet and any social concern can meet any objection that may have arisen in the past.

I want to make reference to one part of the bill that is different than the part I have testified on in the past. That was the inclusion of a provision that says that the State legislature, the State of Hawaii, the U.S. Congress, and the new governing entity would have to come together if there were going to be changes in civil or criminal jurisdiction, land use, taxation, zoning, or other issues that would affect the entity. So for those who were fearful that this would bring about some of the same issues that have arisen with the American Indians, I believe the change in the legislation has finally and completely addressed that issue.

Mr. Chairman, I see this bill as a unifying force for my State. Every elected official in the State of Hawaii supports this bill, both Republican and Democrat. The majority of people of every ethnic group support this bill. The business community supports this bill, including the State's two major banks. I believe it is because they see this as a positive force for the future strength of our economy and our social fabric.

Again, I want to thank you for scheduling this hearing, for keeping an open mind on a subject that is very important to us. I really want to thank the committee members for sitting today, listening

to the testimony, and for giving us the courtesy of hearing a bill that may not be important at the national level, but is to the people in our State.

Thank you very much, Senator.

[Statement of Governor Lingle appears in appendix.]

The CHAIRMAN. Thank you very much, Governor Lingle. And thank you for your steadfast leadership and commitment to Native Hawaiians. We are very pleased that you could appear here today.

Picking up on a couple of your comments that you just made, under this proposal, if Native Hawaiians wanted to establish a gaming operation, that would require the agreement of the State legislature and Congress, as well as the Native Hawaiians themselves?

Ms. LINGLE. I would ask the lawyers in the room. My attorney general is here and can answer that question. I will ask him to do that. I will state for you clearly from a policy point of view, Senator, our entire congressional delegation opposes any legalized gambling in our State. We are one of two States with no form of legalized gambling. I oppose it. I will let the legal question be answered.

The CHAIRMAN. Thank you. My point is that there are a lot of States where the legislatures have opposed gaming operations, and they have been set up. But go ahead.

Ms. LINGLE. This is Attorney General Mark Bennett.

The CHAIRMAN. Go ahead, sir.

Mr. BENNETT. Senator, the bill itself says that there ought to be and shall be no gambling pursuant to this bill. In addition, it would certainly require at the very least an act of Congress to allow gambling if this occurred. But we believe that the bill by itself provides no gambling, but there would be no possibility of that without a further act of the Congress.

The CHAIRMAN. Thank you very much.

Governor, after getting into this issue a little more, it seems to me that your sense of urgency is dictated by some of the constitutional challenges that have been brought against programs that are administered by the State of Hawaii. What other programs would be in danger here if S. 147 were not enacted?

Ms. LINGLE. The most critical program right now is one that is pending in the Ninth Circuit. It involves the Department of Hawaiian Homelands. There are 200,000 acres of land that are home to 7,000 families, 28,000 people on those lands. If there was a successful legal challenge in my State, it would create social disruption because people would no longer have the right to those lands. So that is, from my perspective, right now the most pressing issue.

If we are able to get S. 147 adopted, we will use this as a clear basis for our argument that this is not a racial preference, but these lands were set aside because there is a trust, a political relationship between the Native Hawaiian people and the American Government.

The CHAIRMAN. Has there already been court decisions which have impacted the status of Native Hawaiians?

Mr. BENNETT. There was a lawsuit challenging Native Hawaiian programs that was dismissed, I would say, on technical grounds in the District Court, but that is up on appeal right now in the Ninth

Circuit. While we believe that we can defend these lawsuits on the current state of affairs, if this bill were to pass, we believe that this would provide a clear mandate once and for all for the dismissal of these lawsuits. We certainly are greatly concerned that without this bill at some point, these lawsuits, either the current one or a future one, may succeed in invalidating all programs that benefit Native Hawaiians.

The CHAIRMAN. Governor Lingle, do you have an opinion on how well, since the time of statehood, the State of Hawaii has managed the ceded land trust for the benefit of Native Hawaiians?

Ms. LINGLE. I think recently we are doing an outstanding job.

The CHAIRMAN. Since you were inaugurated? [Laughter.]

Ms. LINGLE. I think, sir, with 85 years passing since the Hawaiian Homes Trust was set up, we could have done a much better job. We have an accelerated program that we have put forward to put thousands of additional families onto this land. We think, again, it has been, as many other things that relate to Native Hawaiians and many other programs, it has simply been too long in coming. It is the right thing to do to move forward in a much faster pace. So I think we are on the right track now, and this will help to keep us there.

The CHAIRMAN. I thank you. Given the obvious urgency of this legislation, I think you deserve a rapid decision by the Congress of the United States on this issue. I would intend to hold a vote very soon in the committee so that we can move this legislation forward.

Senator DORGAN.

Senator DORGAN. Governor, thank you for your testimony.

We had asked the Administration to be present to testify today and they chose not to. Have you had any conversations with anyone in the Administration about whether they are intending to support or will support this legislation?

Ms. LINGLE. I have had many conversations with people in the Administration who are all very focused on this issue. They are briefed on it, and they are very anxious for the U.S. Senate and the U.S. House to take action on S. 147.

Senator DORGAN. Being focused and briefed is admirable, if that is what they are, but I am asking whether they will be supportive or be opposing the legislation. Again, we had asked for representatives of the Administration to testify. I am not sure why they elected not to at the moment, but do you have any sense of whether their weighing on this will be in support of the legislation or in opposition?

Ms. LINGLE. Senator, I am optimistic that if the Senate passes this and the House passes it, that they would be supportive. I am optimistic of that.

Senator DORGAN. All right. Well, often what we do is attempt to ask the Administration their position before we take action. It is not dispositive in terms of what we do, but I would hope as well if we go through this process not hearing from them, that at the end of the day if we have passed this legislation, they would be supportive. But I would also encourage you and others to continue to see if we could enlist their participation and evaluation concurrent with the consideration by Congress so that we could get their views on it. I think that would be helpful.

Ms. LINGLE. Senator, you have my word that I will continue to encourage them to be supportive of S. 147. I might say, I wish my legislature at home was concerned about what I thought about measures they were moving forward. This is something new to me. [Laughter.]

I really am optimistic that if this can get through, that they will be supportive.

Senator DORGAN. It is not new here to ask the Administration to share their views with this committee. That is a rather time-honored tradition.

Let me again thank you for your testimony. You produced very strong testimony, as I expected. My colleagues, Senator Inouye and Senator Akaka, both assured us that you would be providing some very compelling testimony. I think your presence here today is very, very helpful to this committee. Your delegation, from the Governor and the State legislature, and virtually all of the official representatives of Hawaii speak with one voice on these issues. We appreciate very much your leadership, Governor.

Ms. LINGLE. Thank you, Senator.

The CHAIRMAN. Senator Akaka.

Senator AKAKA. Thank you very much, Mr. Chairman.

I want to take the time to thank the people from Hawaii who are here and who have such a deep interest in this bill and the passage of this bill. I want to thank all of you for being here. There are some organizations here as well. I want to particularly thank the Governor for your efforts on this bill, and in particular to thank Mark Bennett, the attorney general, as well as Micah Kane, for their work on this bill. I really appreciate their work. They work with my staff and our staffs as well on this bill.

This has happened because I believe this is so critical for the people of Hawaii. When my colleagues ask me about the importance of this bill, I explain my views to them as a Native Hawaiian. I am hoping that you, Governor, as a non-Native Hawaiian, who supports the bill as much as I do, can provide some insight as to why non-Native Hawaiian residents in Hawaii support this bill.

Ms. LINGLE. Senator, I think again at its essence it is because it is the right thing to do and because the people in our State are probably a lot like me. Many of us came from other places. Maybe we came from the mainland United States or we came from the Philippines or we came from China or Vietnam or other places. We were taken in, literally taken in as a part of the family, the 'ohana, by the Hawaiian people. For us, this is a privilege to come here to talk about this issue with people who maybe do not understand how accepted we have been.

For someone like myself to come into the State, and as you know I lived on a very small island for many years, that is, as a percentage of its population, besides Niihau which people cannot just go to, it is the most Native Hawaiian Island. It was my introduction to the people and the State of Hawaii. It has made me who I am today. I think everyone who is non-Hawaiian in our State would say that they are the person they are because of the culture of our State. It is so different, so unique, and that culture is based on the culture of the Native Hawaiian people. It is just such a privilege to be here to be able to share how important this is to our State.



It is not just important to Native Hawaiians. It is important to who we are as a people, as a society. As I said, this is a unifying force for us, to finally be able to express gratitude this way to the Native Hawaiian people for what they have given to us, and I believe, what they have given to the country and to the world.

Senator AKAKA. I thank you very much for your support of this bill, Governor.

Ms. LINGLE. Thank you, Senator.

Senator AKAKA. Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Thank you, Governor. Thank you for coming this long way. I am sorry that we have not scheduled a hearing on this important issue in Hawaii, but maybe we can consider that.

Ms. LINGLE. We look forward to hosting you, Senator.

The CHAIRMAN. Thank you very much, Governor.

I thank the attorney general also for being here. Thank you, sir.

Our next panel is, maybe Senator Akaka can pronounce.

Senator AKAKA. Yes; Haunani Apoliona.

The CHAIRMAN. She is the chairperson of the Board of Trustees of the Office of Hawaiian Affairs; Tex Hall, president, National Congress of American Indians; and Jade Danner, director, Government Affairs and Community Consultation, Council for Native Hawaiian Advancement.

Ms. Apoliona, would you correct my pronunciation again, please?

Ms. APOLIONA. It is Apoliona.

The CHAIRMAN. Apoliona. Thank you very much. I apologize for the mispronunciation. Thank you very much. We will begin with you. Thank you for coming.

**STATEMENT OF HAUNANI APOLIONA, CHAIRPERSON, BOARD OF TRUSTEES, OFFICE OF HAWAIIAN AFFAIRS, ACCOMPANIED BY MICAH KANE, CHAIRMAN, HAWAIIAN HOMES COMMISSION**

Ms. APOLIONA. [Greeting and song in native tongue.]

The CHAIRMAN. I am sure you are going to explain to me what that was all about. [Laughter.]

Ms. APOLIONA. Thank you, Senator. The translations lay before you. In our manner of welcoming and greeting, we would like to share a lei with you as I begin my testimony.

The CHAIRMAN. We are going to have to have you here more often. [Laughter.]

Please proceed.

Ms. APOLIONA. [Statement in native tongue.] To the leaders and members of this Committee on Indian Affairs of the U.S. Congress, greetings, my name is Haunani Apoliona. I am chairperson of the Board of Trustees for the Office of Hawaiian Affairs, a body corporate created by the Hawaii State constitution and statute. I would like to take 1 moment, Mr. Chairman and members, to introduce other trustees of the Office of Hawaiian Affairs who have traveled this long way. As I introduce them, I would ask them to rise: Trustee Rowena Akana, Trustee Dante Carpenter, Trustee Boyd Mossman, Trustee Oswald Stender, and Trustee John Waihe'e, IV.

The CHAIRMAN. You are welcome here today. Thank you.

Ms. APOLIONA. I would also, Mr. Chairman, like to introduce sitting to my left, Antoinette Lee, president of the Association of Hawaiian Civic Clubs, 51 clubs located throughout Hawaii and this Nation, the oldest community-based grassroots, non-government Native Hawaiian organization founded in 1918 by Delegate to Congress Jonah Kuhio Kalaniana'ole. Ms. Lee hopes to provide a few comments following my testimony, and she has provided her full text to the committee.

The CHAIRMAN. Welcome.

Ms. APOLIONA. The mission of the Office of Hawaiian Affairs is to protect and assist Native Hawaiian people and to protect our environmental and other resources, and by doing so to perpetuate our threatened traditional culture. Perhaps most importantly, OHA has worked to bring meaningful self-government to the Native Hawaiian people who are the only indigenous group in the United States to whom Congress has not fully afforded that fundamental right.

I testify today in support of enactment of S. 147. There are three indigenous populations within the United States: American Indians in the lower 48 States; Eskimos, Aleuts, and other Native groups in Alaska; and Native Hawaiians. The governing entities of American Indians and Alaska Native have both been recognized by Congress. This recognition extends to indigenous people the ability to govern their own internal affairs in a manner appropriate to their cultures and traditions.

Congress acted in 1934 by passing the Indian Reorganization Act, and in 1971 by passing the Alaska Native Claims Settlement Act. In this legislation, S. 147, as Hawaiians, we seek only what long has been granted this Nation's other indigenous peoples.

In my 20-page written testimony, which with your permission I ask be included in full in the record of this proceeding.

The CHAIRMAN. Without objection.

Ms. APOLIONA. I have provided detailed information about the history of the Kingdom of Hawaii, about the United States' role in the forcible overthrow of our Native government; about our need for a reorganized governmental entity to allow us a measure of self-government, and about the need for Federal legislation authorizing our reorganization. Since distinguished members of our congressional delegation and of course our distinguished Governor already have spoken to these points, I wish to use my time this morning to address questions that have been raised to us over the last several weeks.

Let me first address the impact of S. 147 on the Bureau of Indian Affairs' budget. Regarding the impact of the enactment of S. 147 would have on the Bureau of Indian Affairs' budget, I note that we, as Native Hawaiians, have not asked for, and S. 147 does not provide, the Native Hawaiian governing entity with access to the Federal funding set-aside for American Indian tribes.

In fact, S. 147 is specifically structured to prevent that from occurring. We think section 7 and 9 of the bill make clear that enactment of S. 147 will not have an impact on the Bureau's budget or on money generally appropriated for Indian tribes. We reiterate and we stand by our commitment not to adversely impact our American Indian 'ohana with this legislation.

Now, let me address the Federal appropriations currently provided to Native Hawaiians. Native Hawaiians already receive Federal funding of our own through various non-BIA programs for such matters as Native Hawaiian health, education, housing, economic development, historic preservation, culture and elder and vocational services.

Federal recognition will not make Native Hawaiians eligible for the Federal programs and services established for our Indian and Alaska Native 'ohana. Through Federal recognition, we are not members of tribes of the lower 48 States, nor members of corporations, tribes, or villages of Alaska. We are Native Hawaiians.

For further clarity on the matter of Federal appropriations, the Congressional Budget Office, which studied an earlier nearly identical version of S. 147 in the 108th Congress, estimated that, quote, "implementing H.R. 4282 would cost nearly \$1 million annually in fiscal years 2005-07."

The CHAIRMAN. Ma'am, you are going to have to summarize some of your testimony. We have three additional witnesses and then questions from the members of the panel. I appreciate it, but you are going to have to summarize your testimony. We usually give 5 minutes. We will give you a lot longer.

Ms. APOLIONA. S. 147 does not allow gaming. It does not provide for that in the language of the bill. And as was stated earlier, the State of Hawaii is one of two States, the other being Utah, that does not allow gaming or gambling.

It is time to restore the Native Hawaiian self-governing status, and we ask that this committee expeditiously move this legislation to the floor of the Senate. Native Hawaiians are hopeful that this Congress will enact S. 147, and thereby take another step toward reconciliation.

I appear before you as the elected trustee of the Office of Hawaiian Affairs, as one of nine duly elected by all citizens of Hawaii to represent the interests of the Hawaiian people. I am Native Hawaiian, and I thank you for your time.

[Prepared statement of Ms. Apoliona appears in appendix.]

The CHAIRMAN. Thank you very much.

Tex Hall, welcome back before the committee.

**STATEMENT OF TEX HALL, PRESIDENT, NATIONAL CONGRESS OF AMERICAN INDIANS, ACCOMPANIED BY JULIE KITKA, PRESIDENT, ALASKA FEDERATION OF NATIVES**

Mr. HALL. [Greeting in native tongue.] Aloha, and good morning to Chairman McCain, Vice Chairman Dorgan, Senator Akaka, my good friend Senator Inouye, and other members of the committee.

I am Tex Hall, president of the National Congress of American Indians. I am joined by Julie Kitka, the president of the Alaska Federation of Natives.

The CHAIRMAN. Welcome.

Mr. HALL. As the committee is aware, NCAI is the largest coalition of tribal governments in the United States, defending tribal government treaty rights and the Federal trust responsibility since 1944. So on behalf of NCAI and the Alaska Federation of Natives, we join in strong support of S. 147, the Native Hawaiian Government Reorganization Act.

NCAI first offered testimony in support of Native Hawaiian sovereignty and self-determination in 2000, a position that has not been changed in our recent resolutions, as attached, and we would like to include those for the record, Mr. Chairman.

The CHAIRMAN. Thank you.

[Referenced documents appear in appendix.]

Mr. HALL. Native Hawaiians are no different than any of our other Nation's indigenous groups. Native Hawaiians lived on the land and governed their own affairs for thousands of years before European contact. For many years, the United States and nations all over the world recognized the Government of Native Hawaiians as a sovereign political entity and signed treaties with them.

Since the illegitimate overthrow of the Hawaiian Kingdom, Native Hawaiians have suffered more than a century of injustice, including the neglect and abuse of their entitlements and the violation of their basic civil rights.

So on behalf of NCAI's member tribes, I am here today to announce that NCAI believes that the Federal Government must correct this injustice and formally recognize the inherent right of Native Hawaiians to self-governance.

Passage of this bill is also timely because since the U.S. Supreme Court decided the *Rice* case in 2000, there has been a flood of non-natives who run for office positions in the Office of Hawaiian Affairs, and there are similar lawsuits challenging education, housing, land and other programs intended to benefit Native Hawaiians.

So before I conclude my testimony, if also I could briefly address one specific issue concerning the bill. When the bill was first introduced in 2000, many people questioned the possible effect that Federal recognition of Native Hawaiian Government could have on funding for Indian programs. NCAI points out that Senator Inouye has promised that Native Hawaiian programs will never be funded at the expense of Indian programs, and that has always been the case.

Section 9 of this bill provides that any appropriations for Native Hawaiians are to be funded independently of the Bureau of Indian Affairs. NCAI would request that the committee add clarifying language to include not just BIA appropriations, but also Indian Health Service and other appropriations for services provided to Indians by the United States.

On a personal note, I had a chance and honor to make several visits to many of my friends in the room here today, and have developed a strong friendship and relationship with the Native Hawaiian people. In North Dakota, if you wear a cowboy hat and you are not a real cowboy, they say that you are all hat and no cattle. [Laughter.]

I have actually met real Native Hawaiians and real Native Hawaiian cowboys. So I am going to be asked to participate in a real Native Hawaiian rodeo coming up real soon, and I look forward to not losing so much over there, because I will probably be called "all hat and no cattle" if I lose. [Laughter.]

So Mr. Chairman, that concludes my testimony, and again, we are in strong support of the passage of S. 147.

[Prepared statement of Mr. Hall appears in appendix.]

The CHAIRMAN. Thank you very much, Tex. I appreciate your appearance again before this committee.

Ms. Danner, welcome.

**STATEMENT OF JADE DANNER, DIRECTOR OF GOVERNMENT AFFAIRS AND COMMUNITY CONSULTATION, COUNCIL FOR NATIVE HAWAIIAN ADVANCEMENT**

Ms. DANNER. Thank you, Mr. Chairman. Aloha, Honorable Chairman McCain, Vice Chairman Dorgan, and esteemed members of the committee on Indian Affairs. My name is Jade Danner. I am the director of Government Affairs and Community Consultation for the Council for Native Hawaiian Advancement.

It is an honor to testify before you here today on this important legislation for our communities. I apologize for my voice trembling, but this is such an important issue for our community. With me today is Tony Sang, who is the chairman of the State Council of Hawaiian Homestead Associations. We are very lucky to have him as a member of our board of directors.

The CHAIRMAN. Welcome, sir.

Ms. DANNER. Mr. Sang's organization represents 24 homestead communities and over 30,000 Native Hawaiian people living on Hawaiian Home Lands, communities that were created by the passage of the Hawaiian Homes Commission Act in 1920. These communities have played a significant role in bringing our people back from the very brink of extinction. SCHHA has asked me to speak on their behalf today.

I was born on the Navajo and Hopi Reservations in the community of Tuba City, AZ, from your neck of the woods, Senator. I have lived 25 years among the Inupiat Eskimos in Barrow, AK. I am Native Hawaiian and I now live in Hawaiian Home Lands in Waimanalo on Oahu. I have witnessed first-hand the power of the transformation that can occur in Native communities on the basis of Federal recognition of a self-governing entity and self-determination.

The Council for Native Hawaiian Advancement is a member-based non-profit organization aimed at improving access to information and resources by the Native Hawaiian community and the organizations that serve it. We organize the largest annual conference dedicated to Native Hawaiian community development.

The Governor has made some strong comments. One of the things that she commented on was the vital need for our culture in the State's economy. CNHA has looked at the economic impact of just our programs and what they bring to the State of Hawaii. While \$59 million goes toward direct benefits to Native Hawaiians, it generates \$147 million in economic production for all of Hawaii's people. So when we build a house on Hawaiian Home Lands for Native Hawaiians to live in, those houses are contributing jobs to non-Natives and Natives alike, and that is an important thing, I think, to note.

From our consultation with the Native Hawaiian community, there is clear consensus about overwhelming support for the passage of this bill, and for recognizing a Native Hawaiian Government as the vehicle to enhance self-determination for Native Hawaiians. Several public laws already authorize programming to ad-

dress Native Hawaiian conditions. Private beneficial trusts also contribute to our well-being. We have resources, Senators.

But as the American Indian and Alaska Native experience has demonstrated, resources are not enough. They are not enough alone. It is vital for our survival as a distinct thread in the human fabric that we have autonomy in our internal affairs, that we are empowered in meaningful ways to make our own solutions and utilize our resources in a way that we see fit.

The Apology Resolution provides for an accurate account of Hawaii's history and its entry into the Union and commits the United States to commencing the much-needed process of reconciliation. It is a history that I will not belabor here. But suffice it to say that our experience and circumstance is no different than many other Native American peoples. As a result, our current conditions are much the same.

Despite these adversities, our hope and our faith in the American system remains. Like other Native Americans, we continue to honor and fulfill our responsibilities as American citizens. Many of our sons and daughters have committed their whole lives to military service, some rising to the highest ranks. I am proud to say that 10 members of the Hawaii State Legislature, a significant portion of Governor Lingle's administration, including the Lieutenant Governor, and of course Senator Akaka, are all Native Hawaiian.

We understand as Hawaiians that in addition to these individual responsibilities as Americans, we have a collective responsibility to perpetuate Native Hawaiian culture, language, knowledge and traditions. It is this obligation that we need this committee and this body's help to fulfill.

We need self-governance to formulate and implement our own solutions and to hold ourselves accountable to those results. We need it because we do not exist anywhere else. If we are denied self-determination and self-governance in Hawaii, in our motherland, we are sure to go the way of so many other Natives indigenous to these shores and now extinct. We will be a memory, and that will be the saddest story in this great Nation's history. We will be lost to the world.

We do not seek recognition of our Native government in order to do gaming, Senators, and we are not interested in eating out of the Indian pot. We seek passage of this bill for a more basic reason. We need to be at the helm of our own future. We want the United States to honor its trust relationship to us, and we want to engage fully in the policy of self-determination and self-governance.

We want to honor our obligation to our ancestors, whose sole existence was to bring us forward, just as we exist to bring future generations of Hawaiians forward. Humbly, we ask the members of Congress to pass this legislation because it empowers us to hold our own destiny in our own hands. We ask that you deal with us in a manner that is fair and just.

Mahalo for this opportunity to address the committee on this important legislation. The Council for Native Hawaiian Advancement looks forward to working with the committee on passage of this bill and on future efforts towards reconciliation with the Native Hawaiian people.

Thank you.

[Prepared statement of Ms. Danner appears in appendix.]

The CHAIRMAN. Thank you very much, Ms. Danner.

What are your views on how well the State of Hawaii has carried out its responsibilities of administering the ceded lands for the benefits of Native Hawaiians?

Ms. DANNER. I would agree with the Governor's assertion that in recent years, maybe the last 10 to 15 years, there has been a much better effort toward managing those resources. But in truth, that is one of the fundamental reasons I believe that we need to control those assets, because we need to be able to hold ourselves accountable from within our community, and not knocking on the door of the State government who is our guardian. They have done a tremendous job in recent years.

The CHAIRMAN. Thank you.

President Hall, does the majority of Indian country support this legislation?

Mr. HALL. Yes; they do, Mr. Chairman. It was discussed at length in our recent resolution which is attached to my testimony, but it was unanimously passed at the NCAI annual convention, Mr. Chairman, in support.

The CHAIRMAN. Thank you.

Chairwoman Apoliona, how much money does the Office of Hawaiian Affairs currently receive from the State of Hawaii for the benefit of Native Hawaiians?

Ms. APOLIONA. From our legislature, we receive approximately \$2 million a year.

The CHAIRMAN. \$2 million a year.

Ms. APOLIONA. And from the revenues of ceded lands, we receive approximately \$9 million a year.

The CHAIRMAN. Does the airport in Honolulu sit on—

Ms. APOLIONA. Yes; it does, Senator.

The CHAIRMAN. And do you get any revenue from that?

Ms. APOLIONA. At the current time, the Native Hawaiian Trust of the Office of Hawaiian Affairs does not receive revenues from those ceded lands of the airport, although the obligation still remains.

The CHAIRMAN. Why do you think that is?

Ms. APOLIONA. A couple of years ago, there was legislation passed here in the U.S. Congress that reinforced the Department of Transportation's request that revenues not be paid from the airport trust revenues that are derived from the airports in Hawaii. However, the obligation still remains for the payment of a 20-percent pro-rata share to the Native Hawaiian Trust from those lands, from use of those lands.

The CHAIRMAN. But that is not the case?

Ms. APOLIONA. The congressional act prohibits the State of Hawaii from paying the pro-rata share from the airport trust funds.

The CHAIRMAN. How many people currently qualify as homesteaders under the Hawaiian Homes Commission Act?

Ms. APOLIONA. I would like to turn to Mr. Micah Kane.

Mr. Kane. Chairman McCain, my name is Micah Kane. I am the chairman of the Hawaiian Homes Commission. I manage the Department of Hawaiian Home Lands which has the trust respon-

sibility of all of the lands and residences and people who are on our waiting list.

Currently right now, as Mrs. Danner articulated, we have 7,400 residential and agricultural lessees that we serve. We also currently have about 18,000 individuals who are qualified Native Hawaiians who would have the opportunity, should our trust present them for home ownership or land stewardship.

The CHAIRMAN. How many people would be eligible as, quote, "Native Hawaiians" as the bill defines this term, to participate in the vote to create the new Native Hawaiian entity?

Ms. APOLIONA. There are approximately 400,000 Native Hawaiians throughout this country. By choice, they will have to make a decision whether they will participate in the process for reorganizing the Native Hawaiian Government. It will be their decision.

The CHAIRMAN. There are 400,000 people who will decide themselves whether they qualify as Native Hawaiians?

Ms. APOLIONA. Part of self-determination, Senator, provides for, as we understand it, the ability for a community to define its membership, and that we would be afforded similarly that decision making process as Native Hawaiians. As we have said earlier, the impact of passage of this bill in our minds is very minimal, as my testimony has said. The financial impact to the Federal budget is very minimal, according to the report of the Congressional Budget Office.

The CHAIRMAN. If you will pardon me, I was just asking how many people would be eligible as Native Hawaiians, and the answer, I guess, is 400,000?

Ms. APOLIONA. Approximately, should they choose to participate in reorganizing the Government.

The CHAIRMAN. Thank you very much.

Senator Dorgan.

Senator DORGAN. Mr. Chairman, first of all, thank you again all of you for your testimony. Chairman Hall, thank you for appearing frequently before this committee and providing useful testimony as we consider these issues. Your support of this legislation is important, and your response to the Chairman's question I think gives us the indication of the strength of support across the country among Indian tribes.

Chairman Apoliona, I want to ask the question, if there is no financial impact here on the Federal budget, and my understanding is this is not something that scores with a substantial problem for us, if that is the case, then the issues that we deal with on reservations here in this country with Native Americans or the issues that I know you are concerned about with Native Hawaiians, of unemployment and poverty and extraordinarily high mortality rates from heart disease and diabetes and so on, how will passage of this legislation, if it has no financial impact, how will it affect and address some of those issues, do you think?

Ms. APOLIONA. I think, as has been mentioned by previous speakers, the ability to begin to reconcile our historic wrongs, and through the self-governance process allow for Native Hawaiians as a people to oversee and direct their future and administration of their assets, both land and resources that will be brought to bear



and under the administration of a Native Hawaiian governing entity.

The 400,000 Native Hawaiians that I refer to, Senators, across this Nation, Native Hawaiians, is approximately 400,000 of all ages. There are much less adult Hawaiians as part of these statistics. But it will give an opportunity to guide the future in a self-determined way via a Native Hawaiian government that will be structured by Native Hawaiians.

Senator DORGAN. So you are saying in a sense that the self-governance that is available under this would provide the ability to better manage the resources?

Ms. APOLIONA. Better manage the resources, implement programs that will address the needs of our people collectively, less dependence on government funding, and really provide us a strength for Native Hawaiian communities to participate in our national and local economy.

Senator DORGAN. Mr. Chairman, I think that the record here that has been submitted by our witnesses provides a pretty substantial amount of information for the committee. I hope that we can perhaps as we go along and consider this legislation, call on them perhaps by submitting additional questions for additional information.

I want to thank all of you for participating this morning in this important hearing.

The CHAIRMAN. Thank you very much, Senator Dorgan.

Senator Akaka.

Senator AKAKA. Thank you very much, Mr. Chairman.

I also want to add that when we talk about support, that our State legislature, since the year 2000, has on two occasions passed resolutions supporting this bill.

My first question is to Jade of CNHA. Jade, CNHA has done workshops on the positive economic impact of Native Hawaiian programs on Hawaii's economy. Can you share some of the data with this committee on those programs?

Ms. DANNER. Yes, Senator; I wanted to clarify for Chairman McCain, first, that the people who are eligible for homesteads, the reason that the number is different and that it does not have a budgetary impact is that all legislation save the Hawaiian Homes Commission Act is already using the definition of Native Hawaiian that is in the bill. So the funds that are appropriated now relate to that.

But according to the economic impact, and this is linked, because the \$59 million that I talked about is for programs. It is Federal funding that comes for programs for Native Hawaiian people with the definition of the bill. That, in turn, generates the \$147 million in economic productivity. So this is a significant resource for our State's economy. It is, in looking at diversity of funding and trying to build an economy that is more diversified, it is certainly one of the significant sources of diversification for our community in terms of the homes and the construction and the private sector businesses that providing these services creates.

Senator AKAKA. I want you to please convey my aloha to your sister Robin. I should tell you that the first time, Mr. Chairman, I visited Point Barrow in Alaska, I met many people, and I met

these two girls and made the comment, you two girls look like you are from Hawaii. [Laughter.]

And to my surprise they said yes. They were from Hawaii. They were Jade and her sister Robin, who eventually moved back to Hawaii and have been working in our interests.

Jade, I thank CNHA, particularly you and your sister, and also Tony Sang, for being here today and supporting us, and for all of the outreach that CNHA has done to the people of Hawaii to help them understand this legislation.

Can you share with my colleagues what CNHA has done to help educate the people of Hawaii about this bill?

Ms. DANNER. Absolutely, Senator. The Council for Native Hawaiian Advancement, we provide information and resources, and so one of the things we do is conduct workshops in the communities on specific issues that relate to Native Hawaiian concerns. We have held over 50 community-based workshops in Hawaii and across the continental United States to Native Hawaiian communities, also attended by members of the Hawaii business community and the community at large, on what the Akaka bill does.

We also try to put it in a context, because for Native Hawaiians to imagine what this means in the context of Federal law, we do not get to look down the road, 15 miles down the road, and see the next-door neighbor tribe and see how it plays out as a circumstance, because we are so far removed. So we have tried to bring information about Federal Indian law, about the history, and about how these authorities helped to bring basic services, housing, education, welfare, those kinds of real services to Native Hawaiians and to their own control, and how American Indians and Alaska Natives have used that to build their communities up.

I saw a recent article that states that found that self-determination is working. It is the first working policy for American Indians and Alaska Natives, a Harvard study no less. And so we take those out to the community and we have reached over 5,000 Native Hawaiians. What we see is as Native Hawaiian knowledge about this world of Indian law and how self-governance works for American Indians, and we can make it more concrete for them, then support grows and understanding grows, and they start to have real ideas about how to implement this very needed thing.

This is just an example of one of the materials that we distribute to each member. Each person who comes to our workshops gets a booklet this thick that contains the full text of the legislation, and some frequently asked questions and background information.

So those are some of the kinds of efforts we have done.

Senator AKAKA. I know the Hawaiian community has supported the bill. I know that other organizations as well have done work in this area, in educating the Hawaiians.

Tex Hall of NCAI, and also Julie Kitka, thank you so much for being here, and thank you for your unwavering support throughout the past 6 years. We would not have been able to have such a strong bill were it not for your willingness to share you, and I quote, share your "lessons learned." Some of my colleagues have expressed concern that providing Federal recognition will be harmful to American Indians and Alaska Natives. I know you have made

some comments on this already, but what is your additional response to that comment? Tex?

Mr. HALL. Thank you for the question, Senator Akaka. I would disagree with that completely. Federal recognition and self-determination works. As Jade Danner had mentioned, the Harvard study clearly shows that it works. When indigenous peoples can govern and manage their own affairs, their health improves, the economy improves, the educational literacy improves, their Native culture remains intact, their Native language remains intact, better relations are developed within the community and the surrounding community within the State. Everyone really improves with the socioeconomic conditions.

So Federal recognition, self-determination clearly is a great, I think it is a great victory for American Indian and Alaska Natives. So if that is afforded in S. 147, I am firmly confident that that will occur with the Native Hawaiians as well.

Senator AKAKA. Thank you very much.

Julie.

Ms. KITKA. Mr. Chairman, Senator Akaka, to respond to your question, my name is Julie Kitka. I am the president of the Alaska Federation of Natives.

I agree with Chairman Tex Hall that self-determination is one of the most successful Federal policies that we have in recent experience. We believe that the recognition of the Native Hawaiians is just another building block in the whole notion of self-determination.

I would also cast self-determination as part of strengthening democracy here at home. The United States has made a policy of strengthening democracy and freedom all around the world. I think it is very important to look at this recognition bill as a building block of self-determination and strengthening democracy here at home.

Native Americans, American Indians, Alaska Natives and Native Hawaiians have the highest rate of participation in the military services since World War II in every branch of the service. I look at the Vietnam War, in particular Alaska Natives, we had the highest rate of volunteerism for that, not draft. I think it is really important to strengthen democracy at home, and I think the recognition of the Native Hawaiians is a component of strengthening democracy, as well as furthering self-determination.

I would hope that once the Hawaiians are recognized, that the Congress would be ready to move on a whole other level of self-determination which would empower our people to contribute even more to this country.

Thank you.

Senator AKAKA. Thank you very much for your responses. I also want to say aloha to the trustees of the OHA, who are here, and welcome and thank you for coming.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you very much.

I thank the witnesses for coming such a long way. We appreciate your views. As I said, we will move this to a vote of the committee by sometime next week.

This hearing is adjourned. Thank you.

[Whereupon, at 11:25 a.m. the committee was adjourned, to reconvene at the call of the chair.]

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## APPENDIX

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### ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

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PREPARED STATEMENT OF HON. NEIL ABERCROMBIE, U.S. REPRESENTATIVE FROM  
HAWAII

Thank you Chairman McCain and Vice Chairman Dorgan for allowing me to submit my testimony in support of S. 147, the Native Hawaiian Government Reorganization Act of 2005. I appreciate your willingness to hold this hearing and to hear from the people of the State of Hawaii.

This bill would provide Native Hawaiians a process through which the Federal recognition. Rather than summarize the details of the legislation, I would like to focus on why this legislation is so urgently needed in Hawaii and why passage of S. 147 would be the fair and honorable thing to do.

The State of Hawaii was once the Kingdom of Hawaii, with a monarchy that was afforded full diplomatic recognition by the United States. On January 17, 1893, the government of the Kingdom of Hawaii was overthrown by a group of American citizens, who acted with the support of U.S. Minister John Stephens and a contingent of U.S. Marines from the U.S.S. Boston. It is important to note that the Native Hawaiian people never willingly relinquished their inherent claims to sovereignty and to this day, retain their unique identity through their distinct cultural, social and political traditions and institutions.

Following the annexation, the conditions of Native Hawaiians in the territory of Hawaii declined to such an extent that Congress passed a law to set aside more than 200,000 acres of land to address these problems. These lands were not given back to the Native Hawaiian people. Rather, the Federal Government held the title and administered these lands for Native Hawaiians. When Hawaii achieved statehood, these lands were included in a public trust and the Federal Government transferred administrative responsibility to the government of the State of Hawaii. To this day, Native Hawaiians remain subject to the final authority of the Federal Government.

Native Hawaiians are a distinct indigenous population with their own culture, identity and assets set aside for their benefit. However, unlike other indigenous populations, Native Hawaiians do not have control over their own land, resources and other assets. S. 147 would remedy this error and extend to Native Hawaiians the policy of self-governance and self-determination currently practiced by American Indians and Alaska Natives.

It is important to note that the Federal Government already treats Native Hawaiians as an indigenous population in many respects. The U.S. Congress has enacted over 160 laws designed to address the conditions of Native Hawaiians. These Federal laws provide for the provision of healthcare, education, job training, the preservation of native languages, the protection of Native American graves and the repatriation of Native American human remains. Thus, recognition would not necessitate new programs nor would it impact existing programs for American Indians and Alaska Natives. It simply gives Native Hawaiians a seat at the table and a voice in matters affecting their destiny.

It is time for the United States to formally recognize its special relationship and extend justice to the Native Hawaiian people.

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PREPARED STATEMENT OF HON. ED CASE, U.S. REPRESENTATIVE FROM HAWAII

Mr. Chairman, Senator Dorgan, and members of the committee, good morning and aloha! As the Representative from the Congressional district with more Native Hawaiians than any other in our country, I am honored today to testify in unqualified support of S. 147, the Native Hawaiian Government Reorganization Act, introduced by my colleagues, Senators Akaka and Inouye, on January 25, 2005. My House colleague, Congressman Neil Abercrombie, and I co-introduced companion legislation, H.R. 309, on the same day in the House. Our collective actions mark a united and continuing commitment by Hawaii's entire delegation to the most vital single piece of legislation for our Hawaii since Statehood.

This legislation affirms the longstanding political relationship between Native Hawaiians, the indigenous peoples of our Hawaii, and our Federal Government, and extends to Native Hawaii is the time-honored Federal policy of self-determination provided other indigenous peoples under U.S. jurisdiction.

Mr. Chairman, allow me to be direct: This legislation is indispensable both to the Hawaiian people, wherever they are, and to all of our Hawaii. The stakes are nothing more or less than the survival and prosperity not only of our indigenous people and culture, but of the very soul of our Hawaii as we know and love it.

From that perspective, I speak to you today on behalf of all of Hawaii's people, and all those worldwide for whom Hawaii, in all of her forms, be they natural, environmental, cultural social, or spiritual, is a truly special and unique place. And I say to you that Hawaii—the Hawaii that is the indigenous home of all Native Hawaiians, that my own ancestors and many other non-Native Hawaiians embraced since recorded Western discovery in 1778, and that so many throughout the world continue to view as a beacon for what can be in our world—our Hawaii has never been so at risk as today.

It is at risk because it is a creation of and rests upon the foundation of our Native Hawaiian people and culture, and their survival and prosperity are at risk. As they go, so goes Hawaii as we know it, and a Hawaii which is not Hawaiian is not a Hawaii I can bear to envision.

Nor is Federal recognition for Native Hawaiians exclusively a Hawaii issue. Census figures show that our country is home to more than 400,000 Native Hawaiians, with 160,000 living outside of Hawaii. And clearly the preservation of the Hawaii that so many throughout our world have come to know and love is of great concern to so many well beyond our borders.

So our goal is not only reaffirming the longstanding historical and political relationship between Native Hawaiians and the United States, not only delivering fairness and justice to Native Hawaiians, but ensuring the very survival and prosperity of our Native Hawaiian people and culture and, through them, Hawaii itself. And this is a truly common goal, evidenced by road-based support among Hawaii's political leaders, and Hawaiians and non-Hawaiians alike, which spans ethnic, partisan and other distinctions.

The goal of assisting Native Hawaiians is not new to our Federal Government. Beyond a longstanding relationship that was reaffirmed when Hawaii became a territory in 1900 and a State in 1959, over 160 Federal statutes have enacted programs to better the conditions of Native Hawaiians in areas such as Hawaiian homelands, health, education and economic development, all exercises of Congress' plenary authority under our U.S. Constitution to address the conditions of indigenous peoples. These have been matched by State and quasi-autonomous entities such as the Office of Hawaiian Affairs and the Department of Hawaiian Home Lands, and private entities like the Kamehameha Schools. And they have born fruit with a renewed focus on unique Native Hawaiian needs and a renaissance of Native Hawaiian culture. Federal recognition is the big picture framework by which these indispensable efforts can be carried forward into the next generation of Native Hawaiian governance.

Federal recognition is also the time-honored means of memorializing our government's relationship With the indigenous peoples of the contiguous 48 States and Alaska. There, either government-to-government treaties or the Bureau of Indian Affairs recognition process or legislative recognition have extended self-determination and affirmed relationships. Although the difference between those peoples and Native Hawaiians is exclusively geographic, such means have simply not been either available or exercised in the case of Native Hawaiians.

Nor is the goal of extending Federal recognition to Native Hawaiians a new one. The enactment into law in 1993 of the Apology Resolution [P.L. 103–150] expressed a national commitment to reconciliation efforts between Native Hawaiians and the Federal Government. Subsequent efforts through the Departments of Justice and Interior, as well as the White House Initiative on Asian Americans and Pacific Islanders established by executive orders of both Presidents Clinton and Bush, identified Federal recognition legislation and the inclusion of Native Hawaiians in Federal programs and services as top priorities. In fact, during the 106th Congress, the House passed Federal recognition legislation for Native Hawaiians, on September 26, 2000.

Most recently, the Office of Hawaiian Relations was established within the Department of the Interior. Structurally organized under the Assistant Secretary for Policy, Management, and Budget, this new office is a welcome and positive step forward in coordinating policies within the Department as they affect Native Hawaiians. Already the Department oversees pertinent issues such as Hawaiian home lands, historic preservation, the Native American Graves Protection Act, the Native Hawaiian Culture and Arts Program, and the consideration of Native Hawaiians in natural resources management, including our Hawaii national parks.

The time is long overdue for our Federal Government to create a permanent and sustainable relationship with Native Hawaiians in order to resolve longstanding issues and ensure the survival and prosperity of the Native Hawaiian people and culture and of their special home. For all of us in Hawaii, Mr. Chairman, and in fact for all Native Hawaiians wherever throughout our country and world they may live, I urge the passage of this crucial legislation.

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PREPARED STATEMENT OF HON. BYRON L. DORGAN, U.S. SENATOR FROM NORTH DAKOTA, VICE CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS

I thank the chairman for scheduling this hearing today on a bill that is very important to two of our most distinguished members of this committee—the former chairman and vice chairman, Senator Inouye, and the principal sponsor of this legislation, Senator Akaka.

I have had the opportunity to visit with the chair of the Board of Trustees of the Office of Hawaiian Affairs, and I have learned that through this bill, the Native Hawaiian people simply seek a status under Federal law that is equal to that of America's other Native peoples—American Indians and Alaska Natives.

Federal programs for Native Hawaiians that provide support for education, health care, housing, job training and employment, and protection of cultural resources have been in place since the 1970's, and that is why the Congressional Budget Office has projected that there will be no impact on the Federal budget—whether measured in terms of budget authority or outlays—associated with the extension of Federal recognition to a Native Hawaiian government.

And to those who are concerned that this bill will give rise to conditions that may be similar to some of the less desirable dynamics in Indian country, this reorganized Native Hawaiian government will sit down and negotiate with the United States and the State of Hawaii to work out their relationships and the exercise of their respective governmental powers and authorities.

Once the three governments have reached agreements, the Congress and the legislature of the State of Hawaii will have to enact further legislation to implement their agreements. So we will have the opportunity to fully understand the nature and scope of these proposed relationships and sharing of governmental powers and authorities before we vote on legislation to make their agreements part of Federal law.

I believe that through this bill, the Senators from Hawaii have laid out a process that is not only reasonable and prudent, but which will enable the three governments to develop good working relationships with one another that will be premised upon their consensus.

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PREPARED STATEMENT OF HON. DANIEL K. INOUE, U.S. SENATOR FROM HAWAII

I thank our chairman for agreeing to schedule this hearing today so that our Governor could be present as the committee considers this measure that we believe is vitally important to the State of Hawaii.

Mr. Chairman, in the interest of time, I will ask that my full statement be included in the record, and I will limit my remarks to just a few points.

First, I want to welcome our Governor, the honorable Linda Lingle, to this hearing, and to welcome as well the chairperson of the Board of Trustees of the Office of Hawaiian Affairs, and all of those who have traveled so far to be with us today.

Second, because so much of what we are here today to consider arises out of events that took place long ago, I think it is important to note the following—as most of us know, the government of Hawaii that represented the Native Hawaiian people was overthrown with the assistance of U.S. troops on January 17, 1893; but what is less well known, is that notwithstanding the overthrow of their government, the Native Hawaiian people never ceased their expression of their political status;

- Through the Royal Societies and later, the Hawaiian Civic Clubs, all manner of cultural, political and social activities and relationships unique to the Native Hawaiian people were kept intact;
- This distinct status of the Native Hawaiian people is so widely accepted as part of the fundamental societal fabric of Hawaii, that it is not at all surprising that ALL of the citizens of Hawaii came together in 1978 to amend the State's constitution to establish the Office of Hawaiian Affairs—in order to assure that Native Hawaiians would have a distinct voice in the government of Hawaii.

As a member of the Territorial legislature of Hawaii, I was privileged to take part in the negotiations that led to our compact with the United States, and I know first hand what happened at that time.

It can be seen in our Admissions and it is evidenced in our State Constitution.

The United States and the State of Hawaii agreed at that time that Native Hawaiians would continue to have a separate status under Federal law—the Statehood Act so provides—as well as under State law—as our State's Constitution provides.

At no time, was there ever discussion of terminating the distinct status of the Native Hawaiian people—under either Federal or State law.

At no time did the United States jettison its relationship with the Native Hawaiian people—in fact, in contrast, the United States retained the authority to enforce against any breach of the Hawaiian home lands trust, and to consent to any amendments to the Hawaiian Homes Commission Act.

Over 160 Federal laws have subsequently been enacted by the U.S. Congress and signed into law by the succeeding Presidents of the United States—each of those laws building upon and adding to the founding principles that were recognized at Statehood and before—that Native Hawaiians are both citizens of our State and of the United States, but like the other indigenous, native people of America—they have their own distinct status under the law. That has never changed.

We are here today to consider a bill that the Congressional Budget Office has consistently concluded has no impact on the Federal budget.

This bill does not make Native Hawaiians into American Indians or Alaska Natives—nor does it make Native Hawaiians eligible for programs that are designed to assist American Indians or Alaska Natives.

We have put some disclaimers in this bill, but in my view, they are not necessary—because it is clear, and has always been clear, that Native Hawaiians are a distinct and unique native people who are indigenous to the United States—but they are not American Indians or Alaska Natives, nor do they seek to be.

Rather they seek parity—equality—self-determination and the right to self-governance as our Federal policies have recognized for the last 35 years.

The fact that the citizens of our State—through our Governor and our legislature—so strongly support the reorganization of a Native Hawaiian government and the restoration of a relationship with the United States should, in my mind, hold great weight.

We are not naive nor do we enter this arena lightly.

We have tried for many, many years now to secure passage of this legislation, and we have not, nor will we—be deterred from the course of action that we believe is in the best interests of all of the citizens of our State.

So I thank you, Mr. Chairman, and Vice Chairman Dorgan, for affording us the opportunity to have our voices heard in this—our Nation's capital.

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PREPARED STATEMENT OF LINDA LINGLE, GOVERNOR, FROM HAWAII

Chairman McCain, Vice Chairman Dorgan, Senator Inouye, Senator Akaka, and other committee members, thank you for this opportunity to speak with you today about an issue of great importance to my State.

Knowing the many pressing national issues you are facing, I am especially grateful for the time you are allocating to hear testimony today on S. 147, the Native Hawaiian Government Reorganization Act of 2005.



I am appearing before you on behalf of the people of Hawaii. We are seeking justice for the Native Hawaiian people, who have been made to wait too long for the kind of recognition that Congress has granted to America's other indigenous peoples.

Let me address upfront the claim by some opponents of S. 147 that Federal recognition of Native Hawaiians constitutes a race-based preference or racial discrimination. Calling S. 147 a race-based preference ignores both the facts and the historic relationship that has existed between the United States, the former Kingdom of Hawaii and the Native Hawaiian people since at least 1826.

Let's look at the facts.

Native Hawaiians were governed by their own leaders and their own laws long before Europeans and Americans came to the Hawaiian Islands.

The United States recognized and understood that the Kingdom of Hawaii was a sovereign nation as evidenced by the exercise of Congress' constitutional authority to confirm treaties between the United States and the Kingdom of Hawaii as far back as 1826.

When the United States annexed Hawaii as a territory, it effectively subordinated the Native Hawaiian government to the Federal Government. Hence the United States' relationship to the people governed by the Native Hawaiian government was political, not racial, in nature.

To those who opine that S. 147 will result in racial discrimination, I would posit that the only discrimination that can reasonably be associated with this bill is if it fails to become law. Let me explain this point.

The United States is inhabited by three indigenous peoples-American Indians, Native Alaskans, and Native Hawaiians.

While these three indigenous groups differ in culture, history, and anthropological origin, all share three fundamental attributes: (1) they were here long before any European explorer ever set foot on the North American continent or the Hawaiian archipelago; (2) they lived according to their own governmental structures on their homelands long before the Federal Government of the United States was imposed upon them; and (3) the United States historically acknowledged their existence as distinct nations.

Congress has given two of these three populations full self-governance rights. The Native Hawaiian Government Reorganization Act allows Native Hawaiians to receive parity with the Nation's other indigenous peoples. To withhold recognition of the Native Hawaiian people therefore amounts to discrimination since it would continue to treat the Nation's three groups of indigenous people differently.

The United States has historically recognized Native Hawaiians as a separate indigenous people by entering treaties with them as early as 1826 and enacting over 150 pieces of legislation relating them, including measures as recent as 2004.

Yet today there is no one governmental entity able to speak for or represent Native Hawaiians. The act before you today would finally allow the process to begin that would bring equal treatment to the Native Hawaiian people.

You are not being asked to extend the ability to establish a self-governing structure to the Native Hawaiians because of their race. Rather you are being asked to do so because of their unique status as the indigenous people of a once sovereign nation to whom the United States has a recognized trust responsibility. Passage of S. 147 would grant simple, but profound justice to the proud Native Hawaiian people whose future well-being is essential to the long-term well-being of the State of Hawaii.

Besides granting long-delayed justice to the Native Hawaiian people, S. 147 achieves four important results for everyone in the State of Hawaii.

No. 1. Enhances the ability of individual Native Hawaiians to become more self-sufficient, which reduces their reliance on State and federally funded services.

A Native Hawaiian government using existing appropriated funds will be in a position to engage in meaningful economic development that not only will generate revenue for social services and other programs, but most importantly will create new employment opportunities for individual Native Hawaiians.

No. 2. Provides greater accountability for and makes more efficient and effective use of State and Federal programs.

In more than 150 pieces of legislation passed during the past 85 years Congress has recognized the unique needs of Native Hawaiians. Having a single governmental entity to represent and speak for the Native Hawaiian people will maximize the effectiveness of these programs and make it easier to ensure accountability.

No. 3. Creates the best opportunity to preserve the Native Hawaiian culture.

The unique nature of Hawaii is derived largely from the indigenous culture of the Native Hawaiians.

Native governments, like the one established by this act, are well documented to best nurture and protect traditional native culture and values.

In Hawaii, where the Native Hawaiian culture is the primary attraction for a tourist industry that fuels the State's economy, preservation of the Native Hawaiian culture is an economic imperative.

No. 4. Protects existing programs by clarifying that the relationship between the United States and the Native Hawaiian people has government-to-government origins rather than racial origins. Current and continuing legal challenges are unnecessarily putting programs to benefit Native Hawaiians at risk.

As I previously testified before your committee in 2003, this bill is vital to the survival of the Native Hawaiian people, it is vital to providing parity in Federal policy for all native peoples in America, and it is vital to the continued character of the State of Hawaii.

Let me conclude by telling you that this bill will be a unifying force for our State. It is supported by every elected official of both major political parties, it is supported overwhelmingly by people of all ethnic backgrounds, and it is supported by a majority of the State's business community, including the two largest banks.

Your passage of S. 147 will allow a process to begin that will lead to the kind of self-government enjoyed by the Nation's other indigenous people and it will reaffirm our Nation's commitment of equal treatment for all its citizens.

Thank you again for allocating the committee's valuable time to consider this matter of great importance to the people and the State of Hawaii.



**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**  
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WRITTEN TESTIMONY

Trustee Haunani Apoliona  
 Chairperson, Board of Trustees  
 Office of Hawaiian Affairs

United States Senate Committee on Indian Affairs  
 Hearing on S. 147, The Native Hawaiian Government Reorganization Act  
 Tuesday, March 1, 2005, 10:00a.m.  
 Room 485, Russell Senate Office Building

**Nā 'Ōiwi 'Ōlino**

E ō e nā 'Ōiwi 'Ōlino 'eā  
 Nā pulapula a Hāloa 'eā  
 Mai Hawai'i a Ni'ihau 'eā  
 A puni ke ao mālamalama 'eā ē

Ku'ē au i ka hewa, ku'ē!  
 Kū au i ka pono, kū!  
 Ku'ē au i ka hewa, ku'ē!  
 Kū au i ka pono, kū!

Answer, O Natives, those who seek knowledge  
 The descendants of Hāloa  
 From Hawai'i island in the east to Ni'ihau in the west  
 And around this brilliant world

I resist injustice, resist!  
 I stand for righteousness, stand!  
 I resist injustice, resist!  
 I stand for righteousness, stand!

**INTRODUCTION**

E nā alaka'i a me nā lālā o kēia Kōmike o nā Kuleana o ka 'Aha'ōlelo Nui o 'Amelika Hui  
 Pū ia, aloha mai kākou. He loa ke ala i hele 'ia e mākou, nā 'Ōiwi 'ōlino o Hawai'i, a he ala i hehi

mua 'ia e nā ali 'i o mākou, e la'a, 'o ka Mō'ī Kalākaua, ke Kamali'iwahine Ka'iulani, a me ka Mō'iwahine hope o ke Aupuni Mō'ī Hawaii, 'o ia ko mākou ali 'i i aloha nui 'o Lili'uokalani. A he nui no ho 'i nā Hawai 'i i kūnou mai ai i mua o 'oukou e nānā pono mai i ke kulana o ka 'ōiwi Hawai 'i, kona nohona, kona olakino, ka ho'onaauao a pēlā wale aku.

Ua pono ka helena hou a mākou nei a loa'a ka pono o ka 'āina, ke kulaiwi pa'a mau o ka lāhui 'ōiwi o Hawai 'i pae'āina, 'o ia wale nō ka Hawai 'i. No laila, eia hou no ka 'ōiwi Hawai 'i, he alo a he alo, me ka 'Aha'ōlelo Nui.

**TO THE LEADERS AND MEMBERS OF THIS COMMITTEE ON INDIAN AFFAIRS OF THE UNITED STATES CONGRESS, GREETINGS.**

My name is Haunani Apoliona and I am the Chairperson of the Board of Trustees for the Office of Hawaiian Affairs (OHA), a body corporate created by the Hawai 'i State Constitution and statute. The mission of OHA is to protect and assist Native Hawaiian people and to protect our environmental and other resources, and by so doing work to perpetuate our threatened traditional culture. Perhaps most importantly, OHA is working to bring meaningful self-government to the Native Hawaiian people, who are the only indigenous group in the United States to whom Congress has not fully afforded that fundamental right.

Mr. Chairman, as you have stated, "self-determination enables tribes to more successfully develop programs that best serve their members, lessen dependency on the federal government, and ensure greater participation in the national economy." (*Indian Tribes as Sovereign Governments, Second Edition (2004), Foreword; page xii.*) Native Hawaiians seek this same opportunity, this same freedom, to develop programs that best serve our members, lesser dependence on government, and ensure greater participation in the economy.

I testify today in support of enactment of S. 147 and its companion legislation in the House of Representatives, H.R. 309.

**WE DESERVE TO BE TREATED WITH THE SAME RESPECT AS AMERICA'S OTHER INDIGENOUS GROUPS**

There are three indigenous populations within the United States: American Indians in the lower 48 states, Eskimos, Aleuts and other native groups in Alaska, and Native Hawaiians. The governing entities of American Indians and Alaska Natives have both been recognized by Congress. This recognition extends to indigenous people the ability to govern their own internal affairs in a manner appropriate to their cultures and traditions. Congress acted in 1934 by passing the Indian Reorganization Act, and in 1971 by passing the Alaska Native Claims Settlement Act. In this legislation, as Hawaiians, we seek only what long ago was granted this nation's other indigenous peoples. See Appendix C. Congress has held numerous hearings on analogous bills very similar to S. 147 to recognize a Native Hawaiian governing entity over the past several years. Indeed, this Committee issued voluminous reports in the 106<sup>th</sup>, 107<sup>th</sup> and 108<sup>th</sup> Congresses detailing the historical relations between the United States and Native Hawaiians and documenting the need for this legislation. A brief summary of this history is further set forth in Appendix A. During this same time period, the United States Departments of Interior and Justice, Governor Linda Lingle of

Hawai'i, the National Congress of American Indians, and the Alaska Federation of Natives, as well as others, all have testified before this Committee in support of similar legislation. The Committee reported favorably on those previous bills. We hope that the Committee will do the same with S. 147.

#### **THE DISMANTLING OF THE ORIGINAL NATIVE HAWAIIAN GOVERNMENT**

For nearly a century before the forcible annexation of the Kingdom of Hawai'i in 1898, the United States recognized the Native Hawaiian government as a sovereign entity, entering into four treaties and other agreements with the Kingdom over the course of most of the nineteenth century. Not unsurprisingly, however, when the United States forcibly took control of the Hawaiian Kingdom, it worked to dismantle our native government, leaving our ability to manage our own internal affairs severely compromised.

In an Apology Resolution adopted by Congress a decade ago, Congress explicitly acknowledged that the United States-backed overthrow of the Kingdom of Hawaii in 1893 and the United States' annexation of Hawai'i in 1898 resulted in the "deprivation of the rights of Native Hawaiians to self-determination." (See Apology Resolution, Pub. L. No.103-150, 107 Stat. 1510 (1993), see also Robert N. Clinton, *Arizona State Law Journal*, "There Is No Federal Supremacy Clause for Indian Tribes," *Symposium on Cultural Sovereignty* Spring 2002, 34 *Ariz. St. L.J.* 113, 165.) The Departments of Justice and the Interior have acknowledged the same, and have called upon Congress to "enact further legislation to clarify Native Hawaiians' political status and to create a framework for recognizing a government-to-government relationship with a representative Native Hawaiian governing body." U.S. Depts. Of Justice and Interior, *From Mauka to Makai: The River of Justice Must Flow Freely* at 4 (Report on the Reconciliation Process Between the Federal Government and native Hawaiians, Oct. 23, 2000). S. 147 reflects the Departments' recommendation and Congress' commitment to acknowledge the ramifications of the overthrow of the Kingdom of Hawai'i. S. 147 advances the process of healing for Native Hawaiians. See Appendix D.

The United States has a unique legal and political relationship with the indigenous people of Hawai'i, and that relationship is forged in a history of treaties, the Admission Act of Hawai'i, hundreds of federal statutes, Executive Orders, and court decisions. The United States has repeatedly acknowledged its trust responsibility to Native Hawaiians through the Executive, Legislative and Judicial Branches of government. See Appendix B. Congress clearly maintains the Constitutional authority to enact this legislation.

#### **S. 147 ESTABLISHES A PROCESS FOR NATIVE HAWAIIANS TO REORGANIZE AND REESTABLISH A NATIVE GOVERNMENT**

S. 147 establishes a collaborative process through which the United States, the State of Hawai'i and a reorganized Native Hawaiian government will work together to define the scope and nature of each government's rights and responsibilities. Here's how the process will work:

First, the Secretary of the Interior will appoint a nine-member commission to prepare a roll of those adult members who chose to become members of the reorganized government. After this

roll is compiled and certified, the Commission will submit the roll to the Secretary for publication.

Second, Native Hawaiian members will have the authority to develop criteria for candidates to be elected to the Native Hawaiian Interim Governing Council, determine the structure of the Council, and elect members to the Council.

Third, once the Council is established, it will have authority to develop organic documents for the Native Hawaiian governing entity and to hold elections for the purpose of ratifying the proposed organic documents.

Fourth, the Secretary of the Interior shall review and, if appropriate, certify the Native Hawaiian organic documents.

Fifth, the legislation provides for a collaborative negotiation process through which the United States, the State of Hawai'i and the Native Hawaiian governing entity may address matters such as the transfer of lands, the exercise of governmental authority over such lands, the exercise of civil and criminal jurisdiction, and any residual responsibilities of the United States and Hawai'i. Significantly, S. 147 does not legislate any changes to the existing laws regarding these matters. Unless and until federal and state laws are amended to reflect the results of the collaborative, negotiated process, there will be no changes in the existing framework through which Native Hawaiian lands and resources are managed.

**S. 147 IS NECESSARY FOR NATIVE HAWAIIAN SELF-SUFFICIENCY, ECONOMIC SECURITY, HEALTH AND WELFARE, AND CULTURAL PRESERVATION.**

S. 147 provides the Native Hawaiian people with the tools we need to reorganize so that our governing entity will be in a position to more efficiently and effectively provide for us. Administration of existing federal appropriations by a single governing entity will result in more efficient and effective use of those funds. This, in turn, will promote meaningful economic development that will create desperately needed new employment opportunities for Native Hawaiians.

S. 147 will also provide a framework to nurture and protect the unique culture of Native Hawaiians. It is well documented that Native governments throughout the United States are best positioned to ensure the continuation of native cultures through the development of educational and language programs, culturally-sensitive social services, and religious practices. In Hawaii, where this native culture is the primary attraction in a tourist industry that fuels the State's economy, preservation of Native Hawaiian culture is an economic imperative.

**THE IMPACT OF S. 147 ON THE BUREAU OF INDIAN AFFAIRS' BUDGET**

We, as Native Hawaiians, have not asked for, and S. 147 does not provide, the Native Hawaiian governing entity with access to the federal funding set aside for American Indian tribes. In fact, S. 147 is specifically structured so that it does not provide authority for that to occur. First, Section 7 of the bill makes clear that the Native Hawaiian governing entity shall not be considered an "Indian tribe" as that term is defined in Title 25 of the United States Code. Hence, S. 147 does

not provide for the Native Hawaiian governing entity to participate in Bureau of Indian Affairs programs and appropriated funding available only to for "Indian tribes."

Second, Section 9 of the bill quite specifically states that "[n]othing contained in this Act provides authorization for eligibility to participate in any programs and services provided by the Bureau of Indian Affairs for any person not otherwise eligible for the programs and services."

We think Section 7 and 9 of the bill make clear that enactment of S. 147 will not have an impact on the Bureau's budget or on money generally appropriated for Indian tribes. The House Committee on Resources came to the same conclusion on a virtually identical bill introduced in the last Congress, stating:

This legislation will continue to reflect the separate funding authorities that Native Hawaiians have enjoyed since 1910; since this date, Congress has enacted over 160 statutes designed to address the conditions of Native Hawaiians. Thus appropriations for Native Hawaiian programs have always been separately secured and have had no impact on program funding for American Indians or Alaska Natives.

H.R. Rep. No. 108-742, at 3 (2004). We reiterate and we stand by our commitment not to adversely impact our American Indian `ohana with this legislation.

#### **FEDERAL APPROPRIATIONS CURRENTLY PROVIDED TO NATIVE HAWAIIANS**

As discussed above, the Native Hawaiian governing entity need not raid the appropriated federal funds provided to American Indians through the Bureau of Indian Affairs' budget because Native Hawaiians already receive funding of their own through various non-BIA programs. For example, we receive funding from the Department of Housing and Urban Development for Native Hawaiian housing, we receive funding from the Department of Health and Welfare for health care clinics, and we receive funding from the Department of Education for educational programs.

Native Hawaiians already receive federal funding of our own through various non-BIA programs for such matters as Native Hawaiian health, education, housing, economic development, historic preservation, culture, and elder and vocational services. Federal recognition will not make Native Hawaiians eligible for the federal programs and services established for our Indian and Alaska Native `ohana. Through federal recognition, we are not members of tribes of the lower 48 states, nor members of corporations, tribes or villages of Alaska. We are Native Hawaiians.

It is important to emphasize this existing funding because in these times of difficult budget deficits we well understand Congress' concerns about any expansion of the federal budget. Because our programs already are funded, enactment of S. 147 will have no significant impact on the federal budget.

This has been confirmed by the Congressional Budget Office, which studied an earlier (nearly identical) version of S. 147 in the 108<sup>th</sup> Congress estimated that "implementing H.R. 4282

would cost “nearly \$1 million annually in fiscal years 2005–2007 and less than \$500,000 in each subsequent year, assuming the availability of appropriated funds. Enacting the bill would not affect direct spending or revenues.” H.R. Rep. No.108-742, at 8 (2004).

Clearly implementing the provisions of S. 147 would have a minimal impact on the federal budget.

**DEFINING “NATIVE HAWAIIAN”**

S. 147 defines the term “Native Hawaiian” as:

(A) an individual who is one of the indigenous, native people of Hawai‘i and who is a direct lineal descendant of the aboriginal, indigenous, native people who-- (i) resided in the islands that now comprise the State of Hawai‘i on or before January 1, 1893; and (ii) occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawai‘i; or

(B) an individual who is one of the indigenous, native people of Hawai‘i and who was eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) or a direct lineal descendant of that individual.

The definition provided in S. 147 is generally consistent with the definitions used in the myriad of federal statutes concerning Native Hawaiians, including, for example, the Native Hawaiian Health Care Act, the Native Hawaiian Education Act, the Hawaiian Homelands Homeownership Act, the Native American Graves Protection and Repatriation Act, the National Historic Lighthouse Preservation Act, and the Older Americans Act Amendments of 1987. The definition is also consistent with the lineal descendency membership requirements of many, many Indian tribes, which key membership to lineal descendency from an established historical membership roll. *See, e.g.* the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians of Oregon; the Coquille Indian Tribe of Oregon; the Wyandotte Nation of Kansas; the Chickasaw Nation of Oklahoma; the Choctaw Nation of Oklahoma; and the Cheyenne River Sioux Tribe of South Dakota. Indeed, this Committee has itself acknowledged that the Constitution does not “impose[] any minimum blood quantum requirement for tribal membership, and suggestions to the contrary have no legal or historical basis.” S. Rep. 108-85, at 32 (2003).

There may be concerns about the implications of how “Native Hawaiian” is defined. As a practical matter, the definition of “Native Hawaiian”, as defined in S. 147, will not make members of the Native Hawaiian entity eligible to participate in Bureau of Indian Affairs funding. Therefore, we do not believe that the manner in which we identify our membership will have any significant budgetary impact.

We urge Congress not to set policy that splits us apart and separates us from our family members as was done in the past. We are Native Hawaiian, we know who we are, trust us to decide what is best for us.



Let me reemphasize that one of the most fundamental principles of meaningful self-government is the ability to determine who is a member of the Native group. We respectfully suggest that the Native Hawaiian people be able to determine who is or is not Native Hawaiian.

#### TRUST RESPONSIBILITIES IMPOSED ON HAWAII UPON ITS ADMISSION TO THE UNION

Hawai'i is the only State required by federal legislation to administer a portion of the federal trust obligation to its native people. The historical context of this obligation is grounded in the Hawai'i Admission Act, Pub. L. No. 86-3 (1959). As a condition of its admission to statehood in 1959, Congress required the State of Hawai'i to assume most of the federal government's trust responsibilities concerning the administration of lands and resources under the Hawaiian Homes Commission Act. The Admission Act provides:

As a compact with the United States relating to the management and disposition of the Hawaiian home lands, the Hawaiian Homes Commission Act . . . shall be adopted as a provision of the Constitution of said State . . . subject to amendment or repeal only with the consent of the United States.

Pub. L. 86-3, § 4. The United States Solicitor General explained that "[t]his Section "transferred authority to the State to administer HHCA lands." Brief of the United States at 4, *Rice v. Cayetano*, 528 U.S. 495 (2000). The Hawaii Admission Act further requires state administration and management of an additional 1.2 million acres of trust land for one of five purposes -- one of which is for "the betterment of the conditions of native Hawaiians." Pub. L. 86-3, § 5(f).

Under the Hawaii Admission Act, the Department of the Interior retains certain trust duties relating to the administration of Native Hawaiian land and resources. In particular, the United States retained the power to enforce the trust by filing actions against the State if it failed to perform the trust responsibilities set forth in the Admissions Act, Pub. L. 86-3, § 5(f). The Secretary of the Interior also retained approval authority for exchanges of Hawaiian Home Lands. Finally, Hawai'i may amend or repeal the Hawaiian Homes Commission Act only with the consent of the United States. In other words, but for the retained oversight role of the United States, the State administers all of the trust responsibilities encompassed within the Hawaiian Homes Commission Act.

#### RESTORING NATIVE HAWAIIAN SELF-GOVERNING STATUS

Hawai'i gained admission to the Union squarely in the middle of a two-decade period in which the United States actively was engaged in terminating its government-to-government relationship with tribal governments. This termination policy was officially adopted by Congress in 1953, and in the following year alone Congress terminated its government-to-government relationship with at least 66 tribes. F. Cohen's *Handbook of Federal Indian Law*, at 171, 173-74 (1982 ed.).

In some instances Congress terminated the federal relationship with a particular tribe while concurrently transferring certain trust responsibilities for that tribe to the state in which the tribe was located. For example, the federal trust responsibility for the management of tribal lands was transferred to the State of Texas when the Alabama Coushatta Tribe was terminated in 1954 and

when the Tiwa Tribe (now known as the Pueblo of Ysleta del Sur) was terminated in 1968.

The provisions found in the 1959 Hawaii Admission Act relating to native Hawaiians and their Homelands are consistent with the general termination policy then influencing the federal government's relationship with Indian tribes in the lower 48 states.<sup>1</sup> Of course since then, Congress has restored the government-to-government relationship with nearly every terminated tribe (including the Alabama Coushatta Tribe and the Tiwa (Tigua) Indians of Ysleta del Sur, both of which were restored to federal recognition by Congressional action in 1987).

When understood in this context, it is clear that the Hawaii Admissions Act simply reflects prevailing federal policy in the 1950s and that it should not be viewed as a paradigm of Federal-Native Hawaiian relations that must remain unmodified today.

#### **S. 147 DOES NOT ALLOW GAMING**

Finally, some have questioned whether we seek a government-to-government relationship as a first step towards gaming. Such suggestions add insult to injury. Our pursuit of reorganization and recognition started long before Congress even conceived of the Indian Gaming Regulatory Act (IGRA) in 1988. Nevertheless, we wish to make it perfectly clear that gaming is not part of recognition of Native Hawaiians. S. 147 clearly states that the Native Hawaiian governing entity shall not be eligible to conduct gaming activities under IGRA. Moreover, the state of Hawai'i is one of only two states, the other being Utah, which do not allow gambling or gaming. This Committee acknowledged this in its Report on an earlier version of this proposed legislation, "a reorganized Native Hawaiian government could not conduct any form of gaming in the State of Hawai'i under the Indian Gaming Regulatory Act." S. Rep. 108-85, at 38 (2003).

#### **CONCLUSION: IT IS NEVER TOO SOON FOR JUSTICE TO BE DONE**

Congress has considered legislation almost identical to that embodied in S. 147 and H.R. 309 in three consecutive Congresses now, in the 106<sup>th</sup>, 107<sup>th</sup>, and the 108<sup>th</sup>. In every case this Committee has reported favorably on our legislation. We urge the Committee to do this again in the 109<sup>th</sup> Congress. Native Hawaiians are hopeful that this Congress will enact S. 147 and thereby take another step toward reconciliation. Over the past year, over 12,000 Hawaiians have submitted documentation to sign up to participate in the process to form a Native Hawaiian governing entity.

Native Hawaiians seek self-determination not unlike American Indians and Alaskan natives. We ask for this same opportunity, this same freedom, the freedom to develop programs that best serve our members, lesser dependence on government, and the opportunity to make positive

<sup>1</sup> In the 108<sup>th</sup> Congress the Senate Indian Affairs Committee noted regarding a previous, nearly identical version of S. 147 that "when the State of Hawai'i was admitted into the Union, the Federal policy toward the native peoples of America was designed to divest the Federal government of its responsibilities for the indigenous people and to delegate those responsibilities to the several states. . . . In similar fashion, in 1959, the United States transferred most of its responsibilities related to the administration of the Hawaiian Homes Commission Act to the new State of Hawai'i, and in addition, imposed a public trust upon the lands that were ceded back to the State for five purposes, one of which was the betterment of conditions of Native Hawaiians." S. Rep. 108-85, at 22 (2003).

contributions to our economy.

Hawaiian culture, history, language, religion and traditions live on today despite over two centuries of contact with the West and despite more than a century of domination by an alien culture. Our traditional priorities, recognized by the State of Hawai'i, deserve recognition and protection from the federal government, as well. See Appendix E.

I appear before you as an elected Trustee of the Office of Hawaiian Affairs, as one of nine people duly elected by all of the citizens of Hawai'i to represent the interests of the Hawaiian people. But more importantly, I appear before you as a guardian of my people's right to self-determination. I am a Native Hawaiian. He Hawai'i au.

No laila, eia au ma ka palena pau o kēia noi ha'aha'a a ha'aheo, e ho'olohe mai a e\_ana mai i ka 'ike a me ka maopopo pono o kūlana 'ōiwi o ka Hawai'i i ko mākou 'āina kulaiwi mai ke au kahiko loa a ka wā pau 'ole. He pono kāia 'ōlelo i mua o 'oukou i 'ōlelo 'ia me ka ikaika a me ka mana a me ke aloha o nā kupuna i hala, nā Hawaii he lehu o kēia au a me nā hanauna e puka a'e ana no. Mahalo nui, ke aloha no ....

Translation:

Therefore, as I approach the conclusion of this humble testimony, I ask that you listen and look upon us with wisdom and understanding of the status of the Native Hawaiian in our ancient homeland. What is said to you is offered in truth, and is uttered with the strength and power and love of our forebears, our Native Hawaiians in Hawai'i and the continental U.S. today, and generations hence.

Mahalo (thank you) for the opportunity to present this testimony.

## APPENDIX A

## HAWAIIAN SELF-DETERMINATION: A HISTORY OF DENIAL

The relationship between the United States and the State of Hawai'i and the Native Hawaiian people is a matter of written record. Congress itself provides a factual account of the illegal overthrow of 1893 and the annexation of 1898 in the Apology Bill, Pub. L. No. 103-150, 107 Stat. 1510 (1993). (See also Robert N. Clinton, Arizona State Law Journal, Spring 2002, 34 *Ariz. St. L.J.* 113, 165.) The story is worth retelling, however, because it serves to underscore the legacy left by over a century of neglect and the need for Congress to correct a historic wrong and restore Native Hawaiian self-determination.

One hundred and twelve years ago, diplomatic and military representatives of the United States triggered and led the overthrow of the Kingdom of Hawai'i through, in President Grover Cleveland's words, "an act of war on a friendly and confiding people." (See also Robert N. Clinton, Arkansas Law Review (1993), 46 *Ark. L. Rev.* 77, 109, citing President's Message Relating to the Hawaiian Islands, H.R. Exec. Doc. No. 47, 53d Cong., 2d Sess. (1899); S. Rep. No. 227, 53d Cong., 2d Sess. (1893).) Later, without the consent of the indigenous people of Hawai'i, the illegitimate "Republic of Hawai'i" purported to cede both Hawaiian sovereignty and more than 1.8 million acres of Hawaiian crown and government land to the United States. This usurpation of the sovereignty and land was undertaken without consent and without compensation to the Hawaiian people.

The official disenfranchisement of the Hawaiian people at the hands of the United States continued. With the Organic Act of 1900, Congress entrusted management of crown lands and government lands to the territorial legislature. (See Charles Wilkinson, Indian Tribes as Sovereign Governments, Second Edition [2004], p. 26.) In 1920, the United States, attempting to provide assistance to Native Hawaiians as they had American Indians, divided our people by blood quantum, thus drawing artificial lines between parent and child, grandparents and grandchildren, and 'ohana (extended family) in a society and culture knowing and practicing no such distinctions. In 1959, the United States provided for the continuation of this division of the Native Hawaiian people as one of the conditions to Hawai'i's admission as the fiftieth state of the Union.

The Native Hawaiian people have endured the painful irony that they were made part of the American political family without being permitted to exercise one of the most basic principles of American political thinking – the right of self-determination. The United States of America used its power to allow the overthrow of the legitimate government of Hawai'i and then withheld that power and refused to rectify that wrong. While establishing a special relationship with the indigenous Hawaiian people, the U.S. unilaterally redefined what it means to be "Hawaiian."

For too long, our ancestors and 'ohana have waited for the United States and its political agent, the State of Hawai'i, to right the wrong that was committed in 1893, only to see the small steps taken for our benefit persistently attacked and maligned. **Reconciliation has been thus far denied.**

## APPENDIX B

## THE UNITED STATES REPEATEDLY HAS ACKNOWLEDGED ITS TRUST DUTY TO NATIVE HAWAIIANS

## Executive Branch Acknowledgement

The United States has acknowledged a trust responsibility to Native Hawaiians. The U.S. Solicitor General has unambiguously stated:

- “The United States has a special responsibility for the welfare of the Native peoples of the United States, including Native Hawaiians.”
- “Congress has identified Native Hawaiians as a distinct indigenous group within the scope of its Indian affairs power, and has enacted dozens of statutes on their behalf pursuant to its recognized trust responsibility.”
- “[B]y classifying Native Hawaiians as ‘Native Americans’ under numerous federal statutes, Congress has extended to Native Hawaiians many of the same rights and privileges accorded to American Indian, Alaska Native, Eskimo and Aleut communities.”
- “[T]he United States has concluded that it has a trust obligation to indigenous Hawaiians because it bears responsibility for the destruction of their government and the unconsented and uncompensated taking of their lands.” (emphasis added).
- “Congress does not extend benefits and services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once-sovereign nation as to whom the United States has a recognized trust responsibility.” (emphasis added).

United States Brief, *Rice v. Cayetano*, 528 U.S. 495 (2000) at 1, 4, 9, 18, 20.

This trust responsibility also was confirmed in a report issued by the U.S. Departments of Justice and Interior on October 23, 2000, which explained that:

- Lands ceded to the U.S. when Hawai‘i was annexed in 1898 were “impressed with a trust for the Native Hawaiian common people.”
- The 1993 Apology Resolution, Pub.L. 103-150, 107 Stat. 1510 (1993) “declared a trust relationship between the United States Government and the Native Hawaiians.” (emphasis added).
- “The United States took the clear position that the United States has a trust responsibility to Native Hawaiians” in the United States’ brief filed in *Rice v. Cayetano*, (emphasis added).
- “[i]n recognition of the United States special trust relationship with its native peoples and in

furtherance of the reconciliation process, the United States should assist the Native Hawaiian people by supporting reorganization efforts and clarifying its unique legal and political relationship.” (emphasis added).

U.S. Depts. Of Justice and Interior, *From Mauka to Makai: The River of Justice Must Flow Freely* at 1, 3, 13, 40 (Report on the Reconciliation Process Between the Federal Government and native Hawaiians, Oct. 23, 2000).

The Executive Branch's continued recognition of this trust relationship has been institutionalized with the establishment of the Office of Native Hawaiian Relations in the Office of the Secretary of the Interior with the responsibility, *inter alia*, to “continue the process of reconciliation with the Native Hawaiian people. Consolidated Appropriations Act of 2004, Pub.L. 108-199, 118 Stat. 3, div. H, sec. 148 (2004). This Office was established by the Secretary of the Interior in Order No. 3254, June 24, 2004, and the Interior Department began recruiting staff members for this office in January 2005.

#### **Legislative Branch**

The Legislative Branch of government has confirmed the trust relationship between the United States and Native Hawaiians many times over the years. Two recent examples (both passed after *Rice v. Cayetano*) are the Hawaiian Homelands Homeownership Act of 2000, Pub.L. 106-568, 114 Stat. 2868 (2000) and the reenacted Native Hawaiian Education Act, Pub.L. 107-110, 115 Stat. 1425 (2002), codified at 20 U.S.C. sec. 7512 *et seq.* (2002).

- In the Hawaiian Homelands Homeownership Act, Congress stated that it “does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship.” Section 202(10)(B) (Emphasis added.)
- In the Native Hawaiian Education Act, Congress explained that it “affirmed the special relationship between the United States and native Hawaiians in the Hawaiian Homes Commission Act, 1920, id. sec. 7202(8), and “reaffirmed the trust relationship between the United States and the Hawaiian people” through the 1959 Admission Act, Pub. L. 86-3, 73 Stat. 4 (1949). Id. sec. 7202(10) (emphasis added).
- Finally, Congress describes Native Hawaiians as “the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship.” 20 U.S.C. sec. 7512(12)(B) (Emphasis added.)

The 1959 Admission Act also embodies the trust relationship between the United States and the Native Hawaiian People.

- Section 4 of the Admission Act requires the State, “as a compact with the United States” adopt the Hawaiian Homes Commission Act of 1920 as a provision of the State's Constitution. Under the Admission Act, the State may amend or repeal those provisions

“only with the consent of the United States.” Furthermore, provisions of the Hawaiian Homes Commission Act provide for continuing duties of the United States. For example, Section 204(3) of the Act requires that land exchanges may not occur without the approval of the Secretary of the Interior. *See also* Department of the Interior Departmental Manual, 514 DM 1.

- In Section 5(b) of the Admission Act, the United States transferred most of the lands it received by cession in 1898 to be held by the State as “a public trust” with the revenues generated by these lands to be used for five specific purposes including “the betterment of the conditions of native Hawaiians.” The United States retained oversight responsibilities in this section, expressly providing that “their use for any other object shall constitute a breach of trust for which suit may be brought by the United States.”
- The United States “reaffirmed the trust relationship which existed between the United States and the Hawaiian people by retaining the power to enforce the [Hawaiian Home lands] trust, including the power to approve land exchanges, and legislative amendments affecting the rights of beneficiaries under such Act.” 1992 Health Care Act, 42 U.S.C. 11701(15) (emphasis added).

#### Judicial Branch

The Judicial Branch has repeatedly recognized the “trust obligation” between the United States and Native Hawaiians.

- *Price v. Akaka*, 928 F.2d 824, 826-28 (9<sup>th</sup> Cir. 1991) and 3 F.3d 1220 (9<sup>th</sup> Cir. 1993) (holding that Native Hawaiians had standing to bring claims under 42 U.S.C. § 1983 to challenge expenditures because of “trust obligations” established by Congress in section 5(f) of the 1959 Admission Act).
- *Price v. State of Hawai‘i*, 764 F.2d 623, 627-28 (9<sup>th</sup> Cir. 1985) (examining the applicability of federal court jurisdiction and observing that “native Hawaiians in general may be able to assert a longstanding aboriginal history” sufficient to give rise to standing and that the 1959 Admission Act codified a “trust obligation” between the United States and the Native Hawaiian people “that constitutes a ‘compact with the United States’”).
- *Keaukaha-Panaewa Community Ass’n v. Hawaiian Homes Comm’n*, 739 F.2d 1467, 1471 (9<sup>th</sup> Cir. 1984) (“The Admission Act clearly mandates establishment of a trust for the betterment of native Hawaiians.”).
- *Keaukaha-Panaewa Community Ass’n v. Hawaiian Homes Comm’n*, 585 F.2d 1216, 1218 (9<sup>th</sup> Cir. 1978) (the State of Hawai‘i is required to hold and manage the Hawaiian Home Lands “as a public trust ... and their use for any other object shall constitute a breach of trust for which suit may be brought by the United States).

## APPENDIX C

## HAWAIIAN RECOGNITION IS ABOUT FAIRNESS AND JUSTICE

Following the illegal overthrow of the Kingdom of Hawai'i on January 17, 1893, the Provisional Government and later the Republic of Hawai'i seized management of all lands formerly controlled by Queen Lili'uokalani ("Crown Lands"), Hawai'i Constitution, Art. 95. Sec. 262 (1894), as well as the lands controlled by the government of the Kingdom of Hawai'i ("Government Lands").

In the 1959 Admission Act, Pub. L. No. 86-3, 73 Stat. 4 (1959), the United States transferred approximately 1.2 million acres of the Public Lands, plus another 200,000 acres of Hawaiian Home Lands, to the State of Hawai'i. Section 5(f) of the Admission Act explicitly provided that the lands granted to the State of Hawai'i upon admission were to be held by the State as a public trust. Section 5(f) required that the revenues generated by these lands be used for five specific purposes:

for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible[,] for the making of public improvements, and for the provision of lands for public use.

Until Hawai'i's 1978 Constitutional Convention, the State interpreted this provision as allowing it to use the revenues for any one of these purposes, not all five. The State devoted all of these revenues to public education and allocated none of these revenues specifically to benefit Native Hawaiians.

Because of the decades of neglect, the delegates to the 1978 Constitutional Convention proposed a series of constitutional amendments that were subsequently ratified by the voters and added to Hawai'i's Constitution. These amendments affirmed that the State held the Ceded Lands as a Public Land Trust, with Native Hawaiians as one of the two named beneficiaries and the general public as the other (Article XII, Section 4). These constitutional amendments established the Office of Hawaiian Affairs (OHA) (Article XII, Section 5) and required the State to allocate a pro rata share of the revenues from the Public Lands to OHA to be used explicitly for the betterment of Native Hawaiians (Article XII, Section 6).

In 1992, Congress found that the joint resolution of annexation (the Newlands Resolution) and the Organic Act established "a special trust relationship between the United States and the inhabitants of Hawai'i." 42 U.S.C. §1701(12). Congress further found that Hawai'i's Admission Act "reaffirmed the trust relationship which existed between the United States and the Hawaiian people by retaining the exclusive power to enforce the [Hawaiian Home Lands] trust, including the power to approve land exchanges, and legislative amendments affecting the rights of beneficiaries under such Act." 42 U.S.C. §1701(15). The United States also "reaffirmed the trust relationship which existed between the United States and the Hawaiian people by retaining the legal responsibility of the State for the betterment of the conditions of Native Hawaiians under section 5(f) of the



[Admission Act]." 42 U.S.C. §1701(16).

In 1993, the U. S. Congress acknowledged in the Apology Bill (Public Law 103-150), that this action was illegal and could not have been accomplished without the assistance of U.S. agents. The Apology Bill goes on to note that the subsequent "cession" of these lands to the United States in 1898 was "without the consent of or compensation to the Native Hawaiian people of Hawai'i or their sovereign government":

Whereas, without the active support and intervention by the United States diplomatic and military representatives, the [January 1893] insurrection against the Government of Queen Lili'uokalani would have failed for lack of popular support and insufficient arms;

\* \* \*

Whereas the Republic of Hawai'i also ceded 1,800,000 acres of crown, government and public lands of the Kingdom of Hawai'i, without the consent of or compensation to the Native Hawaiian people of Hawai'i or their sovereign government;

\* \* \*

The Congress —

(1) on the occasion of the 100th anniversary of the illegal overthrow of the Kingdom of Hawai'i on January 17, 1893, acknowledges the historical significance of this event which resulted in the suppression of the inherent sovereignty of the Native Hawaiian people. . .

Public Law 103-150.

Throughout all of these years, despite all of the reaffirmations of the "special relationship" between the United States and the indigenous people of Hawai'i, and despite the number of times our people have come to Congress seeking reconciliation, the historic wrongs forced on our people have been allowed to continue without redress. **The right of self-determination has been extended to the indigenous people of every other state in the union save one: Native Hawaiians.**

S. 147 and its House companion, H.R. 309, are initial but significant steps on the path of reconciling historic wrongs to Hawaiians and recognizing absolutely their political relationship with the United States of America.

## APPENDIX D

## THE PROCESS OF HEALING MUST CONTINUE

We are not unmindful of the efforts that have been made by the federal government and the State of Hawai'i to try to alleviate the conditions faced today by the indigenous people of Hawai'i. Congress has, for example, repeatedly found that the health of native peoples is tied to their relationship to land. More specifically, Congress has found this to be true for Native Hawaiians. "[T]he health and well-being of Native Hawaiian people is intrinsically tied to their deep feelings and attachment to the land" 107 Stat. at 1510. The social and economic changes in Hawai'i which resulted from contact with the west had a "devastating" effect on the Native Hawaiian population and on their "health and well-being." (*Id.*, 107 Stat. at 1512.) Foreigners brought new diseases to Hawai'i, and the Native Hawaiian population plummeted.

The condition of Native Hawaiians deteriorated to a point that, in 1920, territorial representatives sought assistance from Congress. Noting that Hawaiian people had been "frozen out of their lands and driven into the cities" and that "Hawaiian people are dying," the Committee recommended allotting land to the Hawaiians so that they could re-establish their traditional way of life. H.R. Rep. No. 839, 66th Cong., 2d Sess. 4 (1920.) The Secretary of the Interior echoed that recommendation, informing Congress that Native Hawaiians are "our wards . . . for whom in a sense we are trustees," that they "are falling off rapidly in numbers" and that "many of them are in poverty." (*Id.*) Those recommendations led to the enactment of the Hawaiian Homes Commission Act, which designated 200,000 acres of lands for homesteading by "native Hawaiians," which was defined as descendants of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands prior to western contact in 1778.

Since Hawai'i's admission into the Union, Congress has assisted in addressing the well-being of Native Hawaiians. Congress has established special Native Hawaiian programs in the areas of health care, education, employment, housing, and business loans. (See e.g., Native Hawaiian Health Care Improvement Act, 42 U.S.C. §§11701-11714; Native Hawaiian Education Act, 20 U.S.C. §§7901-7912; Workforce Investment Act of 1998, 29 U.S.C. §2911; Native American Programs Act of 1974; and others.) These statutes are premised on Congressional findings that the conditions of Native Hawaiians in these areas continue to lag seriously behind those of non-natives, 42 U.S.C. §11701(22); 20 U.S.C. §7902(17).

The U.S. Congress and President committed themselves to pursue a reconciliation between the United States and the Native Hawaiian people in the 1993 Apology Bill, and the State of Hawai'i has committed itself to a similar process.

Further, the United States has recognized that Native Hawaiians, as aboriginal, indigenous, native peoples of Hawai'i, are a unique population group in Hawai'i and in the continental United States, so declaring that in Office of Management and Budget Circular 15 in 1997 and Presidential Executive Order No. 13125, dated June 7, 1999.

On July 28, 1999, the United States filed an amicus brief in the case of *Rice v. Cayetano*,

528 U.S. 495 (2000). In its brief, the United States affirmed that it has a trust obligation to indigenous Hawaiians. The Solicitor General explained:

The United States has concluded that it has a trust obligation to indigenous Hawaiians because it bears a responsibility for the destruction of their government and the unconsented and uncompensated taking of their lands. Brief of United States at 21.

Congress does not extend benefits and services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once-sovereign nation as to whom the United States has a recognized trust responsibility. *Id.* at 27.

In 1993, Congress, led by the Hawaii congressional delegation, concluded that a century of national silence and neglect was enough. In 1993, Congress enacted Senate Joint Resolution 19, popularly known as the Apology Bill. In that Bill, Congress acknowledged America's illegal role in destroying the legal government of the Hawaiian people and urged President Clinton to support reconciliation efforts between the United States and the Native Hawaiian people. In December of 1999, a series of community meetings on all five major islands of Hawai'i were held by the Federal Reconciliation Delegation. Those meetings represented a first step in the long-delayed journey toward reconciliation between the United States and the indigenous people of Hawai'i. These meetings resulted in the publication of a joint Department of the Interior and Department of Justice report entitled *Mauka to Makai: The River of Justice Must Flow Freely*. The report recommends that the indigenous people of Hawai'i be given right to the full expression of self-determination and calls for federal recognition of a Native Hawaiian government.

## APPENDIX E

## HAWAIIAN CULTURE AND PEOPLE DESERVE RECOGNITION

The culture, society, governmental organization, and religious traditions of Hawai'i flourished in the archipelago since the time of Christ – long before the first contact with the West in 1778. With more than 200 years of settlement by European explorers, American missionaries and businessmen, plantation workers from Asia, and others from every corner of the world, Native Hawaiians faced cultural assimilation and cultural genocide, but tenaciously maintained a myriad of traditional practices that have their origins in pre-Western Hawai'i. These cultural practices include religion and spirituality, language, celestial navigation, wood carving, one-of-a-kind feather work, poetry, dance, chant, surfing and other sports, healing arts, martial arts, fishing, farming, weaving, and more. These practices are integral to the lifestyle of the Native Hawaiian and are enjoyed by *kama'āina* (lifetime residents) and *malihini* (newcomers) alike.

The inseparable connectedness between Native Hawaiians and their natural environment – the land, ocean, plant life, and animal life – goes far beyond western ideologies of control, manipulation, and ownership. An ancient cosmogonic chant known as the *Kumulipo* or "source from the dark" teaches us that the ocean and land were born first as elder siblings, followed by plant and animal life. Later, man emerges as the younger sibling, ingraining in the Hawaiian an innate kinship with his environment. 'Āina or land was not a commodity. Rather, it was regarded as the elder sibling who commanded respect and the appropriate behavior of "malama 'āina" (care for the land). Man cared for the land and, in turn, the land sustained the lives of men.

Cultural practices of Native Hawaiians are inextricably attached to their land base and natural resources. Traditional methods of healing, including the use of native herbs and plants (*lā'au lapa'au*), are being studied by Western medical experts as effective alternatives to chemical-based treatment modalities. Social and behavioral scientists are adopting aspects of traditional conflict resolution techniques (*ho'oponopono*) as a means of successful intervention therapies and prevention of family and domestic violence.

The hula, or traditional dance, perhaps the "best known" of Hawai'i's cultural and spiritual practices, also requires the gathering of symbolic flora from regions ranging from the high rain forests to the shoreline. In honor of the gods, these materials are fashioned in adornments and costuming that pay honor and respect to those gods, the *ali'i* or rulers, and lesser chiefs, important historical events, and the myriad districts, geophysical features, and islands that make up Hawai'i. Yet over time, the hula was trivialized by westerners who, through ignorance and lack of sensitivity, reduced this time-honored tradition to pretty girls, cellophane skirts, and coconut bras. Today, the hula in its traditional form is widely popular in Hawai'i and has brought about a heightened consciousness of the need for protection and preservation of our culture, land, and natural resources as well as renewed pride in our Hawaiian identity.

Native, Hawaiian culture, language, religion, and traditions live on and, in many respects, thrive. These traditional practices are well-recognized and are embodied in the laws of the State of Hawai'i. The Hawai'i State Constitution (Article XII, Section 7) recognizes Native Hawaiians'

right to exercise customary and traditional practices for subsistence, culture, and religious purposes. Article X, Section 4, mandates the promotion of the study of Hawaiian culture, history and language, and Article IX, Section 9, grants the state power to preserve and develop ethnic cultural, creative, and traditional arts. These rights have received judicial affirmation. (See [Public Access Shoreline Hawai'i v. Hawai'i County Planning Commission](#), 79 Haw. 425, 903 P.2d 1246 [1995].)

Our culture and language are perpetuated now by our children and grandchildren. In the fall of 2002 and 2003, the Office of Hawaiian Affairs sponsored an essay contest for elementary, middle, and high school students. The topic, "What it Means to be Hawaiian," generated numerous entries written in both English and Hawaiian.

In short, our culture, history, language, religion, and traditions live on today despite over two centuries of contact with the West and despite more than a century of domination by an alien culture. Our traditional practices, recognized by the State of Hawai'i, deserve recognition and protection from the federal government as well.

As Senator John McCain has stated, "self-determination enables tribes to more successfully develop ... programs that best serve their members, lessen dependency on the federal government, and ensure greater participation in the national economy." (*Indian Tribes as Sovereign Governments*, Second Edition (2004), Forward, page xii.) Native Hawaiians seek this same opportunity, this same freedom, to develop programs that best serve our members, lessen dependence on government, and ensure greater participation in the economy.

As native people giving voice to our ancestors, we are descendants of traditions and values indigenous to this Hawai'i. Our Native Hawaiian elders (*kīpuna*), wayfinders, and navigators established and developed a sophisticated and efficient society in the middle of the vast Pacific Ocean. Our lifestyle and survival were guided by respect and honor for God, man and nature; stewardship of land and natural resources; and careful attention to the balance of human use of a fragile ecosystem. These considerations are as important now in the 21st century as they were 1,000 years ago.

We know we don't stand alone. We stand with the two other indigenous peoples of America. Federal policy on self-determination and self-governance currently extends to Alaska Natives and Native American Indians. Native Hawaiians, the third indigenous people in these 50 states, seek such inclusion. While Queen Lili'uokalani may have stood alone in the 19th century in pursuit of reconciling history for her people, Native Hawaiians in the 21st century are joined by Native American Indians and Alaska Natives who stand with us in our pursuit of federal recognition and reconciliation. For this, we Native Hawaiians are grateful.

109<sup>th</sup> Congress

Committee on Indian Affairs, United States Senate

Hearing scheduled for Tuesday, March 1, 2005 10:00 a.m.

On S. 147, the Native Hawaiian Government Reorganization Act of 2005 ("Akaka Bill")

Testimony by H. William Burgess on his own behalf and on behalf of Aloha for All<sup>1</sup>

Aloha and good morning Chairman John McCain and members of the Senate Committee on Indian Affairs:

I am an attorney who practiced law in Hawaii for 35 years until I retired in 1994. For the last seven years I have been advocating and litigating for the basic democratic principle of equality under the law.

S. 147 would make the 400,000 Native Hawaiians permanent wards of the DOI, divide the Aloha state into separate racial jurisdictions and destroy the very quality that has made Hawaii a model for the world.

Senator McCain was absolutely right when he said in January that, when Hawaii became a state, there was an implicit agreement that native Hawaiians would not receive the same status as native Americans. In contrast to all other states since the original thirteen, Hawaii's organic governing documents do not reserve from the State of Hawaii's jurisdiction or sovereignty any lands or members of any Indian tribes. There were then and are now no Indian tribes or Hawaiian tribes or any other kind of tribes in Hawaii. Unlike native Americans, who were denied U.S. citizenship until 1924, Hawaiians have enjoyed full U.S. citizenship since 1900 when the Organic Act of the Territory of Hawaii became law.

**Background of the Akaka bill.** The original version of S. 147, commonly referred to as the "Akaka bill", was first introduced in the year 2000 shortly after the Supreme Court, in *Rice v. Cayetano*, struck down the racial restriction on voting for the Office of Hawaiian Affairs. Because that decision threatened many other laws and programs for the "benefit" of Hawaiians, Senator Akaka with Senator Inouye's endorsement, proposed candidly to circumvent the Supreme Court's decision by having Congress "recognize" Hawaiians (defined substantially the same way the Supreme Court had held in *Rice* to be "racial") as the equivalent of an Indian tribe.

The bill encountered resistance and did not pass in 2000 or subsequently. (It did

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<sup>1</sup> Aloha for All, is a multi-ethnic group of men and women, all residents, taxpayers and property owners in Hawaii who believe that Aloha is for everyone and every citizen is entitled to the equal protection of the laws without regard to her or his ancestry. For further information about the Akaka bill see: <http://www.aloha4all.org> and <http://www.angelfire.com/hi2/hawaiiansovereignty/OpposeAkakaBill.html> or email [hwburgess@hawaii.rr.com](mailto:hwburgess@hawaii.rr.com).

pass a sparsely attended House in 2000 when Representative Abercrombie included it in a vote on non-controversial items.) Efforts to attach it as a rider to appropriations bills in 2000, 2001 and 2004 were defeated. Hawaii's political leaders have resubmitted the bill to the 109<sup>th</sup> Congress as S. 147 and H.R. 309.

**A radical change in existing law.** Although the proponents assert the bill will simply give Native Hawaiians "parity" with the Federal Government's treatment of American Indians and Alaska Natives, the bill would in reality make a radical change in existing law. It would give Native Hawaiians, defined solely by ancestry, something no American Indian has: the right to create the equivalent of a tribe where none now exists.

Congress may "acknowledge" or "recognize" groups which have existed as tribes, i.e., autonomous quasi-sovereign governing entities, continuously from historic times to the present (25 C.F.R. 83.7) but it has no power to create a tribe arbitrarily. (*U.S. v. Sandoval*, 231 U.S. 28 (1913)). One D.O.J. attorney put it succinctly, "We don't create tribes out of thin air."<sup>2</sup>

Since 1810, when Kamehameha the Great unified the islands and established the Kingdom of Hawaii, there has never been a government exclusively of, by or for Hawaiians. The Hawaiians-only nation the Akaka bill proposes to "recognize" has never existed. See Patrick W. Hanifin's *To Dwell on the Earth in Unity: Rice, Arakaki, and the Growth of Citizenship and Voting Rights in Hawaii*.

**A dangerous precedent.** If descendants of "indigenous, native" Hawaiians are entitled to organize a brand new native government and demand federal recognition, why should descendants of "indigenous, native" persons who, at the time of European contact, inhabited other lands that later became part of the United States, not have the same right?

For example, a group calling itself the "Provisional Government of Aztlan" now claims that since 1848 when the Mexican government signed the Treaty of Guadalupe Hidalgo, the U.S. has been illegally occupying the northern half of Mexico known as Aztlan. It seeks to have California, Arizona, New Mexico and Texas "liberated". If S. 147/H.R. 309 passes and becomes law, how could the U.S., bound to equal protection, deny descendants of Tenochca Mexica-"Aztecs" the right to organize their own native government, be recognized by the U.S., obtain the lands they seek and govern them as an independent sovereignty?

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2. *Connecticut v. Babbitt*, U.S. Court of Appeals, Second Circuit, January 6, 2000. Alice Thurston arguing on behalf of the Interior Secretary, "When the Department of Interior recognizes tribes, it is not saying, 'You are a tribe.' It is saying, 'We recognize that your sovereignty exists.' We don't create tribes out of thin air." *Without Reservation*, Benedict, page 352.

What will become of the United States if it can be endlessly subdivided into quasi-sovereign governing entities? Where will it end?

**Unfair to real Indian tribes.** Census 2000 counted about 400,000 persons of some degree of Hawaiian ancestry in the United States. S. 147 would compel the U.S to "reaffirm" that all or substantially all of these persons, solely because each of them has a Hawaiian ancestor, have: "an inherent right to autonomy in their internal affairs"; "an inherent right of self-determination and self-government"; and "the right to reorganize a Native Hawaiian governing entity." Sec. 4(a)(4). This would potentially be the largest tribe in America.

Sixty percent, or about 240,000, live in Hawaii. The other 40%, or about 160,000, live in other states. Sixty thousand live in California. The California branch of the make-believe Native Hawaiian "tribe" would potentially have more than the combined total enrolled membership of all of California's 103 tribes.

The bill provides that "Nothing contained in this Act shall be construed as an authorization for eligibility" for BIA programs and services. But the bill also would compel the U.S. to "reaffirm" that it has "a special political and legal relationship with the Native Hawaiian people which includes promoting the welfare of Native Hawaiians." (Sec. 4(a)(2)). This Committee's March 3, 2004 Views and Estimates of the 2005 budget request notes that Indian agencies "have witnessed a pattern of under-funding for decades". How could adding 400,000 new "wards" to the Secretary of the Interior's guardianship responsibilities not result in decades more of under-funding for members of real Indian tribes?

**Bad even for Hawaiians.** Unlike American Indians and Native Alaskans, all citizens of the former nation of Hawaii, including those of Hawaiian ancestry, were given full United States citizenship under the Organic Act in 1900. Members of Indian tribes have no right to U.S. citizenship under the Constitution. It was not until 1924 that Congress, by statute, gave members of Indian tribes the right to vote and other rights of U.S. citizenship. That right could still theoretically be taken away by statute.

S. 147 would demote Native Hawaiians from full U.S. citizenship to the same constitutional status as American Indians in recognized tribes. That would mean that Native Hawaiians could be singled out for differential treatment without the protection of the Equal Protection clauses of the Fifth and Fourteenth Amendments. Differential treatment can mean better treatment or worse treatment.

This is not just a hypothetical possibility. Hawaii's citizens are showing resistance to the seemingly endless Hawaiian entitlement demands. The Honolulu Advertiser of Sunday February 9, 2003 polled the priorities of Hawaii's taxpayers about a number of current issues. Addressing Native Hawaiian issues came in last. Fifty two percent of those polled (more than on any other issue) would pay no more tax to address Native Hawaiian concerns.



(<http://the.honoluluadvertiser.com/dailypix/2003/Feb/09/in03a3.gif> .) The Honolulu Advertiser of February 21, 2003 quoted Regents of the University of Hawaii as "shocked" at \$31 million of proposed tuition waivers, including 250 specifically targeted for needy students of Native Hawaiian ancestry.  
( <http://the.honoluluadvertiser.com/article/2003/Feb/21/in/in02a.html> .) We approve of scholarships based on merit and need but not based on race.

S. 147 would put Native Hawaiians into the permanent status of dependency as wards of the Department of the Interior. The experience for over a hundreds of years by the other wards of that Department? Grinding poverty and the highest rates of unemployment and alcoholism. This Committee's March 3, 2004 Views and Estimates of the 2005 budget request notes that "the vast majority of Native economies are moribund" (page 3) "with unemployment averaging 45%" and "per capita income for Indians averages \$8,284." (page 4).

By contrast Census 2000 shows per capita income for Native Hawaiians in Hawaii at \$14,199 and median family income of \$49,282. For the 60,000 Native Hawaiians residing in California, where they are free from the incentive-smothering entitlement programs provided in Hawaii, the per capita income of Native Hawaiians is \$19,881 and median family income is \$55,770. Striking evidence that Native Hawaiians are fully capable of prospering, without being wards of the DOI and without entitlements from Hawaii, is shown in the Census 2000 reports of median per capita income of Male, full time, year round Native Hawaiian workers: \$33,258 in Hawaii and \$38,997 in California.

Native Hawaiians have a right not to be patronized and not to be treated in some paternalistic, condescending manner but as responsible, competent human beings, from whom excellence is an expectation, not a surprise. American free market democracy where all citizens follow the same rules is the best hope for Native Hawaiians and all the rest of us.

**Tax free businesses & casinos.** The Akaka Bill would turn anyone with a drop of Hawaiian blood into a new kind of American Indian. It would allow Hawaii to be carved up into separate sovereign enclaves, like Indian reservations, that could have businesses free of federal and state taxes competing unfairly with those that pay them. While the bill says it does not authorize casinos, it does not prohibit them either, and almost every state that has Indian reservations also now has casinos that pay no taxes. This makes Indian casinos far more likely to be profitable than casinos, such as those in Las Vegas and Atlantic City, who pay federal and state taxes.

**Unlimited political contributions by Tribes.** Indian tribes are not covered by campaign financing laws. Since there also is no limit on what the Indian tribes can contribute to political campaigns, if the Akaka bill passes and recognition is given, the casino money (a tax exempt gambling monopoly in the paradise of the Pacific) would flow and Hawaii certainly would soon have casinos and the addictions, ruined lives and

other social ills that inevitably accompany them.

**Rejection of democracy and Aloha.** Today the State of Hawai'i is, by law as well as by aspiration, a multiracial, thoroughly integrated state. The Akaka bill is a frontal assault on both Aloha and the American ideal of equality under the law. It would elevate one racial group to the status of a hereditary elite to be supported by citizens who are not of the favored race. As U.S. District Judge Helen Gillmor said in Arakaki I, "This Court is mindful that ours is a political system that strives to govern its citizens as individuals rather than as groups. The Supreme Court's brightest moments have affirmed this idea" (citing *Brown v. Board of Education* and other cases); "while its darkest moments have rejected this concept" (citing *Dred Scott*, *Plessy v. Ferguson*, *Bradwell v. Illinois* and *Korematsu*).

See Paul Sullivan's *Killing Aloha, The Native Hawaiian Recognition Bill is wrong for Native Hawaiians, wrong for the State of Hawaii and wrong for the United States* with a comprehensive section-by-section analysis of the bill, being submitted separately by Mr. Sullivan.

**The myth of past injustices.** Contrary to the claims of the bill supporters, the U.S. took no lands from Hawaiians at the time of the 1893 revolution or the 1898 Annexation (or at any other time) and it did not deprive them of sovereignty. As part of the Annexation Act, the U.S. provided compensation by assuming the debts of about \$4 million which had been incurred by the Kingdom. The lands ceded to the U.S. were government lands under the Kingdom held for the benefit of all citizens without regard to race. They still are. Upon annexation, ordinary Hawaiians became full citizens of the U.S. with more freedom, security, opportunity for prosperity and sovereignty than they ever had under the Kingdom.

Hawaiians today are no different, in any constitutionally significant way, from any other ethnic group in Hawaii's multi-ethnic, intermarried, integrated society. Like all the rest of us, some do well, some don't and most are somewhere in between.

**Keep Hawaii one state indivisible.** Carving up Hawaii into separate sovereign enclaves would hurt all of us, whether we are of Hawaiian or any other ancestry. A house divided against itself cannot stand. The Constitution "looks to an indestructible union, composed of indestructible States." *Texas v. White*, 7 Wallace 700 (1869).

Over 40 years ago, in keeping with the principle that a government should be created only with the consent of the governed, the citizens of Hawaii chose American statehood by an overwhelming margin. (Over 94% voted Yes to Statehood in 1959.) The same choice would doubtless be made today. We thank our lucky stars to be living

in Hawaii with the freedom, security, equal opportunity and Aloha for all that comes with being citizens of the United States.

Please say yes to equality under the law. Reject S. 147. Mahalo,

Honolulu, Hawaii February 27, 2005.

  
H. William Burgess

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**Indian-Affairs, Testimony (Indian Affairs)**

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**From:** Ken Conklin [ken\_conklin@yahoo.com]  
**Sent:** Saturday, February 26, 2005 5:46 PM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** Testimony on S.147 for Tuesday March 1

Testimony@indian.senate.gov

Regarding S.147, scheduled for hearing on Tuesday  
March 1

Aloha staffers of the Indian Affairs Committee.  
Please enter the following as my official testimony on  
S.147.

Please distribute copies to Chairman McCain and to all  
the members of the committee.

Thank you.

Kenneth R. Conklin, Ph.D.  
46-255 Kahuhipa St. Apt. 1205  
Kane'ohe, HI 96744  
tel/fax (808) 247-7942  
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Testimony Regarding S.147  
Native Hawaiian Government Reorganization Act of 2005  
("Akaka Bill")

Committee on Indian Affairs  
United States Senate, 109th Congress

Hearing scheduled for Tuesday, March 1, 2005 10:00  
a.m.

Testimony by Kenneth R. Conklin, Ph.D.

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Aloha and good morning Chairman John McCain and  
members of the U.S. Senate Select Committee on Indian  
Affairs:

This testimony consists of two parts. Part 1  
gives my reasons for opposing the concept of the bill.  
Part 2 is intended for those who might favor the  
bill, to alert you to the need for some amendments to  
safeguard the due process rights of ethnic Hawaiians  
and of all Hawai'i's people.

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**PART 1: FUNDAMENTAL OPPOSITION TO THE BILL**

The Hawaiian recognition bill, S.147 and H.R.309,  
is highly controversial, unconstitutional, and  
dangerous to all 50 states. Also known as the Akaka  
bill, it would give federal recognition to the  
equivalent of a phony Indian tribe invented out of

thin air.

The purpose is to protect over 160 race-based programs under court challenge because of a Supreme Court decision. It would carve up Hawai'i by race, and set a precedent for similar balkanization throughout America.

20% of Hawai'i's people, completely integrated and intermarried, living working and praying side by side with everyone else throughout all neighborhoods, would be singled out by law solely because they have a drop of native blood, and given a new government. Three-fourths of them have less than 25% native blood. Probably most of them oppose the whole idea of a race-based government, but will never have any way to stop such a government from being created and claiming to represent them.

If this bill passes, a race-based government can be created to protect the wealth and power of some ethnic Hawaiians and to keep federal dollars flowing to Hawai'i. There will never be a vote by all ethnic Hawaiians or by all Hawai'i's people on this issue. Ethnic Hawaiians who sign up for the "tribe" get to vote for a "tribal" council and get federal recognition; ethnic Hawaiians who oppose it (probably a majority), and the remaining 80% of Hawai'i's people, are shut out. The bill also allows a negotiated settlement dividing up Hawai'i's lands and resources without any ratification vote by the tribe's members or by the people of Hawai'i.

The Hawaiian "tribe" would be the largest in America, with 400,000 possible members. 240,000 of them live in Hawai'i, 60,000 in California (more than any current California tribe), and 100,000 in the other 48 states. This huge "tribe" would compete against genuine tribes for federal handouts at the expense of all America's taxpayers.

Hawai'i Senators Inouye and Akaka sat on the Senate Indian Affairs Committee for many years, even though there have never been any tribes in Hawai'i. They constantly inserted "Native Hawaiians" into legislation intended to benefit real Indians and Alaska natives. Because of court challenges, they now want Congress to make it official that "Native Hawaiians" are federally recognized as a tribe. Hawai'i politicians, both Democrat and Republican, favor the bill to make all America's taxpayers keep sending money to Hawai'i!

The precedent set by the Hawaiian Recognition bill would strengthen demands by millions of "indigenous" people throughout the U.S. not currently eligible for tribal membership, casinos, or government handouts to form new federally recognized tribes simply because they have a drop of Indian blood. Their people and businesses living on "tribal" lands would be exempt from federal and state income tax, sales tax, environmental regulations, and civil and criminal laws; and would be subjected to whatever laws are created by "tribal" government insiders without recourse to U.S. Constitutional protections. Indian groups throughout America are claiming special rights to race-based control of "sacred places."

In Hawai'i, the old pagan religion is being revived and used to support political claims for racial supremacy in land use policy, based on a sacred genealogical family relationship among the gods, the ethnic Hawaiians, and all the lands of Hawai'i. No partitioning of the state's land would prevent "traditional practitioners" from claiming a right to perform "indigenous" religious ceremonies, or to gather "sacred" materials, or to claim violation of the land's sacredness by the presence of non-natives, on lands throughout Hawai'i.

The balkanization of America is already well underway through racial and ethnic identity politics. The recent California governor recall election showed this dramatically. Cruz Bustamante got huge campaign contributions from California Indian tribes who expected him to protect their special interests -- the money came from untaxed tribal income from casinos and tribal businesses. Bustamante's enthusiastic membership in a radical hispanic group drew major attention -- MEChA claims a right to organize a race-based nation for all people having any Aztec (Mexican) ancestry, converting California, Arizona, New Mexico, and Texas (all former Mexican territory) into a new independent Nation of Aztlan. The legal and moral basis for doing this is similar to the rationale for the Hawaiian bill -- historical grievances against the U.S. and demands for money and power for allegedly poor, downtrodden "indigenous" people. Other nations have suffered grievously because of laws and government policies establishing racial supremacy. Fiji, with a history similar to Hawai'i, enforces Native Fijian racial supremacy over descendants of Asian sugar plantation workers through a legal system resembling what Hawaiian sovereignty activists are seeking.

Join with Senator Kyl (R, AZ) who wrote a letter to his constituents explaining why he opposes [former bill number S.344] (see below). Join with Senator Craig (R, ID) who wrote a lengthy message on behalf of the Senate Republican Policy Committee asking Senators to vote against it. Join with Congressman James Sensenbrenner (R, WI), Chairman of the House Judiciary Committee, who wrote a letter to Speaker Hastert demanding that the bill be killed, or referred to his committee for hearings on its unconstitutionality. The Wall Street Journal wrote an editorial against the bill, entitled "A Bright Line on Race." But despite all this opposition, a very powerful Senator Inouye (D, HI) continues making backroom deals and trading votes, and an agency of the Hawai'i state government is spending millions lobbying for the bill.

Hawai'i has a beautiful rainbow of races and cultures living together harmoniously under a single set of laws applicable to all persons regardless of race. We celebrate our diversity without any need or desire for racial separatism. Hawai'i is the most racially diverse state in the nation, with the highest rate of intermarriage. Members of every race can be found throughout all neighborhoods, all religions, and occupations, and all economic levels. Ethnic Hawaiians have produced a powerful renaissance of their culture and language during the past thirty years, with no need for a race-based government. Many thousands of people with no native ancestry participate in Hawaiian cultural activities, and speak Hawaiian language, because these things are the core of our multiethnic society.

Please do not splinter the rainbow by creating a separate government based on race. Please help the people of Hawai'i stay together, and do not authorize legislation that would pull us apart.

Extensive documentation of the main points stated

above can be found at: <http://tinyurl.com/5jp5r>

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 PART 2: AMENDMENTS NEEDED CONSISTENT WITH THE PURPOSE  
 OF THE BILL, TO PROTECT DUE PROCESS RIGHTS FOR ETHNIC  
 HAWAIIANS AND FOR ALL HAWAI'I'S PEOPLE

Let's think out of the box. Suppose we agree it's OK to authorize establishment of a race-based government for ethnic Hawaiians (an illegal and immoral idea; but let's suppose). There are still some terrible problems with the Akaka bill, but amendments might solve them.

Problem: The bill would allow a few thousand people to create a "tribe" and get federal recognition as speaking on behalf of all 401,000 Hawaiians. The fat-cats who run the big Hawaiian institutions, plus their employees and institutionalized dependents who want a tribe can create one; while the majority of ethnic Hawaiians who hate the whole idea have no way to stop it except by joining the tribe to oppose from within. Once the tribe is created, all government benefits for Hawaiians flow through the tribal council and go only to enrolled members. Thus, ethnic Hawaiians who hate racial separatism and the tribal concept feel forced to join or lose benefits, and must submit themselves to the civil and criminal laws of the tribe as enforced by council members they despise. This is not "self-determination" for Native Hawaiians; it is a power grab by people whose wealth and power comes from keeping others permanently dependent on them.

Solution: Amend the Akaka bill to require that no Hawaiian tribe can be federally recognized until at least half of all adult Hawaiians enroll as members. Census 2000 counted 253,007 "Native Hawaiians" who were 18 or older. Thus, the bill should be amended to require enrollment of 126,504 before recognition can be given.

Problem: The bill would allow the tribal council to negotiate with federal and state governments to decide which Hawai'i lands and resources will belong to the tribe. But the bill would allow the tribal council alone to accept such a settlement without a vote among the tribe's members; and it would allow the state Legislature to accept such a settlement without a vote by the people of Hawai'i. We all know that the Legislature and Governor eagerly give away state resources to OHA and DHHL, and unanimously endorse the Akaka bill, because politicians dare not defy the 20% ethnic Hawaiian "swing vote" they mistakenly treat as monolithic. That's why any settlement must be put to a vote of the people.

Solution: Amend the Akaka bill to require that any settlement among the tribe, the state, and the federal government must first be approved by "yes" votes from a majority of enrolled tribal members as determined by a secret ballot vote supervised by a neutral outside agency, such as the U.S. Commission on Civil Rights. Based on figures above, 63,253 "yes" votes from adult Hawaiians would be required. Also amend the Akaka bill to require that any settlement must be approved by the Legislature AND by all the people of Hawai'i according to the same procedures used for ratifying a Constitutional amendment. First

the settlement gets approved by the tribe's members;  
then by the people of Hawai'i; then by the U.S.  
Congress (with regard to federal lands and money).

Problem: The bill allows 20 years for settlement between the tribe and the federal government, and imposes no time limit at all for a tribal settlement with the state. This is not "reconciliation." It is a formula for a 20-year conflict with the federal government and a never-ending conflict between ethnic Hawaiians and the remaining 80% of Hawai'i's people. In the interest of "reconciliation," a shorter time limit is needed for a global settlement of all issues among all three parties. As Abraham Lincoln said in his second inaugural address toward the end of the Civil War: "With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the wounds ..."

Solution: Amend the Akaka bill to require a global settlement among the tribe, the state, and the federal government with a time limit of five years for negotiations to succeed or for lawsuits to be filed. Thereafter, all claims become moot except for new disputes arising out of events that happen after the time limit expires. Hawaiian independence activists believe that nothing done by the U.S. can take away their right to self-determination or independence; thus, imposing a time limit for a global settlement among the tribe, the state, and the U.S. would not interfere with the rights they claim to have under "international law."

Further elaboration of these major amendments, plus a number of additional "technical" amendments, can be found at: <http://tinyurl.com/3jrr9>

#### CONCLUSION

The Akaka bill would be disastrous for Hawai'i and for the United States -- for details see <http://tinyurl.com/5jp5r> [.] Major amendments described above (plus some minor ones) would at least make the process democratic for ethnic Hawaiians and for all Hawai'i's people -- for further details about amendments see: <http://tinyurl.com/3jrr9> [.] But I consider the whole concept of this bill, even with the proposed amendments, to be unconstitutional, historically unjustifiable, morally reprehensible, and disastrous for Hawai'i and for the United States.

Please kill this bill.

Thank you for considering my testimony.

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Testimony of Jade Danner  
 Director of Government Affairs & Community Consultation  
 Council for Native Hawaiian Advancement  
 Before the U.S. Senate Committee on Indian Affairs  
 In the Hearing on S. 147  
 the Native Hawaiian Government Reorganization Act  
 On March 1, 2005

Aloha Honorable Chairman McCain, Vice Chairman Dorgan and distinguished members of the Committee on Indian Affairs. My name is Jade Danner and I am the Director of Government Affairs and Community Consultation for the Council for Native Hawaiian Advancement (CNHA). It is an honor to be invited to testify on this important legislation, the Native Hawaiian Government Reorganization Act, S. 147. With me is Mr. Tony Sang, a member of our 15-member Board of Directors, and the Chairman for the State Council of Hawaiian Homestead Associations (SCHHA). He is a retired fireman from the Honolulu Fire Department, where he served for 28 years.

Mr. Sang's organization, the SCHHA, represents 24 homestead communities and over 30,000 Native Hawaiian beneficiaries of the Hawaiian Homes Commission Act which Congress enacted in 1920. These communities have been a stronghold for Native Hawaiian language, culture and people, playing a significant role in bringing our people back from the brink of extinction. Attached to my written testimony is a letter of authorization from the SCHHA to also speak on their behalf today.

I was born shortly after self-determination was instituted as official U.S. policy towards its Native peoples and have seen the incredible transformation that resulted. Born on the Navajo and Hopi Reservations, in Tuba City, Arizona, I have lived 25 years among the Inupiat Eskimos in Barrow, Alaska. I am Native Hawaiian, living on Hawaiian Home Lands in Waimanalo. I graduated from the Kamehameha Schools in Hawaii, and returned to Arizona to study English and Political Science at Arizona State University. My son, Alapai, is Native Hawaiian and Inupiat. He is an enrolled member of the Native Village of Barrow, a federally recognized tribe. A part of my kuleana, my responsibilities, is to provide Alapai's generation and future generations with an increased ability to live by the teachings of our ancestors.

The Council for Native Hawaiian Advancement is a member-based, nonprofit organization aimed at improving access to information and resources by the Native Hawaiian community and the organizations that serve it. To that end, we organize and conduct informational and capacity-building workshops, provide technical assistance, and put on the largest annual conference dedicated to Native Hawaiian community development. CNHA has 130 members, ranging from small community-based organizations, including homestead associations, Hawaiian civic clubs and hula halau, to large statewide nonprofit service organizations addressing education, health, housing and job training and employment, and private beneficial trusts. CNHA is the training and technical assistance provider for the Administration for Native Americans in the Pacific, a

Testimony of Jade Danner, Council for Native Hawaiian Advancement  
U.S. Senate Committee on Indian Affairs Hearing on S. 147  
March 1, 2005

region that includes Hawaii, Guam, the Commonwealth of Northern Mariana Islands, and American Samoa.

With respect to this bill alone, CNHA has conducted over 50 workshops attended by more than 5,000 members of the Native Hawaiian community in Hawaii and across the continental United States, Hawaii's business community and the community at large. We have 10 additional workshops scheduled to discuss S. 147. Our distributed materials are comprehensive, providing community members with the actual text of the bill, a comparative analysis of the various versions that have been before the Congress and an introduction to the framework of federal Indian law. We firmly believe in educating our community about this very important legislation, and our surveys indicate that as the community's access to accurate information increases, so does their understanding of the issue, and their support for federal recognition of a government-to-government relationship. We believe that an informed community results in a more engaged community.

From our consultation with the Native Hawaiian community and organizations like the SCHHA, there is a clear consensus in our community that the Native Hawaiian Government Reorganization Act must be passed into law or Native Hawaiians will begin to lose what matters most—our identity as a distinct people and our ability to carry that identity into the future. As the Committee on Indian Affairs knows, tremendous healing can occur when Native peoples are empowered to forge their own solutions.

There is overwhelming support in Hawaii for recognizing a Native Hawaiian government as a vehicle to enhanced self-determination. This Committee's own hearing conducted in Hawaii in August 2000 demonstrates the strength of the support, where more than 91% of the testimony submitted supported passage of the bill that first proposed the substance of S. 147. We do not expect unanimity among all Native Hawaiians or among everyone in Hawaii on this issue and believe that it would be unreasonable to expect such before moving forward with passage of S. 147.

Today, there are over 160 federal public laws addressing the conditions of Native Hawaiians and affirming the trust relationship. Several public laws already authorize programming and appropriations to address concerns in the areas of Native Hawaiian health, education, housing, cultural and language preservation, and to enhance self-determination. Private beneficial trusts also contribute to Native Hawaiian well-being in the areas of education, elder care, and child welfare. We have managed to rebuild some of what was lost as a result of our history through diligence, innovation and partnering. Commissioner Quanah Crossland Stamps of the Administration for Native Americans has often commented on how well Native Hawaiians bring together resources through diverse partnering to bear on a given project. As the American Indian and Alaska Native experience has demonstrated, however, resources alone are not enough.

I cannot emphasize enough the absolute need for Native Hawaiian self-governance. I know, from my own experience as the Director of Social Services for a federally recognized tribe in Alaska, the tremendous positive change Native peoples can make for themselves if empowered to do so. Self-governance is a powerful tool for Native peoples to heal and continue to move

Testimony of Jade Danner, Council for Native Hawaiian Advancement  
U.S. Senate Committee on Indian Affairs Hearing on S. 147  
March 1, 2005

forward in a self-determining manner. Indian Country Today recently released an article about a study conducted by the Harvard American Indian Project in which one of the study's authors, Professor Joseph P. Kalt, states, "If you look at the policy of self-determination, you would conclude that it is the best policy in 100 or 200 years for solid progress in taking the tribes out of poverty." Native Hawaiians need full access to this policy so that we can make solid progress of our own.

It is vital for our survival as a distinct thread in the human fabric that we have autonomy in our internal affairs, and be empowered in meaningful ways to forge our own solutions. The Apology Resolution, P.L. 103-150, provides an accurate account of Hawaii's history and its entry into the Union, and commits the United States to commencing the much-needed process of reconciliation. It is a history that I will not belabor here, but suffice it to say that our experience and circumstance are no different than that of many Native American peoples. As a result, our current conditions, from poor health to impoverished communities, to homelessness and overcrowding, are much the same. Despite these adversities, our hope and faith in the American system remains.

Like other Native Americans, we continue to honor and fulfill our responsibilities as American citizens. I am proud to say that 10 members of the Hawaii State Legislature, a significant portion of the Governor's administration, including the Lt. Governor, and one of our two U.S. Senators are Native Hawaiian. Many of our sons and daughters have committed their lives to military service, some rising to the highest ranks.

Two years ago, CNHA partnered with the Alaska Federation of Natives (AFN), the National Congress of American Indians (NCAI) and others to work with this committee to honor the service of Native American veterans. Mike Irwin from AFN tells a story about how the Native Hawaiians were the last to confirm which of our veterans would speak on the panel. He said, "What's the problem? Don't they have any veterans?" When we finally submitted two names for the panel, Mike said, "So the problem wasn't in finding a veteran to speak, it was in choosing between the four-star general, the rear admiral and the reservist who pulled people out of the Pentagon on 9-11."

Like other Native Americans, we understand that in addition to these individual responsibilities, we have a collective responsibility from time immemorial, to perpetuate Native Hawaiian culture, language, knowledge and traditions—our very way of life—for generations to come. It is this obligation that we need your help to fulfill. We need empowerment to make our own decisions about our own internal affairs, our own family relations, our own systems of justice and reconciliation, and our own resources.

We need the tool to formulate and implement solutions, and the power to hold ourselves accountable to the results. We need parity in policy among America's first peoples, most simply, because we do not exist anywhere else in the world. Our culture was born here, lives here, and nowhere else. If denied self-determination and self-governance in Hawaii, in our motherland, then we are sure to go the way of so many other cultures native to these shores and now

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extinct—a memory, a sad and regrettable story in this great nation’s history, irrevocably lost to the world.

We know some have concerns about the issues of gaming or the taking of resources from other recognized tribes. We believe that those concerns are addressed by the current version of the bill. We do not seek recognition of a government-to-government relationship in order to do gaming, Senators, or because we want to take resources from the Indian pot.

Earnestly, these issues are not the motivation for our seeking passage of this bill. We seek it for a more basic reason. We want to be at the helm of our own collective future. We want the United States to honor its trust relationship with us, and to engage fully in the United States policy on self-determination and self-governance. We want to honor our obligation to our ancestors, whose sole purpose for existing at all, was to bring us forward, to bring their knowledge, their beliefs, their way of life forward, just as we exist for our next generations.

Humbly, we ask the members of Congress to pass legislation that empowers us to hold our destiny in our own hands. We ask that you deal with us in a manner that is fair and just. We ask you to pass the Native Hawaiian Government Reorganization Act, and to ensure that it has the necessary provisions to give us control of our own future, so that we may make a place for our next generations and ensure that the Native Hawaiian culture continues to thrive in this world for generations to come.

Mahalo for this opportunity to address the Committee on this important legislation. The Council for Native Hawaiian Advancement looks forward to working with the Committee on passage of this bill, and continued efforts towards reconciliation.



February 24, 2005

Robin Puanani Danner, President & CEO  
Council for Native Hawaiian Advancement  
33 South King Street, Suite 513  
Honolulu, Hawaii 96813

Aloha e Robin,

As Chairman of the State Council of Hawaiian Homestead Associations (SCHHA) and as the SCHHA's delegate to the Board of Directors of the Council for Native Hawaiian Advancement (CNHA) and by the authority given to me by the SCHHA Executive Council, I am requesting and authorizing CNHA to speak on behalf of the SCHHA in its testimony that CNHA will present to the Committee on Indian Affairs of the United States Senate in the hearing on S. 147, the Native Hawaiian Government Reorganization Act, on March 1, 2005.

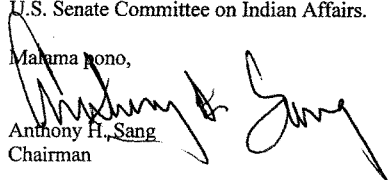
The State Council of Hawaiian Homestead Associations is comprised of 24 member homestead associations representing more than 30,000 homesteaders who are native Hawaiian beneficiaries under the Hawaiian Homes Commission Act enacted by the United States Congress in 1920. The SCHHA's members are representative of all five (5) islands upon which Hawaiian Homestead Leases are issued: Hawaii, Maui, Molokai, Oahu and Kauai.

The objectives of the State Council of Hawaiian Homestead Associations include protecting and insuring the Hawaiian Home Lands in Trust for our beneficiaries and providing for the betterment of our conditions in health, education, housing, kupuna (elder) care, employment and technology, and social services. We believe that passage of S. 147 is critical to these objectives and the self-determination and survival of our communities.

The State Council of Hawaiian Homestead Associations is a member of CNHA and has partnered with CNHA and other Native Hawaiian organizations to increase the sharing of accurate information about public policies affecting our communities, including federal recognition legislation.

We appreciate this opportunity to have CNHA include remarks on behalf of the SCHHA in its testimony in support of S. 147, the Native Hawaiian Government Reorganization Act, before the U.S. Senate Committee on Indian Affairs.

Malama pono,

  
Anthony H. Sang  
Chairman

Testimony of Robin Puanani Danner  
President & CEO, Council for Native Hawaiian Advancement  
submitted to the U.S. Senate Committee on Indian Affairs  
for the Hearing on S. 147,  
the Native Hawaiian Government Reorganization Act of 2005,  
held on March 1, 2005

My name is Robin Puanani Danner and I am a homestead lessee under the federal Hawaiian Homes Commission Act residing on the island of Kauai. My mother is Lorraine Kawahine Kilomana Kolo, a native Hawaiian born of the Hawaiian islands and my father is John William Danner, a German from an Amish family that immigrated to Nebraska during the government sponsored homesteading years in the 1800's. All of my mother's Hawaiian brothers (5 total) voluntarily served this country to defend democracy during World War II and the Korean War. Under difficult choices of church doctrine, my father and all of his brothers (5 total) voluntarily served this country during the same time, one having lost his life on Normandy beach.

I was born in Hawaii, raised on the Navajo, Hopi and Apache Indian reservations of Arizona and spent 25 years among the Inupiat Eskimo on the north slope of Alaska. My parents dedicated their lives to the education of Native American children, and have lived through several of the federal policy eras toward Native Americans of the last 75 years.

I support passage of S. 147 which reaffirms the federal trust relationship with Native Hawaiians and creates an opportunity for the formal recognition of a Native government governed by the Native Hawaiian people. My entire professional career has been dedicated to community development in Native American communities and I have witnessed first-hand the fruits of the federal policy of Native self-governance and self-determination. Federal study after federal study results in the same conclusion – that the well being of America's first peoples is best defined and served by Native peoples themselves.

We are a nation of immigrants, made strong by the diversity and culture of our citizens. Entire sovereign nations still exist world-wide to perpetuate the all important culture and language of the immigrant. My father's heritage, the best ideas of his ancestors are never at risk to be lost to the winds; an entire country exists to ensure its survival for me, my children and all future generations.

We are also a nation of non-immigrants, the original people of the great lands of the United States. Our national history and experience of the last 200 years has taught a valuable lesson, one learned at a great expense of Native peoples, with often tragic consequences -- the loss of life, language, even identity. We have learned and have clear evidence that as a country, we must defend and ensure the ability of entire sovereign nations to exist to perpetuate the culture and language of the non-immigrant. In doing so, we ensure our own identity and

survival as a country that values our origin, the lessons of our past, and the ability of our citizens to stand on the strength of their best ideas to improve the quality of life from youth to elder. My mother's heritage and the best ideas of her ancestors must be supported enthusiastically by our federal government, to ensure that entire generations may draw upon them today and in the future.

Federal recognition for Native Hawaiians brings parity to our federal policy of Native self-determination. It provides a unique and valued culture of Native Hawaiians the opportunity for a collective community to make decisions best made by them – to draw upon the strength of thousands of years of knowledge and identity to address modern day challenges, be they housing, healthcare, education or economics. 200 years of federal struggle have led our country to the clear conclusion that the policy of self-determination is a good one, and serves the first peoples of our lands and is very much a part of the ideas of democracy that strengthens the entire country.

Mahalo for your consideration.

**Stout, Brian (Inouye)**

---

**From:** Kaiokauai@aol.com  
**Sent:** Tuesday, March 01, 2005 8:35 AM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Cc:** Dorgan, Senator (Dorgan); Inouye, Senator (Inouye); Akaka, senator (Akaka)  
**Subject:** Testimony in Opposition to S147  
**Attachments:** 02-27-05 DIngham Ltrr to McCain XV.doc

United States Senate Committee on Indian Affairs  
838 Hart Senate Office Building  
United States Senate  
Washington, DC 20510

**Subject: Testimony in Opposition to S147, March 1, 2005 Hearing.**

Aloha kakou:

Greetings to Committee Chair Senator John McCain, and greetings to Committee Member Senators Pete V. Domenici, Craig Thomas, Gordon Smith, Lisa Murkowski, Mike Crapo, Richard Burr, Tom Coburn, Bryon L. Dorgan, Daniel K. Inouye, Kent Conrad, Daniel K. Akaka, Tim Johnson and Maria Cantwell

Please accept this testimony in opposition to S147, the Native Hawaiian Government Reorganization Act of 2005, for your information and consideration. We respectfully request that it be read into the record and recorded as part of the testimony at the March 1, 2005 Hearing of the Senate Committee on Indian Affairs.

In descending order of priority we:

- recommend that The Committee conduct Hearings in Hawaii so that the overwhelming opposition to S147, and its predecessor bills, may be better understood and appreciated;
- oppose the S145 proposition that the Secretary of the Department of Interior be the first and final arbiter, and ultimate administrator of Hawaiian governance, given the historic dysfunction of the DOI and recent findings of contempt, inability and unwillingness to fulfill existing fiduciary and trust responsibilities to current Native American wards;
- encourage the Committee to consider and recognize that S147 is fatally flawed in defining and seeking to reconcile with only a portion of the class of people, those who descend from the original inhabitants of Hawaii, rather than the entire class of descendants of subjects of the Kingdom of Hawaii who were negatively impacted by the United States admitted unlawful participation in the 1893 overthrow;
- request the acceptance and incorporation of the attached letter of February 27, 2005 to Chair John McCain from David Ingham as our own expanded opposing testimony.

Respectfully submitted,  
Kai'opua Fyfe, Director,  
The Koani Foundation  
PO Box 1878  
Lihu'e, Kaua'i, Hawai'i 96766  
808 822-7643





800 Bethel Street, Suite 303  
Queen's Court  
Honolulu, Hawai'i 96813  
Tel: 808.792.7700 • Fax: 808.792.7709  
E-mail: [info@nativealliance.com](mailto:info@nativealliance.com)  
Web: [www.nativealliance.com](http://www.nativealliance.com)

**NATIVE HAWAIIAN ECONOMIC ALLIANCE**

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WRITTEN TESTIMONY of Li Garcia-Ballard, President  
for the  
Native Hawaiian Economic Alliance  
To the U.S. Senate Committee on Indian Affairs  
On S. 147  
The Native Hawaiian Government Reorganization Act  
March 10, 2005

Honorable Chairman John McCain, Vice Chairman Byron Dorgan and members of the Committee on Indian Affairs. The Native Hawaiian Economic Alliance (NHEA) is a nonprofit organization incorporated in 2002 by eight organizations. In two years it has grown to a consortium of 57 members whose specialty areas include, but are not limited to, architecture, blue prints, business consultation, construction, demolition, design, engineering, fiber optics, information technology, recycling, trucking and utilities. We are one of the largest coalitions of Native Hawaiian businesses in the state of Hawaii.

I am a Native Hawaiian and founder of SBA 8(a) certified LGB & Associates, Inc., a Woman-Owned Information Technology firm created in 1994 and one of the founders of the Native Hawaiian Economic Alliance.

The NHEA was created by six Native Hawaiian-owned construction and IT companies and two Native Hawaiian non-profit organizations who decided to form a coalition whose primary goal would be targeted at providing contracting opportunities for Native Hawaiian businesses and individuals. We came together to identify common challenges and create solutions to support growth, financial capacity and project capability of Native Hawaiian businesses in Hawaii. We strive to increase the amount of contract work to Native Hawaiian firms, to employ Hawaii residents, to build the capacity of Hawaii's local business economy, and to promote community and social development.

NHEA expressed its support of the Native Hawaiian Government Reorganization Act by submitting NHEA Resolution Number 1104-2004 to Hawaii's four congressional delegates and President George W. Bush. This bill is an important step in reuniting and unifying the Native Hawaiians and the United States. Allow Native Hawaiians to seek self determination and self governance. Whenever decisions are to be made about Native Hawaiians or the future of Hawaii, give us that place to have a voice.

We humbly ask that you allow us to decide what is best for us. Allow us to take control over our future. Please pass S. 147.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Li Garcia-Ballard".

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Li Garcia-Ballard  
President

**Tex Hall, President  
National Congress of American Indians  
Testimony  
S. 147, Native Hawaiian Government Reorganization Act  
March 2, 2005  
Senate Committee on Indian Affairs**

Dosha! Good afternoon Chairman McCain, Vice-Chairman Dorgan, and members of the Committee. My name is Tex Hall, and I am the President of the National Congress of American Indians and Chairman of the Mandan, Hidatsa and Arikara Nation of North Dakota. NCAI is the oldest and largest tribal government organization in the United States, and remains dedicated to protecting tribal self-government, treaty rights and the federal trust relationship.

On behalf of NCAI, thank you for this opportunity to testify in support of S. 147, the Native Hawaiian Government Reorganization Act. Representatives from NCAI first offered testimony in support of this legislation in 2000. NCAI's strong support for federal reaffirmation of Native Hawaiian sovereignty and the creation of a process that will lead to self-determination for Native Hawaiian people has not changed.

Over the past five years, the member tribes of NCAI have approved four resolutions that support the sovereign rights of Native Hawaiians and call on the federal government to establish a true government-to-government relationship with the Hawaiian Nation. The most recent of these resolutions, PHX-03-004, is attached to our testimony. NCAI member tribes have also adopted dozens of other resolutions that support the rights of Native Hawaiians on issues ranging from repatriation of cultural remains, to language retention programs, to education, to veterans benefits.

Like all of our nation's indigenous peoples, Native Hawaiians lived on the land and governed their own affairs for thousands of years before the first European contact. For many years the United States and nations all over the world recognized the government of the Native Hawaiians – the Kingdom of Hawai'i – as a sovereign political entity and a valued partner in commerce and trade. The United States signed several treaties with the Kingdom of Hawai'i.

Since the overthrow, Native Hawaiians have suffered more than a century of injustice, including neglect and abuse of Native Hawaiian entitlements and human civil rights. In 1993, the federal government acknowledged the wrongdoing on its part in relations with the Native Hawaiian people when Congress passed the Apology Bill. The Apology Bill also recognizes that "the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as people over their national lands to the United States." Reaffirmation of the inherent Native Hawaiian right to self-governance by the federal government is long overdue.

In addition to rectifying a long-standing injustice, there is another important reason for the speedy passage of S. 147: in 2000, the United States Supreme Court decided *Rice v.*

Cayetano, a case which determined that the election of trustees of the Office of Hawaiian Affairs solely by Native Hawaiians violated the Fifteenth Amendment of the U.S. Constitution. This decision allowed non-natives to run for office positions in the OHA, and thus put the interests of the Native people in jeopardy. The Court's decision in Rice v. Cayetano has lead to similar lawsuits challenging education, housing, land, and other programs intended to benefit Native Hawaiians. In part to remedy the untenable situation created by Rice v. Cayetano, passage of S. 147 will lead to the creation of a system by which Native Hawaiian people may organize and create their own governing entity that the United States will recognize.

It is clear that Native Hawaiians must support any process designed for this purpose in order for it to be successful. NCAI has, and will continue to support, the path the Native Hawaiian people choose to assure their self-determination.

Before I conclude my testimony, I would like to briefly address one specific issue concerning the bill. When this bill was first introduced in 2000, many people questioned the possible effect that federal recognition of a Native Hawaiian government could have on funding for Indian programs. In this regard it is important to note that when Senator Inouye assumed the Chairmanship of the Senate Committee on Indian Affairs in 1987, he pledged that Native Hawaiian programs would never be funded at the expense of Indian programs. In the ensuing 18 years, all Native Hawaiian program funds have been appropriated separately. We continue to have faith that the assurances of the Committee Chairman are binding commitments on this matter.

In addition, Section 9 of this bill was added later to insure that any appropriations for Native Hawaiians would be secured independent of the Bureau of Indian Affairs. This provision in the legislation should put the matter to rest, but NCAI would request that the Committee consider clarifying the language of this section to reflect that it is not limited only to BIA appropriations, but also includes appropriations for the Indian Health Service and other services provided to Indians by the United States.

Mr. Chairman, as you well know, the very survival of Native cultures is dependant on Native peoples retaining the ability to control our affairs and govern ourselves. The first and most important step in retaining this control is federal recognition of the right to self-government. In my recent State of Indian Nations address, I described NCAI's vision of Indian tribes governing their own affairs, maintaining their cultures and values, and enriching the lives of their citizens and all the citizens of our great country. This is a vision that extends to Native Hawaiians, and, as President of NCAI I urge you and the Senate Committee on Indian Affairs to support and promote this long-overdue reaffirmation of Native Hawaiians' inherent right to self-government.

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## NATIONAL CONGRESS OF AMERICAN INDIANS

THE NATIONAL CONGRESS OF  
AMERICAN INDIANS

## RESOLUTION #PHX-03-004

**Title: Support Federal Legislation Calling for Recognition of the  
Hawaiian Nation and Return of Land to the Hawaiian Nation**

**WHEREAS**, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people and their way of life, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, the federal policy affords all Native Americans and Alaska Natives the right to be self-governing within a defined land base; and

**WHEREAS**, there is a need for self-government; and

**WHEREAS**, the NCAI at its 56th annual session adopted Resolution #99-042, at its 57th annual session adopted Resolution #00-032 and at its 58th annual session adopted Resolution #SPO-01-087, all of which support the sovereign rights of native Hawaiians and recognizes the need to develop a true government-to-government relationship with the Hawaiian nation; and

**WHEREAS**, NCAI also adopted the same resolution that the Hawaiian Nation's goal is federal recognition as a sovereign indigenous nation with inherent rights to self-determination and self-governance.

**NOW THEREFORE BE IT RESOLVED**, that the NCAI does hereby support federal legislation calling for recognition of the Hawaiian nation, a self-determined entity created by and for native Hawaiians and their descendants in furtherance of a true government-to-government relationship; and

## EXECUTIVE COMMITTEE

**PRESIDENT**  
Tex G. Hall  
*Adirondack, Helderberg, and Anikara Nation*

**FIRST VICE-PRESIDENT**  
Joe A. Garcia  
*Ojibwa-Crowley  
(Pawnee of San Juan)*

**RECORDING SECRETARY**  
Juana Mejia  
*Puama-Yuma*

**TREASURER**  
Alma Ransom  
*St. Regis Mohawk Tribe*

## REGIONAL VICE-PRESIDENTS

**BERKELEY**  
Harold Frazier  
*Cheyenne River Sioux*

**ALBUQUERQUE**  
John F. Gonzales  
*San Ysidro Pueblo*

**ANADARKO**  
James M. Foster  
*Prairie Band Potawatomi*

**BILLINGS**  
Geri Small  
*Northern Cheyenne Tribe*

**JUNEAU**  
Mike Williams  
*Yup'ik*

**MINNEAPOLIS**  
Bob Chalks  
*Sisseton/Mussouri Band of  
American Indians*

**MUSKOGEE**  
Jefferson Keel  
*Chickasaw Nation*

**NORTHEAST**  
Kevin Seneca  
*Seneca Nation*

**PHOENIX**  
Evelyn B. Juan-Manuel  
*Tohono O'odham Nation*

**PORTLAND**  
Ernie Stensgar  
*Cowlitz Tribe*

**SACRAMENTO**  
Richard Milanovich  
*Agua Caliente Band of  
Cahuilla Indians*

**SOUTHEAST**  
Eddie Tuttle  
*Panola Band of Creek Indians*

**EXECUTIVE DIRECTOR**  
Jacqueline Johnson  
*Tlingit*

**NCAI HEADQUARTERS**  
1301 Connecticut Avenue, NW  
Suite 200  
Washington, DC 20036  
202 466 7767  
202 466 7797 fax  
www.ncai.org

**BE IT FURTHER RESOLVED**, that the NCAI further supports the return of land to the Hawaiian Nation; and

**BE IT FURTHER RESOLVED**, that this resolution shall be the policy of the NCAI until it is withdrawn or modified by subsequent resolution; and that a copy of this resolution be transmitted to the Hawaii state legislature, the Governor of the state of Hawaii, the Hawaii congressional delegation, the Congress of the United States of America, the Secretary of the Department of the Interior, the Attorney General of the United States, the Secretary of State, the President of the United States and the Trustees of the Office of Hawaiian Affairs; and

**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

**CERTIFICATION**

The foregoing resolution was adopted at the 2003 Mid-Year Session of the National of American Indians, held at the Sheraton Wild Horse Pass Gila River Indian Community, in Phoenix, Arizona on June 18, 2003 with a quorum present.



\_\_\_\_\_  
Tex Hall, President

ATTEST:



\_\_\_\_\_  
Adopted by the General Assembly during the 2003 Mid-Year Session of the National Congress of American Indians, held at the Sheraton Wild Horse Pass Gila River Indian Community, in Phoenix, Arizona on June 18, 2003.

**Indian-Affairs, Testimony (Indian Affairs)**

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**From:** Hokuala johnson [hokuala22@yahoo.com]  
**Sent:** Monday, March 14, 2005 8:40 PM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** Testimony of Hokuala K. Johnson on S. 147

Testimony of Hokuala K. Johnson  
submitted to the U.S. Senate Committee on Indian  
Affairs  
for the Hearing on S. 147,  
the Native Hawaiian Government Reorganization Act of  
2005,  
held on March 1, 2005

Aloha Chairman McCain, Vice Chairman Dorgan and  
distinguished members of the U.S. Senate Committee on  
Indian Affairs. My name is Hokuala Johnson and I am  
both Native Hawaiian and a resident of the state of  
Hawaii..

Thank you for this opportunity to express my  
unwavering support regarding S. 147, the Native  
Hawaiian Government Reorganization Act of 2005. S.  
147 sets out a process to reorganize a Native Hawaiian government and secure its  
recognition by the United States. This process would further reconciliation efforts  
between the United States and the Native Hawaiian people as prescribed in the Apology  
Resolution, Public Law 103-150, adopted by Congress in 1993 to acknowledge the 100th  
anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii.

Born and raised in Hawaii, a graduate of Punahou  
school and Colby College in Maine. I am a young  
Native Hawaiian who is concerned about the future of  
all Hawaiians living in Hawaii and on the mainland. I completely agree with testimony  
given by Senator Akaka on the January 25th introduction of S. 147 to the full senate and  
with the testimony given before the Senate Committee on Indian Affairs on March 1, 2005 by  
Congressman Ed Case, Governor Linda Lingle, Chairwoman Haunani Apoliona of the Office of  
Hawaiian Affairs, Tex Hall of the National Congress of American Indians and most  
importantly Jade Danner of the Council for Native Hawaiian Advancement.

Passage of this bill is important because it will  
provide Native Hawaiians with the opportunity to  
determine our collective future. My mother's family  
came from the Hawaiian islands, and this is our home,  
we didn't ask to be discovered, we didn't ask for our government to be overthrown we  
didn't ask for our people to be decimated by disease and influenced by western ways of  
thinking. Most importantly, my mother's family and all other Hawaiian families didn't ask  
for our land to be taken away through transactions that we couldn't grasp. Passage of the  
Akaka bill will give Native Hawaiians a chance to finally take control of the things we  
have left and the culture we hold close. It will allow us to have a seat at the table, it  
will ultimately allow us to address needs in our communities and make them stronger.

Should this bill die, the programs that assist our  
communities will be in danger. There are lawsuits  
currently in court, awaiting Congress' respective  
decision on the Akaka bill that could potentially take  
away the little we have left and negatively impact the  
State of Hawaii's economy by over \$350 million a year.  
Please do not let this happen.

Please pass this bill.

Mahalo (thank you) for your time and consideration of  
my testimony and m

**Indian-Affairs, Testimony (Indian Affairs)**

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**From:** rubellite johnson [rubekawena@yahoo.com]  
**Sent:** Monday, March 14, 2005 1:18 AM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** testimony against 'Akaka Bill

109th Congress  
 Committee on Indian Affairs, United States Senate  
 Hearing scheduled for Tuesday, March 1, 2005 10:00  
 a.m.

On S. 147, the Native Hawaiian Government  
 Reorganization Act of 2005 ("Akaka Bill")

Testimony by Rubellite Kawena Kinney Johnson

To: The Senate Committee for Indian Affairs

There is no other bill in the history of the United States that predicts the end of the United States, both nation and territory, if the legislators pass the 'Akaka Bill into federal law.

The designers of the Akaka Bill need only chant the previous message of the Clinton Apology Bill (USPL103-150) as a preamble to coax agreement with its dominant political position that the United States is guilty of invading Hawaii and putting an end to the Hawaiian monarchy in 1893 by unmandated military force.

It then becomes easier to believe that the United States also intentionally annexed Hawaii five years later in 1898 even though it had signed treaties to guarantee the independent sovereignty of the Hawaiian monarchy in former times, thus renegeing on its promises to a friendly nation.

It becomes even easier to believe that the United States also annexed Hawaii unconstitutionally and illegally by a joint resolution of Congress because Hawaii was an independent foreign state. Unless one has read the decision of the Supreme Court (Chief Justice Marshall) with regard to the annexation of Texas in 1845 before the Civil War, it would not readily be known that it was not unconstitutional then, nor was it unconstitutional in 1898 (Admission of Hawaii as a territory) and again in 1959 (as a state in the union), although we keep hearing continuous condemnations of the United States from professors of law and political science at the University of Hawaii year by year. Although these thoughts and voiced opinions are treasonous in attitude, they are allowed freedom of expression to condemn the United States and to organize every effort to expel the United States from the islands.

No one, however, tells the U.S. MediVac team to stop bringing the victims of accidents on land and tragedy at sea to hospitals in Honolulu from off-island.

Before a federal committee splits Hawai'i into two governments, the consolation being that aboriginal sovereignties that are Indian nations on the continent have not yet claimed the right to be dominant sovereignties and to change the borders of the American federation, it should come here to live a while after it has passed the 'Akaka Bill to monitor the results.

It is possible to predict now, however, that government funds that were once available to run the public schools, to take care of ports of entry and departure, including airports and highways, federal and state health programs, because these facilities existed on federal lands returned to the State of Hawaii in 1959, will find that they are now in the coffers of the Bureau of Hawaiian Affairs in Washington D.C., and irretrievably so.

It's unconceivable that the entire public would support a divided homeland while

Republican Governor Linda Lingle personally champions the 'Akaka Bill no matter how much we, as Republican voters, tell her not to, to let the Democrats do what they want to do because the majority of Republicans don't want the 'Akaka Bill, I for one, and I'm 50 % Hawaiian blood quantum.

The Native Hawaiian land base as the exclusive property of the new government would be one in which no private property ownership would be allowed because the land ownership proposed since USPL 103-150 (Clinton Apology) is basically a retroactive priority for "aboriginal communal land tenures before 1778 A.D."

That would make the 200,000 acres of Hawaiian Home Lands under the new government enabled by the 'Akaka Bill irretrievably leased land in perpetuity.

Goodbye freedom.

Very sincerely yours,

Rubellite Kawena Kinney Johnson,  
Member Aloha for All Society

1019 Maunaihi Place #102  
Honolulu, HI 96822  
Telephone #: (808)-5453844  
Email address: rubekawena@yahoo.com

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\*\* Addendum of March 12, 2005 \*\*

Native Hawaiian Rights According to the Akaka Bill

by Rubellite Kawena Johnson

One of the important aspects of the Akaka bill is its definition of Native Hawaiian "rights". Never does the Akaka Bill ever use the American definition of "rights" as those of the individual. In American political thought and philosophy, it is the individual who has rights, and not the group, even though the individual is a member of a group, a nation, a country.

Nor are rights said to be "aboriginal" in character, that one has a greater right because one is an aborigine. It's true that aborigines have their own homelands, their own homes, their own families, and outsiders beware coming into those places without invitation. But it doesn't mean they have no right to the subsistence afforded there if they trade something for it and come in peace.

However, if we look at the stark reality of that picture, it must be understood that the American concept of rights, defined by Thomas Jefferson, is that "rights" come from nature, as he put it: from "Nature and Nature's God". So, from the outset the 'Akaka Bill promotes a definition of "rights" of aboriginal Native Hawaiians from the position of being the first inhabitants of a place. Thus, Native Hawaiians today have greater right than others born here from immigrant parents without aboriginal blood to rewards from nature.

The Akaka Bill starts there: "Native Hawaiians have given "expression" to their "rights" as Native People to, and then the rights are listed as: "self-determination, self-government, and economic self-sufficiency," however, this "self" is still not the individual self.

It is the group that has the right, in other words, to decision-making and power or revenue from natural resources, apart from all other groups on that basis alone, that Native Hawaiians living today, of any amount of blood quantum, have greater rights to those benefits because their ancestors were here before anybody else's who were not Hawaiian. Is that a good idea in politics and justice, tell me?

This is a philosophical distortion of the concept of 'rights' as basically aboriginal and derived from the group, except that the United Nations would go further and call rights "human" under the Human Rights Charter.



Thomas Jefferson, author of the Declaration of Independence and the Constitution of the United States went further when he made clear that human individuals have "rights" as derived from NATURE AND NATURE'S GOD. And what did he mean by that? That we have life in nature and the right to keep ourselves alive in nature, as with all other forms of life on earth. Humans have no greater right than what nature allows humans to have, except that American political thought went in the direction of individual rights in which context, that of the individual surviving in any society, aboriginal or otherwise, has rights limited to "the right to life and the pursuit of happiness", whatever suits a man to be happy.

The Akaka Bill does not defend that concept at all. A Native Hawaiian has what? Under the Akaka Bill, which promises all kinds of benefits, it is not in the individual's realm of choice how he may derive those benefits except as he consents to what is allowed to him to have, which is an entirely different idea than that idea of private property right in both land and personal property. In fact, it is diametrically opposed to the right to private property in the Ceded Lands trust. The whole of this trust, both lands and revenues will belong to whom? To a nameless consortium called the Native Hawaiian government. It will own all Ceded Lands, submerged lands, and natural resources, as well as all revenues.

The idea of a Native Hawaiian individual having a right in any of it is not at all worded into the law, specifically. In short, the Akaka Bill is UN-American, and worse, it is UN-Hawaiian. Why?

Ancient Hawaiians lived in the village, of course, and the village as native Hawaiian, nothing else. There were only two chiefs: the chief of the ahupua'a and the konohiki immediately above the farmer. The district chief came around now and then, and then the ali'i nui seldom. There wasn't a whole bevy of bureaucrats telling him how to catch fish and plant taro. Two chiefs, period. Nobody else.

Of course he didn't own the land on which his house was built, but his right to be there was given to him by his chiefs, and for that right he worked in their taro fields and fished for them to the amounts required, which, if he didn't pay, he forfeited his right to live on the chief's lands.

Show me that Hawaiian fisherman when he could own his land as private property under the Great Mahele law and under American law after annexation, and I show you a Hawaiian living with no fear of being thusly dispossessed, as in ancient times. It's unconstitutional to deprive any man of his property without due compensation.

Even just to own your own land, that was new. To not have to work in the chief's taro patches and give him most of the fish catch, that was new. To be able to hand down that land to his own family was new. Have we forgotten that?

Why would we now trade this freedom to a nameless consortium called the Native Hawaiian government? As a consequence of the United States Congress passing the Akaka Bill it will own all Ceded Lands, submerged lands, and natural resources, as well as all revenues...

What trust has no provision for the individual heirs? What trust leaves its heirs benefits without qualified amounts of inheritance? No rights to individuals; rights to aborigines of any blood quantum.

My God.

Rubellite Kawena Kinney Johnson  
March 12, 2005

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RESUME (Update) February, 2005

Name: Rubellite Kawena Kinney Johnson

Employment status:

Professor Hawaiian Language and Literature  
Department of Hawaiian and Indo-Pacific Languages

University of Hawai'i  
Retired December 1993, after 25 -27 years of completed  
service at the Manoa Campus.

Current Status: Emeritus Professor  
Department of Hawaiian and Indo-Pacific Languages

Other Employment since retirement 1994 to present:

(1) Scholar-in-Residence, Abigail Kinoiki Kekaulike Kawanakoa Foundation, February 1994  
to June, 1997; resumed in 2003

(2) Consultant on Hawaiian Language and Naming, Hawai'i Inoa Pono, convened by Mr. Leo  
Ori'i, Proprietor, Waikiki Trade Center, 1998 - 2003

Lectures at conferences abroad:

1979 "Introduction to Hawaiian Studies, Language and History," with Dr. Pauline King  
Joerger, at Division of East Asian Studies, Harvard University, Department of History

1979 Attended conference (1980) on Tropical American Archaeoastronomy, New York Academy of  
Sciences, "Ahu-a-Umi Heiau: a Hawaiian Astronomical and Directional Register," with Dr.  
Armando da Silva (Department of Geography, University of Hawai'i, Hilo) published in the  
Annals, "Ethnoastronomy and Archaeoastronomy in the American Tropics," Vol. 385,  
1982: 313-331 (NYAS), included in the 1983 Native Hawaiian Commission Report on Culture,  
Needs, and Concerns of Native Hawaiians, 1983

1980 Presenter of paper jointly authored with Dr. Bryce G. Decker, Department of Geography,  
University of Hawaii, "Implications of Native Names for Cotton (*Gossypium* spp.) in the  
Indo-Pacific," International Geographers' Congress, Tokyo University, Japan; published in the  
Asian Perspectives, UH Manoa Journal of Southeast Asian Archaeology, edited by Dr. Wilhelm  
Solheim, Department of Anthropology, UH-Manoa, 1980.

1981 Presenter, "Ahu a 'Umi in the Symbolic Frame of Cosmic Time," Queen's College, Oxford  
University, England with visits to Stonehenge, Woodhenge, Silbury Hill (Salisbury Plain),  
and to Scotland, Culloden, Bryn Nevis, Inverness, Isle of Skye, Edinburgh, Conference on  
British Megalithic Archaeoastronomy, 1981.

1983 Presenter, "Ritual Calendar in Ancient Hawaii," First Ethnoastronomy Conference,  
Albert Einstein Spacearium, Smithsonian Institute, Washington D.C., convened by Dr. Von  
Del Chamberlain.

1987 Guest Lecturer on Hawaiian Ethnoastronomy, by invitation; Whitman College, Walla  
Walla, Washington, summer; "Ritual Time and the Geometry of Sacred Space in Old Hawai'i,"  
coordinated by Dr. Corey Muse, College of Education.

1988 Guest Lecturer, The Hawai'i of Chiefs and Kings, The Hawai'i of Legend, Chant, and  
Sacred Sites; Spring Series, "In Search of Old Hawaii," University of California, Los  
Angeles; coordinated by Dr. Barry Bortnick.

1989 Presenter, "The Spider Ecliptic in the Pacific and the Role of the Knotted Cord in  
its Distribution," The VI th Pacific Science InterCongress, Frederico Santa Maria  
University, Valparaiso, Chile; conference tour to Easter Island, August 2-5; guest of the  
Governor of Easter Island, Sergio Rapu Haca; visit to the Straits of Magellan arranged by  
the conference agency; August.

1990 Pacific Representative to the Global Forum on Environment and Survival, by invitation  
from the Russian Academy of Sciences, Moscow; January, 1990; President Mikhail Gorbachev  
and Raisa Gorbachev also present at the first religious service held in the Kremlin after  
the removal of the Berlin Wall.

1991 Opening presentation, "Hawaiian and South Pacific Place Names," by invitation, First  
Conference on Place Names of the Pacific, Department of Land and Survey Information,  
Wellington, New Zealand, published in proceedings, Unedited Facsimiles, 1991; travel and  
accommodations prearranged by the New Zealand government.

Publications (Books)

(1) Kukini 'Aha'ilono, Carry On the News, Over a Century of Hawaiian Life and Thought in Hawaiian Newspapers, 1834-1948; supported by the American Bicentennial Committee (State of Hawai'i), published by the Hawaii Cultural Research Foundation; entered in the capsule on the State Capitol grounds for the Tricentennial in 2076 A.D.

(2) Na Inoa Hoku, A Catalog of Hawaiian and Pacific Star Names, with John K. Mahelona; Topgallant Publishing Company; a dictionary of Hawaiian star names with calendrical and navigational information, 1975; [\*rewritten and edited with the University of Leicester's archaeoastronomer, Dr. Clive Ruggles, in progress].

(3) The Kumulipo, Hawaiian Hymn of Creation; translation of two cantos, illustrated; Hawaiian cosmogonic genealogy and poetry; Hawai'i Cultural Research Foundation. 1981.

Reports [State of Hawai'i and U.S. government reports]:

1987 (a) Report to the State of Hawaii legislature regarding the history and traditions of Kapolei in order to secure approval from the legislature for development of lands in that area held by the Campbell Estate, now called Kapolei.

1992 (b) Kaho'olawe Conveyance Commission, report on the archaeoastronomic alignments of sites on the island, if possible to celestial phenomena, i.e., constellations, polar stars, etc.

Honors and Community Awards:

1978 Listed, The World's Who's Who of Women in Education, International Biographical Centre, Cambridge, England.

1983 Awardee, Living Treasure of Hawai'i, Honpa Hongwanji Mission of Hawaii (and Japan) Honolulu, Hawai'i.

1984 Invited to attend the Tri-Member Conference of American Indian nations of Northwest America (Tlingit, Kwakiutl, Tsimshian) as a guest (later adopted into) by the Killer Whale Clan and leader (Judson Brown) of the Sealaska Heritage Corporation, 1982; adopted name conferred, 1984, Yaisnuk (late aunt of Judson Brown) in ceremony at the Willows Restaurant, Mo'ili'ili, Honolulu, Hawai'i.

1989 (October 9) Award for Literature, from the Hawaii Literary Arts Council and State Foundation on Culture and the Arts (for the Kumulipo, Vol. I)

Memberships in Community and Professional Organizations (current):

2003- Bishop Museum Association  
Friends of 'Iolani Palace

2003- Aloha For All Society, supporting the definition of "Hawaiian" as all citizens of the State of Hawai'i regardless of any native blood quantum or none, as native-born or as a naturalized American citizen.

2000- Alpha Delta Kappa, National Women Educators' Honor Society, honorary member

2000- Mo'opuna o Kamehameha, a genealogical society of lineal descendants of Kamehameha I; Luakaha, Nu'uuanu.

1989- Society of Mayflower Descendants, Hawaii Chapter; Governor  
(\*distinguished for shortest service as Governor, half-year, 2001)

1996- Keokea Farmers Association, Kahua Keokea, Kula, Maui, homesteads.

1973- Hui Hanai, lifetime membership

FROM :

FAX NO. :

Apr. 12 2003 06:45AM P1

Indian Affairs Committee  
United States Senate

I respectfully submit the following testimony for your consideration and request that it be read into the record and recorded as part of the testimony regarding S147, the Native Hawaiian Government Reorganization Act of 2005.

S147 is sorely inadequate for many reasons. In my opinion, the most important of these is that it simply is not supported by Native Hawaiians or residents of Hawaii. I suspect that many members are aware of this fact since the testimonies during the last public hearings in Hawaii many years ago were overwhelmingly in opposition to this bill (in its earlier incarnation). I know for a fact that there is even less support now, many versions later. This could be substantiated by once again allowing public hearings in Hawaii.

The recent hearings on 1 March included testimony only from supporters of the bill which greatly skewed the perception that popular support exists. Testimony against the bill was not permitted. For this bill to be tolerable to Native Hawaiians, there must at a minimum be public hearings and several amendments to the bill. No literate American could possibly understand the Apology Resolution to call for reconciliation by misrepresentation.

In addition to this, there must also be a clear majority of people who register as members of what can only be called the "Akaka tribe." Without this, Native Hawaiians will once again be relegated to a position where they will have no voice and no input in your system. The small number of people who might feel inclined to sign up for tribal recognition under this bill would be woefully unrepresentative of the Native Hawaiian population. This type of mistake was made during annexation and statehood, and it is directly responsible for the position that Native Hawaiians and the United States find themselves in at this moment. The 2000 Census provides a realistic number to work with for this purpose — something in the neighborhood of 125,000 people.

Allowing a small group of people, the tribal council, to speak for all Hawaiians, especially those of us who oppose the bill, would be farcical if weren't so personally painful to imagine. I suspect the US would question the motives behind such a move in any other international environment and should be brave enough to question the same motive here and now.

Even if this doesn't happen, an amendment should require the council to seek approval from its membership before speaking on its behalf. Currently, the council could make decisions that would affect potentially tens of thousands of lives without their consent. This of course leaves us in no better situation than we are now and renders their decisions ineffectual in reality.

Finally, the state of Hawaii is clearly looking for a way to shirk its responsibility to use the Ceded Lands for the betterment of Native Hawaiians, something that has never really happened. The state has had ample time to do this yet large tracts of land remain vacant or are otherwise leased to non-Hawaiians while tens of thousands of Hawaiians languish on the lists for land allotments because of antiquated blood quantum requirements. The state should have pushed for a lower blood quantum and allowances for the impractical documentation requirement. This act alone could have prevented Native Hawaiians from constituting the vast majority of the state's homeless population.

It's time to hold the state responsible for its ineffectiveness and inaction, not reward it. Please vote against S147 at the Committee business meeting on Wednesday, 09 March 2005. Thank you.

  
Ka'onohe Keali'iokapo Kai  
PO BOX 1255  
Seattle, WA 98111-1255  
206.329.5183

Email: [testimony@indian.science.gov](mailto:testimony@indian.science.gov) or fax: (202) 224-5429

Testimony of Herman Kahalchani  
Kama, Jr.

submitted to the U.S. Senate Committee on Indian Affairs  
for the Hearing on S. 147,  
the Native Hawaiian Government Reorganization Act of 2005,  
held on March 1, 2005

Aloha Chairman McCain, Vice Chairman Dorgan and distinguished members of the U.S. Senate Committee on Indian Affairs. My name is Herman K. Kama, Jr. I am Native Hawaiian and a beneficiary of the Hawaiian Home Lands trust established by Congress in 1920 under the Hawaiian Homes Commission Act. I live in the Hawaiian homestead community of Waiparale on the island of Oahu.

Thank you for this opportunity to express my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005. S. 147 sets out a process to reorganize a Native Hawaiian government and secure its recognition by the United States. This process would further reconciliation efforts between the United States and the Native Hawaiian people as prescribed in the Apology Resolution, Public Law 103-150, adopted by Congress in 1993 to acknowledge the 100<sup>th</sup> anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii. I would be eligible under S. 147's definition of "Native Hawaiian" to participate in this process and I look forward to the day when I will participate in a Native Hawaiian government through which we will exercise greater control in determining our own future.

7 members of my immediate and extended family live on Hawaiian Home Lands. Our family is strengthened by being able to live close to one another so that we may support each other, for example, by caring for family members, sharing transportation and other resources and generally supporting each other through our challenges and opportunities. Many members of our family and community would not be able to afford housing in Hawaii without the Hawaiian Home Lands trust. In fact, many Native Hawaiians have had to move far away from their homelands in order to provide for their families.

Our community grows stronger as we pursue community-based developments which bring resources into our community so that our community can provide much-needed programs and services to our families. Native Hawaiian culture is reinforced and strengthened in our community as it provides the foundation of our existence.

We need passage of S. 147 during this 109<sup>th</sup> Congress in order to protect, preserve and perpetuate the Hawaiian Home Lands trust and other vital trusts, programs and services which some individuals seek to dismantle. We would like to feel secure in our homes, knowing that our right to live on Hawaiian Home Lands is protected. We need passage of S. 147 so that we may continue to exist as Native Hawaiians and bring forward generations of Native Hawaiians proudly sharing our rich Native Hawaiian culture and enriching the lives of our families, our communities, and everyone throughout the State of Hawaii, the United States and the world. We need the United States' reaffirmation of its trust relationship with Native Hawaiians and federal recognition of a government-to-government relationship with Native Hawaiians.

I thank this Committee for its quick action in recommending passage of S. 147 to the full Senate so that Congress can take advantage of every opportunity to consider and pass S. 147 and its companion House bill, H.R. 309, into law.

Mahalo (thank you) for your time and consideration of my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005.

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PAGE 01  
 P. 1

Email: [testimonv@indian.senate.gov](mailto:testimonv@indian.senate.gov) or fax: (202) 224-5429

Testimony of Luana Naimi Kama

submitted to the U.S. Senate Committee on Indian Affairs  
 for the Hearing on S. 147,  
 the Native Hawaiian Government Reorganization Act of 2005,  
 held on March 1, 2005

Aloha Chairman McCain, Vice Chairman Dorgan and distinguished members of the U.S. Senate Committee on Indian Affairs. My name is Luana Naimi Kama. I am Native Hawaiian and a beneficiary of the Hawaiian Home Lands trust established by Congress in 1920 under the Hawaiian Homes Commission Act. I live in the Hawaiian homestead community of Waimanalo on the island of Oahu.

Thank you for this opportunity to express my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005. S. 147 sets out a process to reorganize a Native Hawaiian government and secure its recognition by the United States. This process would further reconciliation efforts between the United States and the Native Hawaiian people as prescribed in the Apology Resolution, Public Law 103-150, adopted by Congress in 1993 to acknowledge the 100<sup>th</sup> anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii. I would be eligible under S. 147's definition of "Native Hawaiian" to participate in this process and I look forward to the day when I will participate in a Native Hawaiian government through which we will exercise greater control in determining our own future.

7 members of my immediate and extended family live on Hawaiian Home Lands. Our family is strengthened by being able to live close to one another so that we may support each other, for example, by caring for family members, sharing transportation and other resources and generally supporting each other through our challenges and opportunities. Many members of our family and community would not be able to afford housing in Hawaii without the Hawaiian Home Lands trust. In fact, many Native Hawaiians have had to move far away from their homelands in order to provide for their families.

Our community grows stronger as we pursue community-based developments which bring resources into our community so that our community can provide much-needed programs and services to our families. Native Hawaiian culture is reinforced and strengthened in our community as it provides the foundation of our existence.

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I thank this Committee for its quick action in recommending passage of S. 147 to the full Senate so that Congress can take advantage of every opportunity to consider and pass S. 147 and its companion House bill, H.R. 309, into law.

Mahalo (thank you) for your time and consideration of my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005.

Testimony of H.K. Bruss Keppeler,  
 Chairman of the Government Relations Committee of the  
**Native Hawaiian Chamber of Commerce**  
 submitted to the U.S. Senate Committee on Indian Affairs  
 for the Hearing on S. 147,  
 the Native Hawaiian Government Reorganization Act of 2005,  
 held on March 1, 2005

Aloha Chairman McCain, Vice Chairman Dorgan and distinguished members of the U.S. Senate Committee on Indian Affairs. My name is H.K. Bruss Keppeler. I am Chairman of the Government Relations Committee of the Native Hawaiian Chamber of Commerce and testify on behalf of the members of our organization.

Founded in 1974, the Native Hawaiian Chamber of Commerce (NHCC) strives to encourage and promote the interests of Native Hawaiians engaged in commerce, services and the professions. NHCC members participate in a variety of economic, social and public affairs.

Our Mission

Mission Statement – To strengthen Native Hawaiian business and professions by building on a foundation of relationships, resources, and Hawaiian values. In keeping with our mission, NHCC:

- Provides opportunities for networking among members, the people of Hawai'i and those engaged in business and industry.
- Serves as a means to organize the Hawaiian business community into a viable economic and social voice.
- Provides the necessary facilities for members' educational advancement in subject areas relevant to business, industry and commerce. Hawaiian Values & Principles of Conduct for NHCC Members

Our Values

**ALOHA**  
*Love, kindness, affection*

**MALAMA**  
*Preserve & nurture*

**HO'OKIPA**  
*Hospitality*

**LAULIMA**  
*Work together*

**IMI 'IKE**  
*Seek knowledge*

**LOKOMAIKA'I**  
*Generosity & kindness*

**PONO**  
*Morally righteous & fair*

**HO'OMAU**  
*Perseverance*

**HA'AHA'A**  
*Humility*

**LOKAHI**  
*Unity*

Thank you for this opportunity to express our strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005. S. 147 sets out a process to reorganize a Native Hawaiian government and secure its recognition by the United States. This process would further reconciliation efforts between the United States and the Native Hawaiian people as prescribed in the Apology Resolution, Public Law 103-150, adopted by Congress in 1993 to acknowledge the 100<sup>th</sup> anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii. I would be eligible under S. 147's definition of "Native Hawaiian" to participate in this process and I look forward to the day when I will participate in a Native Hawaiian government through which we will exercise greater control in determining our own future.

Members of our organization are anxiously awaiting passage of S. 147. Our families and communities are strengthened through our cultural ties which we are often challenged to maintain as we are instructed, trained and directed to conduct ourselves and make decisions in ways that are sometimes in conflict with our beliefs and values and the teachings of our ancestors. We continue to perpetuate and practice our Native Hawaiian culture through adhering to the core Hawaiian values while engaged in our businesses and professions. As we educate our friends and neighbors about our efforts toward self-governance, we are often met with looks of surprise from people who assumed that Native Hawaiians have always had the same self-governing status as American Indians and Alaska Natives.

Our community grows stronger as we pursue community-based developments which bring resources into our community so that our community can provide much-needed programs and services to our families. Native Hawaiian culture is reinforced and strengthened in our community as it provides the foundation of our existence.

We need passage of S. 147 during this 109<sup>th</sup> Congress in order to protect, preserve and perpetuate vital Native Hawaiian trusts, programs and services which some individuals seek to dismantle. We would like to feel secure in knowing that our way of life which enriches not only our lives, but also the lives of countless others throughout our community, the State of Hawaii, the United States and the world, is protected. We need passage of S. 147 so that we may continue to exist as Native Hawaiians and bring forward generations of Native Hawaiians proudly sharing our rich Native Hawaiian culture. We need the United States' reaffirmation of its trust relationship with Native Hawaiians and federal recognition of a government-to-government relationship with Native Hawaiians.

We thank this Committee for its quick action in recommending passage of S. 147 to the full Senate so that Congress can take advantage of every opportunity to consider and pass S. 147 and its companion House bill, H.R. 309, into law.

Mahalo for your time and consideration. Aloha.





**VIA EMAIL TO THE U.S. SENATE COMMITTEE ON INDIAN AFFAIRS**  
[Testimony@indian.senate.gov](mailto:Testimony@indian.senate.gov)

**U.S. SENATE COMMITTEE ON INDIAN AFFAIRS**

**Chairman Senator John McCain, Vice Chairman Senator Byron Dorgan**  
**MEMBERS: Senators Pete Domenici, Daniel Inouye, Craig Thomas, Kent**  
**Conrad, Gordon Smith, Daniel Akaka, Lisa Murkowski, Tim Johnson,**  
**Michael Crapo, Maria Cantwell, Richard Burr, and Tom Coburn.**

**TESTIMONY IN OPPOSITION TO S. 147**

I am James Isamu Kuroiwa, Jr., a fourth generation American of Japanese ancestry. My great grandparents arrived from Japan in 1891 to the Kingdom of Hawaii. My grand mother was born on the Island of Kauai in the year 1893, the year Queen Lilioukalani was overthrown. America is the country of my birth on July 1942 and where my family developed its roots.

Our family has two uncles that fought in WW II as Americans of Japanese ancestry with the 442d Regimental Combat Team and another in the Korean War, who was the Executive Officer on Pork Chop Hill. My kid brother and I, along with two cousins served in the Vietnam War. We currently have a son, a cousin and a brother-in-law serving in the military and who served during Desert Storm and Iraqi Freedom. All three remain in the service to our country.

I am testifying in strong opposition to S. 147, known as the Akaka Bill. I believe that preserving Hawaii as an indivisible State of the United States of America and it is a fight worth fighting for.

The Kingdom of Hawaii's constitutions of 1840, 1854, and 1864 placed the powers in the hands of the Monarchy and provided limited powers and rights to the common people. The amended constitution of 1887 shifted the powers from the Monarchy to the common people. The Queen Lilioukalani proposed amended constitution of 1893 took back the powers and rights from the common people.

Hawaii's history details that King Kamehameha III favored a close relationship to the United States and had the Council of Chiefs in 1840 draft an American styled constitution for the Kingdom of Hawaii.

Kamehameha III later appointed William L. Lee to amend the 1840 constitution, resulting in the 1852 constitution of the Kingdom of Hawaii. The constitution of 1852 abolished racial duality from the structure of the courts and from the substantive law of the Kingdom of Hawaii. The common people of Hawaii were provided the power to vote and given other rights never held by commoners.

From 1854 to 1874, Kamehameha IV and V favored Great Britain. Kamehameha V amended the 1852 constitution to take back powers and rights given to the common

people and bestowed those powers to the king. The 1864 constitution prevailed for some 23 years.

The reign of King Kalakaua from 1874 caused the Legislative Assembly including the House of Nobles (who were appointed by the King), together with the Representatives (elected by the people), to adopt a new constitution of the Kingdom of Hawaii in 1887. There are a few Hawaii historians claiming that the House of Nobles did not approve the amended 1887 constitution by conforming to the constitution of 1864.

The revised 1887 constitution of the Kingdom of Hawaii gave additional rights and powers back to the common people of Hawaii. The process of an amended constitution started prior to 1886 that included the Legislative Assembly conforming to Article 80 of the 1864 constitution. It is clear that amendments to the constitution must have received a majority vote of the Legislative Assembly. The amendments were then entered into the legislative journal with the 'yes' and 'no' votes identified by name.

The amendments were then published for three months before the election of the Representatives in 1887. The 1887 Legislative Assembly approved the amended constitution by a 2/3 vote of both houses. The approved amended constitution was then presented to King Kalakaua for his signature, where the historians say he was forced to sign the amended constitution on July 6, 1887. Today, the 1887 constitution of the Kingdom of Hawaii is known as the 1887 Bayonet Constitution.

The 1887 constitution established the qualifications for candidates seeking the office of the House of Nobles. The qualifications were that the candidate must be a male, a resident of the Kingdom, an American or European by birth or descent, at least twenty years old, paid his taxes, and registered to vote for a Noble.

The 1887 constitution also provided that the voter must be a resident of the Kingdom for three years, own property of a net value of three thousand dollars, have an income of six hundred dollars the year preceding the election registration, able to read and comprehend Hawaiian, English or some European language, take an oath to support the constitution and laws of the Kingdom of Hawaii. Also, it provided that any individual who had voted in the prior election were waived from meeting the current voter requirements.

On January 29, 1891 Lilioukalani becomes Queen. She then proposed an amended constitution on January 14, 1893 to replace the 1887 constitution. The proposed constitution of 1893 returned all powers to the Monarchy. The proposed constitution of 1893 took back the rights of the common people to vote for members of the House of Nobles and also transferred all of the powers afforded the common people back to the monarchy.

The common people revolted by not supporting Queen Lilioukalani during the change of government or "overthrow" by the Committee of Safety.

The Akaka Bill S. 147 again shift powers and rights from the people of Hawaii and places them within a minority racial group. At the other end of the pendulum of freedom, the United States deciding to fight terrorism in Afghanistan and Iraq to support freedom for its people. In both countries the people faced death to have the choice in casting their vote in a free election.

I am a member of the United Church of Christ and a past Moderator of one of the major UCC churches in Hawaii. I opposed the direction proposed by a few leaders and pastors of the Church which led to the UCC apology in 1993. I continue to believe that the Church preached and remained peaceful during the change of government (overthrow) in 1893 because the Church represented the common people whose rights were being taken away.

The State of Hawaii has matured over the past one hundred twelve (112) years with the blending of cultures and ancestry. Each culture holds on to its own and allows the others to flourish and similarly each culture has been blended through marriage with successive generations.

Today, I have an aunt, a step sister, a nephew, and cousins who are graduates of Kamehameha School. I also have cousins one and two generations removed whose Japanese blood is mixed with Hawaiian, Korean, Filipino, German, Irish, Chinese, Guamanian, Portuguese, Vietnamese, Thai, Mexican, African, Italian, Greek, and Israeli. We are all Americans of the State of Hawaii. We are a one people, a one Hawaii, a one America and it is worth the fighting for.

Mahalo and Thank you,

James I. Kuroiwa, Jr.  
47-327 Mawaena Street  
Kaneohe, HI 96744



HAWAIIAN HOMESTEAD TECHNOLOGY, INC.

March 11, 2005

Testimony of Olin Kealoha Lagon, Chief Executive Officer, Hawaiian Homestead Technology, Inc.  
submitted to the U.S. Senate Committee on Indian Affairs for the Hearing on S. 147,  
the Native Hawaiian Government Reorganization Act of 2005, held on March 1, 2005

Aloha Chairman McCain, Vice Chairman Dorgan and distinguished members of the U.S. Senate Committee on Indian Affairs. My name is Olin Kealoha Lagon. I am writing as a Native Hawaiian, a resident of the State of Hawaii, CEO of a Native Hawaiian community owned firm, and Secretary/Treasurer of a \$60 million dollar multi tribal company spread across eight Indian reservations, three Alaska Native Villages, and Native Hawaiian homelands. I live in Honolulu on the island of Oahu.

Thank you for this opportunity to express my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005. I am an eligible "Native Hawaiian" based on S. 147's definition.

The benefits of S. 147 are well documented such as furthering the reconciliation efforts between the United States and the Native Hawaiian people as prescribed in the Apology Resolution, Public Law 103-150, adopted by Congress in 1993. However, I would like to focus on my personal experiences. I have been fortunate to have traveled extensively across the United States and world. I have first hand experience with Native peoples that have self determination and Native peoples that do not. This includes a two year Peace Corps volunteership amongst the Native Chuvash people of Russia. I also work full time in a large alliance of American Indian tribes, Alaska Native villages, and Native Hawaiians and have worked closely with our Native brothers and sisters including visits to each other's homelands.

What is crystal clear from my experiences is that self determination works. I am not disillusioned to think that our exercise of this inherent right will immediately solve our current challenges or automatically help to protect our unique culture in the only homelands we have. But as I have witnessed, self determination will put the burden of Native Hawaiian cultural stewardship and the resources necessary to perpetuate our culture back rightfully into our own hands. We must be allowed to make and learn from our mistakes, and to navigate our culture forward with full control over our own sails. We must be in the position to be held accountable to our ancestors and be able to bestow this privilege to our future generations.

The passage of S. 147 will benefit many. Beyond the direct economic impact of federal recognition, the State of Hawaii's economy rests to a large extent on the backs of our Native Hawaiians ancestors who have responsibly managed our homelands and fostered a culture that is loved by millions. This culture must be preserved, and this preservation must be charged to the Native Hawaiians through self determination and self management of inherent assets. The passage of S. 147 will also be a strong example for the entire world to see of the United States' leadership in maintaining a fair and vibrant democracy within its own borders.

I thank this Committee for its quick action in recommending passage of S. 147 to the full Senate.

Respectfully Submitted with Aloha,

Olin Lagon, CEO

33 SOUTH KING STREET, SUITE 513 • HONOLULU, HAWAII 96813  
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Testimony of Brandi Ka'ala Lau  
Vice President, Council for Native Hawaiian Advancement  
submitted to the U.S. Senate Committee on Indian Affairs  
for the Hearing on S. 147,  
the Native Hawaiian Government Reorganization Act of 2005,  
held on March 1, 2005

Aloha Chairman McCain, Vice Chairman Dorgan and distinguished members of the U.S. Senate Committee on Indian Affairs. My name is Brandi Ka'ala Lau. I am Native Hawaiian and I am a Vice President with the Council for Native Hawaiian Advancement, a member-based non-profit made up of more than 135 organizations that support the advancement of the Native Hawaiian community. Our programs strive to improve the poor socio-economic conditions of the Native Hawaiian community which are similar to those of other indigenous peoples in the United States, the Alaska Natives and American Indians.

I am a resident of the state of Hawaii, and I am a beneficiary and graduate of the Kamehameha Schools, an educational institution founded by Princess Bernice Pauahi Bishop, a Native Hawaiian ali'i (member of the royal family), who left her lands in trust to create schools to improve the capability and well-being of her indigenous people who were suffering greatly in their once-sovereign homeland.

Thank you for this opportunity to express my **strong support for S. 147**, the Native Hawaiian Government Reorganization Act of 2005. We need passage of S. 147 to protect, preserve and perpetuate institutions such as Kamehameha Schools and other vital Native Hawaiian trusts, programs and services. Trust organizations, founded by Native Hawaiian royal family members, with long histories of providing critical educational, health and human services to needy Native Hawaiians are facing legal threats that challenge their ability to continue serving our people. Reaffirming the United States' political trust relationship with the Native Hawaiian people will allow our Native Hawaiian community to continue to provide these services based on our government-to-government relationship.

We also need passage of S. 147 to provide greater accountability for, and maximize effectiveness of, state and federal programs for Native Hawaiians. Working in the field of Native Hawaiian community development, with more than 150 pieces of legislation passed by Congress in the last 85 years to address the unique needs of Native Hawaiians, we believe that having a single governmental entity to represent and speak for the Native Hawaiian people will maximize the effectiveness and ensure greater accountability of these programs.

Passage of S. 147 will allow us to continue to exist as Native Hawaiians; providing services as Native Hawaiians to other Native Hawaiians, and to bring forward generations of Native Hawaiians proudly sharing our rich Native Hawaiian culture.

I thank this Committee for its quick action in recommending passage of S. 147 to the full Senate so that Congress can take advantage of every opportunity to consider and pass S. 147 and its companion House bill, H.R. 309, into law. Mahalo for your time and consideration.

WRITTEN TESTIMONY OF EMMETT E. LEE LOY, ATTORNEY AT LAW,

A NATIVE HAWAIIAN AS DEFINED IN THE HAWAIIAN HOMES  
COMMISSION ACT OF 1920,

ON S. 147,

A BILL TO EXPRESS THE POLICY OF THE UNITED STATES  
REGARDING THE UNITED STATES RELATIONSHIP WITH NATIVE  
HAWAIIANS AND TO PROVIDE A PROCESS FOR THE RECOGNITION BY  
THE UNITED STATES OF THE NATIVE HAWAIIAN GOVERNING ENTIRITY

BEFORE THE U.S. SENATE  
COMMITTEE ON INDIAN AFFAIRS,

TUESDAY, MARCH 1, 2005, 10:00 A.M.,  
RUSSELL SENATE BUILDING, ROOM 485

### I. Introduction and Background

Aloha, my name is Emmett E. Lee Loy, and I am a native Hawaiian as defined in the Hawaiian Homes Commission Act ("HHCA") of 1920,<sup>1</sup> and a beneficiary of the Admissions Act of 1959,<sup>2</sup> § 5 (f) land trust. I am an attorney licensed to practice before all courts in the State of Hawaii, the U.S. Federal District Court for the District of Hawaii, the U.S. Supreme Court.

I am a graduate of the University of Colorado (CU) School of Law (1991), where I studied Federal-Indian Law, Advanced Federal-Indian Law, Advanced Seminar in Federal-Indian Law and Federal-Public Land Law directly under Professor Charles F. Wilkinson. While at CU Law School, I also studied Water Law under Professor David Getches, Native American Religious Freedom under Professor Vine Deloria and New Zealand Federal-Maori Law, specifically the Treaty of Waitangi.

I am a U.S. Army veteran. I am also a former intern with the then U.S. Senate Select Committee on Indian Affairs in Washington, D.C.; law clerk with the U.S. Department of Justice Indian Resources Section in Washington, D.C.; law clerk with the Native American Rights Fund (NARF) in Boulder Colorado, now in private law practice seeking full implementation of the HHCA of 1920 and the Admission Act of 1959, § 5(f) public land trust.

### II. S. 147 Aims to Dilute, Diminish and Take Away from the native Hawaiians as Defined in the HHCA of 1920

I write today to make the record against S. 147, specifically the Sec. 3 Definitions, more specifically subparagraph (8) NATIVE HAWAIIAN which reads in pertinent part as follows:

(8) NATIVE HAWAIIAN, -- For the purpose of establishing the roll authorized under section 7(e)(1) and before the reaffirmation of the political and legal relationship between the United States and the Native Hawaiian governing entity, the term "Native Hawaiian" means--

<sup>1</sup> Pub. L. No. 67-34, 42 Stat. 108 (1921) ("HHCA"), i.e. "not less than one-half part of the blood of the races of people inhabiting the Hawaiian islands previous to 1778."

<sup>2</sup> Pub. L. No. 86-3, 73 Stat. 4 § 5(f) (1959).

- (A) an individual who is one of the indigenous, native people of Hawaii and who is a direct lineal descendant of the aboriginal, indigenous, native people who-
  - (i) resided in the islands that now comprise the State of Hawaii on or before January 1, 1893, and
  - (ii) occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii, or
- (B) an individual who is one of the indigenous, native people of Hawaii and who was eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) or a direct lineal descendant of that individual.

This definition of "Native Hawaiian" found in Section 3 is so broad that it would suddenly include 440,000 persons and include persons with as little as 1/64<sup>th</sup> part-Hawaiian all the way down to anybody with as little as 1/512<sup>th</sup> part-Hawaiian. Or, in other words, such definition would treat individuals that have little or nothing to do with the bona-fide native Hawaiians Congress sought to treat under the HHCA of 1920.

The record needs to be clear that such a definition of "Native Hawaiian" that is so diluted would jeopardize and imperil the federally-created rights of the native Hawaiians treated under the HHCA of 1920.

There is no compelling governmental interest to treat a 1/64<sup>th</sup> part-Hawaiian or a 1/512<sup>th</sup> part-Hawaiian. And, if this U.S. Senate Committee on Indian Affairs is to advocate and promote the inclusion of these minimal quantum "Native Hawaiians," this Committee is jeopardizing the compelling governmental interest to treat the bona-fide native Hawaiians Congress sought to treat under the HHCA of 1920.

Moreover, this Committee, should it pass S. 147 out of Committee without amendment to its Definition of "Native Hawaiian," would be promoting the watered-down definition of "Native Hawaiian" for reasons entirely different from the compelling governmental interest found under the HHCA of 1920.



### III. Stealing from the native Hawaiians

S. 147 is really a power grab by persons, parties and Entities, that have consistently sought to steal the Hawaiian Home lands and Section 5(f) lands and proceeds Away from the native Hawaiians as defined in the HHCA of 1920.

One of the tactics they have deployed is to seek to broaden the definition of "native Hawaiian" such that it would include persons that are the general public in Hawaii against the interest of the smaller group of half to full blooded native Hawaiians in the State of Hawaii.

Do not change the blood quantum or qualifications or criteria of the beneficiaries identified and treated under the HHCA of 1920, until the United States fulfills its obligations and oversees and insures that the State of Hawaii finally and fully implements the HHCA and § 5(f) land trusts.

The classification of "native Hawaiians" as beneficiaries to the Hawaiian Homes Commission Act and § 5(f) trust is not a racial classification. It is a classification based upon degree of kinship to a group of people who were unjustly and wrongfully deprived of their one-third undivided interest in 1.4 million acres of land title to which is now held by the State of Hawaii.<sup>3</sup>

The definition was crafted in a way to compensate the heirs of those people who had lost their land when a Western legal system was imposed upon them against their will. The benefits conferred by the HHCA and the § 5(f) trust upon "native Hawaiians" are no more a racial classification than the law providing compensation to Japanese internees during World War II.

Although the definition of a native Hawaiian, as defined in the HHCA, was created by Congress in 1920, such definition has been vigorously defended by the beneficiaries, and therefore, **ADOPTED by ESTOPPEL** as the native Hawaiian beneficiaries own definition.

<sup>3</sup>No. 98-818, IN THE Supreme Court of the United States, Harold F. Rice, Petitioner, v. Benjamin Cayetano, Governor of the State of Hawaii, Respondent. On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit, Brief Of Amici Curiae, The Hou Hawaiians and Maui Loa, Native Hawaiian, Beneficiaries Walter R. Schoettle, Esq., (1999), pgs. 3-4.

Senators Akaka and Inouye are fully aware of past efforts by the State of Hawaii and the general public in the State of Hawaii to try and change the definition of native Hawaiian as defined in the HHCA of 1920. Of course, if you ask the general public of the State of Hawaii if they want to change the definition of native Hawaiian, they pretty much all want to do that.

However, if you ask the native Hawaiians as defined in the HHCA of 1920 if they want to change of the definition of native Hawaiian as defined in the HHCA of 1920, such a move has been opposed by these parties that have an interest at stake under the law subject to being impaired by such a change in the definition.

That is why you have the Akaka Bills and its latest manifestation, S. 147.

S. 147 is nothing more than a power-grab by the State of Hawaii and the general public of Hawaii to steal the Hawaiian Home lands and Section 5(f) land and proceeds away from the native Hawaiians as defined in the HHCA of 1920.

#### IV. The HHCA of 1920 v. S. 147

One of the most obvious fundamental and conceptual flaws of S. 147 is the pretext under which Senators Akaka and Inouye are seeking to treat 1/64<sup>th</sup> and 1/512<sup>th</sup> part-Hawaiians. S. 147 is all about blaming the United States for the overthrow of the independent, sovereign and corrupt Kingdom of Hawaii in 1893.

In stark contrast, the HHCA of 1920 is designed to treat specific native Hawaiians for a specific reason.

You need to be clear. Do not confuse the property right belonging solely to the native tenants or makaainana caste, with being the same property right belonging to the Crown, under the Mahele of 1848.

Do not confuse the property right belonging solely to the native tenants or makaainana caste, with being the same thing as a claimed political injury to all subjects of the Monarchy including the Konohiki's that got their one-third share, resulting from the overthrow in 1893.

Since Hawaii achieved Statehood in 1959---for over 45 years---the State of Hawaii has callously neglected the plight of the last critical mass of Hawaiian native tenants or makaainana community, as the State of Hawaii has victimized the native Hawaiian community; stolen lands from the native Hawaiian community; deprived individuals of this native Hawaiian community their lands under the HHCA, and in so many other countless ways the State of Hawaii has fleeced the beneficiaries with complete impunity.

This distinct community of higher and full blood quantum native Hawaiians are teetering on the edge of existence. We are in a very real struggle to survive on remnants of our undivided share of ancestral lands identified in the Mahele of 1848, and now encumbered in the HHCA and § 5 (f) land trusts.

The State of Hawaii has deprived beneficiaries of their lands under the HHCA, while hoarding the same beneficiary's monies derived from the § 5(f) trust under the Office of Hawaiian Affairs ("OHA").

At this writing, over 30,000 qualified beneficiaries continue to languish on the State of Hawaii's Department of Hawaiian Home Lands (DHHL) waiting list, while ignoring the plight of the native Hawaiians that Congress moved to especially treat for the mass dispossession of the common native tenant or makaainana caste from their one third share of the all the lands in Hawaii, since the Mahele of 1848. Many native Hawaiians have died on the State of Hawaii Department of Hawaiian Home Lands ("DHHL") waiting list, never having received what Congress set aside for them nearly 80 years ago.

In P.L. 103-150, the United States apologizes to the wrong party. Senators Akaka and Inouye duped Congress and President Clinton into signing P.L. 103-150. The proper party is the native tenants or makaainana caste that were dispossessed under the Monarchy in 1848; remain dispossessed under the Monarchy from 1848 until 1893; and continue to remain dispossessed of their lands under the State of Hawaii Department of Hawaiian Home Lands waiting list.

History only repeats itself for those who forget. Please take a real close look as to the compelling governmental interest expressed by the United States Congress in moving

to treat a particular class of persons ---historically and brutally exploited under the oppressive Kapu system and then dispossessed of their ancestral lands in 1848 and subsequently turned into homeless vagrants under the Monarchy--- when the United States enacted the HHCA of 1920.

Who can forget the Great Theft of the Mahele of 1848, and the disastrous effects visited upon the already suffering makaainana caste or common native tenant? It seems Senators Akaka and Inouye has forgotten, and the State of Hawaii wants the United States to forget by advocating for passage of S. 147.

Suffering from some inarticulate sensation to feel guilty about something, a few individuals are being duped into suddenly feeling guilty about the overthrow of 1893. In fact, it was one of the best things that could have happened to the native Hawaiian tenants and their heirs when compared to the fleecing they endured under the corrupt Kingdom of Hawaii.

However, the necessity for treatment of native Hawaiians continues. The highest rates of homelessness among the higher blood quantum native Hawaiian population; the disproportionate over representation of the higher blood quantum native Hawaiians in the general prison population; the highest rates of cancer, diabetes, depression, alcoholism, drug addiction--- all associated with the dismal-socio economic profile which comprises the higher blood quantum native Hawaiian population. We have all of the symptoms associated with a people recovering from centuries of abuse and exploitation, and then, mass dispossession from our ancestral lands under our own "Hawaiian" Monarchy which, in fact, was a copy of the European styled Monarchy.

What we don't have is our lands encumbered in the HHCA and S 5(f). S. 147 is designed to take away these lands and give it to the general public that includes 1/64<sup>th</sup> and 1/512<sup>th</sup> part-Hawaiians.

Before this Honorable Committee contemplates treating anybody and everybody with one Hawaiian ancestor ten generations later for some imaginary harm associated with the overthrow of 1893, it would be better to remedy the chronologically earlier disaster of the Mahele of 1848, and

the critical mass of higher blood quantum native Hawaiians that continue to suffer under the State of Hawaii's mismanagement of the HHCA of 1920 and the § 5(f) land trusts.

The history of the Hawaiian Islands and the plight of the makaainana caste to survive, is not solely limited to the role of the U.S. Government in the overthrow of the Kingdom of Hawaii in 1893, nor U.S. annexation of lands formerly held by the Kingdom of Hawaii in 1898.

These two incidents of 1893 and 1898, historically significant, do not fully account for the property rights belonging solely to the makaainana caste and their descendants and heirs, and which property rights are vastly distinct and very different from those claimed by the Kingdom of Hawaii.

If the United States wishes to reconcile with the native Hawaiians, the United States must first understand exactly what it is seeking to reconcile and with whom such reconciliation should take place.

If the United States thinks it should "give the land back" to the Monarchy, then it must first know exactly whose lands it will be giving back to the Monarchy.

Some of the lands taken from the Monarchy belonged to the native tenants or makaainana caste, dispossessed of their one-third share of the lands in Hawaii, following the Mahele of 1848.

After the planned failed delivery of lands to the makaainana caste in 1848, the Kingdom of Hawaii simply stole the makaainana castes one-third share of the undelivered Mahele lands and converted such lands into "Government Lands."

Worse, the Kingdom of Hawaii failed to treat the dispossessed makaainana caste for such mass thievery, and the untold suffering visited upon the makaainana who were transmogrified into homeless wanderers and vagrants by such mass dispossession.

Then the Kingdom passed laws making homelessness a crime, called it vagrancy, arrested the makaainana, and forced them to build public projects: One example is the wall

surrounding the Royal School, which was built from the labor of "homeless vagrants" dispossessed by the Royalty of the Kingdom of Hawaii in the Mahele of 1848, and then forced into to slave labor as criminals for being homeless.

From 1848 until the overthrow in 1893, the Kingdom of Hawaii habitually failed to treat the makaainana for its mass dispossession. This calculated neglect from 1848 to 1893, is just the tip of the iceberg in the history of abuses imposed on the makaainana caste by the ruling alii caste, and which abuses have been imposed on the makaainana by the alii caste since time immemorial.

V. A Brief History of Hawaii: The Sandalwood Trade; a Depiction of the Exploitation of the Makaainana Caste and Precursor to the Decimation of the Makaainana Population

Following centuries of internecine-fratricidal warfare amongst and between the alii caste, and which warfare was conducted at the expense of the common tenants or makaainana caste, the stage was set for the alii caste to once and for all, decimate the common makaainana population.

The alii caste historically have been murderous, abusive, jealous of power, and willing to go to any lengths to kill all rivals, including their very own blood relatives to enhance or protect their very own mana or power to rule over the makaainana as well as other alii they wished to subjugate.

The Hawaiian oral history is full of accounts of the abuses of the alii caste and the suffering of the makaainana caste. Such abuses were perpetrated under the religious order or "Kapu's" which was the psychological glue that held the caste system together for the alii to continue their abuses.

It is very important to note that it was the common native tenants or members of the makaainana caste that were required to labor for the alii's food provisions and combat supplies. Evolving over the centuries, the caste system became ever more oppressive, and was the chief tool used to exploit the makaainana.

At the beginning of the end of the caste system, with the overthrow of the Kapu's in 1819, such a caste system here in the Hawaiian Islands amounted to virtual slavery.

No clearer example of the abuses of the alii caste committing extortion upon, and exploitation of, the makaainana caste can be found than that of the infamous Sandalwood Trade in the Hawaiian Islands.

The Sandalwood or iliahi, was discovered by Captain Kendrick of the American sloop Lady of Washington between 1791 and 1794.

After being told that sandalwood was a valuable article of trade with the people of China, Kamehameha I ordered his alii caste to order their makaainana caste to the mountains after this wood.

"This rush of labor to the mountains brought about a scarcity of cultivated food throughout the whole group. The people were forced to eat herbs and tree ferns, hence the famine called Hi-laulele, Haha-pilau, Laulele, Pualele, 'Amau'u, or Hapu'u, from the wild plants resorted to."

Between 1810 and 1825 the trade was at its height. Kotzbie writes in 1825 that he has been told that Americans have purchased sandalwood to the amount of 300,000 Spanish dollars.

On Molokai a hollow is shown shaped like the hold of a ship and said to have been used in old days as a measuring place for a shipload of sandalwood.

"All the people were drawn into service, and the chiefs bought quantities of cloth, and some began to buy ships. The ruling chief of Kauai also secured cloth, muskets, and powder, and became the owner of several ships, two large vessels called Kamohalani and Mikapako and several smaller ones."

The makaainana caste were so oppressed that they started to pull out all the seedlings of the sandalwood, so that the sandalwood would not grow into full trees, and thereby spare their makaainana keiki (children) from future slave labor in harvesting the sandalwood. The seething discontent manifested intself with the makaainana setting fire and destroying whole stands of sandalwood, so that

they would not have to be forced to pick it for the greedy alii who were trading the sandalwood for trinkets, mirrors, colorful hankkerchiefs, rolls of red cloth and other oddities that struck their royal fancy.

The Hawaiian Homes Commission Act (HHCA) of 1920 is Congress' movement in the field of the national interest to treat a particular class of persons dispossessed since the time of the Mahele of 1848, 45 years before the overthrow.

The State of Hawaii's sudden interest of 1978 to create OHA and decide on its own to treat a brand new class of persons alleging a nebulous political injury, is vastly different from Congress' treatment of the identified beneficiaries under the HHCA and Section 5(f) of the Admissions Act of 1959 (Section 5(f)).

The State is without congressional authority to treat a brand new class of persons alleging a different harm than what Congress is treating under the HHCA and 5(f).

Congress never delegated, but exclusively reserved the power to change the requirements, or lower the blood quantum criteria, of original lessees under the HHCA.

OHA is hoarding in excess of \$350 million dollars of the HHCA beneficiaries trust monies, received from the 5(f) revenues from "available lands" and misusing it for and by non-beneficiaries at OHA for political purposes, inconsistent with the provisions of the HHCA.

The unabashed gall of the State of Hawaii officials, including Lingle, Akaka and Inouye to argue that they have a trust relationship with the beneficiaries of the HHCA. Ask any one of the more than 30,000 beneficiaries languishing on the State of Hawaii Department of Hawaiian Home Lands waiting list (some since Statehood in 1959), if they trust the State of Hawaii? What about the ones that died on the waiting list, who is going to ask them? Since Statehood in 1959, native Hawaiians have been ripped off by the State of Hawaii.

Please do not overlook the fact that although the blood quantum was set by Congress in 1920, it has been vigorously defended by the beneficiaries since that time and, by such defense, it has been adopted by the beneficiaries of the HHCA as their own definition by estoppel.



The abuses and exploitation by the alii caste (that ruled for centuries by threats, abuse, murder, extortion and terror), would be highlighted in the alii's effort to exterminate the makaainana population during the infamous Sandalwood Trade.

The ruling alii caste drove the makaainana caste like slaves into the hills to denude the forests of iliahi or sandalwood, while starving. Both the makaainana and the iliahi would end up near extinction caused by the greed of the alii that traded slave labor for trinkets, pieces of red cloth, handkerchiefs and other oddities.

This is the trigger point in the cataclysmic decimation of the makaainana population that plummeted from a population of about 300,000 to about 40,000 by the time of the inevitable overthrow. If it wasn't for the U.S., the makaainana would have overthrown the corrupt monarchy eventually.

Never forget that not all native Hawaiian beneficiaries wish to restore to power those people whose ancestors victimized native Hawaiians under the Mahele of 1848.

If "sovereignty" meant decimation for the makaainana caste, then I am happy to see the corrupt Hawaiian Monarchy go.

What you have to keep in mind is that the alii have already received their share of the Mahele lands and were the ones responsible for not delivering to the makaainana their share of lands, resulting in mass dispossession in 1848.

The symptoms of such mistreatment manifested itself in native Hawaiians being driven to the urban core to live in squalor. This is what Congress' compelling governmental interest was and still is found under the HHCA of 1920: to treat the symptoms of the mass dispossession occurring from the Mahele of 1848.

#### **VI. Conclusion**

The minimal blood quantum, alii type, state-defined Hawaiians are clever and with them in control of our 5(f) monies at OHA, native Hawaiians still live in squalor, dying on the State of Hawaii Department of Hawaiian Home Lands (DHHL) waiting list.

The minimal quantum "Native Hawaiians" with the capital "N" pretty much run the show here in Hawaii. They have funded the effort all these years to try and pass the various Akaka bills targeting the elimination of the native Hawaiians sought to be treated by Congress under the HHCA of 1920. They paid for the actors that testified for this S. 147 the other day. Don't let them get away with this. I strongly urge you to either amend the Definition of "Native Hawaiian" and set the blood quantum exactly as it is expressed in the HHCA of 1920, or table the bill in its entirety.

One of the arguments heard is that we need the Akaka bill driven by fear of what the U.S. Supreme Court "might" do. I find this unpersuasive.

First of all, in Rice v. Cayetano, the Supreme Court stated that the overbroad definition of "Hawaiian" (nearly identical to "Native Hawaiian" in S. 147) was a racial classification.

The Supreme Court did not say that "native Hawaiian" as defined in the HHCA of 1920, was a racial classification.

Second of all, should S. 147 become law, native Hawaiians as defined in the HHCA of 1920, will have lost everything anyway, so we might as well take our chances with what the U.S. Supreme Court "might" do.

In other words, we would be no worse off. I trust in my United States Supreme Court. I do not trust State of Hawaii officials advocating for 1/64<sup>th</sup> and 1/512<sup>th</sup> part-Hawaiians.

This testimony respectfully submitted this 3<sup>rd</sup> Day of March, 2005, via fax to the U.S. Committee on Indian Affairs, Fax (202) 224-5429

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FIRST SUPPLEMENT TO THE  
WRITTEN TESTIMONY OF EMMETT E. LEE LOY, ATTORNEY AT LAW,

A NATIVE HAWAIIAN AS DEFINED IN THE HAWAIIAN HOMES  
COMMISSION ACT OF 1920,

ON S. 147,

A BILL TO EXPRESS THE POLICY OF THE UNITED STATES  
REGARDING THE UNITED STATES RELATIONSHIP WITH NATIVE  
HAWAIIANS AND TO PROVIDE A PROCESS FOR THE RECOGNITION BY  
THE UNITED STATES OF THE NATIVE HAWAIIAN GOVERNING ENTIRITY

BEFORE THE U.S. SENATE  
COMMITTEE ON INDIAN AFFAIRS,

TUESDAY, MARCH 1, 2005, 10:00 A.M.,  
RUSSELL SENATE BUILDING, ROOM 485  
WASHINGTON, D.C.

I. Re-Introduction

Aloha, my name is Emmett E. Lee Loy, Attorney at Law, and this is being submitted to the Chair, the Honorable U.S. Senator John McCain, and to members of U.S. Committee on Indian Affairs as a supplement to my written testimony faxed to such Committee on S.147, otherwise referred to as the Akaka Bill, and to be included into the record of testimony in opposition to S. 147.

II. More Arguments Against S.147 being passed out of the U.S. Senate Committee on Indian Affairs, or, in the Alternative, for S. 147 to being marked-up and/or amended

A. Real parties in interest having a stake under existing law subject to being impaired or impeded by passage of S. 147 as currently drafted, are the native Hawaiians (with the small "n") as defined in the Hawaiian Homes Commission Act (HHCA) of 1920.

The native Hawaiians as defined in the HHCA of 1920 are persons of not less than one-half to full blooded native Hawaiians. These native Hawaiians number approximately 50,000 people.

In contrast, Native Hawaiians (with the capital "N") as defined by Section 3 of S. 147, are persons that include 1/64<sup>th</sup> part-Hawaiians, all the way down to anybody with as little as 1/512<sup>th</sup> part-Hawaiian. These Native Hawaiians number approximately 440,000.

In other words, 440,000 people, less the approximately 50,000 native Hawaiians, means that 390,000 people are persons that are not contemplated under the HHCA of 1920. Yet, these additional 390,000 people will have a say as to what is to be negotiated away under S. 147. From pin-prick 1/64<sup>th</sup> part-Hawaiians that have nothing to do with us except some remote claim of having one, single Hawaiian ancestor in the far, distant past, all the way down to the toe-nail Hawaiian that possesses less than one percent native Hawaiian blood in their baby toe-nail.

Guess what these more assimilated, minimal quantum "Native Hawaiians" are going to negotiate away if this Committee passes S. 147 out of committee?

The answer is both the 205,000 acres of Hawaiian Home Lands encumbered under the HHCA of 1920 AND the 1.4 million acres of Section 5(f) lands under the Admission Act of 1959, that is set aside under existing law for, among other purposes, for the betterment of the conditions of native Hawaiians as defined in the HHCA, 1920. This is what the Akaka bill is really all about. Everything else about S. 147 is. B.S.

Ladies and Gentleman of this Honorable U.S. Committee on Indian Affairs, this is a fight to the finish. It's us (one-half to full blooded native Hawaiians as defined in the HHCA of 1920) against them (the general public of Hawaii, including 1/8<sup>th</sup>, 1/16<sup>th</sup>, 1/32<sup>nd</sup>, 1/64<sup>th</sup>, 1/128<sup>th</sup>, 1/256<sup>th</sup>, 1/512<sup>th</sup> and 1/1024<sup>th</sup> part-Hawaiians. It has always been this way every time they have tried to diminish the benefits for native Hawaiians under the HHCA and 5(f).

Who are you siding with? Do you actually believe State of Hawaii officials that have screwed the native Hawaiians as defined in the HHCA of 1920?

Do you believe the "sell-outs" that were sent to Washington D.C. on March 1<sup>st</sup>, 2005 to testify in support of the Akaka bill?

Ask yourselves this question, Honorable members of this Committee on Indian Affairs, why the rush to allow non-beneficiary toe-nail "Native Hawaiians" the opportunity to "negotiate Native Hawaiian assets that could only mean the HHCA and 5(f) lands? The answer is obvious. They want to steal the HHCA and 5(f) lands away from the native Hawaiians that Congress contemplated since passage of the HHCA in 1921.

Ask yourselves this other question: Why was the hearing of March 1, 2005, devoid of any testimony by native Hawaiians as defined in the HHCA of 1920, in OPPOSITION to S. 147? The answer was that it was a show. The hearing of March 1, 2005 was staged to dupe the Honorable Senators of the U.S. Senate Committee on Indian Affairs.

Ask yourselves, if the State of Hawaii cannot even take care of the 30,000 native Hawaiians on the State of Hawaii's Department of Hawaiian Home Lands waiting list, what the hell are they were doing in D.C. advocating to allow non-beneficiaries the opportunity to negotiate away these federally-created rights under the Akaka bill?

I am so angry at the State of Hawaii and their Senators Akaka and Inouye for "rigging" the hearings before the U.S. Senate Committee on Indian Affairs to purposefully exclude testimony of native Hawaiians as defined in the HHCA of 1920 from testifying in opposition to S. 147. .

But, before you all jump to arbitrarily call a group made up of 1/8<sup>th</sup>, 1/16<sup>th</sup>, 1/32<sup>nd</sup>, 1/64<sup>th</sup> and less part-Hawaiians an "Indian Tribe," you should all take a close look at the U.S. v. Sandoval decision by the U.S. Supreme Court.

Inouye and Akaka should know about it. This is what this Honorable Committee is going to be advocating if you pass the bill out of Committee without amending the definition found in Section 3, and limit the applicability to only those persons who have an interest under existing law to the lands encumbered in Hawaii for native Hawaiians.

This first supplement to submitted written testimony of March 3, 2005, respectfully submitted this 7<sup>th</sup> Day of March, 2005, via fax to the U.S. Committee on Indian Affairs, Fax (202) 224-5429.

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SECOND SUPPLEMENT TO THE  
WRITTEN TESTIMONY OF EMMETT E. LEE LOY, ATTORNEY AT LAW,

A NATIVE HAWAIIAN AS DEFINED IN THE HAWAIIAN HOMES  
COMMISSION ACT OF 1920,

ON S. 147,

A BILL TO EXPRESS THE POLICY OF THE UNITED STATES  
REGARDING THE UNITED STATES RELATIONSHIP WITH NATIVE  
HAWAIIANS AND TO PROVIDE A PROCESS FOR THE RECOGNITION BY  
THE UNITED STATES OF THE NATIVE HAWAIIAN GOVERNING ENTIRITY

BEFORE THE U.S. SENATE  
COMMITTEE ON INDIAN AFFAIRS,

TUESDAY, MARCH 1, 2005, 10:00 A.M.,  
RUSSELL SENATE BUILDING, ROOM 485  
WASHINGTON, D.C.

Tuesday, March 08, 2005

Emmett E. Lee Loy  
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Tel. (808) 922-0455

The Honorable John McCain, U.S. Senator  
Office of the Chairman  
U.S. Senate Committee on Indian Affairs  
836 Hart Senate Building  
Washington, D.C. 20510  
Tel. (202) 224-2251  
Fax. (202) 224-5429

Dear Honorable Senator McCain and Members of the U.S.  
Senate Committee on Indian Affairs:

Please include this letter to you as part of my testimony  
against the Akaka Bill, S. 147.

I am requesting that you hold field hearings in Hawaii on  
S.147.

Washington, D.C. is going to be hot in August 2005, during  
your folks' recess and, I may guess, so is Arizona.

So, give yourself a break and treat yourself, fellow  
respected members of the Indian Affairs Committee, your  
staff, to a visit to Hawaii during August 2005.

This time, please allow a full, open and robust debate on  
the pros and cons of the Akaka Bill by way of oral  
testimony.

On March 1, 2005, your Committee only heard the oral  
testimony from cons about how great the Akaka Bill is:  
They lied.

Your Committee ought to hear oral testimony from the  
aboriginal native Hawaiians as defined in the HHCA of 1920  
(one-half to full blooded native Hawaiians) and others that  
oppose S.147 and the reasons WHY we oppose the Akaka bill.

The decision to send the Akaka bill to the Senate floor for  
a full vote can wait until after the hearings in Hawaii are



held. What's the big rush? The Akaka bill has been around since 2000 and, although the Akaka bill has changed significantly since that time and, even though the Hawaii Democratic Party Congressional delegation has constantly rigged the hearings in D.C. to give a one-sided and skewed view in support of the Akaka bill, you can still take the time to restore our faith in the democracy of the United States by holding field hearings in Hawaii this summer.

Senator McCain, I know you are an honorable man with promises to keep. However, such promises to send the Akaka bill to the Senate floor should never be done so at the expense of the native Hawaiians Congress sought to treat under the HHCA of 1920, since its passage back in 1921.

The survival of the native Hawaiians as defined in the HHCA of 1920 are seriously threatened by the Akaka bill. I mentioned this in my previous testimony and first supplement to such testimony and will not bother to repeat it at this time.

This second supplement to the already submitted written testimony of March 3<sup>rd</sup> and March 7<sup>th</sup>, 2005, respectfully submitted this 8<sup>th</sup> Day of March, 2005, from Honolulu, Hawaii via fax to the U.S. Committee on Indian Affairs, in Washington, D.C., Fax (202) 224-5429.

Sincerely,

/s/Emmett E. Lee Loy  
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~~FOURTH~~<sup>THIRD</sup> SUPPLEMENT TO THE  
WRITTEN TESTIMONY OF EMMETT E. LEE LOY, ATTORNEY AT LAW,  
A NATIVE HAWAIIAN AS DEFINED IN THE HAWAIIAN HOMES  
COMMISSION ACT OF 1920,

ON S. 147,

A BILL TO EXPRESS THE POLICY OF THE UNITED STATES  
REGARDING THE UNITED STATES RELATIONSHIP WITH NATIVE  
HAWAIIANS AND TO PROVIDE A PROCESS FOR THE RECOGNITION BY  
THE UNITED STATES OF THE NATIVE HAWAIIAN GOVERNING ENTIRITY

BEFORE THE U.S. SENATE  
COMMITTEE ON INDIAN AFFAIRS,

TUESDAY, MARCH 1, 2005, 10:00 A.M.,  
RUSSELL SENATE BUILDING, ROOM 485  
WASHINGTON, D.C.

Saturday, March 12, 2005

Emmett E. Lee Loy  
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U.S. Senator John McCain and Members  
U.S. Senate Committee on Indian Affairs  
836 Hart Senate Building  
Washington, D.C. 20510  
Tel. (202) 224-2251  
Fax. (202) 224-5429

To: Senator McCain and Members of the U.S. Senate Committee  
on Indian Affairs:

Please include this letter to you as part of my testimony  
against the Akaka Bill, S. 147. The previous letter to the  
Committee incorrectly stated that it was my Second  
Supplement, when in fact it was my Third Supplement to my  
previous testimony. Please include it nonetheless as part  
of my continuing objection to the Akaka bill.

The decision of March 8, 2005, by your Committee to send  
the Akaka bill to the Senate floor for a vote prior to  
having received any and all testimony prior to the March  
15, 2005 deadline for receiving such testimony, reveals  
that your Committee hearing of March 1, 2005 was a pure  
sham.

It is an utter disgrace that your Committee completely  
disregarded the testimony of the native Hawaiians as  
defined in the HHCA of 1920 that oppose the Akaka bill and  
the diminishment of the native Hawaiians rights and  
benefits by the Akaka bill suddenly expanding the class  
from about 50,000 native Hawaiians (half to full bloods) to  
440,000 minimal quantum "Native Hawaiians" that include the  
toe-nail, pin-prick, one ancestor out of 500 people that  
populate the State of Hawaii and elsewhere in the United  
States.

If you only listen to Akaka and Inouye and their hand-  
picked actors masquerading as native Hawaiians, and the  
sell-out native Hawaiians and their respective paper  
organizations, of course you will be misled to believe that

the native Hawaiians as defined in the HHCA of 1920 wish to support the Akaka bill and cut their own throats before the full implementation of the HHCA of 1920 and Section 5(f) has been achieved.

For those of you that support the Akaka bill and believe you will be helping the native Hawaiians by defining "Native Hawaiians" as anybody that is 1/64<sup>th</sup> part-Hawaiian, you are sadly mistaken.

Akaka and Inouye made fools of all of you when they pushed the Apology Resolution through into law in 1993. Remember when Akaka and Inouye told Congress that the law was innocuous? And, you know what, they are out to cheat the native Hawaiians as defined in the HHCA of 1920 (half to full blooded). That is what the Akaka bill is all about.

First the Akaka bill is going to "federally recognize" the 440,000 toe-nail "Native Hawaiians." And then, the 440,000 toe-nail Hawaiians are going to "negotiate" taking away the 205,000 acres of Hawaiian Home Lands encumbered under the HHCA of 1920.

But some of you are too slow to recognize this. Akaka and Inouye absolutely know that this is what the Akaka bill is designed to do.

I know that I am wasting my time trying to explain this to the Committee on Indian Affairs, however, I am making the record in hopes that other more Honorable United States Senators will read my testimony and fight for the native Hawaiians as defined in the HHCA of 1920.

How many bona fide Indian Tribes, Bands, Clans, Rancherias, Pueblos, Alaskan Native Villages are recognized that include 1/512<sup>th</sup> part-Indians as members of the tribe?

What about our defense of the definition of a native Hawaiian as defined in the HHCA of 1920?

I know Washington, D.C., there are good people there and then there are people that are so full of themselves, won a popularity contest, got themselves elected and now think that this means they can step on the native Hawaiians treated under the HHCA of 1920.

Know this: we are going to fight this Akaka bill tooth and nail. If you pass it and, God forbid, it becomes law, we will challenge it. Following the Rice decision, my guess is that the U.S. Supreme Court will probably want to take a look at the mess you folks created.

None of you appear to know anything about the U.S. v. Sandoval case where Congress is admonished not to arbitrarily call a group of people an Indian tribe, and yet that is exactly what you members of this Committee are doing. But, do you really know what you are doing, or do you actually believe the sycophants that tell you what you want to hear?

I am so disgusted at the Hawaii politicians, Akaka and Inouye and their staff. No respect for the native Hawaiians as defined in the HHCA of 1920. Insulting us by telling us that we need the Akaka bill.

This fourth supplement to the already submitted written testimony of March 3<sup>rd</sup>, March 7<sup>th</sup>, and March 8th, 2005 submitted this 12<sup>th</sup> Day of March, 2005, from Honolulu, Hawaii via fax to the U.S. Committee on Indian Affairs, in Washington, D.C., Fax (202) 224-5429.

Sincerely,

/s/Emmett E. Lee Loy

Emmett E. Lee Loy

Attorney at Law

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**Indian-Affairs, Testimony (Indian Affairs)**

**From:** frederich trenchard [frederichtrenchard@hotmail.com]  
**Sent:** Thursday, March 03, 2005 5:44 PM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** Testimony Chief Maui Loa S.147

Attn: David Mullen

PO Box 459, Haleiwa, Hawaii 96712  
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**Hou Band of  
 native Hawaiians  
 of the Blood of  
 Hawaii**

## Fax

<b>To:</b> Senator McCain and all members of the Senate Indian Affairs Committee	<b>From:</b> Chief Maui Loa
<b>Fax:</b>	<b>Pages:</b>
<b>Phone:</b>	<b>Date:</b> 2/27/2005
<b>Re:</b> S.147 Committee hearing March 1	<b>CC:</b> Committee Staff; White House; Sen. Frist; Speaker Hastert; Sen. Lott; Gov. Linda Lingle, R-HI; Sec. Gale A. Norton; Karl Rove; W. Moschella; AG A. Gonzalex; WSJ; Roll Call; Weekly Standard; Blog-o-sphere; Chief Phillip Martin; Washington Post and Times; others

Chief Maui Loa's testimony exposes what agendas dictate the bizarre design of S.147. The Bush Administration does not support placing all power in the hands of Hawaii's missionary era royalist land trusts now controlled by Asian Americans posing as actual native Hawaiians.

Dear Senator McCain:

Please be so kind as to accept this as my testimony in connection with a hearing of the Senate Indian Affairs Committee on 1 March 2005 relating to S.147; then place it in the congressional record. I am not an employee or official of the state of Hawaii.

I am Chief of the Hou Band of native Hawaiians of the Blood of Hawaii. Enrollment in the Hou

3/10/2005

Band is in accord with longstanding federal mandates recognizing the nearest kinship group to the aboriginal nation of Hawaii as from pure to fifty percent blood quantum.

The 67<sup>th</sup> Congress mandated federal reservations for us in the *Hawaiian Homes Commission Act*, never repealed, signed into law by Republican President Warren G. Harding on July 9, 1921.

The 93<sup>rd</sup> Congress mandated in the *Hawaii Admissions Act*, 1959 that revenues from the Public Lands be given to us for rehabilitation, housing and self-determined economic development.

This land and compensation was given to us in accord with established federal tribal policy and law to replace the land and the subsistence it afforded to us we lost to the arrival of Western civilization in Hawaii.

The Hou Band alone in the early days obtained direct federal assistance from the federal treasury as Hawaii's Native Americans. We are far from incompetent in managing our own affairs. Chief Phillip Martin and the Mississippi Band of Choctaw Indians are a model and an inspiration to us. Congress recently awarded Chief Martin one of its gold medals in recognition of his ability to successfully carry out with federal protection the kind of private-sector self-determined economic development that reflects positively on that great institution of government, the United States Senate.

The state of Hawaii took control of our former federal reservations in 1959. The state of Hawaii never forwarded to us revenues from the Public Lands. In addition, the state of Hawaii altered the definition of small "n" native Hawaiian (of the Blood) established by Congress in those two acts into capital "N" "Native Hawaiian"; in effect creating two distinct groups.

This new group receiving federal assistance from federal programs needing periodic reauthorization and the original group entitled to receive land and money derived from the Public Lands, even if these were diverted by the state to itself.

This new group entertains a fantasy that it is royalty; an elevated position from which they view the original kinship group as commoners worthy of being regarded merely as modern day serfs, hardly entitled to preference, even when the preference is conferred by congress.

For Hawaii's elitist royalists, it is as if the Enlightenment, the French Revolution and the American Revolution had never taken place so Hawaii's British style feudal social system still rules in the 50<sup>th</sup> state? "Let's get the U.S. straightened out on this" they say, "and put us back on top so the law reflects the status quo and so the world will be in order once again". If even a drop of royal blood flows through their veins, they reason, it is a drop superior to even a full blooded native Hawaiian commoner.

It is this person, one redefined by the state without our consent that is the subject of S.147. The original native Hawaiian, who is independent of the state, is not a royalist, is not interested in seceding from the union, and has had no input into S.147 which is reflected in the language of S.147. There is a compelling need for the Indian Affairs Committee at a minimum to incorporate into S.147 a reaffirmation of existing federal policy and law established as long ago as the 67<sup>th</sup> Congress.

The Hou Band alone all these decades has acted independently of the state of Hawaii as sovereign. This has brought down upon the Hou Band the enforcement powers of local governments in Hawaii and we have spent a considerable sum out of our own pocket defending the mandates congress intends for us to enjoy as our birthright from vicious and relentless public and local government attacks. All this time, those not federally recognized as entitled to federal mandates have pretended to be us using state law. Having been exposed by the U.S. Supreme Court, now they seek to codify their state law scheme by converting it into federal law. The Hou Band has no problem with this except that the scheme carries over from the past decades the same arrogant denial of the protections congress afforded exclusively to the native Hawaiian of the Blood in 1921 and 1959.

With respect to any justification for passing S.147 arising from law suits wherein public plaintiffs are attacking federal assistance monies appropriated beginning with Public Law 93-644 for the new category termed capital "N" Native Hawaiians and which go directly to the state, or in the case of Alu Like, directly to an affiliate of one of Hawaii's missionary era royalist land trusts, please be so kind as to permit me to convey information to you that supplements and hopefully adjusts the views of the state's

Office of Hawaiian Affairs; views that do not represent the native Hawaiian of the Blood. Incidentally, the Hou Band alone had the first grant from the ANA because at that time the Hou Band was the only native Hawaiian entity qualified by definition to receive direct federal assistance. When the state and the missionary trusts saw this, they got to work changing the definition so as to include them: and this is the origin of today's hearing.

The Hou Band has been in the courts in this matter as plaintiffs with the United States and the state's Office of Hawaiian Affairs as defendants for decades now. It is only since *Rice v Cayetano* that the public has joined the Hou Band as plaintiffs; attacking the state's diversion of federal assistance to itself for the new group it formulated as an unconstitutional racial preference.

Asian Americans are a racial minority in the United States but in Hawaii today, Asian Americans are a majority. Asian Americans are not Native Americans. A native Hawaiian of the Blood is not an Asian American so we are not included in the same category as those at risk for continuing federal assistance derived from program appropriations given to the state of Hawaii for distribution as grants. This is quite clear to those who understand the facts. The Hou Band believes the White House understands these facts.

Prior to Public Law 93-644, the Hou Band was the direct recipient of all federal assistance coming to Hawaii for native Hawaiians. Senator Inouye has since then directed all federal assistance to the state or entities controlled by the missionary era royalist land trusts, known as "ali'i trusts" ("royal trusts"), while we withered away, abandoned by the very federal government that sought in the 67<sup>th</sup> congress to not make us outcasts in our own country; relatives of the monarchy established by the British became fabulously wealthy using the land that formerly belong to us. Relatives who have since been replaced by Asian Americans: the same Asian Americans who are the so-called capital "N" Native Hawaiians of this bill.

93-644 "broadened" the definition to encompass children of recent immigrants to our shores, Asian Americans, who now compose a majority of our population and whose loyalty is naturally given more to their own home nations in Asia, and not necessarily given to the United States. The devotion they profess to the Hawaiian Kingdom is self-serving and inauthentic. Hawaii's Asians have long harbored the dream of converting Honolulu into a Hong Kong style "free state". Converting Hawaii's Asian Americans into Native Americans certainly could be a step in this direction? One need only analyze the investments of the Asian American controlled missionary era royalist land trust known as Kamehameha Schools (KSBE) to appreciate the role of this missionary trust in the emergence of China as a major player on the world economic stage. Can this be the fate of Hawaii the United States wants? If so, then the Hou Band would be more than happy to reservation shop in California or Nevada so as to remain connected to the federal system and the union of states and Indian Nations.

The Hou Band in addition to creating the most thorough legal record in this matter in federal court (see the Price cases, eight certs denied) has lately been educating directly federal judges in the Ninth District. In particular that the opinion in *Rice* and the lawsuits currently in the system put at risk the state's diversionary scheme and the state's broadened definition and do not actually threaten to end the two most important federal statutes in this matter, the 1921 and 1959 federal mandates recognizing native Hawaiians of the Blood as the nearest kinship group. Anyone who represents otherwise is being less than factual!

Should the educational campaign the Hou Band has conducted prove ineffective then the Hou Band will again take up the legal cudgel and replace the public as plaintiffs, taking up the exact complaints the public has made against the state's diversionary scheme and against the broadened definition so as to accentuate the difference between a federal mandate (1921 and 1959) and appropriations that have to be periodically reauthorized (Public Law 93-644 and all subsequent federal assistance for the broadened definition).

So with respect to your committee accepting the state's premise that federal programs that assist Hawaii's Asian Americans posing as actual native Hawaiians of the Blood through having merely one distant ancestor who actually was a native Hawaiian of the Blood are at risk as the justification for S.147 is untenable since the Hou Band can at any time take the same legal actions by replacing the public as plaintiffs with the actual native Hawaiian of the Blood as plaintiffs so as to once and for all draw a line between the two groups. The Hou Band graciously withdrew from litigation and has been using education and negotiation instead and we hope this is appreciated by you and your committee?

3/10/2005



The Hou Band prays that Congress in its desire to fix one problem does not create further hardship for the native Hawaiian of the Blood by permanently codifying the broadened definition and thus institutionalizing the conditions it mandated remediation of in 1921 and 1959? Our distant cousins are far less interested in our conditions than they are in succeeding us, even though we still exist if only in dramatically smaller numbers. Perhaps it is too soon to pass legislation that acts as if we no longer exist and which replaces us in federal law now not just in state law with our Asian American distant cousins, who have come to believe they *are* us?

Terminating existing federal assistance is ok with us since we get none of it anyway; we are completely ignored by our powerful distant cousins except when they are working hard at trying to make sure we have no power whatsoever to challenge their replacement of us in the eyes of everyone.

If the Senate wants to solve the problems created by the state using S.147; the Hou Band, representing the unrepresented, the original native Hawaiians of the Blood, gives its blessing, but only on the condition that the Senate not permit termination of the native Hawaiian of the Blood to happen by merging us with the group having less than fifty percent blood quantum down to any drop. There are models in Indian Country. The Mississippi Band of Choctaw Indians has the fifty percent blood quantum rule that Congress mandated for our kinship group in 1921 and 1959. The Choctaw Nation in Oklahoma has a less than fifty percent blood quantum rule. This is a model the Hou Band can live with. Certainly the Department of the Interior has no problem managing federal assistance for these two distinct groups and so should have no problem doing so for Hawaii's two distinct groups.

Federal assistance currently going to the state can continue but federal assistance for the Hou Band's enrollees can henceforth go directly once again to the Hou Band. So as to facilitate this, the Hou Band is in the process of taking legal action in federal court against the state of Hawaii's Office of Hawaiian Affairs; against the state of Hawaii's Department of Hawaiian Homes and against the missionary era royalist land trust, known as KSBE, or simply KS, for Kamehameha Schools Bishop Estate.

The Hou Band is asking the state's Office of Hawaiian Affairs to grant a pro rata share of the roughly 350 million dollars it has obtained by diverting it from the sources mandated by congress for the betterment of conditions of native Hawaiians of the Blood. The amount is around 35 million dollars for the Hou Band's 350 enrollees.

The Hou Band is asking the state Department of Hawaiian Homes to divest a roughly pro rata share of what used to be our federal reservations. The Hou is buying several thousand acres of fee simple aboriginal land using investment monies from the private sector. These lands can be placed in trust to the federal government via the Secretary of the Interior or they can be placed in trust to the state. If these lands are placed in trust to the Secretary of the Interior, the Hou Band will give to all 3,500 native Hawaiians of the Blood living on state homelands or on the waiting list for a lease to live on state homelands in total two hundred million dollars to be used to repair an existing leasehold house, upgrade infrastructure or use as part of the purchase price for a leasehold home on state home lands. This generous act by the Hou Band fulfills the original intent of Congress going all the way back to 1920. Of course the Hou Band will implement its own innovative native Hawaiian housing plan for its enrollees on these lands being reacquired using private investment money. No federal financial assistance is needed by the Hou Band to reacquire these lands. This is not reservation shopping; distinctions between rural and urban on our small islands are not anywhere near as dramatic as on the mainland. Should the Senate merge the Hou Band with our distant Asian American cousins, this will make our independent desire to better our conditions much more difficult if not impossible since the status quo, which has worked against us, will be strengthened by S.147.

The Hou Band is taking legal action against the missionary era royalist land trust Kamehameha Schools Bishop Estate seeking to divest it of a pro rata share of the six to twelve billion dollars in land and money it possesses and has accumulated based on our land it acquired fraudulently using a device named the *mahele* after a British monarchy system overrode our own native system of chiefs and chiefesses. All enrollees of the Hou Band are beneficiaries of the will of Bernice Bishop, which established this trust, as defined therein. The original definition of Hawaiian and part-Hawaiian at the time of the writing of the will meant one hundred percent and fifty percent native Hawaiian. This is the same definition used in the two federal mandates establishing land and money for the nearest kinship group, the native Hawaiian of the Blood, namely the 1921 *Hawaiian Homes Commission Act*, (never

repealed) and the 1959 *Hawaii Admissions Act*.

It requires far more wisdom than the Hou Band possesses, wisdom we trust resides in the Republican leadership of the Senate Indian Affairs committee, to devise in S.147 the means to reaffirm those the 67<sup>th</sup> Congress and the 93<sup>rd</sup> Congress intended to protect and assist with mandates while giving to Senators Akaka and Inouye and our distant cousin Asian Americans what they now say they want? This would we believe be preferable over putting Indian programs at risk by confusing them with the problems Hawaii created for itself as failure to act wisely would surely result in another review by the U.S. Supreme Court. In *Rice v Cayetano*, the court already admonished Hawaii to adopt the Constitution as its guiding principal, not circumvent it.

But if the Hou Band had its way we would immediately attend to reaffirming existing federal tribal policy and law in Hawaii cooperatively with Secretary Gale A. Norton using an existing administrative procedure. The Hou Band already has a longstanding traditional native Hawaiian government. Our enrollment is 350 full to fifty percent native Hawaiians of the Blood, elders and their offspring, encompassing three and four generations. Most of us have been waiting our entire lives for a homestead license from the state of Hawaii to occupy the public lands first set aside by Congress in 1921 for us to replace the lands we lost to the Western invasion. We govern our own affairs but we lack federal protection on a sizeable piece of land where we can have highly productive self-determined economic development. We have no problems cooperating with local government with respect to sharing tribal enterprise revenues in the form of local taxes and via other means of sharing. Our distant cousins do not need us to share with them for they possess wealth beyond reason embodied in the missionary era royalist land trusts they control for their own self-serving benefit. It is appallingly greedy if their only motivation is to continue to receive the paltry amounts in federal assistance they cite as their justification when these amounts are contrasted to the almost unimaginable land and wealth of their missionary trusts? The missionary era royalist land trusts and the various 501c3 corporations they set up to receive federal assistance do not pay local taxes and the dramatically increased number of new Native Americans being created by S.147 will not pay local taxes; thus increasing their financial burden on local government; necessitating increasing amounts of federal assistance to the state to sustain programs.

How convenient for Senator Inouye's Chinese American friends that there has been in the state legislature a bill establishing cruise ship gaming in Hawaiian waters? Norwegian Cruise Lines, despite its name, is Chinese owned. It plans to eventually have four or five inter-island cruise ships sailing the islands. How are they going to pay for these ships without cruise ship gambling? S.147 recognizes that in order for this cruise ship gaming bill to pass in the state legislature, exactly who a native Hawaiian is must become settled by Congress, least they present unwanted competition. S.147 purports to prohibit the Indian Gaming Regulatory Act from applying to the Asian American friends of the two Hawaii senators who would be converted by S.147 into Hawaii's Native Americans while extinguishing the actual native Hawaiian. Perhaps Norwegian Cruise Lines has been promised a monopoly in Hawaii; a sweetheart deal? The kinship group comprising some 3,500 actual, original native Hawaiians of the Blood, then, instead of being able to prosper as normal Native Americans in Hawaii thanks to the economic blessings of Indian gaming, would remain as outcasts in our own country, consigned to the miseries of poverty and denied the free exercise of our native ingenuity. I can envision the headlines in the Wall Street Journal now: **"Senators tilt toward China: Senate Indian Affairs committee passes legislation converting descendants of Chinese immigrants to a special class of "Native Americans" while terminating actual native Hawaiians recognized since 1921, giving a unique twist to globalization.** *Honolulu.* How will this development affect the status of America's Pacific military outpost in the coming decades as the competition between China's state capitalism and Western Democracy continues to heat up? Is a collision over Hawaii inevitable? What can the United States do today to ensure its rule over the 50<sup>th</sup> state is not short-circuited by this unusual development? ... etc"

The following letter from the Hou Band to Secretary Gale A. Norton, et al, is quoted here for your information:

*"Hou Band of native Hawaiians of Hawaii  
P.O. Box 459  
Haleiwa, HI 96712  
808-638-7841*

3/10/2005

Ohana Lahuiohana Lahuiohanaaina

Sovereign Nation of Hawaii™  
Sovereign Nation of Hawaii™ Enterprises  
Hou Lahuiohana  
Umi Community Association  
Church of Hawaii Nei

4 February 2005

Via Fax and Via UPS

Secretary of the Interior Gale A. Norton  
United States Department of the Interior  
Washington, D.C.

Attorney General Alberto Gonzales  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, D.C. 20530-0001

Mr. Karl Rove  
Mr. Ruben Barrales  
The White House  
Washington, D.C.

RE: -Legal Notice, July 4, 2003, Hou Band to Attorney General John Ashcroft,  
(enclosed).  
-Hou Band to Secretary Norton, July 4, 2003 (enclosed).  
-Hou Band to Mr. Karl Rove, Mr. Ruben Barrales, July 4, 2003 (enclosed).

Dear Secretary Norton; Attorney General Gonzales; Mr. Rove; Mr. Barrales:

This is a request that the Secretary of the Interior provisionally accept land in trust as the Hou Band's restored federal reservation to reaffirm existing federal tribal policy and law in Hawaii.

In the above referenced letters, the Hou Band proposed the authorization of an Office of native Hawaiian Relations within the Department of the Interior.

On January 23, 2004, President Bush signed legislation establishing such a federal Office of Native Hawaiian Relations within the Department of Interior.

Speaker Hastert strengthened the GOP Native American plank when he included new

3/10/2005

language adopted by the convention just prior to the re-election of President Bush:

“Private sector initiatives, rather than public assistance, can best improve material conditions in Indian communities”. And, “High taxes and unreasonable regulations stifle new and expanded businesses and thwart the creation of job opportunities and prosperity”.

Because our original federal reservations established in 1921 by another Republican president, Warren G. Harding, have since been taken over by the state of Hawaii, only with the protection of a restored federal reservation can the Hou Band of native Hawaiians escape local government’s unreasonable regulations restricting how we use our land. Only with the protections of federal tribal policy and law can we at long last prosper, with support from private sector initiatives; not public assistance from the state of Hawaii.

The Hou Band is at present in the process of reacquiring several thousand acres of aboriginal land with support from the private sector whereupon to enjoy the fruits of self-determined economic development which only federal protection can provide upon being placed in trust as our restored federal reservation.

At this time, the Hou Band requests that the Secretary of the Interior write a letter to its Hereditary Chief Maui Loa wherein the U.S. provisionally accepts lands to be offered in trust upon the Hou Band’s reacquisition of them.

Provisional acceptance of lands being now purchased with private sector support increases the level of confidence that they will be protected against unreasonable local government regulation by federal reservation protection for the normal operation of federal tribal policy and law for Hawaii’s Native American Hawaiians recognized as the nearest kinship group to the Nation of Hawaii in 1920 and 1959 congressional mandates.

The United States Congress established federal reservations for homeless and penniless native Hawaiians in 1920 in the Territory of Hawaii when on July 9, 1921 President Warren G. Harding signed into law the *Hawaiian Homes Commission Act, 1920*, which has never been repealed by Congress. There was a written opinion by the Solicitor of the Department of the Interior in 1920 which answered in the affirmative the question would an act of Congress setting apart a limited area of the Public Lands of the Territory of Hawaii for lease to and occupation by native Hawaiians (of the blood) be constitutional? Cited as precedence was the Act of Congress approved February 8, 1887, as amended by the act of February 28, 1891 (26 Stat. 794) authorizing public lands which have been set apart as Indian reservations by order of the President to be surveyed and 80 acres of land therein to be allotted to each Indian located within the reservation, or where the lands are valuable for grazing to be allotted in areas of 160 acres.

The state then unilaterally assumed jurisdiction over the Federal reservations of the native Hawaiian set aside exclusively by Congress for the nearest kinship group and the state of Hawaii did not provide revenues of the Public Lands of Hawaii to the native Hawaiian as mandated by Congress.

The United States has a substantial interest in the interpretation of federal treaties and statutes protecting Indian interests, the proper resolution of issues concerning the recognition of Indian Tribes and the exercise of governmental authority in Indian Country and over Indian lands.

Pursuant to the *Hawaiian Homes Commission Act*, Sec. 207(c)(1)(B)(2) the State of Hawaii Department of Hawaiian Homes is authorized to grant licenses to the United States for reservations. The Secretary of the Interior using this existing administrative procedure has authority to take such a license for a federal reservation and award said license to the Hou Band of native Hawaiians as a restored federal reservation composed of aboriginal fee-simple land that the Hou Band of native Hawaiians now owns and in addition purchases without government funds whereupon self-determined economic development and housing for Hou Band members will be developed in accord with existing federal Indian policy and law. Said license will be dated retroactively by the Secretary of the Interior to July 9, 1921 and be awarded in perpetuity by the Secretary to the Hou Band of native Hawaiians and as such not be subject to any license renewal and said license award shall be published in the Federal Register.

Very Truly Yours,

/s/ Maui Loa

Maui Loa, Hereditary Chief Hou Band of native Hawaiians of the Blood of Hawaii"

The Hou Band proposes to each Senator of the Indian Affairs Committee that they support this proposal as an immediate alternative to S.147. Following reaffirming existing federal policy and law as already expressed by Congress using this administrative remedy, the Hou Band will support continuing federal assistance for Hawaii's Asian Hawaiians as formulated by Senator Inouye.

Other less immediate and from our view less viable options also exist for your consideration and the consideration of the committee and these are discussed below.

The ***Hou Band Sovereignty Reaffirmation Act***, enclosed, can be passed out of committee simultaneously as a separate bill, being introduced by you, Senator McCain, or by another committee member? The Hou Band believes the Hou Band already enjoys federal protection, even if ineffective at present, and so even this is not necessary. It is only proposed as a constitutional counterweight to S.147.

Another option is to change the language of S.147 so it accomplishes the same result as the ***Hou Band Sovereignty Reaffirmation Act***. The Hou Band Sovereignty Reaffirmation Act is found on the following page.

There is language in S.147 that misrepresents historical and legal facts which must be changed in any event. These errors are listed beginning on the page following the Hou Band Sovereignty Reaffirmation Act.

## IN THE SENATE OF THE UNITED STATES

March 5, 2005

**Hou Band of native Hawaiians Sovereignty Reaffirmation Act.**

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**A BILL**

To reaffirm federal recognition for the Hou Band of native Hawaiians of the Blood of Hawaii.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:*

**SHORT TITLE**

SECTION 1: This Act may be cited as the Hou Band of native Hawaiians Sovereignty Reaffirmation Act.

**DEFINITION**

SEC. 2: For purposes of this Act:

- (1). The term "native Hawaiian" means the definition of the federal statute of 1920, the *Hawaiian Homes Commission Act*: "any descendent of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778."
- (2). The term "Hou Band of native Hawaiians" means the elder council and chiefs who are the traditional government of the Hou Band, together with the enrollment of the Hou Band, three hundred and fifty native Hawaiians of the Blood of the nearest kinship group federally recognized in 1920 and 1959, all of whom either are entitled or enrolled to exclusively occupy land on the former federal reservations set aside in 1920 when using the Commerce Clause of the Constitution Congress enacted the *Hawaiian Homes Commission Act* to set aside lands in Hawaii from the Public lands and who are beneficiaries of revenues of Hawaii's public lands as mandated in the 5(f) of the *Hawaii Admissions Act* passed by Congress in

3/10/2005

1959. Following passage of the 1920 *Hawaiian Homes Commission Act* leadership of the Hou Band began advocating as weak but persistent gladiators in the federal courts, in Washington and in first the territory then the state of Hawaii for the chance to enjoy these birthright entitlements mandated by Congress which were all but ignored by nearly everyone else until 1999 when the U.S. Supreme Court found unconstitutional the state of Hawaii's scheme to first ignore these mandates enacted exclusively for the members of the nearest kinship group, who exercise traditional self-government and are enrolled in the Hou Band of native Hawaiians, and to then terminate and replace the nearest kinship group by merging it with a far larger, unrecognized group of mostly Asian Americans having merely one ancestor in the past who was an actual native Hawaiian of the Blood.

### FINDINGS

SEC. 3: The Congress finds the following:

- (1). The native Hawaiian was deprived of his aboriginal home lands by a Western method of land consolidation known as the *mahele* that was introduced by a British style royalist system during the colonial period in Hawaii.
- (2). The United States Congress established federal reservations for homeless and penniless native Hawaiians in 1920 in the Territory of Hawaii when on July 9, 1921 President Warren G. Harding signed into law the *Hawaiian Homes Commission Act, 1920*, which has never been repealed by Congress. There was a written opinion by the Solicitor of the Department of the Interior in 1920 which answered in the affirmative the question would an act of Congress setting apart a limited area of the Public Lands of the Territory of Hawaii for lease to and occupation by native Hawaiians (of the blood) be constitutional? Cited as precedence was the Act of Congress approved February 8, 1887, as amended by the act of February 28, 1891 (26 Stat. 794) authorizing public lands which have been set apart as Indian reservations by order of the President to be surveyed and 80 acres of land therein to be allotted to each Indian located within the reservation, or where the lands are valuable for grazing to be allotted in areas of 160 acres.
- (3). The Public Lands of Hawaii are aboriginal home lands taken by the *mahele* method from the native Hawaiian people then converted to "royal" lands.
- (4). In the *Hawaii Admissions Act* of 1959, Congress mandated that revenues of the Public Lands of Hawaii be used for the "betterment of conditions of native Hawaiians" of the federal *Hawaiian Homes Commission Act* of 1920 and be used also for public purposes.
- (5). The Territory and State of Hawaii historically ignored those mandates of Congress enacted exclusively for the native Hawaiian having from pure to fifty percent blood quantum. The state then unilaterally assumed jurisdiction over the Federal reservations of the native Hawaiian set aside exclusively by Congress for the nearest kinship group and the state of Hawaii did not provide revenues of the Public Lands of Hawaii to the native Hawaiian as mandated by Congress. After the Hou Band took legal action involving the U.S. Department of Justice the state then gave these revenues to the state and not the native Hawaiian of the Blood.
- (6). The United States Department of Justice and the United States Department of the Interior in their August 23, 2000 Report, "From Mauka to Makai: the River of Justice Must Flow Freely" recommend the immediate reaffirmation of sovereignty of the native Hawaiian of the Blood to reaffirm federal tribal policy and law in Hawaii.
- (7) The Hou Band of native Hawaiians is and has been an Indian tribe within the meaning of that term in the Commerce Clause of the U.S. Constitution as Hawaii is within the territory of the United States occupied and governed by the federal government even if not on the continent occupied and governed by the federal government of the United States of America. When British sea captain James Cook discovered Hawaii, Captain Cook and his crew described in their journals the inhabitants of Hawaii as "Indians".
- (8) The substantial legal record of the Hou Band made in federal court, in the Congress and in the territorial and state legislatures of Hawaii documents the long struggle of the Hou Band to cause the state of Hawaii to observe federal tribal policy and law in conformity with all other states

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having Indians living on reservations within their boundaries; which by being ignored worked to the detriment and contravention of existing federal statutory mandates enacted in 1920 and 1959 and never repealed by Congress.

(9). Congress authorized in 2004 partly at the request of the Hou Band of native Hawaiians and with the approval of President Bush the establishment and funding of within the United States Department of the Interior an Office of native Hawaiian Relations.

(10). Pursuant to the *Hawaiian Homes Commission Act*, Sec. 207(c)(1)(B)(2) the State of Hawaii Department of Hawaiian Homes is authorized to grant licenses to the United States for reservations. The Secretary of the Interior using this existing administrative procedure has authority to take such a license for a federal reservation and award said license to the Hou Band of native Hawaiians as a restored federal reservation composed of aboriginal fee-simple land that the Hou Band of native Hawaiians now owns and in addition purchases without government funds whereupon self-determined economic development and housing for Hou Band members will be developed in accord with existing federal Indian policy and law. Said license will be backdated by the Secretary of the Interior to July 9, 1921 and be awarded in perpetuity by the Secretary to the Hou Band of native Hawaiians and as such not be subject to any license renewal.

#### FEDERAL REAFFIRMATION OF RECOGNITION

SEC. 4: Federal recognition is hereby reaffirmed to the Hou Band of native Hawaiians of Hawaii. All Federal laws of general application to Indians and Indian tribes shall apply with respect to the Hou Band of native Hawaiians of Hawaii.

#### RESTORATION OF RIGHTS

SEC 5: (a) All rights and privileges of the Hou Band of native Hawaiians of Hawaii which may have been ignored, abrogated or diminished before the date of enactment of this Act are hereby restored.

(b). Nothing in this Act may be construed to diminish any rights or privileges of the Hou Band of native Hawaiians of Hawaii or the members of the Hou Band, that existed prior to the enactment of this Act or diminish any claim such Band may have.

#### LANDS

SEC. 6: (a). All legal rights, titles and interests in fee-simple aboriginal lands outside of state homelands which the Hou Band managed to hold on to as small homesteads from the time of the mahele or reacquire that are held by the Hou Band of native Hawaiians of Hawaii on the date of enactment of this Act are hereby transferred to the United States in trust for the use and benefit of the Hou Band of native Hawaiians of Hawaii to be incorporated into the larger additional aboriginal fee-simple lands being acquired without government funds by the Hou Band as described in the following paragraph, (b)(1).

(b)(1). Notwithstanding any other provision of the law, the Hou Band of native Hawaiians of Hawaii shall transfer to the Secretary of the Interior, and the Secretary of the Interior shall accept on behalf of the United States, any interest in lands acquired by the Hou Band after the date of enactment of this Act. Such lands shall be held in trust by the United States in trust for the benefit of the Hou Band of native Hawaiians of Hawaii.

(2). Notwithstanding any other provision of law, the Attorney General of the United States shall approve any deed or other instrument used to make a conveyance under paragraph (1).

(c). Any lands held in trust by the United States for the benefit of the Hou Band of native Hawaiians of Hawaii by reason of this section shall constitute the reservation of the Hou Band.

(d). Any existing federal financial assistance for betterment of the conditions of native Hawaiians, including for native Hawaiian housing, homesteads or self-determined economic



development on native Hawaiian land set aside and protected as a federal reservation being currently diverted by the state shall be directly granted or loaned to the Hou Band on a pro-rata basis for use by its members in meeting its housing, farming and self-determined economic development needs.

(e). The Congress finds that the provisions of this section are enacted at the request of the Hou Band of native Hawaiians of Hawaii and are in the best interests of such Band.

#### **SERVICES**

SEC 7: The Hou Band of native Hawaiians of Hawaii, and the members of such Band, shall be eligible directly for all services and benefits that are provided by the Federal Government to Indians, without these services and benefits being first appropriated or administered by the state of Hawaii, because of the Hou Band's status as Federally recognized native Hawaiians and, notwithstanding any other provision of law, such services and benefits shall be provided after the date of enactment of this Act to the Hou Band, and to the members of the Hou Band, without regard to the existence of a reservation for the Band or the location of the residence of any member of the Hou Band on or near any native Hawaiian reservation.

#### **CONSTITUTION AND BYLAWS**

SEC 8: (a) The Hou Band of native Hawaiians of Hawaii may further organize for its common welfare and adopt a revised constitution and bylaws in accordance with regulations prescribed by the Secretary of the Interior. The Secretary of the Interior shall offer to assist the Hou Band in drafting a revised constitution and bylaws for the Band.

(b) Any constitution, bylaws, or amendments to the constitution or bylaws that are adopted by the Hou Band of native Hawaiians of Hawaii shall take effect only after such constitution, bylaws, or amendments are filed with the Secretary of the Interior.

SEC. 9: (a) Until the Hou Band's revised constitution is further developed and adopted by the membership of the Band, the membership shall consist of every individual who

(1) is a native Hawaiian of from pure to fifty percent blood named in the Hou Band's membership roll that is in effect on the date of enactment of this Act

(2) is a native Hawaiian of fifty percent or more blood quantum and becomes enrolled as a member of the Hou Band.

#### **REGULATIONS**

SEC. 10: The Secretary of the Interior shall prescribe such regulations as may be necessary to carry out the purposes of this Act.

**Following are errors and inaccuracies found in S.147:**

The fundamental inaccuracy is found in the language the authors of S.147 use to describe the definitional history actually involved in federal statutes. This is used to justify codification of the exact scheme the state employed to control federally mandated land and money which was found to be unconstitutional by the United States Supreme Court. If the actual original federal definitions were used and not the broadened definition initiated by the state in Public Law 93-644 then there would be no need to have this bill and there would have been no need for the state to concoct the elaborate diversionary scheme it concocted. In other words, the very federal recognition the state blocked and denied for native Hawaiians of the Blood having from pure to fifty percent blood quantum is the very federal recognition it sought to mimic as a state quasi-government chosen in a state-wide election; which it now seeks to preserve using S.147. The state authors of this bill use the loss of federal assistance and a fundamental misrepresentation about the factual history of federal recognition as justification. It is no more than an attempt to retroactively declare eligible mostly Asian Americans in whose name the state obtained federal assistance at the same time as it diverted federally mandated land and money from the far smaller class actually recognized as the nearest kinship group.

It is in the misrepresentation involved explicitly in the term capital "N" Native Hawaiian. In order to be legally factual and historically accurate this term must be replaced with the term small "n" native Hawaiian (of the Blood) at each place in S.147 it was in fact actually earlier used by Congress. But to do so short-circuits the intent of the authors of S.147 to create the false perception that as long ago as 1920 Congress gave federal recognition to those defined by the term capital "N" Native Hawaiian (everybody, regardless of blood quantum, including those who were not tribal aboriginals but lived in the kingdom: for example, African American whalers; European adventurers; immigrants from other Pacific Islands not part of the Hawaiian race, Asians, etc.).

In Section 3, paragraph (5) S.147 reads:

"(5) pursuant to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, Chapter 42), the United States set aside approximately 203,500 acres of land to address the conditions of Native Hawaiians in the Federal territory that later became the State of Hawaii;"

Note that the term capital "N" is used but this is factually inaccurate. Whether it is a deliberate misrepresentation or an error is an open question. In fact, there are two Hawaiian Homes Commission Acts. The original federal act signed into law on July 9, 1921 by Republican President Warren G. Harding and the state of Hawaii's amended version of the original act written in 1959. The former has never been repealed. The latter was changed to reflect the state's role in controlling the federal reservations the original federal act mandated. The state's version was deemed in the Ninth Circuit to be

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not a federal statute but instead only a state law the very first time it was evoked by native Hawaiians in a dispute over leases to state homelands.

Both versions of the Hawaiian Homes Commission Act use the term small "n" native Hawaiian (of the Blood) and define it as meaning having from pure to fifty percent blood quantum. In fact, the capital "N" Native Hawaiian was not defined or recognized in either the state act or the original federal act. Nevertheless, S.147 attempts to make it appear the 1920 original federal act as well as the 1959 state version recognized and defined those with any drop of blood and mandated federal reservations set aside exclusively for their occupation.

The use of the term capital "N" Native Hawaiian, which refers to the definition given of it in S.147 and which is the definition used by the state beginning with Public Law 93-644 to obtain appropriations of federal assistance needing periodic reauthorization, in this paragraph must be replaced with the actual term and its definition that was actually used in the original federal Hawaiian Homes Commission Act and the state's amended 1959 version of it. The federal courts are well acquainted with the blood quantum and federal recognition differences between the two groups.

In Section 3, paragraph (8) (A) S.147 reads incorrectly as follows:

"(8) (A) in 1959, as part of the compact with the United States admitting Hawaii into the Union, Congress established a public trust (commonly known as the "ceded lands trust") for 5 purposes, 1 of which is the betterment of the conditions of Native Hawaiians:"

Note once again the inaccurate use of the term capital "N" Native Hawaiian when the factual term is small "n" native Hawaiian (of the Blood). In 1959 Congress established a public trust exclusively for the same group recognized in the 1920 original federal Hawaiian Homes Commission Act; namely the native Hawaiian of the Blood having from pure to fifty percent blood quantum. The group including everyone was not recognized or defined as beneficiaries of the ceded land trust in federal law. In state law, however, the Hawaii state legislature altered the original federal definition when it established a quasi-governmental agency known as the state Office of Hawaiian Affairs so as to appear to include everyone with any drop of blood quantum as a beneficiary of the ceded land trust. It was this state tampering without the consent of Congress that the U.S. Supreme Court found unconstitutional.

In this paragraph in S.147, the erroneous term must be replaced with the legally and historically factual term. This of course changes the attempt to create the false perception that those with any drop of blood quantum, the majority of the group known as capital "N" Native Hawaiians, were originally recognized by Congress as entitled to the mandate established in 1959 involving revenues of the Public Lands when in reality only the group with those having from pure to fifty percent blood are the sole beneficiaries. However, because they are assimilated through dilution into the public class in Hawaii, the less than fifty percent blood quantum group obtains benefits from the ceded lands trust which were designated by Congress in 1959 for the public. Hawaii's Asian Americans in fact are part of the public class and are not part of the nearest kinship group recognized in 1920 and 1959 as eligible to receive from Congress land and revenues from the Public Lands.

S.147 goes on to recite a federal version of the very same single government that the state concocted as the vehicle with which to control the land and revenues of the Public Lands but which failed to withstand the Constitutional test. Therefore, the entire bill is riddled with distortions and fabrications in order to create the false impression that the wheel is being invented not reinvented.

The "One government" of S.147 codifies using the American Congress the feudal social system of Royalism which the state's unconstitutional quasi-government was a conscious reflection of. This is patently absurd. Nevertheless, to change S.147 so as to reflect the factual legal and historical reality has the effect of rendering S.147 ridiculous. The only comprehensive way to change S.147 to make it truly reflect federal tribal policy and law is to authorize the eventual recognition of the new government it proposes while reaffirming any and all existing tribal, non-royalist traditional governments. The Hou Band is one such and a Hou Band Sovereignty Reaffirmation Act is enclosed which does this very thing. You and the Senate Committee can include it as a separate rider to S.147 or it can pass simultaneously with S.147 as an independent act? The best course of action is to let the court process unfold and do nothing. This will in no way impede the work of the native Hawaiians of the Blood enrolled in the Hou Band; a work now more than a half century in the making with a willingness to spend another half century and a few million dollars more in pursuing the birthright entitlements Congress already

recognized but the state and the royalists have diverted and blocked.

Very Truly Yours,

/s/ Maui Loa

Maui Loa, Hereditary Chief, Hou Band of native Hawaiians of the Blood of Hawaii; President Sovereign Nation™ of Hawaii and Sovereign Nation of Hawaii™ Enterprises

3/10/2005

**Indian-Affairs, Testimony (Indian Affairs)**

**From:** frederich trenchard [frederichtrenchard@hotmail.com]  
**Sent:** Thursday, March 03, 2005 5:41 PM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** Demand to Sen. Akaka

Committee Staff: Please ensure that each senator and each staff member gets a copy of this immediately then reads it before voting. Thanks.

To Daniel Akaka, U.S. Senate, via fax, March 3, 2005, from Chief Maui Loa

**PRIORITY ACTION:**

Be advised that I demand you change S.147 in the following ways immediately. Failure to do so immediately will force me to take the following actions.

-The Hou Band will put a secret stop on the bill through a friend in the Senate. (On second thought, maybe we should go ahead and get this done anyway?)

-The Hou Band will take legal action against the missionary era royalist land trust Kamehameha Schools Bishop Estate seeking to divest it of a pro rata share of the six to twelve billion dollars in land and money it possesses and has accumulated based on our land it acquired fraudulently using a device named the mahele after a British monarchy system overrode our own native system of chiefs and chiefesses. All 350 enrollees of the Hou Band are beneficiaries of the will of Bernice Bishop, which established this trust, as defined therein. The original definition of Hawaiian and part-Hawaiian at the time of the writing of the will meant one hundred percent and fifty percent native Hawaiian. This is the same definition used in the two federal mandates establishing land and money for the nearest kinship group, the native Hawaiian of the Blood, namely the 1921 *Hawaiian Homes Commission Act*, (never repealed) and the 1959 *Hawaii Admissions Act*. The cause of action is that Kamehameha Schools Bishop Estate using its S.147 in collusion with the state terminates the original trust beneficiaries and replaces us with the broadened definition formulated by Pinky Thompson and Hiram Fong in Public Law 93-644.

-The Hou Band's legal action will ask the state Department of Hawaiian Homes to divest a roughly pro rata share of what used to be our federal reservations. The Hou is buying several thousand acres of fee simple aboriginal land using investment monies from the private sector. These lands can be placed in trust to the federal government via the Secretary of the Interior or they can be placed in trust to the state. If these lands are placed in trust to the Secretary of the Interior, the Hou Band will give to all 3,500 native Hawaiians of the Blood living on state homelands or on the waiting list for a lease to live on state homelands in total two hundred million dollars to be used to repair an existing leasehold house, upgrade infrastructure or use as part of the purchase price for a leasehold home on state home lands. This generous act by the Hou Band fulfills the original intent of Congress going all the way back to 1920. Of course the Hou Band will implement its own innovative native Hawaiian housing plan for its enrollees on these lands being reacquired using private investment money. No federal financial assistance is needed by the Hou Band to reacquire these lands. This is not reservation shopping; distinctions between rural and urban on our small islands are not anywhere near as dramatic as on the mainland. Should the Senate merge the Hou Band with our distant Asian American cousins, this will

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make our independent desire to better our conditions much more difficult if not impossible since the status quo, which has worked against us, will be strengthened by S.147.

-The Hou Band's legal action will be asking the state's Office of Hawaiian Affairs to grant a pro rata share of the roughly 350 million dollars it has obtained by diverting it from the sources mandated by congress for the betterment of conditions of native Hawaiians of the Blood. The amount is around 35 million dollars for the Hou Band's 350 enrollees. (The Hou Band has private investment money so this pro rata share of 5(f) funds diverted by the state will be distributed to its enrollees).

S.147 itself provides the support these law suits require to convince a panel of federal judges in Washington, D.C. that you are injuring the native Hawaiian of the Blood by terminating existing law and replacing it with politically motivated new law for no sufficient reason. The United States Department of Justice is being invited to intervene on the tribal native Hawaiian of the Blood's side and against your Asian American Hawaiian missionary era royalist land trust state side and I believe there is every indication they will do so!

Further, the Hou Band will put up a million dollars of our own money to defeat you in your forthcoming try to be reelected and will leave no stone unturned in the pursuit of your defeat in return for first ignoring the 1920 and 1959 federal mandates for native Hawaiians of the Blood then terminating us so your Asian associates can continue to rule Hawaii for their financial benefit; condemning us to perpetual poverty. I cannot call you a traitor to your race because you are not really a native Hawaiian except by virtue of the identity theft and mass delusion made into new law of S.147.

The Hawaii state legislature recognized the Hou Band in February 1977 for establishing recognition in Congress for native Hawaiians as Native Americans and now we get wiped out by those opportunists led by you because we only have the law on our side and not billions of dollars with which to buy your support. You are a disgrace to the profession of representative if not to your race. You are a credit to the Chinese race and Hawaii's Chinese will always be in your debt. I am not Chinese, I am native Hawaiian, in reality.

You can have the privilege of putting out a press release announcing the changes below and praising your fairness and insight into fundamental justice in Hawaii for EVERYBODY. Or, we can put out a press release describing the changes you refuse to make dictated below: You can bristle with hostility and indignation, or you can do your sworn duty and do the right thing, making these changes immediately, thus showing respect for me and my people for once, instead of all the respect and deference going only in your direction in Washington!.

Changes:

Call Secretary Gale A. Norton to express the delegation's support for and lack of opposition to this request and that she immediately agree to the proposal in writing to the Hou Band, copy to you and Senator Inouye and Governor Lingle:

*"Hou Band of native Hawaiians of Hawaii  
P.O. Box 459  
Haleiwa, HI 96712  
808-638-7841*

*Ohana Lahuiohana Lahuiohanaaina*

3/10/2005

*Sovereign Nation of Hawaii™  
Sovereign Nation of Hawaii™ Enterprises  
Hou Lahuiohana  
Umi Community Association  
Church of Hawaii Nei*

4 February 2005

Via Fax and Via UPS

-  
Secretary of the Interior Gale A. Norton  
United States Department of the Interior  
Washington, D.C.

-  
Attorney General Alberto Gonzales  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, D.C. 20530-0001

Mr. Karl Rove  
Mr. Ruben Barrales  
The White House  
Washington, D.C.

RE: -Legal Notice, July 4, 2003, Hou Band to Attorney General John Ashcroft, (enclosed).  
-Hou Band to Secretary Norton, July 4, 2003 (enclosed).  
-Hou Band to Mr. Karl Rove, Mr. Ruben Barrales, July 4, 2003 (enclosed).

Dear Secretary Norton; Attorney General Gonzales; Mr. Rove; Mr. Barrales:

This is a request that the Secretary of the Interior provisionally accept land in trust as the Hou Band's restored federal reservation to reaffirm existing federal tribal policy and law in Hawaii.

In the above referenced letters, the Hou Band proposed the authorization of an Office of native Hawaiian Relations within the Department of the Interior.

On January 23, 2004, President Bush signed legislation establishing such a federal Office of Native Hawaiian Relations within the Department of Interior.

Speaker Hastert strengthened the GOP Native American plank when he included new language adopted by the convention just prior to the re-election of President Bush:

"Private sector initiatives, rather than public assistance, can best improve material conditions in Indian communities". And, "High taxes and unreasonable regulations stifle new and expanded businesses and thwart the creation of job opportunities and prosperity".

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Because our original federal reservations established in 1921 by another Republican president, Warren G. Harding, have since been taken over by the state of Hawaii, only with the protection of a restored federal reservation can the Hou Band of native Hawaiians escape local government's unreasonable regulations restricting how we use our land. Only with the protections of federal tribal policy and law can we at long last prosper, with support from private sector initiatives; not public assistance from the state of Hawaii.

The Hou Band is at present in the process of reacquiring several thousand acres of aboriginal land with support from the private sector whereupon to enjoy the fruits of self-determined economic development which only federal protection can provide upon being placed in trust as our restored federal reservation.

At this time, the Hou Band requests that the Secretary of the Interior write a letter to its Hereditary Chief Maui Loa wherein the U.S. provisionally accepts lands to be offered in trust upon the Hou Band's reacquisition of them.

Provisional acceptance of lands being now purchased with private sector support increases the level of confidence that they will be protected against unreasonable local government regulation by federal reservation protection for the normal operation of federal tribal policy and law for Hawaii's Native American Hawaiians recognized as the nearest kinship group to the Nation of Hawaii in 1920 and 1959 congressional mandates.

The United States Congress established federal reservations for homeless and penniless native Hawaiians in 1920 in the Territory of Hawaii when on July 9, 1921 President Warren G. Harding signed into law the *Hawaiian Homes Commission Act, 1920*, which has never been repealed by Congress. There was a written opinion by the Solicitor of the Department of the Interior in 1920 which answered in the affirmative the question would an act of Congress setting apart a limited area of the Public Lands of the Territory of Hawaii for lease to and occupation by native Hawaiians (of the blood) be constitutional? Cited as precedence was the Act of Congress approved February 8, 1887, as amended by the act of February 28, 1891 (26 Stat. 794) authorizing public lands which have been set apart as Indian reservations by order of the President to be surveyed and 80 acres of land therein to be allotted to each Indian located within the reservation, or where the lands are valuable for grazing to be allotted in areas of 160 acres.

The state then unilaterally assumed jurisdiction over the Federal reservations of the native Hawaiian set aside exclusively by Congress for the nearest kinship group and the state of Hawaii did not provide revenues of the Public Lands of Hawaii to the native Hawaiian as mandated by Congress.

The United States has a substantial interest in the interpretation of federal treaties and statutes protecting Indian interests, the proper resolution of issues concerning the recognition of Indian Tribes and the exercise of governmental authority in Indian Country and over Indian lands.

Pursuant to the *Hawaiian Homes Commission Act*, Sec. 207(c)(1)(B)(2) the State of Hawaii Department of Hawaiian Homes is authorized to grant licenses to the United States for reservations. The Secretary of the Interior using this existing administrative procedure has authority to take such a license for a



federal reservation and award said license to the Hou Band of native Hawaiians as a restored federal reservation composed of aboriginal fee-simple land that the Hou Band of native Hawaiians now owns and in addition purchases without government funds whereupon self-determined economic development and housing for Hou Band members will be developed in accord with existing federal Indian policy and law. Said license will be dated retroactively by the Secretary of the Interior to July 9, 1921 and be awarded in perpetuity by the Secretary to the Hou Band of native Hawaiians and as such not be subject to any license renewal and said license award shall be published in the Federal Register.

Very Truly Yours,

/s/ Maui Loa

Maui Loa, Hereditary Chief Hou Band of native Hawaiians of the Blood of Hawaii"

The *Hou Band Sovereignty Reaffirmation Act*, enclosed, can be passed out of committee simultaneously as a separate bill, being introduced by you, Senator Akaka or by another committee member? The Hou Band believes the Hou Band already enjoys federal protection, even if ineffective at present, and so even this is not necessary. It is only proposed as a constitutional counterweight to S.147. Should your one-sided version of S.147 pass the senate, however doubtful its chances, the chances it will withstand further Supreme Court review on constitutional grounds are slim to none therefore KSBE and the newly minted Asian American Hawaiians will need the Hou Band's willingness to share real federal protection with them for economic development that for once benefits EVERY ONE, including the low man on the totem pole, our enrollees and our leadership.

Another option is to change the language of S.147 so it accomplishes the same result as the *Hou Band Sovereignty Reaffirmation Act*. The Hou Band Sovereignty Reaffirmation Act is found starting on the following page.

(What a disgrace to you and Senator Inouye when we have another senator from another state introduce this bill if you do not!)

3/10/2005

**IN THE SENATE OF THE UNITED STATES**

**March 5, 2005**

**Hou Band of native Hawaiians Sovereignty Reaffirmation Act.**

---

**A BILL**

To reaffirm federal recognition for the Hou Band of native Hawaiians of the Blood of Hawaii.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:*

**SHORT TITLE**

SECTION 1: This Act may be cited as the Hou Band of native Hawaiians Sovereignty Reaffirmation Act.

**DEFINITION**

SEC. 2: For purposes of this Act:

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- (1). The term “native Hawaiian” means the definition of the federal statute of 1920, the *Hawaiian Homes Commission Act*: “any descendent of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778.”
- (2). The term “Hou Band of native Hawaiians” means the elder council and chiefs who are the traditional government of the Hou Band, together with the enrollment of the Hou Band, three hundred and fifty native Hawaiians of the Blood of the nearest kinship group federally recognized in 1920 and 1959, all of whom either are entitled or enrolled to exclusively occupy land on the former federal reservations set aside in 1920 when using the Commerce Clause of the Constitution Congress enacted the *Hawaiian Homes Commission Act* to set aside lands in Hawaii from the Public lands and who are beneficiaries of revenues of Hawaii’s public lands as mandated in the 5(f) of the *Hawaii Admissions Act* passed by Congress in 1959. Following passage of the 1920 *Hawaiian Homes Commission Act* leadership of the Hou Band began advocating as weak but persistent gladiators in the federal courts, in Washington and in first the territory then the state of Hawaii for the chance to enjoy these birthright entitlements mandated by Congress which were all but ignored by nearly everyone else until 1999 when the U.S. Supreme Court found unconstitutional the state of Hawaii’s scheme to first ignore these mandates enacted exclusively for the members of the nearest kinship group, who exercise traditional self-government and are enrolled in the Hou Band of native Hawaiians, and to then terminate and replace the nearest kinship group by merging it with a far larger, unrecognized group of mostly Asian Americans having merely one ancestor in the past who was an actual native Hawaiian of the Blood.

## FINDINGS

SEC. 3: The Congress finds the following:

- (1). The native Hawaiian was deprived of his aboriginal home lands by a Western method of land consolidation known as the mahele that was introduced by a British style royalist system during the colonial period in Hawaii.
- (2). The United States Congress established federal reservations for homeless and penniless native Hawaiians in 1920 in the Territory of Hawaii when on July 9, 1921 President Warren G. Harding signed into law the *Hawaiian Homes Commission Act, 1920*, which has never been repealed by Congress. There was a written opinion by the Solicitor of the Department of the Interior in 1920 which answered in the affirmative the question would an act of Congress setting apart a limited area of the Public Lands of the Territory of Hawaii for lease to and occupation by native Hawaiians (of the blood) be constitutional? Cited as precedence was the Act of Congress approved February 8, 1887, as amended by the act of February 28, 1891 (26 Stat. 794) authorizing public lands which have been set apart as Indian reservations by order of the President to be surveyed and 80 acres of land therein to be allotted to each Indian located within the reservation, or where the lands are valuable for grazing to be allotted in areas of 160 acres.
- (3). The Public Lands of Hawaii are aboriginal home lands taken by the mahele method from the native Hawaiian people then converted to “royal” lands.
- (4). In the *Hawaii Admissions Act* of 1959, Congress mandated that revenues of the Public Lands of Hawaii be used for the “betterment of conditions of native Hawaiians” of the federal *Hawaiian Homes Commission Act* of 1920 and be used also for public purposes.

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(5) The Territory and State of Hawaii historically ignored those mandates of Congress enacted exclusively for the native Hawaiian having from pure to fifty percent blood quantum. The state then unilaterally assumed jurisdiction over the

Federal reservations of the native Hawaiian set aside exclusively by Congress for the nearest kinship group and the state of Hawaii did not provide revenues of the Public Lands of Hawaii to the native Hawaiian as mandated by Congress. After the Hou Band took legal action involving the U.S. Department of Justice the state then gave these revenues to the state and not the native Hawaiian of the Blood.

(6) The United States Department of Justice and the United States Department of the Interior in their August 23, 2000 Report, "From Mauka to Makai: the River of Justice Must Flow Freely" recommend the immediate reaffirmation of sovereignty of the native Hawaiian of the Blood to reaffirm federal tribal policy and law in Hawaii.

(7) The Hou Band of native Hawaiians is and has been an Indian tribe within the meaning of that term in the Commerce Clause of the U.S. Constitution as Hawaii is within the territory of the United States occupied and governed by the federal government even if not on the continent occupied and governed by the federal government of the United States of America. When British sea captain James Cook discovered Hawaii, Captain Cook and his crew described in their journals the inhabitants of Hawaii as "Indians".

(8) The substantial legal record of the Hou Band made in federal court, in the Congress and in the territorial and state legislatures of Hawaii documents the long struggle of the Hou Band to cause the state of Hawaii to observe federal tribal policy and law in conformity with all other states having Indians living on reservations within their boundaries; which by being ignored worked to the detriment and contravention of existing federal statutory mandates enacted in 1920 and 1959 and never repealed by Congress.

(9) Congress authorized in 2004 partly at the request of the Hou Band of native Hawaiians and with the approval of President Bush the establishment and funding of within the United States Department of the Interior an Office of native Hawaiian Relations.

(10) Pursuant to the *Hawaiian Homes Commission Act*, Sec. 207©(1)(B)(2) the State of Hawaii Department of Hawaiian Homes is authorized to grant licenses to the United States for reservations. The Secretary of the Interior using this existing administrative procedure has authority to take such a license for a federal reservation and award said license to the Hou Band of native Hawaiians as a restored federal reservation composed of aboriginal fee-simple land that the Hou Band of native Hawaiians now owns and in addition purchases without government funds whereupon self-determined economic development and housing for Hou Band members will be developed in accord with existing federal Indian policy and law. Said license will be backdated by the Secretary of the Interior to July 9, 1921 and be awarded in perpetuity by the Secretary to the Hou Band of native Hawaiians and as such not be subject to any license renewal.

#### **FEDERAL REAFFIRMATION OF RECOGNITION**

SEC. 4: Federal recognition is hereby reaffirmed to the Hou Band of native Hawaiians of Hawaii. All Federal laws of general application to Indians and Indian tribes shall apply with respect to the Hou Band of native Hawaiians of Hawaii.

3/10/2005

**RESTORATION OF RIGHTS**

SEC 5: (a) All rights and privileges of the Hou Band of native Hawaiians of Hawaii which may have been ignored, abrogated or diminished before the date of enactment of this Act are hereby restored.

(b). Nothing in this Act may be construed to diminish any rights or privileges of the Hou Band of native Hawaiians of Hawaii or the members of the Hou Band, that existed prior to the enactment of this Act or diminish any claim such Band may have.

**LANDS**

SEC. 6: (a). All legal rights, titles and interests in fee-simple aboriginal lands outside of state homelands which the Hou Band managed to hold on to as small homesteads from the time of the mahele or reacquire that are held by the Hou Band of native Hawaiians of Hawaii on the date of enactment of this Act are hereby transferred to the United States in trust for the use and benefit of the Hou Band of native Hawaiians of Hawaii to be incorporated into the larger additional aboriginal fee-simple lands being acquired without government funds by the Hou Band as described in the following paragraph, (b)(1).

(b)(1). Notwithstanding any other provision of the law, the Hou Band of native Hawaiians of Hawaii shall transfer to the Secretary of the Interior, and the Secretary of the Interior shall accept on behalf of the United States, any interest in lands acquired by the Hou Band after the date of enactment of this Act. Such lands shall be held in trust by the United States in trust for the benefit of the Hou Band of native Hawaiians of Hawaii.

(2). Notwithstanding any other provision of law, the Attorney General of the United States shall approve any deed or other instrument used to make a conveyance under paragraph (1).

©. Any lands held in trust by the United States for the benefit of the Hou Band of native Hawaiians of Hawaii by reason of this section shall constitute the reservation of the Hou Band.

(d). Any existing federal financial assistance for betterment of the conditions of native Hawaiians, including for native Hawaiian housing, homesteads or self-determined economic development on native Hawaiian land set aside and protected as a federal reservation being currently diverted by the state shall be directly granted or loaned to the Hou Band on a pro-rata basis for use by its members in meeting its housing, farming and self-determined economic development needs.

(e). The Congress finds that the provisions of this section are enacted at the request of the Hou Band of native Hawaiians of Hawaii and are in the best interests of such Band.

**SERVICES**

SEC 7: The Hou Band of native Hawaiians of Hawaii, and the members of such Band, shall be eligible directly for all services and benefits that are provided by the Federal Government to Indians, without these services and benefits being first appropriated or administered by the state of Hawaii, because of the Hou Band's status as Federally recognized native Hawaiians and, notwithstanding any other provision of law, such services and benefits shall be provided after the date of enactment of this Act to the Hou Band, and to the members of the Hou Band, without

regard to the existence of a reservation for the Band or the location of the residence of any member of the Hou Band on or near any native Hawaiian reservation.

#### **CONSTITUTION AND BYLAWS**

SEC 8: (a) The Hou Band of native Hawaiians of Hawaii may further organize for its common welfare and adopt a revised constitution and bylaws in accordance with regulations prescribed by the Secretary of the Interior. The Secretary of the Interior shall offer to assist the Hou Band in drafting a revised constitution and bylaws for the Band.

(b) Any constitution, bylaws, or amendments to the constitution or bylaws that are adopted by the Hou Band of native Hawaiians of Hawaii shall take effect only after such constitution, bylaws, or amendments are filed with the Secretary of the Interior.

SEC. 9: (a) Until the Hou Band's revised constitution is further developed and adopted by the membership of the Band, the membership shall consist of every individual who

(1) is a native Hawaiian of from pure to fifty percent blood named in the Hou Band's membership roll that is in effect on the date of enactment of this Act

(2) is a native Hawaiian of fifty percent or more blood quantum and becomes enrolled as a member of the Hou Band.

#### **REGULATIONS**

SEC. 10: The Secretary of the Interior shall prescribe such regulations as may be necessary to carry out the purposes of this Act.

#### **End Hou Band Sovereignty Reaffirmation Act**

There is language in S.147 that misrepresents historical and legal facts which must be changed in any event. These errors are listed below:

#### **Following are errors and inaccuracies found in S.147:**

The fundamental inaccuracy is found in the language the authors of S.147 use to describe the definitional history actually involved in federal statutes. This is used to justify codification of the exact scheme the state employed to control federally mandated land and money which was found to be unconstitutional by the United States Supreme Court. If the actual original federal definitions were used and not the broadened definition initiated by the state in Public Law 93-644 then there would be no need to have this bill and there would have been no need for the state to concoct the elaborate diversionary scheme it concocted. In other words, the very federal recognition the state blocked and denied for native Hawaiians of the Blood having from pure to fifty percent blood quantum is the very federal recognition it sought to mimic as a state quasi-government chosen in a state-wide election; which it now seeks to preserve using S.147. The state authors of this bill use the loss of federal assistance and a fundamental misrepresentation about the factual history of federal recognition as justification. It is no more than an attempt to retroactively declare eligible mostly Asian Americans in whose name the state obtained

federal assistance at the same time as it diverted federally mandated land and money from the far smaller class actually recognized as the nearest kinship group.

It is in the misrepresentation involved explicitly in the term capital "N" Native Hawaiian. In order to be legally factual and historically accurate this term must be replaced with the term small "n" native Hawaiian (of the Blood) at each place in S.147 it was in fact actually earlier used by Congress. But to do so short-circuits the intent of the authors of S.147 to create the false perception that as long ago as 1920 Congress gave federal recognition to those defined by the term capital "N" Native Hawaiian (everybody, regardless of blood quantum, including those who were not tribal aboriginals but lived in the kingdom: for example, African American whalers; European adventurers; immigrants from other Pacific Islands not part of the Hawaiian race, Asians, etc.).

In Section 3, paragraph (5) S.147 reads:

"(5) pursuant to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, Chapter 42), the United States set aside approximately 203,500 acres of land to address the conditions of Native Hawaiians in the Federal territory that later became the State of Hawaii;"

Note that the term capital "N" is used but this is factually inaccurate. Whether it is a deliberate misrepresentation or an error is an open question. In fact, there are two Hawaiian Homes Commission Acts. The original federal act signed into law on July 9, 1921 by Republican President Warren G. Harding and the state of Hawaii's amended version of the original act written in 1959. The former has never been repealed. The latter was changed to reflect the state's role in controlling the federal reservations the original federal act mandated. The state's version was deemed in the Ninth Circuit to be not a federal statute but instead only a state law the very first time it was evoked by native Hawaiians in a dispute over leases to state homelands.

Both versions of the Hawaiian Homes Commission Act use the term small "n" native Hawaiian (of the Blood) and define it as meaning having from pure to fifty percent blood quantum. In fact, the capital "N" Native Hawaiian was not defined or recognized in either the state act or the original federal act. Nevertheless, S.147 attempts to make it appear the 1920 original federal act as well as the 1959 state version recognized and defined those with any drop of blood and mandated federal reservations set aside exclusively for their occupation.

The use of the term capital "N" Native Hawaiian, which refers to the definition given of it in S.147 and which is the definition used by the state beginning with Public Law 93-644 to obtain appropriations of federal assistance needing periodic reauthorization, in this paragraph must be replaced with the actual term and its definition that was actually used in the original federal Hawaiian Homes Commission Act and the state's amended 1959 version of it. The federal courts are well acquainted with the blood quantum and federal recognition differences between the two groups.

In Section 3, paragraph (8) (A) S.147 reads incorrectly as follows:

"(8) (A) in 1959, as part of the compact with the United States admitting Hawaii into the Union, Congress established a public trust (commonly known as the "ceded lands trust") for 5 purposes, 1 of which is the betterment of the conditions of Native Hawaiians:"

Note once again the inaccurate use of the term capital "N" Native Hawaiian when the factual term is small "n" native Hawaiian (of the Blood). In 1959 Congress established a public trust exclusively for the same group recognized in the 1920 original federal Hawaiian Homes Commission Act; namely the native Hawaiian of the Blood having from pure to fifty percent blood quantum. The

3/10/2005

group including everyone was not recognized or defined as beneficiaries of the ceded land trust in federal law. In state law, however, the Hawaii state legislature altered the original federal definition when it established a quasi-governmental agency known as the state Office of Hawaiian Affairs so as to appear to include everyone with any drop of blood quantum as a beneficiary of the ceded land trust. It was this state tampering without the consent of Congress that the U.S. Supreme Court found unconstitutional.

In this paragraph in S.147, the erroneous term must be replaced with the legally and historically factual term. This of course changes the attempt to create the false perception that those with any drop of blood quantum, the majority of the group known as capital "N" Native Hawaiians, were originally recognized by Congress as entitled to the mandate established in 1959 involving revenues of the Public Lands when in reality only the group with those having from pure to fifty percent blood are the sole beneficiaries. However, because they are assimilated through dilution into the public class in Hawaii, the less than fifty percent blood quantum group obtains benefits from the ceded lands trust which were designated by Congress in 1959 for the public. Hawaii's Asian Americans in fact are part of the public class and are not part of the nearest kinship group recognized in 1920 and 1959 as eligible to receive from Congress land and revenues from the Public Lands.

S.147 goes on to recite a federal version of the very same single government that the state concocted as the vehicle with which to control the land and revenues of the Public Lands but which failed to withstand the Constitutional test. Therefore, the entire bill is riddled with distortions and fabrications in order to create the false impression that the wheel is being invented not reinvented.

The "One government" of S.147 codifies using the American Congress the feudal social system of Royalism which the state's unconstitutional quasi-government was a conscious Democratic Party politics reflection of. This is patently absurd. Nevertheless, to change S.147 so as to reflect the factual legal and historical reality has the effect of rendering S.147 ridiculous. The only comprehensive way to change S.147 to make it truly reflect federal tribal policy and law is to authorize the eventual recognition of the new government it proposes while reaffirming any and all existing tribal, non-royalist traditional governments. The Hou Band is one such and a Hou Band Sovereignty Reaffirmation Act is enclosed which does this very thing. You and the Senate Committee can include it as a separate rider to S.147 or it can pass simultaneously with S.147 as an independent act? The best course of action is to let the court process unfold and do nothing. This will in no way impede the work of the native Hawaiians of the Blood enrolled in the Hou Band; a work now more than a half century in the making with a willingness to spend another half century and a few million dollars more in pursuing the birthright entitlements Congress already recognized but the state and the royalists have diverted and blocked.

Also, Dan, for your information, I am working closely with the Bush Administration officials in the DOJ, DOI and White House. The question is, why are these professional federal administrators more interested in enforcing existing law than in terminating it for political purposes and replacing it with new law? I suggest the answer is your refusal to ensure there are two distinct, separate groups and at least two different governments, yours and ours. S.147 is not going to be the end of the story and I think it can safely be said that your clients and you are going to end up on the short end and not the native Hawaiian of the Blood. Your greed and lust for power versus the might of the federal system and its judiciary? Think about it, Dan.

I anxiously await your immediate confirmation that you will comply with this demand for changes. Stop playing public relations games and get real.

Maui Loa 808-638-7841 direct and fax (someone has to turn the fax machine on)

3/10/2005



**Indian-Affairs, Testimony (Indian Affairs)**

**From:** miriamloui@hawaii.rr.com  
**Sent:** Wednesday, March 02, 2005 8:04 PM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Cc:** karenjones@hawaii.rr.com; nathan@pittluck.com; yuklinaluli@hawaii.rr.com; monab@oha.org; bdawson@dwyerlaw.com; lfarm@goodsill.com; jilee@alliedhi.net; miriamloui@hawaii.rr.com; kaneapu@verizon.net; meheula@pacificlaw.com; gmcmillen@earthlink.net; pauole@capitol.hawaii.gov; soongm001@hawaii.rr.com; cowong@ksbe.edu; naiwi@aol.com  
**Subject:** Akaka Bill: Supported by Native Hawaiian Bar Association, Board of Directors

To: Senate Committee on Indian Affairs

We are the Board of Directors of the Native Hawaiian Bar Association ("NHBA"). The NHBA is an organization comprised of the great majority of the indigenous Hawaiian lawyers who are licensed to practice law in the State of Hawaii. NHBA members include current and former state and federal judges and elected officials, as well as many leaders in the Native Hawaiian community. The NHBA generally does not take positions on political issues because it prefers to remain neutral and objective. However, the NHBA board believes it has an obligation to communicate to Congress that we believe most Native Hawaiian lawyers support the Akaka Bill, because it gives Native Hawaiians an opportunity to exercise their right of self-determination to develop a government with a membership, jurisdiction and rights that they select for themselves. Rice v. Cayetano, 528 U.S. 495, 519 (2000) held: "If a non-Indian lacks a right to vote in tribal elections, it is for the reason that such elections are the internal affair of a quasi sovereign. The OHA elections, by contrast, are the affair of the State of Hawaii." Thus, the lesson learned from Rice is that in order for Native Hawaiians to enjoy the rights that are afforded other Native American groups, they themselves, as opposed to the State of Hawaii or Congress, need to form their own government. The Akaka Bill is the best opportunity Native Hawaiians have had to form a government since the 1893 overthrow of the Hawaiian Kingdom. NHBA urges the Committee to pass S147, as is.

Respectfully submitted by Miriam P. Loui, President on behalf of the NHBA Board of Directors

3/10/2005

March 13, 2005

**WRITTEN TESTIMONY**

**Daniel Kameahanohano Nahoopii**

native Hawaiian and Resident, Hawai'i, Senate District I

1311 Ekaha Ave

Honolulu, HI 96816

**Hearing on S. 147**

**The Native Hawaiian Government Reorganization Act**

**On March 1, 2005**

TO THE LEADERS AND MEMBERS OF THIS COMMITTEE ON INDIAN AFFAIRS OF  
THE UNITED STATES CONGRESS, ALOHA.

My name is Daniel Kameahanohano Nahoopii and I am a native Hawaiian resident living in Kaimuki, Hawai'i, Senate District 1. I am also the Honolulu Moku Representative of the Native Hawaiian Convention: 'Aha Hawai'i 'Oiwi.

I testify in support of enactment of S. 147.

I urge your committee to reaffirm that Native Hawaiians are a unique and distinct indigenous, native people, with whom the United States has a political and legal relationship; the United States has a special trust relationship to promote the welfare of Native Hawaiians; and Congress possesses the authority under the Constitution to enact legislation to address the conditions of Native Hawaiians. I urge you to work with the President and Congress to establish a process for Native Hawaiians to reorganize a governing body, freely chosen by the Native Hawaiians, for the purpose of expressing their rights to self-determination and self-governance. I also urge you to work with the President and Congress to continue the process of reconciliation as called for in Public Law 103-150 (107 Stat.1510). The justice we provide the first Americans is a measure of our nation's character.

On November 23, 1993, Public Law 103- 150 (107 Stat. 1510) (commonly known as the Apology Resolution) was enacted into law, extending an apology on behalf of the United States to the Native people of Hawai'i for the United States' role in the overthrow of the Kingdom of Hawai'i; the Apology Resolution acknowledges that the overthrow of the Kingdom of Hawai'i occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people over their national lands to the United States, either through their monarchy or through a plebiscite or referendum.

The Apology Resolution expresses the commitment of Congress and the President to acknowledge the ramifications of the overthrow of the Kingdom of Hawai'i and to support reconciliation efforts between the United States and Native Hawaiians; and to have Congress and the President, through the President's designated officials, consult with Native Hawaiians on the reconciliation process as called for under the Apology Resolution.

Despite the overthrow of the Hawaiian government, Native Hawaiians have continued to maintain their separate identity as a distinct native community through the formation of cultural, social, and political institutions, and to give expression to their rights as native people to self-determination and self-governance as evidenced through their participation in the Office of Hawaiian Affairs.

Native Hawaiians also maintain a distinct Native Hawaiian community through the provision of governmental services to Native Hawaiians, including the provision of health care services, educational programs, employment and training programs, children's services, conservation programs, fish and wildlife protection, agricultural programs, native language immersion programs and native language immersion schools from kindergarten through high school, as well as college and master's degree programs in native language immersion instruction, and traditional justice programs, and by continuing their efforts to enhance Native Hawaiian self-determination and local control.

Native Hawaiians are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources.

The Native Hawaiian people wish to preserve, develop, and transmit to future Native Hawaiian generations their ancestral lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, and to achieve greater self-determination over their own affairs.

Mahalo (thank you) for the opportunity to present this testimony.



**NATIVE HAWAIIAN ECONOMIC ALLIANCE** Web: [www.nativealliance.com](http://www.nativealliance.com)

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Queen's Court  
Honolulu, Hawai'i 96813  
Tel: 808.792.7700 • Fax: 808.792.7709  
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WRITTEN TESTIMONY of Austin P. Nakoa, Chairman,  
for the  
Native Hawaiian Economic Alliance  
To the U.S. Senate Committee on Indian Affairs  
On S. 147  
The Native Hawaiian Government Reorganization Act  
March 9, 2005

Honorable Chairman John McCain, Vice Chairman Byron Dorgan and members of the Committee on Indian Affairs. Founded in 2002, the Native Hawaiian Economic Alliance (NHEA) is a domestic nonprofit organization and a coalition comprised of 52 Hawaiian-owned small businesses and 5 Native Hawaiian nonprofit entities. NHEA's business members provide a variety of services primarily in the areas of construction, environmental, utilities and information technology. It is one of the largest coalitions of Native Hawaiian businesses in the state of Hawaii.

I am a Native Hawaiian and owner of SBA 8(a) certified The NAKOA Companies, Inc.; a general construction company founded in 1992 and specializing in environmental contracting and demolition work. I am also one of eight founding members of the Native Hawaiian Economic Alliance. NHEA was created by a small group of Native Hawaiian business owners who rallied together to identify common challenges and to create solutions to support the growth, financial capacity and project capability of Native Hawaiian businesses in Hawaii.

NHEA is a collaborative partnership, reaching out to one another in an effort to strengthen our individual and collective ability to provide services to Hawaii-based clients, with a particular emphasis on local military agencies. NHEA strives to increase contract work to Native Hawaiian firms; to employ Hawaii residents; to build the capacity of Hawaii's local business economy; and support community based programming delivered by Native Hawaiian non-profit organizations.

NHEA has previously expressed its support of the Native Hawaiian Government Reorganization Act by submitting NHEA Resolution Number 1104-2004 to Hawaii's four congressional delegates and President George W. Bush. NHEA recognizes this bill is an important step in the reconciliation process between Native Hawaiians and the United States. Please allow our people to decide for themselves. In its most basic function, the policy of federal recognition is empowering people, which ultimately enables local decisions to be made and enables decisions about how best to service Native needs by Natives themselves.

We humbly ask you to pass S. 147, allowing Native Hawaiians to have control over our own future.

Thank you for this opportunity and your consideration.

Austin P. Nakoa

Testimony of Abigail L. Naleieha

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submitted to the U.S. Senate Committee on Indian Affairs  
for the Hearing on S. 147,  
the Native Hawaiian Government Reorganization Act of 2005,  
held on March 1, 2005

Aloha Chairman McCain, Vice Chairman Dorgan and distinguished members of the U.S. Senate Committee on Indian Affairs. My name is Abigail L. Naleieha. I am Native Hawaiian and a beneficiary of the Hawaiian Home Lands trust established by Congress in 1920 under the Hawaiian Homes Commission Act. I live in the Hawaiian homestead community of Waimanalo Hawaiian Homestead, Waimanalo on the island of O'ahu.

Thank you for this opportunity to express my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005. S. 147 sets out a process to reorganize a Native Hawaiian government and secure its recognition by the United States. This process would further reconciliation efforts between the United States and the Native Hawaiian people as prescribed in the Apology Resolution, Public Law 103-150, adopted by Congress in 1993 to acknowledge the 100<sup>th</sup> anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii. I would be eligible under S. 147's definition of "Native Hawaiian" to participate in this process and I look forward to the day when I will participate in a Native Hawaiian government through which we will exercise greater control in determining our own future.

\_\_\_\_\_ members of my immediate and extended family live on Hawaiian Home Lands. Our family is strengthened by being able to live close to one another so that we may support each other, for example, by caring for family members, sharing transportation and other resources and generally supporting each other through our challenges and opportunities. Many members of our family and community would not be able to afford housing in Hawaii without the Hawaiian Home Lands trust. In fact, many Native Hawaiians have had to move far away from their homelands in order to provide for their families.

Our community grows stronger as we pursue community-based developments which bring resources into our community so that our community can provide much-needed programs and services to our families. Native Hawaiian culture is reinforced and strengthened in our community as it provides the foundation of our existence.

We need passage of S. 147 during this 109<sup>th</sup> Congress in order to protect, preserve and perpetuate the Hawaiian Home Lands trust and other vital trusts, programs and services which some individuals seek to dismantle. We would like to feel secure in our homes, knowing that our right to live on Hawaiian Home Lands is protected. We need passage of S. 147 so that we may continue to exist as Native Hawaiians and bring forward generations of Native Hawaiians proudly sharing our rich Native Hawaiian culture and enriching the lives of our families, our communities, and everyone throughout the State of Hawaii, the United States and the world. We need the United States' reaffirmation of its trust relationship with Native Hawaiians and federal recognition of a government-to-government relationship with Native Hawaiians.

I thank this Committee for its quick action in recommending passage of S. 147 to the full Senate so that Congress can take advantage of every opportunity to consider and pass S. 147 and its companion House bill, H.R. 309, into law.

Mahalo (thank you) for your time and consideration of my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005.

Testimony of Harold K. Crowell, Jr.

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submitted to the U.S. Senate Committee on Indian Affairs  
for the Hearing on S. 147,  
the Native Hawaiian Government Reorganization Act of 2005,  
held on March 1, 2005

Aloha Chairman McCain, Vice Chairman Dorgan and distinguished members of the U.S. Senate Committee on Indian Affairs. My name is Harold K. Crowell, Jr. I am Native Hawaiian and a beneficiary of the Hawaiian Home Lands trust established by Congress in 1920 under the Hawaiian Homes Commission Act. I live in the Hawaiian homestead community of Waimanalo Hawaiian Homestead, Waimanalo on the island of O'ahu.

Thank you for this opportunity to express my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005. S. 147 sets out a process to reorganize a Native Hawaiian government and secure its recognition by the United States. This process would further reconciliation efforts between the United States and the Native Hawaiian people as prescribed in the Apology Resolution, Public Law 103-150, adopted by Congress in 1993 to acknowledge the 100<sup>th</sup> anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii. I would be eligible under S. 147's definition of "Native Hawaiian" to participate in this process and I look forward to the day when I will participate in a Native Hawaiian government through which we will exercise greater control in determining our own future.

\_\_\_\_\_ members of my immediate and extended family live on Hawaiian Home Lands. Our family is strengthened by being able to live close to one another so that we may support each other, for example, by caring for family members, sharing transportation and other resources and generally supporting each other through our challenges and opportunities. Many members of our family and community would not be able to afford housing in Hawaii without the Hawaiian Home Lands trust. In fact, many Native Hawaiians have had to move far away from their homelands in order to provide for their families.

Our community grows stronger as we pursue community-based developments which bring resources into our community so that our community can provide much-needed programs and services to our families. Native Hawaiian culture is reinforced and strengthened in our community as it provides the foundation of our existence.

We need passage of S. 147 during this 109<sup>th</sup> Congress in order to protect, preserve and perpetuate the Hawaiian Home Lands trust and other vital trusts, programs and services which some individuals seek to dismantle. We would like to feel secure in our homes, knowing that our right to live on Hawaiian Home Lands is protected. We need passage of S. 147 so that we may continue to exist as Native Hawaiians and bring forward generations of Native Hawaiians proudly sharing our rich Native Hawaiian culture and enriching the lives of our families, our communities, and everyone throughout the State of Hawaii, the United States and the world. We need the United States' reaffirmation of its trust relationship with Native Hawaiians and federal recognition of a government-to-government relationship with Native Hawaiians.

I thank this Committee for its quick action in recommending passage of S. 147 to the full Senate so that Congress can take advantage of every opportunity to consider and pass S. 147 and its companion House bill, H.R. 309, into law.

Mahalo (thank you) for your time and consideration of my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005.

Testimony of MaryAnn Crowell

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submitted to the U.S. Senate Committee on Indian Affairs  
for the Hearing on S. 147,  
the Native Hawaiian Government Reorganization Act of 2005,  
held on March 1, 2005

Aloha Chairman McCain, Vice Chairman Dorgan and distinguished members of the U.S. Senate Committee on Indian Affairs. My name is MaryAnn Crowell. I am Native Hawaiian and a beneficiary of the Hawaiian Home Lands trust established by Congress in 1920 under the Hawaiian Homes Commission Act. I live in the Hawaiian homestead community of Waimanalo Hawaiian Homestead, Waimanalo on the island of O'ahu.

Thank you for this opportunity to express my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005. S. 147 sets out a process to reorganize a Native Hawaiian government and secure its recognition by the United States. This process would further reconciliation efforts between the United States and the Native Hawaiian people as prescribed in the Apology Resolution, Public Law 103-150, adopted by Congress in 1993 to acknowledge the 100<sup>th</sup> anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii. I would be eligible under S. 147's definition of "Native Hawaiian" to participate in this process and I look forward to the day when I will participate in a Native Hawaiian government through which we will exercise greater control in determining our own future.

\_\_\_\_\_ members of my immediate and extended family live on Hawaiian Home Lands. Our family is strengthened by being able to live close to one another so that we may support each other, for example, by caring for family members, sharing transportation and other resources and generally supporting each other through our challenges and opportunities. Many members of our family and community would not be able to afford housing in Hawaii without the Hawaiian Home Lands trust. In fact, many Native Hawaiians have had to move far away from their homelands in order to provide for their families.

Our community grows stronger as we pursue community-based developments which bring resources into our community so that our community can provide much-needed programs and services to our families. Native Hawaiian culture is reinforced and strengthened in our community as it provides the foundation of our existence.

We need passage of S. 147 during this 109<sup>th</sup> Congress in order to protect, preserve and perpetuate the Hawaiian Home Lands trust and other vital trusts, programs and services which some individuals seek to dismantle. We would like to feel secure in our homes, knowing that our right to live on Hawaiian Home Lands is protected. We need passage of S. 147 so that we may continue to exist as Native Hawaiians and bring forward generations of Native Hawaiians proudly sharing our rich Native Hawaiian culture and enriching the lives of our families, our communities, and everyone throughout the State of Hawaii, the United States and the world. We need the United States' reaffirmation of its trust relationship with Native Hawaiians and federal recognition of a government-to-government relationship with Native Hawaiians.

I thank this Committee for its quick action in recommending passage of S. 147 to the full Senate so that Congress can take advantage of every opportunity to consider and pass S. 147 and its companion House bill, H.R. 309, into law.

Mahalo (thank you) for your time and consideration of my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005.

## Testimony of Raymond &amp; Annie Mokiao

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submitted to the U.S. Senate Committee on Indian Affairs  
for the Hearing on S. 147,  
the Native Hawaiian Government Reorganization Act of 2005,  
held on March 1, 2005

Aloha Chairman McCain, Vice Chairman Dorgan and distinguished members of the U.S. Senate Committee on Indian Affairs. My name is Raymond and Annie Mokiao. I am Native Hawaiian and a beneficiary of the Hawaiian Home Lands trust established by Congress in 1920 under the Hawaiian Homes Commission Act. I live in the Hawaiian homestead community of Waimanalo Hawaiian Homestead at 41-153 Nakini Street, Waimanalo on the island of O'ahu.

Thank you for this opportunity to express my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005. S. 147 sets out a process to reorganize a Native Hawaiian government and secure its recognition by the United States. This process would further reconciliation efforts between the United States and the Native Hawaiian people as prescribed in the Apology Resolution, Public Law 103-150, adopted by Congress in 1993 to acknowledge the 100<sup>th</sup> anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii. I would be eligible under S. 147's definition of "Native Hawaiian" to participate in this process and I look forward to the day when I will participate in a Native Hawaiian government through which we will exercise greater control in determining our own future.

\_\_\_\_\_ members of my immediate and extended family live on Hawaiian Home Lands. Our family is strengthened by being able to live close to one another so that we may support each other, for example, by caring for family members, sharing transportation and other resources and generally supporting each other through our challenges and opportunities. Many members of our family and community would not be able to afford housing in Hawaii without the Hawaiian Home Lands trust. In fact, many Native Hawaiians have had to move far away from their homelands in order to provide for their families.

Our community grows stronger as we pursue community-based developments which bring resources into our community so that our community can provide much-needed programs and services to our families. Native Hawaiian culture is reinforced and strengthened in our community as it provides the foundation of our existence.

We need passage of S. 147 during this 109<sup>th</sup> Congress in order to protect, preserve and perpetuate the Hawaiian Home Lands trust and other vital trusts, programs and services which some individuals seek to dismantle. We would like to feel secure in our homes, knowing that our right to live on Hawaiian Home Lands is protected. We need passage of S. 147 so that we may continue to exist as Native Hawaiians and bring forward generations of Native Hawaiians proudly sharing our rich Native Hawaiian culture and enriching the lives of our families, our communities, and everyone throughout the State of Hawaii, the United States and the world. We need the United States' reaffirmation of its trust relationship with Native Hawaiians and federal recognition of a government-to-government relationship with Native Hawaiians.

I thank this Committee for its quick action in recommending passage of S. 147 to the full Senate so that Congress can take advantage of every opportunity to consider and pass S. 147 and its companion House bill, H.R. 309, into law.

Mahalo (thank you) for your time and consideration of my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005.



Testimony of Candy Young

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submitted to the U.S. Senate Committee on Indian Affairs  
for the Hearing on S. 147,  
the Native Hawaiian Government Reorganization Act of 2005,  
held on March 1, 2005

Aloha Chairman McCain, Vice Chairman Dorgan and distinguished members of the U.S. Senate Committee on Indian Affairs. My name is Candy Young. I am Native Hawaiian and a beneficiary of the Hawaiian Home Lands trust established by Congress in 1920 under the Hawaiian Homes Commission Act. I live in the Hawaiian homestead community of Waimanalo Hawaiian Homestead, Waimanalo on the island of O'ahu.

Thank you for this opportunity to express my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005. S. 147 sets out a process to reorganize a Native Hawaiian government and secure its recognition by the United States. This process would further reconciliation efforts between the United States and the Native Hawaiian people as prescribed in the Apology Resolution, Public Law 103-150, adopted by Congress in 1993 to acknowledge the 100<sup>th</sup> anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii. I would be eligible under S. 147's definition of "Native Hawaiian" to participate in this process and I look forward to the day when I will participate in a Native Hawaiian government through which we will exercise greater control in determining our own future.

\_\_\_\_\_ members of my immediate and extended family live on Hawaiian Home Lands. Our family is strengthened by being able to live close to one another so that we may support each other, for example, by caring for family members, sharing transportation and other resources and generally supporting each other through our challenges and opportunities. Many members of our family and community would not be able to afford housing in Hawaii without the Hawaiian Home Lands trust. In fact, many Native Hawaiians have had to move far away from their homelands in order to provide for their families.

Our community grows stronger as we pursue community-based developments which bring resources into our community so that our community can provide much-needed programs and services to our families. Native Hawaiian culture is reinforced and strengthened in our community as it provides the foundation of our existence.

We need passage of S. 147 during this 109<sup>th</sup> Congress in order to protect, preserve and perpetuate the Hawaiian Home Lands trust and other vital trusts, programs and services which some individuals seek to dismantle. We would like to feel secure in our homes, knowing that our right to live on Hawaiian Home Lands is protected. We need passage of S. 147 so that we may continue to exist as Native Hawaiians and bring forward generations of Native Hawaiians proudly sharing our rich Native Hawaiian culture and enriching the lives of our families, our communities, and everyone throughout the State of Hawaii, the United States and the world. We need the United States' reaffirmation of its trust relationship with Native Hawaiians and federal recognition of a government-to-government relationship with Native Hawaiians.

I thank this Committee for its quick action in recommending passage of S. 147 to the full Senate so that Congress can take advantage of every opportunity to consider and pass S. 147 and its companion House bill, H.R. 309, into law.

Mahalo (thank you) for your time and consideration of my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005.

Testimony of Joe Ann U. Sang

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submitted to the U.S. Senate Committee on Indian Affairs  
for the Hearing on S. 147,  
the Native Hawaiian Government Reorganization Act of 2005,  
held on March 1, 2005

Aloha Chairman McCain, Vice Chairman Dorgan and distinguished members of the U.S. Senate Committee on Indian Affairs. My name is JoeAnn U. Sang. I am Native Hawaiian and a beneficiary of the Hawaiian Home Lands trust established by Congress in 1920 under the Hawaiian Homes Commission Act. I live in the Hawaiian homestead community of Waimanalo Hawaiian Homestead at 41-167 Nakini Street, Waimanalo on the island of O'ahu.

Thank you for this opportunity to express my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005. S. 147 sets out a process to reorganize a Native Hawaiian government and secure its recognition by the United States. This process would further reconciliation efforts between the United States and the Native Hawaiian people as prescribed in the Apology Resolution, Public Law 103-150, adopted by Congress in 1993 to acknowledge the 100<sup>th</sup> anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii. I would be eligible under S. 147's definition of "Native Hawaiian" to participate in this process and I look forward to the day when I will participate in a Native Hawaiian government through which we will exercise greater control in determining our own future.

\_\_\_\_\_ members of my immediate and extended family live on Hawaiian Home Lands. Our family is strengthened by being able to live close to one another so that we may support each other, for example, by caring for family members, sharing transportation and other resources and generally supporting each other through our challenges and opportunities. Many members of our family and community would not be able to afford housing in Hawaii without the Hawaiian Home Lands trust. In fact, many Native Hawaiians have had to move far away from their homelands in order to provide for their families.

Our community grows stronger as we pursue community-based developments which bring resources into our community so that our community can provide much-needed programs and services to our families. Native Hawaiian culture is reinforced and strengthened in our community as it provides the foundation of our existence.

We need passage of S. 147 during this 109<sup>th</sup> Congress in order to protect, preserve and perpetuate the Hawaiian Home Lands trust and other vital trusts, programs and services which some individuals seek to dismantle. We would like to feel secure in our homes, knowing that our right to live on Hawaiian Home Lands is protected. We need passage of S. 147 so that we may continue to exist as Native Hawaiians and bring forward generations of Native Hawaiians proudly sharing our rich Native Hawaiian culture and enriching the lives of our families, our communities, and everyone throughout the State of Hawaii, the United States and the world. We need the United States' reaffirmation of its trust relationship with Native Hawaiians and federal recognition of a government-to-government relationship with Native Hawaiians.

I thank this Committee for its quick action in recommending passage of S. 147 to the full Senate so that Congress can take advantage of every opportunity to consider and pass S. 147 and its companion House bill, H.R. 309, into law.

Mahalo (thank you) for your time and consideration of my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005.

Testimony of Michael Laughlin

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submitted to the U.S. Senate Committee on Indian Affairs  
for the Hearing on S. 147,  
the Native Hawaiian Government Reorganization Act of 2005,  
held on March 1, 2005

Aloha Chairman McCain, Vice Chairman Dorgan and distinguished members of the U.S. Senate Committee on Indian Affairs. My name is Michael Laughlin. I am Native Hawaiian and a beneficiary of the Hawaiian Home Lands trust established by Congress in 1920 under the Hawaiian Homes Commission Act. I live in the Hawaiian homestead community of Waimanalo Hawaiian Homestead, Waimanalo on the island of O'ahu.

Thank you for this opportunity to express my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005. S. 147 sets out a process to reorganize a Native Hawaiian government and secure its recognition by the United States. This process would further reconciliation efforts between the United States and the Native Hawaiian people as prescribed in the Apology Resolution, Public Law 103-150, adopted by Congress in 1993 to acknowledge the 100<sup>th</sup> anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii. I would be eligible under S. 147's definition of "Native Hawaiian" to participate in this process and I look forward to the day when I will participate in a Native Hawaiian government through which we will exercise greater control in determining our own future.

\_\_\_\_\_ members of my immediate and extended family live on Hawaiian Home Lands. Our family is strengthened by being able to live close to one another so that we may support each other, for example, by caring for family members, sharing transportation and other resources and generally supporting each other through our challenges and opportunities. Many members of our family and community would not be able to afford housing in Hawaii without the Hawaiian Home Lands trust. In fact, many Native Hawaiians have had to move far away from their homelands in order to provide for their families.

Our community grows stronger as we pursue community-based developments which bring resources into our community so that our community can provide much-needed programs and services to our families. Native Hawaiian culture is reinforced and strengthened in our community as it provides the foundation of our existence.

We need passage of S. 147 during this 109<sup>th</sup> Congress in order to protect, preserve and perpetuate the Hawaiian Home Lands trust and other vital trusts, programs and services which some individuals seek to dismantle. We would like to feel secure in our homes, knowing that our right to live on Hawaiian Home Lands is protected. We need passage of S. 147 so that we may continue to exist as Native Hawaiians and bring forward generations of Native Hawaiians proudly sharing our rich Native Hawaiian culture and enriching the lives of our families, our communities, and everyone throughout the State of Hawaii, the United States and the world. We need the United States' reaffirmation of its trust relationship with Native Hawaiians and federal recognition of a government-to-government relationship with Native Hawaiians.

I thank this Committee for its quick action in recommending passage of S. 147 to the full Senate so that Congress can take advantage of every opportunity to consider and pass S. 147 and its companion House bill, H.R. 309, into law.

Mahalo (thank you) for your time and consideration of my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005.

Testimony of Roy Kaleo Sang

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submitted to the U.S. Senate Committee on Indian Affairs  
for the Hearing on S. 147,  
the Native Hawaiian Government Reorganization Act of 2005,  
held on March 1, 2005

Aloha Chairman McCain, Vice Chairman Dorgan and distinguished members of the U.S. Senate Committee on Indian Affairs. My name is Roy Kaleo Sang. I am Native Hawaiian and a beneficiary of the Hawaiian Home Lands trust established by Congress in 1920 under the Hawaiian Homes Commission Act. I live in the Hawaiian homestead community of Waimanalo Hawaiian Homestead at 41-167 Nakini Street, Waimanalo on the island of O'ahu.

Thank you for this opportunity to express my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005. S. 147 sets out a process to reorganize a Native Hawaiian government and secure its recognition by the United States. This process would further reconciliation efforts between the United States and the Native Hawaiian people as prescribed in the Apology Resolution, Public Law 103-150, adopted by Congress in 1993 to acknowledge the 100<sup>th</sup> anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii. I would be eligible under S. 147's definition of "Native Hawaiian" to participate in this process and I look forward to the day when I will participate in a Native Hawaiian government through which we will exercise greater control in determining our own future.

\_\_\_\_\_ members of my immediate and extended family live on Hawaiian Home Lands. Our family is strengthened by being able to live close to one another so that we may support each other, for example, by caring for family members, sharing transportation and other resources and generally supporting each other through our challenges and opportunities. Many members of our family and community would not be able to afford housing in Hawaii without the Hawaiian Home Lands trust. In fact, many Native Hawaiians have had to move far away from their homelands in order to provide for their families.

Our community grows stronger as we pursue community-based developments which bring resources into our community so that our community can provide much-needed programs and services to our families. Native Hawaiian culture is reinforced and strengthened in our community as it provides the foundation of our existence.

We need passage of S. 147 during this 109<sup>th</sup> Congress in order to protect, preserve and perpetuate the Hawaiian Home Lands trust and other vital trusts, programs and services which some individuals seek to dismantle. We would like to feel secure in our homes, knowing that our right to live on Hawaiian Home Lands is protected. We need passage of S. 147 so that we may continue to exist as Native Hawaiians and bring forward generations of Native Hawaiians proudly sharing our rich Native Hawaiian culture and enriching the lives of our families, our communities, and everyone throughout the State of Hawaii, the United States and the world. We need the United States' reaffirmation of its trust relationship with Native Hawaiians and federal recognition of a government-to-government relationship with Native Hawaiians.

I thank this Committee for its quick action in recommending passage of S. 147 to the full Senate so that Congress can take advantage of every opportunity to consider and pass S. 147 and its companion House bill, H.R. 309, into law.

Mahalo (thank you) for your time and consideration of my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005.

Testimony of Dawn K. Sang

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submitted to the U.S. Senate Committee on Indian Affairs  
for the Hearing on S. 147,  
the Native Hawaiian Government Reorganization Act of 2005,  
held on March 1, 2005

Aloha Chairman McCain, Vice Chairman Dorgan and distinguished members of the U.S. Senate Committee on Indian Affairs. My name is Dawn K. Sang. I am Native Hawaiian and a beneficiary of the Hawaiian Home Lands trust established by Congress in 1920 under the Hawaiian Homes Commission Act. I live in the Hawaiian homestead community of Waimanalo Hawaiian Homestead at 41-167 Nakini Street, Waimanalo on the island of O'ahu.

Thank you for this opportunity to express my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005. S. 147 sets out a process to reorganize a Native Hawaiian government and secure its recognition by the United States. This process would further reconciliation efforts between the United States and the Native Hawaiian people as prescribed in the Apology Resolution, Public Law 103-150, adopted by Congress in 1993 to acknowledge the 100<sup>th</sup> anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii. I would be eligible under S. 147's definition of "Native Hawaiian" to participate in this process and I look forward to the day when I will participate in a Native Hawaiian government through which we will exercise greater control in determining our own future.

\_\_\_\_\_ members of my immediate and extended family live on Hawaiian Home Lands. Our family is strengthened by being able to live close to one another so that we may support each other, for example, by caring for family members, sharing transportation and other resources and generally supporting each other through our challenges and opportunities. Many members of our family and community would not be able to afford housing in Hawaii without the Hawaiian Home Lands trust. In fact, many Native Hawaiians have had to move far away from their homelands in order to provide for their families.

Our community grows stronger as we pursue community-based developments which bring resources into our community so that our community can provide much-needed programs and services to our families. Native Hawaiian culture is reinforced and strengthened in our community as it provides the foundation of our existence.

We need passage of S. 147 during this 109<sup>th</sup> Congress in order to protect, preserve and perpetuate the Hawaiian Home Lands trust and other vital trusts, programs and services which some individuals seek to dismantle. We would like to feel secure in our homes, knowing that our right to live on Hawaiian Home Lands is protected. We need passage of S. 147 so that we may continue to exist as Native Hawaiians and bring forward generations of Native Hawaiians proudly sharing our rich Native Hawaiian culture and enriching the lives of our families, our communities, and everyone throughout the State of Hawaii, the United States and the world. We need the United States' reaffirmation of its trust relationship with Native Hawaiians and federal recognition of a government-to-government relationship with Native Hawaiians.

I thank this Committee for its quick action in recommending passage of S. 147 to the full Senate so that Congress can take advantage of every opportunity to consider and pass S. 147 and its companion House bill, H.R. 309, into law.

Mahalo (thank you) for your time and consideration of my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005.

Testimony of Lavaina Huihui

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submitted to the U.S. Senate Committee on Indian Affairs  
for the Hearing on S. 147,  
the Native Hawaiian Government Reorganization Act of 2005,  
held on March 1, 2005

Aloha Chairman McCain, Vice Chairman Dorgan and distinguished members of the U.S. Senate Committee on Indian Affairs. My name is Lavaina Huihui. I am Native Hawaiian and a beneficiary of the Hawaiian Home Lands trust established by Congress in 1920 under the Hawaiian Homes Commission Act. I live in the Hawaiian homestead community of Waimanalo Hawaiian Homestead, Waimanalo on the island of O'ahu.

Thank you for this opportunity to express my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005. S. 147 sets out a process to reorganize a Native Hawaiian government and secure its recognition by the United States. This process would further reconciliation efforts between the United States and the Native Hawaiian people as prescribed in the Apology Resolution, Public Law 103-150, adopted by Congress in 1993 to acknowledge the 100<sup>th</sup> anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii. I would be eligible under S. 147's definition of "Native Hawaiian" to participate in this process and I look forward to the day when I will participate in a Native Hawaiian government through which we will exercise greater control in determining our own future.

\_\_\_\_\_ members of my immediate and extended family live on Hawaiian Home Lands. Our family is strengthened by being able to live close to one another so that we may support each other, for example, by caring for family members, sharing transportation and other resources and generally supporting each other through our challenges and opportunities. Many members of our family and community would not be able to afford housing in Hawaii without the Hawaiian Home Lands trust. In fact, many Native Hawaiians have had to move far away from their homelands in order to provide for their families.

Our community grows stronger as we pursue community-based developments which bring resources into our community so that our community can provide much-needed programs and services to our families. Native Hawaiian culture is reinforced and strengthened in our community as it provides the foundation of our existence.

We need passage of S. 147 during this 109<sup>th</sup> Congress in order to protect, preserve and perpetuate the Hawaiian Home Lands trust and other vital trusts, programs and services which some individuals seek to dismantle. We would like to feel secure in our homes, knowing that our right to live on Hawaiian Home Lands is protected. We need passage of S. 147 so that we may continue to exist as Native Hawaiians and bring forward generations of Native Hawaiians proudly sharing our rich Native Hawaiian culture and enriching the lives of our families, our communities, and everyone throughout the State of Hawaii, the United States and the world. We need the United States' reaffirmation of its trust relationship with Native Hawaiians and federal recognition of a government-to-government relationship with Native Hawaiians.

I thank this Committee for its quick action in recommending passage of S. 147 to the full Senate so that Congress can take advantage of every opportunity to consider and pass S. 147 and its companion House bill, H.R. 309, into law.

Mahalo (thank you) for your time and consideration of my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005.

Testimony of Michelle K. Gaui

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submitted to the U.S. Senate Committee on Indian Affairs  
for the Hearing on S. 147,  
the Native Hawaiian Government Reorganization Act of 2005,  
held on March 1, 2005

Aloha Chairman McCain, Vice Chairman Dorgan and distinguished members of the U.S. Senate Committee on Indian Affairs. My name is Michelle K. Gaui. I am Native Hawaiian and a beneficiary of the Hawaiian Home Lands trust established by Congress in 1920 under the Hawaiian Homes Commission Act. I live in the Hawaiian homestead community of Waimanalo Hawaiian Homestead, Waimanalo on the island of O'ahu.

Thank you for this opportunity to express my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005. S. 147 sets out a process to reorganize a Native Hawaiian government and secure its recognition by the United States. This process would further reconciliation efforts between the United States and the Native Hawaiian people as prescribed in the Apology Resolution, Public Law 103-150, adopted by Congress in 1993 to acknowledge the 100<sup>th</sup> anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii. I would be eligible under S. 147's definition of "Native Hawaiian" to participate in this process and I look forward to the day when I will participate in a Native Hawaiian government through which we will exercise greater control in determining our own future.

\_\_\_\_\_ members of my immediate and extended family live on Hawaiian Home Lands. Our family is strengthened by being able to live close to one another so that we may support each other, for example, by caring for family members, sharing transportation and other resources and generally supporting each other through our challenges and opportunities. Many members of our family and community would not be able to afford housing in Hawaii without the Hawaiian Home Lands trust. In fact, many Native Hawaiians have had to move far away from their homelands in order to provide for their families.

Our community grows stronger as we pursue community-based developments which bring resources into our community so that our community can provide much-needed programs and services to our families. Native Hawaiian culture is reinforced and strengthened in our community as it provides the foundation of our existence.

We need passage of S. 147 during this 109<sup>th</sup> Congress in order to protect, preserve and perpetuate the Hawaiian Home Lands trust and other vital trusts, programs and services which some individuals seek to dismantle. We would like to feel secure in our homes, knowing that our right to live on Hawaiian Home Lands is protected. We need passage of S. 147 so that we may continue to exist as Native Hawaiians and bring forward generations of Native Hawaiians proudly sharing our rich Native Hawaiian culture and enriching the lives of our families, our communities, and everyone throughout the State of Hawaii, the United States and the world. We need the United States' reaffirmation of its trust relationship with Native Hawaiians and federal recognition of a government-to-government relationship with Native Hawaiians.

I thank this Committee for its quick action in recommending passage of S. 147 to the full Senate so that Congress can take advantage of every opportunity to consider and pass S. 147 and its companion House bill, H.R. 309, into law.

Mahalo (thank you) for your time and consideration of my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005.

Testimony of Stephan Young

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submitted to the U.S. Senate Committee on Indian Affairs  
for the Hearing on S. 147,  
the Native Hawaiian Government Reorganization Act of 2005,  
held on March 1, 2005

Aloha Chairman McCain, Vice Chairman Dorgan and distinguished members of the U.S. Senate Committee on Indian Affairs. My name is Stephan Young. I am Native Hawaiian and a beneficiary of the Hawaiian Home Lands trust established by Congress in 1920 under the Hawaiian Homes Commission Act. I live in the Hawaiian homestead community of Waimanalo Hawaiian Homestead, Waimanalo on the island of O'ahu.

Thank you for this opportunity to express my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005. S. 147 sets out a process to reorganize a Native Hawaiian government and secure its recognition by the United States. This process would further reconciliation efforts between the United States and the Native Hawaiian people as prescribed in the Apology Resolution, Public Law 103-150, adopted by Congress in 1993 to acknowledge the 100<sup>th</sup> anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii. I would be eligible under S. 147's definition of "Native Hawaiian" to participate in this process and I look forward to the day when I will participate in a Native Hawaiian government through which we will exercise greater control in determining our own future.

\_\_\_\_\_ members of my immediate and extended family live on Hawaiian Home Lands. Our family is strengthened by being able to live close to one another so that we may support each other, for example, by caring for family members, sharing transportation and other resources and generally supporting each other through our challenges and opportunities. Many members of our family and community would not be able to afford housing in Hawaii without the Hawaiian Home Lands trust. In fact, many Native Hawaiians have had to move far away from their homelands in order to provide for their families.

Our community grows stronger as we pursue community-based developments which bring resources into our community so that our community can provide much-needed programs and services to our families. Native Hawaiian culture is reinforced and strengthened in our community as it provides the foundation of our existence.

We need passage of S. 147 during this 109<sup>th</sup> Congress in order to protect, preserve and perpetuate the Hawaiian Home Lands trust and other vital trusts, programs and services which some individuals seek to dismantle. We would like to feel secure in our homes, knowing that our right to live on Hawaiian Home Lands is protected. We need passage of S. 147 so that we may continue to exist as Native Hawaiians and bring forward generations of Native Hawaiians proudly sharing our rich Native Hawaiian culture and enriching the lives of our families, our communities, and everyone throughout the State of Hawaii, the United States and the world. We need the United States' reaffirmation of its trust relationship with Native Hawaiians and federal recognition of a government-to-government relationship with Native Hawaiians.

I thank this Committee for its quick action in recommending passage of S. 147 to the full Senate so that Congress can take advantage of every opportunity to consider and pass S. 147 and its companion House bill, H.R. 309, into law.

Mahalo (thank you) for your time and consideration of my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005.



Testimony of Elaine Young

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submitted to the U.S. Senate Committee on Indian Affairs  
for the Hearing on S. 147,  
the Native Hawaiian Government Reorganization Act of 2005,  
held on March 1, 2005

Aloha Chairman McCain, Vice Chairman Dorgan and distinguished members of the U.S. Senate Committee on Indian Affairs. My name is Elaine Young. I am Native Hawaiian and a beneficiary of the Hawaiian Home Lands trust established by Congress in 1920 under the Hawaiian Homes Commission Act. I live in the Hawaiian homestead community of Waimanalo Hawaiian Homestead, Waimanalo on the island of O'ahu.

Thank you for this opportunity to express my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005. S. 147 sets out a process to reorganize a Native Hawaiian government and secure its recognition by the United States. This process would further reconciliation efforts between the United States and the Native Hawaiian people as prescribed in the Apology Resolution, Public Law 103-150, adopted by Congress in 1993 to acknowledge the 100<sup>th</sup> anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii. I would be eligible under S. 147's definition of "Native Hawaiian" to participate in this process and I look forward to the day when I will participate in a Native Hawaiian government through which we will exercise greater control in determining our own future.

\_\_\_\_\_ members of my immediate and extended family live on Hawaiian Home Lands. Our family is strengthened by being able to live close to one another so that we may support each other, for example, by caring for family members, sharing transportation and other resources and generally supporting each other through our challenges and opportunities. Many members of our family and community would not be able to afford housing in Hawaii without the Hawaiian Home Lands trust. In fact, many Native Hawaiians have had to move far away from their homelands in order to provide for their families.

Our community grows stronger as we pursue community-based developments which bring resources into our community so that our community can provide much-needed programs and services to our families. Native Hawaiian culture is reinforced and strengthened in our community as it provides the foundation of our existence.

We need passage of S. 147 during this 109<sup>th</sup> Congress in order to protect, preserve and perpetuate the Hawaiian Home Lands trust and other vital trusts, programs and services which some individuals seek to dismantle. We would like to feel secure in our homes, knowing that our right to live on Hawaiian Home Lands is protected. We need passage of S. 147 so that we may continue to exist as Native Hawaiians and bring forward generations of Native Hawaiians proudly sharing our rich Native Hawaiian culture and enriching the lives of our families, our communities, and everyone throughout the State of Hawaii, the United States and the world. We need the United States' reaffirmation of its trust relationship with Native Hawaiians and federal recognition of a government-to-government relationship with Native Hawaiians.

I thank this Committee for its quick action in recommending passage of S. 147 to the full Senate so that Congress can take advantage of every opportunity to consider and pass S. 147 and its companion House bill, H.R. 309, into law.

Mahalo (thank you) for your time and consideration of my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005.

Testimony of Leialoha Apio

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submitted to the U.S. Senate Committee on Indian Affairs  
for the Hearing on S. 147,  
the Native Hawaiian Government Reorganization Act of 2005,  
held on March 1, 2005

Aloha Chairman McCain, Vice Chairman Dorgan and distinguished members of the U.S. Senate Committee on Indian Affairs. My name is Leialoha Apio. I am Native Hawaiian and a beneficiary of the Hawaiian Home Lands trust established by Congress in 1920 under the Hawaiian Homes Commission Act. I live in the Hawaiian homestead community of Waimanalo Hawaiian Homestead, Waimanalo on the island of O'ahu.

Thank you for this opportunity to express my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005. S. 147 sets out a process to reorganize a Native Hawaiian government and secure its recognition by the United States. This process would further reconciliation efforts between the United States and the Native Hawaiian people as prescribed in the Apology Resolution, Public Law 103-150, adopted by Congress in 1993 to acknowledge the 100<sup>th</sup> anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii. I would be eligible under S. 147's definition of "Native Hawaiian" to participate in this process and I look forward to the day when I will participate in a Native Hawaiian government through which we will exercise greater control in determining our own future.

\_\_\_\_\_ members of my immediate and extended family live on Hawaiian Home Lands. Our family is strengthened by being able to live close to one another so that we may support each other, for example, by caring for family members, sharing transportation and other resources and generally supporting each other through our challenges and opportunities. Many members of our family and community would not be able to afford housing in Hawaii without the Hawaiian Home Lands trust. In fact, many Native Hawaiians have had to move far away from their homelands in order to provide for their families.

Our community grows stronger as we pursue community-based developments which bring resources into our community so that our community can provide much-needed programs and services to our families. Native Hawaiian culture is reinforced and strengthened in our community as it provides the foundation of our existence.

We need passage of S. 147 during this 109<sup>th</sup> Congress in order to protect, preserve and perpetuate the Hawaiian Home Lands trust and other vital trusts, programs and services which some individuals seek to dismantle. We would like to feel secure in our homes, knowing that our right to live on Hawaiian Home Lands is protected. We need passage of S. 147 so that we may continue to exist as Native Hawaiians and bring forward generations of Native Hawaiians proudly sharing our rich Native Hawaiian culture and enriching the lives of our families, our communities, and everyone throughout the State of Hawaii, the United States and the world. We need the United States' reaffirmation of its trust relationship with Native Hawaiians and federal recognition of a government-to-government relationship with Native Hawaiians.

I thank this Committee for its quick action in recommending passage of S. 147 to the full Senate so that Congress can take advantage of every opportunity to consider and pass S. 147 and its companion House bill, H.R. 309, into law.

Mahalo (thank you) for your time and consideration of my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005.

Testimony of Nellie N. Aina

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submitted to the U.S. Senate Committee on Indian Affairs  
for the Hearing on S. 147,  
the Native Hawaiian Government Reorganization Act of 2005,  
held on March 1, 2005

Aloha Chairman McCain, Vice Chairman Dorgan and distinguished members of the U.S. Senate Committee on Indian Affairs. My name is Nellie N. Aina. I am Native Hawaiian and a beneficiary of the Hawaiian Home Lands trust established by Congress in 1920 under the Hawaiian Homes Commission Act. I live in the Hawaiian homestead community of Waimanalo Hawaiian Homestead, Waimanalo on the island of O'ahu.

Thank you for this opportunity to express my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005. S. 147 sets out a process to reorganize a Native Hawaiian government and secure its recognition by the United States. This process would further reconciliation efforts between the United States and the Native Hawaiian people as prescribed in the Apology Resolution, Public Law 103-150, adopted by Congress in 1993 to acknowledge the 100<sup>th</sup> anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii. I would be eligible under S. 147's definition of "Native Hawaiian" to participate in this process and I look forward to the day when I will participate in a Native Hawaiian government through which we will exercise greater control in determining our own future.

\_\_\_\_\_ members of my immediate and extended family live on Hawaiian Home Lands. Our family is strengthened by being able to live close to one another so that we may support each other, for example, by caring for family members, sharing transportation and other resources and generally supporting each other through our challenges and opportunities. Many members of our family and community would not be able to afford housing in Hawaii without the Hawaiian Home Lands trust. In fact, many Native Hawaiians have had to move far away from their homelands in order to provide for their families.

Our community grows stronger as we pursue community-based developments which bring resources into our community so that our community can provide much-needed programs and services to our families. Native Hawaiian culture is reinforced and strengthened in our community as it provides the foundation of our existence.

We need passage of S. 147 during this 109<sup>th</sup> Congress in order to protect, preserve and perpetuate the Hawaiian Home Lands trust and other vital trusts, programs and services which some individuals seek to dismantle. We would like to feel secure in our homes, knowing that our right to live on Hawaiian Home Lands is protected. We need passage of S. 147 so that we may continue to exist as Native Hawaiians and bring forward generations of Native Hawaiians proudly sharing our rich Native Hawaiian culture and enriching the lives of our families, our communities, and everyone throughout the State of Hawaii, the United States and the world. We need the United States' reaffirmation of its trust relationship with Native Hawaiians and federal recognition of a government-to-government relationship with Native Hawaiians.

I thank this Committee for its quick action in recommending passage of S. 147 to the full Senate so that Congress can take advantage of every opportunity to consider and pass S. 147 and its companion House bill, H.R. 309, into law.

Mahalo (thank you) for your time and consideration of my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005.



**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**  
 711 KAPĪOLANI BOULEVARD, SUITE 500  
 HONOLULU, HAWAII 96813

WRITTEN TESTIMONY

Clyde W. Nāmu'o  
 Administrator  
 Office of Hawaiian Affairs

United States Senate Committee on Indian Affairs  
 For S. 147, The Native Hawaiian Government Reorganization Act of 2005  
 Hearing: Tuesday, March 1, 2005, 10:00a.m.  
 Room 485, Russell Senate Office Building  
 Record open through 3/15/05

March 14, 2005

U.S. Senate Committee on Indian Affairs  
 836 Hart Senate Building  
 Washington, D.C. 20510  
 Email: [testimony@indian.senate.gov](mailto:testimony@indian.senate.gov)

Aloha mai Chairman John McCain, Vice Chairman Byron Dorgan, and Members:

My name is Clyde Nāmu'o and I am the Administrator of the Office of Hawaiian Affairs. The purpose of my testimony is to provide a strong sense of the amount and diversity of support for the "Akaka Bill," S. 147 in the 109<sup>th</sup> Congress and S. 344 in the 108<sup>th</sup> Congress. We have received hundreds of support letters for the "Akaka Bill" from both Native Hawaiians and non-Hawaiians in Hawai'i and from many other states. We offer a portion of these letters of support for the record. We have forwarded the letters of support identified below to incorporate as exhibits to my testimony as Appendix "A."

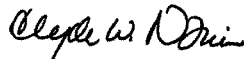
	<u># of Letters</u>
Letters from Arizona and/or addressed to Senator McCain: (includes WA, OR, UT, MD, VA, CA, and HI)	59
Letters from New Mexico, Oklahoma and Washington	22
Letters from Hawai'i addressed to Senator Inouye	30
Letters from Hawai'i addressed to Senator Akaka	37
Letters from California addressed to Senator Akaka	4
Letters from Hawai'i & California addressed to other members of SCIA	17
Letters from California addressed to Senator Boxer	35
Letters from California addressed to Senator Feinstein	35
Total:	239

In addition to the support letters attached in Appendix "A", we have in our possession several hundred more letters of support as follows:

	<u># of</u> <u>Letters</u>
Letters from Nevada addressed to Senators Ensign & Reid	138
Letters from California addressed to Senators Boxer & Feinstein	237
Letters from various states addressed to their Senators (includes AL, CO, FL, MD, MN, MS, NY, OR, and TX)	61
Letters from Hawai'i addressed to Senators Akaka & Inouye & other Senators	<u>637</u>
Total	1,073

As the Administrator of the Office of Hawaiian Affairs, a Native Hawaiian, and a father, I ask your continued support of S. 147 until it becomes public law because self-determination perpetuates our culture and creates opportunities to give all our children more hope in the future.

Mahalo.



Clyde W. Nāmu'o  
Administrator

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 13, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510


Dear Senator McCain,

Now more than ever, Native Hawaiians are faced with the tough reality of threats to their identity as a distinct indigenous people and their culture. These threats seek to finish what was started a little over 100 years ago with the illegal overthrow of the Hawaiian monarchy, a scheme instigated by a group of foreign businessmen to extinguish the fundamental rights of Native Hawaiians to self determination as an independent people and to rob them of their entitlements. This would be the start of the deterioration of a proud, strong culture that did nothing to the people who threatened and continue to threaten it today.

The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It provides a chance for Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect. The Akaka-Stevens bill does much more than provide Native Hawaiians the long overdue federal recognition they deserve. It provides a framework for Native Hawaiians to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

The time has come for Congress to finally recognize Native Hawaiians as an indigenous group in the United States. I ask you please to support S. 344 and allow Native Hawaiians the right to have a special political relationship with the United States which in turn will allow them to pursue and decide their own destinies, not to live one that was decided for them.

Aloha,



Shirley Young  
2155 Shoreview Avenue  
San Mateo, CA 94401

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

September 8, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

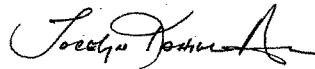
Dear Senator McCain,

Now more than ever, Native Hawaiians are faced with the tough reality of threats to their identity as a distinct indigenous people and their culture. These threats seek to finish what was started a little over 100 years ago with the illegal overthrow of the Hawaiian monarchy, a scheme instigated by a group of foreign businessmen to extinguish the fundamental rights of Native Hawaiians to self determination as an independent people and to rob them of their entitlements. This would be the start of the deterioration of a proud, strong culture that did nothing to the people who threatened and continue to threaten it today.

The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It provides a chance for Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect. The Akaka-Stevens bill does much more than provide Native Hawaiians the long overdue federal recognition they deserve. It provides a framework for Native Hawaiians to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

The time has come for Congress to finally recognize Native Hawaiians as an indigenous group in the United States. I ask you please to support S. 344 and allow Native Hawaiians the right to have a special political relationship with the United States which in turn will allow them to pursue and decide their own destinies, not to live one that was decided for them.

Aloha,



**Jocelyn Kahlwa Aki**  
1519 Nu'uuanu Ave. Box 142  
Honolulu, HI 96817

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 19, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

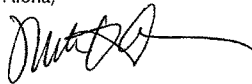
Aloha Senator McCain,

Native Hawaiians are faced with the tough reality of threats to their culture and to their identity as a distinct indigenous people. These threats seek to finish what was started over 100 years ago with the illegal overthrow of the Hawaiian monarchy. In a scheme instigated by a group of foreign businessmen the fundamental rights of Native Hawaiians to self determination as an independent people was extinguished. They were robbed of their entitlements. This began the deterioration of a once proud, strong, healthy people of a rich and unique culture that did nothing to the people who threatened and who continue to threaten them today.

The Akaka-Stevens Bill, S. 344, provides hope and a means for Native Hawaiians to pursue their own destinies. They will have the opportunity to come together and focus on their strengths as a people. S. 344 provides protection of the entitlements allowing the perpetuation of a culture that the State of Hawai'i is virtually dependent upon daily. The Akaka-Stevens bill provides Native Hawaiians the long overdue federal recognition they deserve as well as a framework for Native Hawaiians to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

The United States Congress now has the opportunity to finally recognize Native Hawaiians as an indigenous people of the United States. I ask you please to support S. 344 and allow Native Hawaiians the right to pursue a special political relationship with the United States and decide their own destinies, not to live one that was decided for them.

Aloha,



Mele K. Akuna  
2214 Date Street, Apt G.  
Honolulu, Hawai'i 96826



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 19, 2003

Senator John McCain  
Russell Seʻate Office Building  
Room 241  
Washington, D.C. 20510

Dear Senator McCain,

I am writing to ask for your support for S. 344, the Akaka-Stevens Bill. This bill will provide federal recognition to Native Hawaiians, the only indigenous group in the U.S. who has not yet been federally recognized.

As a Native Hawaiian, I know the Akaka-Stevens Bill is necessary to the survival of our culture and way of life.

Please help us to retain our culture and identity by voting in favor of S. 344.

Me ka ha`aha`a,



Scotty Bowman  
55 So. Kukui Street, #D-2501  
Honolulu, Hawai'i 96813

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

September 8, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

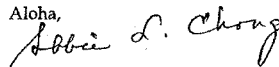
Dear Senator McCain,

Now more than ever, Native Hawaiians are faced with the tough reality of threats to their identity as a distinct indigenous people and their culture. These threats seek to finish what was started a little over 100 years ago with the illegal overthrow of the Hawaiian monarchy, a scheme instigated by a group of foreign businessmen to extinguish the fundamental rights of Native Hawaiians to self determination as an independent people and to rob them of their entitlements. This would be the start of the deterioration of a proud, strong culture that did nothing to the people who threatened and continue to threaten it today.

The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It provides a chance for Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect. The Akaka-Stevens bill does much more than provide Native Hawaiians the long overdue federal recognition they deserve. It provides a framework for Native Hawaiians to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

The time has come for Congress to finally recognize Native Hawaiians as an indigenous group in the United States. I ask you please to support S. 344 and allow Native Hawaiians the right to have a special political relationship with the United States which in turn will allow them to pursue and decide their own destinies, not to live one that was decided for them.

Aloha,



**Abbie L. Chong, 1023 Maunawili Road, Kailua, HI 96734**

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



August 14, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

Dear Senator McCain,

Please support Native Hawaiians' right to self determination and governance. Senate bill S. 344 can help Native Hawaiians to realize and ensure a bright, promising future for their culture for generations to come. The United States has provided federal recognition to every indigenous tribe in the United States except Native Hawaiians. It simply is not fair for Congress to allow all indigenous tribes in the U.S. to have a special government-to-government relationship and exclude only Native Hawaiians.

It has been well over a century that Native Hawaiians have been denied this right and it is time for Congress to realize and extend the same opportunities to them as every other indigenous people within its borders. Native Hawaiians are faced with having to choose a path to facilitate the successful resurgence of their proud culture. They are faced with having to come together and decide what will be best for them in a context in which they choose to ensure the perpetuation of their culture.

Again, please support the right to self determination and governance by supporting S. 344, the Akaka-Stevens Bill. It provides a context in which Native Hawaiians can pursue their destiny. It is imperative that Congress pass this legislation to help facilitate a process that is much needed at this point in time.

Aloha and mahalo,

A handwritten signature in cursive script, appearing to read "Debra Chu".

Debra and Greg Chu  
Kāne'ohe, Hawai'i 96744

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

September 8, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

Dear Senator McCain,

For the first time in over a century, Native Hawaiians are faced with having to choose a path to facilitate the successful resurgence of their proud culture. They are faced with having to come together and decide what will be best for them in a context in which they choose to ensure the perpetuation of their culture. The resurgence I speak of is evident in the State of Hawai'i in a variety of ways.

Hawaiian language immersion and charter schools are finding it difficult to accommodate the number of applications they receive. Traditional hula is growing more and more popular in Hawai'i's community and worldwide. Hawaiian political activism to support the protection of the environment and historical sites has risen to new heights of participation. And, perhaps most notable, Native Hawaiians yearn to create their own government in which they have control over their future.

Senate Bill 344, otherwise known as the Akaka-Stevens Bill, provides a context in which Native Hawaiians can pursue their destiny. It provides an important framework for them to work in cooperation with the U.S. government on issues that affect them without having to rely on the U.S. Supreme Court to make these decisions for them. It is imperative that Congress pass this legislation to help facilitate a process that is much needed at this point in time. Please support passage of S. 344.

Aloha and mahalo,

Sally Crowell  
217 Prospect Street, E9  
Honolulu, HI 96813

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 13, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

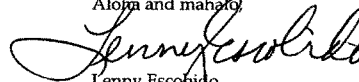
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Senate Bill 344, otherwise known as the Akaka-Stevens Bill, provides a context in which Native Hawaiians can pursue their destiny. It provides an important framework for them to work in cooperation with the U.S. government on issues that affect them without having to rely on the U.S. Supreme Court to make these decisions for them. It is imperative that Congress pass this legislation to help facilitate a process that is much needed at this point in time. Please support passage of S. 344.

Aloha and mahalo



Lenny Escobido  
2430 Liliha St  
Honolulu, HI 96817

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 13, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

Dear Senator McCain,

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Senate Bill 344, otherwise known as the Akaka-Stevens Bill, provides a context in which Native Hawaiians can pursue their destiny. It provides an important framework for them to work in cooperation with the U.S. government on issues that affect them without having to rely on the U.S. Supreme Court to make these decisions for them. It is imperative that Congress pass this legislation to help facilitate a process that is much needed at this point in time. Please support passage of S. 344.

Aloha and-mahalo



Michico Escobido  
2430 Liliha St.  
Honolulu, HI 96817

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 20, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

Dear Senator McCain,

Now more than ever, Native Hawaiians are faced with the tough reality of threats to their identity as a distinct indigenous people and their culture. These threats seek to finish what was started a little over 100 years ago with the illegal overthrow of the Hawaiian monarchy, a scheme instigated by a group of foreign businessmen to extinguish the fundamental rights of Native Hawaiians to self determination as an independent people and to rob them of their entitlements. This would be the start of the deterioration of a proud, strong culture that did nothing to the people who threatened and continue to threaten it today.

The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It provides a chance for Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect. The Akaka-Stevens bill does much more than provide Native Hawaiians the long overdue federal recognition they deserve. It provides a framework for Native Hawaiians to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

The time has come for Congress to finally recognize Native Hawaiians as an indigenous group in the United States. I ask you please to support S. 344 and allow Native Hawaiians the right to have a special political relationship with the United States which in turn will allow them to pursue and decide their own destinies, not to live one that was decided for them.

Aloha,



Dana O. Hauanio  
94-227 Kupuna Loop  
Waipahu, HI 96797

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 20, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

Dear Senator McCain,

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Senate Bill 344, otherwise known as the Akaka-Stevens Bill, provides a context in which Native Hawaiians can pursue their destiny. It provides an important framework for them to work in cooperation with the U.S. government on issues that affect them without having to rely on the U.S. Supreme Court to make these decisions for them. It is imperative that Congress pass this legislation to help facilitate a process that is much needed at this point in time. Please support passage of S. 344.

Aloha and mahalo,



Sue Ho  
1121 Hoolai Street  
Honolulu, Hawaii 96814



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 20, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

Dear Senator McCain,

As a Native Hawaiian, I was raised to be proud of my culture and taught never to do anything to jeopardize that pride. This principle has survived for generations and has been reinforced through some of the most difficult periods in our history. For a culture to live, it is incumbent that it be practiced on a daily basis by its people, something Native Hawaiians have been actively doing for centuries.

The past century has been a challenging one for Native Hawaiians. There has never been a period more perplexing for our people. We are challenged daily to find a balance between our beloved native culture and the cultures of our loved non-Hawaiian friends and family who have made Hawai'i their home. It has been a challenge we have faced with confidence and pride. We are motivated in knowing that we come from a culture that demands love, understanding, and tolerance. Finding the balance between these principles is what we call *aloha*.

Senate Bill 344 provides Native Hawaiians a mechanism to further refine this balance. It would allow Native Hawaiians to work in cooperation with the U.S. government to assure future generations of all Hawaii residents the right to inherit a proud culture.

Please assure Native Hawaiians the right to determine their own destinies and support the continued survival of a heritage that is defined by the proud, strong, tolerant people that represent it. Please support S. 344, the Akaka-Stevens bill.

Aloha and mahalo,



Stephen E. K. Kaaa  
First Hawaiian Bank  
1580 Kapiolani Blvd.  
Honolulu, HI 96814

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

*August 28, 2003*

*Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510*

*Dear Senator McCain,*

*As a Native Hawaiian, I was raised to be proud of my culture and taught never to do anything to jeopardize that pride. This principle has survived for generations and has been reinforced through some of the most difficult periods in our history. For a culture to live, it is incumbent that it be practiced on a daily basis by its people, something Native Hawaiians have been actively doing for centuries.*

*The past century has been a challenging one for Native Hawaiians. There has never been a period more perplexing for our people. We are challenged daily to find a balance between our beloved native culture and the cultures of our loved non-Hawaiian friends and family who have made Hawai'i their home. It has been a challenge we have faced with confidence and pride. We are motivated in knowing that we come from a culture that demands love, understanding, and tolerance. Finding the balance between these principles is what we call aloha.*

*Senate Bill 344 provides Native Hawaiians a mechanism to further refine this balance. It would allow Native Hawaiians to work in cooperation with the U.S. government to assure future generations of all Hawaii residents the right to inherit a proud culture.*

*Please assure Native Hawaiians the right to determine their own destinies and support the continued survival of a heritage that is defined by the proud, strong, tolerant people that represent it. Please support S. 344, the Akaka-Stevens bill.*

*Aloha and mahalo.*

*Benjamin Judah Kalima  
41-218 Lupe St.  
Waimanalo, HI 96795*

*Ben Kalima*

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 28, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

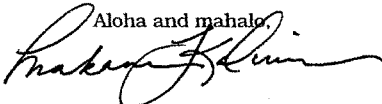
Dear Senator McCain,

As a Native Hawaiian, I was raised to be proud of my culture and taught never to do anything to jeopardize that pride. This principle has survived for generations and has been reinforced through some of the most difficult periods in our history. For a culture to live, it is incumbent that it be practiced on a daily basis by its people, something Native Hawaiians have been actively doing for centuries.

The past century has been a challenging one for Native Hawaiians. There has never been a period more perplexing for our people. We are challenged daily to find a balance between our beloved native culture and the cultures of our loved non-Hawaiian friends and family who have made Hawai'i their home. It has been a challenge we have faced with confidence and pride. We are motivated in knowing that we come from a culture that demands love, understanding, and tolerance. Finding the balance between these principles is what we call aloha.

Senate Bill 344 provides Native Hawaiians a mechanism to further refine this balance. It would allow Native Hawaiians to work in cooperation with the U.S. government to assure future generations of all Hawaii residents the right to inherit a proud culture.

Please assure Native Hawaiians the right to determine their own destinies and support the continued survival of a heritage that is defined by the proud, strong, tolerant people that represent it. Please support S. 344, the Akaka-Stevens bill.

Aloha and mahalo,  


Makanamaikalani Kalima  
41-218 Lupe St.  
Waimanalo, HI 96795

S. 147 was S. 344  
in the 109<sup>th</sup> Congress

**Bill Keanu**  
**55-164-B Kula Nui Street**  
**Lā'ie, Hawai'i 96762**

August 14, 2003

The Honorable John McCain  
United States Senator  
Russell Senate Office Building, Room 241  
Washington, D.C. 20510


Dear Senator McCain:

Please support Native Hawaiians' right to self determination and governance. Senate Bill 344 can help Native Hawaiians to realize and ensure a bright, promising future for their culture for generations to come. The United States has provided federal recognition to every indigenous tribe in the United States except Native Hawaiians. It simply is not fair for Congress to allow all indigenous tribes in the U.S. to have a special government-to-government relationship and exclude only Native Hawaiians.

It has been well over a century that Native Hawaiians have been denied this right and it is time for Congress to realize and extend the same opportunities to them as every other indigenous people within its borders. The United States must honor the wrongs that were committed against Native Hawaiians in the past by ensuring the perpetuation and continuation of their very existence as a people.

Please support our right to self determination and governance by supporting S. 344, the Akaka-Stevens Bill.

Aloha,



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

**Chad Keanu  
55-164-B Kulanui Street  
Lā'ie, Hawai'i 96762**

August 20, 2003

The Honorable John McCain  
United States Senator  
Russell Senate Office Building, Room 241  
Washington, D.C. 20510

Dear Senator McCain:

As a Native Hawaiian, I was raised to be proud of my culture and taught never to do anything to jeopardize that pride. This principle has survived for generations and has been reinforced through some of the most difficult periods in our history. For a culture to live, it is incumbent that it be practiced on a daily basis by its people, something Native Hawaiians have been actively doing for centuries.

The past century has been a challenging one for Native Hawaiians. There has never been a period more perplexing for our people. We are challenged daily to find a balance between our beloved native culture and the cultures of our loved non-Hawaiian friends and family who have made Hawai'i their home. It has been a challenge we have faced with confidence and pride. We are motivated in knowing that we come from a culture that demands love, understanding, and tolerance. Finding the balance between these principles is what we call *aloha*.

Senate Bill 344 provides Native Hawaiians a mechanism to further refine this balance. It would allow Native Hawaiians to work in cooperation with the U.S. government to assure future generations of all Hawaii residents the right to inherit a proud culture.

Please assure Native Hawaiians the right to determine their own destinies and support the continued survival of a heritage that is defined by the proud, strong, tolerant people that represent it. Please support S. 344, the Akaka-Stevens bill.

Aloha and mahalo,



**S. 147 was S. 344**  
**Kelī'i Keanu in the 109<sup>th</sup> Congress**  
**55-164-B Kula Nui Street**  
**Lā'ie, Hawai'i 96762**

August 13, 2003

The Honorable John McCain  
United States Senator  
Russell Senate Office Building, Room 241  
Washington, D.C. 20510

Dear Senator McCain:

Now more than ever, Native Hawaiians are faced with the tough reality of threats to their identity as a distinct indigenous people and their culture. These threats seek to finish what was started a little over 100 years ago with the illegal overthrow of the Hawaiian monarchy, a scheme instigated by a group of foreign businessmen to extinguish the fundamental rights of Native Hawaiians to self determination as an independent people and to rob them of their entitlements. This would be the start of the deterioration of a proud, strong culture that did nothing to the people who threatened and continue to threaten it today.

The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It provides a chance for Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect. The Akaka-Stevens bill does much more than provide Native Hawaiians the long overdue federal recognition they deserve. It provides a framework for Native Hawaiians to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

The time has come for Congress to finally recognize Native Hawaiians as an indigenous group in the United States. I ask you please to support S. 344 and allow Native Hawaiians the right to have a special political relationship with the United States which in turn will allow them to pursue and decide their own destinies, not to live one that was decided for them.

Aloha,

*Kelī'i Keanu*

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

**Wendilei Keanu  
55-164-B Kula Nui Street  
Lā'ie, Hawai'i 96762**

August 21, 2003

The Honorable John McCain  
United States Senator  
Russell Senate Office Building, Room 241  
Washington, D.C. 20510

Dear Senator McCain:

As a Native Hawaiian, I was raised to be proud of my culture and taught never to do anything to jeopardize that pride. This principle has survived for generations and has been reinforced through some of the most difficult periods in our history. For a culture to live, it is incumbent that it be practiced on a daily basis by its people, something Native Hawaiians have been actively doing for centuries.

The past century has been a challenging one for Native Hawaiians. There has never been a period more perplexing for our people. We are challenged daily to find a balance between our beloved native culture and the cultures of our loved non-Hawaiian friends and family who have made Hawai'i their home. It has been a challenge we have faced with confidence and pride. We are motivated in knowing that we come from a culture that demands love, understanding, and tolerance. Finding the balance between these principles is what we call *aloha*.

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Please assure Native Hawaiians the right to determine their own destinies and support the continued survival of a heritage that is defined by the proud, strong, tolerant people that represent it. Please support S. 344, the Akaka-Stevens bill.

Aloha and mahalo,

*Wendilei Keanu*

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

**Rhonda Kelly**  
**53-567 Kamehameha Highway, #515**  
**Hau'ula, Hawai'i 96717**

August 20, 2003

The Honorable John McCain  
United States Senator  
Russell Senate Office Building, Room 241  
Washington, D.C. 20510

Dear Senator McCain:

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Aloha,





**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 20, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

Dear Senator McCain,

Please support Native Hawaiians' right to self determination and governance. Senate bill S. 344 can help Native Hawaiians to realize and ensure a bright, promising future for their culture for generations to come. The United States has provided federal recognition to every indigenous tribe in the United States except Native Hawaiians. It simply is not fair for Congress to allow all indigenous tribes in the U.S. to have a special government-to-government relationship and exclude only Native Hawaiians.

It has been well over a century that Native Hawaiians have been denied this right and it is time for Congress to realize and extend the same opportunities to them as every other indigenous people within its borders. The United States must honor the wrongs that were committed against Native Hawaiians in the past by ensuring the perpetuation and continuation of their very existence as a people.

Please support their right to self determination and governance by supporting S. 344, the Akaka-Stevens Bill.

Aloha and mahalo,



John P. Keppeler, II  
Royal Hawaiian Packaging, Inc.  
2822 Laola Place  
Honolulu, HI 96813

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

September 8, 2003

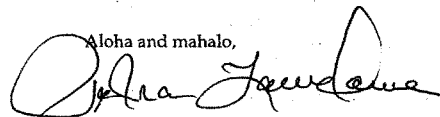
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Aloha and mahalo,  


**Petra Lawelawe  
365-B Kalama Street  
Kailua, HI 96734**

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 21, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

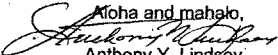
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As a Native Hawaiian, I was raised to be proud of my culture and taught never to do anything to jeopardize that pride. This principle has survived for generations and has been reinforced through some of the most difficult periods in our history. For a culture to live, it is incumbent that it be practiced on a daily basis by its people, something Native Hawaiians have been actively doing for centuries.

The past century has been a challenging one for Native Hawaiians. There has never been a period more perplexing for our people. We are challenged daily to find a balance between our beloved native culture and the cultures of our loved non-Hawaiian friends and family who have made Hawai'i their home. It has been a challenge we have faced with confidence and pride. We are motivated in knowing that we come from a culture that demands love, understanding, and tolerance. Finding the balance between these principles is what we call *aloha*.

Senate Bill 344 provides Native Hawaiians a mechanism to further refine this balance. It would allow Native Hawaiians to work in cooperation with the U.S. government to assure future generations of all Hawaii residents the right to inherit a proud culture.

Please assure Native Hawaiians the right to determine their own destinies and support the continued survival of a heritage that is defined by the proud, strong, tolerant people that represent it. Please support S. 344, the Akaka-Stevens bill.

*Aloha and mahalo,*  
  
Anthony Y. Lindsey  
626 Coral St.  
Honolulu, HI 96813-5906

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 20, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

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Aloha and mahalo,



Wendell H. Nunes  
Central Pacific Bank  
P. O. Box 3590  
Honolulu, HI 96811

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 13, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

Dear Senator McCain,

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Aloha and mahalo,



Ann McBirnie  
1063 Lunaho'ouia Place  
Kailua, HI 96734

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 20, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

Dear Senator McCain,

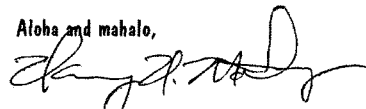
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Aloha and mahalo,



Harvey H. McInerney, Jr  
McInerney Financial Group  
2885 S. King Street, Ste. 201  
Honolulu, HI 96826

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 20, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

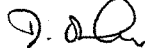
Dear Senator McCain,

For the first time in over a century, Native Hawaiians are faced with having to choose a path to facilitate the successful resurgence of their proud culture. They are faced with having to come together and decide what will be best for them in a context in which they choose to ensure the perpetuation of their culture. The resurgence I speak of is evident in the State of Hawai'i in a variety of ways.

Hawaiian language immersion and charter schools are finding it difficult to accommodate the number of applications they receive. Traditional hula is growing more and more popular in Hawai'i's community and worldwide. Hawaiian political activism to support the protection of the environment and historical sites has risen to new heights of participation. And, perhaps most notable, Native Hawaiians yearn to create their own government in which they have control over their future.

Senate Bill 344, otherwise known as the Akaka-Stevens Bill, provides a context in which Native Hawaiians can pursue their destiny. It provides an important framework for them to work in cooperation with the U.S. government on issues that affect them without having to rely on the U.S. Supreme Court to make these decisions for them. It is imperative that Congress pass this legislation to help facilitate a process that is much needed at this point in time. Please support passage of S. 344.

Aloha and mahalo,



Dean Oshiro  
99-062 Moanalua Road  
Aiea, HI 96701

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

Dear Senator John McCain:

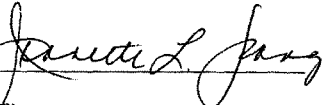
I am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

These bills reaffirm the relationship between Native Hawaiians and the United States and represents an important step in the process of reconciliation between the United States and the Hawaiian peoples acknowledged by Congress as necessary through the enactment of the Apology Resolution, P.L. 103-150.

Congress has passed more than 100 bills relating to Native Hawaiians. Most of these acts of Congress treat Hawaiians similarly to Native Americans and Alaska Natives, but unlike the other indigenous peoples of the United States, Hawaiians have been excluded from the U.S. policy concerning native American self-determination. It is time to end this discrimination and to begin the process of reconciliation.

Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name:   
Address: \_\_\_\_\_  
\_\_\_\_\_



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 13, 2003

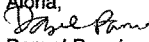
Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

Dear Senator McCain,

Now more than ever, Native Hawaiians are faced with the tough reality of threats to our identity as a distinct indigenous people and our culture. These threats seek to finish what was started a little over 100 years ago with the illegal overthrow of the Hawaiian monarchy, a scheme instigated by a group of foreign businessmen to extinguish the fundamental rights of Native Hawaiians to self determination as an independent people and to rob us of our entitlements. This would be the start of the deterioration of a proud, strong culture that did nothing to the people who threatened and continue to threaten it today.

The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue our own destinies. It provides a chance for Hawaiians to come together and focus on our strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect. The Akaka-Stevens bill does much more than provide Native Hawaiians the long overdue federal recognition they deserve. It provides a framework for Native Hawaiians to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

The time has come for Congress to finally recognize Native Hawaiians as an indigenous group in the United States. I ask you, please, to support S. 344 and allow Native Hawaiians the right to have a special political relationship with the United States which in turn will allow us to pursue and decide our own destinies, not to live one that was decided for us.

Aloha,  
  
Danyel Panui  
89-976 Haleakala Avenue  
Nanakuli, HI 96792

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Rodenhurst  
91-481 Pāpīpi Road  
'Ewa Beach, Hawai'i  
96706

August 29, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

Aloha Senator McCain,

I was born and raised in Hawai'i and I am a native Hawaiian. As I was educated in the American School Systems, one of the basic principles that were taught was that which was stated in the Declaration of Independence... that this country was founded on the principle of "Liberty and Justice for All." I believe in that basic principle and I believe it is what makes this Nation strong and viable. This country has fought many wars and lost many loyal soldiers defending freedom (liberty) and justice against aggressors throughout the world, i.e., WWI, WWII, Korea, Vietnam, the Gulf war, Iraq, etc. These were noble and worthy efforts for noble and worthy principles.

More than 100 years ago the U.S. participated in a less noble action that led to an ignoble conclusion. This single act taints my perception of our great fundamental tenant of American Principle of Justice and the correction of Injustice. Today, we have an opportunity to correct an injustice foisted upon a defenseless and loving people who have not shown any malice to the American people. I urge you to support S. 344, the Akaka Stevens Bill which would allow Native Hawaiians an opportunity to heal the hurts perpetuated so long ago. America has fought many wars in order to right the wrongs others have inflicted. But this is not a war and Hawaiians are not at war with the U.S. S. 344 is a peaceful, noble and honorable way to restore the freedom of choice and to institute the promise of justice so inherent to this great American Nation. Please assist all of us, Hawaiian and non-Hawaiian alike to demonstrate that we place no exceptions on the right of all people to enjoy their inalienable rights to the pursuant of life, liberty, justice, happiness, and peace. The U.S. Government is the protector of all of these principles and I appeal to your individual as well as governmental sense of justice to help us end this chapter in our history.

In all humility I thank you for your kind and loving consideration. May God continue to bless you with His love and wisdom.

Aloha nō,

Walter V. Rodenhurst III

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

September 8, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

Dear Senator McCain,

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Please assure Native Hawaiians the right to determine their own destinies and support the continued survival of a heritage that is defined by the proud, strong, tolerant people that represent it. Please support S. 344, the Akaka-Stevens bill.

*Aloha and mahalo,*

  
SONOQINI 'OHANA, 95-117 WAIMAKU PLACE, MILILANI, HI 96789

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

*September 8, 2003*

*Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510*

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*Aloha.*



**Margaret Kula Stafford 3155 Lincoln Avenue, Honolulu, HI 96816**

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

**Wallace Keli'iwalea Walea  
53-567 Kamehameha Highway, #515  
Hau'ula, Hawai'i 96717**

August 20, 2003

The Honorable John McCain  
United States Senator  
Russell Senate Office Building, Room 241  
Washington, D.C. 20510

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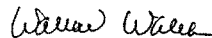
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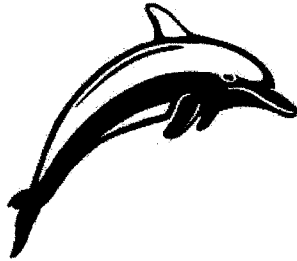
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Aloha and mahalo,



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



August 13, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

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Aloha and Mahalo,

  
The Young Family  
2343 Kula Kolea  
Honolulu, Hawai'i 96819

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

**Kathryn & Sam Cvijanovich  
2421 Miramar Place  
Oxnard, California 93035**

August 20, 2003

The Honorable John McCain  
United States Senator  
Russell Senate Office Building, Room 241  
Washington, D.C. 20510

Dear Senator McCain:

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The past century has been a challenging one for Native Hawaiians. There has never been a period more perplexing for our people. We are challenged daily to find a balance between our beloved native culture and the cultures of our loved non-Hawaiian friends and family who have made Hawai'i their home. It has been a challenge we have faced with confidence and pride. We are motivated in knowing that we come from a culture that demands love, understanding, and tolerance. Finding the balance between these principles is what we call *aloha*.

Senate Bill 344 provides Native Hawaiians a mechanism to further refine this balance. It would allow Native Hawaiians to work in cooperation with the U.S. government to assure future generations of all Hawaii residents the right to inherit a proud culture.

Please assure Native Hawaiians the right to determine their own destinies and support the continued survival of a heritage that is defined by the proud, strong, tolerant people that represent it. Please support S. 344, the Akaka-Stevens bill.

Aloha and mahalo,



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 20, 2003

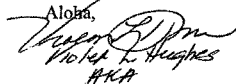
Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

Dear Senator McCain,

Now more than ever, Native Hawaiians are faced with the tough reality of threats to their identity as a distinct indigenous people and their culture. These threats seek to finish what was started a little over 100 years ago with the illegal overthrow of the Hawaiian monarchy, a scheme instigated by a group of foreign businessmen to extinguish the fundamental rights of Native Hawaiians to self determination as an independent people and to rob them of their entitlements. This would be the start of the deterioration of a proud, strong culture that did nothing to the people who threatened and continue to threaten it today.

The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It provides a chance for Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect. The Akaka-Stevens bill does much more than provide Native Hawaiians the long overdue federal recognition they deserve. It provides a framework for Native Hawaiians to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

The time has come for Congress to finally recognize Native Hawaiians as an indigenous group in the United States. I ask you please to support S. 344 and allow Native Hawaiians the right to have a special political relationship with the United States which in turn will allow them to pursue and decide their own destinies, not to live one that was decided for them.

Aloha,  
  
Kuulei Hughes  
1330 36th Avenue  
San Francisco, CA 94122



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 20, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

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Aloha,



Mark Kamakele  
344 Lillo Avenue  
San Leandro, CA 94577

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

September 30, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

Dear Senator John McCain:

The Akaka-Stevens measure (S. 344) that is currently pending before Congress needs your support. There are three distinct indigenous peoples of the United States of America: Native Americans, Alaska Natives, and Native Hawaiians. Of the three indigenous peoples, Native Hawaiians have yet to be **FEDERALLY RECOGNIZED**.

In 1826, the United States of America and the Hawaiian Kingdom sign the **FIRST** of **FIVE TREATIES** recognizing the sovereignty of the Hawaiian government and making a commitment to friendship and peace.

In 1993, the Congress passes and the President signs, Public Law 103-150 commonly known as "The Apology Bill", apologizing for the United States' armed participation in the unlawful overthrow of the Hawaiian Kingdom in 1893.

S. 344 provides a chance for Native Hawaiians to unite and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect.

I ask you please to support S. 344 and **allow Native Hawaiians the right to have a special political relationship with the United States.**

Sincerely,

*Victor Kaine Pany*

Address

*9351 Tidewater Circle  
Huntington Beach, Ca 92646*

CC: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 20, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

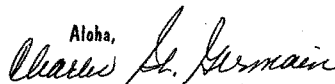
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The time has come for Congress to finally recognize Native Hawaiians as an indigenous group in the United States. I ask you please to support S. 344 and allow Native Hawaiians the right to have a special political relationship with the United States which in turn will allow them to pursue and decide their own destinies, not to live one that was decided for them.

Aloha,



Charles St. Germain  
17072 Via Cielo  
San Lorenzo CA 94580-2826

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 20, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

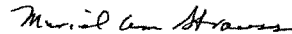
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Aloha,



Muriel Ann Strauss  
1330 36th Avenue  
San Francisco, CA 94122

S. 147 was S. 344  
in the 109<sup>th</sup> Congress

**Mei-Lynne & Jim Statler**  
**4912 W. Wind River Drive**  
**Spokane, Washington 99208**

August 14, 2003

The Honorable John McCain  
United States Senator  
Russell Senate Office Building, Room 241  
Washington, D.C. 20510

Dear Senator McCain:

Please support Native Hawaiians' right to self determination and governance. Senate Bill 344 can help Native Hawaiians to realize and ensure a bright, promising future for their culture for generations to come. The United States has provided federal recognition to every indigenous tribe in the United States except Native Hawaiians. It simply is not fair for Congress to allow all indigenous tribes in the U.S. to have a special government-to-government relationship and exclude only Native Hawaiians.

It has been well over a century that Native Hawaiians have been denied this right and it is time for Congress to realize and extend the same opportunities to them as every other indigenous people within its borders. The United States must honor the wrongs that were committed against Native Hawaiians in the past by ensuring the perpetuation and continuation of their very existence as a people.

Please support our right to self determination and governance by supporting S. 344, the Akaka-Stevens Bill.

Aloha,  
*Mei-Lynne & Jim Statler*

S. 147 was S. 344  
in the 109<sup>th</sup> Congress

*E kani ka `alā, E kopi ka pa`akai, E hū ka `opae,  
Pehea ka pōloli a ka Hawai`i?*

September 20, 2003

Senator *McCain*  
*RS* Senate Office Building  
Room *241*  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator

The Akaka-Stevens measure (S. 344) that is currently pending before Congress needs your support. There are three distinct indigenous peoples of the United States of America: Native Americans, Alaska Natives, and Native Hawaiians. Of the three indigenous peoples, Native Hawaiians have yet to be FEDERALLY RECOGNIZED.

As afforded to Native Americans and Alaska Natives, The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It also provides protection to their entitlements which is now being challenged in the federal courts. As the proverb below states: Native Hawaiians have their subsistence; Yet how can their future be assured?

Please assure the passage of the Akaka-Stevens Bill, S. 344.

Sincerely, *Kekoa Pacheco*

Address: *3685 Monroe Ave  
Salem, OR 97303*

CC: U.S. Senate

Hawaiian Proverb by Puanani Wilhelm: *E kani ka `alā, E kopi ka pa`akai, E hū ka `opae, Pehea ka pōloli a ka Hawai`i?* We have our land, our present oceans Food provided by both; Yet how can our future be assured?

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

*E kani ka 'alā, E kopi ka pa'akai, E hū ka 'opae,  
Pehea ka pōloli a ka Hawai'i?*

September 20, 2003

Senator *McCain*  
*RS* Senate Office Building  
Room *24*  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

Dear Senator

The Akaka-Stevens measure (S. 344) that is currently pending before Congress needs your support. There are three distinct indigenous peoples of the United States of America: Native Americans, Alaska Natives, and Native Hawaiians. Of the three indigenous peoples, Native Hawaiians have yet to be FEDERALLY RECOGNIZED.

As afforded to Native Americans and Alaska Natives, The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It also provides protection to their entitlements which is now being challenged in the federal courts. As the proverb below states: Native Hawaiians have their subsistence; Yet how can their future be assured?

Please assure the passage of the Akaka-Stevens Bill, S. 344.

Sincerely, *Kekoa Pacheco*

Address: *3685 Monroe Ave  
Salem, OR 97303*

CC: U.S. Senate

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**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 19, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

Dear Senator McCain,

Now more than ever, Native Hawaiians are faced with the tough reality of threats to their identity as a distinct indigenous people and their culture. These threats seek to finish what was started a little over 100 years ago with the illegal overthrow of the Hawaiian monarchy, a scheme instigated by a group of foreign businessmen to extinguish the fundamental rights of Native Hawaiians to self determination as an independent people and to rob them of their entitlements. This would be the start of the deterioration of a proud, strong culture that did nothing to the people who threatened and continue to threaten it today.

The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It provides a chance for Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect. The Akaka-Stevens bill does much more than provide Native Hawaiians the long overdue federal recognition they deserve. It provides a framework for Native Hawaiians to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

The time has come for Congress to finally recognize Native Hawaiians as an indigenous group in the United States. I ask you please to support S. 344 and allow Native Hawaiians the right to have a special political relationship with the United States which in turn will allow them to pursue and decide their own destinies, not to live one that was decided for them.

Aloha,



Charles Stockes  
6308 South Smokey Cir.  
West Jordan, UT 84120



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 13, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510


Dear Senator McCain,

For the first time in over a century, Native Hawaiians are faced with having to choose a path to facilitate the successful resurgence of their proud culture. They are faced with having to come together and decide what will be best for them in a context in which they choose to ensure the perpetuation of their culture. The resurgence I speak of is evident in the State of Hawai'i in a variety of ways.

Hawaiian language immersion and charter schools are finding it difficult to accommodate the number of applications they receive. Traditional hula is growing more and more popular in Hawai'i's community and worldwide. Hawaiian political activism to support the protection of the environment and historical sites has risen to new heights of participation. And, perhaps most notable, Native Hawaiians yearn to create their own government in which they have control over their future.

Senate Bill 344, otherwise known as the Akaka-Stevens Bill, provides a context in which Native Hawaiians can pursue their destiny. It provides an important framework for them to work in cooperation with the U.S. government on issues that affect them without having to rely on the U.S. Supreme Court to make these decisions for them. It is imperative that Congress pass this legislation to help facilitate a process that is much needed at this point in time. Please support passage of S. 344.

Aloha and mahalo,



Leilomi Brown  
205 Malcolm Drive  
Silver Springs, MD 20901

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 19, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

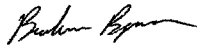
Dear Senator McCain,

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The time has come for Congress to finally recognize Native Hawaiians as an indigenous group in the United States. I ask you please to support S. 344 and allow Native Hawaiians the right to have a special political relationship with the United States which in turn will allow them to pursue and decide their own destinies, not to live one that was decided for them.

Sincerely,



Barbara Byrne  
5845 Roxford Dr.  
Springfield, Va. 22152

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 13, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

Dear Senator McCain,

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Aloha,



Zachary Beimes  
415 Washington Boulevard  
Marina Del Ray, CA 90292

~~S. 147~~ was **S. 344**  
in the 109<sup>th</sup> Congress

Christi Moore 6327 E. Hannibal Street, Mesa, AZ 85205

August 31, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

RE: **S. 344 AKAKA-STEVENS BILL**

Dear Senator John McCain:

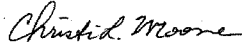
The Akaka-Stevens measure (S. 344) that is currently pending before Congress needs your support. There are three distinct indigenous peoples of the United States of America: Native Americans, Alaska Natives, and Native Hawaiians. Of the three indigenous peoples, Native Hawaiians have yet to be **FEDERALLY RECOGNIZED**.

As afforded to Native Americans and Alaska Natives, The Akaka-Stevens Bill, S. 344, provides hope and direction for **Native Hawaiians** to pursue their own destinies. It provides a chance for Native Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect.

The Akaka-Stevens bill does much more than provide **Native Hawaiians** the long overdue federal recognition they deserve. It provides a framework for **Native Hawaiians** to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

I ask you please to support S. 344 and allow **Native Hawaiians** the right to have a **special political relationship with the United States**.

Sincerely,



Christi Moore

CC: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

HALAU PO'OKALANI, KUMU HULA HAZEL SOARES  
1031 Stewart #1131 S, Mesa, AZ 85202

August 30, 2003

Senator John McCain  
Russell Senate Office Building  
Room 241  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator John McCain:

The Akaka-Stevens measure (S. 344) is currently pending before Congress. I am asking you to support FEDERAL RECOGNITION FOR NATIVE HAWAIIANS.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

I ask you please to support S. 344 and *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,



Hazel Soares

CC: U.S. Senate

Hawaiian Proverb: *Huki ke kalo i ka ulu o ka 'ohā, Pehea ka pōloli a ka Hawai'i? We have our subsistence; yet how can our future be assured?*

~~S. 147 was S. 344~~  
in the 109<sup>th</sup> Congress

*E kani ka 'aiā, E kopi ka pa'akai, E hū ka 'opae,  
Pehea ka pōloli a ka Hawai'i?*

September 20, 2003

Senator *John McCain (class 1)*  
*AL* Senate Office Building  
Room ~~730~~ *241 Russell*  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

Dear Senator

The Akaka-Stevens measure (S. 344) that is currently pending before Congress needs your support. There are three distinct indigenous peoples of the United States of America: Native Americans, Alaska Natives, and Native Hawaiians. Of the three indigenous peoples, Native Hawaiians have yet to be **FEDERALLY RECOGNIZED**.

As afforded to Native Americans and Alaska Natives, The Akaka-Stevens Bill, S. 344, provides hope and direction for **Native Hawaiians** to pursue their own destinies. It also provides protection to their entitlements which is now being challenged in the federal courts. As the proverb below states: Native Hawaiians have their subsistence; Yet how can their future be assured?

Please assure the passage of the Akaka-Stevens Bill, S. 344.

Sincerely,

*Valery Brandon*

Address:  
*VALERY BRANDOW  
2149 W. DEVONSHIRE ST  
MESA, AZ 85201*

CC: U.S. Senate

Hawaiian Proverb by Puanani Wilholm: *E kani ka 'aiā, E kopi ka pa'akai, E hū ka 'opae, Pehea ka pōloli a ka Hawai'i?* We have our land, our present oceans Food provided by both; Yet how can our future be assured?

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 27, 2003

Honorable John McCain  
U.S. Senate  
241 Russell Senate Office Building  
Washington, D.C.

Dear Senator McCain:

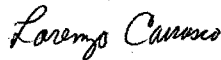
Native Hawaiians desperately **need your support of S. 344, the Akaka-Stevens Bill for federal recognition**. This is a culture that has been under assault since the illegal overthrow in 1893, which was facilitated by American citizens. President Cleveland acknowledged that the overthrow was wrong and an embarrassment to the U.S. In 1993, President Clinton apologized for the overthrow.

Please help to make things right.

Having been raised in Arizona, I am very familiar with federal recognition and American Indians. Please give Native Hawaiians the same opportunity to take control of their future and improve their dismal socio-economic conditions. They need the chance to make a different life for themselves.

All of the Hawai'i Congressional delegation is in favor of S. 344. We ask you to show that the people of Arizona also support federal recognition for Native Hawaiians.

E mälama pono,



Lorenzo Carrasco  
2323 W. Solano Drive  
Phoenix, Arizona 85015

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

*E kani ka 'alā, E kōpi ka pa'akai, E hū ka 'opae,  
Pehea ka pōloli a ka Hawai'i?*

September 20, 2003

Senator **John McCain**  
SR Senate Office Building  
Room **241**  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator **McCain**:

The Akaka-Stevens measure (S. 344) that is currently pending before Congress needs your support. There are three distinct indigenous peoples of the United States of America: Native Americans, Alaska Natives, and Native Hawaiians. Of the three indigenous peoples, Native Hawaiians have yet to be **FEDERALLY RECOGNIZED**.

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Please assure the passage of the Akaka-Stevens Bill, S. 344.

Sincerely,

*Donna S. Fernandez*

Address: *527 S. Stewart  
Mesa, AZ 85206*

CC: U.S. Senate

Hawaiian Proverb by Puanani Wilhelm: *E kani ka 'alā, E kōpi ka pa'akai, E hū ka 'opae, Pehea ka pōloli a ka Hawai'i?* We have our land, our present oceans Food provided by both; Yet how can our future be assured?



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**  
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Pehea ka pōloli a ka Hawai'i?*

September 20, 2003

Senator **John McCain**  
SR Senate Office Building  
Room **241**  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator **McCain**:

The Akaka-Stevens measure (S. 344) that is currently pending before Congress needs your support. There are three distinct indigenous peoples of the United States of America: Native Americans, Alaska Natives, and Native Hawaiians. Of the three indigenous peoples, Native Hawaiians have yet to be **FEDERALLY RECOGNIZED**.

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Please assure the passage of the Akaka-Stevens Bill, S. 344.

Sincerely,  
*Maui C. Fernald*

Address:  
*527 Stewart St  
Mesa, AZ 85202*

CC: U.S. Senate

Hawaiian Proverb by Puanani Wilhelm: *E kani ka 'alā, E kōpi ka pa'akai, E hū ka 'opae, Pehea ka pōloli a ka Hawai'i?* We have our land, our present oceans Food provided by both; Yet how can our future be assured?

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

FEDERAL RECOGNITION FOR NATIVE HAWAIIANS

September 21, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Daniel Akaka,

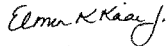
The Akaka-Stevens Bill (S.344) is currently pending before Congress. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

As the first inhabitants of the Hawaiian archipelago, Native Hawaiians continue to perpetuate their culture as passed on from their ancestors. In 1826, the United States of America and the Hawaiian Kingdom sign the FIRST of FIVE TREATIES recognizing the sovereignty of the Hawaiian government and making a commitment to friendship and peace.

In 1993, the Congress passes and the President signs, Public Law 103-150 commonly known as "The Apology Bill", apologizing for the United States' armed participation in the unlawful overthrow of the Hawaiian Kingdom in 1893.

Through S. 344, the United States will once again have a relationship with the Native Hawaiian people of the Hawaiian archipelago lands in the Pacific Ocean. Please endorse S. 344, the Akaka-Stevens Bill. It is time for U.S. Congress to federally recognize Native Hawaiians.

Sincerely,



Address: 1215 Alexander Street, Apt 406  
Honolulu, HI 96826

CC: U.S. Senate  
Hawaiian Proverb by Puanani Wilhelm: *E kani ka 'alā, E kōpi ka pa'akai, E hū ka 'opae, Pehea ka pōlohi a ka Hawai'i?* We have our land, our present oceans, food provided by both; Yet how can our future be assured?

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



FEDERAL RECOGNITION

September 20, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Daniel Akaka,

The Akaka-Stevens measure (S. 344) is currently pending before Congress. I am asking you to support FEDERAL RECOGNITION FOR NATIVE HAWAIIANS.

Native Hawaiians are the first inhabitants of the Hawaiian Islands. This unique and distinct people of Polynesia continue to perpetuate their culture as passed on centuries ago from their ancestors.

Native Hawaiians need your support to assist them in their efforts to unite and focus on their strengths as a collective people. As the first inhabitants with a unique culture, Native Hawaiians need to once again have its political relationship with the United States of America to help them to overcome barriers that threaten their existence.

Please support S. 344.

Sincerely,

A handwritten signature in black ink, appearing to read "Kaiti Arista K. Kaunua".

Address:

463 Keeka Drive Honolulu, HI 96818

CC: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

**Rhonda Kelly**  
**53-567 Kamehameha Highway, #515**  
**Hau'ula, Hawai'i 96717**

August 20, 2003

The Honorable Daniel Akaka  
United States Senator  
Hart Senate Office Building, Room 141  
Washington, D.C. 20510

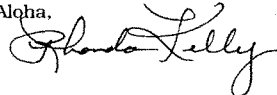
Dear Senator Akaka:

Now more than ever, Native Hawaiians are faced with the tough reality of threats to their identity as a distinct indigenous people and their culture. These threats seek to finish what was started a little over 100 years ago with the illegal overthrow of the Hawaiian monarchy, a scheme instigated by a group of foreign businessmen to extinguish the fundamental rights of Native Hawaiians to self determination as an independent people and to rob them of their entitlements. This would be the start of the deterioration of a proud, strong culture that did nothing to the people who threatened and continue to threaten it today.

The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It provides a chance for Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawai'i is dependent on in virtually every aspect. The Akaka-Stevens bill does much more than provide Native Hawaiians the long overdue federal recognition they deserve. It provides a framework for Native Hawaiians to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

The time has come for Congress to finally recognize Native Hawaiians as an indigenous group in the United States. I ask you please to support S. 344 and allow Native Hawaiians the right to have a special political relationship with the United States which in turn will allow them to pursue and decide their own destinies, not to live one that was decided for them.

Aloha,



**S. 147 was S. 344**  
**in the 109<sup>th</sup> Congress**  
*E kani ka 'alā, E kōpi ka pa'akai, E hū ka 'opae, Pehea ka pōlohi a ka Hawai'i?*

September 20, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

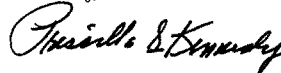
Dear Senator Daniel Akaka,

The Akaka-Stevens measure (S. 344) that is currently pending before Congress needs your support. There are three distinct indigenous peoples of the United States of America: Native Americans, Alaska Natives, and Native Hawaiians. Of the three indigenous peoples, Native Hawaiians have yet to be **FEDERALLY RECOGNIZED**.

As afforded to Native Americans and Alaska Natives, The Akaka-Stevens Bill, S. 344, provides hope and direction for **Native Hawaiians** to pursue their own destinies. It also provides protection to their entitlements which is now being challenged in the federal courts. As the proverb below states: Native Hawaiians have their subsistence; Yet how can their future be assured?

Please assure the passage of the Akaka-Stevens Bill, S. 344.

Sincerely,



Address:

PO Box 2254  
Ewa Beach, HI. 96706

CC: U.S. Senate

Hawaiian Proverb by Puanani Wilhelm: *E kani ka 'alā, E kōpi ka pa'akai, E hū ka 'opae, Pehea ka pōlohi a ka Hawai'i?* We have our land, our present oceans Food provided by both; Yet how can our future be assured?

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



FEDERAL RECOGNITION

September 20, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENSONS BILL

Dear Senator Daniel Akaka,

The Akaka-Stevens measure (S. 344) is currently pending before Congress. I am asking you to support FEDERAL RECOGNITION FOR NATIVE HAWAIIANS.

Native Hawaiians are the first inhabitants of the Hawaiian Islands. This unique and distinct people of Polynesia continue to perpetuate their culture as passed on centuries ago from their ancestors.

Native Hawaiians need your support to assist them in their efforts to unite and focus on their strengths as a collective people. As the first inhabitants with a unique culture, Native Hawaiians need to once again have its political relationship with the United States of America to help them to overcome barriers that threaten their existence.

Please support S. 344.

Sincerely, *Louise K. Montoya*

Address: *2521-D Rose St  
Honolulu, HI 96789*

CC: U.S. Senate

**S. 147 was S. 344**  
**in the 109<sup>th</sup> Congress**  
*E kani ka 'alā, E kōpi ka pa'akai, E hū ka 'opae, Pehea ka pōlohi a ka Hawai'i?*

September 20, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENSON BILL

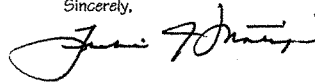
Dear Senator Daniel Akaka,

The Akaka-Stevens measure (S. 344) that is currently pending before Congress needs your support. There are three distinct indigenous peoples of the United States of America: Native Americans, Alaska Natives, and Native Hawaiians. Of the three indigenous peoples, Native Hawaiians have yet to be **FEDERALLY RECOGNIZED**.

As afforded to Native Americans and Alaska Natives, The Akaka-Stevens Bill, S. 344, provides hope and direction for **Native Hawaiians** to pursue their own destinies. It also provides protection to their entitlements which is now being challenged in the federal courts. As the proverb below states: Native Hawaiians have their subsistence; Yet how can their future be assured?

Please assure the passage of the Akaka-Stevens Bill, S. 344.

Sincerely,



Address: 361 KUPA PLACE  
HONOLULU, HI. 96748

CC: U.S. Senate

Hawaiian Proverb by Puanani Wilhelm: *E kani ka 'alā, E kōpi ka pa'akai, E hū ka 'opae, Pehea ka pōlohi a ka Hawai'i?* We have our land, our present oceans Food provided by both; Yet how can our future be assured?

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

S. 344 AKAKA-STEVENS BILL  
~Huki ke kalo i ka ulu o ka `ohā~

September 20, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Daniel Akaka,

The Akaka-Stevens measure (S. 344) is currently pending before Congress. I am asking you to support FEDERAL RECOGNITION FOR NATIVE HAWAIIANS.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. As the Hawaiian proverb states below, Native Hawaiians have their subsistence, yet how can they be assured of their future? Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

I ask you please to support S. 344 and *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,

Address: P.O. BOX 2075  
KAUNAKAKA, HI 96748

CC: U.S. Senate

Hawaiian Proverb: *Huki ke kalo i ka ulu o ka `ohā, Pehea ka pōlohi a ka Kanaka Maoli o Hawaii nei?* Subsistence is provided when the taro is cultivated; Yet how can Hawaii's Native peoples' future be assured?



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



FEDERAL RECOGNITION

September 20, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Daniel Akaka,

The Akaka-Stevens measure (S. 344) is currently pending before Congress. I am asking you to support FEDERAL RECOGNITION FOR NATIVE HAWAIIANS.

Native Hawaiians are the first inhabitants of the Hawaiian Islands. This unique and distinct people of Polynesia continue to perpetuate their culture as passed on centuries ago from their ancestors.

Native Hawaiians need your support to assist them in their efforts to unite and focus on their strengths as a collective people. As the first inhabitants with a unique culture, Native Hawaiians need to once again have its political relationship with the United States of America to help them to overcome barriers that threaten their existence.

Please support S. 344.

Sincerely, *Louise K. Montezori*

Address: *9521-D Rose St  
Honolulu, HI 96789*

CC: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



FEDERAL RECOGNITION

September 20, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

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Native Hawaiians need your support to assist them in their efforts to unite and focus on their strengths as a collective people. As the first inhabitants with a unique culture, Native Hawaiians need to once again have its political relationship with the United States of America to help them to overcome barriers that threaten their existence.

Please support S. 344.

Sincerely, *aka a moe*

Address: *P.O. Box 514  
Kaaawa, HI 96730*

CC: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Akaka:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

These bills reaffirm the relationship between Native Hawaiians and the United States; and represent an important step in the process of reconciliation between the United States and the Hawaiian people.

Congress has passed many bills that treat Hawaiians similarly to Native Americans and Alaska Natives, but unlike the other indigenous peoples of the United States, Hawaiians have been excluded from the U.S. policy concerning native American self-determination. It is time to end this discrimination and to begin the process of reconciliation.

Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: NALANI PA

Address: 761 KAIKAI ST #6

HAWAII HI 96826

(808) 946-6252 / (808) 948-5045

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Akaka:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

These bills reaffirm the relationship between Native Hawaiians and the United States; and represent an important step in the process of reconciliation between the United States and the Hawaiian people.

Congress has passed many bills that treat Hawaiians similarly to Native Americans and Alaska Natives, but unlike the other indigenous peoples of the United States, Hawaiians have been excluded from the U.S. policy concerning native American self-determination. It is time to end this discrimination and to begin the process of reconciliation.

Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: DOUG PATTERSON *Doug Patterson*  
Address: 91-547 KOIHAKA PL  
EWA BEACH, HI 96706

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

September 8, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

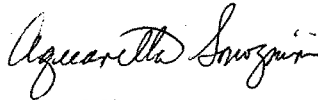
Dear Senator Akaka,

Now more than ever, Native Hawaiians are faced with the tough reality of threats to their identity as a distinct indigenous people and their culture. These threats seek to finish what was started a little over 100 years ago with the illegal overthrow of the Hawaiian monarchy, a scheme instigated by a group of foreign businessmen to extinguish the fundamental rights of Native Hawaiians to self determination as an independent people and to rob them of their entitlements. This would be the start of the deterioration of a proud, strong culture that did nothing to the people who threatened and continue to threaten it today.

The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It provides a chance for Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect. The Akaka-Stevens bill does much more than provide Native Hawaiians the long overdue federal recognition they deserve. It provides a framework for Native Hawaiians to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

The time has come for Congress to finally recognize Native Hawaiians as an indigenous group in the United States. I ask you please to support S. 344 and allow Native Hawaiians the right to have a special political relationship with the United States which in turn will allow them to pursue and decide their own destinies, not to live one that was decided for them.

Aloha,



**Aquanetta Sonognini 4567 Likini Street, Honolulu, Hawai'i 96818**

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Akaka:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

These bills reaffirm the relationship between Native Hawaiians and the United States; and represent an important step in the process of reconciliation between the United States and the Hawaiian people.

Congress has passed many bills that treat Hawaiians similarly to Native Americans and Alaska Natives, but unlike the other indigenous peoples of the United States, Hawaiians have been excluded from the U.S. policy concerning native American self-determination. It is time to end this discrimination and to begin the process of reconciliation.

Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: Keoni Araki

Address: 172 Karetan Dr.  
Wahiawa, HI 96786

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

September 8, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510


Dear Senator Akaka,

Please support Native Hawaiians' right to self determination and governance. Senate bill S. 344 can help Native Hawaiians to realize and ensure a bright, promising future for their culture for generations to come. The United States has provided federal recognition to every indigenous tribe in the United States except Native Hawaiians. It simply is not fair for Congress to allow all indigenous tribes in the U.S. to have a special government-to-government relationship and exclude only Native Hawaiians.

It has been well over a century that Native Hawaiians have been denied this right and it is time for Congress to realize and extend the same opportunities to them as every other indigenous people within its borders. The United States must honor the wrongs that were committed against Native Hawaiians in the past by ensuring the perpetuation and continuation of their very existence as a people.

Please support their right to self determination and governance by supporting S. 344, the Akaka-Stevens Bill.

Aloha and mahalo,



**1644 Ala Neo Place  
Honolulu, HI 96817**

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Akaka:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

These bills reaffirm the relationship between Native Hawaiians and the United States; and represent an important step in the process of reconciliation between the United States and the Hawaiian people.

Congress has passed many bills that treat Hawaiians similarly to Native Americans and Alaska Natives, but unlike the other indigenous peoples of the United States, Hawaiians have been excluded from the U.S. policy concerning native American self-determination. It is time to end this discrimination and to begin the process of reconciliation.

Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: Denise K. Bee

Address: PO Box 2858

Waianae, HI 96792



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Akaka:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

These bills reaffirm the relationship between Native Hawaiians and the United States; and represent an important step in the process of reconciliation between the United States and the Hawaiian people.

Congress has passed many bills that treat Hawaiians similarly to Native Americans and Alaska Natives, but unlike the other indigenous peoples of the United States, Hawaiians have been excluded from the U.S. policy concerning native American self-determination. It is time to end this discrimination and to begin the process of reconciliation.

Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name:

*Charlene L. Bush*

Address:

*940 Hale Drive  
Honolulu HI 96817*

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

FEDERAL RECOGNITION FOR NATIVE HAWAIIANS

September 21, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

Dear Senator Daniel Akaka,

The Akaka-Stevens Bill (S.344) is currently pending before Congress. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

As the first inhabitants of the Hawaiian archipelago, Native Hawaiians continue to perpetuate their culture as passed on from their ancestors. In 1826, the United States of America and the Hawaiian Kingdom sign the FIRST of FIVE TREATIES recognizing the sovereignty of the Hawaiian government and making a commitment to friendship and peace.

In 1993, the Congress passes and the President signs, Public Law 103-150 commonly known as "The Apology Bill", apologizing for the United States' armed participation in the unlawful overthrow of the Hawaiian Kingdom in 1893.

Through S. 344, the United States will once again have a relationship with the Native Hawaiian people of the Hawaiian archipelago lands in the Pacific Ocean. Please endorse S. 344, the Akaka-Stevens Bill. It is time for U.S. Congress to federally recognize Native Hawaiians.

Sincerely, *GKaika Da Mate*  
*2303 Wilde Ave*  
Address: *Honolulu, HI 96923*

CC: U.S. Senate  
Hawaiian Proverb by Puanani Wilhelm: *E kani ka 'alā, E kōpi ka pa'akai, E hū ka 'ōpae, Pehea ka pōlohi a ka Hawai'i?* We have our land, our present oceans, food provided by both; Yet how can our future be assured?

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

FEDERAL RECOGNITION FOR NATIVE HAWAIIANS

September 21, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

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Through S. 344, the United States will once again have a relationship with the Native Hawaiian people of the Hawaiian archipelago lands in the Pacific Ocean. Please endorse S. 344, the Akaka-Stevens Bill. It is time for U.S. Congress to federally recognize Native Hawaiians.

Sincerely, *Robert Dalmate*

Address: *97-7982 Hibiscus Drive  
Capt. Cook, HI 96704*

CC: U.S. Senate  
Hawaiian Proverb by Puanani Wilhelm: E kani ka 'alā, E kōpi ka pa'akai, E hū ka 'opae, Pehea ka pōloli a ka Hawai'i? We have our land, our present oceans, food provided by both; Yet how can our future be assured?

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Akaka:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

These bills reaffirm the relationship between Native Hawaiians and the United States; and represent an important step in the process of reconciliation between the United States and the Hawaiian people.

Congress has passed many bills that treat Hawaiians similarly to Native Americans and Alaska Natives, but unlike the other indigenous peoples of the United States, Hawaiians have been excluded from the U.S. policy concerning native American self-determination. It is time to end this discrimination and to begin the process of reconciliation.

Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: Roxi Mary Kaleleiki-Danielson  
Address: 45-265 Wm Henry Rd #105  
Kaneohe, HI 96744

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**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

September 8, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

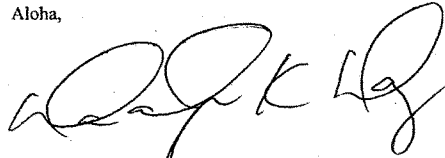
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The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It provides a chance for Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect. The Akaka-Stevens bill does much more than provide Native Hawaiians the long overdue federal recognition they deserve. It provides a framework for Native Hawaiians to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

The time has come for Congress to finally recognize Native Hawaiians as an indigenous group in the United States. I ask you please to support S. 344 and allow Native Hawaiians the right to have a special political relationship with the United States which in turn will allow them to pursue and decide their own destinies, not to live one that was decided for them.

Aloha,



**Donalyn K. Day  
85-1305 Kaneki Street  
Waiānae, HI 96792**

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

September 8, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

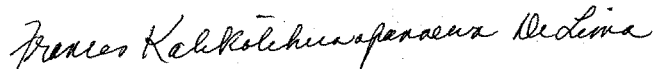
Dear Senator Akaka,

For the first time in over a century, Native Hawaiians are faced with having to choose a path to facilitate the successful resurgence of their proud culture. They are faced with having to come together and decide what will be best for them in a context in which they choose to ensure the perpetuation of their culture. The resurgence I speak of is evident in the State of Hawai'i in a variety of ways.

Hawaiian language immersion and charter schools are finding it difficult to accommodate the number of applications they receive. Traditional hula is growing more and more popular in Hawai'i's community and worldwide. Hawaiian political activism to support the protection of the environment and historical sites has risen to new heights of participation. And, perhaps most notable, Native Hawaiians yearn to create their own government in which they have control over their future.

Senate Bill 344, otherwise known as the Akaka-Stevens Bill, provides a context in which Native Hawaiians can pursue their destiny. It provides an important framework for them to work in cooperation with the U.S. government on issues that affect them without having to rely on the U.S. Supreme Court to make these decisions for them. It is imperative that Congress pass this legislation to help facilitate a process that is much needed at this point in time. Please support passage of S. 344.

Aloha and mahalo,



**Frances Kalikolehuaopanaewa DeLima**  
47-671 Hui Ulili Street, Kane'ohe, Hawai'i 96744

**S. 147 was S. 344**  
**in the 109<sup>th</sup> Congress**  
*E kani ka 'alā, E kopi ka pa'akai, E hū ka 'opae, Pehea ka pōloli a ka Hawai'i?*

September 20, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

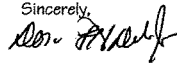
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The Akaka-Stevens measure (S. 344) that is currently pending before Congress needs your support. There are three distinct indigenous peoples of the United States of America: Native Americans, Alaska Natives, and Native Hawaiians. Of the three indigenous peoples, Native Hawaiians have yet to be **FEDERALLY RECOGNIZED**.

As afforded to Native Americans and Alaska Natives, The Akaka-Stevens Bill, S. 344, provides hope and direction for **Native Hawaiians** to pursue their own destinies. It also provides protection to their entitlements which is now being challenged in the federal courts. As the proverb below states: Native Hawaiians have their subsistence; Yet how can their future be assured?

Please assure the passage of the Akaka-Stevens Bill, S. 344.

Sincerely,



Address:

90-364 Lealani Place  
Kapila HI 96707

CC: U.S. Senate

Hawaiian Proverb by Puanani Wilhelm: *E kani ka 'alā, E kopi ka pa'akai, E hū ka 'opae, Pehea ka pōloli a ka Hawai'i?* We have our land, our present oceans Food provided by both; Yet how can our future be assured?

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



FEDERAL RECOGNITION



September 21, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Daniel Akaka,

I am writing to ask for your support for S. 344, the Akaka-Stevens Bill. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please **allow Native Hawaiians the right to have a special political relationship with the United States.**

Sincerely,

Handwritten signature of Clinton Dzidira.

Address: P.O. Box 2963  
Wailuku, HI 96793

CC: U.S. Senate



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Akaka:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

These bills reaffirm the relationship between Native Hawaiians and the United States; and represent an important step in the process of reconciliation between the United States and the Hawaiian people.

Congress has passed many bills that treat Hawaiians similarly to Native Americans and Alaska Natives, but unlike the other indigenous peoples of the United States, Hawaiians have been excluded from the U.S. policy concerning native American self-determination. It is time to end this discrimination and to begin the process of reconciliation.

Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: Sean Banotua  
Address: 2550 Date St., Apt. E1  
Honolulu, HI 96826

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

September 8, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

Dear Senator Akaka,

As a Native Hawaiian, I was raised to be proud of my culture and taught never to do anything to jeopardize that pride. This principle has survived for generations and has been reinforced through some of the most difficult periods in our history. For a culture to live, it is incumbent that it be practiced on a daily basis by its people, something Native Hawaiians have been actively doing for centuries.

The past century has been a challenging one for Native Hawaiians. There has never been a period more perplexing for our people. We are challenged daily to find a balance between our beloved native culture and the cultures of our loved non-Hawaiian friends and family who have made Hawai'i their home. It has been a challenge we have faced with confidence and pride. We are motivated in knowing that we come from a culture that demands love, understanding, and tolerance. Finding the balance between these principles is what we call *aloha*.

Senate Bill 344 provides Native Hawaiians a mechanism to further refine this balance. It would allow Native Hawaiians to work in cooperation with the U.S. government to assure future generations of all Hawaii residents the right to inherit a proud culture.

Please assure Native Hawaiians the right to determine their own destinies and support the continued survival of a heritage that is defined by the proud, strong, tolerant people that represent it. Please support S. 344, the Akaka-Stevens bill.

Aloha and mahalo,



E. Mikie Ahuna Hines  
41320 Manawaloa Street  
Waimanalo, HI 96795

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Akaka:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

These bills reaffirm the relationship between Native Hawaiians and the United States; and represent an important step in the process of reconciliation between the United States and the Hawaiian people.

Congress has passed many bills that treat Hawaiians similarly to Native Americans and Alaska Natives, but unlike the other indigenous peoples of the United States, Hawaiians have been excluded from the U.S. policy concerning native American self-determination. It is time to end this discrimination and to begin the process of reconciliation.

Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: NEIL TAKEDA  
Address: 95-706 LAUAWA ST  
HILILANI, HI 96789

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

S. 344 AKAKA-STEVENS BILL  
~Huki ke kalo i ka ulu o ka 'ohā~

September 20, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

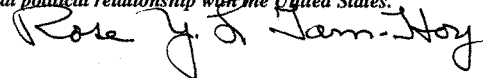
Dear Senator Daniel Akaka,

The Akaka-Stevens measure (S. 344) is currently pending before Congress. I am asking you to support FEDERAL RECOGNITION FOR NATIVE HAWAIIANS.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. As the Hawaiian proverb states below, Native Hawaiians have their subsistence, yet how can they be assured of their future? Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

I ask you please to support S. 344 and *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,



Address:

4020 Harding Avenue  
Honolulu, Hawaii  
96816

CC: U.S. Senate

Hawaiian Proverb: *Huki ke kalo i ka ulu o ka 'ohā, Pehea ka pōloli a ka Kanaka Maoli o Hawaii nei?* Subsistence is provided when the taro is cultivated; *Yet how can Hawaii's Native peoples' future be assured?*

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

FEDERAL RECOGNITION FOR NATIVE HAWAIIANS

September 21, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

Dear Senator Daniel Akaka,

The Akaka-Stevens Bill (S.344) is currently pending before Congress. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

As the first inhabitants of the Hawaiian archipelago, Native Hawaiians continue to perpetuate their culture as passed on from their ancestors. In 1826, the United States of America and the Hawaiian Kingdom sign the FIRST of FIVE TREATIES recognizing the sovereignty of the Hawaiian government and making a commitment to friendship and peace.

In 1993, the Congress passes and the President signs, Public Law 103-150 commonly known as "The Apology Bill", apologizing for the United States' armed participation in the unlawful overthrow of the Hawaiian Kingdom in 1893.

Through S. 344, the United States will once again have a relationship with the Native Hawaiian people of the Hawaiian archipelago lands in the Pacific Ocean. Please endorse S. 344, the Akaka-Stevens Bill. It is time for U.S. Congress to federally recognize Native Hawaiians.

Sincerely,

*Alice N. Theodore*

Address: *47-514 Ipu Lepo Way  
Kaneohe, HI 96744*

CC: U.S. Senate

Hawaiian Proverb by Puanani Wilhelm: *E kani ka 'alā, E kōpi ka pa'akai, E hū ka 'opae, Pehea ka pōloli a ka Hawai'i? We have our land, our present oceans, food provided by both; Yet how can our future be assured?*

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



**FEDERAL RECOGNITION**



September 21, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Daniel Akaka,

I am writing to ask for your support for S. 344, the Akaka-Stevens Bill. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely, *Ernest E. Theodore*  
ERNEST E. THEODORE

Address: 41-514 IPU LEPO WAY  
KANEDHE, HI 96744

CC: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Akaka:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

These bills reaffirm the relationship between Native Hawaiians and the United States; and represent an important step in the process of reconciliation between the United States and the Hawaiian people.

Congress has passed many bills that treat Hawaiians similarly to Native Americans and Alaska Natives, but unlike the other indigenous peoples of the United States, Hawaiians have been excluded from the U.S. policy concerning native American self-determination. It is time to end this discrimination and to begin the process of reconciliation.

Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: Puanani Uehara

Address: 2120 CALIF. AVE  
WAHIAU, HI 96786

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**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



FEDERAL RECOGNITION

September 20, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENSON BILL

Dear Senator Daniel Akaka,

The Akaka-Stevens measure (S. 344) is currently pending before Congress. I am asking you to support FEDERAL RECOGNITION FOR NATIVE HAWAIIANS.

Native Hawaiians are the first inhabitants of the Hawaiian Islands. This unique and distinct people of Polynesia continue to perpetuate their culture as passed on centuries ago from their ancestors.

Native Hawaiians need your support to assist them in their efforts to unite and focus on their strengths as a collective people. As the first inhabitants with a unique culture, Native Hawaiians need to once again have its political relationship with the United States of America to help them to overcome barriers that threaten their existence.

Please support S. 344.

Sincerely, *Ronan A. Chaconella*

Address: *74-218 IULOA  
KAILUA-KONA, HI 96740*

CC: U.S. Senate



**S. 147 was S. 344**

**S. 344 AKAKA-STEVENS BILL in the 109<sup>th</sup> Congress**  
~Huki ke kalo i ka ulu o ka `ohā~

September 20, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Daniel Akaka,

The Akaka-Stevens measure (S. 344) is currently pending before Congress. I am asking you to support FEDERAL RECOGNITION FOR NATIVE HAWAIIANS.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. As the Hawaiian proverb states below, Native Hawaiians have their subsistence, yet how can they be assured of their future? Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

I ask you please to support S. 344 and *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely, *James A. Marcello*

Address: *74218 KILDA St. Kailua, HI 96740*

CC: U.S. Senate

Hawaiian Proverb: *Huki ke kalo i ka ulu o ka `ohā, Pehea ka pōloli a ka Kanaka Maoli o Hawaii nei?* Subsistence is provided when the taro is cultivated; *Yet how can Hawaii's Native peoples' future be assured?*

**S. 147 was S. 344**  
**S. 344 AKAKA-STEVENS BILL in the 109<sup>th</sup> Congress**  
*~Huki ke kalo i ka ulu o ka `ohā~*

September 20, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Daniel Akaka,

The Akaka-Stevens measure (S. 344) is currently pending before Congress. I am asking you to support FEDERAL RECOGNITION FOR NATIVE HAWAIIANS.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. As the Hawaiian proverb states below, Native Hawaiians have their subsistence, yet how can they be assured of their future? Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

I ask you please to support S. 344 and *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,



Address:

*41-140 Huli St, WAINIANA, HI*

CC: U.S. Senate

*Hi-96795*

Hawaiian Proverb: *Huki ke kalo i ka ulu o ka `ohā, Pehea ka pōloli a ka Kanaka Maoli o Hawaii nei?* Subsistence is provided when the taro is cultivated; *Yet how can Hawaii's Native peoples' future be assured?*

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

S. 344 AKAKA-STEVEN'S BILL  
~Huki ke kalo i ka ulu o ka 'ohā~

September 20, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

Dear Senator Daniel Akaka,

The Akaka-Stevens measure (S. 344) is currently pending before Congress. I am asking you to support FEDERAL RECOGNITION FOR NATIVE HAWAIIANS.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. As the Hawaiian proverb states below, Native Hawaiians have their subsistence, yet how can they be assured of their future? Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

I ask you please to support S. 344 and *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely, *James A. Muncillo*

Address: *74718 KILDA St. Kailua, HI 96740*

CC: U.S. Senate

Hawaiian Proverb: *Huki ke kalo i ka ulu o ka 'ohā, Pehea ka pōloli a ka Kanaka Maoli o Hawai'i nei?* Subsistence is provided when the taro is cultivated; Yet how can Hawaii's Native peoples' future be assured?

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



FEDERAL RECOGNITION

September 20, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENSON BILL


Dear Senator Daniel Akaka,

The Akaka-Stevens measure (S. 344) is currently pending before Congress. I am asking you to support FEDERAL RECOGNITION FOR NATIVE HAWAIIANS.

Native Hawaiians are the first inhabitants of the Hawaiian Islands. This unique and distinct people of Polynesia continue to perpetuate their culture as passed on centuries ago from their ancestors.

Native Hawaiians need your support to assist them in their efforts to unite and focus on their strengths as a collective people. As the first inhabitants with a unique culture, Native Hawaiians need to once again have its political relationship with the United States of America to help them to overcome barriers that threaten their existence.

Please support S. 344.

Sincerely, 

Address: 74-218 IULOA  
KAILUA-KONA, HI 96740

CC: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

FEDERAL RECOGNITION FOR NATIVE HAWAIIANS

September 21, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

Dear Senator Daniel Akaka,

The Akaka-Stevens Bill (S.344) is currently pending before Congress. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

As the first inhabitants of the Hawaiian archipelago, Native Hawaiians continue to perpetuate their culture as passed on from their ancestors. In 1826, the United States of America and the Hawaiian Kingdom sign the FIRST of FIVE TREATIES recognizing the sovereignty of the Hawaiian government and making a commitment to friendship and peace.

In 1993, the Congress passes and the President signs, Public Law 103-150 commonly known as "The Apology Bill", apologizing for the United States' armed participation in the unlawful overthrow of the Hawaiian Kingdom in 1893.

Through S. 344, the United States will once again have a relationship with the Native Hawaiian people of the Hawaiian archipelago lands in the Pacific Ocean. Please endorse S. 344, the Akaka-Stevens Bill. It is time for U.S. Congress to federally recognize Native Hawaiians.

Sincerely, *Pohai Weopel*

Address: *P.O. Box 4511  
Kailua Kona 96745*

CC: U.S. Senate  
Hawaiian Proverb by Puanani Wilhelm: *E kani ka 'afā, E kipi ka pa'akai, E hū ka 'opae, Pehea ka pōloli a ka Hawai'i?* We have our land, our present oceans, food provided by both; Yet how can our future be assured?

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 20, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

Dear Senator Akaka,

Now more than ever, Native Hawaiians are faced with the tough reality of threats to their identity as a distinct indigenous people and their culture. These threats seek to finish what was started a little over 100 years ago with the illegal overthrow of the Hawaiian monarchy, a scheme instigated by a group of foreign businessmen to extinguish the fundamental rights of Native Hawaiians to self determination as an independent people and to rob them of their entitlements. This would be the start of the deterioration of a proud, strong culture that did nothing to the people who threatened and continue to threaten it today.

The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It provides a chance for Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect. The Akaka-Stevens bill does much more than provide Native Hawaiians the long overdue federal recognition they deserve. It provides a framework for Native Hawaiians to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

The time has come for Congress to finally recognize Native Hawaiians as an indigenous group in the United States. I ask you please to support S. 344 and allow Native Hawaiians the right to have a special political relationship with the United States which in turn will allow them to pursue and decide their own destinies, not to live one that was decided for them.

Aloha,



Mark Kamakele  
344 Lillo Avenue  
San Leandro, CA 94577

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 20, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

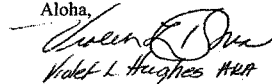
Dear Senator Akaka,

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The time has come for Congress to finally recognize Native Hawaiians as an indigenous group in the United States. I ask you please to support S. 344 and allow Native Hawaiians the right to have a special political relationship with the United States which in turn will allow them to pursue and decide their own destinies, not to live one that was decided for them.

Aloha,



Kuulei Hughes  
1330 36th Avenue  
San Francisco, CA 94122

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 20, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

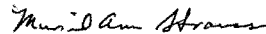
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The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It provides a chance for Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect. The Akaka-Stevens bill does much more than provide Native Hawaiians the long overdue federal recognition they deserve. It provides a framework for Native Hawaiians to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

The time has come for Congress to finally recognize Native Hawaiians as an indigenous group in the United States. I ask you please to support S. 344 and allow Native Hawaiians the right to have a special political relationship with the United States which in turn will allow them to pursue and decide their own destinies, not to live one that was decided for them.

Aloha,



Muriel Ann Strauss  
1330 36th Avenue  
San Francisco, CA 94122



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 20, 2003

Senator Daniel Akaka  
Hart Senate Office Building  
Room 141  
Washington, D.C. 20510

Dear Senator Akaka,

Now more than ever, Native Hawaiians are faced with the tough reality of threats to their identity as a distinct indigenous people and their culture. These threats seek to finish what was started a little over 100 years ago with the illegal overthrow of the Hawaiian monarchy, a scheme instigated by a group of foreign businessmen to extinguish the fundamental rights of Native Hawaiians to self determination as an independent people and to rob them of their entitlements. This would be the start of the deterioration of a proud, strong culture that did nothing to the people who threatened and continue to threaten it today.

The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It provides a chance for Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect. The Akaka-Stevens bill does much more than provide Native Hawaiians the long overdue federal recognition they deserve. It provides a framework for Native Hawaiians to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

The time has come for Congress to finally recognize Native Hawaiians as an indigenous group in the United States. I ask you please to support S. 344 and allow Native Hawaiians the right to have a special political relationship with the United States which in turn will allow them to pursue and decide their own destinies, not to live one that was decided for them.

Aloha,



Charles St. Germain  
17072 Via Cielo  
San Lorenzo CA 94580-2826

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 20, 2003

Senator Byron Dorgan  
Hart Senate Office Building  
Room 713  
Washington, D.C. 20510

Dear Senator Dorgan,

For the first time in over a century, Native Hawaiians are faced with having to choose a path to facilitate the successful resurgence of their proud culture. They are faced with having to come together and decide what will be best for them in a context in which they choose to ensure the perpetuation of their culture. The resurgence I speak of is evident in the State of Hawai'i in a variety of ways.

Hawaiian language immersion and charter schools are finding it difficult to accommodate the number of applications they receive. Traditional hula is growing more and more popular in Hawai'i's community and worldwide. Hawaiian political activism to support the protection of the environment and historical sites has risen to new heights of participation. And, perhaps most notable, Native Hawaiians yearn to create their own government in which they have control over their future.

Senate Bill 344, otherwise known as the Akaka-Stevens Bill, provides a context in which Native Hawaiians can pursue their destiny. It provides an important framework for them to work in cooperation with the U.S. government on issues that affect them without having to rely on the U.S. Supreme Court to make these decisions for them. It is imperative that Congress pass this legislation to help facilitate a process that is much needed at this point in time. Please support passage of S. 344.

Aloha and mahalo,



James V. Gomez, CPA  
1314 S. King Street, Ste. 521  
Honolulu, HI 96814

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 20, 2003

Senator Byron Dorgan  
Hart Senate Office Building  
Room 713  
Washington, D.C. 20510

Dear Senator Dorgan,

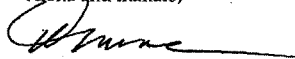
As a Native Hawaiian, I was raised to be proud of my culture and taught never to do anything to jeopardize that pride. This principle has survived for generations and has been reinforced through some of the most difficult periods in our history. For a culture to live, it is incumbent that it be practiced on a daily basis by its people, something Native Hawaiians have been actively doing for centuries.

The past century has been a challenging one for Native Hawaiians. There has never been a period more perplexing for our people. We are challenged daily to find a balance between our beloved native culture and the cultures of our loved non-Hawaiian friends and family who have made Hawai'i their home. It has been a challenge we have faced with confidence and pride. We are motivated in knowing that we come from a culture that demands love, understanding, and tolerance. Finding the balance between these principles is what we call *aloha*.

Senate Bill 344 provides Native Hawaiians a mechanism to further refine this balance. It would allow Native Hawaiians to work in cooperation with the U.S. government to assure future generations of all Hawaii residents the right to inherit a proud culture.

Please assure Native Hawaiians the right to determine their own destinies and support the continued survival of a heritage that is defined by the proud, strong, tolerant people that represent it. Please support S. 344, the Akaka-Stevens bill.

Aloha and mahalo,



Wendell H. Niiwes  
Central Pacific Bank  
P. O. Box 3590  
Honolulu, HI 96811

**S. 147 was S. 344**

November 2, 2006 **in the 109<sup>th</sup> Congress**

Senator Doğan  
Hart Senate Office Building  
Room 713  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator

The Akaka-Stevens measure (S. 344) that is currently pending before Congress needs your support. There are three distinct indigenous peoples of the United States of America: Native Americans, Alaska Natives, and Native Hawaiians. Of the three indigenous peoples, Native Hawaiians have yet to be **FEDERALLY RECOGNIZED**.

As afforded to Native Americans and Alaska Natives, The Akaka-Stevens Bill, S. 344, provides hope and direction for **Native Hawaiians** to pursue their own destinies. It provides a chance for Native Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect.

The Akaka-Stevens bill does much more than provide **Native Hawaiians** the long overdue federal recognition they deserve. It provides a framework for **Native Hawaiians** to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

I ask you please to support S. 344 and allow **Native Hawaiians** the right to have a special political relationship with the United States.

Sincerely,



Print Name:

*ROBERTA K. HOWARD*

Address:

CC: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

November 2, 2003

Senator Doran  
Hart Senate Office Building  
Room 713  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Feinstein

The Akaka-Stevens measure (S. 344) that is currently pending before Congress needs your support. There are three distinct indigenous peoples of the United States of America: Native Americans, Alaska Natives, and Native Hawaiians. Of the three indigenous peoples, Native Hawaiians have yet to be **FEDERALLY RECOGNIZED**.

As afforded to Native Americans and Alaska Natives, The Akaka-Stevens Bill, S. 344, provides hope and direction for **Native Hawaiians** to pursue their own destinies. It provides a chance for Native Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect.

The Akaka-Stevens bill does much more than provide **Native Hawaiians** the long overdue federal recognition they deserve. It provides a framework for **Native Hawaiians** to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

I ask you please to support S. 344 and **allow Native Hawaiians the right to have a special political relationship with the United States.**

Sincerely,

*Theresa R. Kailikote*

Print Name: Theresa Kailikote

Address: 535 Mtn Meadows Dr  
Cordelia, CA 94534

CC: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

September 8, 2003

Senator Kent Conrad  
Hart Senate Office Building  
Room 530  
Washington, D.C. 20510

Dear Senator Conrad,

As a Native Hawaiian, I was raised to be proud of my culture and taught never to do anything to jeopardize that pride. This principle has survived for generations and has been reinforced through some of the most difficult periods in our history. For a culture to live, it is incumbent that it be practiced on a daily basis by its people, something Native Hawaiians have been actively doing for centuries.

The past century has been a challenging one for Native Hawaiians. There has never been a period more perplexing for our people. We are challenged daily to find a balance between our beloved native culture and the cultures of our loved non-Hawaiian friends and family who have made Hawai'i their home. It has been a challenge we have faced with confidence and pride. We are motivated in knowing that we come from a culture that demands love, understanding, and tolerance. Finding the balance between these principles is what we call *aloha*.

Senate Bill 344 provides Native Hawaiians a mechanism to further refine this balance. It would allow Native Hawaiians to work in cooperation with the U.S. government to assure future generations of all Hawaii residents the right to inherit a proud culture.

Please assure Native Hawaiians the right to determine their own destinies and support the continued survival of a heritage that is defined by the proud, strong, tolerant people that represent it. Please support S. 344, the Akaka-Stevens bill.

Aloha and mahalo,



E. Miki Ahuna Hines  
41320 Manawaiola Street  
Waimanalo, HI 96795

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

Dear Senator Kent Conrad:

I am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

These bills reaffirm the relationship between Native Hawaiians and the United States and represents an important step in the process of reconciliation between the United States and the Hawaiian peoples acknowledged by Congress as necessary through the enactment of the Apology Resolution, P.L. 103-150.

Congress has passed more than 100 bills relating to Native Hawaiians. Most of these acts of Congress treat Hawaiians similarly to Native Americans and Alaska Natives, but unlike the other indigenous peoples of the United States, Hawaiians have been excluded from the U.S. policy concerning native American self-determination. It is time to end this discrimination and to begin the process of reconciliation.

Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: 

Address: \_\_\_\_\_  
\_\_\_\_\_

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

September 8, 2003

Senator Michael Crapo  
Dirksen Senate Office Building  
Room 239  
Washington, D.C. 20510

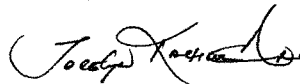
Dear Senator Crapo,

Now more than ever, Native Hawaiians are faced with the tough reality of threats to their identity as a distinct indigenous people and their culture. These threats seek to finish what was started a little over 100 years ago with the illegal overthrow of the Hawaiian monarchy, a scheme instigated by a group of foreign businessmen to extinguish the fundamental rights of Native Hawaiians to self determination as an independent people and to rob them of their entitlements. This would be the start of the deterioration of a proud, strong culture that did nothing to the people who threatened and continue to threaten it today.

The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It provides a chance for Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect. The Akaka-Stevens bill does much more than provide Native Hawaiians the long overdue federal recognition they deserve. It provides a framework for Native Hawaiians to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

The time has come for Congress to finally recognize Native Hawaiians as an indigenous group in the United States. I ask you please to support S. 344 and allow Native Hawaiians the right to have a special political relationship with the United States which in turn will allow them to pursue and decide their own destinies, not to live one that was decided for them.

Aloha,



**Jocelyn Kahiwa Aki**  
1519 Nu'uuanu Ave. Box 142  
Honolulu, HI 96817



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

September 8, 2003

Senator Pete Domenici  
Hart Senate Office Building  
Room 328  
Washington, D.C. 20510

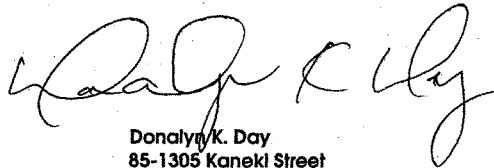
Dear Senator Domēnici,

Now more than ever, Native Hawaiians are faced with the tough reality of threats to their identity as a distinct indigenous people and their culture. These threats seek to finish what was started a little over 100 years ago with the illegal overthrow of the Hawaiian monarchy, a scheme instigated by a group of foreign businessmen to extinguish the fundamental rights of Native Hawaiians to self determination as an independent people and to rob them of their entitlements. This would be the start of the deterioration of a proud, strong culture that did nothing to the people who threatened and continue to threaten it today.

The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It provides a chance for Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect. The Akaka-Stevens bill does much more than provide Native Hawaiians the long overdue federal recognition they deserve. It provides a framework for Native Hawaiians to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

The time has come for Congress to finally recognize Native Hawaiians as an indigenous group in the United States. I ask you please to support S. 344 and allow Native Hawaiians the right to have a special political relationship with the United States which in turn will allow them to pursue and decide their own destinies, not to live one that was decided for them.

Aloha,



Donalyn K. Day  
85-1305 Kanekī Street  
Walañae, HI 96792

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

September 8, 2003

Senator Pete Domenici  
Hart Senate Office Building  
Room 328  
Washington, D.C. 20510

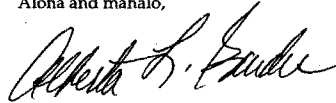
Dear Senator Domenici,

Please support Native Hawaiians' right to self determination and governance. Senate bill S. 344 can help Native Hawaiians to realize and ensure a bright, promising future for their culture for generations to come. The United States has provided federal recognition to every indigenous tribe in the United States except Native Hawaiians. It simply is not fair for Congress to allow all indigenous tribes in the U.S. to have a special government-to-government relationship and exclude only Native Hawaiians.

It has been well over a century that Native Hawaiians have been denied this right and it is time for Congress to realize and extend the same opportunities to them as every other indigenous people within its borders. The United States must honor the wrongs that were committed against Native Hawaiians in the past by ensuring the perpetuation and continuation of their very existence as a people.

Please support their right to self determination and governance by supporting S. 344, the Akaka-Stevens Bill.

Aloha and mahalo,



Alberta Sanders  
45-174 Lilipuna Road  
Kaneohe, HI 96744

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

*September 8, 2003*

*Senator Pete Domenici  
Hart Senate Office Building  
Room 328  
Washington, D.C. 20510*

*Dear Senator Domenici,*

*Now more than ever, Native Hawaiians are faced with the tough reality of threats to their identity as a distinct indigenous people and their culture. These threats seek to finish what was started a little over 100 years ago with the illegal overthrow of the Hawaiian monarchy, a scheme instigated by a group of foreign businessmen to extinguish the fundamental rights of Native Hawaiians to self-determination as an independent people and to rob them of their entitlements. This would be the start of the deterioration of a proud, strong culture that did nothing to the people who threatened and continue to threaten it today.*

*The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It provides a chance for Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect. The Akaka-Stevens bill does much more than provide Native Hawaiians the long overdue federal recognition they deserve. It provides a framework for Native Hawaiians to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.*

*The time has come for Congress to finally recognize Native Hawaiians as an indigenous group in the United States. I ask you please to support S. 344 and allow Native Hawaiians the right to have a special political relationship with the United States which in turn will allow them to pursue and decide their own destinies, not to live one that was decided for them.*

*Aloha,*



**Ann Morano 95-226 Kaopua Loop, Mililani, HI 96789**

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

To: Representative Tim Johnson

My family and I are of Hawaiian ancestry and we support the  
Native Hawaiian Recognition Bill - S. 344 and H.R. 665.

I am sending this communication to ask you to please support the Native  
Hawaiian Recognition Bill, S. 344 and H.R. 665.

This bill clarifies the relationship between Native Hawaiians and the United  
States and reaffirms the constitutional authority of the U.S. Congress to address  
the condition of Native Hawaiians through legislation.

Please support S. 344 or H.R. 665 by voting in favor of their passage.

Sincerely,

Name Lorraine D. Macchris

Address 47-723 Ahi Uka St.

Kaneohe, HI 96744

Phone # 239-

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

September 8, 2003

Senator Tim Johnson  
Hart Senate Office Building  
Room 136  
Washington, D.C. 20510

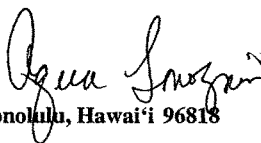
Dear Senator Johnson,

Now more than ever, Native Hawaiians are faced with the tough reality of threats to their identity as a distinct indigenous people and their culture. These threats seek to finish what was started a little over 100 years ago with the illegal overthrow of the Hawaiian monarchy, a scheme instigated by a group of foreign businessmen to extinguish the fundamental rights of Native Hawaiians to self determination as an independent people and to rob them of their entitlements. This would be the start of the deterioration of a proud, strong culture that did nothing to the people who threatened and continue to threaten it today.

The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It provides a chance for Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect. The Akaka-Stevens bill does much more than provide Native Hawaiians the long overdue federal recognition they deserve. It provides a framework for Native Hawaiians to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

The time has come for Congress to finally recognize Native Hawaiians as an indigenous group in the United States. I ask you please to support S. 344 and allow Native Hawaiians the right to have a special political relationship with the United States which in turn will allow them to pursue and decide their own destinies, not to live one that was decided for them.

Aloha,



**Aquanetta Sonognini 4567 Likini Street, Honolulu, Hawai'i 96818**

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

September 8, 2003

Senator Lisa Murkowski  
Hart Senate Office Building  
Room 322  
Washington, D.C. 20510

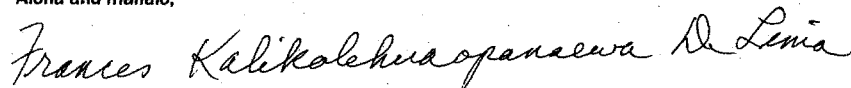
Dear Senator Murkowski,

For the first time in over a century, Native Hawaiians are faced with having to choose a path to facilitate the successful resurgence of their proud culture. They are faced with having to come together and decide what will be best for them in a context in which they choose to ensure the perpetuation of their culture. The resurgence I speak of is evident in the State of Hawai'i in a variety of ways.

Hawaiian language immersion and charter schools are finding it difficult to accommodate the number of applications they receive. Traditional hula is growing more and more popular in Hawai'i's community and worldwide. Hawaiian political activism to support the protection of the environment and historical sites has risen to new heights of participation. And, perhaps most notable, Native Hawaiians yearn to create their own government in which they have control over their future.

Senate Bill 344, otherwise known as the Akaka-Stevens Bill, provides a context in which Native Hawaiians can pursue their destiny. It provides an important framework for them to work in cooperation with the U.S. government on issues that affect them without having to rely on the U.S. Supreme Court to make these decisions for them. It is imperative that Congress pass this legislation to help facilitate a process that is much needed at this point in time. Please support passage of S. 344.

Aloha and mahalo,



**Frances Kalikolehuaopanaewa DeLima**  
47-671 Hui Ulili Street, Kane'ohe, Hawai'i 96744

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

September 8, 2003

Senator Lisa Murkowski  
Hart Senate Office Building  
Room 322  
Washington, D.C. 20510

Dear Senator Murkowski,

As a Native Hawaiian, I was raised to be proud of my culture and taught never to do anything to jeopardize that pride. This principle has survived for generations and has been reinforced through some of the most difficult periods in our history. For a culture to live, it is incumbent that it be practiced on a daily basis by its people, something Native Hawaiians have been actively doing for centuries.

The past century has been a challenging one for Native Hawaiians. There has never been a period more perplexing for our people. We are challenged daily to find a balance between our beloved native culture and the cultures of our loved non-Hawaiian friends and family who have made Hawai'i their home. It has been a challenge we have faced with confidence and pride. We are motivated in knowing that we come from a culture that demands love, understanding, and tolerance. Finding the balance between these principles is what we call *aloha*.

Senate Bill 344 provides Native Hawaiians a mechanism to further refine this balance. It would allow Native Hawaiians to work in cooperation with the U.S. government to assure future generations of all Hawaii residents the right to inherit a proud culture.

Please assure Native Hawaiians the right to determine their own destinies and support the continued survival of a heritage that is defined by the proud, strong, tolerant people that represent it. Please support S. 344, the Akaka-Stevens bill.

Aloha and mahalo,



E. Miki Ahuna Hines  
41320 Manawaiola Street  
Waimanalo, HI 96795

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

September 8, 2003

Senator Lisa Murkowski  
Hart Senate Office Building  
Room 322  
Washington, D.C. 20510

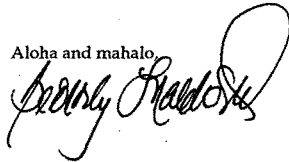
Dear Senator Murkowski,

Please support Native Hawaiians' right to self determination and governance. Senate bill S. 344 can help Native Hawaiians to realize and ensure a bright, promising future for their culture for generations to come. The United States has provided federal recognition to every indigenous tribe in the United States except Native Hawaiians. It simply is not fair for Congress to allow all indigenous tribes in the U.S. to have a special government-to-government relationship and exclude only Native Hawaiians.

It has been well over a century that Native Hawaiians have been denied this right and it is time for Congress to realize and extend the same opportunities to them as every other indigenous people within its borders. The United States must honor the wrongs that were committed against Native Hawaiians in the past by ensuring the perpetuation and continuation of their very existence as a people.

Please support their right to self determination and governance by supporting S. 344, the Akaka-Stevens Bill.

Aloha and mahalo,



Beverly Maldonado  
3448 McCarriston Street  
Honolulu, HI 96815



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

September 8, 2003

Senator Gordon Smith  
Russell Senate Office Building  
Room 404  
Washington, D.C. 20510

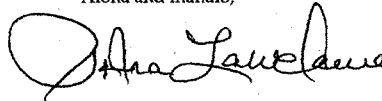
Dear Senator Smith,

Please support Native Hawaiians' right to self determination and governance. Senate bill S. 344 can help Native Hawaiians to realize and ensure a bright, promising future for their culture for generations to come. The United States has provided federal recognition to every indigenous tribe in the United States except Native Hawaiians. It simply is not fair for Congress to allow all indigenous tribes in the U.S. to have a special government-to-government relationship and exclude only Native Hawaiians.

It has been well over a century that Native Hawaiians have been denied this right and it is time for Congress to realize and extend the same opportunities to them as every other indigenous people within its borders. The United States must honor the wrongs that were committed against Native Hawaiians in the past by ensuring the perpetuation and continuation of their very existence as a people.

Please support their right to self determination and governance by supporting S. 344, the Akaka-Stevens Bill.

Aloha and mahalo,



**Petra Lawelawe  
365-B Kalama Street  
Kailua, HI 96734**

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

August 20, 2003

Senator Gordon Smith  
Russell Senate Office Building  
Room 404  
Washington, D.C. 20510

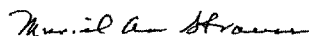
Dear Senator Smith,

Now more than ever, Native Hawaiians are faced with the tough reality of threats to their identity as a distinct indigenous people and their culture. These threats seek to finish what was started a little over 100 years ago with the illegal overthrow of the Hawaiian monarchy, a scheme instigated by a group of foreign businessmen to extinguish the fundamental rights of Native Hawaiians to self determination as an independent people and to rob them of their entitlements. This would be the start of the deterioration of a proud, strong culture that did nothing to the people who threatened and continue to threaten it today.

The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It provides a chance for Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect. The Akaka-Stevens bill does much more than provide Native Hawaiians the long overdue federal recognition they deserve. It provides a framework for Native Hawaiians to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

The time has come for Congress to finally recognize Native Hawaiians as an indigenous group in the United States. I ask you please to support S. 344 and allow Native Hawaiians the right to have a special political relationship with the United States which in turn will allow them to pursue and decide their own destinies, not to live one that was decided for them.

Aloha,



Muriel Ann Strauss  
1330 36th Avenue  
San Francisco, CA 94122

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

September 8, 2003

Senator Craig Thomas  
Dirksen Senate Office Building  
Room 307  
Washington, D.C. 20510

Dear Senator Thomas,

For the first time in over a century, Native Hawaiians are faced with having to choose a path to facilitate the successful resurgence of their proud culture. They are faced with having to come together and decide what will be best for them in a context in which they choose to ensure the perpetuation of their culture. The resurgence I speak of is evident in the State of Hawai'i in a variety of ways.

Hawaiian language immersion and charter schools are finding it difficult to accommodate the number of applications they receive. Traditional hula is growing more and more popular in Hawai'i's community and worldwide. Hawaiian political activism to support the protection of the environment and historical sites has risen to new heights of participation. And, perhaps most notable, Native Hawaiians yearn to create their own government in which they have control over their future.

Senate Bill 344, otherwise known as the Akaka-Stevens Bill, provides a context in which Native Hawaiians can pursue their destiny. It provides an important framework for them to work in cooperation with the U.S. government on issues that affect them without having to rely on the U.S. Supreme Court to make these decisions for them. It is imperative that Congress pass this legislation to help facilitate a process that is much needed at this point in time. Please support passage of S. 344.

Aloha and mahalo,



**Sally Crowell  
217 Prospect Street, E9  
Honolulu, HI 96813**

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



August 26, 2003

Senator Ron Wyden  
Heart Senate Office Building  
Room 516  
Washington, D.C. 20510

Dear Senator Wyden,

Please support Native Hawaiians' right to self determination and governance. Senate bill S. 344 can help Native Hawaiians to realize and ensure a bright, promising future for their culture for generations to come. The United States has provided federal recognition to every indigenous tribe in the United States except Native Hawaiians. It simply is not fair for Congress to allow all indigenous tribes in the U.S. to have a special government-to-government relationship and exclude only Native Hawaiians.

It has been well over a century that Native Hawaiians have been denied this right and it is time for Congress to realize and extend the same opportunities to them as every other indigenous people within its borders. Native Hawaiians are faced with having to choose a path to facilitate the successful resurgence of their proud culture. They are faced with having to come together and decide what will be best for them in a context in which they choose to ensure the perpetuation of their culture.

Again, please support the right to self determination and governance by supporting S. 344, the Akaka-Stevens Bill. It provides a context in which Native Hawaiians can pursue their destiny. It is imperative that Congress pass this legislation to help facilitate a process that is much needed at this point in time.

Sincerely,

George Soiles  
2307 W. Lupine  
Phoenix, Arizona 85029

cc: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**  
**S. 344 AKAKA-STEVEN'S BILL**

August 26, 2003

Senator Ron Wyden  
Hart Senate Office Building  
Room 516  
Washington, D.C. 20510

Dear Senator Wyden,

The Akaka-Stevens measure (S. 344) that is currently pending before Congress needs your support. There are three distinct indigenous peoples of the United States of America: Native Americans, Alaska Natives, and Native Hawaiians. Of the three indigenous peoples, Native Hawaiians have yet to be **FEDERALLY RECOGNIZED**.

As afforded to Native Americans and Alaska Natives, The Akaka-Stevens Bill, S. 344, provides hope and direction for **Native Hawaiians** to pursue their own destinies. It provides a chance for Native Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect.

The Akaka-Stevens bill does much more than provide **Native Hawaiians** the long overdue federal recognition they deserve. It provides a framework for **Native Hawaiians** to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

I ask you please to support S. 344 and allow **Native Hawaiians the right to have a special political relationship with the United States.**

Sincerely,



Kimberly Knochenhauer  
19415 N. 68<sup>th</sup> Avenue  
Glendale, Arizona 85308

cc: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**  
**S. 344 AKAKA-STEVEN'S BILL**

August 26, 2003

Senator Ron Wyden  
Hart Senate Office Building  
Room 516  
Washington, D.C. 20510

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I ask you please to support S. 344 and allow **Native Hawaiians** the right to have a special political relationship with the United States.

Sincerely,

  
Janeen Knochenhauer  
19415 N. 68<sup>th</sup> Avenue  
Glendale, Arizona 85308

cc: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



August 26, 2003

Senator Ron Wyden  
Heart Senate Office Building  
Room 516  
Washington, D.C. 20510

Dear Senator Wyden,

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Again, please support the right to self determination and governance by supporting S. 344, the Akaka-Stevens Bill. It provides a context in which Native Hawaiians can pursue their destiny. It is imperative that Congress pass this legislation to help facilitate a process that is much needed at this point in time.

Sincerely,

A handwritten signature in cursive script that reads "Christine Mahr".

Christine Mahr  
2307 W. Lupine  
Phoenix, Arizona 85029

cc: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**  
**S. 344 AKAKA-STEVENS BILL**

August 26, 2005

Senator Ron Wyden  
Hart Senate Office Building  
Room 516  
Washington, D.C. 20510

Dear Senator Wyden,

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Sincerely,



Bob Knochenhauer  
19415 N. 68<sup>th</sup> Avenue  
Glendale, Arizona 85308

cc: U.S. Senate



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



August 30, 2008

Senator Barbara Boxer  
Hart Senate Office Building  
Room 112  
Washington, D.C. 20510

Dear Senator Boxer:

Please support Native Hawaiians' right to self determination and governance. Senate bill S. 344 can help Native Hawaiians to realize and ensure a bright, promising future for their culture for generations to come. The United States has provided federal recognition to every indigenous tribe in the United States except Native Hawaiians. It simply is not fair for Congress to allow all indigenous tribes in the U.S. to have a special government-to-government relationship and exclude only Native Hawaiians.

It has been well over a century that Native Hawaiians have been denied this right and it is time for Congress to realize and extend the same opportunities to them as every other indigenous people within its borders. The United States must honor the wrongs that were committed against Native Hawaiians in the past by ensuring the perpetuation and continuation of their very existence as a people.

Please support their right to self determination and governance by supporting S. 344, the Akaka-Stevens Bill.

Yours Truly,

cc: U.S. Senate

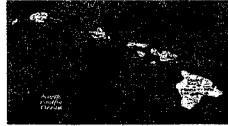
Address: C.R. Wescott

1110 - Wescott

Phoenix #C 85094

Phoenix, AZ

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



**FEDERAL RECOGNITION**

August 30, 2003

Senator Maria Cantwell  
Heart Senate Office Building  
Room 717  
Washington, D.C. 20510

RE: S. 344-AKAKA-STEVENS BILL

Dear Senator Cantwell:

I am writing to ask for your support for S. 344, the Akaka-Stevens Bill. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please ***allow Native Hawaiians the right to have a special political relationship with the United States.***

Sincerely,

Lindy Ackler  
2505 61<sup>st</sup> Street S.E., Apartment B  
Everett, Washington 98203

cc: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

FEDERAL RECOGNITION FOR NATIVE HAWAIIANS

September 21, 2003

Senator Maria Cantwell  
Hart Senate Office Building  
Room 717  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Maria Cantwell,

The Akaka-Stevens Bill (S.344) is currently pending before Congress. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

As the first inhabitants of the Hawaiian archipelago, Native Hawaiians continue to perpetuate their culture as passed on from their ancestors. In 1826, the United States of America and the Hawaiian Kingdom sign the FIRST of FIVE TREATIES recognizing the sovereignty of the Hawaiian government and making a commitment to friendship and peace.

In 1993, the Congress passes and the President signs, Public Law 103-150 commonly known as "The Apology Bill", apologizing for the United States' armed participation in the unlawful overthrow of the Hawaiian Kingdom in 1893.

Through S. 344, the United States will once again have a relationship with the Native Hawaiian people of the Hawaiian archipelago lands in the Pacific Ocean. Please endorse S. 344, the Akaka-Stevens Bill. It is time for U.S. Congress to federally recognize Native Hawaiians.

Sincerely,

*Mike Apelo*

Address:

*PO BOX 28123  
Spokane, WA 99228*

CC: U.S. Senate

Hawaiian Proverb by Puanani Wilhelm: *E kani ka 'ala, E kopi ka pa'akai, E hu ka 'opae, Pehea ka pōloli a ka Hawai'i?* We have our land, our present oceans, food provided by both. Yet how can our future be assured?

S. 147 was S. 344

S. 344 AKAKA-STEVEN'S BILL in the 109<sup>th</sup> Congress

*-Huki ke kalo i ka ulu o ka 'ohā-*

September 20, 2003

Senator Maria Cantwell  
Hart Senate Office Building  
Room 717  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL


Dear Senator Maria Cantwell,

The Akaka-Stevens measure (S. 344) is currently pending before Congress. I am asking you to support FEDERAL RECOGNITION FOR NATIVE HAWAIIANS.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. As the Hawaiian proverb states below, Native Hawaiians have their subsistence, yet how can they be assured of their future? Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

I ask you please to support S. 344 and *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,



Address: Theo Angell  
6047 4th Ave NW  
Seattle, WA 98107

CC: U.S. Senate

Hawaiian Proverb: *Huki ke kalo i ka ulu o ka 'ohā, Pehea ka pōloli a ka Kanaka Maoli o Hawaii nei?* Subsistence is provided when the taro is cultivated; Yet how can Hawaii's Native peoples' future be assured?

S. 147 was S. 344  
in the 109<sup>th</sup> Congress



FEDERAL RECOGNITION



August 30, 2003

Senator Maria Cantwell  
Hart Senate Office Building  
Room 717  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

Dear Senator Cantwell:

The Akaka-Stevens measure (S. 344) is currently pending before Congress. I am asking you to support FEDERAL RECOGNITION FOR NATIVE HAWAIIANS.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

I ask you please to support S. 344 and *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,

Address: EARL BERDANA  
6024 118<sup>th</sup> ST SW  
Lakewood, WA 98499

cc: U.S. Senate

S. 147 was S. 344  
in the 109<sup>th</sup> Congress



FEDERAL RECOGNITION



August 30, 2003

Senator Maria Cantwell  
Hart Senate Office Building  
Room 717  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENSON BILL

Dear Senator Cantwell:

The Akaka-Stevens measure (S. 344) is currently pending before Congress. I am asking you to support FEDERAL RECOGNITION FOR NATIVE HAWAIIANS.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

I ask you please to support S. 344 and *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,

Address: PATRICIA CERBANA  
6024 118th St SW  
Lakewood, WA 98499

cc: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



August 30, 2003

Senator Marie Cantwell  
Hart Senate Office Building  
Room 717  
Washington, D.C. 20510

Dear Senator Cantwell,

Please support Native Hawaiians' right to self determination and governance. Senate bill S. 344 can help Native Hawaiians to realize and ensure a bright, promising future for their culture for generations to come. The United States has provided federal recognition to every indigenous tribe in the United States except Native Hawaiians. It simply is not fair for Congress to allow all indigenous tribes in the U.S. to have a special government-to-government relationship and exclude only Native Hawaiians.

It has been well over a century that Native Hawaiians have been denied this right and it is time for Congress to realize and extend the same opportunities to them as every other indigenous people within its borders. Native Hawaiians are faced with having to choose a path to facilitate the successful resurgence of their proud culture. They are faced with having to come together and decide what will be best for them in a context in which they choose to ensure the perpetuation of their culture.

Again, please support the right to self determination and governance by supporting S. 344, the Akaka-Stevens Bill. It provides a context in which Native Hawaiians can pursue their destiny. It is imperative that Congress pass this legislation to help facilitate a process that is much needed at this point in time.

Yours Truly,

Address:

*Dennis A. Cutter*

cc: U.S. Senate

*Dennis A. Cutter  
5.6220 Kaniksu Ct.  
Spokane, WA. 99206*

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



FEDERAL RECOGNITION



August 30, 2003

Senator Maria Cantwell  
Hart Senate Office Building  
Room 717  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

Dear Senator Cantwell:

The Akaka-Stevens measure (S. 344) is currently pending before Congress. I am asking you to support **FEDERAL RECOGNITION FOR NATIVE HAWAIIANS**.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

I ask you please to support S. 344 and *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,

*Donna Pūlani Galatti*

Address: DONNA PULANI GALATTI  
34419 32nd Ct SW  
Federal Way WA 98023

cc: U.S. Senate



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



FEDERAL RECOGNITION



August 30, 2003

Senator Maria Cantwell  
Hart Senate Office Building  
Room 717  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Cantwell:

The Akaka-Stevens measure (S. 344) is currently pending before Congress. I am asking you to support FEDERAL RECOGNITION FOR NATIVE HAWAIIANS.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

I ask you please to support S. 344 and *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely, *Rosemarie Gomes* Rosemarie Gomes

Address: *5008 20<sup>th</sup> Ave Ct W  
University Pl. wa 98467*

cc: U.S. Senate

**S. 147 was S. 344**

**S. 344 AKAKA-STEVEN'S BILL in the 109<sup>th</sup> Congress**

*~Huki ke kalo i ka ulu o ka `ohā~*

September 20, 2003

Senator Maria Cantwell  
Hart Senate Office Building  
Room 717  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

Dear Senator Maria Cantwell,

The Akaka-Stevens measure (S. 344) is currently pending before Congress. I am asking you to support **FEDERAL RECOGNITION FOR NATIVE HAWAIIANS**.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. As the Hawaiian proverb states below, Native Hawaiians have their subsistence, yet how can they be assured of their future? Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

I ask you please to support S. 344 and *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,



Address: 6047 4TH NW  
Sea WA 98107

CC: U.S. Senate

Hawaiian Proverb: *Huki ke kalo i ka ulu o ka `ohā, Pehea ka pōloli a ka Kanaka Maoli o Hawaii nei?* Subsistence is provided when the taro is cultivated; Yet how can Hawaii's Native peoples' future be assured?

**S. 147 was S. 344**  
**S. 344 AKAKA-STEVENSON BILL in the 109<sup>th</sup> Congress**

August 30, 2003

Senator Maria Cantwell  
Hart Senate Office Building  
Room 717  
Washington, D.C. - 20510

RE: S. 344 AKAKA-STEVENSON BILL

Dear Senator Maria Cantwell:


The Akaka-Stevens measure (S. 344) that is currently pending before Congress needs your support. There are three distinct indigenous peoples of the United States of America: Native Americans, Alaska Natives, and Native Hawaiians. Of the three indigenous peoples, Native Hawaiians have yet to be **FEDERALLY RECOGNIZED**.

As afforded to Native Americans and Alaska Natives, The Akaka-Stevens Bill, S. 344, provides hope and direction for **Native Hawaiians** to pursue their own destinies. It provides a chance for Native Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect.

The Akaka-Stevens bill *does* much more than provide **Native Hawaiians** the long overdue federal recognition they deserve. It provides a framework for **Native Hawaiians** to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

I ask you please to support S. 344 and *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,

  
Bill Jennings  
4116 Densmore Road  
Everett, Washington 98205

cc: U.S. Senate

**S. 147 was S. 344**

**S. 344 AKAKA-STEVEN'S BILL in the 109<sup>th</sup> Congress**

August 30, 2005

Senator Maria Cantwell  
Hart Senate Office Building  
Room 717  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

Dear Senator Maria Cantwell:

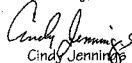
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As afforded to Native Americans and Alaska Natives, The Akaka-Stevens Bill, S. 344, provides hope and direction for **Native Hawaiians** to pursue their own destinies. It provides a chance for Native Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect.

The Akaka-Stevens bill does much more than provide **Native Hawaiians** the long overdue federal recognition they deserve. It provides a framework for **Native Hawaiians** to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

I ask you please to support S. 344 and allow **Native Hawaiians** the right to have a special political relationship with the United States.

Sincerely,



Cindy Jennings  
4116 Densmore Road  
Everett, Washington 98205

cc: U.S. Senate

**S. 147 was S. 344  
S. 344 AKAKA-STEVENSBILL in the 109<sup>th</sup> Congress**

August 30, 2003

Senator Maria Cantwell  
Hart Senate Office Building  
Room 717  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENSBILL

Dear Senator Maria Cantwell:

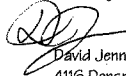
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The Akaka-Stevens bill does much more than provide **Native Hawaiians** the long overdue federal recognition they deserve. It provides a framework for **Native Hawaiians** to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

I ask you please to support S. 344 and allow **Native Hawaiians the right to have a special political relationship with the United States.**

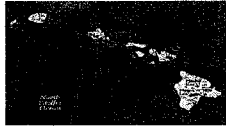
Sincerely,



David Jennings  
4116 Denmore Road  
Everett, Washington 98205

cc: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



**FEDERAL RECOGNITION**

August 30, 2003

Senator Maria Cantwell  
Heart Senate Office Building  
Room 717  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Cantwell:

I am writing to ask for your support for S. 344, the Akaka-Stevens Bill. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please ***allow Native Hawaiians the right to have a special political relationship with the United States.***

Sincerely,

James Jennings  
4116 Densmore Road  
Everett, Washington 98205

cc: U.S. Senate

S. 147 was S. 344  
in the 109<sup>th</sup> Congress



FEDERAL RECOGNITION



August 30, 2003

Senator Maria Cantwell  
Hart Senate Office Building  
Room 717  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

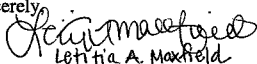
Dear Senator Cantwell:

The Akaka-Stevens measure (S. 344) is currently pending before Congress. I am asking you to support FEDERAL RECOGNITION FOR NATIVE HAWAIIANS.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

I ask you please to support S. 344 and *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,

  
Letitia A. Maxfield  
Address: 5101 North 37th Street, #8811  
Tacoma, WA 98407

cc: U.S. Senate

**S. 147 was S. 344  
S. 344 AKAKA-STEVENSON in the 109<sup>th</sup> Congress**

August 30, 2003

Senator Maria Cantwell  
Hart Senate Office Building  
Room 717  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENSON BILL

Dear Senator Maria Cantwell:

The Akaka-Stevens measure (S. 344) that is currently pending before Congress needs your support. There are three distinct indigenous peoples of the United States of America: Native Americans, Alaska Natives, and Native Hawaiians. Of the three indigenous peoples, Native Hawaiians have yet to be **FEDERALLY RECOGNIZED**.

As afforded to Native Americans and Alaska Natives, The Akaka-Stevens Bill, S. 344, provides hope and direction for **Native Hawaiians** to pursue their own destinies. It provides a chance for Native Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect.

The Akaka-Stevens bill does much more than provide **Native Hawaiians** the long overdue federal recognition they deserve. It provides a framework for **Native Hawaiians** to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.


I ask you please to support S. 344 and **allow Native Hawaiians the right to have a special political relationship with the United States.**

Sincerely,



Nancy Moore  
4010 Federal Avenue  
Everett, Washington 98201

cc: U.S. Senate



CALVIN MOORE  
4010 FEDERAL AVE  
EVERETT, WA 98201



S. 147 was S. 344  
in the 109<sup>th</sup> Congress

**Mei-Lynne & Jim Statler**  
**4912 W. Wind River Drive**  
**Spokane, Washington 99208**

August 14, 2003

The Honorable Bob Graham  
United States Senator  
Hart Senate Office Building, Room 524  
Washington, D.C. 20510

Dear Senator Graham:

Please support Native Hawaiians' right to self determination and governance. Senate Bill 344 can help Native Hawaiians to realize and ensure a bright, promising future for their culture for generations to come. The United States has provided federal recognition to every indigenous tribe in the United States except Native Hawaiians. It simply is not fair for Congress to allow all indigenous tribes in the U.S. to have a special government-to-government relationship and exclude only Native Hawaiians.

It has been well over a century that Native Hawaiians have been denied this right and it is time for Congress to realize and extend the same opportunities to them as every other indigenous people within its borders. The United States must honor the wrongs that were committed against Native Hawaiians in the past by ensuring the perpetuation and continuation of their very existence as a people.

Please support our right to self determination and governance by supporting S. 344, the Akaka-Stevens Bill.

Aloha,

*Mei-Lynne & Jim Statler*

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



FEDERAL RECOGNITION



August 30, 2003

Senator Maria Cantwell  
Hart Senate Office Building  
Room 717  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Cantwell:

The Akaka-Stevens measure (S. 344) is currently pending before Congress. I am asking you to support FEDERAL RECOGNITION FOR NATIVE HAWAIIANS.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

I ask you please to support S. 344 and *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,  (Brooke Stoddard)

Address: 3204 90<sup>th</sup> St S  
Lakewood, WA 98499

cc: U.S. Senate



S. 147 was S. 344  
in the 109<sup>th</sup> Congress

FEDERAL RECOGNITION

August 30, 2003

Senator Barbara Boxer  
Hart Senate Office Building  
Room 112  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Boxer:

I am writing to ask for your support for S. 344, the Akaka-Stevens Bill. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please **allow Native Hawaiians the right to have a special political relationship with the United States.**

Sincerely,

Address: PATRICIA MANNELU STEPHENS  
4433 80<sup>th</sup> St. SW  
Lakewood, WA 98409

cc: U.S. Senate

S. 147 was S. 344  
in the 109<sup>th</sup> Congress



FEDERAL RECOGNITION



August 30, 2003

Senator Maria Cantwell  
Hart Senate Office Building  
Room 717  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

Dear Senator Cantwell:

The Akaka-Stevens measure (S. 344) is currently pending before Congress. I am asking you to support FEDERAL RECOGNITION FOR NATIVE HAWAIIANS.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

I ask you please to support S. 344 and *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,

*Pomai Taggart*  
*Pomai Kahi Taggart*

Address:

*10613 Farwest Dr. SW*  
*Lakewood WA, 98498*

cc: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress.**



Dear Senator Daniel Inouye:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

These bills reaffirm the relationship between Native Hawaiians and the United States; and represent an important step in the process of reconciliation between the United States and the Hawaiian people.

Congress has passed many bills that treat Hawaiians similarly to Native Americans and Alaska Natives, but unlike the other indigenous peoples of the United States, Hawaiians have been excluded from the U.S. policy concerning native American self-determination. It is time to end this discrimination and to begin the process of reconciliation.

Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: LINDA & BYRON Ah Hee

Address: 95-207 HOAILONA PL  
Mililani, HI 96799

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Inouye:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

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Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: Cheryl Awa

Address: 1101 Ohu St.  
Honolulu HI 96819

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Inouye:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

These bills reaffirm the relationship between Native Hawaiians and the United States; and represent an important step in the process of reconciliation between the United States and the Hawaiian people.

Congress has passed many bills that treat Hawaiians similarly to Native Americans and Alaska Natives, but unlike the other indigenous peoples of the United States, Hawaiians have been excluded from the U.S. policy concerning native American self-determination. It is time to end this discrimination and to begin the process of reconciliation.

Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: Leonia Anani

Address: 99-542 ULUKE ST.

AREA HAWAII 96701

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Inouye:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

These bills reaffirm the relationship between Native Hawaiians and the United States; and represent an important step in the process of reconciliation between the United States and the Hawaiian people.

Congress has passed many bills that treat Hawaiians similarly to Native Americans and Alaska Natives, but unlike the other indigenous peoples of the United States, Hawaiians have been excluded from the U.S. policy concerning native American self-determination. It is time to end this discrimination and to begin the process of reconciliation.

Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: Floyd Awa  
Address: 1601 Ohu St.  
Hon. HI 96819



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Inouye:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

These bills reaffirm the relationship between Native Hawaiians and the United States; and represent an important step in the process of reconciliation between the United States and the Hawaiian people.

Congress has passed many bills that treat Hawaiians similarly to Native Americans and Alaska Natives, but unlike the other indigenous peoples of the United States, Hawaiians have been excluded from the U.S. policy concerning native American self-determination. It is time to end this discrimination and to begin the process of reconciliation.

Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: Rose Awa

Address: 1601 OHU ST.  
Honolulu HI 96819

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Inouye:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

These bills reaffirm the relationship between Native Hawaiians and the United States; and represent an important step in the process of reconciliation between the United States and the Hawaiian people.

Congress has passed many bills that treat Hawaiians similarly to Native Americans and Alaska Natives, but unlike the other indigenous peoples of the United States, Hawaiians have been excluded from the U.S. policy concerning native American self-determination. It is time to end this discrimination and to begin the process of reconciliation.

Please support S. 344, and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: William K. Pua

Address: 1601 OHU ST  
Honolulu HI 96819

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Inouye:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

These bills reaffirm the relationship between Native Hawaiians and the United States; and represent an important step in the process of reconciliation between the United States and the Hawaiian people.

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Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: Marie H. Borges  
Address: 521 Lawiki Ct Apt. #5  
Honolulu, HI 96826

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Inouye:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

These bills reaffirm the relationship between Native Hawaiians and the United States; and represent an important step in the process of reconciliation between the United States and the Hawaiian people.

Congress has passed many bills that treat Hawaiians similarly to Native Americans and Alaska Natives, but unlike the other indigenous peoples of the United States, Hawaiians have been excluded from the U.S. policy concerning native American self-determination. It is time to end this discrimination and to begin the process of reconciliation.

Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name:

Michael Christian

Address:

2150 Kua Ilima St #202  
Honolulu, HI 96818

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Inouye:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

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Please support S. 344, and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: Gregory K. A. Christian  
Address: 2001 Kalaheima St #204  
Honolulu HI 96818

S. 147 was S. 344  
in the 109<sup>th</sup> Congress

FEDERAL RECOGNITION FOR NATIVE HAWAIIANS

September 21, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL.

Dear Senator Daniel Inouye,

The Akaka-Stevens Bill (S.344) is currently pending before Congress. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

As the first inhabitants of the Hawaiian archipelago, Native Hawaiians continue to perpetuate their culture as passed on from their ancestors. In 1826, the United States of America and the Hawaiian Kingdom sign the FIRST of FIVE TREATIES recognizing the sovereignty of the Hawaiian government and making a commitment to friendship and peace.

In 1993, the Congress passes and the President signs, Public Law 103-150 commonly known as "The Apology Bill", apologizing for the United States' armed participation in the unlawful overthrow of the Hawaiian Kingdom in 1893.

Through S. 344, the United States will once again have a relationship with the Native Hawaiian people of the Hawaiian archipelago lands in the Pacific Ocean. Please endorse S. 344, the Akaka-Stevens Bill. It is time for U.S. Congress to federally recognize Native Hawaiians.

Sincerely, *Chipp Palmate*  
*733 A 19th Ave*  
Address: *Honolulu, HI 96816*

CC: U.S. Senate  
Hawaiian Proverb by Puanani Wilhelm: *E kani ka 'aiā, E kopi ka pa'akai, E hū ka 'opae, Pehea ka pōloli a ka Hawai'i?* We have our land, our present oceans, food provided by both; Yet: how can our future be assured?

S. 147 was S. 344  
in the 109<sup>th</sup> Congress



FEDERAL RECOGNITION



September 21, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Daniel Inouye,

I am writing to ask for your support for S. 344, the Akaka-Stevens Bill. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please **allow Native Hawaiians the right to have a special political relationship with the United States.**

Sincerely, *Aunani Oamanoa*

Address: *97-1982 Hibiscus Dr  
Capt Cool, HI 96704*

CC: U.S. Senate

S. 147 was S. 344  
in the 109<sup>th</sup> Congress



FEDERAL RECOGNITION



September 21, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Daniel Inouye,

I am writing to ask for your support for S. 344, the Akaka-Stevens Bill. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,

*Keimana Kadimate*

Address: *733 A 19th Ave  
Honolulu, HI 96819*

CC: U.S. Senate



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

September 8, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

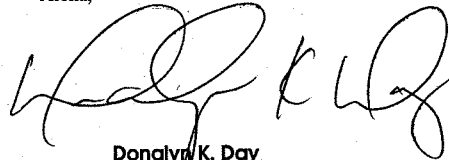
Dear Senator Inouye,

Now more than ever, Native Hawaiians are faced with the tough reality of threats to their identity as a distinct indigenous people and their culture. These threats seek to finish what was started a little over 100 years ago with the illegal overthrow of the Hawaiian monarchy, a scheme instigated by a group of foreign businessmen to extinguish the fundamental rights of Native Hawaiians to self determination as an independent people and to rob them of their entitlements. This would be the start of the deterioration of a proud, strong culture that did nothing to the people who threatened and continue to threaten it today.

The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It provides a chance for Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect. The Akaka-Stevens bill does much more than provide Native Hawaiians the long overdue federal recognition they deserve. It provides a framework for Native Hawaiians to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

The time has come for Congress to finally recognize Native Hawaiians as an indigenous group in the United States. I ask you please to support S. 344 and allow Native Hawaiians the right to have a special political relationship with the United States which in turn will allow them to pursue and decide their own destinies, not to live one that was decided for them.

Aloha,



**Donalyn K. Day**  
85-1308 Kaneki Street  
Waianae, HI 96792

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

FEDERAL RECOGNITION FOR NATIVE HAWAIIANS

September 21, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

Dear Senator Daniel Inouye,

The Akaka-Stevens Bill (S.344) is currently pending before Congress. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

As the first inhabitants of the Hawaiian archipelago, Native Hawaiians continue to perpetuate their culture as passed on from their ancestors. In 1826, the United States of America and the Hawaiian Kingdom sign the FIRST of FIVE TREATIES recognizing the sovereignty of the Hawaiian government and making a commitment to friendship and peace.

In 1993, the Congress passes and the President signs, Public Law 103-150 commonly known as "The Apology Bill", apologizing for the United States' armed participation in the unlawful overthrow of the Hawaiian Kingdom in 1893.

Through S. 344, the United States will once again have a relationship with the Native Hawaiian people of the Hawaiian archipelago lands in the Pacific Ocean. Please endorse S. 344, the Akaka-Stevens Bill. It is time for U.S. Congress to federally recognize Native Hawaiians.

Sincerely,

Address:  
1215 Alexander St, Apt 406  
Honolulu, HI 96826

CC: U.S. Senate  
Hawaiian Proverb by Puanani Wilhelm: E kani ka 'alā, E kōpi ka pa'akai, E hū ka 'opao, Pehea ka pōioli  
a ka Hawai'i? We have our land, our present oceans, food provided by both; Yet how can our future be  
assured?

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

FEDERAL RECOGNITION FOR NATIVE HAWAIIANS

September 21, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

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As the first inhabitants of the Hawaiian archipelago, Native Hawaiians continue to perpetuate their culture as passed on from their ancestors. In 1826, the United States of America and the Hawaiian Kingdom sign the FIRST of FIVE TREATIES recognizing the sovereignty of the Hawaiian government and making a commitment to friendship and peace.

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Through S. 344, the United States will once again have a relationship with the Native Hawaiian people of the Hawaiian archipelago lands in the Pacific Ocean. Please endorse S. 344, the Akaka-Stevens Bill. It is time for U.S. Congress to federally recognize Native Hawaiians.

Sincerely,



Address:  
P.O. Box 481  
Wailuku, Maui, HI 96785

CC: U.S. Senate

Hawaiian Proverb by Puanani Wilhelm: E kani ka 'aiā, E kope ka pa'akai, E hū ka 'opae, Peha ka pōloli a ka Hawai'i? We have our land, our present oceans, food provided by both; Yet: how can our future be assured?

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

FEDERAL RECOGNITION FOR NATIVE HAWAIIANS

September 21, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

Dear Senator Daniel Inouye,

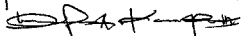
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Sincerely,

Address: P.O. Box 2002, Waiānana, HI 96792  


CC: U.S. Senate  
Hawaiian Proverb by Puanani Wilhelm: *E kani ka 'āla, E kōpi ka pa'akai, E hū ka 'opae, Pehea ka pōioli a ka Hawai'i?* We have our land, our present oceans, food provided by both; Yet how can our future be assured?

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

FEDERAL RECOGNITION FOR NATIVE HAWAIIANS

September 21, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

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Sincerely, *Rayner Kinney*  
*94-1982 Hibiscus Drive*

Address: *Capt Cook, HI 96704*

CC: U.S. Senate  
Hawaiian Proverb by Puanani Wilhelm: *E kani ka 'alā, E kopi ka pa'akai, E hū ka 'opae, Pehea ka pōloli a ka Hawai'i?* We have our land, our present oceans, food provided by both; Yet how can our future be assured?

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Inouye:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

These bills reaffirm the relationship between Native Hawaiians and the United States; and represent an important step in the process of reconciliation between the United States and the Hawaiian people.

Congress has passed many bills that treat Hawaiians similarly to Native Americans and Alaska Natives, but unlike the other indigenous peoples of the United States, Hawaiians have been excluded from the U.S. policy concerning native American self-determination. It is time to end this discrimination and to begin the process of reconciliation.

Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: Michael D. Moran

Address: 217 PROSPER ST.  
# A-10  
Hono., HI 96813

S. 147 was S. 344  
in the 109<sup>th</sup> Congress

September 8, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

Dear Senator Inouye,

Now more than ever, Native Hawaiians are faced with the tough reality of threats to their identity as a distinct indigenous people and their culture. These threats seek to finish what was started a little over 100 years ago with the illegal overthrow of the Hawaiian monarchy, a scheme instigated by a group of foreign businessmen to extinguish the fundamental rights of Native Hawaiians to self determination as an independent people and to rob them of their entitlements. This would be the start of the deterioration of a proud, strong culture that did nothing to the people who threatened and continue to threaten it today.

The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It provides a chance for Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect. The Akaka-Stevens bill does much more than provide Native Hawaiians the long overdue federal recognition they deserve. It provides a framework for Native Hawaiians to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

The time has come for Congress to finally recognize Native Hawaiians as an indigenous group in the United States. I ask you please to support S. 344 and allow Native Hawaiians the right to have a special political relationship with the United States which in turn will allow them to pursue and decide their own destinies, not to live one that was decided for them.

Aloha,



Ann Morano 95-226 Kaopua Loop, Mililani, HI 96789

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Inouye:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

These bills reaffirm the relationship between Native Hawaiians and the United States; and represent an important step in the process of reconciliation between the United States and the Hawaiian people.

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Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: Leleia Oahe (Naehu)

Address: 35 W. Kukui St. #101  
Honolulu, HI 96817



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



**FEDERAL RECOGNITION**



September 21, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Daniel Inouye,

I am writing to ask for your support for S. 344, the Akaka-Stevens Bill. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please **allow Native Hawaiians the right to have a special political relationship with the United States.**

Sincerely,

Address:

4-167 Nawa St  
Wai. H. 96795

CC: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Inouye:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

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Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: TEREKY SAIRAMA

Address: 3098 LANIKAUUA ST  
HON, HI 96822

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

September 8, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

Dear Senator Inouye,

Please support Native Hawaiians' right to self determination and governance. Senate bill S. 344 can help Native Hawaiians to realize and ensure a bright, promising future for their culture for generations to come. The United States has provided federal recognition to every indigenous tribe in the United States except Native Hawaiians. It simply is not fair for Congress to allow all indigenous tribes in the U.S. to have a special government-to-government relationship and exclude only Native Hawaiians.

It has been well over a century that Native Hawaiians have been denied this right and it is time for Congress to realize and extend the same opportunities to them as every other indigenous people within its borders. The United States must honor the wrongs that were committed against Native Hawaiians in the past by ensuring the perpetuation and continuation of their very existence as a people.

Please support their right to self determination and governance by supporting S. 344, the Akaka-Stevens Bill.

Aloha and mahalo,



**DONNA SMYTHE  
58 Old Pali Road  
HONOLULU, HI 96817**

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

September 8, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

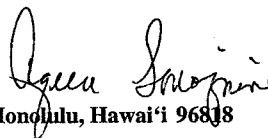
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The time has come for Congress to finally recognize Native Hawaiians as an indigenous group in the United States. I ask you please to support S. 344 and allow Native Hawaiians the right to have a special political relationship with the United States which in turn will allow them to pursue and decide their own destinies, not to live one that was decided for them.

Aloha,



**Aquanetta Sonognini 4567 Likini Street, Honolulu, Hawai'i 96818**

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Inouye:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

These bills reaffirm the relationship between Native Hawaiians and the United States; and represent an important step in the process of reconciliation between the United States and the Hawaiian people.

Congress has passed many bills that treat Hawaiians similarly to Native Americans and Alaska Natives, but unlike the other indigenous peoples of the United States, Hawaiians have been excluded from the U.S. policy concerning native American self-determination. It is time to end this discrimination and to begin the process of reconciliation.

Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: Erma L. Tanigawa  
Address: 2039 Yuong St. #409  
Honolulu, HI 96826

S. 147 was S. 344  
in the 109<sup>th</sup> Congress



FEDERAL RECOGNITION



September 21, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

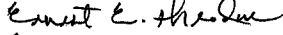
RE: S. 344 AKAKA-STEVEN'S BILL

Dear Senator Daniel Inouye,

I am writing to ask for your support for S. 344, the Akaka-Stevens Bill. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,   
ERNEST E. THEODORE

Address: 41-514 IPU LEPO WAY  
KANEONE, HI 96744

CC: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



**FEDERAL RECOGNITION**



September 21, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Daniel Inouye,

I am writing to ask for your support for S. 344, the Akaka-Stevens Bill. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please **allow Native Hawaiians the right to have a special political relationship with the United States.**

Sincerely, *Rihue Weasel*

Address: *P.O. Box 4511  
Kailua, Kona 96745*

CC: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



FEDERAL RECOGNITION



September 21, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

Dear Senator Daniel Inouye,

I am writing to ask for your support for S. 344, the Akaka-Stevens Bill. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please **allow Native Hawaiians the right to have a special political relationship with the United States.**

Sincerely, *Pohai Waspel*

Address: *P.O. Box 4511  
Kailua Kona 96745*

CC: U.S. Senate



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Inouye:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

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Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: Maile Wae

Address: 45-445 Lelena Ln  
Kaneohe, HI 96744

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Inouye:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

These bills reaffirm the relationship between Native Hawaiians and the United States; and represent an important step in the process of reconciliation between the United States and the Hawaiian people.

Congress has passed many bills that treat Hawaiians similarly to Native Americans and Alaska Natives, but unlike the other indigenous peoples of the United States, Hawaiians have been excluded from the U.S. policy concerning native American self-determination. It is time to end this discrimination and to begin the process of reconciliation.

Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: Laurie You

Address: 5018 Pihl St  
Hon HI 96821

S. 147 was S. 344  
in the 109<sup>th</sup> Congress



FEDERAL RECOGNITION

August 30, 2003

Senator Barbara Boxer  
Hart Senate Office Building  
Room 112  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

Dear Senator Boxer:

I am writing to ask for your support for S. 344, the Akaka-Stevens Bill. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please allow *Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,

*Shade Skiff*  
Address:  
1445 E. Hillbrook St  
Hawthorn, CA 92081

cc: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



**FEDERAL RECOGNITION**

August 30, 2003

Senator Barbara Boxer  
Hart Senate Office Building  
Room 112  
Washington, D.C. 20510

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Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please **allow Native Hawaiians the right to have a special political relationship with the United States.**

Sincerely,

JENNIFER STURKA

Address: 1200 RICO BLVD. APT. D  
SARITA MONICA, CA 90405

cc: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



**FEDERAL RECOGNITION**

August 30, 2003

Senator Barbara Boxer  
Hart Senate Office Building  
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Washington, D.C. 20510

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Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,

*Chauie Wahimahi Nuhii*

Address:

*206 East 220<sup>th</sup> St  
Carson, Ca 90745*

cc: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



August 30, 2003

Senator Barbara Boxer  
Hart Senate Office Building  
Room 112  
Washington, D.C. 20510

Dear Senator Boxer:

Please support Native Hawaiians' right to self determination and governance. Senate bill S. 344 can help Native Hawaiians to realize and ensure a bright, promising future for their culture for generations to come. The United States has provided federal recognition to every indigenous tribe in the United States except Native Hawaiians. It simply is not fair for Congress to allow all indigenous tribes in the U.S. to have a special government-to-government relationship and exclude only Native Hawaiians.

It has been well over a century that Native Hawaiians have been denied this right and it is time for Congress to realize and extend the same opportunities to them as every other indigenous people within its borders. The United States must honor the wrongs that were committed against Native Hawaiians in the past by ensuring the perpetuation and continuation of their very existence as a people.

Please support their right to self determination and governance by supporting S. 344, the Akaka-Stevens Bill.

Yours Truly,

cc: U.S. Senate

Rebecca Phillips

Address:

2302 W. MAGIC MOUNTAIN #155  
VALENCIA, CA 91355

S. 147 was S. 344  
in the 109<sup>th</sup> Congress



FEDERAL RECOGNITION

August 30, 2003

Senator Barbara Boxer  
Hart Senate Office Building  
Room 112  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

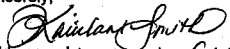
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Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,

  
Address: KAIHONI SMITH  
3064 Canyon Vista Dr.  
Colton, Ca 92324

cc: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



**FEDERAL RECOGNITION**

August 30, 2003

Senator Barbara Boxer  
Hart Senate Office Building  
Room 112  
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Your support for S. 344, Akaka-Stevens' Bill is greatly appreciated. Please *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,

*Alan M. F. LUK*  
ALAN M. F. LUK  
Address:  
4238 VIRGINIA AVE  
LOS ANGELES, CA 90029-2126

cc: U.S. Senate



S. 147 was S. 344  
in the 109<sup>th</sup> Congress



FEDERAL RECOGNITION

August 30, 2003

Senator Barbara Boxer  
Hart Senate Office Building  
Room 112  
Washington, D.C. 20510

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Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please **allow Native Hawaiians the right to have a special political relationship with the United States.**

Sincerely,

*Geri Guss*  
GERI GUSS  
Address:  
*8462 Mesa Linda*  
*Oak Hills, CA,*  
92345

cc: U.S. Senate



S. 147 was S. 344  
in the 109<sup>th</sup> Congress

FEDERAL RECOGNITION

August 30, 2003

Senator Barbara Boxer  
Hart Senate Office Building  
Room 112  
Washington, D.C. 20510

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Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,

Address: MICHAEL KINIMAKA  
36896 Red Oak St.  
Orinda, CA. 94576

cc: U.S. Senate

S. 147 was S. 344  
in the 109<sup>th</sup> Congress



FEDERAL RECOGNITION

August 30, 2003

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Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,

  
EILEEN L. KWAN-CASTANEDA  
Address: 567 BUTTERWOOD AVE  
SAN MARCOS, CA 92069

cc: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



FEDERAL RECOGNITION

August 30, 2003

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Hart Senate Office Building  
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Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please **allow Native Hawaiians the right to have a special political relationship with the United States.**

Sincerely,

*Harold P. Largo*

HAROLD P. LARGO

Address:

1035 OMAO AVE

LONG BEACH CA 90804

cc: U.S. Senate

S. 147 was S. 344  
in the 109<sup>th</sup> Congress



FEDERAL RECOGNITION

August 30, 2003

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Hart Senate Office Building  
Room 112  
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Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely, *Agnes Mejia*

Address: *AGNES MEJIA*  
*2918 E Ruby APT T*  
*Fullerton, CA 92831*

cc: U.S. Senate

S. 147 was S. 344  
in the 109<sup>th</sup> Congress



FEDERAL RECOGNITION

August 30, 2003

Senator Barbara Boxer  
Hart Senate Office Building  
Room 112  
Washington, D.C. 20510

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Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,

*Natsuko Nakazani*  
NATSIUKO NAKAZANI

Address:  
1756 3rd St  
Manhattan Beach CA 90266

cc: U.S. Senate

S. 147 was S. 344  
in the 109<sup>th</sup> Congress



FEDERAL RECOGNITION

August 30, 2003

Senator Barbara Boxer  
Hart Senate Office Building  
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William L. Leal  
Sincerely,

Address:  
3573 Northcliff Dr  
Fairbourn CA 92028

cc: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



August 30, 2003

Senator Barbara Boxer  
Hart Senate Office Building  
Room 112  
Washington, D.C. 20510

Dear Senator Boxer:

Please support Native Hawaiians' right to self determination and governance. Senate bill S. 344 can help Native Hawaiians to realize and ensure a bright, promising future for their culture for generations to come. The United States has provided federal recognition to every indigenous tribe in the United States except Native Hawaiians. It simply is not fair for Congress to allow all indigenous tribes in the U.S. to have a special government-to-government relationship and exclude only Native Hawaiians.

It has been well over a century that Native Hawaiians have been denied this right and it is time for Congress to realize and extend the same opportunities to them as every other indigenous people within its borders. The United States must honor the wrongs that were committed against Native Hawaiians in the past by ensuring the perpetuation and continuation of their very existence as a people.

Please support their right to self determination and governance by supporting S. 344, the Akaka-Stevens Bill.

Yours Truly, *Carol Kalama*  
*CAROL KALAMA*

Address: *32267 AVE D*  
*YUCAIPA, CA*  
*92399*

cc: U.S. Senate



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



August 30, 2008

Senator Barbara Boxer  
Hart Senate Office Building  
Room 112  
Washington, D.C. 20510

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Please support their right to self determination and governance by supporting S. 344, the Akaka-Stevens Bill.

Yours Truly,

cc: U.S. Senate

Address:

8405 Sompalwe  
Northridge, CA 91324



S. 147 was S. 344  
in the 109<sup>th</sup> Congress

FEDERAL RECOGNITION

August 30, 2003

Senator Barbara Boxer  
Hart Senate Office Building  
Room 112  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

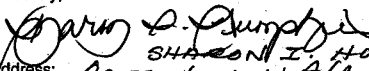
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Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please **allow Native Hawaiians the right to have a special political relationship with the United States.**

Sincerely,

  
SHARON I. HUMPALES  
Address: 2057 NOWELL AVE  
ROWLAND HTS CA 91748

cc: U.S. Senate

S. 147 was S. 344  
in the 109<sup>th</sup> Congress



FEDERAL RECOGNITION

August 30, 2003

Senator Barbara Boxer  
Hart Senate Office Building  
Room 112  
Washington, D.C. 20510

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Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,

*Marie Crijen*  
Address:

*Marie Crijen*

*756 Orange Ave  
Long Beach, Ca 90813*  
cc: U.S. Senate



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

**FEDERAL RECOGNITION**

August 30, 2003

Senator Barbara Boxer  
Hart Senate Office Building  
Room 112  
Washington, D.C. 20510

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Sincerely,

JULIE P. CHAG-COOPER

Address:

21062 SHAWW  
Huntington Beach, CA  
92644

cc: U.S. Senate

S. 147 was S. 344  
in the 109<sup>th</sup> Congress



FEDERAL RECOGNITION

August 30, 2003

Senator Barbara Boxer  
Hart Senate Office Building  
Room 112  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

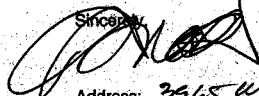
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Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please **allow Native Hawaiians the right to have a special political relationship with the United States.**

Sincerely,

  
R. MARSHALL ANDERSON  
Address: 3965 WINDY HOLLOW RD  
OAKLAND, CA 94602

cc: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



**FEDERAL RECOGNITION**

August 30, 2003

Senator Barbara Boxer  
Hart Senate Office Building  
Room 112  
Washington, D.C. 20510

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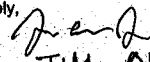
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Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,

  
TIM ALBAS

Address:  
1243 G. CUESTA DR  
CERRITOS 90713

cc: U.S. Senate

S. 147 was S. 344  
in the 109<sup>th</sup> Congress



FEDERAL RECOGNITION

August 30, 2003

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Hart Senate Office Building  
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Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please **allow Native Hawaiians the right to have a special political relationship with the United States.**

Sincerely, *Jim Young*  
JIM YOUNG

Address: *7302 E Well way*  
*Stanton CA 90680*

cc: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



August 30, 2003

Senator Barbara Boxer  
Hart Senate Office Building  
Room 112  
Washington, D.C. 20510

Dear Senator Boxer:

Please support Native Hawaiians' right to self determination and governance. Senate bill S. 344 can help Native Hawaiians to realize and ensure a bright, promising future for their culture for generations to come. The United States has provided federal recognition to every indigenous tribe in the United States except Native Hawaiians. It simply is not fair for Congress to allow all indigenous tribes in the U.S. to have a special government-to-government relationship and exclude only Native Hawaiians.

It has been well over a century that Native Hawaiians have been denied this right and it is time for Congress to realize and extend the same opportunities to them as every other indigenous people within its borders. The United States must honor the wrongs that were committed against Native Hawaiians in the past by ensuring the perpetuation and continuation of their very existence as a people.

Please support their right to self determination and governance by supporting S. 344, the Akaka-Stevens Bill.

Yours Truly,

A handwritten signature in black ink that reads "Ernest W. K. Aiu, Sr." in a cursive style.

cc: U.S. Senate  
ERNEST W. K. AIU, SR.

Address:

700 Hermosa Vista  
Monterey Park, CA 91754



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



August 30, 2003

Senator Barbara Boxer  
Hart Senate Office Building  
Room 112  
Washington, D.C. 20510

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Please support their right to self determination and governance by supporting S. 344, the Akaka-Stevens Bill.

Yours Truly,

A handwritten signature in black ink that reads "Harvey B. Wilborn".

cc: U.S. Senate

Address:

Harvey B. Wilborn  
1165 Erica St.  
Escondido, Ca. 92027

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



August 30, 2008

Senator Barbara Boxer  
Hart Senate Office Building  
Room 112  
Washington, D.C. 20510

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Please support their right to self determination and governance by supporting S. 344, the Akaka-Stevens Bill.

Yours Truly,

cc: U.S. Senate

Address: AKAWAIA  
1756 3RD STREET  
MANHATTAN BEACH  
CA 90266

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

November 2, 2003

Senator Barbara Boxer  
Hart Senate Office Building  
Room 112  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Aloha Senator Boxer,

As one of your constituents in the State of California, I am seeking your support for the Akaka-Stevens measure (S. 344).

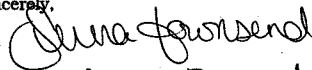
The challenges that Hawaiians face are overwhelming. Hawaiians are defending existing programs from legal challenges. Native Hawaiians are accused that the right to pursue self determination are race based. We must all must work together to remove these barriers.

Native Hawaiians since 1893 (the end of a recognized Hawaiian sovereign by the United States) until today continue to seek their right to self-governance and autonomy of internal affairs. This right is what is woven into their culture and their kinship to their land, sea and sky. These are the certainties that contribute to the well being of mankind.

As the Hawaiian proverb states below, Native Hawaiians always had their subsistence, yet how can they be assured of their future?

I ask you please to support S. 344 and **allow Native Hawaiians the right to have a special political relationship with the United States.**

Sincerely,



Print Name: Serena Townsend

Address: 3401 Crowell Rd Apt 46 Turlock CA 95282

CC: U.S. Senate

Hawaiian Proverb: *Huki ke kalo i ka ulu o ka 'ohā, Pehea ka pōloli a ka Kanaka Maoli o Hawai nei?*  
Native Hawaiians have always had their subsistence; yet how can Hawaii's native peoples' future be assured?

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

*E kani ka 'alā, E kōpi ka pa'akai, E hū ka 'opae,  
Pehea ka pōloli a ka Hawai'i?*

September 20, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

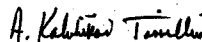
Dear Senator Dianne Feinstein,

The Akaka-Stevens measure (S. 344) that is currently pending before Congress needs your support. There are three distinct indigenous peoples of the United States of America: Native Americans, Alaska Natives, and Native Hawaiians. Of the three indigenous peoples, Native Hawaiians have yet to be **FEDERALLY RECOGNIZED**.

As afforded to Native Americans and Alaska Natives, The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It also provides protection to their entitlements which is now being challenged in the federal courts. As the proverb below states: Native Hawaiians have their subsistence; Yet how can their future be assured?

Please assure the passage of the Akaka-Stevens Bill, S. 344.

Sincerely,



Address:

6615 Beeman Ave.  
N.H., CA. 91606

CC: U.S. Senate

Hawaiian Proverb by Puanani Wilhelm: *E kani ka 'alā, E kōpi ka pa'akai, E hū ka 'opae, Pehea ka pōloli a ka Hawai'i?* We have our land, our present oceans. Food provided by both. Yet how can our future be assured?

S. 147 was S. 344  
in the 109<sup>th</sup> Congress

E kani ka 'aiā, E kōpi ka pa'akai, E hū ka 'opae,  
Pehea ka pōloli a ka Hawai'i?

September 20, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

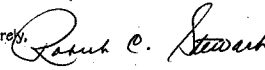
Dear Senator Dianne Feinstein,

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As afforded to Native Americans and Alaska Natives, The Akaka-Stevens Bill, S. 344, provides hope and direction for **Native Hawaiians** to pursue their own destinies. It also provides protection to their entitlements which is now being challenged in the federal courts. As the proverb below states: Native Hawaiians have their subsistence; Yet how can their future be assured?

Please assure the passage of the Akaka-Stevens Bill, S. 344.

Sincerely,



Address: 26439 ALENTOWN DR  
SUN CITY, CA 92586

CC: U.S. Senate

Hawaiian Proverb by Puanani Wilhelm: E kani ka 'aiā, E kōpi ka pa'akai, E hū ka 'opae, Pehea ka pōloli a ka Hawai'i? We have our land, our present oceans Food provided by both; Yet how can our future be assured?

S. 147 was S. 344  
S. 344 AKAKA-STEVEN'S BILL in the 109<sup>th</sup> Congress  
-Huki ke kalo i ka ulu o ka `ohā-

September 20, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

Dear Senator Dianne Feinstein,

The Akaka-Stevens measure (S. 344) is currently pending before Congress. I am asking you to support FEDERAL RECOGNITION FOR NATIVE HAWAIIANS.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. As the Hawaiian proverb states below, Native Hawaiians have their subsistence, yet how can they be assured of their future? Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

I ask you please to support S. 344 and *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,



Address:

888 Iberis Way  
Tracy, CA 95376

CC: U.S. Senate

Hawaiian Proverb: *Huki ke kalo i ka ulu o ka `ohā, Pehea ka pōloli a ka Kanaka Maoli o Hawaii nei? Subsistence is provided when the taro is cultivated; Yet how can Hawaii's Native peoples' future be assured?*

**S. 147 was S. 344**  
**in the 109<sup>th</sup> Congress**  
*E kani ka 'alā, E kōpi ka pa'akai, E hū ka 'opae,*  
*Pehea ka pōloli a ka Hawai'i?*

September 20, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Dianne Feinstein,

The Akaka-Stevens measure (S. 344) that is currently pending before Congress needs your support. There are three distinct indigenous peoples of the United States of America: Native Americans, Alaska Natives, and Native Hawaiians. Of the three indigenous peoples, Native Hawaiians have yet to be **FEDERALLY RECOGNIZED**.

As afforded to Native Americans and Alaska Natives, The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It also provides protection to their entitlements which is now being challenged in the federal courts. As the proverb below states: Native Hawaiians have their subsistence; Yet how can their future be assured?

Please assure the passage of the Akaka-Stevens Bill, S. 344.

Sincerely,



Address:  
410 W. MICHELTORONA #6  
SANTA BARBARA, CA 93101

CC: U.S. Senate

Hawaiian Proverb by Puanani Wilhelm: *E kani ka 'alā, E kōpi ka pa'akai, E hū ka 'opae, Pehea ka pōloli a ka Hawai'i?* We have our land, our present oceans Food provided by both; Yet how can our future be assured?

**S. 147 was S. 344**  
**in the 109<sup>th</sup> Congress**

**S. 344 AKAKA-STEVENS BILL**  
*-Huki ke kalo i ka ulu o ka 'ohā-*

September 20, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

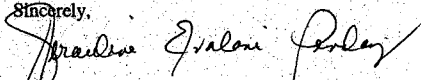
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I ask you please to support S. 344 and *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,



Address:  
2007 W Juniper Ave #4  
Santa Ana, CA 92704

CC: U.S. Senate

Hawaiian Proverb: *Huki ke kalo i ka ulu o ka 'ohā, Pehea ka pūloli a ka Kanaka Maoli o Hawaii nei?* Subsistence is provided when the taro is cultivated; Yet how can Hawaii's Native peoples' future be assured?



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

**FEDERAL RECOGNITION FOR NATIVE HAWAIIANS**

September 21, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENSON BILL

Dear Senator Dianne Feinstein,

The Akaka-Stevens Bill (S.344) is currently pending before Congress. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

As the first inhabitants of the Hawaiian islands, Native Hawaiians continue to perpetuate their culture as passed on from their ancestors. In 1826, the United States of America and the Hawaiian Kingdom sign the FIRST of FIVE TREATIES recognizing the sovereignty of the Hawaiian government and making a commitment to friendship and peace.

In 1993, the Congress passes and the President signs, Public Law 103-150 commonly known as "The Apology Bill", apologizing for the United States' armed participation in the unlawful overthrow of the Hawaiian Kingdom in 1893.

Through S. 344, the United States will once again have a relationship with the Native Hawaiian people of the Hawaiian archipelago lands in the Pacific Ocean. Please endorse S. 344, the Akaka-Stevens Bill. It is time for U.S. Congress to federally recognize Native Hawaiians.

Sincerely,

*Carmita Lubiano*

Address:

*526 Dunbar St.  
La Jolla, CA 92037*

CC: U.S. Senate

Hawaiian Proverb by Puanani Wilhelm: *E kani ka 'ai'i, E kipi ka pa'akai, E hi ka 'opae, Peha ka pōlohi  
a ka Hawai'i? We have our land, our present oceans, food provided by both; Yet how can our future be assured?*

S. 147 was S. 344  
in the 109<sup>th</sup> Congress

*E kani ka 'aiā, E kōpi ka pa'akai, E hū ka 'opae,  
Pehea ka pōioli a ka Hawai'i?*

September 20, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Dianne Feinstein,

The Akaka-Stevens measure (S. 344) that is currently pending before Congress needs your support. There are three distinct indigenous peoples of the United States of America: Native Americans, Alaska Natives, and Native Hawaiians. Of the three indigenous peoples, Native Hawaiians have yet to be **FEDERALLY RECOGNIZED**.

As afforded to Native Americans and Alaska Natives, The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It also provides protection to their entitlements which is now being challenged in the federal courts. As the proverb below states: Native Hawaiians have their subsistence; Yet how can their future be assured?

Please assure the passage of the Akaka-Stevens Bill, S. 344.

Sincerely,  
*Ingeh Lamat*

Address: *31653 Lakemeadow Dr.  
Acton, CA 93510*

CC: U.S. Senate

Hawaiian Proverb by Puanani Wilhelm: *E kani ka 'aiā, E kōpi ka pa'akai, E hū ka 'opae, Pehea ka pōioli a ka Hawai'i?* We have our land, our present oceans Food provided by both; Yet how can our future be assured?

S. 147 was S. 344  
S. 344 AKAKA-STEVEN'S BILL in the 109<sup>th</sup> Congress  
~Huki ke kalo i ka ulu o ka 'ohā~

September 20, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

Dear Senator Dianne Feinstein,

The Akaka-Stevens measure (S. 344) is currently pending before Congress. I am asking you to support FEDERAL RECOGNITION FOR NATIVE HAWAIIANS.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. As the Hawaiian proverb states below, Native Hawaiians have their subsistence, yet how can they be assured of their future? Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

I ask you please to support S. 344 and *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely, 

Address: 888 FERRIS WAY  
TRACY CA 95376

CC: U.S. Senate

Hawaiian Proverb: *Huki ke kalo i ka ulu o ka 'ohā, Pehea ka pōloli a ka Kanaka Maoli o Hawaii nei?* Subsistence is provided when the taro is cultivated; Yet how can Hawaii's Native peoples' future be assured?

S. 147 was S. 344  
S. 344 AKAKA-STEVENS BILL in the 109<sup>th</sup> Congress  
~Huki ke kalo i ka ulu o ka 'ohā~

September 20, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Dianne Feinstein,

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Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. As the Hawaiian proverb states below, Native Hawaiians have their subsistence, yet how can they be assured of their future? Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

I ask you please to support S. 344 and *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely, 

Address: 999 Marshall Rd  
Vacaville, CA 95687

CC: U.S. Senate

Hawaiian Proverb: *Huki ke kalo i ka ulu o ka 'ohā, Pehea ka pōloli a ka Kanaka Maoli o Hawaii nei? Subsistence is provided when the taro is cultivated; Yet how can Hawaii's Native peoples' future be assured?*

S. 147 was S. 344  
S. 344 AKAKA-STEVEN'S BILL in the 109<sup>th</sup> Congress  
~Huki ke kalo i ka ulu o ka 'ohā~

September 20, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

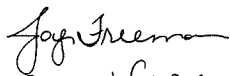
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Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. As the Hawaiian proverb states below, Native Hawaiians have their subsistence, yet how can they be assured of their future? Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

I ask you please to support S. 344 and *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,

  
Address: 850 W Cypress St  
Covina, Ca 91722

CC: U.S. Senate

Hawaiian Proverb: *Huki ke kalo i ka ulu o ka 'ohā, Pehea ka pōloli a ka Kanaka Maoli o Hawaii nei?* Subsistence is provided when the taro is cultivated; Yet how can Hawaii's Native peoples' future be assured?

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



**FEDERAL RECOGNITION**



September 21, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Dianne Feinstein,

I am writing to ask for your support for S. 344, the Akaka-Stevens Bill. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please **allow Native Hawaiians the right to have a special political relationship with the United States.**

Sincerely, *Matthew Adina*

Address: *24656 TARAZONA, Mission Viejo CA 92692*

CC: U.S. Senate

S. 147 was S. 344  
in the 109<sup>th</sup> Congress

FEDERAL RECOGNITION FOR NATIVE HAWAIIANS

September 21, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Dianne Feinstein,

The Akaka-Stevens Bill (S.344) is currently pending before Congress. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

As the first inhabitants of the Hawaiian islands, Native Hawaiians continue to perpetuate their culture as passed on from their ancestors. In 1826, the United States of America and the Hawaiian Kingdom sign the FIRST of FIVE TREATIES recognizing the sovereignty of the Hawaiian government and making a commitment to friendship and peace.

In 1993, the Congress passes and the President signs, Public Law 103-150 commonly known as "The Apology Bill", apologizing for the United States' armed participation in the unlawful overthrow of the Hawaiian Kingdom in 1893.

Through S. 344, the United States will once again have a relationship with the Native Hawaiian people of the Hawaiian archipelago lands in the Pacific Ocean. Please endorse S. 344, the Akaka-Stevens Bill. It is time for U.S. Congress to federally recognize Native Hawaiians.

Sincerely,

*Ralph X. Gagne*

Address: 837 VALLEJO ST.  
SAN FRANCISCO, CA. 94133

CC: U.S. Senate  
Hawaiian Proverb by Puanani Wilhelm: *E kani ka 'ala, E kopi ka pa'akai, E hi ka 'opae, Pehea ka pōioli a ka Hawai'i?* We have our land, our present oceans, food provided by both; Yet how can our future be assured?

S. 147 was S. 344

S. 344 AKAKA-STEVENSON IN THE 109<sup>th</sup> Congress

~Huki ke kalo i ka ulu o ka `ohā~

September 20, 2003

Senator Dianne Feinstein  
 Hart Senate Office Building  
 Room 331  
 Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENSON BILL


Dear Senator, Dianne Feinstein,

The Akaka-Stevens measure (S. 344) is currently pending before Congress. I am asking you to support FEDERAL RECOGNITION FOR NATIVE HAWAIIANS.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. As the Hawaiian proverb states below, Native Hawaiians have their subsistence, yet how can they be assured of their future? Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

I ask you please to support S. 344 and *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,



Address: 6615 Beeman Ave.  
 North Hollywood, CA 91606

CC: U.S. Senate

Hawaiian Proverb: *Huki ke kalo i ka ulu o ka `ohā, Pehea ka pōloli a ka Kanaka Maoli o Hawaii nei? Subsistence is provided when the taro is cultivated; Yet how can Hawaii's Native peoples' future be assured?*



S. 147 was S. 344  
in the 109<sup>th</sup> Congress



FEDERAL RECOGNITION



September 21, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Dianne Feinstein,

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Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,

*Theresa Haliu Theodore*

Address:

*2908 Amherst Dr. Stockton, CA 95209*

CC: U.S. Senate

**S. 147 was S. 344**  
**in the 109<sup>th</sup> Congress**  
*E kani ka 'alā, E kōpi ka pa'akai, E hū ka 'opae,*  
*Pehea ka pōloli a ka Hawai'i?*

September 20, 2003

Senator Dianne Feinstein  
 Hart Senate Office Building  
 Room 331  
 Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Dianne Feinstein,

The Akaka-Stevens measure (S. 344) that is currently pending before Congress needs your support. There are three distinct indigenous peoples of the United States of America: Native Americans, Alaska Natives, and Native Hawaiians. Of the three indigenous peoples, Native Hawaiians have yet to be **FEDERALLY RECOGNIZED**.

As afforded to Native Americans and Alaska Natives, The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It also provides protection to their entitlements which is now being challenged in the federal courts. As the proverb below states: Native Hawaiians have their subsistence; Yet how can their future be assured?

Please assure the passage of the Akaka-Stevens Bill, S. 344.

Sincerely,

*Maie Ieola*

Address:

*1604A NORDHOFF ST.  
 N. HILLS, CA 91343*

CC: U.S. Senate

Hawaiian Proverb by Puanani Wilhelm: *E kani ka 'alā, E kōpi ka pa'akai, E hū ka 'opae, Pehea ka pōloli a ka Hawai'i?* We have our land, our present oceans Food provided by both; Yet how can our future be assured?

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in the 109<sup>th</sup> Congress



FEDERAL RECOGNITION



September 21, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Dianne Feinstein,

I am writing to ask for your support for S. 344, the Akaka-Stevens Bill. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,

Address:

9637 Encino Ave.  
Northridge Ca 91325

CC: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

**S. 344 AKAKA-STEVEN'S BILL**  
~Huki ke kalo i ka ulu o ka 'ohā~

September 20, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

Dear Senator Dianne Feinstein,

The Akaka-Stevens measure (S. 344) is currently pending before Congress. I am asking you to support **FEDERAL RECOGNITION FOR NATIVE HAWAIIANS**.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. As the Hawaiian proverb states below, Native Hawaiians have their subsistence, yet how can they be assured of their future? Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

I ask you please to support S. 344 and *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,



Address: 10740 WOODLAWN AVE #6  
GRANADA HILLS, CA 91344

CC: U.S. Senate

Hawaiian Proverb: *Huki ke kalo i ka ulu o ka 'ohā, Pehea ka pōloli a ka Kanaka Maoli o Hawaii nei?* Subsistence is provided when the taro is cultivated; Yet how can Hawaii's Native peoples' future be assured?

S. 147 was S. 344  
in the 109<sup>th</sup> Congress

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September 20, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

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Please assure the passage of the Akaka-Stevens Bill, S. 344.

Sincerely,

*Gina Woodhouse*

Address:

*26525 Isabella Pkwy -  
Cyn Ctry, Ca 91351*

CC: U.S. Senate

Hawaiian Proverb by Puanani Wilhelm: *E kani ka `alā, E kopl ka pa`akai, E hū ka `opae, Pehea ka pōloli a ka Hawai'i?* We have our land, our present oceans Food provided by both: Yet how can our future be assured?

S. 147 was S. 344

S. 344 AKAKA-STEVEN'S BILL in the 109<sup>th</sup> Congress

~Huki ke kalo i ka ulu o ka `ohā~

September 20, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

Dear Senator Dianne Feinstein,

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I ask you please to support S. 344 and *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,



Address:

1580 Ave 320  
Honolulu, HI 96825

CC: U.S. Senate

Hawaiian Proverb: *Huki ke kalo i ka ulu o ka `ohā, Pehea ka pōlohi a ka Kanaka Maoli o Hawaii nei?* Subsistence is provided when the taro is cultivated; Yet how can Hawaii's Native peoples' future be assured?

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

FEDERAL RECOGNITION FOR NATIVE HAWAIIANS

September 21, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

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Through S. 344, the United States will once again have a relationship with the Native Hawaiian people of the Hawaiian archipelago lands in the Pacific Ocean. Please endorse S. 344, the Akaka-Stevens Bill. It is time for U.S. Congress to federally recognize Native Hawaiians.

Sincerely,

*David Carme*

Address: *8935 Jop Creek Dr.  
Stev. CA 95210-4306*

CC: U.S. Senate  
Hawaiian Proverb by Puanani Wilhelm: E kani ka 'alā, E kōpi ka pa'akai, E hū ka 'opae, Pehea ka pōloli a ka Hawai'i? We have our land, our present oceans, food provided by both; Yet how can our future be assured?

S. 147 was S. 344  
in the 109<sup>th</sup> Congress



FEDERAL RECOGNITION



September 21, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Dianne Feinstein,

I am writing to ask for your support for S. 344, the Akaka-Stevens Bill. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please **allow Native Hawaiians the right to have a special political relationship with the United States.**

Sincerely,

*Leilani Borger*

Address:

~~13691~~ 13691 Gavina Ave #350  
Sylmar Ca 91342

CC: U.S. Senate



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

FEDERAL RECOGNITION FOR NATIVE HAWAIIANS

September 21, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Dianne Feinstein,

The Akaka-Stevens Bill (S.344) is currently pending before Congress. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

As the first inhabitants of the Hawaiian islands, Native Hawaiians continue to perpetuate their culture as passed on from their ancestors. In 1826, the United States of America and the Hawaiian Kingdom sign the FIRST of FIVE TREATIES recognizing the sovereignty of the Hawaiian government and making a commitment to friendship and peace.

In 1993, the Congress passes and the President signs, Public Law 103-150 commonly known as "The Apology Bill", apologizing for the United States' armed participation in the unlawful overthrow of the Hawaiian Kingdom in 1893.

Through S. 344, the United States will once again have a relationship with the Native Hawaiian people of the Hawaiian archipelago lands in the Pacific Ocean. Please endorse S. 344, the Akaka-Stevens Bill. It is time for U.S. Congress to federally recognize Native Hawaiians.

Sincerely,

*Jeanette A. Fernandez*  
Address: 13691 Garvin Ave # 350  
Sylmar, CA 91342

CC: U.S. Senate  
Hawaiian Proverb by Puanani Wilhelm: E kani ka 'alā, E kopi ka pa'akai, E hū ka 'opas, Pehea ka pōloa a ka Hawai'i? We have our land, our present oceans, food provided by both; Yet how can our future be assured?

S. 147 was S. 344  
in the 109<sup>th</sup> Congress

*E kani ka 'alā, E kopl ka pa'akai, E hū ka 'opae,  
Pehea ka pōloli a ka Hawai'i?*

September 20, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

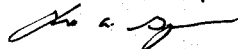
Dear Senator Dianne Feinstein,

The Akaka-Stevens measure (S. 344) that is currently pending before Congress needs your support. There are three distinct indigenous peoples of the United States of America: Native Americans, Alaska Natives, and Native Hawaiians. Of the three indigenous peoples, Native Hawaiians have yet to be **FEDERALLY RECOGNIZED**.

As afforded to Native Americans and Alaska Natives, The Akaka-Stevens Bill, S. 344, provides hope and direction for **Native Hawaiians** to pursue their own destinies. It also provides protection to their entitlements which is now being challenged in the federal courts. As the proverb below states: Native Hawaiians have their subsistence; Yet how can their future be assured?

Please assure the passage of the Akaka-Stevens Bill, S. 344.

Sincerely,

Leo A. Guzman  


Address: 3635 E. 28th St.  
Highland CA 92346

CC: U.S. Senate

Hawaiian Proverb by Puanani Wilhelm: *E kani ka 'alā, E kopl ka pa'akai, E hū ka 'opae, Pehea ka pōloli a ka Hawai'i?* We have our land, our present oceans Food provided by both; Yet how can our future be assured?

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

**S. 344 AKAKA-STEVEN'S BILL**

*~Huki ke kalo i ka ulu o ka 'ohā~*

September 20, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

Dear Senator Dianne Feinstein,

The Akaka-Stevens measure (S. 344) is currently pending before Congress. I am asking you to support FEDERAL RECOGNITION FOR NATIVE HAWAIIANS.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. As the Hawaiian proverb states below, Native Hawaiians have their subsistence, yet how can they be assured of their future? Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

I ask you please to support S. 344 and *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,



Address:

45896 Brodiaea Ave  
Moreno Valley, CA 92553

CC: U.S. Senate

Hawaiian Proverb: *Huki ke kalo i ka ulu o ka 'ohā, Pehea ka pōlohi a ka Kanaka Maoli o Hawaii nei?* Subsistence is provided when the taro is cultivated; Yet how can Hawaii's Native peoples' future be assured?

~~S. 147 was S. 344~~  
**in the 109<sup>th</sup> Congress**

*E kani ka `alā, E kopi ka pa`akai, E hū ka `opae,  
 Pehea ka pōlohi a ka Hawai'i?*

September 20, 2006

Senator Dianne Feinstein  
 Hart Senate Office Building  
 Room 331  
 Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Dianne Feinstein,

The Akaka-Stevens measure (S. 344) that is currently pending before Congress needs your support. There are three distinct indigenous peoples of the United States of America: Native Americans, Alaska Natives, and Native Hawaiians. Of the three indigenous peoples, Native Hawaiians have yet to be FEDERALLY RECOGNIZED.

As afforded to Native Americans and Alaska Natives, The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It also provides protection to their entitlements which is now being challenged in the federal courts. As the proverb below states: Native Hawaiians have their subsistence; Yet how can their future be assured?

Please assure the passage of the Akaka-Stevens Bill, S. 344.

Sincerely,

*Sharon Medina*

Address:

*10193 Mt Shasta  
 Hesperia CA 92345*

CC: U.S. Senate

Hawaiian Proverb by Puanani Wilhelm: *E kani ka `alā, E kopi ka pa`akai, E hū ka `opae, Pehea ka pōlohi a ka Hawai'i?* We have our land, our present oceans Food provided by both; Yet how can our future be assured?

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

October 31, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

RE: S 344 AĀKAKA-STEVEN'S BILL

Dear Senator Feinstein:

I am a Native Hawaiian currently living in California and urge you to please support the Akaka-Stevens S 344 Bill. I am sorry to have learned that the Bill has been prevented from moving to the Senate floor by anonymous holds placed by several senators.

The Bill is a crucial first step to protect hundreds of programs benefiting the Hawaiian community in such areas as health, education, housing, employment, economic development, and arts and culture. These programs and services are in jeopardy by legal challenges calling them race-based discrimination.

The Bill proposes that the U.S. formally recognize Hawaiians as the indigenous people of Hawaii and their political relationship with the United States. Five hundred and fifty Native American and Alaska Native tribes are already recognized by the federal government, but Hawaiians are not.

As your constituent in the State of California I humbly ask that you vote in favor of the passage of the Akaka-Stevens S 344 Bill.

Mahalo,

*Keoki Makini Eke*

Print Name:

Address

*1380 Camellia Dr.  
Palo Alto, CA 94303  
CC: U. S. Congress*

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

S. 344 AKAKA-STEVENS BILL  
~Huki ke kalo i ka ulu o ka `ohā~

September 20, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator, Dianne Feinstein,

The Akaka-Stevens measure (S. 344) is currently pending before Congress. I am asking you to support FEDERAL RECOGNITION FOR NATIVE HAWAIIANS.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. As the Hawaiian proverb states below, Native Hawaiians have their subsistence, yet how can they be assured of their future? Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

I ask you please to support S. 344 and *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,

*Mr. Larry Hoachana*

Address: *5458 Barkley 29 Palms CA 92277*

CC: U.S. Senate

Hawaiian Proverb: *Huki ke kalo i ka ulu o ka `ohā, Pehea ka pōloli a ka Kanaka Maoli o Hawaii nei?* Subsistence is provided when the taro is cultivated; *Yet how can Hawaii's Native peoples' future be assured?*

**S. 147 was S. 344**  
**in the 109<sup>th</sup> Congress**

S. 344 AKAKA-STEVENS BILL  
~Huki ke kalo i ka ulu o ka `ohā~

September 20, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Dianne Feinstein,

The Akaka-Stevens measure (S. 344) is currently pending before Congress. I am asking you to support FEDERAL RECOGNITION FOR NATIVE HAWAIIANS.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. As the Hawaiian proverb states below, Native Hawaiians have their subsistence, yet how can they be assured of their future? Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

I ask you please to support S. 344 and *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely, *Pehea K. Lehest*

Address: *9200 BLOOMFIELD CYPRESS CA. 90630*

CC: U.S. Senate

Hawaiian Proverb: *Huki ke kalo i ka ulu o ka `ohā, Pehea ka pōloli a ka Kanaka Maoli o Hawaii nei?* Subsistence is provided when the taro is cultivated; *Yet how can Hawaii's Native peoples' future be assured?*

November 2, 2003

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Aloha Senator Dianne Feinstein,

As one of your constituents in the State of California, I am seeking your support for the Akaka-Stevens measure (S. 344).

The challenges that Hawaiians face are overwhelming. Hawaiians are defending existing programs from legal challenges. Native Hawaiians are accused that the right to pursue self determination are race based. We must all must work together to remove these barriers.

Native Hawaiians since 1893 (the end of a recognized Hawaiian sovereign by the United States) until today continue to seek their right to self-governance and autonomy of internal affairs. This right is what is woven into their culture and their kinship to their land, sea and sky. These are the certainties that contribute to the well being of mankind.

As the Hawaiian proverb states below, Native Hawaiians always had their subsistence, yet how can they be assured of their future?

I ask you please to support S. 344 and **allow Native Hawaiians the right to have a special political relationship with the United States.**

Sincerely, *Annette Faulkner*

Print Name: *Annette Faulkner*

Address: *P.O. Box 254 - Penn Valley, CA 95946*

CC: U.S. Senate

Hawaiian Proverb: *Huki ke kalo i ka utu o ka 'ohā, Pehea ka pōloli a ka Kanaka Maoli o Hawaii nei?*  
Native Hawaiians have always had their subsistence; yet how can Hawaii's native peoples' future be assured?



S. 147 was S. 344  
in the 109<sup>th</sup> Congress

*E kani ka 'aiā, E kōpi ka pa'akai, E hū ka 'opae,  
Pehea ka pōloli a ka Hawai'i?*

September 20, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Dianne Feinstein,

The Akaka-Stevens measure (S. 344) that is currently pending before Congress needs your support. There are three distinct indigenous peoples of the United States of America: Native Americans, Alaska Natives, and Native Hawaiians. Of the three indigenous peoples, Native Hawaiians have yet to be **FEDERALLY RECOGNIZED**.

As afforded to Native Americans and Alaska Natives, The Akaka-Stevens Bill, S. 344, provides hope and direction for **Native Hawaiians** to pursue their own destinies. It also provides protection to their entitlements which is now being challenged in the federal courts. As the proverb below states: Native Hawaiians have their subsistence; Yet how can their future be assured?

Please assure the passage of the Akaka-Stevens Bill, S. 344.

Sincerely,



Address:

12722 ADAMS ST  
LARDER GROVE CA 92845

CC: U.S. Senate

Hawaiian Proverb by Puanani Wilhelm: *E kani ka 'aiā, E kōpi ka pa'akai, E hū ka 'opae, Pehea ka pōloli a ka Hawai'i?* We have our land, our present oceans Food provided by both; Yet how can our future be assured?

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

S. 344 AKAKA-STEVENS BILL

*-Huki ke kalo i ka ulu o ka 'ohā-*

September 20, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

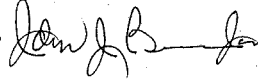
Dear Senator Dianne Feinstein,

The Akaka-Stevens measure (S. 344) is currently pending before Congress. I am asking you to support FEDERAL RECOGNITION FOR NATIVE HAWAIIANS.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. As the Hawaiian proverb states below, Native Hawaiians have their subsistence, yet how can they be assured of their future? Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

I ask you please to support S. 344 and *allow Native Hawaiians the right to have a special political relationship with the United States.*

Sincerely,



Address:

12722 ADAMS STREET  
GARDEN GROVE, CA. 92845

CC: U.S. Senate

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**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

October 31, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, C.D. 20510

RE: S 344 AKAKA-STEVEN'S BILL

Dear Senator Feinstein:

I am a Native Hawaiian currently living in California and urge you to please support the Akaka-Stevens S 344 Bill. I am sorry to have learned that the Bill has been prevented from moving to the Senate floor by anonymous holds placed by several senators.

The Bill is a crucial first step to protect hundreds of programs benefiting the Hawaiian community in such areas as health, education, housing, employment, economic development, and arts and culture. These programs and services are in jeopardy by legal challenges calling them race-based discrimination.

The Bill proposes that the U.S. formally recognize Hawaiians as the indigenous people of Hawaii and their political relationship with the United States. Five hundred and fifty Native American and Alaska Native tribes are already recognized by the federal government, but Hawaiians are not.

As your constituent in the State of California I humbly ask that you vote in favor of the passage of the Akaka-Stevens S 344 Bill.

Mahalo,

*ua ʻike Nāwaa  
Nanea Nani*

Print Name:  
NANEA RENTERIA

Address  
704 VIRGINIA AVE.  
MODESTO, CA 95354

CC: U. S. Congress

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

*E kani ka `alā, E kōpi ka pa`akai, E hū ka `opae,  
Pehea ka pōloli a ka Hawai`i?*

September 20, 2003

Senator Dianne Feinstein  
Hart Senate Office Building  
Room 331  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

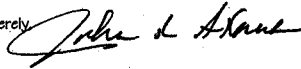
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Please assure the passage of the Akaka-Stevens Bill, S. 344.

Sincerely



Address:

15830 Ave 524  
Ikahe, CO 93255

CC: U.S. Senate

Hawaiian Proverb by Puanani Wilhelm: *E kani ka `alā, E kōpi ka pa`akai, E hū ka `opae, Pehea ka pōloli a ka Hawai`i?* We have our land, our present oceans Food provided by both; Yet how can our future be assured?

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Inouye:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

These bills reaffirm the relationship between Native Hawaiians and the United States; and represent an important step in the process of reconciliation between the United States and the Hawaiian people.

Congress has passed many bills that treat Hawaiians similarly to Native Americans and Alaska Natives, but unlike the other indigenous peoples of the United States, Hawaiians have been excluded from the U.S. policy concerning native American self-determination. It is time to end this discrimination and to begin the process of reconciliation.

Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: LINDA & BYRON Ah Hee  
Address: 95-207 HOAILONA PL  
Mililani, HI 96789

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Inouye:

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Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

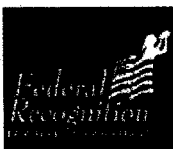
Name: Leona Awa

Address: 99-542 Uluwe St

Miss Hawaii 96701

\_\_\_\_\_

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



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Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: Rose Awa

Address: 1601 Oahu St.

Honolulu HI 96819

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Inouye:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

These bills reaffirm the relationship between Native Hawaiians and the United States; and represent an important step in the process of reconciliation between the United States and the Hawaiian people.

Congress has passed many bills that treat Hawaiians similarly to Native Americans and Alaska Natives, but unlike the other indigenous peoples of the United States, Hawaiians have been excluded from the U.S. policy concerning native American self-determination. It is time to end this discrimination and to begin the process of reconciliation.

Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name:

Marie H. Borges

Address:

521 Lanika St Apt #5  
Honolulu, HI 96826



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Inouye:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

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Congress has passed many bills that treat Hawaiians similarly to Native Americans and Alaska Natives, but unlike the other indigenous peoples of the United States, Hawaiians have been excluded from the U.S. policy concerning native American self-determination. It is time to end this discrimination and to begin the process of reconciliation.

Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: Gregory K. A. Christian  
Address: 2001 Kalaheima St #204  
Honolulu HI 96818

S. 147 was S. 344  
in the 109<sup>th</sup> Congress



FEDERAL RECOGNITION



September 21, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Daniel Inouye,

I am writing to ask for your support for S. 344, the Akaka-Stevens Bill. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please **allow Native Hawaiians the right to have a special political relationship with the United States.**

Sincerely, *Keinani Oamete*

Address: *97-7982 Hibiscus Dr*  
*Capt Cool, HI 96704*

CC: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

September 8, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

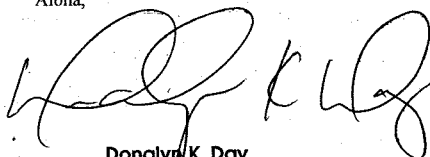
Dear Senator Inouye,

Now more than ever, Native Hawaiians are faced with the tough reality of threats to their identity as a distinct indigenous people and their culture. These threats seek to finish what was started a little over 100 years ago with the illegal overthrow of the Hawaiian monarchy, a scheme instigated by a group of foreign businessmen to extinguish the fundamental rights of Native Hawaiians to self determination as an independent people and to rob them of their entitlements. This would be the start of the deterioration of a proud, strong culture that did nothing to the people who threatened and continue to threaten it today.

The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It provides a chance for Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect. The Akaka-Stevens bill does much more than provide Native Hawaiians the long overdue federal recognition they deserve. It provides a framework for Native Hawaiians to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

The time has come for Congress to finally recognize Native Hawaiians as an indigenous group in the United States. I ask you please to support S. 344 and allow Native Hawaiians the right to have a special political relationship with the United States which in turn will allow them to pursue and decide their own destinies, not to live one that was decided for them.

Aloha,



**Donalyn K. Day**  
85-1305 Kanele Street  
Waianae, HI 96792

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

FEDERAL RECOGNITION FOR NATIVE HAWAIIANS

September 21, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

Dear Senator Daniel Inouye,

The Akaka-Stevens Bill (S.344) is currently pending before Congress. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

As the first inhabitants of the Hawaiian archipelago, Native Hawaiians continue to perpetuate their culture as passed on from their ancestors. In 1826, the United States of America and the Hawaiian Kingdom sign the FIRST of FIVE TREATIES recognizing the sovereignty of the Hawaiian government and making a commitment to friendship and peace.

In 1993, the Congress passes and the President signs, Public Law 103-150 commonly known as "The Apology Bill", apologizing for the United States' armed participation in the unlawful overthrow of the Hawaiian Kingdom in 1893.

Through S. 344, the United States will once again have a relationship with the Native Hawaiian people of the Hawaiian archipelago lands in the Pacific Ocean. Please endorse S. 344, the Akaka-Stevens Bill. It is time for U.S. Congress to federally recognize Native Hawaiians.

Sincerely,



Address:

P.O. Box 481  
Wailuku, Maui, HI 96785

CC: U.S. Senate

Hawaiian Proverb by Puanani Wilhelm: *E kani ka 'ala, E kope ka pa'akai, E hu ka 'opae, Pehea ka pōloli a ka Hawai'i?* We have our land, our present oceans, food provided by both; Yet how can our future be assured?

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

FEDERAL RECOGNITION FOR NATIVE HAWAIIANS

September 21, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

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Through S. 344, the United States will once again have a relationship with the Native Hawaiian people of the Hawaiian archipelago lands in the Pacific Ocean. Please endorse S. 344, the Akaka-Stevens Bill. It is time for U.S. Congress to federally recognize Native Hawaiians.

Sincerely,

*Rayner Kinney*  
*94-1982 Hibiscus Drive*

Address:

*Capt Cook, HI 96704*

CC: U.S. Senate

Hawaiian Proverb by Puanani Wilhelm: *E kani ka `alā, E kōpi ka pa`akai, E hū ka `opae, Pehea ka pōloli a ka Hawai'i?* We have our land, our present oceans, food provided by both; Yet how can our future be assured?

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

*September 8, 2003*

*Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510*

*Dear Senator Inouye,*

*Now more than ever, Native Hawaiians are faced with the tough reality of threats to their identity as a distinct indigenous people and their culture. These threats seek to finish what was started a little over 100 years ago with the illegal overthrow of the Hawaiian monarchy, a scheme instigated by a group of foreign businessmen to extinguish the fundamental rights of Native Hawaiians to self determination as an independent people and to rob them of their entitlements. This would be the start of the deterioration of a proud, strong culture that did nothing to the people who threatened and continue to threaten it today.*

*The Akaka-Stevens Bill, S. 344, provides hope and direction for Native Hawaiians to pursue their own destinies. It provides a chance for Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect. The Akaka-Stevens bill does much more than provide Native Hawaiians the long overdue federal recognition they deserve. It provides a framework for Native Hawaiians to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.*

*The time has come for Congress to finally recognize Native Hawaiians as an indigenous group in the United States. I ask you please to support S. 344 and allow Native Hawaiians the right to have a special political relationship with the United States which in turn will allow them to pursue and decide their own destinies, not to live one that was decided for them.*

*Aloha,*



**Ann Morano 95-226 Kaopua Loop, Mililani, HI 96789**

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



**FEDERAL RECOGNITION**



September 21, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Daniel Inouye,

I am writing to ask for your support for S. 344, the Akaka-Stevens Bill. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please **allow Native Hawaiians the right to have a special political relationship with the United States.**

Sincerely,

Address:

4-167 N. Ala. St

CC: U.S. Senate

Waik. H. 96795

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

September 8, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

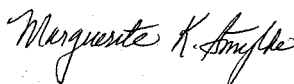
Dear Senator Inouye,

Please support Native Hawaiians' right to self determination and governance. Senate bill S. 344 can help Native Hawaiians to realize and ensure a bright, promising future for their culture for generations to come. The United States has provided federal recognition to every indigenous tribe in the United States except Native Hawaiians. It simply is not fair for Congress to allow all indigenous tribes in the U.S. to have a special government-to-government relationship and exclude only Native Hawaiians.

It has been well over a century that Native Hawaiians have been denied this right and it is time for Congress to realize and extend the same opportunities to them as every other indigenous people within its borders. The United States must honor the wrongs that were committed against Native Hawaiians in the past by ensuring the perpetuation and continuation of their very existence as a people.

Please support their right to self determination and governance by supporting S. 344, the Akaka-Stevens Bill.

Aloha and mahalo,



**DONNA SMYTHE**  
**58 Old Pali Road**  
**HONOLULU, HI 96817**



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Inouye:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

These bills reaffirm the relationship between Native Hawaiians and the United States; and represent an important step in the process of reconciliation between the United States and the Hawaiian people.

Congress has passed many bills that treat Hawaiians similarly to Native Americans and Alaska Natives, but unlike the other indigenous peoples of the United States, Hawaiians have been excluded from the U.S. policy concerning native American self-determination. It is time to end this discrimination and to begin the process of reconciliation.

Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: Erma L. Tanigawa

Address: 2039 Yuong St. #409  
Honolulu, HI 96826

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



**FEDERAL RECOGNITION**



September 21, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Daniel Inouye,

I am writing to ask for your support for S. 344, the Akaka-Stevens Bill. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please **allow Native Hawaiians the right to have a special political relationship with the United States.**

Sincerely, *Ritue Weese*

Address: *P.O. Box 4511  
Kailua, Kona 96745*

CC: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Inouye:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

These bills reaffirm the relationship between Native Hawaiians and the United States; and represent an important step in the process of reconciliation between the United States and the Hawaiian people.

Congress has passed many bills that treat Hawaiians similarly to Native Americans and Alaska Natives, but unlike the other indigenous peoples of the United States, Hawaiians have been excluded from the U.S. policy concerning native American self-determination. It is time to end this discrimination and to begin the process of reconciliation.

Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: Maile Woa

Address: 45-445 Leleua Lp  
Kaneohe, HI 96744

**S. 147 was S. 344**  
**in the 109<sup>th</sup> Congress**

**S. 344 AKAKA-STEVEN'S BILL**

August 30, 2003

Senator Barbara Boxer  
 Hart Senate Office Building  
 Room 112  
 Washington, D.C. 20510

Dear Senator Boxer:

The Akaka-Stevens measure (S. 344) that is currently pending before Congress needs your support. There are three distinct indigenous peoples of the United States of America: Native Americans, Alaska Natives, and Native Hawaiians. Of the three indigenous peoples, Native Hawaiians have yet to be **FEDERALLY RECOGNIZED**.

As afforded to Native Americans and Alaska Natives, The Akaka-Stevens Bill, S. 344, provides hope and direction for **Native Hawaiians** to pursue their own destinies. It provides a chance for Native Hawaiians to come together and focus on their strengths as a collective people. It provides protection to the entitlements that allow for the perpetuation of a culture that the State of Hawaii is dependent on in virtually every aspect.

The Akaka-Stevens bill does much more than provide **Native Hawaiians** the long overdue federal recognition they deserve. It provides a framework for **Native Hawaiians** to strengthen and empower a culture that fosters the spirit of aloha, the very essence of our Aloha State.

I ask you please to support S. 344 and allow **Native Hawaiians** the right to have a special political relationship with the United States.

Sincerely, *J.M. TURNBULL*

Sincerely,

*J.M. Turnbull*

Address: *1500 Park Ave*  
*Alamogordo, N.M.*  
*88310*

cc: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**  
**S. 344 AKAKA-STEVEN'S BILL**

August 30, 2003

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Hart Senate Office Building  
Room 112  
Washington, D.C. 20510

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I ask you please to support S. 344 and allow **Native Hawaiians** the right to have a special political relationship with the United States.

Sincerely, *RICHARD K. TURNBULL*

*Richard K. Turnbull*

Address:

*1500 Park Ave  
Alamogordo, nm 88310*

cc: U.S. Senate



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

**FEDERAL RECOGNITION**

August 30, 2003

Senator Barbara Boxer  
Hart Senate Office Building  
Room 112  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

Dear Senator Boxer:

I am writing to ask for your support for S. 344, the Akaka-Stevens Bill. This bill will provide federal recognition to Native Hawaiians, the only indigenous people in the United States who has not yet been federally recognized.

Federal Recognition is an important tool that allows indigenous peoples in the United States to determine which direction their people will take. Your support will provide a chance for Native Hawaiians to come together and focus on their strengths as a collective people.

Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please **allow Native Hawaiians the right to have a special political relationship with the United States.**

Sincerely, *Jubilee K. Kanahele*  
JUBILEE K. KANAHELE

Address: 13460 INVERNESS  
OKC. OK 73137

cc: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Inouye:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

These bills reaffirm the relationship between Native Hawaiians and the United States; and represent an important step in the process of reconciliation between the United States and the Hawaiian people.

Congress has passed many bills that treat Hawaiians similarly to Native Americans and Alaska Natives, but unlike the other indigenous peoples of the United States, Hawaiians have been excluded from the U.S. policy concerning native American self-determination. It is time to end this discrimination and to begin the process of reconciliation.

Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name:           Laurie Ye          

Address:           5018 Opihi St            
          Hon HI 96821

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



**FEDERAL RECOGNITION**



September 21, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVEN'S BILL

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Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please **allow Native Hawaiians the right to have a special political relationship with the United States.**

Sincerely, *Pohai Wespel*

Address: *P.O. Box 4511  
Kailua Kona 96745*

CC: U.S. Senate



**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



**FEDERAL RECOGNITION**



September 21, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

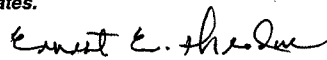
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Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please **allow Native Hawaiians the right to have a special political relationship with the United States.**

Sincerely,   
ERNEST E. THEODORE

Address: 47-514 IPU LEPO WAY  
KANEONE, HI 96744

CC: U.S. Senate

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

September 8, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

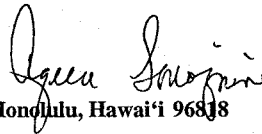
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The time has come for Congress to finally recognize Native Hawaiians as an indigenous group in the United States. I ask you please to support S. 344 and allow Native Hawaiians the right to have a special political relationship with the United States which in turn will allow them to pursue and decide their own destinies, not to live one that was decided for them.

Aloha,



**Aquanetta Sonognini 4567 Likini Street, Honolulu, Hawai'i 96818**

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Inouye:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

These bills reaffirm the relationship between Native Hawaiians and the United States; and represent an important step in the process of reconciliation between the United States and the Hawaiian people.

Congress has passed many bills that treat Hawaiians similarly to Native Americans and Alaska Natives, but unlike the other indigenous peoples of the United States, Hawaiians have been excluded from the U.S. policy concerning native American self-determination. It is time to end this discrimination and to begin the process of reconciliation.

Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: TEREK SHIROMA

Address: 3098 LANIKAULA ST  
HON, HI 96822

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Inouye:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

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Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name:

*Setitia Daehn* (Naehu)

Address:

*35 O. Kukui St. #101  
Honolulu, HI 96817*

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Inouye:

I am a voter in your district and am sending this communication to ask you to please support the Native Hawaiian Recognition Bill, S. 344 and H.R. 665, by voting in favor of these measures.

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Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: *Michael D. Ryan*

Address: 217 PROPER ST.  
# A-10  
HONO., HI 96813

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**

FEDERAL RECOGNITION FOR NATIVE HAWAIIANS

September 21, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENSON BILL

Dear Senator Daniel Inouye,

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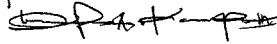
As the first inhabitants of the Hawaiian archipelago, Native Hawaiians continue to perpetuate their culture as passed on from their ancestors. In 1826, the United States of America and the Hawaiian Kingdom sign the FIRST of FIVE TREATIES recognizing the sovereignty of the Hawaiian government and making a commitment to friendship and peace.

In 1993, the Congress passes and the President signs, Public Law 103-150 commonly known as "The Apology Bill", apologizing for the United States' armed participation in the unlawful overthrow of the Hawaiian Kingdom in 1893.

Through S. 344, the United States will once again have a relationship with the Native Hawaiian people of the Hawaiian archipelago lands in the Pacific Ocean. Please endorse S. 344, the Akaka-Stevens Bill. It is time for U.S. Congress to federally recognize Native Hawaiians.

Sincerely,

Address: P.O. Box 2002 Waiānane, HI 96792



CC: U.S. Senate

Hawaiian Proverb by Puanani Wilhelm: *E kani ka 'alā, E kōpi ka pa'akai, E hū ka 'opae, Pehea ka pōloli a ka Hawai'i?* We have our land, our present oceans, food provided by both; Yet how can our future be assured?

**S. 147 was S. 344  
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FEDERAL RECOGNITION FOR NATIVE HAWAIIANS

September 21, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

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Sincerely,

Address:  
1215 Alexander St, Apt 406  
Honolulu, HI 96826

CC: U.S. Senate  
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**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



**FEDERAL RECOGNITION**



September 21, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

RE: S. 344 AKAKA-STEVENS BILL

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Your support for S. 344, Akaka-Stevens Bill is greatly appreciated. Please **allow Native Hawaiians the right to have a special political relationship with the United States.**

Sincerely, *Keimana DeMute*

Address: *733 A 19th AVE  
Honolulu, HI 96819*

CC: U.S. Senate



S. 147 was S. 344  
in the 109<sup>th</sup> Congress

FEDERAL RECOGNITION FOR NATIVE HAWAIIANS

September 21, 2003

Senator Daniel Inouye  
Hart Senate Office Building  
Room 722  
Washington, D.C. 20510

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Sincerely,

*Chipp Palmate*  
*733 A 19th Ave*

Address:

*Honolulu, HI 96816*

CC: U.S. Senate

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**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



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Congress has passed many bills that treat Hawaiians similarly to Native Americans and Alaska Natives, but unlike the other indigenous peoples of the United States, Hawaiians have been excluded from the U.S. policy concerning native American self-determination. It is time to end this discrimination and to begin the process of reconciliation.

Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name:

Michael Christian

Address:

2150 Kalia Drive ST #204  
Honolulu, HI 96818

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Inouye:

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Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: William K. Puwa  
Address: 1601 OHAU ST  
Honolulu HI 96819

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Inouye:

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Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: Floyd Awa  
Address: 1601 Olua St.  
Hon. HI 96819

**S. 147 was S. 344  
in the 109<sup>th</sup> Congress**



Dear Senator Daniel Inouye:

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Please support S. 344 and H.R. 665 by voting in favor of these measures.

Sincerely,

Name: Cheryl Awa  
Address: 1101 Ohu St.  
Honolulu, HI 96819

Testimony of Lisa C. Oshiro  
submitted to the U.S. Senate Committee on Indian Affairs  
for the Hearing on S. 147,  
the Native Hawaiian Government Reorganization Act of 2005,  
held on March 1, 2005

Aloha Chairman McCain, Vice Chairman Dorgan and distinguished members of the U.S. Senate Committee on Indian Affairs. My name is Lisa C. Oshiro. I submit this testimony as an individual Native Hawaiian. I was raised in Hawaii and am currently a resident of Hawaii.

Thank you for this opportunity to express my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005. S. 147 sets out a process to reorganize a Native Hawaiian government and secure its recognition by the United States. This process would further reconciliation efforts between the United States and the Native Hawaiian people as prescribed in the Apology Resolution, Public Law 103-150, adopted by Congress in 1993 to acknowledge the 100<sup>th</sup> anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii. I would be eligible under S. 147's definition of "Native Hawaiian" to participate in this process and I look forward to the day when I will participate in a Native Hawaiian government through which we will exercise greater control in determining our own future.

I am a graduate of the Kamehameha Schools. I am an attorney licensed to practice in the State of Hawaii and the State of California. I received my law degree from the University of New Mexico School of Law, where I also earned an Indian Law Certificate. I am fortunate to have worked on Indian reservations and with the sovereign governments of many American Indian and Alaska Native peoples. I have worked with Indian communities in their attempts to protect their children, ancestral homelands, culture and cultural and natural resources while concurrently seeking the protections and authorities that federal recognition would afford their government and their members. I worked in Indian Legal Services for approximately seven and a half years and witnessed the significant progress and empowerment of individual Indians and Indian nations as the Indian nations exercised their authorities and responsibilities which are inherent to their sovereign status as well as their culture. It is my wish, hope and desire to share and perpetuate such progress and empowerment among current and future generations of Native Hawaiians.

During my undergraduate studies in the late 1980s, I would share about the history of Native Hawaiians, the overthrow of the Kingdom of Hawaii and our struggle for survival, self-determination and self-governance. I found that many of my peers were not familiar with the sovereign self-governing status of American Indians and Alaska Natives and that among those who were, many were surprised that Native Hawaiians did not have the same status. As I discussed the existing efforts of Native Hawaiians to protect our lands and natural resources and protect, preserve and perpetuate our Native Hawaiian culture, I was frequently cautioned by my peers about the tough work ahead and that I should not expect to achieve a sovereign Native Hawaiian government during my lifetime. Undaunted, I understood that my responsibility is to leave to the next generation a better position from which to advance. However, those programs and services which our ancestors and elders have provided as their legacy – which have empowered and advanced our current generations – are threatened in the absence of federal

recognition of a government-to-government relationship between the United States and Native Hawaiians. Now, more than ever, I believe that Native Hawaiian self-governance is imperative and that we need passage of the Native Hawaiian Government Reorganization Act of 2005.

We need passage of S. 147 during this 109<sup>th</sup> Congress in order to protect, preserve and perpetuate vital Native Hawaiian trusts, programs and services which some individuals seek to dismantle. We would like to feel secure in knowing that our way of life which enriches not only our lives, but also the lives of countless others throughout our community, the State of Hawaii, the United States and the world, is protected.

I thank this Committee for its quick action in recommending passage of S. 147 to the full Senate so that Congress can take advantage of every opportunity to consider and pass S. 147 and its companion House bill, H.R. 309, into law.

Mahalo for your time and consideration. Aloha.

**Indian-Affairs, Testimony (Indian Affairs)**

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**From:** Kalae Peahi [k\_peahi@hotmail.com]  
**Sent:** Friday, March 11, 2005 3:17 AM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** Testimony of Apela Peahi Jr.

Testimony of Apela Peahi Jr.  
submitted to the U.S. Senate Committee on Indian Affairs  
for the Hearing on S. 147,  
the Native Hawaiian Government Reorganization Act of 2005  
held on March 1, 2005

Aloha Chairman McCain, Vice Chairman Dorgan and distinguished members of the U.S. Senate Committee on Indian Affairs. My name is Apela Peahi Jr. I am a Native Hawaiian and a beneficiary of the Hawaiian Home Lands trust established by Congress in 1920 under the Hawaiian Homes Commission Act. I live in the Hawaiian homestead community of Waimanalo on the island of Oahu.

Thank you for this opportunity to express my strong support for the S. 147, the Native Hawaiian Government Reorganization Act of 2005. S. 147 sets out a process to reorganize a Native Hawaiian government and secure its recognition by the United States. This process would further reconciliation efforts between the United States and the Native Hawaiian people as prescribed in the Apology Resolution, Public Law 103-150, adopted by Congress in 1993 to acknowledge the 100<sup>th</sup> anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii. I would be eligible under S. 147's definition of "Native Hawaiian" to participate in this process and I look forward to the day when I will participate in a Native Hawaiian government through which we will exercise greater control in determining our own future.

Five members of my immediate and extended family live on Hawaiian Home Lands. Our family is strengthened by being able to live close to one another so that we may support each other, for example, by caring for family members, sharing transportation and other resources and generally supporting each other through our challenges and opportunities. Many members of our family and community would not be able to afford housing in Hawaii without the Hawaiian Home Lands trust. In fact, many Native Hawaiians have had to move far away from their homelands in order to provide for their families.

Our community grows stronger as we pursue community-based developments which bring resources into our community so that our community can provide much-needed programs and services to our families. Native Hawaiian culture is reinforced and strengthened in our community as it provides the foundation of our existence.

We need passage of S. 147 during this 109<sup>th</sup> Congress in order to protect, preserve and perpetuate the Hawaiian Home Lands trust and other vital trusts, programs and services which some individuals seek to dismantle. We would like to feel secure in our homes, knowing that our right to live on Hawaiian Home Lands is protected. We need passage of S. 147 so that we may continue to exist as Native Hawaiians and bring forward generations of Native Hawaiians proudly sharing our rich Native Hawaiian culture and enriching the lives of our families, our communities, and everyone throughout the State of Hawaii, the United States and the world. We need the United States' reaffirmation of its trust relationship with Native Hawaiians and federal recognition of a government-to-government relationship with Native Hawaiians.

I thank this Committee for its quick action in recommending passage of S. 147 to the full Senate so that Congress can take advantage of every opportunity to consider and pass S. 147 and its companion House bill, H.R. 309, into law.

Mahalo (thank you) for your time and consideration of my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005.

3/11/2005



**Indian-Affairs, Testimony (Indian Affairs)**

**From:** Paul Richards [ppr@hhtech.net]  
**Sent:** Friday, March 11, 2005 5:26 PM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** TESTIMONY IN SUPPORT OF S. 147 - NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2005

## WRITTEN TESTIMONY IN SUPPORT OF S. 147

Testimony of Paul Pakahanui Richards, immediate and extended family members listed below submit this testimony to the U.S. Senate Committee on Indian Affairs for the Hearing on S. 147, the Native Hawaiian Government Reorganization Act of 2005, held on March 1, 2005

Aloha Chairman McCain, Vice Chairman Dorgan and distinguished members of the U.S. Senate Committee on Indian Affairs:

My name is Paul Pakahanui Richards, and I am a Native Hawaiian and a beneficiary of the Hawaiian Home Lands trust established by Congress in 1920 under the Hawaiian Homes Commission Act. I live in the Hawaiian homestead community of Waimanalo on the island of Oahu and the elected President of the Waimanalo Hawaiian Homes Association (WHHA) consisting of 663 households comprising approximately 3,000 residents.

First, thank you for this opportunity to express my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005. S. 147 sets out a process to reorganize a Native Hawaiian government and secure its recognition by the United States. This process would further reconciliation efforts between the United States and the Native Hawaiian people as prescribed in the Apology Resolution, Public Law 103-150, adopted by Congress in 1993 to acknowledge the 100th anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii. I would be eligible under S. 147's definition of "Native Hawaiian" to participate in this process and I look forward to the day when I will participate in a Native Hawaiian government through which we will exercise greater control in determining our own future.

Fourteen adult members of my immediate and extended family live on Hawaiian Home Lands. Our family is strengthened by being able to live close to one another so that we may support each other, for example, by caring for family members, sharing transportation and other resources and generally supporting each other through our challenges and opportunities. Many members of our family and community would not be able to afford housing in Hawaii without the Hawaiian Home Lands trust. In fact, many Native Hawaiians have had to move far away from their homelands in order to provide for their families.

Our community grows stronger as we pursue community-based developments which bring resources into our community so that our community can provide much-needed programs and services to our families. Native Hawaiian culture is reinforced and strengthened in our community as it provides the foundation of our existence.

We need passage of S. 147 during this 109th Congress in order to protect, preserve and perpetuate the Hawaiian Home Lands trust and other vital trusts, programs and services which some individuals seek to dismantle. We would like to feel secure in our homes, knowing that our right to live on Hawaiian Home Lands is protected. We need passage of S. 147 so that we may continue to exist as Native Hawaiians and bring forward generations of Native Hawaiians proudly sharing our rich Native Hawaiian culture and enriching the lives of our families, our communities, and everyone throughout the State of Hawaii, the United States and the world. We need the United States' reaffirmation of its trust relationship with Native Hawaiians and federal recognition of a government-to-government relationship with Native Hawaiians.

I thank this Committee for its quick action in recommending passage of S. 147 to the full Senate so that Congress can take advantage of every opportunity to consider and pass S.

460

147 and its companion House bill, H.R. 309, into law.

Mahalo (thank you) for your time and consideration of my strong support for S. 147, the Native Hawaiian Government Reorganization Act of 2005.

Paul P. Richards  
Eleanor K. Richards (Mother)  
Mona K. Richards-Fung  
Delbert A. Fung  
Radford K. Richards  
Jansen P. Richards, Sr.  
Jeanna K. Richards  
Sula Richards  
Cheryl Pedro  
Michelle Pedro  
Delwyn K. Richards, Sr.  
Darlene K. Kamauu-Richards

Family Members Residing Outside of Hawaii in support of S. 147

Anson K. Richards - Las Vegas, Nevada  
Lisa A. Hanawahine-Richards - Las Vegas, Nevada

Ilna Piimanu-Grippando - Los Angeles, California  
Daniel K. Grippando - Los Angeles, California  
Gina K. Grippando - Los Angeles, California/Washington, D.C.

Jose Torres - New York City, New York  
Joey Bugo - New York City, New York

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**Indian-Affairs, Testimony (Indian Affairs)**

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**From:** Joe Rodrigues [mak91@msn.com]  
**Sent:** Friday, March 04, 2005 12:37 AM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** Hawaii Gov. Wrong!

Hawaiian Kingdom was not a "Native Hawaiian Government"

The Maui News has an editorial today in support of the Akaka bill. It quotes Gov. Lingle's testimony;

"When the United States annexed Hawaii as a territory, it effectively subordinated the Native Hawaiian government to the federal government. Hence the United States' relationship to the people governed by the Native Hawaiian government was political, not racial, in nature."

One problem with this statement—aside from the fact that the government wasn't actually "subordinated"—is that it was not a Native Hawaiian government, any more than the state government today is a Native Hawaiian government or the government of the United States is a European-American government.

See here for a list of naturalized citizens of the Hawaiian Kingdom.  
<http://hawaiiankingdom.org/info-registry.shtml>

You'll see naturalized citizens from China, Germany, Switzerland, Great Britain, Mexico, Portugal, Scotland, Ireland, New Zealand, France, Prussia, Norway, Denmark, Hungary, Chile, Tahiti, Africa, Jamaica, West Indies, Canada, Holland, etc. etc.

And children born in Hawaii were automatically subjects of the kingdom regardless of their race or their parents' place of origin.

The government had many non-Native Hawaiians serving in the executive, legislative and judicial branches, and subjects/citizens of all races voted for the government.

So it is just plain wrong to say Hawaii had a "Native Hawaiian government" under the Hawaiian Kingdom. But by making this big jump from the entire multiracial national population to the Native Hawaiian subset of that population, this is how they try to establish the political nature of the relationship exclusively with Native Hawaiians.

But all of these people were part of the Hawaiian Kingdom national population. All of them were part of the Hawaiian government, either by voting or serving in office. All of them had their country invaded and purportedly annexed by the United States. All of these people had U.S. citizenship imposed upon them without their consent. And most of these Hawaiian nationals were loyal to the Hawaiian government and opposed U.S. annexation.

So if we are going to justify the "reorganization" (the title of the bill) of a government based on the history of the U.S. with the Hawaiian Kingdom, what about all of the other nationals and their descendents, who were just as much part of the Hawaiian government, and shared in the loss of that government?

It is one thing to just say that we want to create a Native Hawaiian domestic dependent nation now, but it is just totally disingenuous and inconsistent with Hawaii's history to try to say this a political relationship, or that Native Hawaiians exclusively are a political group, based on the Hawaiian Kingdom history.

**Indian-Affairs, Testimony (Indian Affairs)**

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**From:** Paul Richards [ppr@hhtech.net]  
**Sent:** Friday, March 11, 2005 7:26 PM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Cc:** Joe Ann Sang; G. Pikake Pelekai  
**Subject:** A RESOLUTION IN SUPPORT OF S. 147 BY THE DELEGATES OF THE 17TH ANNUAL CONVENTION OF THE STATE COUNCIL OF HAWAIIAN HOMESTEAD ASSOCIATIONS

A WRITTEN TESTIMONY IN SUPPORT OF S. 147  
FROM ANTHONY H. SANG, SR, CHAIRMAN, STATE COUNCIL OF HAWAIIAN HOMESTEAD ASSOCIATIONS ON BEHALF OF THE INDIVIDUAL MEMBERS, AND THEIR CONSTITUENTS RESIDING ON TWENTY-FOUR NATIVE HAWAIIAN HOMESTEAD COMMUNITIES IN THE STATE OF HAWAII.

To the U.S. Senate Committee on Indian Affairs, Aloha Honorable Chairman McCain, Vice Chairman Dorgan and distinguished committee members.

My name is Anthony H. Sang, Sr., elected Chairman of the State Council of Hawaiian Homestead Associations (SCHHA) representing the constituents of twenty-four Native Hawaiian Homestead communities and its established community associations.

First, please allow me to extend our gratitude and appreciation for inviting us with the Council for Native Hawaiian Advancement (CNHA) - Ms. Jade Danner to testify before the Senate Committee on Indian Affairs on Tuesday, March 1, 2005 regarding S. 147.

Secondly, the appreciation of all the Native Hawaiians, including those not residing on Hawaiian Home lands and those located on the continental United States and abroad are extremely excited and support your recent committee action.

Honorable Chairman McCain, Vice Chairman Dorgan and distinguished committee members, the Resolution shown below this introductory commentary is the active result and participation of Native Hawaiian homesteaders and non-homesteaders who support wholeheartedly, with committed passion S. 147. Each has diligently tracked, identified and notated the advancement of the bill through the various stages and are fully aware of any revisions made from its earlier version then known as S.344.

I, Anthony H. Sang, Sr. along with those names listed below firmly believe in the full context and intent of S. 147 and urges passage of S.147 during this session of Congress in order to protect, preserve and perpetuate the Hawaiian Home lands trust and allow our Native Hawaiian people to organize ourselves towards self-determination and self-governance.

We thank the committee for the quick action in recommending passage of S. 147 to the full Senate so that Congress can take advantage of every opportunity to consider and pass S. 147 and its companion House bill, H.R. 309, into law.

Thank you for allowing me and my constituents the opportunity to submit this testimony and Resolution in strong support of S. 147, the Native Hawaiian Government Reorganization Act of 2005.

Respectfully submitted,

(Signature)  
Anthony H. Sang, Sr.  
Chairman, State Council of Hawaiian Homestead Associations (SCHHA)

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A RESOLUTION

URGING THE STATE COUNCIL OF HAWAIIAN HOMESTEAD ASSOCIATIONS (SCHHA) TO SUPPORT THE PASSAGE OF S. 344 A BILL EXPRESSING THE POLICY OF THE UNITED STATES REGARDING THE UNITED STATES RELATIONSHIP WITH THE NATIVE HAWAIIANS AND TO PROVIDE A PROCESS FOR THE RECOGNITION BY THE UNITED STATES OF THE NATIVE HAWAIIAN GOVERNMENT ENTITY, AND FOR OTHER PURPOSES.

WHEREAS, the Department of Hawaiian Home Lands (DHHL) and the State Council of Hawaiian Homestead Associations (SCHHA) are both concerned with the welfare and political well-being of native Hawaiians, and share the common goal of preserving and protecting the Hawaiian Homes Commission Act (HHCA); and

WHEREAS, native Hawaiians, as defined in the HHCA are a native people of the Hawaiian archipelago which is now part of the United States, and they are identified as an indigenous native people of the United States; and

WHEREAS, the United States has a special trust relationship to provide the welfare of the native people of the United States, including native Hawaiians; and

WHEREAS, pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (32 Stat. 108, Chapter 42), the United States set aside 203,500 acres of land in the territory that later became the State of Hawaii to address the conditions of native Hawaiians and are known today as the Hawaiian Home Lands; and

WHEREAS, the Hawaiian Home lands are being settled under a homesteading program and the native Hawaiian community that have evolved have maintained distinct native settlements throughout the State of Hawaii; and

WHEREAS, the Hawaiian Home Lands provide an important foundation for the ability of the larger Native Hawaiian community to maintain the practice of Native Hawaiian Culture, language, and traditions, and insure the survival of the Native Hawaiian people; and

WHEREAS, despite the overthrow of the Hawaiian Government of 1893, Native Hawaiians have continued to maintain their separate identity and are working towards achieving greater self-determination and self-governance of their own affairs; and

NOW, THEREFORE BE IT RESOLVED that the State Council of Hawaiian Homestead Associations, meeting in convention at the Best Western Plaza Hotel in Honolulu, O'ahu, Hawaii this 22nd day of August, 2004, strongly supports the passage of S344; and

BE IT FURTHER RESOLVED THAT, certified copies of this Resolution be transmitted to the Honorable Linda Lingle, Governor, State of Hawaii, the Honorable Micah Kane, Chairman, Hawaiian Homes Commission, the Honorable Haunani Apoliona, Chairperson, Office of Hawaiian Affairs, the Honorable Charles Rose, President, Association of Hawaiian Civic Clubs, the Honorable Senator Daniel K. Inouye, the Honorable Sen. Daniel K. Akaka, the Honorable Congressman Neil Abercrombie and the Honorable Congressman Ed Case.

The undersigned hereby certifies that the foregoing Resolution was duly adopted on August 22, 2004 at the 17th Annual Convention of the State Council of Hawaiian Homestead Associations at Honolulu, O'ahu, Hawaii.

(Signature Affixed)  
Anthony H. Sang, Sr. Chairman  
State Council of Hawaiian Homestead Associations

LIST OF DELEGATES SUPPORT THE ABOVE RESOLUTION.

Aulani Ahmad, Vivian Ainoa, Moana Akana, Kimo Aluli, Lei Anquay, Olivia Aquino, Ann AuHoon, Audrey Basques, Sherilyn Beniamina, Carolyn Bush, Leif Bush, Ochie Bush, Eugene Ching, Geraldine Ching, Antone Chong-Tim, Rowena Chong-Tim, Agens Cope, Winifred Cummings, Erik Danner, Robin Danner, Kalehua Eli, Midge Eli, Audrey Eli-Kia, Doreen Gaspar, Kenneth Gaspar, Herbert Hew-Len, Mineo Honda, Nancy Honda, Labela Hudson, Laurene Irvine, Dickie Ishimine, Kekealani Ishizaka, Aulani Kahaulaio, Michael Kahikina, Dwayne Kala, Donna Kaleleiki, Amanda Kaleiohi, Edmund Kaleiohi, Marlene Kali, Kaverine Kama, Eric Kama, Natalie Tasha Kama, Kamaki Kanahelo, Kaniela Kanahelo, Di kaohelouli-Pfeiffer, Cookie Kaouiki, Kenneth Kapeliela, Donna Kapu, John Kapu, Bill Kapuni, M. Kanani Kapuniai, Antoinette Kealoha, John Kekahuna, Marc Keliholokai, Lokana Kelikoa-Pua, Mildred Kihamahana, Ivan Laikupu, Audrey Loo, Winnie Lopez, Lorraine Luuloa, Harriet mahoe,

Stephen Molina, Cecelia Moore, Leonard Moore, Carol Nakaahiki, Davidette Pa-Kala, Shirley Pedro, G. Pikake Pelekai, Robert Pelekai, Leah pereira, Diane Phillips, Colette Puaoi, Ernest Puaoi, Harry Purdy, Kammy Purdy, Lorraine Raposa, Kyno Ravelo, Jay Richards, Paul P. Richards, Kika Ross, Lynette Sanchez, Anthony H. Sang, Sr., John Sang, Donna Simpson, Esther Smith, John Smith, Iwalani Spencer, Leilani Wallace, Kilauea Wilson, Hana Yasao, Renee Yasao.

NOTE: All signatures and document(s) are on file with the G. Pikake Pelekai, Administrator, State Council of Hawaiian homestead Associations (SCHHA). contact at (808) 696-2955.

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Testimony of Walter R. Schoettle  
in opposition to S. 147

Attention: David Mullon  
Majority General Counsel  
Senate Indian Affairs Committee

Aloha Chairman McCain and members of the Committee.

As is set forth in Congressional findings in prior versions of this bill, since enactment of the Hawaiian Homes Commission Act, 1920, the Hawaiian Homes Commission has only managed to settle 6800 families on Hawaiian Home Lands while approximately 18,000 eligible beneficiaries are on the waiting list to receive homesteads. This is an average of less than 100 awards per year over the 84 year history of the program. Many have died while waiting.

I am an attorney who has been involved for nearly 20 years in litigation by native Hawaiians, as defined by Section 108 of the Hawaiian Homes Commission Act, 1920 (not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778) to enforce HHCA and the trust imposed by Congress by §5(f) of the Hawaii Admission Act, Pub L 86-3, 73 Stat 4 on public lands ceded to the State of Hawaii.

The State explains this failure to implement the HHCA by claiming that Congress imposed this obligation upon it without providing funding for infrastructure. On the first of five days of joint hearings of this committee with the House Committee on Interior and Insular affairs, on oversight of the administration of native Hawaiian Home Lands, held August 7 through 11, 1989, former Governor John Waihee testified as follows:

In one sense, these hearings should have been held 31 years ago, before the compact of statehood, before the people of Hawaii had accepted the responsibilities of the act.

The Federal government did not provide the best lands nor the most adequate resources for the development of those lands. If Congress had held these hearings 31 years ago and had truly provided the necessary tools to "rehabilitate" the Hawaiian race, then the Hawaiian Home Lands' story might be a very different one.  
S.Hrg, 101-555, Pt. 1, p. 11.

This, however, is not the case. At the time of statehood, Congress ceded to the State 1.4 million acres of public land, in trust pursuant to §5(f) of the Admission Act, in part, "for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920." Since 1978, the state has siphoned off millions of dollars of income from this trust to the Office of Hawaiian Affairs, whose beneficiaries include Hawaiians without limitation of blood quantum. Most of this money has not been expended for the betterment of the conditions of native Hawaiians, but, instead, has been wrongfully accumulated by OHA to create a fund now consisting

of approximately \$350,000,000.00. See Office of Hawaiian Affairs annual report for 2003 at page 44. This money could have and should have been used to provide infrastructure for Hawaiian Home Lands in compliance with the State-Federal compact contained in Section 4 of the Admission Act.

Instead of providing homesteads for native Hawaiians of "not less than one-half part of the blood," OHA and the State of Hawaii have expended considerable resources attempting to eliminate the blood quantum requirement. Indeed, the definition of "Native Hawaiian" contained in this bill does not contain any blood quantum. According to the latest census figures there are over 400,000 persons in the United States who claim to be "Native Hawaiian" under the definition contained in this bill and would be eligible for participation in the formation of the Native Hawaiian Governing Entity under this bill. Grieco, Elizabeth M., *The Native Hawaiian and Other Pacific Islander Population: 2000*, U.S. Census Bureau, Census 2000 Brief C2KBR/1-14 (2001), p. 8. This compares with 18,000 native Hawaiians on the Home Lands waiting list. The total number of native Hawaiians "of the blood" has never been determined (another breach of trust), but is probably not more than 40,000.

If the State of Hawaii does not have the resources to provide for the 18,000 people on the Home Lands waiting list, how will it be able to provide for a Native Hawaiian Governing Entity representing more than 400,000 eligible members? The answer, of course, is that the State has ample resources to provide homesteads for the beneficiaries designated by Congress in the HHCA and Admission Act, but chooses instead to expand the class of beneficiaries to include hundreds of thousands of additional claimants. Why?

Perhaps the answer to this strange paradox lies in the fact that this bill would allow the Native Hawaiian Governing Entity to settle native Hawaiian land claims. This would include authority to release the State from its present obligations under the HHCA and §5(f) of the Admission Act. The definition of "Native Hawaiian" contained in this bill should in all fairness must be limited to native Hawaiians as defined in the Hawaiian Homes Commission Act. The question of eligibility for membership in the Native Hawaiian Governing Entity should not be left to non-beneficiaries. If the native Hawaiians of not less than one-half part of the blood choose to enlarge the class of beneficiaries that would be their decision.

In the recent Supreme Court Case, *Rice v. Cayetano*, 528 U.S. 495 (2000), the court held that a Hawaii statute limiting the right to vote to indigenous Hawaiians in elections for trustees of the Office of Hawaiian Affairs was a racial classification and, therefore, in violation of the Fifteenth Amendment. If this attempted discrimination *in favor* of indigenous Hawaiians was a racial discrimination then discrimination *against* indigenous Hawaiians is also racial discrimination. Such discrimination is constitutional only if it is a narrowly tailored measure that furthers compelling governmental interests. *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 227 (1995).

In the Hawaiian Homes Commission Act, Congress defined native Hawaiian with a blood quantum of "not less than one-half part of the blood." The same blood quantum is found in the definition in the Indian Reorganization Act of "Indians" who are not members of recognized tribes.



25 U.S.C. §479. S. Bill 147 contains no blood quantum. This discrimination *against* indigenous Hawaiians is justified only if it is a narrowly tailored measure that furthers compelling governmental interests.

If the bill were amended to provide for an initial blood quantum of not less than one-half part of the blood this problem could be avoided, but in such case it is doubtful that the State of Hawaii or the Office of Hawaiian Affairs would support the bill.

S. Bill 147 is also objectionable because it creates a new entity to represent indigenous Hawaiians while ignoring existing tribal groups. This is the subject of a petition now pending in the United States Supreme Court in the case of *Kahawaiolaa v. Norton*, S. No. 04-1041. A copy of the petition is attached for your information.

Thank you very much for this opportunity to present my views to the committee.

Walter R. Schoettle  
1088 Bishop Street  
Suite 1304  
P. O. Box 596  
Honolulu, Hawaii 96809  
Tele: (808) 537-3514

No. \_\_\_\_\_

In The  
Supreme Court of the United States

PATRICK L. KAHAWAIOLAA, VIRGIL E. DAY, and SAMUEL  
L. KEALOHA, JR., JOSIAH L. HOOHULI, and KA LAHUI  
HAWAII

*Petitioners,*

v.

GALE A. NORTON,

*Respondent.*

On Writ of Certiorari to the United States Court of  
Appeals for the Ninth Circuit

PETITION FOR CERTIORARI

WALTER R. SCHOETTLE\*  
P. O. Box 596  
Honolulu, Hawaii 96809  
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EMMETT E. LEE LOY  
758 Kapahulu Avenue, #429  
Honolulu, Hawaii 96816  
Tel. (808) 922-0455

*Counsel for Petitioners*

*\*Counsel of Record*

**QUESTIONS PRESENTED**

Whether U. S. Department of the Interior regulations which preclude groups of indigenous Hawaiians from applying for recognition that they exist as Indian tribes, pursuant to 25 C.F.R. Part 83, violate the Equal Protection component of the Fifth Amendment of the United States Constitution?

In the  
Supreme Court of the United States

PATRICK L. KAHAWAIOLAA; VIRGIL E. DAY; and SAMUEL L.  
KEALOHA, JR., JOSIAH L. HOOHULI; and KA LAHUI HAWAI'I,  
*Petitioners,*

v.

GALE NORTON,  
*Respondent.*

**PETITION FOR WRIT OF CERTIORARI**

*To the Honorable Chief Justice and Associate Justices of the  
Supreme Court of the United States:*

Your Petitioners, PATRICK L. KAHAWAIOLAA, *et al.*, respectfully pray that a Writ of Certiorari issue to review the decision of the United States Court of Appeals for the Ninth Circuit in *Kahawaiolaa v. Norton*, CA. No. 02-17239 (9<sup>th</sup> Cir, October 27, 2004).

**CITATIONS OF REPORTS OF OPINIONS AND ORDERS**

The opinion of the the Ninth Circuit Court of Appeals, filed on October 27, 2004, is reported at *Kahawaiolaa v. Norton*, 386 F.3d 1271 (9<sup>th</sup> Cir. 2004) and is reprinted at page A-1 of the Appendix. The order of the District Court granting Respondent's motion to dismiss and denying Petitioners' motion for summary judgment is reported at *Kahawaiolaa v. Norton*, 222 F.Supp.2d 1213 (D.Haw. 2002) and is reprinted at page A-22 of the Appendix.

**JURISDICTION**

The judgment of the Court of Appeals was filed and entered on October 27, 2004. This Honorable Court has discretionary jurisdiction to review cases in United States

Courts of Appeals by way of writ of certiorari as provided by 28 U.S.C. § 1254(1).

**STATUTES AND RULES INVOLVED IN THE CASE**

**25 C.F.R. § 83.1 Definitions.**

As used in this part:

\*\*\*

*Continental United States* means the contiguous 48 states and Alaska.

\*\*\*

*Indian group or group* means any Indian or Alaska Native aggregation within the continental United States that the Secretary of the Interior does not acknowledge to be an Indian tribe.

\*\*\*

**25 C.F.R. § 83.2 Purpose.**

The purpose of this part is to establish a departmental procedure and policy for acknowledging that certain American Indian groups exist as tribes. Acknowledgment of tribal existence by the Department is a prerequisite to the protection, services, and benefits of the Federal government available to Indian tribes by virtue of their status as tribes. Acknowledgment shall also mean that the tribe is entitled to the immunities and privileges available to other federally acknowledged Indian tribes by virtue of their government-to-government relationship with the United States as well as the responsibilities, powers, limitations and obligations of such tribes. Acknowledgment shall subject the Indian tribe to the same authority of Congress and the United States to which other federally acknowledged tribes are subjected.

**25 C.F.R. § 83.3 Scope.**

(a) This part applies only to those American Indian groups indigenous to the continental United States which are not

currently acknowledged as Indian tribes by the Department. It is intended to apply to groups that can establish a substantially continuous tribal existence and which have functioned as autonomous entities throughout history until the present.

**STATEMENT OF THE CASE**

On December 11, 2001, the individual Petitioners filed a complaint in the United States District Court for the District of Hawaii for declaratory and injunctive relief against respondent in her official capacity as Secretary of the Department of the Interior of the United States. Jurisdiction was invoked pursuant to 28 U.S.C. §§ 1331, 1346, 1361, 2201 and 2202. The complaint requests the Court to declare that "The provisions of 25 C.F.R. §§ 83.1 and 83.3 which preclude native Hawaiians from obtaining recognition as and (*sic*) Indian tribe are an unconstitutional racial discrimination in violation of the equal protection component of the Fifth Amendment of the United States Constitution."

On March 15, 2002, Respondent moved to dismiss the complaint on grounds that the complaint "raises political questions over which this court does not have jurisdiction" and that the "regulations Plaintiffs challenge are constitutionally valid exercises of legislative and executive powers."

On March 28, 2002, filed a counter-motion for summary judgment on the grounds that there were no genuine issues of material fact and Plaintiffs were entitled to judgment as a matter of law.

On May 23, 2002, Petitioners, including Petitioner, KA LAHUI HAWAI'I (hereafter "KA LAHUI"), filed an amended complaint for injunctive and declaratory relief, predicated jurisdiction as before. KA LAHUI, was alleged to be a group of indigenous Hawaiians, whose territory at the time of sustained contact was within the area now comprising the state of Hawaii, which desires to apply for federal recognition as an Indian tribe,

pursuant to 25 C.F.R., Part 83.

The amended complaint seeks a declaration that "the provisions of 25 C.F.R. §§ 83.1 and 83.3 which preclude indigenous Hawaiians from obtaining recognition as an Indian tribe are an unconstitutional racial discrimination in violation of the equal protection component of the Fifth Amendment of the United States Constitution."

On August 30, 2002, the district court granted the motion to dismiss on grounds that the complaint raises a political question. App., p. A-39. In a footnote, the district court concluded that even if the court had jurisdiction it would rule that the regulations do not violate the Fifth Amendment when reviewed under the rational basis test, relying largely on *Morton v. Mancari*, 417 U.S. 535 (1974). App., pp. 39-41, fn 14.

On appeal to the Ninth Circuit, the Court of Appeals affirmed. The Court of Appeals held that the political question doctrine did not prevent the district court from having jurisdiction of this case. App., p. A-10. On the merits, the court of appeals held that the discrimination in the rules against indigenous groups from Hawaii was not a racial classification and was, therefore, subject to review on the rational basis standard. App., p. A-13-4.

On applying the rational basis standard the Court of Appeals concluded that the regulations do not violate the equal protection component of the Fifth Amendment based on an historical analysis of differences between indigenous Hawaiians and indigenous peoples in the other 49 states. App., pp. 14-20.

Nevertheless, the court of appeals concluded:

we would have more confidence in the outcome if the Department of Interior had applied its expertise to parse through history and determine whether native Hawaiians, or some native Hawaiian groups, could be acknowledged on a government-to-government basis.

It would have been equally rational, if perhaps not more so, for the Department to have decided to undertake that inquiry in the first instance.

App. p. 21.

**REASONS RELIED UPON FOR ALLOWANCE OF THE WRIT**

The court of appeals has decided an important question of federal law that has not been, but should be, decided by this Court. The decision of the Court of Appeals below: 1) precludes existing indigenous Hawaiian groups from establishing that they exist as an Indian tribe in the manner established for groups indigenous to the other 49 states; 2) leaves the establishment of a governing entity for indigenous Hawaiians to Congress rather than to the indigenous Hawaiians themselves; 3) will affect the settlement of indigenous Hawaiian land claims; 4) justifies discrimination against indigenous Hawaiians on a non-racial basis while discrimination in favor of indigenous Hawaiians has been held by this Court to be based on race.

In *Rice v. Cayetano*, 528 U.S. 495 (2000) this Court held that a statute of the state of Hawaii limiting the right to vote for Trustees of the Office of Hawaiian Affairs to indigenous Hawaiians was a racial classification prohibited by the Fifteenth Amendment to the United States Constitution. Left undecided in that case were very important and difficult questions pertaining to the relationship between the United States of America and indigenous Hawaiians.

These questions were: whether Congress has determined that indigenous Hawaiians have a status like that of Indians in organized tribes; whether Congress may, and has, delegated authority to the state of Hawaii to preserve that status; and whether Congress may treat indigenous Hawaiians as it does Indian tribes. *Rice v. Cayetano, supra*, 528 U.S. at 518. The Court characterized these issues as "difficult terrain" citing the



opposing views set forth in Van Dyke, *The Political Status of the Native Hawaiian People*, 17 Yale L. & Pol'y Rev. 95 (1998) and Benjamin, *Equal Protection and the Special Relationship: The Case of Native Hawaiians*, 106 Yale L. J. 537 (1996). *Rice v. Cayetano*, *supra*. 528 U.S. at p. 519.

**A. The decision below precludes indigenous Hawaiian groups from establishing that they exist as an Indian tribe in the manner established for all other indigenous groups.**

Petitioner, KA LAHUI is a group of indigenous Hawaiians who assert tribal sovereignty and believe that they could prove that they meet the criteria for federal recognition set forth in 25 C.F.R. § 83.7, given the opportunity. There are other groups of indigenous Hawaiians who claim tribal sovereignty, such as the Hou Hawaiians, *see* Benjamin, *supra*, at p. 580, 'Ohana Council a.k.a. The Provisional Government of the Independent Nation State of Hawaii, the State Council of Hawaiian Homestead Associations, and the Office of Hawaiian Affairs. *See* Benjamin, *supra*, at p. 578, fn. 173.

Nevertheless, Benjamin argues that indigenous Hawaiians "are not organized into any entity that can reasonably be called a tribe." Benjamin, *supra* at p. 574. It is uncertain how he came to this conclusion, however, as he goes on to say in the very next sentence that, "This raises the initial question of what attributes an Indian group must possess in order to qualify as a tribe." In the footnote to this comment, he notes:

Some commentators have suggested that such a question is problematic, both because indigenous groups should define themselves (rather than having a definition imposed from the outside by others) and because the organizational arrangements of indigenous peoples are too multifarious to admit of a single useful definition. The problem here is that the Indian Commerce Clause of the constitution refers to "Indian

Tribes" that, if taken for a racial or ethnic group, would be unconstitutional. Under these circumstances, the courts and Congress will need to utilize some definition of "Indian Tribes" as that term is used in the Indian Commerce Clause to determine whether a given law violates equal protection. Whether that definition allows for one or many kinds of tribes, and whether it is proposed by indigenous groups themselves or by the federal government, the definition itself must exist in order to allow for the assessment of programs under present case law (specifically *Mancari* and *Adarand*).

Benjamin, *supra* at p. 574, fn. 157 [citations omitted].

Benjamin goes on to suggest one possible definition of "Indian tribe" might be the criteria laid out in 25 C.F.R., Part 83. But he argues that indigenous Hawaiians taken as a whole cannot meet this standard, because there is no single group to which all indigenous Hawaiians admit allegiance. *Id.* at p. 575. He goes on to suggest that "One seemingly possible way to avoid the problem of the absence of a Native Hawaiian entity would be to posit a series of Native Hawaiian tribes rather than one mass tribe." He concludes that, "there is reason to doubt, though, whether any native Hawaiian entity would meet the constitutional minima for an 'Indian Tribe[.]'" *Id.*, at p. 580.

So basically, after all of his extensive research on the subject, Benjamin really does not know whether or not indigenous Hawaiians exist in tribal groups. If there is reason to doubt whether any indigenous Hawaiian group might meet any particular definition of an Indian tribe, then *a priori* it is also possible that one or more such groups *do* exist as an Indian tribe under one definition or another.

Although Petitioners assert that KA LAHUI does, indeed, meet the 25 C.F.R., §83.7 criteria and that they could prove it

if given the opportunity to go through the administrative process, the decision of the Court of Appeals below has denied them that opportunity. The decision of the Court of Appeals below has forever foreclosed the possibility of *any* indigenous Hawaiian group *ever* proving that it is, indeed, an Indian tribe under the administrative process laid out in 25 C.F.R., Part 83 and the criteria set forth in 25 C.F.R. §83.7.

**B. The decision below deprives indigenous Hawaiians of the right of self-determination**

Although the Court below concluded that it would be better for the question of tribal existence to be decided by the DOI "appl[ying] its expertise to parse through history and determine whether native Hawaiians, or some native Hawaiian groups, could be acknowledged on a government-to-government basis," App., at p. 21, the Court undertook that process itself and decided against allowing them the opportunity to do that. App., pp. 14-20. Under the decision of the Court of Appeals below, indigenous Hawaiians' only hope for recognition of their sovereignty is legislative action by Congress. App., p. 21.

There is, indeed, legislation which has been pending in Congress for many years that would *create* a governing entity to represent the interests of indigenous Hawaiians. Senate Bill 344; H.R. 655. This bill has taken many forms over the years. The latest version is found at 150 Cong. Rec. S8916 (2004). While the various versions differ in particulars, they all have several things in common.

First, they all contain Congressional Findings that, if true, demonstrate that indigenous Hawaiians do, indeed, meet the criteria of 25 C.F.R., § 83.7 and have already been recognized by Congress as an Indian tribe. Therefore, there is no need for a new bill to establish that this relationship exists. It has already been done. In that respect, the bill is superfluous.

For example, some of the findings in the present version of

the bill are as follows:

(5) pursuant to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside 203,500 acres of land to address the conditions of Native Hawaiians in the Federal territory that later became the State of Hawaii;

(6) by setting aside 203,500 acres of land for Native Hawaiian homesteads and farms, the Hawaiian Homes Commission Act assists the members of the Native Hawaiian community in maintaining distinct native settlements throughout the State of Hawaii;

(10) The Hawaiian Home Lands and other ceded lands provide an important foundation for the ability of the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and for the survival and economic self-sufficiency of the Native Hawaiian people;

(11) Native Hawaiians continue to maintain other distinctly native areas in Hawaii;

(15) despite the overthrow of the government of the Kingdom of Hawaii, Native Hawaiians have continued to maintain their separate identity as a distinct native community through cultural, social, and political institutions, and to give expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency;

(17) Native Hawaiians are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources.

(22) the United States has continually recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the aboriginal, indigenous, native people who exercised sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the indigenous, native people of a once-sovereign nation with whom the United States has a political and legal relationship; and

(D) the special trust relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous native people of the United States;

S-344, § 2.

Second, instead of recognizing existing indigenous groups, all of the versions of this bill provide for a new "Native Hawaiian governing entity" to be created under procedures established in the bill. The current version provides for Respondent to appoint a nine member commission, *Id.* § 7(b), to prepare a roll of "the names of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity and are certified to be Native Hawaiian as defined in section 3(8) by the Commission." S-344, §7(c)(1)(A). The people enumerated on this roll would then elect an interim governing council. *Id.*, § 7(c)(2)(A)(iii), which would hold a referendum to ratify organic governing documents, *Id.*, § 7(c)(2)(B)(iii)(I), which governing documents are required to contain provisions listed in 7(c)(4)(A)(i) through (vii) of the bill.

The third thing that all versions of this bill have in common is a definition of "Native Hawaiian" that has no blood quantum or tribal affiliation requirement. *Id.* §3(8), in stark contrast to

the definition of "Indian" in the Indian Reorganization Act, at 25 U.S.C. § 479.

According to the 2000 U.S. Census figures, there were 402,000 people in the United States claiming "Native Hawaiian" ancestry. Grieco, Elizabeth M., *The Native Hawaiian and Other Pacific Islander Population: 2000*, U.S. Census Bureau, Census 2000 Brief C2KBR/1-14 (2001), p. 8. Of this figure, 141,000 claimed only "Native Hawaiian" ancestry. *Id.* Thus, the number of potential members of the new Native Hawaiian governing entity is many times greater than the number of native Hawaiians who have been awarded homesteads (6,800 according to S-344, §2(7)), or the number of members of KA LAHUI (between 12,000 and 24,000 according to Benjamin, *supra*, at 578, fn 173), the State Council of Hawaiian Homes Associations (between 27,000 and 30,000, *Id.*), The Provisional Government of the Independent Nation State of Hawaii (7,000, *Id.*), or the Hou Hawaiians (300 *Id.*).

Obviously, in any plebiscite to ratify organic governing documents for the new "Native Hawaiian governing entity," the votes of the members of the existing indigenous Hawaiian groups will be completely drowned by the tsunami wave of one sixty-fourth-part Hawaiians, *see Rice v Cayetano, supra, at p. 514*, and Hawaiians with one ancestor in five hundred, *see Id.* at 526 [BREYER, J. concurring].

Instead of recognizing the sovereignty of the indigenous Hawaiian people as it actually exists, the bill ignores and supercedes all existing indigenous Hawaiian groups and imposes a new representative government upon them, in all likelihood against their will, contrary to the fundamental concept of sovereignty and self-determination.

**C. The decision below will have a major impact on the resolution of indigenous Hawaiian land claims.**

In the opinion below, the Court seemed to be concerned that, if indigenous Hawaiian groups were granted recognition

under 25 C.F.R., Part 83, they would somehow be getting double benefits. The Court said, "[A]s members of a newly recognized Indian tribe or tribes, native Hawaiians would be entitled to the special rights and privileges granted to native Hawaiians *and* to those accorded to American Indians." App., p. A-20.

The rights of American Indians under the Indian Reorganization Act and the Indian Self-Determination Act, that indigenous Hawaiians do not have is the right to hold title to their own lands and provide for their own welfare.

Under Sections 5(b) and 5(d) of the Hawaii Admission Act, 73 Stat 4, P.L. 86-3, the United States ceded nearly all of the public land in Hawaii to the State except for military bases, national parks and other land needed by the federal government. This was not consistent with the land grants given to the other states, which were given between 1 and 4 sections per township for school and other government purposes. *See Lassen v. Arizona Highway Dept.*, 385 U.S. 458, 463 (1967), fn 7.

In exchange for this extraordinary generosity on the part of the United States government, the State of Hawaii accepted the trust provisions in Section 5(f) of the Admission Act for the betterment of the condition of native Hawaiians and the compact to administer the Hawaiian Homes Commission Act, in Section 4. Eighty-four years after it was enacted and 46 years after the state agreed to administer HHCA, there are only 6,800 beneficiaries and their families living on Hawaiian Home Lands, while there are 18,000 still on the waiting list. S-344, §2(7).

Congress was very generous to native Hawaiians by setting aside 203,500 acres of land for homelands and imposing a trust on 1.4 million acres of public land and the income and proceeds therefrom, in part, for their benefit. Unfortunately, for native Hawaiians, in 1959, at the time of statehood, the policy of the United States government was termination of the federal-tribal

relationship. See Canby, William C. Jr., *American Indian Law*, West Group, (3<sup>rd</sup> ed. 1998), pp. 55-58.

By turning over their land to the state government, indigenous Hawaiians were effectively deprived of the benefit thereof. The state has managed to settle only 6,800 families of beneficiaries on the Home Lands. While 18,000 still remain on the waiting list, many others have died waiting or have not registered because of the futility of doing so.

If an indigenous Hawaiian group or groups could achieve recognition under Part 83, such group or groups would be in a position to negotiate with the State of Hawaii for the return of some of their land so that they could become self-sufficient and *not dependent* upon the state or federal government for their welfare. But the State does not want to negotiate with the existing indigenous Hawaiian groups.

The fourth thing that all versions of S-344 have in common is that they authorize and direct the new Native Hawaiian governing entity to represent "Native Hawaiians" in settling indigenous Hawaiian land claims. See S-344, § 8(b).

Thus, the decision in this case may have an effect on the identity of parties to the negotiations for the resolution of these claims.

**D. The decision of the Court below justifies discrimination against indigenous Hawaiians on a non-racial basis while discrimination in favor of indigenous Hawaiians has been held by this Court to be based on race**

The decision of the Court below holds that discrimination against groups of indigenous Hawaiians is not racial discrimination and is therefore subject to rational basis review under the Equal Protection component of the Fifth Amendment.

In *Rice v. Cayetano*, *supra*, this Court held that discrimination *in favor* of indigenous Hawaiians was racial and therefore prohibited by the Fifteenth Amendment. Under an



Equal Protection challenge such discrimination would have been subject to a strict scrutiny standard. *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, (1995)

This case is important because it presents the unique situation where discrimination against an ethnic group is reviewed under a more lenient standard than discrimination in their favor.

#### CONCLUSION

Because this case may have a profound effect on the fundamental relationship between the United States of America and the indigenous Hawaiian people, as shown by the foregoing argument and authorities, Petitioners respectfully request that this Honorable Court grant certiorari to review the judgment of the Court of Appeals. The indigenous Hawaiian people should not be denied the opportunity to at least make their case through the administrative process for sovereignty and the right of self-determination without a full review by this Court. This Court is their only hope against the political weight of 400,000 "Native Hawaiians" and the State of Hawaii.

Dated: Honolulu, Hawaii, January 25, 2005.

Respectfully submitted,  
Walter R. Schoettle  
Emmett E. Lee Loy  
Attorneys for Petitioners



February 26, 2005

The Honorable John McCain  
Chair, Indian Affairs Committee  
United States Senate  
Washington, DC  
Fax No: 202-224-5429

Dear Senator McCain,

The Nation of Hawai'i is in opposition of S. 147.

I request that the lecture given by International Law Professor Francis Anthony Boyle on December 28, 2004, in Honolulu Hawai'i be entered into the official record of the proceedings on S. 147, the Native Hawaiian Government Reorganization Act, also known as the Akaka Bill. The hearing is scheduled to be heard on March 1, 2005 at 10:00 a.m. SR-485.

Respectfully Yours,

*Pu'uhonua Kanahela*

Pu'uhonua Dennis Bumpy Kanahela  
Head of State  
Independent and Sovereign Nation State of Hawai'i



**OFFICIAL TRANSCRIPTS  
INTRODUCTION BY PU'UHONUA DENNIS BUMPY KANAHELE, HEAD OF STATE FOR  
THE NATION OF HAWAII'**

**LECTURE BY INTERNATIONAL LAW PROFESSOR FRANCIS ANTHONY BOYLE ON  
DECEMBER 28, 2004, IN HONOLULU HAWAII'**

Aloha,

The Nation of Hawai'i and the Office of Hawaiian Affairs are both co-sponsors in this event. We're actually doing a four-island in two-days talk.

We just came in from Kaua'i, it was a pretty good showing. But there is a lot of things that have sparked the independence movement in Hawaii. Well, one of the most important things that happened to us, was done 11 years ago, same day, December 28, 1993, at almost the same time, that our guest speaker was here in Hawai'i to give his expert opinion on U.S. Public law 103-150 the "apology bill". There's a lot more that I'd like to say about him, in fact he's actually been the only International Lawyer I know who's been on the front lines working with indigenous and native people world wide.

So, once again I'd like to thank especially the Office of Hawaiian Affairs. You know for us there's been an independence movement for a long time, but we always got shut out, it could be the attitude of those who support federal recognition and those who support Independence for Hawai'i. We also felt that the

independence movement was always shortchanged financially where funding would support federal recognition and none would go the other way, so maybe this is a breakthrough for the independence side

working with the Office the Hawaiian Affairs. OHA is also sponsoring the Hawaiian Coalition which has been going on for over a year.

But really this educational initiative by the Nation of Hawai'I is the beginning of an all-year program...what we'd like to do is take the video, edit it down and go throughout the islands in 2005 and just get this message out.

We need balance on the playing field and we're not having that. This is why I'm glad that the OHA actually... it was Clyde Namuo and several of the trustees that actually said "Well, we got to do it we're talking about the same thing and we have to get out and educate the people." And the Nation felt that it was more so important that we go back and look at the Apology Bill again because that is the foundation that even sparks and puts forward the Akaka Bill, not only independence. So right now it's education time let's hear it from somebody who eleven years ago was way ahead of his time ... and it's finally



coming to a point where each one of us who is Hawaiian is going to have to make a choice. For me, as a Hawaiian, I don't want to be pushed into what I don't want or what I don't know. I like to hear different views, different people and experts.

There's only two sides, independence and federal recognition... that's it, there are no other alternatives. Some how some way you folks are going to have dig deep inside your na'au (gut feeling, soul) and actually take the information and hopefully make an educated decision. So without further ado, I'd like to introduce you to our guest speaker, Professor Francis Anthony Boyle.

ALOHA!

I would like to express my thanks to my good friend Bumpy Kanahale and the Nation of Hawai'i for inviting me, and also to the Office of Hawaiian Affairs for sponsoring my lectures here in Hawaii.

As you know in the 108th congress, the Akaka legislation did not pass but it appears that it will be re-introduced into the new congress probably along the lines of the Akaka-Abercrombie legislation we have now. And, just recently Senator Inouye has said he thinks it will pass in the 109th congress. Well, with all due respect to Senator Inouye, I don't believe he is a prophet yet.

But, what I want to do here is to go through the Akaka-Abercrombie legislation as it died in the current session of congress on the assumption it will be, as promised, introduced into the new session and give you my assessment of what it means for Kanaka Maoli. Understand it's your future that is at stake here, not mine. All I can do is come out and give you the benefit of my analysis and interpretation as I see the legislation. And then you will have to decide what to do.

What struck me right at the beginning of S344, that's the Senate version introduced by Senator Akaka and then the House version, HR665, by Congressman Abercrombie, there are slight differences which I will comment on later. But what struck me right at the beginning was it says "...provide a process for recognition of the Native Hawaiian governing entity." And they used the word 'entity' notice they did not use the word 'government.' They're not going to give native Hawaiians a government and that's what they're going to give you is an entity. Well, I expect many of us here are trying to work for peace in the Middle East and one thing that is clear is that when Arab governments or states or people wish to express disrespect for Israel, instead of calling it the state of Israel or the government of Israel, they call it the Zionist entity. It's a term of disrespect, not respect, to say we're going to give you an entity.

It'd be' certainly there is no way anyone can promote peace and reconciliation in the Middle East by referring to Israel as nothing more than the "Zionist entity" and I'm not exactly sure then how the United States Congress is going to promote peace and reconciliation with Kanaka Maoli by giving you a Kanaka entity. So that did strike me right off the top and indeed it seems pretty clear this is very carefully drafted by lawyers who knew exactly what they were doing and how they were going to do it.



In the Findings clause, you'll note, they say in the Akaka draft quote "Native Hawaiians, the native people of the Hawaiian archipelago that is now part of the United States". Well, isn't that the issue? The United States government says the Hawaiian Archipelago is part of the United States but is it legally part of the United States was it lawfully acquired by the United States? The Apology Resolution already said "No," and you have my detailed analysis of the Apology Resolution back on the table there. I'm not going to go back through the Apology Resolution at this point. But we're now at the next stage, remember, the Apology Resolution called for reconciliation between Native Hawaiians and the United States...and apparently now Akaka-Abercrombie is their definition of what this reconciliation and settlement of claims, final settlement of claims, is all about.

This same Findings clause later continues with a boldface lie saying Native Hawaiians are indigenous native people of the United States. Well, of course that's preposterous ' Native Hawaiians are the indigenous native people of Hawaii and the Kingdom of Hawaii, not the United States. The United States is 2600 miles in that direction according to my itinerary coming out here from Los Angeles last night.

International lawyers, and indeed the World Court and others, have what's known as the "Blue Water Rule." And the Blue Water Rule is quite simply when you have a metropolitan state separated by an ocean from another territory that they claim to be their own, the truth of the matter is that other territory is a colony, subject to the UN decolonization resolution and, as you know, and indeed as my friend Kekuni Blaisdell has argued quite successfully so for many years, the United States illegally removed Hawaii from the Article 73 list of colonial territories that should have been decolonized and have refused to report and never applied the decolonization resolution to Hawaii, in violation of its obligation

under the terms of the United Nations Charter that is ... Hawaii and many of the other colonial territories that it has now and still holds, separated by 'blue water' from the continental United States.

Just because the United States says Hawaii is now part of the United States doesn't mean it's so as a matter of international law. At one point, France annexed Algeria and then determined by law that Algeria was a département of France, legally equivalent to Paris, which is also a département of France. And yet today, Algeria is an independent nation state and a member of the United Nations organization. No one accepted the attempt by France to annex and "internalize" Algeria. And these same principles of international law surely apply to Hawaii.

Now, moving through the Abercrombie legislation, it talks about treaties between the United States and the Kingdom of Hawaii, most of which were violated by the United States of America. Here, mostly importantly, the **Treaty of Friendship, Commerce and Navigation** of 1849 that guaranteed, the United States guaranteed, the Kingdom of Hawaii perpetual peace and amity ' perpetual peace and amity. And that treaty was never terminated by either party. So technically as a matter of law, it still exists. Today, the United States is still supposed to be promising the Kingdom of Hawaii and Kanaka Maoli perpetual peace and amity. And I should point out, that treaty, and all the other treaties that are violated, are the



supreme law of the land under Article 6 of the United States Constitution. So they violated their own constitution as well.

Now, there was an interesting result when Keanu Sai and I sued the United States in the United States Supreme Court under the original jurisdiction clause in 1998 on the 100th anniversary of the illegal annexation of Hawaii by the United States. Keanu and I pleaded all of these treaties, everyone of them, and we demanded that the United States Supreme Court order the United States federal government to restore the Kingdom of Hawaii and, in addition, to pay reparations for all the harm that have been inflicted on the Kingdom of Hawaii including the violation of numerous treaties.

What happened in this lawsuit surprised even me. The justices of the United States Supreme Court met three times and eventually they rejected the entire lawsuit, refused to let us even file the lawsuit, and returned our filing fee which is almost without precedent, they always want money to pay those bills. Why did they return our filing fee and all of our documents? And I had about a 45-minute conversation, argument, call it what you want, with the Deputy Clerk of the Court in which he said well, they had him call up the State Department and the State Department that the United States does not recognize the kingdom of Hawaii and therefore the Supreme court has decided not to let us even docket our papers and accept our fee. The reason is that there is a black letter rule of US constitutional law that non-recognized sovereigns cannot have access to United States courts.

Now what I found curious about that is that apparently they were taking the position, the Supreme Court justices, that the Kingdom of Hawaii was a non-recognized sovereign state. In other words, we were a sovereign state but we just weren't recognized by the State Department. That's a very interesting result in that proceeding. And I do want to commend Keanu Sai for doing so much hard work to get this very important and precedential proceeding and ruling by the United States Supreme Court to commemorate the 100th anniversary of the illegal annexation of Hawaii.

Now, the Akaka legislation then continues by conceding yes by means of these treaties the United States recognized the independence of the Kingdom of Hawaii. That's correct. And as I pointed out they also guaranteed perpetual peace and amity, that means forever. They afforded full diplomatic recognition to the Kingdom of Hawaii and as I said that treaty of peace and amity was never terminated by either party, it was never formally terminated. It is still the supreme law of the land in the United States under the United States Constitution. And this is where Keanu and I tried to argue in the United States Court, if they had docketed our papers, we would have been there arguing this point. But it raises the issue then that the Kingdom of Hawaii itself, as a state, was never properly terminated. In other words, it still exists legally. There are still treaties, the Kingdom of Hawaii is still a party to these treaties, not only with the United States but also with a fairly large number of other states.

You recall your kings and your queen were very foresighted in establishing diplomatic relations and treaty relations with a large number of other states at the time. Now, the haoles said "Oh, this is an unnecessary expenditure of funds" but your kings and your queen understood that this would be a way to



further solidify the existence of the Kingdom of Hawaii as a state under international law and practice. And we have to keep that clear. Later on, I'll make a distinction between a state and a government. In international law, that 's a critical distinction ' a state and a government. So today I think we have our state, it's the Kingdom of Hawaii. We don't have a government but we do have a state and we have treaties.

In the' Akaka then moves on by going back to the Apology Resolution concessions, it says yes again, the Kanaka Maoli never relinquished their claims to inherent sovereignty ' that's right ' as a people over their lands either by the monarchy itself we know that we never did or plebiscite or referendum we never validly surrendered any of our rights to the United States of America and notice they use the word sovereignty, you have the sovereignty. They conceded that in the apology resolution. The sovereignty is that of the Kanaka Maoli not the untied states indeed the united states from the perspective of international law has a of circa 1893 up til 1898 for sure was and still is nothing more than a belligerent occupant of Hawaii. It invaded, it conquered and it intended to annex but at all times it remained a belligerent occupant subject to the laws of war and the laws of belligerent occupation. And what does that mean, occupation even annexation, cannot change sovereignty. The sovereignty resides in the hands of the displaced sovereign, which in this case is the Kingdom of Hawaii and the Kanaka Maoli people. And they simply cannot go out and annex Hawaii and hold it unto themselves. That sovereignty is still in the hands of Kanaka Maoli and it still resides within the Kingdom of Hawaii and basically they do concede that in the Apology Resolution and the Akaka draft bill.

Now, they then move on in these Findings clauses and point out that Native Hawaiians give expression to their rights as native people to self-determination, self-government and economic self-sufficiency. Notice here they see self-determination under international law and practice. The Kanaka Maoli have a

right of self-determination. What does that mean? The Kanaka Maoli determine for yourselves what is your future. Do you want to restore that Kingdom of Hawaii? Do you want to become a state of the United States of America? Do you want something like Puerto Rico has in its relations with the United States as a commonwealth? But the question of self-determination is for you to decide, not them. And the Kanaka Maoli, as even the Apology Resolution and the Akaka legislation concede, have never had the opportunity to validly exercise your right of self determination in accordance with international law and practice. And they're conceding that right of self-determination here.

Now, you might say "Well, why are they giving us all these concessions? Aren't they doing us a favor?" And my reading of the legislation is No. The reason they're making these concessions is so that at the end of the day, assuming Akaka passes into law, they can then say "Well, now the Akaka legislation, this is their exercise of self-determination and they're going along with this procedure for the Native Hawaiian entity and they are now going to exercise their right of self-determination and their inherent sovereignty within the context of our entity that we are giving them that we will not even bother to call a government. We're not even going to give the Native Hawaiians a government, we're just going to give them an entity and that's their sovereignty, that's their self-determination and then we'll stop at that. That



can be their choice."

Now they also point out of course the Native Hawaiians do provide healthcare, education, employment, children services, language etc, etc. This is, or, the way you build a state or rebuild a state or restore a state is from the ground up, not the top down. No one's going to give you a state, especially not the United States of America. You have to build that state from the ground up by providing basic services to your own people.

Look at the way the Palestinians have done this in occupied Palestine. They do not rely on the Israeli occupational authorities to provide any services to their people because they know they're not going to get it. So the Palestinians have to go out .. education, healthcare, nutrition, training etc. to their own people living under a very brutal military occupation regime but they're building it. They're building their state from the ground up, not the top down. And you Kanaka Maoli have all the elements and the rudiments to do this ' you are in the process of doing this. You just have to do more and do it better and be more organized and more effective.

Later on, the Akaka legislation then says quote "this act provides a process within the framework of Federal Law for Native Hawaiian people to exercise their inherent rights." Well again, that is the agenda here ' they want to divert and limit all of your rights of self-determination, sovereignty, your right to the restoration of the Kingdom of Hawaii ' all within this process that will lead to nothing more than a Kanaka entity, and all determined by United States Federal Law. You'll note there's no reference at all here to international law except the treaties which they've already conceded they have violated.

But, rather than specify well what are your rights under International Law, they try to limit them to federal, United States Federal Law. Now, of course from the perspective of International Law, not United States Federal Law, if you have a violation of these treaties, and Keanu Sai and I tried to argue this at the US Supreme Court and in the papers we filed it's quite sensibly argued, I pointed out that the appropriate remedy for treaty violations is restitution even as recognized by the World Court. And I pointed this out in my analysis of the Apology Resolution. And by the Latin terminology restitutio in integrum - return the situation to the way it existed before the treaty violation.

In other words the United States has an obligation to restore the Kingdom of Hawaii, to return the situation to what it was when it signed that 1849 Treaty of Friendship, Commerce and Navigation and promised the Kingdom of Hawaii perpetual peace and amity.

That is the real ... under international law and practice, not setting up some bogus little entity, and then as we'll see, has very little rights to begin with and powers and yet they will then claim that this is your final exercise of self-determination and sovereignty within our little straightjacket - the final solution for the Kanaka Maoli. That's what they have in mind here.

Now, they say they will give you a council, Native Hawaiian interim governing council. Here you can





see again they borrowed this language, this idea from the Middle East peace process. This is what the Israelis promised the Palestinians in the Oslo Accords. I was their lawyer at the time and it was an interim, provisional interim governing council that they promised them, but notice it's not a government, the adjective is very cleverly drafted. They tried to do this same stuff to the Palestinians too and instead of saying it's a government they put it "governing," but it modifies "council" so it's nothing more than a council. Well, you know, the Boy Scouts have their council too, the Boy Scouts Council. Hey, I'm a former Eagle Scout, I have nothing against the Boy Scouts but you know we're talking here of the future of Kanaka Maoli. So they knew what they were doing. They could have easily reversed this and said yeah we're going to give you a councilor [??] government but instead they're giving you a governing council so Governing was put in there to sort of ... to think well, you're really getting a government with governmental powers but you're not getting any of this. You'll get a council, like the Boy Scouts.

And finally, it turns out that this council that they're going to give Kanaka Maoli will be subject to the jurisdiction and control of the Secretary of the Interior, not the Secretary of State but the Secretary of the Interior, again the assumption being that Hawaii is somehow interior to the United States. Well, you know, all you have to do is look at a globe and you'll find out that Hawaii is not interior to the United States. But, put that issue aside. Who is the Secretary of the Interior today? The Honorable Gale Norton.

The Honorable Gale Norton is a member of the right-wing racist reactionary federalist society. And it was the federalist society lawyers that organized Rice v. Cayetano. They were the ones behind Rice v Cayetano. They sponsored the litigation, they argued the litigation, they took it all the way to the United States Supreme Court. Four of those justices were members of the federalist society and Justice Rehnquist ... a fellow traveler and they give you Rice v Cayetano argued that OHA was racist, and therefore the haoles get to vote for the OHA trustees.

So they are, under this legislation, they are going to turn Kanaka Maoli over to the tender mercies of federalist society lawyers in the Secretary of the Interior, Norton being one, and most of her legal staff that she brought in with her are all federalist society lawyers. These are the people that brought you Rice v Cayetano and this assault on OHA. Do you really think that the Secretary of the Interior will care one wit about the Kanaka Maoli?

We know for a fact that the Department of the Interior has looted and plundered hundreds of millions of dollars of the so-called trust fund that the United States set up for American Indians. We don't know the exact figure because a federal district judge, despite repeated orders to get an accounting, has been told by Secretary Norton, "Take a hike." And it does not look likely at all we're ever going to get a figure on how much money was looted and plundered by the Department of the Interior and the Secretary of the Interior for American Indians. Well, what do you think they're going to do to Kanaka Maoli when they get their tentacles in you, if they've already done this to American Indians? Well, they're not going to treat you any better, I think, than American Indians. You'll probably get similar treatment, looting and plundering.



Moving on then, it's very interesting, then they refer to 150 federal laws recognizing Native Hawaiians have an inherent right to autonomy in their internal affairs. Well, already that is undercut in destroying the right of self-determination. which they have conceded in both the Apology Resolution and in the Akaka legislation.

Sure, if all you want is autonomy in your internal affairs, fine, that is for you to decide but self-determination, which they have conceded legally for the Kanaka Maoli, means a lot more than that. It means that if you want the Kingdom of Hawaii to be restored as a state, to have your independence, that is your right pursuant to self-determination.

But here they are significantly trying to cut it down. Not only are they trying to cut it down to self-determination to autonomy, but they have further limited autonomy. Again, I've seen the State Department try to do the same thing with the Palestinians, they further limited autonomy by saying an autonomy only in their internal affairs, no other autonomy. Well, at least the Palestinians were given autonomy. There was no attempt made to say we'll only give you autonomy in your internal affairs. So notice they cut down self-determination first to autonomy, and then they limited the autonomy to only your internal affairs. So, basically you're getting less than even the Israelis were prepared to give the Palestinians which, again, in my opinion, does not augur well for the future.

It's very interesting that finally we get to the governing matter in Section 7, it says "The right of the Native Hawaiian people to organize for their common welfare and [to] adopt appropriate organic documents is recognized by the United States." So, the United States is recognizing the right of the Hawaiian people to adopt 'documents.' Notice it doesn't say 'laws,' they're not giving you the right to adopt laws. It doesn't even say regulations which are somewhat less than laws. All you get is the right to adopt documents. Now that's nice but the State Department and the Israelis were even prepared to give the Palestinians in the Oslo Accords.

Now what is a 'document?' Well, the law has a definition of a 'document.' I have a piece of Kleenex here and now I'm going to date it and put "IOU 5" on there and I'll sign my name. And all of sudden ... that piece of Kleenex becomes a document as far as the law is concerned. But you know and I know it's still a piece of Kleenex. That's all they're giving you here. You can adopt whatever documents you want, you can bring in all the signed Kleenex you want but that's all you get, as far as we're concerned. Now you could bring in the phone book here for Honolulu, that's great, but we will not recognize your right to do anything more than that. You can't make laws. You can't make regulations. So in other words, you don't have legal authority really to do anything but you can have as many pieces of Kleenex as you want.

Whoever drafted this was very careful, very clever, I'm sure it was probably those same federalist society lawyers over there in the Department of the Interior who gave you *Rice v Cayetano*. It wouldn't surprise me at all.

Well, then we get into the election of this council and it turns out of course that the whole determination



of who gets to elect the council is under the control of the Secretary of the Interior. Well I've already commented on our current Secretary of the Interior, but, you know, let's suppose that we get St. Peter as the Secretary of the Interior. Well, it's not the right of St. Peter to decide for the Kanaka Maoli who is Kanaka Maoli. Under the right of self-determination of people, it is for the Kanaka Maoli to decide who are Kanaka Maoli, not the Secretary of the Interior, let alone St. Peter or anyone else.

That's the essence of self-determination, you decide who you are. The United States federal government has no right to determine who are Kanaka Maoli. Now I know they try to do that all the time but the end doesn't mean it's lawful, that doesn't mean it's right under international law. Self-determination means you decide, they don't decide.

Now we get to the powers of this council. And, here, two things, first the council only represents individuals, Kanaka Maoli, that's it. It doesn't represent anyone or anything else, especially and including land. It has no control over land. None. Indeed, if there was any doubt about that, Section 2 says "council shall have no powers other than the powers given to the council under this act." Well again that contradicts the principle of self-determination and inherent sovereignty. The Kanaka Maoli should be able to decide what powers this council has, not the United States Congress. And yet they've made it very clear, all you get is what limited powers we give you. And what is that? Well, the council can represent individual Kanaka Maoli, and it's very interesting the way it's drafted, it doesn't say the council may represent Kanaka Maoli, no, the council will only represent individuals on this list drawn up by the Secretary of the Interior. So it will represent individuals but not the people, not the Kanaka Maoli themselves, as the government of the Kingdom of Hawaii. So what they're trying to do to you here is atomize you. To eliminate your status as a people, under international law and practice, with the right of self-determination.

And they do this all the time. Up in Geneva at the Indigenous Peoples Forum they've refused to recognize that indigenous people are people, are people, they call them indigenous persons. Why? Well, because a people have a right of self-determination and the United States doesn't want indigenous people to have a right of self-determination, so they just call them indigenous persons. ....atomized group not the people ....

Moreover, as I've said, it's clear that this council has no control over land. None, it isn't there. Later on they say, well, at some point in the indefinite future we might consider giving this council some control over some land, but we're not making any promises. That's it. Well, again, very similar to what happened to the Palestinians in the Camp David Accords, where the Camp David Accords called for autonomy for the Palestinian people, again, what they're giving you is less than that here and after Camp David was over, the Prime Minister of Israel, Menachem Begin, said that's only autonomy for the people and not for the land.

It only calls for autonomy for the people. So you get a council that represents people but no control over



the land. Now later on President Carter contradicted that and said no, it calls for autonomy for the people and the land because otherwise what good is autonomy. If you can't control people and land, what good is it? Unfortunately in the Oslo Accords, again, I served as lawyer ...., that's exactly what the Palestinians got. They got a council, an autonomy, a people and no control over the land. And that's what they're trying to give you here. It will be a council that represents individuals, not even Kanaka Maoli as a whole, and with no power over land.

And indeed at this point, sever the people from the land. We'll have the people over here and the land is over there and maybe at some point in the indefinite future, we might join them, maybe we won't. It might be a smaller amount, it might be a larger amount - who knows? We'll decide that when it's time to get to that issue.

And indeed that's made very clear in the section about negotiations that at some point in the future the talk about transfer of lands ... So, this council has no land, no natural resources, no assets, it can't tax. So what effective power does it have, except to represent this atomized group of individual Kanaka Maoli?

And finally, to add insult to injury, starting out treating you like American Indians and Senator Akaka ... to the Indian Affairs Council in the Senate, says "But by the way, you Kanaka Maoli, even though we're going to treat you like Indians we're not going to give you any of the benefits ..." and that's made very clear in Section 9b, "Nothing contained in this act provides authorization for eligibility to anything run by the Bureau of Indian Affairs," which is also determined and under the jurisdiction and control of the Secretary of the Interior.

Now before I move on to an alternative. I did want to say just a few words about the Abercrombie draft bill in the House. ... legislation you know there's usually a bill in the Senate, there's a bill in the House, there are differences. Assuming they pass, they go to a conference and get reconciled .....

And in many areas Abercrombie just tracks Akaka but there are some significant differences that I think need to be commented on because at the end of the day if this legislation passes you could be ending up with Abercrombie instead of Akaka, or some combination, some hybrid combination.

..... Congressman Abercrombie referred his bill to the Committee on Resources. Well, at least Senator Akaka referred his bill to the Committee on Indian Affairs, and he's treating the Kanaka Maoli like human beings. Whereas this one goes to the Committee on Resources, you'll be in there with the streams and the rivers and the coal mines, and things of that nature. And so obviously they're thinking of you as a natural resource. You're valuable to the tourists so they have to think of you Kanaka Maoli as an economic resource here to attract tourists so that we haole can make money. So that's all made very clear right in the beginning of the Abercrombie legislation.

And of course he does again track all the treaties that they have violated going through Akaka and the Apology Resolution but what I really wanted to comment on here was the one section in Abercrombie



that is not in Akaka that in my opinion really gives the whole game away. And that's Section 3 on Ceded Lands "Those lands which were ceded to the United States by the Republic of Hawaii and which were later transferred to the State of Hawaii"

Well, one second, they're conceding that all United States lands that they got here in Hawaii came from the Republic of Hawaii but they've already admitted that the Republic of Hawaii illegally overthrew the Kingdom of Hawaii. They've admitted and conceded this. So in other words, the Republic of Hawaii never had valid title over any lands here in Hawaii to begin with. That's clear. It was a thief, the Republic of Hawaii, and this was thievery by which they stole your lands. And in this .. they're conceding that, yes, that the United States took the lands stolen from the Kanaka Maoli by the Republic of Hawaii and called them their own and then transferred some of them to the State of Hawaii. But that still doesn't alter the fundamental nature of theft. The United States has no valid title to any of these lands to begin with because they're conceding they got what they got from the Republic of Hawaii and that is clearly illegal theft.

So, this legislation we've got here, if it is passed, will try to quiet title to all of that. They know there is a problem out here with all title in Hawaii because it all goes back to this original act of theft in 1893. How do you establish valid title under those circumstances when they've conceded it's an act of thievery to begin with? And this legislation will try to quiet that title so that people can then say "Well yes, now we can convey valid title."

Keanu Sai a lot of work on this issue .... the very valid legal issue, well how do you get title out of here in Hawaii when so much of it goes back to this act of thievery in 1893? Well, of course, you Kanaka Maoli will have to decide where you stand on Akaka/Abercrombie. I've given you my analysis about it but from an international law perspective certainly I think some points are clear: one, the existence of the Kingdom of Hawaii as a state under international law and practice was never validly extinguished, it's still there, in essence. It needs to be revived and restored. Indeed, as I pointed out in that Treaty of Friendship, Commerce and Navigation, the United States promised perpetual peace and amity and the correct remedy is *restitutio in integrum* - return the situation to what it was before the violation in 1893 which the United States conceded in the Apology Resolution was conducted by our agents. in other words, we're responsible for what happened in 1892.

This is why Bumpy Kanahele and the 'Ohana council and others issued their Proclamation Restoring the Independence of the Sovereign Nation State of Hawaii [Proclamation of the Restoration of the Independence of the Sovereign Nation State of Hawaii] on January 17th, 1994. Notice it was not a declaration of independence, you already had your independence. Independence did not need to be declared - what needed to be done was to restore that which had been stolen.

Now there are 4 requirements for a state under international law and practice: 1, a permanent population; 2, territory; 3, a functioning government; and 4, the capacity to conduct international relations.

Well, in this case, we already have a state, the Kingdom of Hawaii, that was never validly terminated - it



still exists there in most degrees[??].

Second, a permanent population. We have that, the Kanaka Maoli. Despite all the efforts to diminish your numbers, including outright acts of genocide, you're still here and you're still on your land. The essence of sovereignty is a people still living on their land and still asserting their rights and that gives you enormous power in dealing with the haoles. They know who you are, this is your land and people still ... And you have to pursue to restore that ....

Third, a government. And here we come to the problem that I think confronts Kanaka Maoli today, at least in my opinion, you probably have a different assessment, but as an international lawyer. We have a state but we don't have a government. We have a state - it's the Kingdom of Hawaii but there is no functioning government for the Kingdom of Hawaii that represents all Kanaka Maoli.

We have, as you know, several different organizations that have drafted constitutions that represent certain segments of the Kanaka Maoli. But in my opinion what we really need now is a government of national unity for the Kingdom of Hawaii. We need all the disparate groups and factions to come together and settle ...

Again, this was the situation that confronted the Palestinians 35 years ago. There were many different groups, and organizations, and factions. And yet eventually the late president Arafat and his organization Fatha were able to pull them all together, and by the process of consensus and debate and argument and set up a government. Today the Palestinian state is recognized by about 130 states, starting out with nothing in 1969. And they have de facto, but not yet de jure, UN membership. The only reason they are not yet a UN member is the threat of a veto by the United States government. But even then, President Bush himself has stated that his ultimate objective is a Palestinian state.

Now of course it's not for President Bush to give the Palestinians a state, they have their own state, they're making their own state. Palestinians struggle for their own state just as Kanaka Maoli will have

to struggle for their own state. Even General Sharon, the Prime Minister of Israel has admitted in public debate in their parliament, the Knesset, that the Palestinians have their own state.

So they made a lot of progress but they had to put together a government that united them all. An effective government that could represent the interests of all the people and move forward from there and this was done in a democratic way despite the rigours ... military occupation that is still inflicted upon them today.

So we need, I think from my perspective, you have to decide this, a government of national unity for the Kingdom of Hawaii that pulls together all the different groups and organizations and movements, etc. with a common platform and program and speaks for as many Kanaka Maoli as possible. And then, build that state from the ground up. You're not going to get your state by going to court. Keanu Sai and I



tried going to the US Supreme Court. I felt, even though I thought the odds were quite high, I thought the effort had to be made, especially to commemorate the 100th anniversary of the illegal annexation, we had to do something and Keanu and I did. Build that state from the ground up with this government of national unity.

And then, fourth, the capacity to conduct international relations. To go out with this ... unity and take off where the Kingdom left off, that is, to try to re-establish diplomatic and treaty relations with all those states and those governments that the Kingdom had diplomatic relations with as of 1893. And again, your kings and your queen knew full well the critical importance of doing so. So you have to go back and pick up where the Kingdom left off in 1893. Re-establish those relations, re-assert those treaties and then try to extend. And to do both processes at the same time, the provisional government building the state, helping to build that state from the ground up, and then second, seeking that international recognition and relations as best as possible.

Obviously this is a long-term agenda, the problem has been here since at least 1893 and if not going back to circa the Bayonet Constitution, it's not going to resolve tomorrow. But look at the tremendous progress the Palestinians have made in just 35 years. And I see the tremendous progress Kanaka Maoli have made just in these last 11 years. I've been here since then but the last time ... we talked about human rights and now it's the question of independence and sovereignty. So there has been a lot of progress but in my opinion there has to be a lot more. The next step, I think, I would recommend you consider is to move forward on this government of national unity.

02/27/05

Senator John McCain  
 Indian Affairs Committee  
 838 Hart Senate Office Bldg.  
 Washington, DC 20510

Dear Senator McCain,

The purpose of this letter is to bring compelling reasons for stopping S147, Native Hawaiian Government Reorganization Act of 2005 to your committee's attention. This letter proposes a sound foundation for reconciliation with Hawaiians. It asks that your committee answer Hawaiians' repeated calls for hearings in Hawaii in order for your committee to better understand the reasons for broad based sentiment against the shaky foundation for Reconciliation that Hawaiians are being offered in S147.

S147 and its predecessors are a result of the Hawaii Congressional delegation's response to the commitment Congress made in the Apology Resolution of 1993 (PL 103-150). In that Resolution Congress expressed its commitment to:

*"...acknowledge the ramifications of the overthrow of the Kingdom of Hawaii, in order to provide a proper foundation for reconciliation between the United States and the Native Hawaiian people."*

Now, the Hawaii Congressional delegation, compelled largely by the economic impact of the collapse of large scale agriculture that leased much of the Hawaiian Homes land for sugar production, the decline of tourism in Hawaii, and the State's increasing reliance on federal pork, propose in S147 that the State of Hawaii be relieved of its responsibilities to Hawaiians delegated in the Admission Act (*Act of March 18, 1959, Pub L 86-3, 73 Stat 4*), but without a corresponding transfer of the lands that the State received in order to administer the Admission Act. The Admission Act provided the following conditions under which Congress granted the Crown Lands and Government Lands of the Kingdom of Hawaii to the State of Hawaii:

**At section 5F of the Admission Act:**

*"The lands granted to the State of Hawaii by subsection (b) of this section and public lands retained by the United States under subsections (c) and (d) and later conveyed to the State under subsection (e), together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by said State as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the*



*Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible for the making of public improvements, and for the provision of lands for public use. Such lands, proceeds, and income shall be managed and disposed of for one or more of the foregoing purposes in such manner as the constitution and laws of said State may provide, and their use for any other object shall constitute a breach of trust for which suit may be brought by the United States."*

**At Section 4 of the Admission Act:**

*"As a compact with the United States relating to the management and disposition of the Hawaiian home lands, **the Hawaiian Homes Commission Act, 1920, as amended, shall be adopted as a provision of the Constitution of said State**, as provided in section 7, subsection (b) of this Act, subject to amendment or repeal only with the consent of the United States, and in no other manner: Provided, That (1) sections 202, 213, 219, 220, 222, 224, and 225 and other provisions relating to administration, and paragraph (2) of section 204, sections 206 and 212, and other provisions relating to the powers and duties of officers other than those charged with the administration of said Act, may be amended in the constitution, or in the manner required for State legislation, but the Hawaiian home loan fund, the Hawaiian home operating fund, and the Hawaiian home development fund shall not be reduced or impaired by any such amendment, whether made in the constitution or in the manner required for State legislation, and the encumbrances authorized to be placed on Hawaiian home lands by officers other than those charged with the administration of said Act, shall not be increased, except with the consent of the United States; (2) **that any amendment to increase the benefits to lessees of Hawaiian home lands may be made in the constitution, or in the manner required for State legislation, but the qualifications of lessees shall not be changed except with the consent of the United States;** and (3) that all proceeds and income from the "available lands", as defined by said Act, shall be used only in carrying out the provisions of said Act."*

S147, dressed as the foundation for reconciliation called for in the Apology Resolution, is destined to become another "ramification of the overthrow" rather than the foundation for reconciliation. S147 proposes adding half a million Hawaiians to the ever-thickening pot of sludge that both Indians and the United States are now mired in. Considering S147 as a foundation for reconciliation for the overthrow of the Kingdom of Hawaii is preposterous. Even if the proposal in S147 is any foundation at all, it will never be capable of supporting the weight of reconciliation Congress and Hawaiians will soon be building on it. The foundation proposed, federal Indian policy, is already sinking of its own weight.

It is important that your committee understand the seldom-discussed motivation of the Hawaii Congressional delegation for its proposal in S147 to incorporate Hawaiians into federal Indian policy. The 45 year long failure of the State of Hawaii to meet its federally mandated responsibility under the Admission Act is the single largest factor sustaining the decay of Hawaiians. And yet,

discussion of the State's failure to fulfill its commitment has not appeared on the Congressional radar screen. In the Admission Act, Congress ceded nearly half the land in Hawaii, two million acres, to the fledgling State of Hawaii on the condition that the land be used for five specific purposes. One of those enumerated purposes is "the betterment of conditions of Native Hawaiians". Additionally, the Admission Act delegated responsibility for the Administration of the Hawaiian Homes Commission Act and ceded two hundred thousand acres of Hawaiian Homes land to the State of Hawaii for the sole purpose of administering the Act. Those who are responsible for the State's failure to meet its responsibility are attempting, in S147, to cast off the cloud of suspicion that hovers over land dealings in Hawaii that have occurred since Statehood, the Hawaii Congressional Delegation is attempting to divest the State of Hawaii of the obligations that came contingent with the cession of land by adding nearly half a million Hawaiians to over extended federal Indian policy, and, to simultaneously retain the land. This is not an appropriate foundation for reconciliation; it is better characterized as a scam.

S147 is the vehicle of the State's relief and not the relief of Hawaiians whose troubles manifest themselves in all too real ill health, economic depravity, and social decay. Your work in campaign finance reform gives you superior knowledge of the negative impact narrow interests can have and the insidious way these interests seep into and corrode effective government. Your knowledge of the dismal conditions Indians find themselves in today will serve the committee well in considering the problems with S147 identified in this letter, and hopefully will cause you to urge your colleagues in Congress, the Committee, and Hawaii Congressional delegation to consider the foundation for reconciliation herein proposed. S147, in effect, will reward the State of Hawaii and other agencies for their failures at the expense of Hawaiians who would become the responsibility of the federal government. If S147 becomes law, half a million Hawaiians would be added to the chronically under funded federal obligation to Indians. Federal recognition of Hawaiians as a tribe is viewed by many of the bills proponents as an avenue to increase federal pork in the same light as the wasteful military pork that the State now relies on heavily to float its economy. S 147 is not a solution or a foundation for solution. It is the transfer of a problem from one party to another. Hawaii is no stranger to applying the legislative process to serve narrow land interests, these efforts have now risen to the Congressional level dressed as S147.

The foundation for reconciliation must address not only the United State's participation in the overthrow of the Kingdom of Hawaii, but also State of Hawaii's failure to faithfully adhere to the conditions under which nearly two and a quarter million acres of land were ceded to the State by the federal government. Both are ramifications of the overthrow and both have caused Hawaiians to become marginalized second-class citizens in their own homeland.

In designing a proper foundation, it is important to recognize and consider the flawed concept at the core of S147 and the Apology Resolution, both of which seek to reconcile with only a portion of the class of people impacted by United States admittedly unlawful participation in the overthrow of the Kingdom of Hawaii:

**Congress' commitment to establish a foundation for reconciliation must address and involve the entire aggrieved class.**

It would be absurd for Congress to propose that Mayflower descendants were somehow more American than those who committed their lives, fortunes and honor to establish the United States as an independent nation. It is equally absurd to propose a foundation for reconciliation that ignores the advances and sacrifices all Hawaiians made in establishing the Kingdom of Hawaii as an independent nation, and yet, the Hawaii Congressional delegation makes exactly that proposal in S147 by defining the object of reconciliation as those with ancestors who were the original inhabitants of Hawaii rather than the descendants of subjects of the Kingdom of Hawaii in 1893 (the date of the United States Intervention that motivated the Apology Resolution). It is not the prerogative of Congress to legislate the value of Hawaiian blood and ancestry any more than it is the prerogative of Hawaiians to determine the value of Mayflower descendants or anyone else's blood.

The value of Hawaiian blood and ancestry is for Hawaiians to determine, not the Congress of the United States.

It is important for you, Senator McCain, and the Indian Affairs Committee, to understand that it is not the ramifications of the overthrow of a Tribe that Congress committed itself to acknowledge in the Apology Resolution. The Kingdom of Hawaii was clearly a foreign nation with respect to the commerce clause of the constitution of the United States, and not an Indian Tribe. As you know, Congress relies on the commerce clause as its constitutional authority over Indians.

The Supreme Court has made the distinction between the two, Foreign Nation, and Indian Tribe in *McIntosh v Johnson* and *Cherokee Nation v Georgia*:

**Johnson v McIntosh 1823:**

*" The inquiry, therefore, is, in a great measure, confined to the power of Indians to give, and of private individuals to receive, a title which can be sustained in the Courts of this country. ..."*

*" So, too, with respect to the concomitant principle, that the Indian inhabitants are to be considered merely as occupants, to be protected, indeed, while in peace, in the*

*possession of their lands, but to be deemed incapable of transferring the absolute title to others."*

**Cherokee Nation v Georgia 1831:**

"*Foreign nations* is a general term, the application of which to Indian tribes, when used in the American Constitution, is at best extremely questionable. ... We find nothing in the context and nothing in the subject of the article (Article 3, the Commerce Clause) which leads to it."

**Rice v Cayetano 2000:**

*"If Hawaii's restriction were to be sustained under Mancari we would be required to accept some beginning premises not yet established in our case law. Among other postulates, it would be necessary to conclude that Congress, in reciting the purposes for the transfer of lands to the State—and in other enactments such as the Hawaiian Homes Commission Act and the Joint Resolution of 1993—has determined that native Hawaiians have a status like that of Indians in organized tribes, and that it may, and has, delegated to the State a broad authority to preserve that status. These propositions would raise questions of considerable moment and difficulty. It is a matter of some dispute, for instance, whether Congress may treat the native Hawaiians as it does the Indian tribes."*

The Apology expresses Congress' commitment to establish a foundation for reconciliation for the overthrow of a constitutional democratic Monarchy with a highly evolved written constitution and a complex system of courts and written laws that granted fee land title to its own citizens and foreigners, including Americans. The fee title granted to Americans and others by the Hawaiian government is recognized as legitimate to this day by both the United States and the State of Hawaii. This fact alone places the Kingdom of Hawaii on the foreign nation side of the commerce clause. This was not a nation in which the Monarch ruled absolutely, but one with an elected legislature charged with making laws and a supreme court charged with interpreting those laws.

The Hawaii Congressional delegation further proposes in S147 that Congress recognize only a Hawaiian government designed and created by those meeting a congressionally provided ancestral definition that excludes descendants of the subjects of the Kingdom of Hawaii who do not meet the congressionally imposed ancestral requirement. This is in deference to the following undisputable facts:

- The laws of the Kingdom of Hawaii did not provide for discrimination based on race or ancestry;
- Both non-Native Hawaiians and Native Hawaiians participated on both sides of the United States intervention in Hawaiian Government.
- The highest offices in Kingdom government were filled with naturalized subjects who had no Hawaiian ancestry.

- The constitution of the Kingdom of Hawaii prohibited slavery long before our thirteenth amendment.
- The Kingdom of Hawaii was an internationally recognized independent government at the time the United States intervened and was recognized as such in treaties of commerce, navigation and amity with many nations including all of the European powers and the United States itself.

The unlawful intervention of the United States has caused Hawaiians to become alienated from their land and government. Hawaiians have done nothing wrong, they have neither committed an offense nor provoked the United States' offense against them; Hawaiians have played the game fairly in full adherence to the rule of law. The United States has acknowledged in the Apology Resolution that it is the sole violator between the two parties. Neither legislation nor the passage of time will ever be able to undo Hawaiians attachment to their homeland. The source of Hawaiian's soul deep attachment to the Hawaiian Islands is not within the domain of earthly governments. Hawaiian's awareness of the events that alienated them from their land and government has come to the forefront of modern Hawaiian consciousness and has reinforced their attachment to the land, their right to govern it, and more ominously, their will. For these reasons it is imperative the foundation for reconciliation does not exclude or remove perfect reconciliation from the horizon for Hawaiians or the United States ability to attain it.

Reconciliation must be supported not by a foundation that has been fabricated to conveniently fit Federal Indian policy, but rather by a foundation built on Historical fact and law.

The Indian Affairs Committee would be correct to recognize and report to Congress that the foundation for reconciliation proposed in S147 is inappropriate. How does one justify the segregation of the descendants of the subjects of the Kingdom of Hawaii, by blood or ancestry, in order to apply federal Indian policy to Hawaiians in the name of reconciling the United States participation in the disruption of a multi-ethnic Independent government? The Indian affairs committee would be correct to report to Congress that the "questions of considerable moment and difficulty" foretold in the Rice v Cayetano decision will place an unnecessary burden on the United States and an even greater burden on Hawaiians.

Reconciliation for the alienation of Hawaiians from their land and government must include all of the descendants of the subjects of the Kingdom of Hawaii at the time the United states intervention in Hawaiian government, and must not be limited to only those Hawaiians who conveniently fit into federal Indian policy if Congress' reason for reconciliation is the "overthrow of the Kingdom of Hawaii" as Congress has stated in the Apology Resolution. It may be argued by S147's proponents that the Apology Resolution authorizes only reconciliation with "Native Hawaiians" as defined in the resolution, and that this demands the

exclusion of non- "Native Hawaiians" from benefiting from any reconciliation. This argument fails for the simple reason that the inclusion of non-Native Hawaiian descendants of the subjects of the Kingdom in reconciliation is legally and historically accurate and necessary to justify reasoning for reconciliation based on the unlawful overthrow of the independent, multi- ethnic Kingdom of Hawaii. The Supreme Court has stated plainly in *Rice v Cayetano* that applying Indian political status to Hawaiians is questionable and that neither the Hawaiian Homes Commission Act nor the Apology Resolution conclusively established that Hawaiians are an Indian Tribe and warned of the difficulties overshadowing such a proposal. Their status as the subjects of the admittedly unlawful overthrow of an independent government cannot be questioned and it cannot be questioned because it is the truth.

If "*Native Hawaiians*" meeting a federally delineated ancestral or blood restriction are to be singled out for reconciliation by Congress, the overthrow of a government with the multi-ethnic and progressive character such as that of the Kingdom of Hawaii is not the proper basis or a fitting reason. The basis for reconciliation with such a narrowly tailored class would have to be found in acts that confined themselves to, or that were aimed at, that class. The alienation of the subjects of the Kingdom of Hawaii from their land and government was not compelled by a desire to wrest control of Hawaii from "*Native Hawaiians*" as defined in the S147 and the Apology Resolution. Alienation was compelled by a desire to wrest control of the Hawaiian Islands from legitimate government. The parties on both sides of the events surrounding the United States intervention in Hawaiian government had both Native Hawaiian and non-Native Hawaiian participants and supporters. Native Hawaiians and non-Natives alike signed the Constitution of the Republic of Hawaii. Non-Native and Native Hawaiians alike were loyal to the Constitution of the Kingdom of Hawaii. Neither race nor ancestries were at issue in the overthrow of the Hawaiian government. Control of the Hawaiian Islands was the issue and loyal subjects of the Kingdom of Hawaii and their descendants were, and are, the victims. S147 attempts to install race and ancestry as a component in reconciliation order to fit federal Indian policy, not because it fits the historical and political events that have compelled Congress to enact the Apology Resolution.

A proposal such as S147 that proposes to apply favor based on ancestral connection over other loyal subjects of the Kingdom of Hawaii is no more justified than applying favor to Mayflower descendants over the sons and daughters of the American Revolution and other Americans. Any Solution crafted to establish a foundation to reconcile the "ramifications of the overthrow" must include all of the descendants of the subjects of the "overthrown" government or look for a legitimate reason for reconciliation that befits the beneficiary class. Such reason exists, but if it were applied, it would incriminate many of the bills proponents who have neglected their responsibility to Hawaiians since the Hawaiian Homes Commission Act of 1920.

**Law suits challenging Federal and State Programs aimed at the betterment of the condition of Hawaiians.**

In the 2000 Rice v Cayetano decision the Supreme Court decided against a voting scheme in the State's Constitution that restricted voter eligibility to "native Hawaiians", in electing the trustees of a State office charged with overseeing the affairs of Hawaiians. The Court decided the scheme was based on race rather than ancestry and that it violated the 14<sup>th</sup> amendment. The opinion of the majority in rice contained this forewarning:

*... " If Hawaii's restriction were to be sustained under Mancari we would be required to accept some beginning premises not yet established in our case law. Among other postulates, it would be necessary to conclude that Congress, in reciting the purposes for the transfer of lands to the State—and in other enactments such as the Hawaiian Homes Commission Act and the Joint Resolution of 1993—has determined that native Hawaiians have a status like that of Indians in organized tribes, and that it may, and has, delegated to the State a broad authority to preserve that status. These propositions would raise questions of considerable moment and difficulty. It is a matter of some dispute, for instance, whether Congress may treat the native Hawaiians as it does the Indian tribes..."*

Proponents of placing Hawaiians under federal Indian policy ignored the courts forewarning of considerable difficulty and seized instead on this piece of Justice Kennedy's opinion choosing to ignore his concerns over "questions of considerable moment and difficulty":

*"Mancari, upon which many of the above cases rely, presented the somewhat different issue of a preference in hiring and promoting at the federal Bureau of Indian Affairs (BIA), a preference which favored individuals who were "one-fourth or more degree Indian blood and . . . member[s] of a Federally-recognized tribe.' Although the classification had a racial component, the Court found it important that the preference was "not directed towards a 'racial' group consisting of 'Indians,'" but rather "only to members of '**federally recognized' tribes."** "In this sense," the Court held, "the preference [was] political rather than racial in nature."*

The Hawaii Congressional delegation and proponents of placing Hawaiians under federal Indian policy took this to mean that if Hawaiians became recognized as a tribe, that racial distinctions would be instantly transformed into political distinctions. Your committee would be wise to question, unlike the bills proponents, why no objection was raised to specific language in S147, that was added during the last session of Congress in a little publicized amendment, which prohibits the Native Hawaiian governing entity from being

included on the list of federally recognized tribes entitled to the Mancari protections:

*"...the Secretary shall certify that the organic governing documents-- are consistent with applicable Federal law and the special political and legal relationship between the United States and the indigenous, native people of the United States; provided that the provisions of Public Law 103-454, 25 U.S.C. 479a, shall not apply."*

Public Law 103-454, 25USC479a is the law that establishes the list of recognized federally recognized tribes.

Proponents of the bill have accepted the addition of this language excluding the Hawaiian government established under the process in S147 from the list of federally recognized tribes without serious protest even though it undermines the key component of the Rice decision that they rely on as the reason for the bill; That reason being, the federal recognition of ancestry as a political distinction rather than a racial one. It is not unreasonable, in consideration of the foregoing, to suspect that the motivation for this legislation has far more to do with relieving the State of Hawaii of its responsibility to the federal government under the Admission Act than it does in securing the more palatable, albeit inaccurate, notion that the primary motivation for the bill is Hawaiian well being and political rights. This is especially suspicious considering that those promoting the bill have failed so miserably in meeting their obligation to Hawaiians when it was their responsibility, and they had the means to do so.

The Rice Decision caused proponents of placing Hawaiians under federal Indian policy to redouble and expedite their efforts to convince Hawaiians that this placement was essential to protecting entitlements and programs that had come under increasing legal attack on the heels of the Rice decision. The chanting of the mantra that federal Indian policy was the only avenue available to protect Hawaiians was repeated more frequently and more loudly from the bills proponents as a result of the Rice decision. At one meeting I attended personally, a Hawaii Judge gave a well-prepared power point presentation, with a straight face, explaining to the largely Hawaiian audience that Hawaiians would become extinct if the bill did not become law. There were numerous other well organized and well-funded community meetings with a similar message conducted on the mainland and throughout Hawaii by State agencies and NGOs dependent on federal and state programs. These agencies and NGOs take 70% or more of the funding for administration of state and federal programs before the people they are intended to help ever see one dime. Questions from Prominent Hawaiian leaders opposed to the legislation were ignored at many of the meetings. Testimony in the Senate Indian Affairs Committee was limited to invitees who supported the legislation. Community meetings to promote the bill targeted Hawaiian homes lessees heavily and publicly proclaimed that if the Arakaki case, another case attacking Hawaiian programs, were decided in favor



of the plaintiff that Hawaiian homes lessees would be evicted from their homes. This completely fabricated claim came in spite of specific language in the Arakaki suit providing that the leases would be converted to fee titles as a remedy. Elderly, ill and indigent Hawaiians were targeted heavily with similar messages.

#### **Implied limitations on the Congressional prerogative**

Promotion of the bill in Hawaii has been attended by the slogan that the bill provides a foundation for reconciliation within the framework of federal law. The unspoken implication being that federal law and the Congressional and executive prerogatives limit the foundation for reconciliation to the application of federal Indian policy to Hawaiians as proposed in S147. This is patently untrue and Hawaiians are aware of options outside the proposal in S147. The Congressional and executive prerogative was exercised in the return of the Panama Canal to the Panamanians. The Congressional and executive prerogative gave the Philippines and Cuba their Independence and established the commonwealths of the Marshall Islands and Palau. There are numerous other examples demonstrating that Congressional and executive prerogative in these matters is only as limited as their will to exercise it within the bounds of the constitution and their sense of justice. While the Commerce clause of the constitution gives Congress the authority to restrict the Native People within the boundaries of the United States, the Territorial Clause gives Congress and the Executive branch the authority to free Hawaiians if their sense of justice compels them to do so.

#### **The State's Administration of the Hawaiian Homes Commission Act and the "5F" trust.**

The battle for control of land in Hawaii has consumed Hawaii politics from the earliest involvement of the United States. Statehood raised the level of land grabbing to resemble a feeding frenzy. To gain a better understanding of State official's obsession with control of land in Hawaii that caused the States obligations under the Admission Act to be all but ignored, I am enclosing a copy of Gavin Daws' book, Land and Power in Hawaii. While this book does not address the State's failure to meet its obligations under the Admission Act directly, it provides a clear and minutely detailed picture of the State official's obsession with land that caused them to ignore their federally delegated responsibility to Hawaiians. The condition of Native Hawaiians and the existence of vast tracts of Hawaiian Homes land, Crown land and Government land that are today either vacant, or occupied by non-Hawaiians in comparison to that land occupied by Hawaiians is testament to the State's negligence in meeting their obligation under the Admission Act ,and to the abuse of their authority.

During the Hawaiian Homes Commission Act's 85 years of existence, precious few Hawaiians have managed to overcome the burdensome regulations, bureaucratic hurdles, nepotism, and cronyism they face in actually getting a lease or retaining it. This failure to lease land to Hawaiians as the State is obligated to under the Hawaiian Homes Commission Act is not for lack of good available land. There is ample land assigned to the program lying fallow, yet, evictions of Hawaiian families unable to comply with cumbersome and restrictive regulations have become tragically routine while new leases are rare at best. The lack of infrastructure required to make the land useable to Hawaiians has often been cited by State officials as the chief reason the land is not available, but this has not prevented the State's Division of Hawaiian Homes from leasing the land to non-Hawaiian interests at below market rates in many instances. The revenue from these non-Hawaiian leases and land swapping is often diverted which stagnates the development of infrastructure necessary to get Hawaiians on their land. The number of Hawaiians that have been born, lived, and died on the lengthy waiting list borders on criminal. Imposition of blood quantum restrictions has resulted in a miniscule percentage of today's Hawaiian population that actually meets the blood quantum required. Many Hawaiians find themselves unable to provide the documentation required to prove they qualify for a lease. Blood quantum restrictions have the effect of dividing Hawaiian communities and families into the haves and have-nots by blood quantum.

The State's failure to Administer the "5F" trust that requires the State of Hawaii to administer the two million acres of Crown and Government lands of the Kingdom of Hawaii for the benefit of Native Hawaiians and other purposes has resulted in a judicial deadlock in which Hawaiians are pinned to the floor, unable to benefit from the Crown and Government Lands as required in the agreement the State made with the Federal government as a condition of Statehood.

Revisiting the Hawaiian Homes Commission Act and the 5F trust in light of Congress' commitment in the 1993 Apology Resolution to establish a foundation for reconciliation for the "overthrow" of the Kingdom of Hawaii is a fitting place to establish a foundation for reconciliation that deserves Congress' most serious consideration; far more so than the current proposal to place Hawaiians under federal Indian policy. The "questions of considerable moment and difficulty" foretold by the Supreme Court in *Rice v Cayetano* can be avoided entirely by facing political and historical fact squarely.

Wherever the Admission Act allows for the federal government to intervene on behalf of Hawaiians in order to ensure the State of Hawaii complies with the letter and spirit of the Admission Act, the Federal government should intervene and take the Congress' commitment to establish a foundation for reconciliation into consideration. The necessity of keeping perfect reconciliation permanently available should shadow congressional intervention in the Admission Act.

Where the Admission Act does not allow the Federal government to intervene the Federal Government should compel the State of Hawaii to act in the spirit of the Apology Resolution and resolutions of the State legislature. Any amendments to the Hawaiian homes Commission Act or effort to compel the State to meet its obligations under the 5F trust should be aimed at establishing a foundation for reconciliation underpinned by a commitment to forever keep the doors open to perfect reconciliation.

The United States, the State of Hawaii, and Native Hawaiians will all benefit from a foundation that "acknowledges the ramifications of the overthrow of the Kingdom of Hawaii, in order to provide a proper foundation for reconciliation between the United States and descendants of the subjects of the Kingdom of Hawaii."

#### **Inventory of the Crown and government lands**

There is great mistrust in the Hawaiian community and in the general community in Hawaii regarding land titles administered by the State of Hawaii. Any effort to establish a foundation for reconciliation must accurately, openly; truthfully, and conclusively answer the questions fueling this increasing mistrust. In the absence of an inventory of the Crown and Government there are increasing questions being raised regarding commingling of lands by the State and the sale of tracts of land by former sugar interests and others. These and other questions are eroding confidence in land titles in Hawaii.

The Crown and Government lands ceded to the State from the Federal government have never been inventoried. Several efforts to inventory these lands have begun only to be abruptly halted without plausible explanation before they could be of any use. The wide spread mistrust of the legitimacy of land titles, common in the Hawaiian community, is beginning to permeate outside of the Hawaiian community in ways that are beginning affect the kind of investment decisions needed to maintain economic stability.

An occurrence a few years ago in a courtroom typifies the mistrust of land titles among Hawaiians and others in the State. As part of his sentence for a crime, a Hawaiian man was not to set foot on Hawaiian lands ever again. The Hawaiian responded to the judge that he would be more than happy to comply if only the judge could tell him where these lands were. The judge of course could not tell him. No one in Hawaii can say with certainty what is Crown and government land and what is not. But this is not for lack of records. The records exist to complete an inventory. It is the will to perform the inventory and publish it that is lacking. It is the absence of an inventory that fuels suspicion, mistrust and frustration.

An inventory of the Crown and Government lands and review of title transfers that is the result of an independent, open and objective investigation is

an imperative piece of any foundation for reconciliation. Any reconciliation effort that proceeds under the persistent cloud of suspicion that hangs over land titles in Hawaii both within and without the Hawaiian community is not likely to produce much more than a short lived appeasement. The issue of land titles will continue to surface and damage any efforts towards reconciliation, regardless of how deeply the issue is buried, until all parties, Congress, Hawaiians, the State of Hawaii, and other property owners in Hawaii are thoroughly satisfied that the rule of law has prevailed. This cloud of suspicion over land titles is also a "ramification of the overthrow" that Congress has committed to acknowledge. The State's failure to administer the Hawaiian Homes Commission Act and their failure to administer the Crown lands and Government Lands in Accordance with the Statehood compact between the State and Federal Government is reason enough for Congress to order the Inventory.

**Respectfully submitted recommendations in consideration of the foregoing and the testimony of Hawaiians at the 1999 Hearings conducted by the Department of Justice and Department of the Interior in Hawaii for consideration by the Indian Affairs Committee and all others concerned with justice and the preservation of the rule of law.**

- 1.) Inventory the Crown lands and Government lands and perform a comprehensive review of land titles in Hawaii. This will allow a clearest possible basis from which to reconcile and will instill confidence in the reconciliation process.
- 2.) Lift the imposition of blood quantum restrictions in the Hawaiian Homes Commission Act and expand the eligible class to properly include all of the descendants of the subjects of Kingdom of Hawaii. The value of Hawaiian blood and ancestry is for Hawaiians to establish within their culture and laws, not the United States. The idea that the United States is better suited to determine the value of Hawaiian ancestry than Hawaiians is absurd. The application of federally imposed blood quantum requirements to determine eligibility results in un-healthy and destructive divisions between and within Hawaiian communities and between and within Hawaiian families. It has resulted in an ever declining number of qualified beneficiaries that serves the State's interests well, but is devastating to Hawaiians and particularly corrosive to their culture and the self esteem of Hawaiians who are unable to document their ancestry. Curiously, the Hawaiian Homes commission act restricts eligibility to those who can document they have at least 50% of the blood of those who inhabited the Islands 30 years before written records were kept and 30 years before written language was introduced in Hawaii. The impossibility of proving ones ancestry unequivocally in the absence of written records on the date of ancestral eligibility, and the ease with which some lessees are able to obtain leases has given rise to a culture of suspicion and jealousy that further tears at the fabric of the Hawaiian community. Kingdom citizenship is easily proved and the records have been preserved.

3.) Assist and encourage the unification and development of Hawaiian government without guiding or steering or otherwise interfering in the reconstruction of Hawaiian government.

4.) Hawaiian responsibility for the administration of the Hawaiian Home Lands should serve as the seed for strengthening Hawaiian government and control over their own land and affairs. The potential for expansion of Hawaiian governed land and resources should not be limited. Any legislated limitation ruling out potential will destroy the hope successful people and governments depend on. Hawaiians are capable of and in the process of establishing a unified government. The expansion of Hawaiian government in Hawaii need not be debilitating to others in Hawaii and there is no movement or desire to expel or infringe on the rights of non-Hawaiians among any of the Hawaiian governments in existence today. The prevailing thought underlying these Hawaiian governments is the realization of Hawaiian's potential through their land and resources. Most Hawaiians today are well aware of the debilitating and destructive effect that restrictions on Indian land and resources have on those communities and will consider the imposition of federal Indian policy as a restriction on their potential. Any restrictions or limitations on Hawaiian's potential must be agreed to by Hawaiians, through their government, unfettered by the predetermined constraints of federal Indian policy and law if they are to ever end their frustration, and, if the United States is ever to reconcile the events of the late 1890's. Keep the doors open. Congress and the Executive branch will find a Hawaiian government and people who know what is at stake here and who are unwilling to risk it through an imprudent or irrational government.

5.) The United States must recognize Hawaiians right to independent government, and both governments must remain receptive to offers of diplomatic relations from either as co-equal independent governments. This is the relationship that existed between the United States and the Kingdom of Hawaii, not a guardian to ward relationship. This is the relationship that is the object of reconciliation.

6.) An agreement between the Hawaiian Government and the United States to respect the rights of each others citizens should be reached early on after diplomatic relations are established.

7.) The absolute title of the Hawaiian government to lands under Hawaiian government control must be recognized by the United States, beginning with the Hawaiian Homes land but with no restriction on future increases in lands under Hawaiian government control when such control is productive and beneficial to Hawaii. The common practice in federal Indian policy of permanently extinguishing rights in exchange for concessions from the federal government must not be a part of the reconciliation process. Exchanges, such as these will eliminate the potential for perfect reconciliation and open the doors to corruption.

8.) Hawaiians should be allowed to choose between Hawaiian citizenship and American citizenship and vice versa, subject to the naturalization policies of each respective government.

9.) Hawaiian government should develop regulations for the administration of and be exclusively responsible for the administration of the land and resources under their control free of state or federal restriction but with communications open between the Federal and Hawaiian governments. This will provide Hawaiians with the opportunity to develop effective government and allow them to prepare for governmental control of additional land and resources and to develop inter-governmental relationships of their own design and to their own benefit within the constraints of rationality rather than imposition.

10.) Remove the present restriction that allows lessees to apply their lands to agricultural markets only. Development of the Hawaiian economy requires that Hawaiian land be applied to all markets including but not limited to housing, retail, wholesale, international trade, communications, tourism, transportation, banking, and all other markets. Hawaiians' ability to develop their own economy will undoubtedly benefit all of the people in Hawaii. The State of Hawaii seems to be fresh out of solutions other than more pork. Hawaiians pent up desire to excel will unleash a flood of innovation and cultural renaissance that is sorely needed in Hawaii. There are designs and desires in the minds of Hawaiians that cannot make the leap to reality because of their marginalization and inability, by imposed restriction, to apply their land and resources to the realization of their dreams.

11.) Hawaiian governance of the Hawaiian Home lands and other lands in perpetuity, including the right of taxation and grants of title must be backed and guaranteed by the United States in order to overcome the debilitating effects that federal trust status, coupled with sovereign immunity, have had on investment as is the case where lands are administered by the United States under federal Indian policy. The ability of Hawaiians to attract investment that serves their needs without the crippling effect of a federal trust will benefit all of the people in Hawaii.

12.) The release of United States interest in land to the Hawaiian government must correspond to the Hawaiian government's ability to govern. No Hawaiian land must ever be taken from the table. Milestones describing progress in terms of mutual benefit, common good, amicable relations, and advances in the health, economy and social conditions of Hawaiians, but not a time line, should be agreed to between the Hawaiian and United States governments. These milestones must be established in terms of advancement of Hawaiians towards perfect reconciliation and must not be allowed to have the effect all too common in federal Indian policy where continued failure is motivated by the prospect of continued or increased funding, and where success is often rewarded by decreased or eliminated funding. A review of the Indian Affairs Committee's "Views and Estimates letters" and the July 2003 United States Commission on

Civil Rights Report "A Quiet Crisis- Federal Funding and Unmet Needs in Indian Country" are testament to the existence of this failure motivating policy and its continuing impact on the lives of the Indians it is designed to benefit.

13.) The relationship between the Federal and Hawaiian governments must never be allowed to take on the trappings of a test or an experiment. Trust and mutual respect between governments and people must guide the reconciliation effort. The United States will always have the ability to apply the authority it applied in alienating Hawaiians from their land and government that has brought the need for reconciliation. The object of perfect reconciliation must mandate that such authority never be applied again.

14.) The fallout from an unjust settlement of claims, perceived by either of the parties will benefit neither. Hawaiians Claims against the United States can be set aside by mutual agreement rather than being resolved immediately. Perhaps, one day, the claims can be permanently buried along with any ill feeling if the relationship between Hawaiians and the United States can be restored to the amicable relations between the two nations before a handful of zealous people with narrow interests took it upon themselves to destroy relations between the two nations. The forced settlement of claims under an imposed jurisdiction, as in the current proposal, is a recipe for continued strife, not reconciliation.

15.) The culture within the Department of the Interior is such that an effective solution cannot be managed from that department. The Idea of Independent control of land and resources and the potential to expand independent control is better suited to the direct control of the Senate foreign relations committee, the House resources committee and the Department of State.

16.) The restoration of Hawaiians' culture demands their control over cultural property with the potential to expand the definition of cultural property, Hawaiians right to identify previously unknown or unrecognized cultural properties and to extend their authority over them must be their exclusive prerogative.

These Ideas and others deserve serious discussion and consideration in lieu of the simplistic approach of placing Hawaiians under policies that have now come to serve neither the United States nor Indians well. The time is ripe and the opportunity is here in front of us to craft solutions that will serve to better the conditions of all the people, Hawaiians and others, who will live with the decisions made today for a very long time to come.

The capacity to ensure Hawaiians to lift themselves and excel exists within the current framework of federal law. The State and federal government must answer for themselves the question whether to apply that framework of law in a way that acts to the detriment of Hawaiians or to Hawaiian's benefit. S147 presents the State's answer to that question and asks Congress to concur in the hope Congress will apply the quagmire of federal Indian policy to nearly half a million

Hawaiians. The State of Hawaii, from its creation, has had the ability, but not the will, to provide solutions. Much of the solution, Hawaiians benefiting from their land and resources, is written into the State's charter with the federal government but has never been applied as intended. The need to consider and develop solutions outside of those proposed in the bill, and to compel the State to comply fully with its charter, and to amend that charter to provide the foundation for reconciliation that Congress committed itself to in the Apology is imperative if the root of Hawaiian's problems is to be remedied. Solutions that allow for perfect reconciliation and that serve the interests of Hawaiians, Congress and the people of the State of Hawaii are available to Congress, and deserve serious consideration. This bill, S147, is not one of them.

Mahalo for all you do

David Ingham

21- 5<sup>th</sup> Ave.

San Francisco Ca. 94118

415 221 7472



Dear Senator McCain,

February 22, 2005

Hawaii has been my home for the past sixty six years. I was stationed at Wheeler Field, Hawaii during W.W.II, and following my separation from the service practiced law as a member of the Hawaii Bar for thirty-four years. I am a graduate of the Univ of Nebraska Law College, class of 1941. I am age 90.

Please excuse the informality of my letter but an item in a morning newspaper gave notice of the Indian Affairs Committee having scheduled a hearing on the Colchick bill for March 1st. I have intended to submit to you opposition to the bill, and enclose two declarations of my opposition that I have previously submitted, one to the U.S. Senate and one to the Hawaii legislature and Governor Linda Lingle, but I have been laid up with an injury I received in a golf course. I enclose those declarations and trust you receive them before the hearing.

I also enclose a copy of a letter addressed to Linda Lingle as a candidate for governor prior to the election (~~copy letter~~)

Best regards,

1044 Waiholo Road

Honolulu, Hawaii, 96821

Telephone 808-373-1036

Harold W. Conroy

HAROLD W. CONROY  
1044 Waiholo Street  
Honolulu, Hawaii 96821

September 5, 2002

Ms. Linda Lingle  
Candidate for Governor,  
State of Hawaii  
P. O. Box 25111  
Honolulu, Hawaii 96825-0111

Dear Ms. Lingle:

A recent item in a daily newspaper on the subject of GOP candidates not attending a candidates forum on native Hawaiian issues quotes you as stating you will be speaking at another gathering on September 12 to discuss native Hawaiian issues. The principle issue in the forefront is the enactment by Congress of the sovereignty bill introduced by the Hawaii delegation to Congress. Hawaiian groups are organizing statewide in support of the bill.

The sovereignty bill, often referred to as the Akaka bill, would establish under federal law as a matter of "Policy" that citizens of Hawaii of Hawaiian ancestry are, "(1) a unique and distinct indigenous, native people with whom the United States has a political and legal relationship," and "(2) the United States has a trust relationship to promote the welfare of Native Hawaiians,." Also, that "Native Hawaiians have -- (A) an inherent right to autonomy in their internal affairs; (B) an inherent right of self-determination and self-governance; and (C) the right to reorganize a Native Hawaiian governing entity;." The "Purpose" of the bill is stated as follows: "(b) Purpose -- It is the intent of Congress that the purpose of this Act is to provide a process for the recognition by the United States of a Native Hawaiian governing entity for purposes of continuing a government-to-government relationship. (Emphasis added.) The foregoing quotes are included in Section 3 of the bill.

This bill would establish an independent governing body of persons of Hawaiian ancestry with political relations with the United States, to exist simultaneously with the State of Hawaii and within the same geographic boundaries of that state. A primary purpose of the Act if enacted is to effect the transfer to that governing body for the sole benefit and welfare of citizens of Hawaiian ancestry of Ceded Lands, Hawaiian Homes Commission Lands and resources, and the assets of the Office of Hawaiian Affairs. The initial

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motivation for the implemation of the bill was to circumvent the decision of the United States Supreme Court in the case of Rice v. Cayetano. 528 U.S. 495 120 S.Ct. 1044 (2000)

In addition, for education purpose those of Hawaiian ancestry would continue to have the exclusive benefit of assets of the Bishop Estate totaling 6 billion dollars and the assets of the Liliuokalani Trust. Those assets were crown lands transferred to members of the alii class of the Hawaiian Kingdom and later placed in perpetual trusts. Also, additional millions of dollars have been granted over the past years by the State of Hawaii and the Federal government to OHA and the Hawaiian Homes Commission.

As past chairwoman of the Republican Party of Hawaii you supported the enactment of the sovereignty bill. The Republican Party of Hawaii has adopted in the party platform support for the enactment of the sovereignty bill. You reportedly sought a "Native Hawaiian" as a running mate for the office of lieutenant governor. The present chairman of the Republican Party of Hawaii, Micah Kane, is identified in the article referred to above as a "native Hawaiian". His position regarding Republican Party candidates attending the forums on native Hawaiian issues is quoted as follows: "It's unfortunate that there's a conflict because we want to participate and we have very strong feelings about these issues." And "We hope to have another opportunity for our candidates to address the native Hawaiian community." He also stated that thousands of people were notified that the candidates would be at the GOP rallies.

It's clear that with the number of citizens of Hawaiian ancestry in the state totaling over 240,000 they form a large bloc of the voting community of the state. All of the Democratic candidates for governor are also active in vying for their vote.

The present sovereignty bill is the third succeeding bill introduced by the Hawaiian delegation, the first having been introduced in the year 2000. I submitted opposition to the earlier bills and will submit opposition to the current bill, S. 1783. I enclose my letter to the United States Senate dated November 23, 2001, in opposition to S. 746 and H.R. 617, and the opposition letter to Congress of even date. The current bill in substance is the same as the earlier bills except for deletion of Section 5. of S. 746 and H.R. 617, providing for the appointment by the President of a Native Hawaiian Interagency Coordinating Group.

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Citizens of Hawaii of Hawaiian ancestry are predominately multi-racial. For over two centuries through marriage and cohabitation with other races they are of mixed blood. Less than 1/2 of 1% of the total population of Hawaii are of pure Hawaiian blood, and over 97% of those who would be qualified as citizens of the Hawaiian governing entity, with no quantum of Hawaiian blood required, are of a mixed racial ancestry.

The legislation is a play on race which is a constitutional disqualification. And no power exists in Congress to establish within a state a governing body with government-to-government relations with the United States.

Those of Hawaiian ancestry living today have been American citizens of the United States for their lifetime. They enjoy all rights, interests, benefits and privileges of the republican form of government of the United States, founded in 1776, and all of the land and resources of the Federal government and the State of Hawaii existing today, the same as all other citizens. No hereditary or sovereign rights exist, and there is no lawful basis for the establishing of a welfare state for the benefit of citizens of Hawaiian ancestry. All land, resources, and assets intended by this legislation to be transferred to an entity existing for their exclusive benefit would be public property taken from and denied to all citizens of Hawaii with a devastating financial and economic impact on the fiscal matters of the state and all of its municipalities. You are aware of the dire state of the fiscal problems of the state and City and County of Honolulu, and the economy of the state.

The bill will be divisive in creating racial division among residents of the Hawaiian Islands and will be disruptive and harmful to the welfare of the residents and economy of the Islands. There cannot be segregation within the society of the Islands on the basis of race.

The sovereignty bill is for a mercenary cause of a multi-racial segment of the Islands with a strain of Hawaiian blood. It is a special interest issue. It should not be a campaign issue for candidates seeking public office. It is a ploy for the Hawaii delegation to Congress in furtherance of their sovereignty bill. The bill must be judged on its authenticity and merits by members of Congress in the legislative process and not be relegated to an election issue between candidates for political office in a state election. I trust you would act accordingly.

I believe it is apparent that as Chairman of the Republican Party of Hawaii, Mr. Kane should not be expounding support of the sovereignty bill as a campaign matter.

Sincerely,

Encls.

cc: Mr. Micah Kane

HAROLD W. CONROY

HAROLD W. CONROY  
1044 Waiholo Street  
Honolulu, Hawaii 96821

November 23, 2001

Honorable Members of the United States Congress  
Washington, D.C.

Dear Honorable Members:

Re: S. 746  
H.R. 617

SUBJECT: OPPOSITION TO THE RECENT BILL SUBMITTED IN THE SENATE BY SENATOR DAN INOUE AND SENATOR DANIEL AKAKA, AND A COMPANION BILL SUBMITTED IN THE HOUSE OF REPRESENTATIVES BY REPRESENTATIVE NEIL ABERCROMBIE PROCLAIMED, "EXPRESSING THE POLICY OF THE UNITED STATES REGARDING THE UNITED STATES RELATIONSHIP WITH NATIVE HAWAIIANS AND TO PROVIDE A PROCESS FOR THE RECOGNITION BY THE UNITED STATES OF THE NATIVE HAWAIIAN GOVERNING ENTITY, AND FOR OTHER PURPOSES."

The introduction of the bill by the Hawaii delegation has obviously been triggered by the decision of the United States Supreme Court in the case of Rice v. Cayetano, 528 U.S. 495 120 S.Ct. 1044 (2000), in which Mr. Rice asserted the right as a citizen of the United States to vote for the election of directors of the Office of Hawaiian Affairs, OHA, a government agency established to administer funds to be applied for the benefit of United States citizens of Hawaiian ancestry. The Supreme Court held that race could not be a factor in qualifying citizens of the United States with the right to vote.

Hawaiians and their many organizations were incensed with the decision that other than Hawaiians would have the right to vote for OHA directors. Through legislative action it is clearly intended that the bill will circumvent the Supreme Court decision.

Many fundamental objectives affecting the welfare, economics and political status of individuals of Hawaiian ancestry are intended to be obtained by passage of the Act by Congress.

1. CERTAIN OF THE FUNDAMENTAL PURPOSES OF THE ACT ARE TO,  
a. AUTHORIZE CREATION UNDER FEDERAL LAW OF A "NATIVE HAWAIIAN GOVERNING ENTITY" AS THE REPRESENTATIVE GOVERNING ENTITY OF PERSONS OF HAWAIIAN ANCESTRY AS CITIZENS OF THAT GOVERNING BODY;

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b. THE NATIVE HAWAIIAN GOVERNING ENTITY TO HAVE "GOVERNMENT-TO-GOVERNMENT" RELATIONS WITH THE UNITED STATES; c. TO ESTABLISH EXTENSIVE ADMINISTRATIVE OFFICIALS AND FUNCTIONS WITHIN THE BUREAUCRACY OF THE FEDERAL GOVERNMENT TO FURTHER THE WELFARE OF THOSE HAWAIIANS; d. TO TRANSFER "LANDS, RESOURCES AND ASSETS" TO THAT GOVERNING ENTITY FOR THE BENEFIT OF THOSE HAWAIIANS; AND e. TO CIRCUMVENT THE RULING OF THE UNITED STATES SUPREME COURT IN THE CASE OF RICE V. CAYETANO.

A. In review of the bill, it is essential to consider in all respects in opposition to the bill, underlying facts and circumstances, as follows:

- a. the requirement for citizenship of the Native Hawaiian governing entity is on a racial basis;
- b. that no quantum of Hawaiian blood is required to qualify as a citizen of the Native Hawaiian governing entity;
- c. that of the total population of the State of Hawaii today of over 1,200,000 persons, less than one-half of 1% are of pure Hawaiian blood, with all other persons with Hawaiian blood being of a mixed race, the blood line thinning through interracial marriage and cohabitation in a period of over two centuries;
- d. that at least 97% of those living today in Hawaii qualified to be citizens of the Native Hawaiian governing entity as defined by the Act are of a mixed race; that, nevertheless, citizens of the Native Hawaiian governing entity are referred to throughout the bill as "Native Hawaiians".

It is also fundamental to consider in opposition to the enactment of this bill to form an independent Hawaiian nation, that (a) the Hawaiian Islands as a government have been a part of the United States for the entire 20th century, first, as the Territory of Hawaii for sixty years from July 6, 1898, to March 18, 1959, and second, as the 50th State of the United States for over forty years from March 18, 1959, to date, and that persons of Hawaiian ancestry have been citizens of the United States for over a century, and (b) that the independent governing entity of citizens predominantly of a mixed race, would exist simultaneously with the State of Hawaii and within the same geographic boundaries of that State.

B. The following is a review of certain provisions of the bill:

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Section 3. UNITED STATES POLICY AND PURPOSE, asserts the basis for the Act as follows:

"(a) Policy -- The United States reaffirms that --

- (1) Native Hawaiians are a unique and distinct, indigenous, native people, with whom the United States has a political and legal relationship;
- (2) the United States has a special trust relationship to promote the welfare of Native Hawaiians;

\* \* \* \*

(4) Native Hawaiians have --

- (A) an inherent right to autonomy in their internal affairs;
- (B) an inherent right of self-determination and self-governance; and
- (C) the right to reorganize a Native Hawaiian governing entity; and
- (5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

(b) Purpose. -- It is the intent of Congress that the purpose of this Act is to provide a process for the recognition by the United States of a Native Hawaiian governing entity for purposes of continuing a government-to-government relationship. (Emphasis added.)

Discussion: This section clearly and unequivocally establishes as a policy of the United States, that Hawaiians living today, as a class of people who are descendants of a race of people that occupied the Hawaiian Islands as early settlers, have an independent political and legal relationship with the United States; the right to autonomy in their internal affairs, self-determination and self-governance and their own independent nation. And that the United States has an obligation to provide welfare and aid for their benefit. Further, that this section

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declares that it is the intent and purpose of the Act to provide for the establishment of an independent governing entity, with which the United States shall have a "nation-to-nation relationship". It is significant that the foregoing shall apply notwithstanding that Hawaiians today are of a multi-racial lineage.

Section 4 provides for the establishment within the Office of the Secretary of the United States, the Office for Native Hawaiian Relations, and Section 5 provides for the establishing of the Native Hawaiian Interagency Coordinating Group. These sections provide for multiple broad and extensive assigned administrative functions and duties, which for your information are quoted in part as follows:

Sec. 4. (b) Duties of the Office. -- The United States Office for Native Hawaiian Relations shall --

(1) effectuate and coordinate the trust relationship between the Native Hawaiian people and the United States, and upon the recognition of the Native Hawaiian governing entity by the United States, between the Native Hawaiian governing entity and the United States through the Secretary, and with all other Federal agencies; (2) continue the process of reconciliation with the Native Hawaiian people, and upon recognition of the Native Hawaiian governing entity by the United States, continue the process of reconciliation with the Native Hawaiian governing entity; (3) fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian governing entity by providing timely notice to, and consulting with the Native Hawaiian people and the Native Hawaiian governing entity prior to taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands; (4) consult with the Interagency Coordinating Group, other Federal agencies, and with relevant agencies of the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights or lands; and (5) prepare and submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives an annual report detailing the activities of the Interagency Coordinating Group that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian governing entity and providing recommendations



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for any necessary changes to existing Federal status or regulations promulgated under the authority of Federal law." (Emphasis added.)

Under Section 5 the Native Hawaiian Interagency Coordinating Group is to "be composed of officials to be designated by the President of the United States, from --

"(1) each Federal agency that administers Native Hawaiian programs, establishes or implements policies that affect Native Hawaiians, or whose actions may significantly or uniquely impact on Native Hawaiian resources, rights, or lands; and

(2) the United States Office for Native Hawaiian Relations established under section 4." (Emphasis added.)

Multiple duties are assigned to this established group under Section 5(d).

Section 1. Findings. Included in this section are Findings made by Congress for the purpose of the bill. Findings lay the foundation or basis for the bill. The facts stated must be authentic and the conclusions reliable. Only certain Findings will be reviewed and they will be reviewed out of sequence.

"Section 1 (4). Under the treaty making power of the United States, Congress exercised its constitutional authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full diplomatic recognition to the Hawaiian Government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887."

Discussion: That government was an oligarchy consisting of the crown and the chiefs (aliis), and it ruled the Hawaiian people. The recognition by the United States of the independence of that oligarchy and entering into treaties with that government in the 19th century have no basis to support the establishing of a Hawaiian nation of persons of Hawaiian ancestry in the 21st century, as implied by the Finding. And the fact that those of Hawaiian ancestry living today had ancestors under the rule of the Hawaiian monarchy in the 19th century has no bearing or relevancy as a basis for this bill. That monarchy is history.

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Findings continued --

(2) Native Hawaiians, the native people of the Hawaiian archipelago which is now part of the United States, are indigenous, native people of the United States. (3) The United States has a special trust relationship to promote the welfare of the native people of the United States, including Native Hawaiians. (10) The Hawaiian Home Lands and the Ceded Lands provide an important foundation for the ability of the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and for the survival of the Native Hawaiian people. (15) Despite the overthrow of the Hawaiian Government, Native Hawaiians have continued to maintain their separate identity as a distinct native community through the formation of cultural, social, and political institutions, and to give expression to their rights as native people to self-determination and self-governance as evidenced through their participation in the Office of Hawaiian Affairs. (16) Native Hawaiians also give expression to their rights as native people to self-determination and self-governance through the provision of governmental services to Native Hawaiians, including the provision of health care services, educational programs, employment and training programs, \* \* \* and by continuing their efforts to enhance Native Hawaiian self-determination and local control. (17) Native Hawaiians are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, \* \* \*. (18) The Native Hawaiian people wish to preserve, develop, and transmit to future Native Hawaiian generations their ancestral lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, and to achieve greater self-determination over their own affairs. (19) This Act provides for a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct aboriginal, indigenous, native community to reorganize a Native Hawaiian governing entity for the purpose of giving expression to their rights as native people to self-determination and self-governance. (Emphasis added.)

Subsection (22) (A), (B) and (C) are duplications of other statements, that (A) Native Hawaiians have a cultural, historic and land-based link to the aboriginal, native people who exercised sovereignty over the Hawaiian Islands; (B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands; and (c) the United States extends services to Native Hawaiians because of their unique status as aboriginal, native people of a once sovereign nation with whom the United States has a political and legal relationship;  
\* \* \*."

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Discussion: The declarations in the Findings quoted above assert, inter alia, that American citizens of Hawaiian blood are a distinct class of people with a separate identity as a distinct native community with a distinct culture, language and traditions; and as a native people they have rights to self-determination, self-governance and local control; and that they have never relinquished their claims to sovereignty or their sovereign lands, and they wish to preserve, develop and transmit to future native generations their ancestral lands. The following sections of the Findings makes reference to and identify those lands which clearly are intended to be transferred to the Native Hawaiian governing entity under the provisions of Section 8 of the Act. These Findings are as follows:

(5) Pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside 203,500 acres of land in the Federal territory that later became the State of Hawaii to address the conditions of Native Hawaiians.

(6) By setting aside 203,500 acres of land for Native Hawaiian homesteads and farms, the Act assists the Native Hawaiian community in maintaining distinct native settlements throughout the State of Hawaii.

(8) In 1959, as part of the compact admitting Hawaii into the United States, Congress established the Ceded Lands Trust for 5 purposes, 1 of which is the betterment of the conditions of Native Hawaiians. Such trust consists of approximately 1,800,000 acres of land, submerged lands, and the revenues derived from such lands, the assets of which have never been completely inventoried or segregated.

(9) Throughout the years, Native Hawaiians have repeatedly sought access to the Ceded Lands Trust and its resources and revenues in order to establish and maintain native settlements and distinct native communities throughout the State.

(10) The Hawaiian Home Lands and the Ceded Lands provide an important foundation for the ability of the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and for the survival of the Native Hawaiian people.

(18) The Native Hawaiian people wish to preserve, develop, and transmit to future Native Hawaiian generations their ancestral lands and Native Hawaiian political and

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cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, and to achieve greater self-determination over their own affairs.

(21) The United States has recognized and reaffirmed the special trust relationship with the Native Hawaiian people through the enactment of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (Public Law 86-3; 73 Stat. 4) by --

(A) ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held in public trust for 5 purposes, one of which is for the betterment of the conditions of Native Hawaiians;

(22) The United States continually has recognized and reaffirmed that --

(A) Native Hawaiians have a cultural, historic, and land-based link to the aboriginal, native people who exercised sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the aboriginal, native people of a once sovereign nation with whom the United States has a political and legal relationship;

Discussion: A basic and the primary purpose and objective of this Act is intended to be accomplished through the granting of power for the transfer to the Native Hawaiian governing entity, under an agreement with the United States and the State of Hawaii, of lands, resources and assets referred to in the Findings, including Ceded Lands and Hawaiian Homes Land, and the estimated \$350,000,000 in assets of OHA, referred to in Finding (15). The intended power to accomplish the transfer is granted in Section 8 (b), as follows:

SEC. 8 (b) NEGOTIATIONS.-- UPON THE FEDERAL RECOGNITION OF THE NATIVE HAWAIIAN GOVERNING ENTITY BY THE UNITED STATES, THE UNITED STATES IS AUTHORIZED TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH THE STATE OF HAWAII AND THE NATIVE

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HAWAIIAN GOVERNING ENTITY REGARDING THE TRANSFER OF LANDS, RESOURCES, AND ASSETS DEDICATED TO NATIVE HAWAIIAN USE TO THE NATIVE HAWAIIAN GOVERNING ENTITY. NOTHING IN THIS ACT IS INTENDED TO SERVE AS A SETTLEMENT OF ANY CLAIMS AGAINST THE UNITED STATES.

Comment: The caveat in the last sentence reserves rights if anything has been left out under the Act.

Findings (12), (13) and (14) are in reference to the Apology Resolution introduced in the Senate by Senator Inouye and Senator Akaka in 1993, passed by Congress and signed into law by President Clinton. These Findings provide as follows:

(12) On November 23, 1993, Public Law 103-150 (107 Stat. 1510) (commonly known as the Apology Resolution) was enacted into law, extending an apology on behalf of the United States to the Native people of Hawaii for the United States role in the overthrow of the Kingdom of Hawaii.

(13) The Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people over their national lands to the United States, either through their monarchy or through a plebiscite or referendum.

(14) The Apology Resolution expresses the commitment of Congress and the President to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii and to support reconciliation efforts between the United States and Native Hawaiians; and to have Congress and the President, through the President's designated officials, consult with Native Hawaiians on the reconciliation process as called for under the Apology Resolution.

Discussion: Under the Resolution it is established as a matter of law that the United States actually participated in the overthrow of the Hawaiian monarchy; that Hawaiians as a people (race) have existing claims under existing rights of inherent sovereignty over national lands they assert are rightfully theirs; that native Hawaiians are entitled to reconciliation, and that Congress and the President are to undertake a process for conciliation.

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By the introduction by the Hawaii delegation and adoption by Congress of the Apology Resolution in 1993, and making reference to and offering that Resolution in support of this Act, it is represented that (a) the existence of the Hawaiian monarchy overthrown in 1893 was legitimate, lawful and justifiable; (b) that the overthrow of the monarchy was unjust and unlawful, and damaging to the Hawaiian society, and should not have occurred; and (c) that property rights of Hawaiians were unlawfully violated, and they are entitled to recourse and a remedy. The following facts and circumstances show these assertions to be unfounded and erroneous:

(a) The abolition of the Hawaiian monarchy occurred in 1893, over a century ago. The form of government existing over the period from 1795 to 1893 was an oligarchy, a government of a small group of people which included the crown and the chiefs (aliis). The land tenure was under a feudal system with the crown owning all of the land and the common people owning nothing. A significant event occurred in 1848 in regard to land ownership when the crown and the chiefs made a division of all of the land of the Hawaiian Islands, and distributed out to the chiefs in fee simple ownership of 1,600,000 acres of the land of the Hawaiian Islands. This land consisted of 2/5 of the entire land area of the Hawaiian Islands. It is gone forever. The distribution of the land by the "Kingdom of Hawaii", as the crown was referred to in the Resolution, confirms that ownership of all the lands of the Kingdom was vested in the crown.

Through the abolition of the monarchy in 1893, the forming of the Provisional government and the succeeding Republic of Hawaii, and annexation with the United States, all remaining lands of that monarchy were rightly vested as public property in those succeeding governments, and today all citizens of the Hawaiian Islands of all racial ethnicity, including those of Hawaiian ancestry, have equal rights, interests, benefits and use of all of said lands.

(b) The reigning monarch deposed by the Provisional government in 1893 was a queen. She was a member of the alii class and was a sister of King Kalakaua, who had reigned for the period from 1874 to 1891. He had named his sister to be his heir to the throne upon his death. He died in 1891, and his sister, Liliuokalani, succeeded him as monarch. Kalakaua had been elected king in 1874 by an assembly of 45 participants, mainly chiefs (aliis), out of the total population of the Hawaiian Islands. Kalakaua

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received 39 votes and his opponent for the crown, dowager Queen Emma, received 6 votes. Following the election, a mob supporting her election entered the government building where the election was held, attacked and injured the occupants, killed one of them, and tore up the building. That night the United States marines answered a call to the scene to protect American citizens.

(c) The regime in power in 1893 had been founded by Kamehameha through the killing of thousands of innocent Hawaiians in battles for the conquest of all the Hawaiian Islands. The battles took place on the Islands of Hawaii, Maui and Oahu over a period from 1782 to 1795, with the dynasty being established in 1795. The dynasty existed until its abolition in 1893 by the Provisional government. A short review of that history will follow herein.

(d) In 1893 a group of leading citizens of the Hawaiian society, possibly all American citizens, led a movement to depose the queen and establish a Provisional government. That government was to exist, "until terms of union with the United States have been negotiated and agreed upon." As a result of that action, United States marines were called and landed to protect American citizens and their property, as they had been called in 1874 after the election of King Kalakaua. Following an investigation by the United States, President Cleveland sent a minister to negotiate for the restoration of the crown, but the Provisional government would not agree. Annexation followed in 1898.

President Cleveland would not have had the intelligence concerning the background of the deposed monarchy that exists today with modern communications systems, and may have been ill-advised as the House of Representatives was in passing H.R. 4904 in the 107th session of Congress, and Congress was in passing the Apology Resolution in 1993.

Upon the abolition of the monarchy and the establishing of a republican form of government, the common people of Hawaiian ancestry were finally emancipated from the oligarchy that had suppressed and exploited them for centuries, and the crown lands became public lands and were rightfully vested in all members of the Hawaiian society, with no discrimination in regard to race or nationality.

(e) By 1893, the year of the abolition of the Hawaiian monarchy, with few exceptions, all of the countries of the western world had repudiated and abolished a monarchical form

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of government, or were in a transition stage, and had established a republican form of government, with the supreme power of government held by the people through their elected representatives, not by a monarch. By the year 1893 the United States had been a republic for over a century, and with American citizens having an active role in the public life of the Islands, and with the course and progression of public life in those times, it was inevitable that Hawaii adopt a republic form of government at that period in history, and righteousness required it.

Section 6 includes the process and the ultimate enabling provision for recognition by the United States of the Native Hawaiian governing entity "as the representative governing body of the Native Hawaiian people." It prescribes for the organization of the governing entity, adoption of organic documents, election of officers and the submission of the organic documents to the Secretary of the United States for certification. It states at the outset that, "The right of the Native Hawaiian people to organize for their common welfare and to adopt appropriate organic governing documents is hereby recognized by the United States. (Emphasis added.)

Comment: That declaration, and this bill, providing for the recognition by the United States of an independent governing entity limited to a class of people on the basis of ancestry and organized for their common welfare is discriminatory to non-Hawaiians and is unconstitutional on the grounds of ancestry. That principle was confirmed in *Rice v. Cayetano*. 528 U.S. 495-120 S.Ct. 1044 (2000)

Section 6(b)(2)(A) specifies that the organic documents are to include the following:

"(i) establish the criteria for citizenship in the Native Hawaiian governing entity;

(ii) were adopted by a majority vote of the citizens of the Native Hawaiian governing entity;

(iii) provide for the exercise of governmental authorities by the Native Hawaiian governing entity;

(iv) provide for the Native Hawaiian governing entity to negotiate with Federal, State and local governments, and other entities;



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(v) prevent the sale, disposition, lease or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian governing entity without the consent of the Native Hawaiian governing entity;

(vi) provide for the protection of the civil rights of the citizens of the Native Hawaiian governing entity and all persons subject to the authority of the Native Hawaiian governing entity, \* \* \*." (Emphasis added.)

Discussion: The organic documents are to provide for the election of officers, but there is no requirement included for the establishing of a legislative body or a judicial system within that independent government. The organic documents are to provide for powers, (a) in the exercise of governmental authorities; (b) to negotiate with other governments including foreign entities; (c) impose reservations concerning sale or encumbrance of land and other assets, and (d) the protection of civil rights of citizens of that government, but with no governmental body or officials to administer and enforce those activities and responsibilities. This could be unsettling and troublesome to the State of Hawaii and its citizens.

There is no provision in the bill requiring the consent of the State of Hawaii for the recognition by the United States of the Native Hawaiian governing body. Section 6(b)(2)(B) provides: "Within 90 days of the date that the duly elected officers of the Native Hawaiian governing entity submit the organic governing documents to the Secretary, the Secretary shall certify that the State of Hawaii supports the recognition of the Native Hawaiian governing entity by the United States as evidenced by a resolution or act of the Hawaii State legislature." (Emphasis added.) That affirmative certification required of the Secretary is the sole reference to the State of Hawaii acting on the establishment of a Hawaiian nation within its geographical limits. Section 6(b)(2)(D), however, provides: "The certification authorized (Note: not required) in subparagraph (B) shall be deemed to have been made if the Secretary has not acted within 90 days of the date that the duly elected officers of the Native Hawaiian governing entity have submitted the organic governing documents of the Native Hawaiian governing entity to the Secretary." (Emphasis added.) With the application of that provision the requirement for any action by the State of Hawaii in regard to the recognition by the United States of the Native Hawaiian governing entity existing within the State of Hawaii would be avoided.

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Section 6(b)(3) is the ultimate enabling provision establishing within the State of Hawaii, the independent governing nation of citizens of Hawaiian ancestry with government-to-government relations with the United States. It provides as follows:

"(3) FEDERAL RECOGNITION -- Notwithstanding any other provision of law, upon the election of the officers of the Native Hawaiian governing entity and the certifications by the Secretary required under paragraph (1), the United States hereby extends Federal recognition to the Native Hawaiian governing entity as the representative governing body of the Native Hawaiian people." (Emphasis added.)

2. NO POWER EXISTS IN CONGRESS TO ESTABLISH AND RECOGNIZE A NATIVE HAWAIIAN GOVERNING ENTITY.

The initial question regarding the recognition by the United States of an independent governing body, with the government and its citizens to exist within a State of the United States, the government to have sovereignty and a political and legal, and government-to-government relationship with the United States, and its citizens to have autonomy in their internal affairs, the right to self-determination and self-governance, is a question of power in Congress to establish and recognize such a sovereign entity.

The United States Government was formed in 1776 by the thirteen colonies repudiating the British crown. The initial document of repudiation was the Declaration of Independence. The Constitution of the United States of America was later ratified by the States in 1789. The Constitution included all powers granted by the States and vested in Congress, consisting of a Senate and House of Representatives.

The repudiation of the system of European monarchies throughout Europe, and the Hawaiian monarchy, followed in the 19th century, and Western democracy has prevailed. Hawaii today is the 50th State of the United States.

Article IV, Section 3, of the Constitution of the United States of America provides as follows: "New States may be admitted by Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the State concerned as well as of the Congress."

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This section clearly prohibits the formation of a new State within the "Jurisdiction" of any other State, "without the consent of the State concerned as well as of Congress." This section clearly negates the power of Congress to establish within a State another governing body and its citizens as set forth in this bill, without the consent of the Legislatures of the State concerned. On the question of Congress having the power with or without the consent of the Legislatures to have an independent governing body as provided in this Act to be "formed or erected" within the Jurisdiction of a State, Hawaii being the State in question, it is clear and unequivocal that no power is granted and exists in Congress under the Constitution that a governing body as provided in this Act with government-to-government relations with the United States be "formed or erected" in a State of the United States, simultaneously with that State and within the same geographic boundaries of that State.

3. HAWAII IS A VITAL MILITARY OUTPOST OF THE UNITED STATES IN THE PACIFIC, AND A MILITARY AND POLITICAL BASTION FACING ASIAN AREAS OF THE FAR EAST. IT CANNOT BE COMPROMISED BY THE FOLLY OF BEING OCCUPIED BY A SELF-GOVERNING INDEPENDENT RACIAL ENTITY.

A. Hawaii is the frontline of defense of the United States in the Pacific. In peacetime it is the outpost for military preparedness and defense, with formidable military bases, armament and armed forces facing the Far East. In time of war it is the fortification for the defense of the West Coast of our country, and the staging area for our military operations in any pursuit of an enemy in the Pacific. This was proven with the attack on Pearl Harbor, December 7, 1941. The enemy had attacked Pearl Harbor and the outlying air fields to destroy an effective part of our Navy and to neutralize the defense of the West Coast. The enemy was successful for the reason there was no timely alert of the attack. I can attest to that fact as I was stationed at Wheeler Field Air Base on that date. But after the attack the Hawaiian Islands were the essential outpost for the staging of the Navy and Army Air Corps forces and their effective destruction of a major part of the enemy's naval forces in the Battle of Midway. It was a critical phase of the war in crippling the enemy's armed forces. And it provided a staging area for the United States Army, Navy and Army Air Corps, their men, equipment, armament and supplies, and for their offense in the pursuit and defeating the enemy.

B. The attack on Pearl Harbor and the air fields was from without our country. The tragic, devastating and offensive attacks on the New York World Trade Center and the Pentagon were from within our country. For the security of the United States

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it cannot have the insecurity and impediment of having existing on the Hawaiian Islands an independent governing entity having government-to-government relations with the United States and on the international level. Congressmen should explain this reality to Senator Inouye, Senator Akaka, Representative Mink and Representative Abercrombie, and get the message to the local Democratic and Republican political parties in Hawaii vying for the votes of the part-Hawaiian American citizens in Hawaii.

4. THE GROUNDS FOR THE ACT ARE ON A RACIAL BASIS, SELF-SEEKING, MERCENARY AND SPURIOUS.

A. This Act was preceded in the previous session of Congress by companion bills S. 899 and H.R. 4904, introduced by the same delegation to Congress, the House bill having passed and the Senate bill having failed. This Act has the same purpose and objectives as the previous bills. The background of the introduction of this legislation is significant in showing the pattern of racial character and mercenary objectives of the legislation. And the superficial motivation that engendered the bill bears on its authenticity.

The Office of Hawaiian Affairs (OHA) had been established under Article XII of the Hawaii State Constitution as an independent entity to administer land and resources granted by the State totaling millions of dollars, for "the betterment of conditions" of "native Hawaiians" and "Hawaiians" as defined in the law. Article XII provided that the Board of Trustees consisting of nine directors "shall be Hawaiian", and shall be "elected by qualified voters who are Hawaiian". Harold F. Rice, a citizen of Hawaii, asserted in an action filed in Federal Court in the case of Rice v. Cayetano, 528 U.S. 495, 120 S.Ct. 1044 (2000), that the State of Hawaii law restricting the vote for statewide election of directors of OHA to "Hawaiians" was discriminatory to non-Hawaiians on grounds of ancestry. The case was litigated in the Federal Court and appealed to the United States Supreme Court. The Supreme Court held that provision of the law unconstitutional. The Supreme Court quoted from an earlier case that, "DISTINCTIONS BETWEEN CITIZENS SOLELY BECAUSE OF THEIR ANCESTRY ARE BY THEIR VERY NATURE ODIOSUS TO FREE PEOPLE WHOSE INSTITUTIONS ARE FOUNDED UPON THE DOCTRINE OF EQUALITY." And stated further, "THE UNITED STATES ELECTORAL RESTRICTION INACTS A RACE BASED VOTING QUALIFICATION." The initiation of S. 899 and H.R. 4904 in Congress was then motivated by the arousing of racial sensitivity in the Hawaiian community to the Supreme Court decision.

Hawaiians and their many organizations were incensed with the decision that other than Hawaiians would have the right to

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vote for OHA directors. In short order, Senator Inouye and Senator Akaka and Representative Abercrombie responded to their own disdain. They introduced companion bills S.899 and H.R. 4904 in the Senate and House to establish a separate "Native Hawaiian governing body" with that body to have the status of Indian tribes under the Indian Reorganization Act, with the underlying purpose obviously intended to have the public property held by OHA and other public assets dedicated to the welfare of Hawaiians, transferred to that corporation and out of the reach of the vote of non-Hawaiian citizens of Hawaii, the same effect being intended by this Act. The decision of Rice v. Cayetano would by this process be effectively moot, and the right of qualified voters of the remaining 1,000,000 non-Hawaiian citizens of Hawaii to vote for directors of OHA as pronounced by the Supreme Court, effectively dishonored and denied. This was a real and effective right held by all qualified voters in Hawaii. It related to a voice in the determination of those who were to manage as trustees the millions of dollars in public property set aside by the state for the benefit of a class of citizens as provided by law, and to administer the application of the revenue from that public property. Mr. Rice certainly had considered that right significant in taking the violation of that right to the United States Supreme Court for redress.

Following the failure of S. 899 to pass in the Senate, the Hawaii senators introduced S. 81 in the Senate January 22, 2001, with revisions from the previous bills, and substituted the current bill, S. 746, filed April 2, 2001, with further revisions. This bill differs from the earlier bills as it avoids the provision giving the "Native Hawaiian governing body" the right to form a corporation to have the status of corporations of Indian tribes under the Indian Reorganization Act. The present bill provides for a process for the recognition by the United States of the "Native Hawaiian governing entity", with the same purpose and objectives of the earlier bills.

Reports were that Indian tribes were concerned that the process adopted under the earlier bills would encroach on their benefits received from the Federal government. A provision in Section 9. of S. 746 negates that concern under the present bill, the support of Indian tribes being critical to this bill.

B. In the year 2000 the Trustees of OHA expended thousands of dollars in support of bills S. 899 and H.R. 4904, including attorney fees, numerous full page ads in the local newspapers, television ads and other promotion costs. They have continued these expenditures in support of the present bills. A newspaper publication in the August 3, 2001, Honolulu Advertiser states

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that the Board of Trustees had voted in favor of a two-year budget of 35.8 million, and then reported, "Included is \$776,000 for a 'Post Rice' campaign to protect the 21-year old state agency from constitutional challenges in the wake of last year's U.S. Supreme Court ruling striking down OHA's Hawaiian only voting restriction.

That calls for \$200,000 for lobbying efforts to gain federal recognition of Native Hawaiians, \$140,000 for two-person Washington, D.C. office, \$150,000 for community meetings and other forms of outreach, and \$211,000 for a media campaign that includes radio, television and newspaper advertisements."

The foregoing expenditures in support of the bills assumedly would be in concert with the offices of the Hawaiian delegation. It would appear there is a grave question whether these expenditures are within the powers of the Board of Trustees in administering assets of a State agency considering the purpose of this legislation.

C. In addition to having the grant of millions in public property for the benefit of those of Hawaiian ancestry, OHA is attempting through court action in a lawsuit filed against the State of Hawaii, to recover additional public property from the State for the benefit of citizens of Hawaiian ancestry. That case has been on appeal to the Hawaii State Supreme Court, and a decision was handed down by the State Supreme Court on September 12, 2001. I quote from a news item published in The Honolulu Advertiser on September 13, 2001, as follows: " \* \* \* the Hawaii Supreme Court yesterday overruled a 1996 ruling that could have forced the State to pay OHA hundreds of millions of dollars for the use of Ceded Lands once controlled by the Hawaiian Kingdom \* \* \*. Estimates of the debt have ranged from 300 million to 1.2 billion." The article identified these lands as follows: "These lands lie beneath hospitals, roadways, airports, government buildings, agricultural businesses and other enterprises." The article indicated the question of recovery by OHA and the amount may be an issue for the State legislature.

OHA, as stated, is an agency of the State created under a law of the State to hold in trust and administer public property for the "betterment of conditions" of persons of Hawaiian ancestry. As a State agency it is pursuing an action against the State of Hawaii to recover millions of dollars in public property on the basis of ancestry of those beneficiaries, and is expending substantial funds in pursuit of the action.

D. With the forming of a Native Hawaiian governing entity, and the transfer of public lands with their improvements to that

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entity this class of Hawaiian citizens, as citizens of the United States, would have, (a) all the rights, interests, benefits and use of all public lands, buildings and facilities of the State, Cities and Federal governments, including the public lands transferred to their governing entity, and (b) all government services, rights, benefits and privileges of all laws, ordinances, rules and regulations provided by the Federal, State and City governments existing for all citizens. Furthermore, as a result of this Act they would receive from those governments and their citizens, revenue for the use of public lands, facilities and improvements they are seeking to have transferred to the Hawaiian entity.

These facts and circumstances are not only odious, copping a word from the United States Supreme Court decision, but unequal, divisive and un-American.

E. There exists today substantial property, owned by the alii class under the Hawaiian monarchy in the 19th century, which is today applied solely for the benefit of children of Hawaiian ancestry.

It is relevant to mention in regard to ownership of the land area of the Hawaiian Islands under the Hawaiian monarchy in the 19th century, that in excess of nine percent of the total land area of the Hawaiian Islands existing in the 19th century was owned in fee simple by Bernice Pauahi Bishop, a member of the alii class of the monarchy; that in the 19th century she placed that land in a trust which exists today and in perpetuity for the benefit of children of Hawaii; and that the entire estate having a value today of in excess of six billion dollars is applied solely for the schooling of children of Hawaiian ancestry.

5. BY SETTLEMENT OF AMERICAN CITIZENS IN THE HAWAIIAN ISLANDS OVER THE PAST TWO CENTURIES, THE EDUCATION AND SOCIAL DEVELOPMENT OF THE HAWAIIAN PEOPLE, THE DEVELOPMENT OF AGRICULTURE, INDUSTRY AND COMMERCE, THE HAWAIIAN ISLANDS HAVE EVOLVED AS AN ENTERPRISING AND PRODUCTIVE INTEGRAL PART OF THE AMERICAN NATION AND SOCIETY. THERE CANNOT BE A DIVISION OF THAT GOVERNMENT AND ITS PEOPLE, AND RACE CANNOT BE CONSIDERED AS A DOCTRINE FOR SUCH A DIVISION.

A. It is fundamental that individuals of Hawaiian ancestry living in the Islands are not a homogeneous group living in a designated or geographical area as do Indians who live on reservations, except in regard to Hawaiian Homes land. Hawaiians live intermingled and assimilated with all other residents of the State. Their ancestors over the past two centuries have

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intermarried and cohabitated with other races in the Islands, and the Hawaiians today are predominantly of mixed blood, including those living on Hawaiian Homes land. The number of pure Hawaiians living in Hawaii today total under six thousand. This is out of a population of all residents of the Islands totaling over one million two hundred thousand. All others with any Hawaiian blood are mainly Portuguese, Caucasian, Filipino, Chinese and Japanese, and a mixture, with some Hawaiian blood. In many cases with only a smattering.

There is no minimum quantum of Hawaiian blood to qualify as a Native Hawaiian and benefit from the proposed legislation. There is strength in numbers and constituents. With a minimum quantum requirement, this legislation would not fly. Without it, it becomes spurious. The realities are that Hawaiians of mixed blood are attempting to gain political and financial benefit by setting themselves apart from people who are from the same ethnic origin as they are. And their numbers will multiply over the years, and the blood strain will diminish.

It is also fundamental that this legislation is based on a racial requirement for qualification. This should be a constitutional disqualification for the proposed legislation.

B. The two United States Senators, sponsors of the bill, state in an article in the Honolulu morning newspaper published under their by-line as follows: "The legislation clarifies the political and legal relationship by again recognizing Native Hawaiians as a unique and distinct aboriginal, indigenous, native people with whom the United States has a special trust relationship, and who have a right to self-determination under federal law."

"The legislation provides framework for Native Hawaiians to reorganize a Native Hawaiian government entity for a government-to-government relationship with the United States.

\* \* \*

We do not believe that our efforts to work within federal law encroach upon or preclude alternative methods sought by others at the international level. There are a number of federally recognized indigenous people who continue to pursue alternatives at the international level."

And the next paragraph, "There is no reason why Native Hawaiians cannot pursue these issues on both fronts, domestic and international. \* \* \*" (Emphasis added.)



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Senator Inouye is quoted in an article of the November 10, 2001, issue of The Honolulu Advertiser by Susan Roth of the Advertiser Washington Bureau, in reference to this bill, as follows: "It's a reasonable, rational bill. It does not grant sovereignty, it doesn't declare a sovereign entity. A group will have to establish itself and communicate with the United States government. It's up to the Secretary of the Interior to say, 'This is a legitimate group.' The Republicans I talked to say it's O.K. None of my friends have a problem with it." This statement is made in face of the United States statement of POLICY AND PURPOSE of the bill set forth in Section 3, and FEDERAL RECOGNITION in Section 6(b) (3) as follows:

"Section 3(a) Policy --The United States reaffirms that (1) Native Hawaiians are a unique and distinct, indigenous, native people, with whom the United States has a political and legal relationship; (2) the United States has a special trust relationship to promote the welfare of Native Hawaiians; \* \* \* (4) Native Hawaiians have (A) an inherent right to autonomy in their internal affairs; (B) an inherent right of self-determination and self-governance; and (C) the right to reorganize a Native Hawaiian governing entity; and (5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

Section 3(b) Purpose -- It is the intent of Congress that the purpose of this Act is to provide a process for the recognition by the United States of a Native Hawaiian governing entity for purposes of continuing a government-to-government relationship.

Section 6(b) (3) Federal Recognition -- Notwithstanding any other provision of law, upon the election of the officers of the Native Hawaiian governing entity and the certifications by the Secretary required under paragraph (1), (Note: May be waived. See Sec. 6(b) (2) (D), page 13, supra) the United States hereby extends Federal recognition to the Native Hawaiian governing entity as the representative governing body of the Native Hawaiian people."

C. Grave questions arise from the possibility of the existence of the separate Hawaiian entity having government-to-government relations with the United States, and independent foreign relations with foreign countries. Why is it necessary and would it be in the best interest of the United States to have citizens of the United States who are a part of an American community have a separate government for handling

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affairs with the government of the United States and with foreign countries? Would it not be inimical to the interests, including security, of the United States to have an official of the independent Hawaiian entity with an office in the Department of the Secretary of Interior, and official connection with all other governmental offices of the United States, and at the same time be representing that entity in foreign affairs?

(Note: The foregoing paragraph was included verbatim in my previous letter dated Spetember 11, 2000, in opposition to S.899 and H.R. 4904, the earlier companion bills. It has proven relevant and pointed in light of the tragedies of September 11, 2001.)

How will these Hawaiian citizens, with a dual citizenship as Native Hawaiians and citizens of the United States, perform in relationship with citizens of the United States, and particularly with those living in their own community?

For decades there have been numerous cases of Hawaiian individuals, who under assertion of Hawaiian rights have set up shelters as living quarters on the beaches of the Islands, maintaining their families there, and for months have rebuked all civil authorities and have had to be evicted. There recently was a Hawaiian that established a business of a title search company that gave erroneous title reports based on his version of Hawaiian rights. He was criminally charged and closed down, but left victims of his illegal acts.

The establishment of a separate Hawaiian government entity will give rise to contentions of immunity or failure of jurisdiction from State of Hawaii criminal and civil laws, in traffic cases, criminal offenses, domestic problems and other cases.

Members of Congress cannot be aware of the strong feeling and intentions of these part Hawaiian American citizens. There are numerous organizations and many individuals who are active in pursuing action for their own "nation", their "sovereignty", their own "government", and funds for their support; the return of "their lands", their "ceded lands", and "restitution."

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This legislation would open up claims of sole ownership of the beaches and parks, other public lands, encroachment on private property, and flaunting of Federal and State laws, rules and regulations. It could adversely affect public and private life and the economics of the State, including the tourist industry, the number one source of revenue for the State and support for employment.

Rather than place themselves as separate and apart from the racial unification of Island society, which is the personification for the world of racial harmony, peace and understanding of people of different ethnic background, it would seem to the benefit of Hawaiians, while retaining their culture and racial harmony, to blend in and cooperate with other races in their common interests and pursuit of happiness, particularly since they with their racial mixture, individually are of the same racial ethnicity as many non-Hawaiians.

6. AMERICAN CITIZENS OF HAWAIIAN ANCESTRY HAVE NO RIGHT TODAY TO LANDS THAT WERE ORIGINALLY CROWN LANDS OF A MONARCHY AND ARE NOW GOVERNMENT LANDS OF A DEMOCRACY. THEIR NATIVE GOVERNMENT WAS A MONARCHY AND THEIR GOVERNMENT TODAY IS A DEMOCRACY. AS NATIVES OF A MONARCHY THEY HAD NO RIGHTS, INTERESTS OR BENEFITS FROM CROWN LANDS. AS CITIZENS OF THE UNITED STATES THEY HAVE THE SAME RIGHTS, INTERESTS AND BENEFITS FROM ALL GOVERNMENT LANDS AS DO ALL OTHER CITIZENS.

It was wrong for Congress to pass the Apology Resolution and it should be annulled.

A. To comprehend how all the lands of Hawaii became the lands of the kingdom of Kamehameha, and continued as crown lands of successor monarchies, until the lands remaining as crown lands in 1891 were possessed as crown lands by Lydia Liliuokalani as queen, a span of a century, and the lands were then taken over by the Provisional Government, the Republic of Hawaii and then by United States upon annexation, and divided with the State of Hawaii upon the Territory of Hawaii being included as the 50th State, a span of another century, it will be necessary to review certain events of Hawaiian history.

As far as is known, Polynesians were the first settlers of the Hawaiian archipelago and settled in the Hawaiian Islands in about 1000 A.D. The Islands were isolated for centuries following their habitation until Captain James Cook, the British navigator and explorer, discovered the Islands in 1778. He found each of the islands of the Hawaii group ruled independently by hereditary chiefs

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who were the king of the island they ruled. Throughout Hawaiian history control of the separate islands would change and shift from one regime to another. Through deaths of kings or fierce battles over lands with tremendous loss of life new self-appointed rulers came into power and new regimes were set up. As a reference, I refer you to a history of the Hawaiian Islands, *The Golden Cloak* by Antoinette Withington, published June 11, 1953.

The system of land tenure was a feudal system. The king owned the land, often having ownership through the spoils of battle and bloodshed. The land was then divided among the high chiefs (aliis), selected by the ruler. The common people owned nothing. To better understand the system of land tenure, the following is quoted from a history of Hawaii, *Under Hawaiian Skies*, by Albert P. Taylor, published in 1925. "The chiefs were regarded as the sole proprietors of the soil. But not only did they own the soil, but the people who cultivated it; not only all the fish in the sea, but the fishermen also, with their canoes and implements. Not only everything animate--that walked the earth, swam in the water, or flew in the air--was the chiefs, but all things inanimate as well. In fact, the common people were supposed to own nothing--the chiefs everything. Says Rev. Sheldon Dibble, the earliest of the American missionary historians, in this connection: "All the shrewd inventions and studied precautions ever employed by a nation, by a jealous aristocracy, never succeeded more effectually in securing an august respect and an unquestioned submission."

"Taxes were numerous and oppressive. The lower classes--the farmers and fishermen--paid to their immediate superiors, these again to those next above them, until the contributions reached the king. Thus, as may be supposed, the poor producers were thoroughly stripped."

The tabu system was a prevailing practice that continued throughout the reign of Kamehameha. The author described this system as follows: "The ancient system of tabu was also very oppressive. There were unnumbered restrictions and prohibitions imposed by the chiefs for their own convenience or for the gratification of a whim. By this policy, they threw around their person a kind of sacredness, and impressed upon the minds of the people a feeling of awe. If the shadow of a man--a commoner--fell upon a chief, the punishment was death; if he entered the chief's enclosure unbidden, it was death; if, instead of prostrating himself, he remained standing when the king's bathing water, his tapa, or his malo (loin cloth) were carried by, it was death; if he walked in the shadow of the

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chief's house with a lei (wreath of flowers), it was death. Life and death were in the hands of the king and chiefs, and whatever they ordained, whether for good or evil, that was the destiny of the serfs."

" \* \* \* Kamehameha the Great "was shrewed enough to use all of the machinery of the idolatrous system to effect his own purposes. \* \* \*

"When two persons lived together as man and wife, they must not eat together. \* \* \* The cooking and preparing food for the man must be separate from that for the wife, and if they were found eating together, death was the penalty."

B. Kamehameha during the period from 1782 to 1795 through warfare and bloodshed had acquired all of the Hawaiian Islands as his kingdom by conquering existing kingdoms except Kauai. He attempted to conquer Kauai but was turned back by a storm. He later secured Kauai by cession.

Kamehameha grew up in Kohala on the Island of Hawaii. In his youth he went to live with his uncle, Kalaniopua, and his two cousins Kiwaloa and Keoua Kuahuula. Kalaniopua was the king of the Island of Hawaii. Another king, Kahoki, was the king of the Island of Maui. Oahu and Kauai were each possessed by separate kingdoms. Kalaniopua died while Kamehameha was in his twenties. His son Kiwaloa, succeeded him as king and made a division of the land of the Island to chiefs (aliis), including his brother and his uncle, Keawemauhili. Kona chiefs and Kamehameha were unhappy with the division of lands. They went to war with Kiwaloa in one of the greatest battles in Hawaiian history: the Battle of Mokuohai. Thousands of men, including Kiwaloa, the king, lost their lives. There were left on the Island of Hawaii, three small kingdoms, Kamehameha as king having the largest. The other two kings were the brother, Keoua Kuahuula, and the uncle, Keawemauhili.

The next sequence was the king of Maui invading and conquering the Island of Oahu. Kamehameha then followed with the invasion and conquest of Maui, where many were killed in the battle of Iao. Quoting Withington, "One of the bloodiest battles of Kamehameha's time was fought and won by him. The setting was the beautiful Iao Valley. So many men were killed in this battle that their bodies filled the small river which flows through the valley to the sea. The battle was given the name of Kepaniwai "(the damming of the waters)."

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The uncle of Keoua Kuahuula had supported Kamehameha in his conquest of Maui, Keoua Kuahuula was infuriated, and engaged his uncle in battle on the Island of Hawaii and the uncle was killed. There were then two kingdoms remaining on the Island of Hawaii, the kingdoms of the two cousins, Kamehameha and Keoua Kuahuula.

Kamehameha then made a gesture of conciliation. He had two chiefs visit his cousin and extend an invitation for an amicable meeting between the two kings at his dwelling at Kawaihae. Keoua Kuahuula accepted. The meeting was arranged and he and his chiefs traveled by canoe. As he left his canoe and approached Kamehameha standing with his armed warriors, Keeaumoku, who was Kamehameha's prime minister, threw a spear and killed Keoua Kuahuula, and his chiefs were slaughtered. Keoua Kuahuula's body was then sacrificed in the temple. Kamehameha, as a result of the death of his two cousins, had the entire Island of Hawaii as his kingdom.

In 1795 Kamehameha invaded Oahu. At that period gunpowder was readily accessible through trade with foreigners and Kamehameha's men were equipped with cannons and guns. Kamehameha's forces drove the fighting forces of Kalanikupule up through Nuuanu Valley with many forced over the Pali precipice to their deaths. Kalanikupule was found in the mountains later and sacrificed. Kamehameha had then conquered all of the Hawaiian Islands except Kauai which later was his by cession.

C. It has been said that Kamehameha's purpose in invading and conquering all of the Islands of Hawaii was to consolidate them under one rule. The realities are that before Kamehameha's invasion of Maui, all of the Islands had been consolidated under one ruler by Kahekili, except the Islands of Hawaii and Kauai, and Kahekili had an alliance with his brother Kaeo, the king of Kauai. Kamehameha's sole purpose in his conquests was to have domination, power and land.

D. It clearly was an established practice in the history of the Polynesians who settled the Hawaiian Islands, that for the establishing of a domain, for the acquisition of land, for power and wealth, segments of that society, led by a despot and his chiefs, would attack their own fellow country men in warfare, and kill them, and lead their men to death, with such warfare culminating with the despot being the sole owner and ruler of the domain. Many men who were attacked and killed were neighbors and possibly relatives, and inevitably

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ancestors of the Hawaiian people living today. Kamehameha was the greatest perpetrator of that practice, the most ruthless and the most successful, for as a young man with nothing but the opportunity to live with a relative who has acquired a domain, he became the most aggressive, the most ruthless and insatiable, who after multiple skirmishes, fierce battles and warfare conquered all of the islands of Hawaii.

Whatever his reputation and stature were as a leader, or his acts in public life, there is no atonement in his life for his cruelty, savagery and the killing of thousands of his country men.

E. Following the conquest of the Islands, a market for sandalwood developed in the Orient. Kamehameha had a monopoly on the exporting of sandalwood for the remainder of his life and it was a lucrative source of revenue. The cutting and logging was done by the commoners. The following is quoted from the Golden Cloak. "The story of sandalwood in the Hawaiian Islands is a stark and unhappy tale. It was through sandalwood that slavery touched the freedom of the people. The native workers were treated like cattle. Up the mountain trail and down again they toiled, logs of sandalwood strapped to their shoulders by ropes of thongs of hibiscus and coconut. Men started to become deformed through the weight of the wood on their backs."

F. Kamehameha died May 8, 1819. There followed as monarchs of the Kamehameha kingdom, four hereditary kings, Kamehameha II, III, IV and V. Kamehameha V died December 11, 1872. His death ended the line of Kamehamehas and he had not appointed a successor to the throne. Following his death, Lunalilo, the highest ranking chief, was chosen to be king. He refused and called for a popular vote and was elected monarch. Lunalilo died in 1874 and he had not named a successor to the throne. There was a spirited contest for the throne between queen dowager, Emma, widow of Kamehameha IV, and David Kalakaua, a high ranking chief. An assembly then elected Kalakaua as king. The vote was thirty-nine votes for Kalakaua and six for the dowager Queen Emma. Kalakaua served as king until his death, January 20, 1891. He had named his sister, Lydia Liliuokalani, heir to the throne and she began her reign as queen January 29, 1891.

The following is a thumb nail sketch of certain history and events from the period of Kamehameha until annexation. The quotations are from Thrum's Hawaiian Almanac, published annually since 1875 and until recent years.

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Captain George Vancouver in a visit made to the Islands in 1794 brought the first Bull and cows ever seen in the Islands. He also made gifts of orange trees and grape vines and other plants. In 1805 the first horses were brought to the Islands.

The missionaries arrived in the Islands in 1820. They brought Christianity to the Hawaiian people, established schools and educated the Hawaiian children and adults. They developed a written Hawaiian alphabet.

"In 1848 occurred the Great Mahele, or division of land. The king and chiefs had endeavored in vain to make some division among themselves which would enable each of them to hold land independently in fee simple. The privy council finally settled the principles of the land division, giving 1,600,000 acres or about two-fifths of the entire land area, to the chiefs; 1,000,000 acres were designated "crown" land for the king and the royal family; 1,500,000 acres were called "government" or public land; and a scant 30,000 acres were given to commoners. Aliens were not allowed to own land in fee simple until July 10, 1850."

"About this time the agitation for annexation began. It reached its peak in 1853. The agitation was stimulated by the sugar industry, the whaling industry and the Gold Rush of 1848 in California."

"The sugar industry wanted annexation for two reasons: 1--It would provide Hawaii with a sugar market free of tariff duties; 2--Business in Hawaii could develop under the protection of the American flag without fear of the imperialistic designs of European nations."

"The numerous agricultural and business enterprises which grew out of the whaling industry were largely financed and carried on by Americans. The gold rush brought closer economic relations between the West Coast and Hawaii."

"The first Mormon missionaries (Church of Jesus Christ of Latter Day Saints) arrived December 12, 1850, and after early struggles won large numbers of Hawaiians to their faith."

" \* \* \* in July 1865, 500 Chinese workers arrived under contract with the Hawaiian government."



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"Lunalilo changed the trend of history by appointing strong American ministers and looking to the United States for economic and political support. \* \* \* it was proposed that the kingdom renew negotiations with the United States for a treaty of commercial reciprocity and that America be offered the exclusive use of Pearl Harbor, Oahu, as a naval station." This did not develop. Lunalilo died in 1874.

Kalakaua was inaugurated as king in 1874 and visited the United States the same year. "As a result of this visit, negotiations for a treaty of commercial reciprocity with the United States was reopened. The treaty was concluded in June, 1875. \* \* \* This treaty was the most important event of the reign of Kalakaua, for it brought great prosperity to Hawaii."

"The reciprocity treaty aided the sugar industry and created a demand for labor. On September 30, 1878, the pioneer company of Portuguese immigrants, numbering 180, arrived in Hawaii. The first company of Japanese immigrants, 956, arrived February 9, 1885."

King Kalakaua died January 20, 1891. He had named his sister, Lydia Liliuokalani, as heir to the throne and she began her reign January 29, 1891. Events then occurred as follows:

"The actions of the queen indicated that she was determined to bring about the abolition of restrictions which had been imposed upon the powers of the monarch."

"When she attempted to proclaim a new constitution, the members of the cabinet refused to sign the document and leading citizens were appealed to for support and advice." The queen agreed to postpone the proclamation, "for a short time."

"In the meantime a Committee of Safety was appointed at a meeting of citizens who had gathered to discuss the situation. Members of this committee took steps immediately for the formation of a provisional government, \* \* \*."

"A mass meeting, which it called into session January 16, ratified its action. That evening the USS Boston landed a force of armed men to protect American interests. The presence of the American troops in the city made possible a bloodless revolution."

In 1893 of the total population of the Hawaiian Islands of about 90,000 residents, less than 40% were of Hawaiian ancestry.

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The document which established the provisional government stated it was to exist "until terms of union with the United States have been negotiated and agreed upon."

President Cleveland then sent Colonel James H. Blount to Hawaii "to investigate the situation."

"Blount reported that the revolution in Hawaii had been brought about with the aid of the United States ministers."

"President Cleveland was most concerned that the proposed annexation treaty did not include a clause which would provide for a plebiscite in Hawaii on the matter."

A United States minister, Albert S. Willis, was sent to Hawaii and after negotiations with Liliuokalani agreed that the monarchy be restored. The provisional government would not agree, a constitutional convention met and the Republic of Hawaii was formed July 5, 1894.

Shortly after the inauguration of President William McKinley negotiations for annexation of the Islands to the United States were renewed. A joint resolution to that effect was adopted by the Senate and the House of Representatives on July 6, 1898, and was signed by President McKinley July 7, 1898.

In 1959 statehood for Hawaii was approved by Congress. The bill was signed into law by President Dwight D. Eisenhower on March 18, 1959.

G. a. The government of the Hawaiian Islands existing in January 1893, with Lydia Liliuokalani as monarch, which the Hawaii people today assert should be restored, was a monarchy with sole ownership of the lands of the government vested in the queen. If there is any doubt about who had domain over the lands, consider the distribution of the lands made under the Great Mahele, when the nobles of the monarchy, the ruler and the chiefs, made distribution of two-fifths of the lands of the Hawaiian Islands to the chiefs, a total of 1,600,000 acres. The land is gone forever.

Lydia Liliuokalani became queen because she happened to be a sister of the monarch, Kalakaua, who preceded her and named her heir to the throne. And Kalakaua had been elected king by a total of thirty-nine votes out of the total population of the Hawaiian Islands. Upon her death and with others

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following as monarchs, there would have been a repetition of the appointing process with all selections by the chiefs. The Hawaiians today, except a privileged class, would then have had no voice in the election of the head of the government, and would be excluded from all rights, interest in and enjoyment of the crown lands. With the Provisional Government taking possession of those lands, and with annexation following, the Hawaiians today as United States citizens have full rights, interests and enjoyment in all government lands and possessions.

b. The United States marines did not participate in the abolition of the Kamehameha monarchy held by Lydia Liliuokalani. They were there to protect life and property as they were in 1874 when Kalakaua was chosen monarch over dowager Queen Emma, and a mob supporting her selection entered the government building where the election was held, attacked and injured the occupants, and killed one of them, and tore up the building. On another occasion a mob action against public property led by a Mr. Wilcox had to be quelled by authorities.

c. Since the beginning of the 19th century, there was a close social and economic relationship between the citizens of the United States and Hawaii. The coming of the missionaries, establishment of churches and schools, the adoption of Christianity in the Islands, the development of sugar plantations, the commerce between the two countries, the large population of Americans living in the Islands, their financial and business development of the Islands, the financial survival of the Islands through the avoidance of tariffs, and a military protective relationship, all made annexation desirable between the United States and Hawaii, and it had been contemplated for years. The oligarchy system of the monarchy was no longer acceptable in Hawaii, as it had been denied in the United States for over a century. The time had come for the transformation to a democracy and the members of the Provisional Government were the agents to carry it out. They were all established, well educated business leaders in Hawaii, and served it well. The political differences and turmoil between the monarchy and the public over the constitutional relationship between the crown and the people were brought to an end. These gentlemen acted independently of the United States and in the interest of the entire population of the Islands in establishing a political entity with fairness and justice for all, and the Hawaiian people were finally emancipated from the oligarchy that had existed for centuries.

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d. If in 1893 there had been the communication of intelligence as there is today, President Cleveland would not have insisted on the restoration of Lydia Liliuokalani as queen. He would have known of the background of the founding of that regime, the feudal system that existed, and the suppression and exploitation for centuries of the common people. His feeling was there should be a plebiscite. But with the political system existing, there was no social structure on which to base a popular vote.

e. Regarding the Apology Resolution, in 1993 the Apology Resolution was introduced in Congress by the same delegation that introduced this bill. It provided for an apology by the United States Government for the overthrow of Queen Liliuokalani and the abolition of the monarchy. It was passed by Congress and signed by President Clinton. This was in error. If the United States had participated in the deposing of the queen and the abolition of the monarchy, for the reasons stated herein it was justified morally and legally. That Resolution should be annulled.

f. A last comment should be made about Hawaiian history. The Hawaiian people today revere the dynasty of Kamehameha and his chiefs. It's misplaced respect. The one in Hawaiian history who should be venerated is Kaahumanu. She was one of the twenty-one wives of Kamehameha. He married her when she was thirteen. Although he beat her, she survived. She died in 1832. She was the regent for Kamehameha I and Kamehameha II. Space will not permit going into her services to her people. I quote from The Golden Cloak.

"Kaahumanu, born of great warriors and capable in her own right of wielding power intelligently through the reigns of three Hawaiian rulers, carried the nation from the dark days of barbarism to the establishment of a modern and Christian government."

"In reviewing Hawaiian history, Kaahumanu stands today with such women as Catherine of Russia and Victoria of England--honored and revered."

#### 7. Conclusion.

a. Under the feudal system of land tenure existing under the Kamehameha monarchy, and each successor as the ruling monarchy, including Queen Lydia Liliuokalani, the sovereign was the exclusive owner of all the lands under its domain, the sole

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owner. Kamehameha had acquired through conquest ownership of all the Hawaiian Islands as crown lands. These possessions through succession were owned by the royalty who succeeded Kamehameha, and upon abolition of the monarchy in 1893, title to all the crown lands then existing was vested in the Provisional Government, then successively in the Republic of Hawaii, the United States by annexation and ultimately a part thereof by the State of Hawaii upon admission as the 50th State. The ancestors of the Hawaiian people living today had no ownership or interest ever in the lands of the monarchy. And the Hawaiian people living today do not have ancestral rights as descendants of the Hawaiians who were living and were subjects of the monarchy when it was abolished, nor do those eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act, provided in a recent modification of the Act. They do have today, rights, interests, benefits and use of all of said lands, the same as all other citizens.

These lands, taken by conquest, when vested as public property in the Hawaiian society by the Provisional Government were rightfully vested in all members of that society then existing, with no discrimination in regard to race or nationality.

b. Hereditary rights of the Hawaiian people.

There is no basis in asserting that, since ancestors of the Hawaiian natives were the first to arrive and occupy the Hawaiian archipelago, some thousand years ago, their descendants today, with whatever quantum of Hawaiian blood, have ownership of the land that those ancestors living in that age entered and occupied. They lived on the land, but other individuals of all races and nationalities also, over a period of two hundred years, over two centuries, came and were welcomed by the Hawaiians to live and occupy the Hawaiian land as their home. And their families have been a part of their home land for generations. They brought Christianity to the Islands, established churches, educated the Hawaiians, helped eliminate the tabu system, established a written alphabet for the Hawaiian language, did away with an autocratic form of government and established a government and society of equal rights and equal opportunity.

These residents and citizens of Hawaii paid for, worked and developed the land and economy of Hawaii, including agriculture, business complexes, hotels, residential areas,

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schools and universities, government and civic improvements, roadways and utilities, and all the dynamic infrastructure, the basic structural foundation of the society living today of the State of Hawaii. These today and forever belong to all citizens of Hawaii, and should never be encroached upon or possessed by anyone or any entity other than existing owners, those entitled to by ownership and right under existing laws of the United States and the State of Hawaii.

Populations of the world have shifted from place to place over past centuries. People of different races and nationalities have come together and melded into one harmonious society, and Hawaii is a prime representative of that evolution. The retaining of particular manifestations in the unity is rewarding but has no basis for the support of sovereignty, property rights or interests.

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The undersigned is a veteran of World War II and a retired lawyer, having practiced for 30 years in Honolulu, Hawaii, as a senior partner with an established law firm.

Respectfully submitted,

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October 22, 2003

The Honorable Linda Lingle  
Governor, State of Hawaii  
Executive Chambers  
State Capitol  
Honolulu, Hawaii 96813

The Honorable Members of the Legislature  
State of Hawaii  
State Capitol  
Honolulu, Hawaii 96813

Dear Governor Lingle and Honorable Members of the Legislature:

SUBJECT: THE DUTY OF THE GOVERNOR AND THE LEGISLATURE  
OF THE STATE OF HAWAII TO INVESTIGATE AND TAKE  
APPROPRIATE ACTION IN REGARD TO THE FOLLOWING:

1. To oppose the enactment into law by the Congress of the United States of S. 344 H.R. 665 (2003), recently introduced by Senator Dan Inouye and Senator Daniel Akaka in the Senate and Representative Neil Abercrombie and Representative Ed Case in the House, as in violation of the Constitution of the United States as race based legislation, injurious to the interests of the State of Hawaii and its citizens, and without just cause.
2. To object to and oppose the acts of the Hawaii delegation in introducing and taking action in the support and promotion of the enactment of S. 344 and H.R. 665 (2003), hereinafter referred to as the Akaka bill.
3. To not legislate into law the granting by the State of Hawaii of any funds, real property, resources or other financial interests or benefits to the Native Hawaiian governing entity, intended under the provisions of the bill, or to any government agency, organization or person based on race.
4. To investigate and take appropriate action on the question of unlawful acts of the Board of Trustees of the Office of Hawaiian Affairs, OHA, in appropriating and disbursing fiduciary funds of OHA in support and furtherance of the enactment of the multiple Akaka bills introduced in Congress over the past four years, and to investigate and take appropriate action against any other government agency, official or employee of the State

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or any other person unlawfully expending, applying or receiving government funds for such purpose.

5. To take appropriate action regarding all matters inimical to the interests of the State of Hawaii and its citizens arising out of the initiation and pursuit of the passage of this legislation.

A. Section 4. of the bill, UNITED STATES POLICY AND PURPOSE, asserts the basis for the Act as follows:

"(a) Policy -- The United States reaffirms that --

- (1) Native Hawaiians are a unique and distinct, indigenous, native people, with whom the United States has a special political and legal relationship;
- (2) the United States has a special political and legal responsibility to promote the welfare of Native Hawaiians;

\* \* \* \*

(4) Native Hawaiians have --

- (A) an inherent right to autonomy in their internal affairs;
  - (B) an inherent right of self-determination and self-governance; and
  - (C) the right to reorganize a Native Hawaiian governing entity; and
  - (D) the right to become economically self-sufficient.
- (5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

(b) Purpose. -- The purpose of this Act is to provide a process for the recognition by the United States of the Native Hawaiian governing entity for purposes of continuing a government-to-government relationship.  
(Emphasis added.)



Section 7.(b)(6) is the ultimate provision establishing an independent governing body of citizens of Hawaiian ancestry, with government-to-government relations with the United States. It provides as follows:

"(6) FEDERAL RECOGNITION. -- Notwithstanding any other provision of law, upon the election of the officers of the Native Hawaiian governing entity and the certification by the Secretary required under paragraph (4) the United States extends Federal recognition to the Native Hawaiian governing entity as the representative governing body of the Native Hawaiian people."  
(Emphasis added.)

It should be noted that it is not clear under the provisions of the proposed Act whether it's intended the Hawaiian entity jurisdictionally is to exist, (1) simultaneously with the State of Hawaii and within the same geographic boundaries of the State, or (2) is to have existence only at the Federal level as a Federal agency. The former would be beyond the Federal government's constitutional powers. Either would be a governmental and social disaster to the Hawaii society.

The bill provides under Section 7. for the Secretary of the Interior to establish a roll of persons of Hawaiian ancestry with the members to meet the ancestry requirements defined in Section 3(7). A race based provision. Section 7. also provides for those named on the roll to elect members to serve on a Native Hawaiian Interior Governing Council. The Council "may" develop proposed organic governing documents for the Hawaiian entity which are to include, "the proposed criteria for citizenship of the Native Hawaiian governing entity." A race based classification. Citizens of Hawaiian ancestry as defined in the organic documents will therefore have the exclusive power to make the determination of the qualifying requirement for citizenship of the Native Hawaiian governing entity to be included in the organic documents.

There is no requirement in the bill for consent of the State of Hawaii for recognition by the Federal government of the Native Hawaiian governing entity as the governing body of the Native Hawaiian people. Under Section 2(23), Findings, of the bill it is declared, "(23) the State of Hawaii supports the recognition of the Native Hawaiian governing entity by the United States as evidenced by \* \* \* \* \* the testimony of the Governor of the State of Hawaii before the Committee on Indian Affairs of the Senate on February 25, 2003." I assume that statement was made under oath. The statement is a total fabrication. Governor Linda Lingle had no authority or basis on which to testify on behalf of the State to that effect.

A primary purpose of the Act if enacted is to effect the transfer to the Hawaiian governing body for the sole benefit and welfare of citizens of Hawaiian ancestry of Ceded Lands and their revenue, Hawaiian Homes Commission lands and resources, and the assets of the Office of Hawaiian Affairs.

B. IT IS ASSERTED BY THE HAWAII DELEGATION TO CONGRESS, THE GOVERNOR OF THE STATE AND THE GOVERNOR'S ADMINISTRATION, MULTIPLE HAWAIIAN ORGANIZATIONS AND THE HAWAIIAN COMMUNITY THAT CITIZENS OF HAWAIIAN ANCESTRY HAVE HEREDITARY AND SOVEREIGN RIGHTS AND INTERESTS RELATING TO THEIR HAWAIIAN ANCESTRY AND THE OVERTHROW OF THE HAWAIIAN OLIGARCHY IN 1893 INCLUDING PUBLIC LANDS AND RESOURCES OF THE STATE. THE HISTORY OF THAT OLIGARCHY, THE EVENTS AND CIRCUMSTANCES OF THE OVERTHROW OF THE OLIGARCHY, THE GOVERNMENTAL TRANSITIONS TAKING PLACE THROUGHOUT THE WESTERN WORLD IN THAT PERIOD OF TIME WITH THE REPUDIATION OF MONARCHIES AND THE ESTABLISHING REPUBLICAN FORMS OF GOVERNMENT, THE UNITING OF THE ISLANDS WITH THE UNITED STATES FOR OVER A CENTURY, FIRST AS A TERRITORY AND THEN AS THE 50TH STATE, AND THE MIXED RACIAL GENEALOGY OF THOSE CITIZENS OF HAWAIIAN ANCESTRY LIVING TODAY REFUTE THAT ASSERTION.

1. It is fundamental that individuals of Hawaiian ancestry living in the Islands are not a homogeneous group living in a designated or geographic area as do Indians who live on reservations, except in regard to Hawaiian Homes Land. For over two centuries those of Hawaiian ancestry have intermingled and assimilated with all other residents of the state. And their ancestors over the past two centuries have intermarried and cohabitated with other races in the Islands, and Hawaiians today are predominately of mixed blood. Today less than 1/2 of 1% of the total population of 1,200,000 residents of the Islands are of pure Hawaiian ancestry. And today at least 97% of those living in Hawaii qualified to be citizens of the Native Hawaiian governing entity with no measure of a quantum of Hawaiian ancestry being required are of a mixed race with large numbers being multi-racial. They are Portuguese, Caucasian, Japanese, Filipino, Chinese, and a mixture, with some Hawaiian blood.

In 1893 the year the Provisional government deposed the Hawaiian monarchy the total population of the Hawaiian Islands was about 90,000. Of those residents about 40,000 were of Hawaiian ancestry including those of mixed blood. Today it's reported there are 240,000 residents of Hawaii with a strain of Hawaiian blood, or 1/5 of the total population of the Islands. And their numbers will multiply over the years and the blood line will diminish.

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All citizens of Hawaiian ancestry living today have been American citizens of the United States for their lifetime. They enjoy all rights, interests, benefits and privileges of the republican form of government of the United States, founded in 1776, and all the land and resources of the Federal government and the State of Hawaii existing today, the same as all other citizens.

2. With the transfer to the Native Hawaiian governing entity of public land, resources and assets, the citizens of that governing body, each with a strain of Hawaiian blood, would have the following benefits: (a) they would have the exclusive use and benefit of those public lands, resources and assets, and the revenue, and would receive from the federal, state and municipal governments and their citizens revenue for their use, without payment of taxes. Ceded Lands would produce millions of dollars of revenue as they lie beneath hospitals, roadways, airports, government buildings, agricultural businesses and other enterprises; (b) as United States citizens they would have all rights, interests, benefits and use of all public lands, buildings, parks and facilities of the federal, state and municipal governments; and (c) they would receive all government services, rights, benefits and privileges of laws, ordinances, rules and regulations provided by the federal, state and municipal governments existing for all citizens.

C. It is correct that on January 16, 1893, the Kamehameha oligarchy which existed as the governing authority over the islands for a century was overthrown by a committee of leading citizens of the community led by Sanford Ballard Dole, that committee consisting of an advisory council of 14 members, and that a provisional government was organized immediately. This action followed after Queen Lydia Liliuokalani had announced she intended to invoke the powers of the monarchy, and attempted to proclaim a new constitution which the leading citizens refused to accept. It is also correct that on the same evening the USS Boston landed a force of armed men to protect American interests, which had been necessary on a previous uprising causing severe damage to a government building and a death. In due course President Cleveland intervened and sent Albert S. Willis to Hawaii as his minister. After negotiations with the queen, Mr. Willis demanded her restoration as queen. On December 23, 1893, the provisional government declined. The Republic of Hawaii was then formed. And later, on July 6, 1898, a joint resolution of annexation of the Islands was adopted by the Senate and House of Representatives, and signed by President McKinley the following day.

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The Apology Resolution introduced by the Hawaii delegation and enacted into law by Congress in 1993 and signed by President Clinton is fallacious.

By 1893, with few exceptions, all of the countries of the western world had repudiated and abolished a monarchical form of government, or were in a transition stage, and had established a republican form of government, with the supreme power of government held by the people through their representatives, not by a monarch. By the year 1893, the United States had been a republic for over a century. Dynasties were and are today past history and will never again exist in the western world. Members of the Hawaiian community of the Islands today have no semblance of a right or justice in their claim for the restoration of "their kingdom".

D. 1. A short review of the history of the Islands, the Kamehameha dynasty, and the land tenure which existed throughout the period of that dynasty will confirm there is no basis to relate sovereignty or hereditary rights or interests to the human affairs, property holdings or public events of early Hawaiian relations.

As far as is known, Polynesians were the first settlers of the Hawaiian archipelago and settled in the Hawaiian Islands in about 1000 A.D. The Islands were discovered by Captain Cook in 1778. Throughout Hawaiian history control of the separate islands would change and shift from one regime to another. Through deaths of kings or fierce battles over lands with tremendous loss of life new self-appointed rulers came into power and new regimes were set up. As a reference, I refer you to a history of the Islands, The Golden Cloak, by Antoinette Withington, published June 11, 1952.

To better understand the land tenure of the feudal system the following is quoted from a history of Hawaii, Under Hawaiian Skies, by Albert P. Taylor, published in 1925. "The chiefs were regarded as the sole proprietors of the soil. But not only did they own the soil, but the people who cultivated it; not only all the fish in the sea, but the fishermen also, with their canoes and implements. Not only everything animate -- that walked the earth, swam in the water, or flew in the air -- was the chiefs, but all things inanimate as well. In fact, the common people were supposed to own nothing -- the chiefs everything."

The tabu system was a prevailing practice that was imposed by Kamehameha on the common people and continued throughout his reign until his death in 1819. The author described this

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system as follows: "The ancient system of tabu was also very oppressive. There were unnumbered restrictions and prohibitions imposed by the chiefs for their own convenience or for the gratification of a whim. By this policy, they threw around their person a kind of sacredness, and impressed upon the minds of the people a feeling of awe. If the shadow of a man -- a commoner -- fell upon a chief, the punishment was death; if he entered the chief's enclosure unbidden, it was death; if, instead of prostrating himself, he remained standing when the king's bathing water, his tapa, or his malo (loincloth) were carried by, it was death; if he walked in the shadow of the chief's house with a lei, it was death. Life and death were in the hands of the king and chiefs, and whatever they ordained, whether for good or evil, that was the destiny of the serfs."

\* \* \* \* \*

\* \* \* \* \*

"When two persons lived together as man and wife, they must not eat together. \* \* \* The cooking and preparing food for the man must be separate from that for the wife, and if they were found eating together, death was the penalty."

2. The regime in power in 1893 with Lydia Liliuokalani as queen had been founded by Kamehameha through the killing of thousands of innocent Hawaiians in battles for the conquest of all the Hawaiian Islands. The battles took place on the islands of Hawaii, Maui and Oahu over a period from 1782 to 1795, with the dynasty being established in 1795 over all the islands except Kauai. Kamehameha later acquired Kauai by cession.

Kamehameha grew up in Kohala on the island of Hawaii. His uncle, Kalaniopua, was the king of the island of Hawaii. He had two sons, Kiwaloa and Keoua. Upon the king's death the island was divided into three kingdoms, with the two sons, cousins of Kamehameha, and their uncle, Keawemauhili, as kings. Kamehameha as a chief had land in the Kona area. Chiefs in the Kona area were unhappy with the division of lands and they went to war in one of the greatest battles of Hawaiian history: the battle of Mokuohai. Thousands of Hawaiians, including Kiwaloa, the king, lost their lives. There then existed three kingdoms on the island of Hawaii with Kamehameha having the largest kingdom located in the Kona, Kohala area. The other two kings were the cousin, Keoua, and the uncle Keawemauhili. (Note: There is a discrepancy in the reporting of the events leading up to the battle of Mokuohai, Withington relating that Kamehameha and the Kona chiefs were dissatisfied with the land division, and there followed the battle of Mokuohai, while Taylor relates that the half-brother Keoua was the king dissatisfied with the land division and brought about the battle.)

The next sequence was the king of Maui, Kahakili, invading and conquering the Island of Oahu. With that victory his domain included all of the islands except Hawaii and Kauai, and his brother was the king of Kauai. Kamehameha then followed with the invasion and conquered Maui. At that period gunpowder was readily accessible through trade with foreigners. Two seamen who were experts in artillery warfare, John Young and Isaac Davis, joined Kamehameha's forces and cannons were used in the conquest of Maui. Quoting Withington, "One of the bloodiest battles of Kamehameha's time was fought and won by him. The setting was the beautiful Iao Valley. So many men were killed in this battle that their bodies filled the small river which flows through the valley to the sea. The battle was given the name of Kepaniwai (the damming of the waters)."

Kamehameha in the year 1791 became the king of the entire island of Hawaii. I quote from Taylor, "Towards the end of the year Kamehameha sent two messengers to Keoua, whom they persuaded to go to Kawaihae, for an interview with Kamehameha in the hope of ending the war between them, which had lasted about nine years. He set out in his own double canoe, accompanied by armed warriors, and as they approached the landing at Kawaihae, were surrounded by the Chief Keeaumoku and a number of warriors. Kamehameha was sitting on the beach. As Keoua was leaping ashore, Keeaumoku killed him with a spear. The men in the Keoua canoe were then slaughtered. As a result of this act of treachery, Kamehameha became master of the entire island of Hawaii." Following his death, Keoua's body was sacrificed by Kamehameha in the temple. (Emphasis added.)

In 1795 Kamehameha invaded Oahu. Kamehameha's forces, equipped with cannons and guns, drove the fighting forces of Kalanikupule up through Nuuanu Valley with many forced over the Pali precipice to their deaths. Kalanikupule was found in the mountains later and sacrificed. Kamehameha had then conquered all of the Hawaiian Islands except Kauai which later was his by cession.

Kamehameha died May 8, 1819. There followed as monarchs of the Kamehameha kingdom four hereditary kings, Kamehameha II, III, IV and V, who reigned in succession until the death of Kamehameha V, December 11, 1872. As a ranking chief Lunalilo reigned as monarch in 1873 until his death in 1874, and Kalakaua as a ranking chief served as king from 1874 until his death, January 20, 1891. He had named his sister, Lydia Liliuokalani, heir to the throne and she began her reign as queen January 29, 1891, and was deposed January 17, 1893, the date the Provisional government was established,

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with the intended purpose of having annexation with the United States. A joint resolution to that effect was adopted by the Senate and the House of Representatives July 6, 1898, and was signed by President McKinley July 7, 1898. In 1959 statehood was approved by Congress. The bill was signed into law by President Dwight D. Eisenhower on March 18, 1959.

3. Upon the repudiation of the Kamehameha dynasty in 1893, all crown land was taken over by the Provisional government and upon annexation by the United States became public land. Upon the Territory of Hawaii being accepted as the 50th State in 1959, the 1,800,000 acres of public land were transferred by the federal government to the state under a Ceded Land Trust. The income from a portion of those lands is now being distributed to OHA to be applied solely for the benefit of persons of Hawaiian ancestry, a race based application in violation of the United States Constitution. The Hawaii delegation to Congress, OHA, Hawaiian organizations and the Hawaiian community and Linda Lingle and her administration are expecting these public lands to be transferred to the Native Hawaiian governing entity upon enactment of the Akaka bill, the land to be applied solely for the benefit of citizens of Hawaiian ancestry.

The Ceded Lands since the time of annexation by the United States have been public lands of all citizens of the Territory and later the State upon the Territory of Hawaii being admitted as the 50th State and should rightfully have been transferred by the federal government back to the state without any restriction or stipulation as to the public use or application of the lands.

4. Under the feudal system of the Hawaiian dynasty, as mentioned, the crown owned all the land of the kingdom. A significant distribution of land occurred during the monarchy of King Kamehameha III in 1848. The king and the chiefs (alii) endeavored to make a distribution of crown land to the chiefs in fee simple. A distribution was agreed upon with 1,600,000 acres, or about two-fifths of the entire land area of the Hawaiian Islands, being distributed and parceled out to the chiefs independently in fee simple.

5. A significant illustration of the feudal system of land ownership by an alii under the Kamehameha dynasty was the vast area of land of the Hawaiian Islands owned in fee simple by Bernice Pauahi Bishop. She owned one-ninth of the land area of the Hawaiian Islands, and effective in 1884 she placed that land in a perpetual trust which today is the largest private land

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owner in the State of Hawaii. The trust property is applied solely for the benefit of education of children of Hawaiian ancestry. Today the value of the trust is close to six billion dollars. In 2001 the trust had an income of one billion dollars.

Lydia Liliuokalani, as mentioned, was named heir to the throne by her brother, King Kalakaua. As an alii she owned valuable land in Waikiki which today is leased out to hotels and a condominium, and 6,294 acres on the Island of Hawaii. Effective in 1917 she left the land in a perpetual trust with the income from the trust applied solely for the benefit of children of Hawaiian ancestry. The value of the trust today is in excess of 300 million.

E. 1. The background of the introduction of this legislation is significant in showing the pattern of racial character and mercenary objectives of the legislation. The Office of Hawaiian Affairs (OHA) had been established under the Hawaii State Constitution to administer millions of dollars for the betterment of conditions of "Native Hawaiians" and "Hawaiians" as defined in the law. It provided that the Board of Trustees consisting of nine directors "shall be Hawaiian", and shall be "held by qualified voters who are Hawaiian". That provision was challenged in the federal case of *Rice v. Cayetano*, 528 U.S. 495, 120 S.Ct. 1044(2000), on the grounds that restricting the vote to "Hawaiians" was discriminatory to non-Hawaiians based on ancestry. The case was litigated in the Federal Court and appealed to the United States Supreme Court. The Court held that provision of the law unconstitutional. The Supreme Court quoted from an earlier case that, "DISTINCTIONS BETWEEN CITIZENS SOLELY BECAUSE OF THEIR ANCESTRY ARE BY THEIR VERY NATURE ODIOUS TO FREE PEOPLE WHOSE INSTITUTIONS ARE FOUNDED UPON THE DOCTRINE OF EQUALITY." And stated further, "THE STATE'S ELECTORAL RESTRICTION INACTS A RACE BASED VOTING QUALIFICATION." (Emphasis added.)

Hawaiians and their many organizations were incensed with the decision that other than Hawaiians would have the right to vote for OHA directors and to serve as directors. To placate the statewide outburst and antipathy of Hawaiian organizations and the Hawaiian community against the decision the Hawaii delegation of Senator Dan Inouye and Senator Daniel Akaka, and Representative Neil Abercrombie introduced the initial Akaka bill in the year 2000 to establish a separate "Native Hawaiian governing body" with the purpose of having public property held by OHA and the Hawaiian Homes Commission, and Ceded Lands granted and transferred by the federal and state governments to that governing entity, and to circumvent the decision of



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Rice v. Cayetano and deny one million non-Hawaiian citizens the right to vote for the election of the nine members of the Board of Trustees of OHA.

The initial bill provided for the Native Hawaiian governing body to have the status of Indian tribes under the Indian Reorganization Act. The succeeding bills abandoned that provision.

2. The decision of the U.S. Supreme Court in declaring as unconstitutional the State of Hawaii law restricting the right to vote for nine Trustees of OHA is a precedent which must be recognized and complied with in all judicial, governmental and civil matters and affairs whatever the circumstances. The Supreme Court in the Rice v. Cayetano case condemned discrimination on grounds of ancestry as follows: "One of the principal reasons race is treated as a forbidden classification is that it demeans the dignity and worth of a person to be judged by ancestry instead of by his or her own merit and essential qualities. An inquiry into ancestral lines is not consistent with respect based on the unique personality each of us possesses, a respect the Constitution itself secures in its concern for persons and citizens."

The ancestral inquiry mandated by the State is forbidden by the Fifteenth Amendment for the further reason that the use of racial classification is corruptive of the whole legal order democratic elections seek to preserve. The law itself may not become the instrument for generating the prejudice and hostility all too often directed against persons whose particular ancestry is disclosed by their ethnic characteristics and cultural traditions. "Distinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality." Hirabayashi v. United States, 320 U.S. 81, 100 C 19437. Ancestral tracing of this sort achieves its purpose by creating a legal category which employs the same mechanisms, and cause the same injuries, as laws or statutes that use race by name. The state's electoral restriction enacts a race-based voting qualification."

3. The principle that "race" is a "forbidden classification" is a fundamental and basic tenet adopted by our Founding Fathers and included in our Declaration of Independence and Constitution: that we are all created equal; and no one has rights superior to those of anyone else; and these are natural rights. All powers of the United States Government are granted powers. "Power comes from the people.", quoting a source.

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4. In the Rice case had the question of state funds having been appropriated by the state as provided by the Act for "The betterment of conditions of "Native Hawaiians", and "The betterment of conditions of Hawaiians", been before the U.S. Supreme Court, that provision of the law would have been held unconstitutional on the grounds of discrimination based on race and OHA would be non-existent today. The 300 million of state funds held by OHA would have been returned under the decision to the State of Hawaii treasury and applied for the benefit and enjoyed by all of the 1,200,000 citizens of the state.

5. All federal and state laws granting land, resources and funds including HHCA, OHA and the Ceded Land Trust have discriminatory race based classifications which provide those benefits to "Native Hawaiians" and deny those benefits to the one million remaining citizens of Hawaii who are without Hawaiian ancestry. Certain of these Constitutional violations are being challenged in Federal Court and others will follow, but it is a costly, highly technical and ageing process.

6. The Hawaiian Homes Commission Act and the Akaka bill include additional race base classifications which are discriminatory as between those of Hawaiian ancestry as follows: (a) The HHCA limits all benefits to those of Hawaiians having one-half Hawaiian ancestry in 1921 and their lineal descendants. Any Hawaiian having less than 50% Hawaiian ancestry in 1921 doesn't qualify. Also, the lineal descendants of such person don't qualify. This is an additional exclusion to the exclusion of non-Hawaiians. (b) The Akaka bill includes a certain requirement of ancestry to be the initial Native Hawaiians to organize the organic documents. Those Hawaiians who qualify are then to determine and include in the organic documents the final requirement of ancestry to be included for qualification.

F. 1. If enacted into law by Congress the Act would establish the Native Hawaiian governing entity as an administrative agency in the Office of the Department of Interior of the Executive Branch of the United States government. The agency would be under the authority of an appointed Cabinet member of the Administration. Under the Act the agency would be "the representative governing body of the Native Hawaiian people", as they would be qualified on a racial basis under the organic documents.

The Native Hawaiian governing entity would exist as an administrative agency without governmental, legislative or judicial powers. It would be without funds or a source of revenue other than appropriated by Congress. It would be

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without jurisdiction, power or authority to direct and control, rule or regulate by authority relations between the Native Hawaiian governing entity, its citizens of Hawaiian ancestry and the State of Hawaii, or the establishing or effecting civil or criminal rights or interests of the designated class of citizens of the entity in relation to the State of Hawaii.

2. No power is granted by the States to the United States to establish an administrative agency of the Federal government to decree laws, rules or regulations establishing or effecting within a state civil or criminal rights or interests of a designated class of citizens based on a classification of race.

3. It is fundamental that the State of Hawaii as the 50th State of the United States, in its relations with the United States under the Constitution has exclusive jurisdiction and powers over its citizens except as granted to the United States.

G. 1. It is clear from the background of the initiation of the Akaka bill following the decision in the Rice v. Cayetano case, the action of the OHA Trustees in the promotion and lobbying and disbursing substantial funds in support of enactment into law of the Akaka bill, and the collaboration of the Trustees with the Hawaii delegation to Congress in support of the bill, and presently with Governor Lingle and her administration, that the action of the OHA Board of Trustees is done with the purpose and intention that legislation to follow is to be instituted by the legislature of the State of Hawaii, or a State Constitutional Convention if required, granting and transferring the assets of OHA to the Native Hawaiian governing entity as a Federal agency, to be applied solely for the benefit of persons of Hawaiian ancestry qualified under the organic documents of that agency.

2. It is also clear from the provisions of the bill including Findings in Section 2. making reference to Ceded Land and Hawaiian Homes Commission land and resources, and the hereditary and sovereignty rights of Native Hawaiians to those lands, and the enabling provision included in Section 8(b)(1) establishing the power and authority for the United States and the State of Hawaii to enter into an agreement with the Native Hawaiian governing entity for the transfer of lands, natural resources and other assets to the Native Hawaiian governing entity, that the ultimate intended purpose of the bill upon its enactment into law is to have legislation enacted by Congress and the State of Hawaii legislature transferring those lands and resources, and the OHA assets, to the Native Hawaiian governing entity. Certain of the recitals which I paraphrase in part, and the enabling provision

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are as follows: Native Hawaiians wish to preserve, develop and transmit to future Native Hawaiian generations their ancestral lands; Native Hawaiians have repeatedly sought access to the Ceded Land Trust and its resources and revenues; those lands provide an important foundation for the Native Hawaiians and their survival; the United States continually has recognized that Native Hawaiians have cultural, historic, and land-based link to the aboriginal, native people who exercised sovereignty over the Hawaiian Islands and that Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands; the United States extends services to Native Hawaiians as the aboriginal, native people of a once sovereign nation with whom the United States has a political and legal relationship; pursuant to the Hawaiian Homes Commission Act the United States set aside 203,500 acres of land to address the conditions of Native Hawaiians; the United States established the Ceded Land Trust of 1,800,000 acres with five purposes, one being the betterment of conditions of Native Hawaiians. And finally the enabling provision which provides as follows:

Sec. 8(b) NEGOTIATIONS.

(1) IN GENERAL. Upon Federal recognition of the Native Hawaiian governing entity by the United States, the United States and the State of Hawaii may enter into negotiations with the Native Hawaiian governing entity designed to lead to an agreement addressing such matter as --

- (A) the transfer of lands, natural resources and other assets; and
- (B) the exercise of governmental authority over the lands, natural resources and other assets.

3. The foregoing grounds stated as the basis for enactment of the bill are spurious and without just or legitimate cause as shown by the following legal considerations, facts and circumstances: That citizens of Hawaiian ancestry living today are of a mixed and multi-racial lineage; that they are not a homogeneous group living in a designated geographical area as are Indians living on a reservation; that they live intermingled and assimilated with all other residents of the state; that they have been United States citizens their entire lives; that citizens of the Hawaiian Islands have been citizens of the United States for over a century; that as American citizens they have been privileged to live under the principle and tenet that all citizens are equal with liberty and justice for all; that they

have and enjoy all the rights, interests, benefits and privileges of an American citizen, which are no less than equal to any which are existing for indigenous tribes living in the United States; that being descendants of ancestors who lived under an oligarchy in the 19th century, with a feudal system with only the crown and chiefs having ownership of all the land, which following annexation and today is government land, has no legal or moral basis for part-Hawaiians' claim of ownership in those "crown lands"; that as American citizens they never experienced "sovereignty" or had financial interest in "sovereign lands". Further, that each of the following statements made concerning the status, rights and interests of persons of Hawaiian ancestry is false: (a) that Native Hawaiians have a status as aboriginal, indigenous, native people of the United States; (b) that they have a special political and legal trust relationship between them and the United States; (c) that the United States has a special trust relationship to promote their welfare; and (d) that they have an inherent right to autonomy in their internal affairs, the right of self-governance and the right to reorganize a Native Hawaiian governing entity. Finally, it's fundamental, the Congress of the United States has only powers granted by the states of the United States, and no power exists for Congress to establish a separate independent governing entity of a segment of citizens of a state as provided in the bill; and that the bill includes race based classifications in violation of the Constitution of the United States.

H. The introduction by the respective legislative bodies of the Federal and State of Hawaii governments having jurisdiction, of bills providing for the granting and transferring of Ceded Land, HHCA land and resources and OHA assets to the Native Hawaiian governing entity as a Federal agency, the enactment of those bills into law, and the overriding of possible vetoes, would be speculative and conditional, and mostly remote. For the granting and transfer of Hawaii Homes Commission land and resources to the Hawaiian entity a bill introduced in Congress to that effect with a passing vote by the Senate and House would be required. In the event of a Presidential veto, an overriding vote would be required. For the granting and transfer of Ceded Land to the Hawaiian entity, the following legislative action would be required: (a) a bill to that effect introduced in Congress with a passing vote by the Senate and House would be required. In the event of a Presidential veto an overriding vote would be required, and (b) the Hawaiian delegation to Congress for their purposes would need to prevail upon duly elected legislators of the State Senate and House to introduce a bill to the same effect in the State legislature. A passing vote by the Senate and House would then be required. In the event of a veto by the Governor, an overriding vote would be required. For the granting and transfer of the \$300 million

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in OHA assets to the Hawaiian entity, again the Hawaiian delegation to Congress for their purposes would need to prevail upon duly elected legislators of the State Senate and House to introduce a bill for the granting and transfer of OHA assets to the Hawaiian entity. To be enacted into law a passing vote in the Senate and House would be required. In the event of a veto by the Governor, an overriding vote would be required.

In the case of State of Hawaii legislative action required by a State Constitutional Convention for the granting and transfer of Ceded Land and OHA assets on a jurisdictional basis, a similar scenario as outlined above would be required.

I repeat, the granting and transfer of public property for the sole use and benefit of a segment of citizens of a state on the basis of race or any other basis is unlawful.

I. I consider it a fair statement that United State Senators and Representatives are without jurisdictional power or authority relating to internal governmental matters and affairs of the state they represent except as they relate to Federal affairs and interests of the state or are granted by the states. To be specific, without consideration of the racial prohibition of the Akaka bill, I believe it fundamental that Senators Inouye and Akaka and Representatives Abercrombie and Case do not have power or authority to introduce legislation in Congress to have enacted by Congress an Act to create a federal agency or entity within the office of a federal officer or Cabinet member as the "governing body" of a segment of citizens of the State of Hawaii based on a designated classification, that agency to have "government-to-government" relations with the United States. They do not have jurisdiction, power or authority, or the right, following enactment of such a bill to promote and lobby within the state with state senators and representatives for the introduction of bills providing for granting of public property of the state, included Ceded Land and OHA assets, to the federal agency or entity for the exclusive benefit and welfare of the designated class of citizens of that agency or entity. And further, following the introduction of such a bill or bills by a state legislator they would be without jurisdiction, power, authority, or the right, to promote and lobby with members of the State Legislature for enactment into law of the bill or bills. In case a Constitutional Convention is required jurisdictionally to introduce and enact such legislation the same limitations and prohibitions would apply.

J. 1. The Office of Hawaiian Affairs (OHA) was established under Article XII of the Hawaii State Constitution. Chapter 10-3 of the Hawaii Revised Statutes (H.R.S.) states a purpose of OHA is,

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"(1) The betterment of conditions of native Hawaiians", and (2) The betterment of conditions of Hawaiians." Powers of the Board of Directors include, inter alia, "conducting advocacy efforts for native Hawaiians and Hawaiians"; and, "To promote and assist the establishment of agencies to serve native Hawaiians and Hawaiians."

2. The Board of Trustees of OHA consists of nine members elected by public vote of the electorate. The assets of OHA today total just under 300 million dollars. The funds of OHA as public property are trust funds which must be applied by the Trustees as fiduciaries with lawful, sound and reasonable purpose and discretion.

3. The Trustees of OHA over the past four years have disbursed substantial funds of OHA in support of promotion and lobbying for enactment into law of the Akaka bill. Certain of these expenditures include in the year 2000 many full page ads in the Honolulu Advertiser and the Honolulu Star-Bulletin and other promotion costs. In the year 2001 the Advertiser reported on an OHA budget to expend, "\$776,000 including \$200,000 for lobbying, \$140,000 for a Washington, D.C., lobbying office and personnel, \$150,000 for community meetings and other forms of outreach, and \$200,000 for a media campaign, that includes radio, television and newspaper advertisements." Over the years to date OHA has continued to expend substantial funds in maintaining a lobbying office and personnel in Washington, D.C., from time to time, lobbying trips of OHA Trustees and personnel to Washington, D.C., and other promotion costs. The week of June 8, 2003, Trustees and OHA officials returned to Washington, D.C., to lobby for the bill, meet with members of Congress and their staff and community groups. An additional trip is scheduled for mid-September. A recent 2003 year appropriation is a fund of \$450,000 for the hiring of a law firm in Washington, D.C., to conduct lobbying in Congress and with the Bush administration. Currently the Board of Trustees is launching a television campaign to promote the bill. In an action filed in Federal Court challenging the constitutionality of OHA and HHCA the State of Hawaii is opposing the action. The OHA Trustees have also engaged attorneys to oppose the action.

The Office of Hawaiian Affairs as an agency of the State of Hawaii is without jurisdiction, power or authority to disburse public funds of the state in supporting, promoting and lobbying within the State of Hawaii and in Washington, D.C., for the enactment of a Federal law providing for the establishing of a Federal agency in the Executive Branch of the Federal government of citizens of Hawaiian ancestry, the substance of the bill having the purpose and objective under further federal and state

legislation to follow for the granting and transfer of OHA assets, Ceded Land and Hawaiian Homes Commission land and resources to the Federal agency under Section 8(b) of the bill, and for the elimination of OHA as a state agency. That activity under all the circumstances is clearly not within the scope of a fiduciary and is unlawful. If jurisdiction and power of OHA existed considering the purpose and objective of the Akaka bill, the appropriation and expenditure of funds by the Board of Trustees in supporting, promoting and lobbying for passage of the Akaka bill would be unlawful, as enactment of the bill and state and federal legislation to follow for purposes of the bill would be speculative, conjectural and conditional, and most certainly remote, and beyond the scope of the authority of the Trustees.

Constitutional prohibitions exist against the action by the OHA Trustees in their support and appropriating funds for passage of the Akaka bill, as follows: (1) The Native Hawaiian governing entity is to be established on a race based classification in violation of the United States Constitution. *Rice v. Cayetano*, 528 U.S. 495 120 S.Ct. 1044 (2000). (2) No power is granted by the states to the Federal government to establish an independent governing body of a segment of citizens of a state to exist as a Federal agency within the Executive Branch of the Federal government, or to establish such an agency to have government-to-government relations with the United States. (3) If constitutional, the establishing of an independent governing body within a state of a segment of citizens of the state, if that is the intention, would require the consent of the state concerned. (4) No power exists under the Constitution of the United States for the establishing by Congress of a Federal agency of a segment of citizens of a state based on hereditary or sovereignty rights, or any other basis, or the granting and transfer of public property by the federal or state governments to that agency based on hereditary or sovereignty rights, or any other basis.

K. 1. A conflict has existed for the past ten years between the state and OHA Trustees relating to Ceded Land revenues with lawsuits filed by OHA against the state involving millions of dollars. In the case filed by OHA in 1994 a ruling by the Hawaii Supreme Court held that payments of airport revenue to OHA were not lawful under a federal Act. The state followed with an offer to OHA calling for a settlement with payment of \$251 million and conveyance of 360,000 acres of public land to be made to OHA. OHA declined the offer. On July 21, 2003, the Trustees filed a lawsuit with a 15-page complaint to recover from the state millions of dollars of Ceded Land revenues and damages, three attorneys representing OHA.



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Attorney General Mark Bennett made a statement following the filing of the lawsuit that, "the state does not believe the lawsuit has merit, and we will vigorously defend it." Advertiser issue 7-22-2003. Another quote, "Apoliana and Bennett agreed that the lawsuit shouldn't hinder other cooperative ventures between the state and OHA: lobbying for federal recognition of Hawaiians and battling lawsuits that challenge all programs benefiting only Hawaiians."

An article in the Advertiser (7-24-2003) is quoted as follows: "The relationship between the state and the Office of Hawaiian Affairs will not suffer because of a lawsuit OHA filed this week against the state demanding back revenue from Ceded Lands."

State Attorney General Mark Bennett said the Lingle administration will continue to support OHA in other court cases and in Congress.

'This won't affect in any way working in cooperation with OHA to vigorously defend the Arakaki lawsuit and won't affect in any way the vigor with which we're going to pursue trying to get the Akaka bill passed into law', he said yesterday.

'We concur', OHA Chairwoman Haunani Apoliana said yesterday. 'We are appreciative that we can continue to work jointly and collectively even on the Ceded Land issue.'

The lawsuit filed by OHA solely involves the issue of Ceded Land revenue to be paid by the state to OHA for the benefit of Hawaii citizens of Hawaiian ancestry, and damages. The Akaka bill has as its objective the transfer of the same Ceded Lands to the Native Hawaiian governing entity which is to exist solely for the benefit of Hawaii citizens of Hawaiian ancestry. Attorney General Bennett is acting in defense of the OHA lawsuit on behalf of the state. He also supports passage of the Akaka bill.

Mark Bennett as the attorney for the Republican Party under Linda Lingle as chairwoman supported the Akaka bill. Following her election as governor he made a lobbying trip to Washington, D.C., as the State Attorney General to support Congressional passage of the Akaka bill. Governor Lingle solidly supports enactment of the Akaka bill, and she and her Cabinet and legal advisers are avidly working with the OHA Trustees and the Democratic State Senators and Representatives to Congress in support of passage of the Akaka bill.

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The Governor and the State Attorney General and the Governor's Cabinet and administration have a clear conflict of interest in defending the lawsuit filed by the OHA Trustees against the State of Hawaii. The State of Hawaii must have independent counsel separate from the Attorney General's office to defend the OHA action. The State legislature will necessarily be required to correct this unjudicious situation. I would trust that counsel would be appointed by the State legislature and not by the Lingle administration.

2. The Advertiser editorial staff gave their version of the issue of Ceded Land payments (7-8-2003) stating the matter should be settled, and then made the troubling statement endorsing the Native Hawaiian cause as follows: "OHA could take that settlement, set up shop as a private non-profit corporation or charitable entity and use the assets to improve conditions for Native Hawaiians. That land and money could be the foundation of a Hawaiian nation if federal recognition ever came through. But that is a matter for Hawaiians to resolve.

For the rest of the state the Ceded Land issue is a dark cloud, delaying development projects, discouraging economic investment and even affecting credit ratings."

I. 1. The question of civil and criminal liability of the Trustees of OHA and other State of Hawaii officials relating to the disbursing and applying public funds and public time in supporting, promoting and lobbying with Congress for passage of the Akaka bill cannot be avoided.

2. Support of the Akaka bill was a big campaign item of Linda Lingle in her campaign for governor. She asserted that upon her election she would make a trip to Washington, D.C. and lobby for passage of the Akaka bill. She made the trip in February following her inauguration as governor with a group of her government staff including legal advisers, and with her staff actively lobbied for passage of the bill, meeting with senators and cabinet members and testifying before the Indian Affairs Committee in support of the bill.

Newspaper articles in the July 3, 2003, issues of the Advertiser and Honolulu Star-Bulletin reflect the close cooperation and collaboration for passage of the bill by Congress between Governor Lingle and her staff, the Trustees of OHA, and Hawaii's two senators and representatives to Congress. I quote from the Star-Bulletin July 3rd issue. "Support for the Akaka bill, pending before the U.S. Senate, was the focus of the rare gathering that included Lingle, her senior policy advisers and

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other Cabinet members, nearly all Office of Hawaiian Affairs Trustees, Senators Inouye and Daniel Akaka and Representatives Neil Abercrombie and Ed Case.

While the delegation works on Congress, Lingle said it is likely she will return to Washington again later this summer to lobby the Republican controlled White House.

'We've all committed ourselves to do whatever it takes. If that means going to Washington, that is what we'll do. Whatever the steps necessary to get this accomplished we'll do it.' Lingle said."

"OHA Chairwoman Haunani Apoliana said yesterday the agency will continue its unified positions on recognition, as well as on the implementation and organizing of the proposed native governing entity.

"It's great to be part of a team, working with our congressional delegation and our governor,' Apoliana said."

Inouye is quoted as follows, "I came to this meeting hopeful. I leave the meeting enthused and extremely gratified with the governor's position. With her leadership, together with the coordinated effort of the OHA people and the congressional delegation, we'll have it done."

A news item of the Washington Bureau of the Advertiser published in the June 28, 2003, issue reported that Micah Kane, director of the state Department of Hawaiian Homelands, had traveled to Washington, D.C., to meet with officials. The article stated, "Hawaii officials are pressing White House and Republican officials to again appeal for Native Hawaiian recognition as they await a decision from the White House and the Justice Department about their position on the legislation." Kane was a 2002 chairman of the Hawaii Republican Party, following Linda Lingle, and appointed by Governor Lingle as the director of the Department of Hawaiian Homelands.

The State Attorney General, Mark Bennett, made a lobbying trip to Washington, D.C., in support of the Akaka bill following Governor Lingle's trip in February, 2003.

Governor Lingle, her legal advisers, cabinet officials and the attorney general are making substantial expenditures of public funds and using public time in promoting and lobbying for passage of the Akaka bill including lobbying trips to Washington, D.C. It's apparent that the Governor and her executive staff are

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also working with and supporting the promotion and lobbying activities of the OHA Trustees including their expenditures made for lobbying trips to Washington, D.C., lobbying offices and staff in Washington, D.C., attorney fees, newspaper and TV ads, time donated by employees and community organizations.

3. Chapter 10, RLH, includes requirements of the Trustees to submit to the governor a budget and an annual report. Not less than 20 days prior to the convening of each regular session the Trustees are required to submit to the legislature an accounting of expenditures made in the prior fiscal year. The legislature is also required to consider the Trustees' program and financial plan. The governor and the legislature clearly have statutory responsibility regarding the management of the trust and expenditures made by the Trustees.

4. The introduction of the Akaka bill by the State Congressional delegation and the enactment of the bill by Congress is a Federal legislative matter. It's a partisan issue to benefit a class of citizens of Hawaii to be defined in the bill on a classification of race. It's a special interest legislation which includes the transfer by the State of Hawaii, under state legislation contemplated under the Act, of an enormous wealth of public land, resources and assets of the state to a Federal entity for the exclusive benefit of those citizens qualified under the Act. All non-Hawaiians of the state are to be divested of that public property under the Act.

If the promotion and lobbying for enactment by Congress of the Akaka bill with the expenditure of public funds were within the Constitutional powers of the state, it would require legislative action by the state legislature to authorize the expenditure of public funds for such purpose, and the appropriation of those funds. Without such legislation the Executive Branch is without the power or jurisdiction to make such expenditures. OHA as a state agency under no circumstances has the power to make the expenditures that agency has made for such purposes over the past four years.

5. A probe by a grand jury on the subject matter of disbursements of state funds for the aforementioned purposes made by the Trustees and government officials could result in findings of criminal liability in the disbursement of government funds, and there could result civil liability. OHA Trustees and state officials should, in my view, immediately cease all use of state funds and public time in regard to the support, promotion and lobbying for the Akaka bill.

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M. 1. The dynasty of Kamehameha established in the year 1795, existing for a century when repudiated by the Provisional government with the removal of Lydia Liliuokalani as queen in 1893, was a privileged class of the crown and the chiefs (aliis) that governed the Hawaiian Islands and owned all the wealth of that government. The ownership of the crown lands is illustrated by the action of the crown in 1848 giving in fee simple 1,600,000 acres of the crown land to the chiefs (aliis), or 2/5 of the entire land area of the Hawaiian Islands. Upon repudiation of the crown in 1893 there remained as crown lands a total of 1,800,000 acres. Upon annexation in 1898 that land was taken over by the United States and is today Ceded Land.

Hawaii citizens of Hawaiian ancestry today are advocating reversing the order, and under the provisions of the Akaka bill becoming the privileged class in Hawaii government in place of the deposed monarchy, and receive the largesse of Ceded Land, resources and government funds.

The purpose and effect of the introduction in Congress of the Akaka bill with its emphasis on race, racial distinction between American citizens, and the granting of millions of dollars in public property, is to establish a welfare entity of citizens of Hawaiian ancestry with the transfer to that entity of enormous wealth of public land, resources and assets, to be taken on a discriminatory basis for their exclusive benefit from public land, resources and funds of all citizens of the State of Hawaii, with an effective segregation of those beneficiaries from the non-Hawaiian citizens of the State of Hawaii.

2. The Hawaiian delegation through declarations of the Akaka bill are asserting there are legal rights and interests of citizens of Hawaiian blood living today, which justify and entitle them to have governmental powers and jurisdiction, and vast wealth of public land, resources and assets of the State of Hawaii. It is fundamental that under the Declaration of Independence and the Constitution of the United States adopting a republican form of government that such rights and interests do not exist.

N. 1. The Akaka bill states, Sec. 4.(b) PURPOSE -- The purpose of this Act is to provide a process for the recognition by the United States of the Native Hawaiian governing entity for the purpose of continuing a government-to-government relationship. And under Sec. 7.(b)(6), to be the "representative governing body of the Native Hawaiian people." Emphasis added.

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Legally, in my view, the governmental status of the Hawaiian entity if the Akaka bill becomes law would be a federal agency limited to federal jurisdiction under the Department of the Interior, without legal or other authority within the State of Hawaii.

But the language of the bill implies a broader meaning for application of the Act. The literal meaning of the provisions that the Hawaiian entity shall be, "the representative governing body of the Native Hawaiian people," and to have, "government-to-government relationship" with the United States, is that the Hawaiian entity is established as a governmental agency to exist as an independent foreign nation in relation to the United States and the 50th State of the United States. One newspaper editorial version of the bill (Star-Bulletin 7-25-2003), and others in effect, states, "In effect the federal government would recognize Hawaiians as a native population, as they already do American Indians and Native Alaskans."

A further interpretation would be that the Native Hawaiian governing entity of citizens of Hawaii having a trace of Hawaiian blood would exist simultaneously with the State of Hawaii and within the same geographic boundaries of that state. That interpretation is most likely to be asserted by citizens of Hawaiian ancestry. Two governments with the same jurisdiction.

Whatever the interpretation and application of the Act, the Act would create discord, disagreement, dissension and conflict, and would be divisive within the Hawaii society.

2. It's fundamental, that the stipulations in the bill cited above are in violation of the United States Constitution as no power is granted by the States of the United States to Congress to establish a separate governing body over a segment of citizens of a state, or of citizens generally. Further, that the bill provides for a classification of race in violation of the United States Constitution.

O. 1. The 1,800,000 acres existing as crown land of the Kamehameha dynasty in 1893, upon annexation of the Hawaiian Islands as a territory by the United States in 1898 became public land of the United States. Upon admission of the Territory of Hawaii by the United States as the 50th State in 1959 that land, referred to as Ceded Land, became public land of the State of Hawaii. Lawfully, all application of the use of that land and the revenue therefrom is required under the United States Constitution to be applied by the state for the use and benefit of all citizens of the state, with no part thereof being applied for the exclusive use and benefit of a segment of citizens based on

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Hawaiian ancestry. It's a fiscal reality that every dollar of Ceded Land revenue applied by the state for the benefit of citizens of Hawaiian ancestry is taken from and is an effective tax on non-Hawaiian citizens of the state. Statutory laws of the Federal and State of Hawaii governments providing for such application on a racial classification are unconstitutional. It is a governmental obligation of the Executive and Legislative branches of the governments of the United States and State of Hawaii by appropriate legislation, to have all laws mandating the application of Ceded Land and revenue therefrom for the benefit of citizens of Hawaiian ancestry be revoked and nullified, and the land and its revenue be applied for the use and benefit of all citizens of Hawaii.

2. The State of Hawaii and the City and County of Honolulu are experiencing major shortfalls throughout their governmental departments with elimination or reduction of governmental services including, as an example, hospital services, junior college courses and police guards at schools protecting children from traffic. The 9.6 million of Ceded Land revenue paid to OHA under a recent order of the governor and state legislature would have assisted in good measure in providing those services.

P. 1. In 1893, the year the Provisional government repudiated the Kamehameha dynasty, the total population of Hawaii was about 90,000 with 34,500 of pure Hawaiian blood, about 6,000 of a mixed blood with Hawaiian ancestry, and 50,000 non-Hawaiians. According to the U.S. Census in 1970 the total population of the Hawaiian Islands was 773,632 with 125,224 part-Hawaiians and 7,697 pure Hawaiians. In the year 2003, I understand the total population of the Islands is about 1,200,000 with about 240,000 part-Hawaiians. On the mainland there are perhaps 100,000 part-Hawaiians. The 240,000 citizens of Hawaiian ancestry include the largest bloc of voters in the state. And the numbers will multiply and the blood line will thin.

2. Newspaper headlines dramatized during the period of the 2002 election that the Hawaiian vote was critical for election. An Advertiser article of 3-3-2002 included one headline that "HAWAIIAN VOTE KEY IN RACE FOR GOVERNOR". The article quoted Linda Lingle as stating, "Lingle said the Hawaiian vote will be critical in the campaign this year, and that her record on Hawaiian issues as Maui mayor makes her a good candidate to tap support in that group." The article related that "Lingle courted the Hawaiian vote in her 1998 campaign against Cayetano," citing her actions on Maui relating to Hawaiian homestead lands including waiving taxes and eliminating building regulations, and her appointment of Hawaiians to top cabinet positions.

The Republican Party in Hawaii with Linda Lingle as chairwoman, more like the Lingle Party, in its 2002 State Convention adopted in its party platform support of the Akaka bill. When that action was taken Mark Bennett was the attorney for the Republican Party. Linda Lingle as candidate for governor of the state actively endorsed and promoted the Akaka bill throughout her campaign. She met with various Hawaiian organizations espousing that cause, and declared that upon election as governor she would actively support the Akaka bill and would lobby for the bill with members of Congress and committees on a trip to Washington, D.C. She espoused support of homes to be built on HHCA land. A recent appropriation of 11 million was made by Congress for that purpose, following a similar appropriation made in 2002. She stated upon her election she would renew Ceded Land payments to OHA held up by Governor Cayetano. Immediately upon her election she ordered release of those funds. The legislature followed with a 9.6 million appropriation for that purpose. Early in her campaign Lingle advocated the nomination of a "Native Hawaiian" as a candidate for lieutenant governor in the primary election to be her running mate in the general election. A candidate, Duke Aiona, was nominated, and elected in the general election. He reportedly is of 1/8 Hawaiian extraction, which served Lingle's purpose. An opposing candidate of Aiona of Hawaiian ancestry stated during the campaign that Lingle's endorsement of a candidate on the basis of "ethnicity" was an "insult to ethnicity". In February, following her inauguration as governor, Lingle made the lobbying trip to Washington, D.C., with members of her staff including legal advisers, and met with members of Congress and the Bush Cabinet in support of the Akaka bill, and testified before the Indian Affairs Committee in support of passage of the Akaka bill by Congress.

The Akaka bill is legislation that has been pending before Congress for the past four years. It has no relation to governmental or fiscal matters of the state. Its objective and purpose are to establish a Federal agency of citizens of Hawaiian ancestry, with the transfer to that agency for their sole benefit, government land, resources and assets of the State of Hawaii, that government property to be denied to the non-Hawaiian citizens of the state.

3. During the period of Linda Lingle's campaign for governor I submitted a letter to her, dated September 5, 2002, in which I stated basis for opposition to enactment of the Akaka bill, and that the bill was legislation before Congress and should not be relegated to an election issue between candidates for political office in a state election. I enclose a copy of that letter.



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With my letter to Governor Lingle dated September 5, 2002, I enclosed a copy of my letter to Congress, dated November 23, 2001, in opposition to the Akaka bill introduced in 2001. That bill and the 2003 bill are effectively the same bills. For your information and guidance I enclose a copy of the letter. My review is necessarily lengthy to cover the subject matter and the gravity of its implications.

4. Americans today, including those of Hawaiian ancestry living in Hawaii are a society of people of a single race and mixed races and nationalities, all living together in a peaceful, enriching and industrious American society. Those of Hawaiian ancestry are beloved and esteemed members of our society. But they relate their lives to Hawaiian ancestry to assert claims for rights, lands, resources and other financial interests on a racial basis. And they demand and expect their fellow Americans in Hawaii to contribute and satisfy for their benefit their claims for lands and financial interests. Citizens of Hawaiian ancestry in Hawaii consisting of one-fifth of the total population of the Islands compose a large bloc of registered voters in Hawaii. And the Lingle campaign was actively focused throughout the gubernatorial campaign on the Hawaiian vote. Next office -- U.S. Senate.

5. In my observation of the political environment in Hawaii over the past six decades I have never recognized any reference or emphasis on race in any earlier political activity or campaign for office. Nor do I recall the daily newspapers publishing articles relating to or emphasizing any racial aspects or influence in regard to any local election. In the past election the Advertiser published lead articles relating to the Hawaiian vote, and at least one headline and article relating to the Filipino vote. If race is to be used or applied by local politicians in our local society, which is the personification of racial harmony, peace and understanding of people of different racial background, it will be a disruptive, saddening and shameful experience for our entire society. And I trust racial groups and organizations will refrain from using their race for espousing and promoting the election of political candidates for office or a cause. The two major political parties in Hawaii should eliminate and never permit any action having a racial cause or connotation. Also, the daily newspapers should refrain from publishing articles dramatizing racial voting or causes unless the articles are for constructive purposes.

Q. 1. Linda Lingle recently filed an affidavit in the U.S. District Court in the Arakaki case, in court on the issue of the admission policy of the Bishop Estate Trustees limiting educational benefits to students of Hawaiian ancestry. The affidavit states, "I support Kamehameha Schools and its admission policy of giving preference to applicants of Native Hawaiian ancestry as a way to correct the result of historical injustices done to the

Page 28

Native Hawaiian people." In reference to the statement of historical injustice, for over a century the United States has assisted the Hawaiian people in their development and livelihood with equal rights and opportunity, and have provided a government with justice and equality. No injustice to the Hawaiian people has ever been perpetrated by the United States or its people, and particularly in respect to the annexation of the Hawaiian Islands as a territory, and later admitting the Hawaiian Islands as the 50th State of the United States.

I question Linda Lingle's right as governor to file an affidavit in support of educational benefits provided by the Bishop Estate limited to students of Hawaiian ancestry, with denial of those benefits to non-Hawaiian students. The Bishop Estate is a charitable trust with income tax exemption. The issue is before the court to make a judicial determination. Lingle's affidavit as a lay person relates to a policy matter which is not relevant before the court. As governor representing all citizens of the state she is opposing the rights and interests of those of the one million non-Hawaiian residents denied those educational benefits. If the legality of her act in filing the affidavit is not an issue, then certainly the propriety of her filing the affidavit is questionable.

2. Trustees of OHA in the past have proposed a prison be built by OHA for the confinement of prisoners of Hawaiian ancestry. Recently a newspaper item stated the Lingle administration has been discussing the possibility of a state prison being built on Hawaiian Homes Land. Again racial issues and relations would be involved with governmental and public affairs, which would be harmful to all public interests.

AA. CONCLUSION. 1. Under the doctrine of the American way of life the principles are that all citizens have equal rights and equal opportunity to educate, cultivate and develop themselves, with success and happiness in their lives. Attainment in life is an individual process. The Federal government understands this and limits affirmative action and welfare. A basic principle in the American way of life is there is no segregation or isolation of anyone or any group in the American society. A civil war was fought over that cause with 600,000 loss of life.

Under the provisions of the Akaka bill there would be a segregation of citizens of Hawaiian blood based on their ethnicity. There would be established a Federal entity to be their governing body based on ethnicity, with the transfer to that entity of public property of the State of Hawaii in excess of a billion dollars. That wealth would be taken from and contributed by the one million non-Hawaiian citizens of the state, and removed from their jurisdiction. It would be applied as financial assistance and welfare for those of an ethnicity to qualify as citizens of that agency, which would be in addition

Page 29

to the millions of dollars of existing charitable benefits, and annual grants of the federal government provided for their benefit. All funds applied would be free from taxes.

2. There exists today and over past years, government and community concerns regarding the failure of a large percentage of persons of Hawaiian ancestry in becoming educated, being law abiding, employed and progressive, with a resulting poor standard and quality of life. This should be reversed and not perpetrated by harmful legislation. The Hawaiian community and organizations are vigorously pursuing and advocating the legislation negative to their best interests, and recently have been organizing their youth in that cause. They should look to and undertake positive efforts for their well being, their children and their descendants, and not seek to relate their beautiful and charming culture to government assistance. Their culture will be here forever regardless.

BB. The State of Hawaii and the City and County of Honolulu mayoral administration for years have suffered under the old-boy sometimes scandalous one-party system of politics. The citizens of Hawaii have risen above and are rejecting that unsavory influence in Hawaii politics and have adopted the American standard of two party politics, with checks and balances throughout the system. For the benefit of citizens and in the interest of good government it should prevail and continue as the system of government throughout the state. If there is going to be corrective action on the issues reviewed herein, it will require a forceful and vigorous non-partisan undertaking by the members of the State Senate and House of Representatives. In the interest of good, reliable, sound and judicious function and affairs of the government of the State of Hawaii, there should be accomplished the required non-partisan corrective action by the State Legislature regarding all aspects of my review.

\* \* \* \* \*

The subject matter of this review effects and is of concern of governmental, business and private citizens. In their interest a copy will be provided a number of those citizens.

\* \* \* \* \*

The undersigned is a veteran of World War II and a retired lawyer, having practiced for 30 years in Honolulu, Hawaii, as a senior partner with an established law firm.

Respectfully submitted,

*Harold W. Conroy*  
HAROLD W. CONROY

Encl.

Mar 02 05 05:24p

P. 2

### BRUCE FEIN & ASSOCIATES

910 SEVENTEENTH STREET, N.W. SUITE 800  
WASHINGTON, D.C. 20006

TELEPHONE: 202-775-1776  
FACSIMILE: 202-478-1664  
WWW.FEINANDFEIN.COM

March 2, 2005

Honorable John McCain  
Chairman, Senate Subcommittee on Indian Affairs  
United States Senate

RE: Hearing in Hawaii on S.147

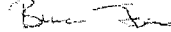
Dear Mr. Chairman:

I strongly urge the Committee to hold hearings on S.147 in Hawaii before voting on the proposed legislation to create a race-based government entity for Native Hawaiians with endowed with potentially vast sovereign power. I have addressed the Akaka bill on numerous occasions during my current visit to the State. Its implications for the citizens of Hawaii are profound. If enacted, the bill could cripple private enterprise and government revenues by shielding businesses operated by Native Hawaiians or the Native Hawaiian government from taxes and customary state and federal regulations, such as labor, environmental, occupational health and safety, and companion strictures. The Native Hawaiian government could take land by eminent domain for the benefit of Native Hawaiians. Moreover, the race-based distinction celebrated by the proposed legislation would divide citizens by ancestry, a poison that has convulsed communities wherever it has been embraced.

In sum, it would seem folly and disrespectful of the citizens of Hawaii to vote on legislation with such profound consequences for their State without conducting a hearing there where the authentic sentiments of all inhabitants of Hawaii can be more richly and acutely appreciated. A hearing in Hawaii would seem especially compelling because the Akaka bill withholds a requirement for a popular plebiscite to authorize the new Native Hawaiian government.

I am grateful for your considerations and convinced that the Committee will act honorably and responsibly on the suggestion of a hearing in Hawaii.

Sincerely,



Bruce Fein

583

**Na`A`ahuhiwa**  
5088 Po`ola St.  
Honolulu, HI 96821

(808) 373-4258

The Honorable John McCain, Chair of the Senate Committee on Indian Affairs, and  
Committee Members

Gentlemen:

Na`A`ahuhiwa, an organization of retired Native Hawaiian judges, urges your  
committee's favorable consideration of S. 147, the Akaka Bill.

The English translation of Na`A`ahuhiwa is "The Black Robes." Our membership is  
composed of retired Native Hawaiian judges who have presided on all levels of the  
Hawaii judicial system and in the United States District Court. Among the purposes of  
the organization are the promotion of justice within the community, support for efforts to  
improve the condition of Native Hawaiians, fostering of Hawaiian independence and self-  
government, and advocacy regarding issues affecting Native Hawaiians and Hawaii.

The Akaka Bill seeks to formalize a long-standing relationship between Native  
Hawaiians and the United States. Upon enactment, the Bill will give Native Hawaiians  
the opportunity to exercise their right of self determination by establishing for themselves  
the jurisdiction and functions of their own government and the rights and responsibilities  
of its citizens.

The bill affords Native Hawaiians the right to achieve the same status enjoyed by Native  
Americans and Alaskan Natives as indigenous people of their native homelands.

Na`A`ahuhiwa urges your committee to act favorably on S. 147 in its present form.

Very truly yours,  
Walter M. Heen  
President

**Indian-Affairs, Testimony (Indian Affairs)**

---

**From:** JAMES DOWD [mypoustinia@email.msn.com]  
**Sent:** Monday, March 07, 2005 12:11 AM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Cc:** Sullivanp003@Hawaii.rr.com  
**Subject:** Testimony against S147

Dear Committee on Indian Affairs,

I would like to enter into the Record as testimony against the Akaka bill the analysis of the Akaka bill which was done by Paul M Sullivan of Honolulu, Hawai'i. I believe that each member of the Committee considering S147 should read and carefully weigh the observations and considerations that Mr. Sullivan shares with us.

Attached to this email to the Committee is a .pdf file which is the 69-page document prepared by Mr. Sullivan.

Sincerely,

James Dowd  
c/o PO Box 1177  
Frederick, Colorado  
80530  
[MyPoustinia@msn.com](mailto:MyPoustinia@msn.com)  
720-270-3229

3/11/2005

**Indian-Affairs, Testimony (Indian Affairs)**

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**From:** Suyates1@aol.com  
**Sent:** Friday, March 11, 2005 7:24 PM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** In Favor

Hello:

I firmly believe the Akaka bill should be passed. I am American born, caucasian, but my son is part-Hawaiian. The story of his family is the story of Hawaii. They are left with very little although their genealogy goes back more than 1,000 years and includes many outstanding Hawaiians of high rank.

I believe the federal recognition will do much to restore peace to Hawaii, in spite of what adversaries may say. It will do much to reduce the suffering of Hawaiians, which has manifested health wise, among other ways.

I am a health professional with a graduate degree from the University of Hawaii former School of Public Health. I am an active citizen of Hawaii and a hardworking, middle class single Mom.

Thank you and please pass S. 147. Thank you and Aloha, Susan Yates, 1312 Alapai Street, Apt. 11, Honolulu, Hawaii 96813

3/15/2005

**Indian-Affairs, Testimony (Indian Affairs)**

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**From:** bill lewis [wrl4@mac.com]  
**Sent:** Tuesday, March 08, 2005 9:38 PM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** Akaka Bill

Testimony on the Akaka Bill:

The Akaka Bill is a bad bill and will create more problems than it will solve. To understand this issue and make good judgments, one must read the "real" history of Hawaii, conduct in depth hearings on ALL the islands, then and only then, consider what is the best solution in a 21st Century World.

Hawaii is a sovereign nation, and needs to be recognized as such, by the United States and all other countries in the world. A great injustice was done to a proud people a little over 112 years ago, and has been perpetuated ever since by our government and the acquiescence of its people (us).

Righting this wrong, could go a long way towards mending how we are perceived in the world.

Bill Lewis  
206 n 4th ave  
Sandpoint, Id 83864  
208 265-4338  
FREE HAWAII NOW!!

3/10/2005



**Indian-Affairs, Testimony (Indian Affairs)**

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**From:** Tracey and Leo Smith Ornellas [traceyleo2@hotmail.com]  
**Sent:** Monday, March 07, 2005 2:40 AM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** S147, the Native Hawaiian Government Reorganization Act of 2005

Dear Senator ( McCain)  
Indian Affairs Committee  
United States Senate

I am writing to ask that you vote against reporting S147, the Native Hawaiian Government Reorganization Act of 2005, favorably to the full Senate when your committee meets this coming Wednesday March 9th to discuss the bill.

Hawaiians are overwhelmingly opposed to this legislation.

This bill will transfer the state of Hawaii's federally delegated responsibility for the betterment of Native Hawaiians back to the federal government.

The state of Hawaii, as a condition of statehood, was ceded nearly two and a quarter million acres of land with which to meet its obligations to the federal government and Native Hawaiians.

Much of the land the federal government transferred to the state for the "betterment of the conditions of Native Hawaiians" remains vacant or is leased to non-Hawaiians.

Why would the federal government want to assume a responsibility it delegated to the state of Hawaii by adding nearly half a million Hawaiians to financially and legally troubled federal Indian policy when the state of Hawaii has nearly two and a quarter million acres of land at its disposal with which to meet its obligations?

In the face of ominous federal budget problems, particularly with respect to federal Indian policy, the proposal of the Hawaii congressional delegation is one that will benefit only narrow land interests in Hawaii at the expense of the federal government and Hawaiians.

Additionally, if passed into law, S147 will surely face years of litigation in the federal courts.

The state of Hawaii has the means to comply with the Statehood Act and it should be compelled to do so, not rewarded for its failure to do so.

Please vote against S147 at the Committee business meeting on Wednesday, March 9th 2005.

Thank you,

Stanley Haleakala Ornellas  
487 Palani Place  
Wailuku, Hawaii 96793  
(And one time former Phoenix resident)

(808) 244-3320

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MSN Messenger: instale grátis e converse com seus amigos.  
<http://messenger.msn.com.br>

**Indian-Affairs, Testimony (Indian Affairs)**

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**From:** JAMES DOWD [mypoustinia@msn.com]  
**Sent:** Saturday, March 05, 2005 2:19 PM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Cc:** MyPoustinia@msn.com  
**Subject:** For the Record: Testimony against S147

For the Record:  
United States Senate Committee on Indian Affairs  
838 Hart Senate Office Building  
United States Senate  
Washington, DC 20510

Dear United States Senate Committee on Indian Affairs:

I am a long-time student of the reality of what has gone on with Hawai'i. I am writing to ask that you vote against reporting S147, the Native Hawaiian Government Reorganization Act of 2005, favorably to the full Senate when your committee meets this coming Wednesday March 9th to discuss the bill.

My research into this matter indicates that Hawaiians are overwhelmingly opposed to this legislation, and understandably so.

This bill will transfer the state of Hawaii's federally delegated responsibility for the betterment of Native Hawaiians back to the federal government.

The state of Hawaii, as a condition of statehood, was ceded nearly two and a quarter million acres of land with which to meet its obligations to the federal government and Native Hawaiians.

Much of the land the federal government transferred to the state for the "betterment of the conditions of Native Hawaiians" remains vacant or is leased to non-Hawaiians.

Why would the federal government want to assume a responsibility it delegated to the state of Hawaii by adding nearly half a million Hawaiians to financially and legally troubled federal Indian policy when the state of Hawaii has nearly two and a quarter million acres of land at its disposal with which to meet its obligations?

In the face of ominous federal budget problems, particularly with respect to federal Indian policy, the proposal of the Hawaii congressional delegation is one that will benefit only narrow land interests in Hawaii at the expense of the federal government and Hawaiians.

Additionally, if passed into law, S147 will surely face years of litigation in the federal courts.

The state of Hawaii has the means to comply with the Statehood Act and it should be compelled to do so, not rewarded for its failure to do so.

Please vote against S147 at the Committee business meeting on Wednesday, March 9th 2005.

Sincerely,

James Dowd  
PO Box 1177  
Frederick, Colorado 80530  
720-270-3229  
MyPoustinia@msn.com

**Indian-Affairs, Testimony (Indian Affairs)**

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**From:** Dennis W von Blucher [dvblucher@juno.com]  
**Sent:** Monday, March 07, 2005 9:28 AM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** Fw: Hawaiian Sovereignty

----- Forwarded message -----  
From: Dennis W von Blucher <dvblucher@juno.com>  
To: webpage@indian.senate.gov  
Date: Mon, 7 Mar 2005 08:27:02 -0600  
Subject: Hawaiian Sovereignty

UNITED STATES SENATE COMMITTEE ON INDIAN AFFAIRS  
838 HART SENATE OFFICE BUILDING  
UNITED STATES SENATE  
WASHINGTON, DC 20510

OFFICIAL STATEMENT

IT IS TIME TO CORRECT MANY ERRORS COMMITTED BY THE UNITED STATES ON THE SOVEREIGN NATION OF THE KINGDOM OF HAWAII.

BEING FULLY AWARE OF THE CRIMES COMMITTED BY THE UNITED STATES SINCE 1893 ON THE KINGDOM OF HAWAII, IT BECOMES CLEAR THAT THERE IS ONLY ONE WAY TO CORRECT THE SITUATION WHICH IN NOW OF RECORD AND THAT IS TO WITHDRAW AND TO FULLY RESTORE ALL RIGHTS OF SOVEREIGNTY TO THE PEOPLE AND KINGDOM OF HAWAII WITHOUT RESTRICTIONS.

THE CRIMINAL ACTS AGAINST THE KINGDOM OF HAWAII BY THE UNITED STATES OF AMERICA HAVE BEEN APOLOGIZED FOR BY THE UNITED STATES WHICH LEAVES ONLY ONE ACT TO LEGALLY FOLLOW AND THAT IS TOTAL RESTORATION TO SOVEREIGNTY AS THE KINGDOM OF HAWAII.

AS THE UNITED STATES IS PUTTING FORTH TODAY: FREEDOM IS NOT JUST A WORD.

NOW YOU MUST FREE THE NATION OF HAWAII FROM THE ILLEGAL CONTROL OF THE UNITED STATES

THE TIME HAS COME TO DO SOMETHING RIGHT FOR A CHANGE!

SINCERELY,

HSH PRINCE DENNIS VON BLÜCHER  
DOCTOR OF INTERNATIONAL DIPLOMATIC RELATIONS

**Indian-Affairs, Testimony (Indian Affairs)**

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**From:** Scott Crawford [scott@aloha.net]  
**Sent:** Friday, March 04, 2005 1:12 AM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** S.147: Hawaiian Kingdom was not "Native Hawaiian government"

Committee on Indian Affairs  
United States Senate  
836 Hart Office Building  
Washington, DC 20510

Re: S. 147

Dear Chair McCain and Honorable Members of the Committee:

In her March 1 testimony before your committee in support of the Native Hawaiian Government Reorganization Act of 2005, Gov. Linda Lingle testified that annexation "effectively subordinated the Native Hawaiian government to the federal government. Hence the United States' relationship to the people governed by the Native Hawaiian government was political, not racial, in nature."

One problem with this statement is that the Hawaiian Kingdom was not a Native Hawaiian government, any more than the state government today is a Native Hawaiian government or the government of the United States is a European-American government.

A review of the naturalization registry of the Hawaiian Kingdom reveals naturalized Hawaiian citizens from China, Great Britain, Germany, Portugal, Italy, Spain, France, Switzerland, Norway, Sweden, Denmark, Holland, Austria, Hungary, Prussia, Mexico, Chile, Ecuador, Australia, New Zealand, Tahiti, Samoa, Africa, Jamaica, Canada, India, the United States, etc.

Children born in Hawaii were automatically citizens regardless of their race or their parents' place of origin.

The government had many non-Native Hawaiians serving in the executive, legislative and judicial branches. Citizens of all races voted for the government.

So it is just plain wrong to say Hawaii had a "Native Hawaiian government" under the Hawaiian Kingdom, and to justify a political relationship with the Native Hawaiian people based on this.

The governor either doesn't know the basics of Hawaiian history, or is intentionally deceiving the members of your committee.

Scott Crawford  
PO Box 645  
Hana, HI 96713  
808-248-8808

**Indian-Affairs, Testimony (Indian Affairs)**

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**From:** Mike Rethman [rethman@hotmail.com]  
**Sent:** Saturday, February 26, 2005 2:08 AM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** S147 is no good!

Aloha Committee members:

Re: S 147

This bill, repeatedly introduced by our Senators from Hawaii, would not only be bad law, it would be bad for Hawaii's citizens and for the United States.

Ever since President Clinton's 1993 ill-advised "apology" for the so-called "American role in the takeover of Hawaii" there has been a persistent drumbeat for some sort of sovereignty or other payoff by some of those U.S. citizens who can trace their ancestors back to native Hawaiians. This is unfortunate and it's time to nail the coffin shut on this concept so that a few "leaders", including our Democratic Congressional delegation and our Republican Governor (who has no real choice) can no longer dangle this boondoggle as political payola.

The prospect of the Akaka Bill becoming law holds back those citizens who need and ought to fully understand that the way to get ahead in America is to study and work hard... not to wait for a handout. Unfortunately, the Democrat Party in this state (and sorry to say, some Republicans) would rather cynically cement-in political favors and the social status quo than repeatedly explain that success is self-wrought... not bought or gifted. (They might actually have to fix our woeiful public schools -- schools that none of them attended, or their kids. Kind of like the D.C. public schools!)

If you need an example of where the minds of some of these leaders are, witness that the recent invitation of the notorious Ward Churchill to speak at the University of Hawaii came AFTER Churchill had gained noteriety for his anti-American tomes in which he called the victims of 9/11 "little Eichmanns." Many of the Hawaiian sovereignty agitators were Chuchill's fans here in the Aloha State.

Last, S147 is probably unconstitutional. See Rice v. Cayetano (U.S. Supreme Court decision against racial preferences in Hawaii) for some of the reasons why.

Thanks for your hard work on behalf of all the citizens of the United States.

Warm regards,

Mike Rethman DDS,MS  
47-140 Heno Place  
Kaneohe, HI 96744  
808-239-7973

**Indian-Affairs, Testimony (Indian Affairs)**

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**From:** The Hawaiian Foundation [info@hawaiianfoundation.org]  
**Sent:** Wednesday, March 09, 2005 3:01 PM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** re: Akaka Bill

As a Hawaiian, I do NOT want the Akaka Bill to protect me. We already have our civil rights which should protect us. Also it forces Hawaiians to abide by American ways not by Hawaiian ways which is not sovereignty. Vote NO on the Akaka Bill.

Lana Ululani Robbins  
The Hawaiian Foundation, Inc.

3/10/2005

**Indian-Affairs, Testimony (Indian Affairs)**

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**From:** Tony Castanha [castanha@hawaii.edu]  
**Sent:** Tuesday, March 08, 2005 12:12 AM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** Vote NO on S147

United States Senate Committee on Indian Affairs  
838 Hart Senate Office Building  
United States Senate  
Washington, D.C. 20510

Greetings,

I am writing to ask that you vote against reporting S147, the Native Hawaiian Government Reorganization Act of 2005, favorably to the full Senate when your committee meets this coming Wednesday March 9th to discuss the bill.

Hawaiians are overwhelmingly opposed to this legislation.

This bill will transfer the state of Hawaii's federally delegated responsibility for the betterment of Native Hawaiians back to the federal government.

The state of Hawaii, as a condition of statehood, was ceded nearly two and a quarter million acres of land with which to meet its obligations to the federal government and Native Hawaiians.

Much of the land the federal government transferred to the state for the "betterment of the conditions of Native Hawaiians" remains vacant or is leased to non-Hawaiians.

Why would the federal government want to assume a responsibility it delegated to the state of Hawaii by adding nearly half a million Hawaiians to financially and legally troubled federal Indian policy when the state of Hawaii has nearly two and a quarter million acres of land at its disposal with which to meet its obligations?

In the face of ominous federal budget problems, particularly with respect to federal Indian policy, the proposal of the Hawaii congressional delegation is one that will benefit only narrow land interests in Hawaii at the expense of the federal government and Hawaiians.

Additionally, if passed into law, S147 will surely face years of litigation in the federal courts.

The state of Hawaii has the means to comply with the Statehood Act and it should be compelled to do so, not rewarded for its failure to do so.

Please vote against S147 at the Committee business meeting on Wednesday, March 9th 2005.

Thank you,

Tony Castanha  
3039 Alencastre Pl.  
Honolulu, Hawai'i 96816  
Tel. (808) 737-6097

**Indian-Affairs, Testimony (Indian Affairs)**

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**From:** Cindy Blankenship [cindyblankenship@charter.net]  
**Sent:** Saturday, March 05, 2005 5:44 PM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** S147

Dear Committe,

I am writing to ask that you vote against reporting S147, the Native Hawaiian Government Reorganization Act of 2005, favorably to the full Senate when your committee meets this coming Wednesday March 9<sup>th</sup> to discuss the bill.

*Hawaiians are overwhelmingly opposed to this legislation.*

This bill will transfer the state of Hawaii's federally delegated responsibility for the betterment of Native Hawaiians back to the federal government.

The state of Hawaii, as a condition of statehood, was ceded nearly two and a quarter million acres of land with which to meet its obligations to the federal government and Native Hawaiians.

Much of the land the federal government transferred to the state for the "betterment of the conditions of Native Hawaiians" remains vacant or is leased to non-Hawaiians.

*Why would the federal government want to assume a responsibility it delegated to the state of Hawaii by adding nearly half a million Hawaiians to financially and legally troubled federal Indian policy when the state of Hawaii has nearly two and a quarter million acres of land at its disposal with which to meet its obligations?*

In the face of ominous federal budget problems, particularly with respect to federal Indian policy, the proposal of the Hawaii congressional delegation is one that will benefit only narrow land interests in Hawaii at the expense of the federal government and Hawaiians.

Additionally, if passed into law, S147 will surely face years of litigation in the federal courts.

The state of Hawaii has the means to comply with the Statehood Act and it should be compelled to do so, not rewarded for its failure to do so.

Please vote against S147 at the Committee business meeting on Wednesday, March 9<sup>th</sup> 2005.

Thank you,

Cynthia Antuna  
476 A Siskiyou Blvd.  
Ashland, Oregon, 97537  
(541) 488-9176

3/10/2005



**Indian-Affairs, Testimony (Indian Affairs)**

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**From:** Lawrence G. Ebel [bud96792@hotmail.com]  
**Sent:** Monday, February 28, 2005 2:01 AM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Cc:** anne96792@hotmail.com  
**Subject:** opposition to S 147

Senate committee on indian affairs  
836 Hart office Bldg.  
Washington D. C. 20510  
Re: S 147

This bill is based on revisionist history, both American and Hawaiian. It is divisive, racially hateful, un-American, and surely will not stand a constitutional test. Our country is based on equality for all. The ensuing court challenges, sure to follow enactment of this bill, will bring a level of animosity that will tear at Hawaii and the entire country. This is purely an attempt to garner votes from the Hawaiian community by the democratic party here in my state. Yet even here in Hawaii it is not welcomed by many Hawaiians. It is a racially based power grab to sustain a failing political party that is hell bent on committing suicide, don't let them drag you and our country down. Please see this bill for what it is, a horrible example of power gone mad at the expense of our wonderful experiment in government. We have celebrated 229 years of trials and success don't you fail America now.

Respectfully submitted:  
Bud Ebel  
Lawrence G. Ebel  
84-854 Fricke St.  
Makaha, HI. 96792-1914  
(808) 696-8164  
bud96792@hotmail.com

**Indian-Affairs, Testimony (Indian Affairs)**

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**From:** hawaiiannews@hawaii.rr.com  
**Sent:** Thursday, March 03, 2005 10:30 PM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** Refer S147 to JUDICIARY COMM.

March 3, 2005

Dear Senator McCain and Committee,

I am sure you are aware from Governor Lingle that Hawaii's economy, as well the proposed U.S. military expansion plans for Hawaii, will benefit indirectly by respecting the Native Hawaiians with the passage of this controversial bill, but could you do justice to all who believe in the "Rules of Law" and refer the bill to the Judiciary Committee for review before sending it to the Senate floor?

This "one small step" could build a brighter future for all who believe in America's judiciary system and upon which our Queen Lili'uokalani had FAITH in when she turned to the United States to protect her small peaceful democratic independent nation in 1893.

We, those who are Hawaiian Patriots and dual-American citizens under occupation, uphold her faith and commitment to waiting for true justice.

Mahalo nui loa,  
Ms. Toni Auld Yardley  
Hui Aloha Aina  
2053 Kula St.  
Honolulu, HI 96817  
Phone: (808) 595-4819

**Indian-Affairs, Testimony (Indian Affairs)**

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**From:** Na Kamakawiwoole [NaKamakawiwoole@hawaii.rr.com]  
**Sent:** Monday, March 07, 2005 11:28 AM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** Overwhelmingly Opposed to S147

March 7, 2005

Aloha Kaua,

I am writing to ask you to please vote **AGAINST** reporting S147, the Native Hawaiian Government Reorganization Act of 2005, favorably to the full Senate when your committee meets this Wednesday, March 9, 2005, to discuss the bill.

For me and my family we are **Overwhelmingly Opposed** to this Legislation.

We pray that you take our request to heart and may the light of God guide you in your decision making.

Please vote **AGAINST** S147 at the Committee business meeting on Wednesday, March 9, 2005.

Aloha ke Akua-God is Love,

Kahu Francis K. Kamakawiwo`ole Jr. & Family  
585 Kahako St.  
Lahaina, Hawai`i 96761  
808-661-9067

3/10/2005

**Indian-Affairs, Testimony (Indian Affairs)**

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**From:** Fred Lins [lins@globalinternetllc.com]  
**Sent:** Saturday, February 26, 2005 2:24 PM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** Reject S 147

I am a resident and small business owner in the State of Hawaii. I have lived here for 34 years and have enjoyed the benefits of this multiracial environment and observed the difficulties in maintaining a level distribution of rights to all races in spite of the natural tendencies for races to group based on race to achieve a measure of advantage over one another.

Senate Bill 147 proposes to elevate the rights of so called "Native Hawaiian's", a race determined by bloodlines, to that of a separate and superior racial group to the disadvantage of other groups of Americans that reside in this state. Such an action would seriously undermine the sensitive harmony between races that has developed here through our common efforts to act as one population of Hawaii State residents (all "Hawaiians" if the term had not been usurped by racists). The citizens of this State already suffer from various set-asides for "native Hawaiians". For example, these native Hawaiians already receive special schooling, rights to lease certain set aside land, special welfare programs, and lower tuition at State Universities. S 147, would not only further legitimize these racially discriminating disparities, but would also expand the scope of these special rights.

Please give S 147 the deep consideration that it requires and reject the Bill as an unnecessary and disruptive intervention into the lives of the citizens of the State of Hawaii and a potentially "bad precedence" for the equal rights of all citizens of the United States.

*Aloha -- Fred*

Frederick A. Lins  
President  
August Enterprises Inc.  
dba DataVault™  
4410 Pahoa Ave.,  
Honolulu, Hawaii 96813-5424, USA  
[www.datavault-hi.com](http://www.datavault-hi.com) <<http://www.datavault-hi.com>>  
808.284.2007, 808.737.5972 Fax  
888.539.8080 Toll Free, Fred\_Lins on Yahoo  
PGP Public Key@ <<http://pgp.mit.edu>>

3/10/2005

**Indian-Affairs, Testimony (Indian Affairs)**

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**From:** Jim Albertini [ja@interpac.net]  
**Sent:** Wednesday, March 09, 2005 2:52 AM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** S147

Dear Senator McCain and others,

I am a resident of Hawaii and I am opposed to S147, the Native Hawaiian Government Reorganization Act of 2005. I believe this bill is stepping away from real justice for Hawaii's native people, the Kanaka Maoli, and the real issue of ending 112 years of U.S. illegal occupation. Real justice calls for restoring the independent nation of Hawaii as a separate nation state from the United States.

Thank you for your consideration. Blessings of aloha to you.

Jim Albertini  
Malu `Aina Center For Non-violent  
Education & Action  
P.O. Box AB  
Ola`a (Kurtistown), Hawaii 96760  
Ph (808) 966-7622 [ja@interpac.net](mailto:ja@interpac.net)  
<http://www.malu-aina.org> <http://maluaina.pitas.com>

3/10/2005

**Indian-Affairs, Testimony (Indian Affairs)**

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**From:** hawaiiannews@hawaii.rr.com  
**Sent:** Tuesday, March 08, 2005 10:23 PM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** Akaka Bill needs Judiciary Review!

Dear Senator McCain and Committee,

Here is a letter from a Non-Native Hawaiian which supports my request for this bill to be referred to Judiciary for review. Please reconsider.

Ms. Toni Auld Yardley  
Hui Aloha Aina  
2053 Kula St.  
Honolulu, HI 96817  
Ph: (808) 595-4819

Honolulu Advertiser  
Tuesday, March 8, 2005  
Letters to the Editor

Akaka bill's impact needs clarification

The Associated Press reports that a U.S. Senate panel will soon vote on the Akaka bill. I am concerned that this vote may be taken without sufficient information on the justification and probable impact of the bill.

The subject bill proposes self-government for indigenous Hawaiians, similar to that of American Indians. As to justification for a separate indigenous government, American Indians had their land taken away by the U.S. government through treaty defaults. Hawai'i crown lands were transferred to the United States in connection with annexation at the request of the government of Hawai'i.

With respect to impact, American Indian self-governments generally have reservations on separate land areas. How would a native self-government function in Hawai'i without separate land reservations? In such a case, members of the native government and all other citizens of the state of Hawai'i would use the same state public services.

If the proponents of the separate indigenous government assume that the members of that government will not be obligated for state taxes to support the state infrastructure, there could be a real dilemma. Will the members of the Native Hawaiian government still receive the same federal benefits as all other citizens of the state of Hawai'i plus the special benefits negotiated directly with the federal government?

Frank Scott  
Kailua  
--

United States Senate Committee on Indian Affairs  
Indian Affairs Committee  
United States Senate

I am writing to ask that you vote against reporting S147, the Native Hawaiian Government Reorganization Act of 2005, favorably to the full Senate when your committee meets this coming Wednesday March 9<sup>th</sup> to discuss the bill.

*Hawaiians are overwhelmingly opposed to this legislation.*

This bill will transfer the state of Hawaii's federally delegated responsibility for the betterment of Native Hawaiians back to the federal government.

The state of Hawaii, as a condition of statehood, was ceded nearly two and a quarter million acres of land with which to meet its obligations to the federal government and Native Hawaiians.

Much of the land the federal government transferred to the state for the "betterment of the conditions of Native Hawaiians" remains vacant or is leased to non-Hawaiians.

*Why would the federal government want to assume a responsibility it delegated to the state of Hawaii by adding nearly half a million Hawaiians to financially and legally troubled federal Indian policy when the state of Hawaii has nearly two and a quarter million acres of land at its disposal with which to meet its obligations?*

In the face of ominous federal budget problems, particularly with respect to federal Indian policy, the proposal of the Hawaii congressional delegation is one that will benefit only narrow land interests in Hawaii at the expense of the federal government and Hawaiians.

Additionally, if passed into law, S147 will surely face years of litigation in the federal courts.

The state of Hawaii has the means to comply with the Statehood Act and it should be compelled to do so, not rewarded for its failure to do so.

Please vote against S147 at the Committee business meeting on Wednesday, March 9<sup>th</sup> 2005.

Thank you,

Zachary Kapule  
1302 Ilium Dr  
Lafayette, CO 80026

Dear Senator John McCain  
Indian Affairs Committee  
United States Senate

I am writing to ask that you vote against reporting S147, the Native Hawaiian Government Reorganization Act of 2005, favorably to the full Senate when your committee meets this coming Wednesday March 9<sup>th</sup> to discuss the bill.

*Hawaiians are overwhelmingly opposed to this legislation.*

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Much of the land the federal government transferred to the state for the "betterment of the conditions of Native Hawaiians" remains vacant or is leased to non-Hawaiians.

*Why would the federal government want to assume a responsibility it delegated to the state of Hawaii by adding nearly half a million Hawaiians to financially and legally troubled federal Indian policy when the state of Hawaii has nearly two and a quarter million acres of land at its disposal with which to meet its obligations?*

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Additionally, if passed into law, S147 will surely face years of litigation in the federal courts.

The state of Hawaii has the means to comply with the Statehood Act and it should be compelled to do so, not rewarded for its failure to do so.

Please vote against S147 at the Committee business meeting on Wednesday, March 9<sup>th</sup> 2005.

Thank you,

Kealii Makekau  
2563 Date st #312  
Honolulu Hi, 96826-5450



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**Indian-Affairs, Testimony (Indian Affairs)**

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**From:** Meleanna Meyer [aloha.meleanna@verizon.net]  
**Sent:** Wednesday, March 09, 2005 12:51 PM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** opposition to Akaka bill as drafted: Need for proper restitution for Hawaiians and return of lands

I am writing in opposition to to the Akaka bill as currently worded. It is full of mis-statements. Hawaiians are NOT indigenous peoples of the United States! We were an independent and sovereign nation beofre being taken over by foreign interests with the help of the US military. NO TO THE AKAKA BILL AS WRITTEN.

Sincerely,

Meleanna Aluli Meyer  
1068 Luna'anela St.  
Kailua, Hi. 96734

**Indian-Affairs, Testimony (Indian Affairs)**

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**From:** wpulu@comcast.net  
**Sent:** Sunday, March 06, 2005 11:40 AM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Cc:** wpulu@comcast.net  
**Subject:** S147

United States Senate Committee on Indian Affairs  
838 Hart Senate Office Building  
United States Senate  
Washington, DC 20510

I am writing to ask that you vote against reporting S147, the Native Hawaiian Government Reorganization Act of 2005, favorably to the full Senate when your committee meets this coming Wednesday March 9<sup>th</sup> to discuss the bill.

*Hawaiians are overwhelmingly opposed to this legislation.*

This bill will transfer the state of Hawaii's federally delegated responsibility for the betterment of Native Hawaiians back to the federal government.

The state of Hawaii, as a condition of statehood, was ceded nearly two and a quarter million acres of land with which to meet its obligations to the federal government and Native Hawaiians.

Much of the land the federal government transferred to the state for the "betterment of the conditions of Native Hawaiians" remains vacant or is leased to non-Hawaiians.

*Why would the federal government want to assume a responsibility it delegated to the state of Hawaii by adding nearly half a million Hawaiians to financially and legally troubled federal Indian policy when the state of Hawaii has nearly two and a quarter million acres of land at its disposal with which to meet its obligations?*

In the face of ominous federal budget problems, particularly with respect to federal Indian policy, the proposal of the Hawaii congressional delegation is one that will benefit only narrow land interests in Hawaii at the expense of the federal government and Hawaiians.

Additionally, if passed into law, S147 will surely face years of litigation in the federal courts.

The state of Hawaii has the means to comply with the Statehood Act and it should be compelled to do so, not rewarded for its failure to do so.

Please vote against S147 at the Committee business meeting on Wednesday, March 9<sup>th</sup> 2005.

Thank you,

Mr. & Mrs. William E. Pulu  
Address 5395 E. 131<sup>st</sup> Way  
City, State, Zip Thornton, CO 80241

To: Indian-Affairs, 1 testimony (Indian Affairs)

Subject: S.147 the Native Hawaiian Government Reorganization Act of 2005

Dear Senator and Chairman McCain,

The Senate Committee on Indian Affairs is convened to hear testimony in regards to S.147 the Native Hawaiian Government Reorganization Act of 2005. This e-mail and follow-up snail mail is my opportunity to register opposition to this bill on the following grounds:

- 1) The Hawaiian people are not a separate race from the Polynesian people. Indeed their habitation of the Hawaiian Islands was quite recent in human history, and the Hawaiian Islands were visited and populated by many of the people of Polynesia. Accordingly, I don't think it is wise to accord the Polynesian residents of the Kingdom of Hawaii at the time of annexation the title of a racial group.
- 2) The Hawaiian people have made every effort to assimilate with western society and no effort to maintain any kind of separation, as would a true native tribe. Hawaiians have experienced complete and total assimilation as witnessed by our own Hawaiian governor Waihee. There is simply no evidence that Hawaiians have acted like or even tried to be like a people or nation apart.
- 3) The Hawaiian Monarchy was just that, a monarchy. The citizens were not vested with sovereignty ever. There is not reclamation of "Hawaiian sovereignty", since the people of Hawaii did not have sovereignty to begin with.
- 4) Hawaiians are not disadvantaged in their access to public services. A person with Hawaiian ancestry has every bit as much access to public services as anyone else in Hawaii.
- 5) It is intrinsically wrong for our nation to bestow special privilege on any racial group or self-identified "people" over any other citizen in the nation. Indeed, it is a proposal like S.147 that contains the seeds of prejudice and bigotry by seeking to deliver special benefits to selected people at the expense of the other citizens.
- 6) This legislation seeks to divide the now-unified people of Hawaii by racial qualification. Hawaii, of all of the States of the Nation, is proving to the world that the future of mankind is not racial. Here, where inter-marriage and cultural blending is the order of the day, it is hideously wrong to seek to fracture the community by separating families and neighbors via racial lines.
- 7) This bill is about money. The reason there are people in favor of perpetrating this separation on the people of Hawaii is that they will benefit financially by garnering more of the public's money than they could otherwise. There can be no other reason to reawaken the ugliness of racial politics and tease it up from its grave in American history.

I pray that the members of the Committee do not succumb to the base desires that have generated this terrible bill.

Sincerely,

William N. Jardine  
PO Box 1599  
Kamuela, HI 968743



**Indian-Affairs, Testimony (Indian Affairs)**

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**From:** Administrator [Administrator@suimai.com]  
**Sent:** Monday, March 07, 2005 9:25 PM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** S147 - Native Hawaiian Government Reorganization Act of 2005  
**Importance:** High

Dear Senator John McCain  
Indian Affairs Committee  
United States Senate

I am writing to ask that you vote against reporting S147, the Native Hawaiian Government Reorganization Act of 2005, favorably to the full Senate when your committee meets this coming Wednesday March 9<sup>th</sup> to discuss the bill.

*Hawaiians are overwhelmingly opposed to this legislation.*

This bill will transfer the state of Hawaii's federally delegated responsibility for the betterment of Native Hawaiians back to the federal government.

The state of Hawaii, as a condition of statehood, was ceded nearly two and a quarter million acres of land with which to meet its obligations to the federal government and Native Hawaiians.

Much of the land the federal government transferred to the state for the "betterment of the conditions of Native Hawaiians" remains vacant or is leased to non-Hawaiians.

*Why would the federal government want to assume a responsibility it delegated to the state of Hawaii by adding nearly half a million Hawaiians to financially and legally troubled federal Indian policy when the state of Hawaii has nearly two and a quarter million acres of land at its disposal with which to meet its obligations?*

In the face of ominous federal budget problems, particularly with respect to federal Indian policy, the proposal of the Hawaii congressional delegation is one that will benefit only narrow land interests in Hawaii at the expense of the federal government and Hawaiians.

Additionally, if passed into law, S147 will surely face years of litigation in the federal courts.

The state of Hawaii has the means to comply with the Statehood Act and it should be compelled to do so, not rewarded for its failure to do so.

Please vote against S147 at the Committee business meeting on Wednesday, March 9<sup>th</sup> 2005.

Mahalo,

Joy Kili  
PO Box 2809  
Wailuku, Maui 96793

**Indian-Affairs, Testimony (Indian Affairs)**

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**From:** KeAloha [kealoha.aiu@verizon.net]  
**Sent:** Saturday, March 05, 2005 1:40 PM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** We need your HELP!

Dear Indian Affairs Committee  
United States Senate

I am writing to ask that you **vote against** reporting S147, the Native Hawaiian Government Reorganization Act of 2005, favorably to the full Senate when your committee meets this coming Wednesday March 9<sup>th</sup> to discuss the bill.

*Hawaiians are overwhelmingly opposed to this legislation.*

This bill will transfer the state of Hawaii's federally delegated responsibility for the betterment of Native Hawaiians back to the federal government.

The state of Hawaii, as a condition of statehood, was ceded nearly two and a quarter million acres of land with which to meet its obligations to the federal government and Native Hawaiians.

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In the face of ominous federal budget problems, particularly with respect to federal Indian policy, the proposal of the Hawaii congressional delegation is one that will benefit only narrow land interests in Hawaii at the expense of the federal government and Hawaiians.

Additionally, if passed into law, S147 will surely face years of litigation in the federal courts.

The state of Hawaii has the means to comply with the Statehood Act and it should be compelled to do so, not rewarded for its failure to do so.

**Please vote against S147** at the Committee business meeting on Wednesday, March 9<sup>th</sup> 2005.

Thank you,

KeAloha o`Io pu: Aiu  
999 Wilder Ave. #1701  
Makiki, Oahu, Hawaii Nei  
Hawaiian Kingdom

3/10/2005

March 7, 2005

Committee on Indian Affairs  
United States Senate  
836 Hart Office Building  
Washington, DC 20510

Dear Chairman McCain, Vice Chair Dorgan and other Committee on Indian Affairs members:

I am writing to ask that you vote **against** reporting **S147**, the Native Hawaiian Government Reorganization Act of 2005, favorably to the full Senate when your committee meets this coming Wednesday, March 9th, to discuss the bill.

I am a Native Hawaiian graduate student at Harvard University conducting doctoral research on indigenous economic development in the United States and the Pacific Ocean. I am a fellow at the Harvard Project on American Indian Economic Development as well as the Charles Eastman Fellow in Native American Studies at Dartmouth College. I have also worked at the Office of Hawaiian Affairs in Hawaii as an Economic Development Specialist. I have specialized in economic development of indigenous peoples in both my academic and professional careers. Let me be clear that my opposition to **S147** is mine alone and I do not claim to represent the views or positions of any of the above mentioned agencies or universities.

I would like to voice my opposition to the bill in an area in which I have an extensive amount of experience and expertise: economic development. **The bill is pitifully lacking in any concrete funding or resource base for the new domestic-dependent nation.** There is neither a guaranteed stream of funding from Congress nor is there a detailed outline of resources and rights that would enable the new domestic-dependent nation to develop its economy on its own.

The current legislation lacks specific details on the economic resources and assets required to power this new federally recognized governing entity. This legislation is clearly very shortsighted in its aims. Federal recognition is seen as the ends, not as a means to change. No planning or discussion has occurred which would help to identify the ways in which federal recognition status could be used to help a newly formed domestic-dependent nation operate and fund its own programs.

It is important to highlight the fact that Native Hawaiians across the United States number approximately 400,000. This puts Native Hawaiians in the top two or three in terms of tribal membership in the United States. If federal recognition of Native Hawaiians is meant to have little or no impact on the federal funding allocated to Native Americans and Alaskan Natives, then there will need to be some measure of dedicated resources outlined in the current legislation. Nothing of the kind exists -- only a reference to the negotiation between the State of Hawaii, the federal government and the Native Hawaiian governing entity. After the 20 year negotiation process, there is no guarantee whatsoever that the domestic-dependent nation will have any resources of worth at all. Is it realistic to believe that the State of Hawaii would willingly give up its productive land assets or any other part of its tax base? There is no incentive for the State of Hawaii to settle any claims with Native Hawaiians until the very end of the period of negotiation, at such time the state can offer a take-it-or-leave-it allocation of resources for which the Native Hawaiian government will be forced to accept or otherwise be left with nothing. History shows us that the State of Hawaii and the Office of Hawaiian

Affairs have spent more than two decades negotiating and litigating over the ceded lands revenues, why would we expect a much more complicated, tripartite negotiations process to take any less time?

Federal recognition of Native Hawaiians without dedicated assets and resources will mean that it will be business as usual for Native Hawaiians with no new programs or services. What, then, is the purpose or benefit of federal recognition? Alternately, federal recognition of Native Hawaiians will mean that Congress will have to increase its own financial burden once its base of indigenous peoples increases by 400,000.

There is nothing contained in S147 that will provide a Native Hawaiian domestic-dependent nation with the resources necessary to develop a viable economy or create its own businesses. The bill has expressly forbidden certain types of economic development such as gaming. While there currently is no legalized form of gambling allowed in Hawaii, no one can be certain what the public sentiment will be towards its legalization in the future. It would be foolhardy to constrain the economic development options for a Native Hawaiian domestic-dependent nation. Other American Indian tribal nations such as the Narragansett have such limitations and this has proven to be a contentious issue within Rhode Island and has severely impeded the tribe's ability to conduct their own economic development projects.

Recognizing a new domestic-dependent nation with pre-existing constraints on economic development makes little sense. There is growing empirical evidence that gaming tribes are able to make larger strides in important socio-economic indicators over time as compared to non-gaming tribes. In the decade since the advent of gaming, there have been significant increases for these tribes in per capita incomes and decreases in poverty and unemployment rates. (see: Kalt, J. and J. Taylor. [American Indians on Reservations: A Databook of Socioeconomic Change Between the 1990 and 2000 Censuses](#). Harvard Project on American Indian Economic Development, January 2005 or <http://www.ksg.harvard.edu/hpaied> ) Ultimately this translates into a decreased reliance on federal funding for programs and services.

Projections on the impact that gaming, or any other economic development project for that matter, could have on the Native Hawaiian community under a new domestic-dependent nation have yet to be done. A more thoughtful approach to federal recognition legislation would have included this information. Much more discussion and research is needed for this complex topic.

If you have any further questions about this, I would be happy to discuss my concerns about bill S147 with you or your staffers.

Please vote **against S147** at the Committee business meeting on Wednesday, March 9th 2005.

Thank you,

Randall Kekoa Quinones Akee, Doctoral Candidate in Political Economy  
Harvard University  
124 Mt. Auburn St, Ste 100  
Cambridge, MA 02141 ph. 617-496-4229 email: [akee@fas.harvard.edu](mailto:akee@fas.harvard.edu)



THURSTON TWIGG-SMITH  
4224 WAIALAE AVENUE #389  
HONOLULU HAWAII 96822

February 28, 2005

Senate Committee on Indian Affairs,  
836 Hart Office Building,  
Washington, DC 20510

Ladies and Gentlemen:

This is a letter in opposition to S. 147, the Native Hawaii Government Reorganization Act of 2005, scheduled for a hearing tomorrow, March 1, 2005 at 10 a.m. before your committee.

My name is Thurston Twigg-Smith. For fifty years I was associated with The Honolulu Advertiser, Hawaii's morning newspaper, 25 years as its publisher. I am also the author of *Hawaiian Sovereignty, Do the Facts Matter*, a book published in 1998 and now in its second printing. I am a fifth generation resident of Hawaii.

In these capacities I have done detailed research into the history of the Hawaiian Revolution of 1893 and related events, revisions of which are being used as the basis for passage of S. 147. The revisionist history is contained in the so-called Apology Bill, a resolution passed by the Congress in the 1990s. No public testimony was sought before passage of the resolution, which was referred to as a simple resolution of apology for actions the United States of America is wrongfully accused of taking at the time of the Hawaiian Revolution one hundred years earlier. The revisionist material was contained in the whereas clauses of the resolution and was never debated nor certified by the Congress as accurate.

The U. S. Supreme Court, in its 7-2 decision against the State of Hawaii in *Rice v. Cayetano*, rejected these whereas clauses as not

THURSTON TWIGG-SMITH  
4224 WAIALAE AVENUE #389  
HONOLULU HAWAII 96822

being factual and had its own staff conduct the research that led to its decision. The efforts now of the writers of S. 147 to use this revisionist history of Hawaii to paint the Hawaiian people as victims of the U.S. who therefore require supervision similar to that given Indians, is not justified or correct, nor is it fair to native Hawaiians.

The Revolution was led by subjects of the Kingdom who took no land from Hawaiians or their government and after removing only the Queen and her four-member cabinet as government employes, ran the new government as a Republic for the next five years. Its legislature was dominated by native Hawaiians elected to that new government. They voted unanimously for annexation to the United States in 1898. The U.S. received the government lands in trust for the new Territory of Hawaii and turned them back to the State of Hawaii in 1959 when 94 per cent of native Hawaiians voted in favor of that new and present status. Neither the Republic nor the U.S. took any lands from individuals, contrary to the treatment given Indians, and the lands that were government lands are still government lands.

Nothing was stolen from the Hawaiians. Individual Hawaiians, a minority among residents of the Kingdom, immediately gained sovereignty as U.S. citizens at annexation. As subjects of the former Kingdom they had had no rights of self determination, contrary to claims of the writers of this proposed legislation.

Aside from the grievous dependence on racial discrimination inherent in terms of the proposed legislation, its whole basis for passage is suspect. The Hawaiians were never victims. The bill would divide the people of the State of Hawaii, destroying the much admired tolerance that is its pride today. I urge your committee to reject this divisive action and conduct free and thorough investigation of the erroneous and dubious claims that are its basis. This action would help destroy the myth that Hawaiians are somehow victims.

THURSTON TWIGG-SMITH  
4224 WAIALAE AVENUE #389  
HONOLULU HAWAII 96822

**The myth of past injustices.** Contrary to the claims of the bill supporters, the U.S. took no lands from Hawaiians at the time of the 1893 revolution or the 1898 Annexation (or at any other time) and it did not deprive them of sovereignty. As part of the Annexation Act, the U.S. provided compensation by assuming the debts of about \$4 million which had been incurred by the Kingdom. The lands ceded to the U.S. were government lands under the Kingdom held for the benefit of all citizens without regard to race. They still are. Upon annexation, ordinary Hawaiians became full citizens of the U.S. with more freedom, security, opportunity for prosperity and sovereignty than they ever had under the Kingdom.

Nor are Hawaiians. Hawaiians today are no different, in any constitutionally significant way, from any other ethnic group in Hawaii's multi-ethnic, intermarried, integrated society. Like all the rest of us, some do well, some don't and most are somewhere in between.

**Indian-Affairs, Testimony (Indian Affairs)**

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**From:** dkai@xenotypetech.com  
**Sent:** Monday, March 07, 2005 3:44 AM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** S147 Native Hawaiian Government Reorganization Act

Indian Affairs Committee  
United States Senate

Dear Committee Members,

I respectfully submit the following testimony for your consideration and request that it be read into the record and recorded as part of the testimony regarding S147, the Native Hawaiian Government Reorganization Act of 2005.

S147 is sorely inadequate for many reasons. In my opinion, the most important of these is that it simply is not supported by Native Hawaiians or residents of Hawaii. I suspect that many members are aware of this fact since the testimonies during the last public hearings in Hawaii many years ago were overwhelmingly in opposition to this bill (in its earlier incarnation). I know for a fact that there is even less support now, many versions later. This could be substantiated by once again allowing public hearings in Hawaii.

The recent hearings on 1 March included testimony only from supporters of the bill which greatly skewed the perception that popular support exists. Testimony against the bill was not permitted. For this bill to be tolerable to Native Hawaiians, there must at a minimum be public hearings and several amendments to the bill. No literate American could possibly understand the Apology Resolution to call for reconciliation by misrepresentation.

In addition to this, there must also be a clear majority of people who register as members of what can only be called the "Akaka tribe." Without this, Native Hawaiians will once again be relegated to a position where they will have no voice and no input in your system. The small number of people who might feel inclined to sign up for tribal recognition under this bill would be woefully unrepresentative of the Native Hawaiian population. This type of mistake was made during annexation and statehood, and it is directly responsible for the position that Native Hawaiians and the United States find themselves in at this moment. The 2000 Census provides a realistic number to work with for this purpose - something in the neighborhood of 125,000 people.

Allowing a small group of people, the tribal council, to speak for all Hawaiians, especially those of us who oppose the bill, would be farcical if weren't so personally painful to imagine. I suspect the US would question the motives behind such a move in any other international environment and should be brave enough to question the same motive here and now.

Even if this doesn't happen, an amendment should require the council to seek approval from its membership before speaking on its behalf. Currently, the council could make decisions that would affect potentially tens of thousands of lives without their consent. This of course leaves us in no better situation than we are now and renders their decisions ineffectual in reality.

Finally, the state of Hawaii is clearly looking for a way to shirk its responsibility to use the Ceded Lands for the betterment of Native

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Hawaiians, something that has never really happened. The state has had ample time to do this yet large tracts of land remain vacant or are otherwise leased to non-Hawaiians while tens of thousands of Hawaiians languish on the lists for land allotments because of antiquated blood quantum requirements. The state should have pushed for a lower blood quantum and allowances for the impractical documentation requirement. This act alone could have prevented Native Hawaiians from constituting the vast majority of the state's homeless population.

It's time to hold the state responsible for its ineffectiveness and inaction, not reward it. Please vote against S147 at the Committee business meeting on Wednesday, 09 March 2005.

Thank you.

Ka'onohi Keali'iokapo  
PO BOX 1255  
Seattle, WA 98111-1255

**Indian-Affairs, Testimony (Indian Affairs)**

**From:** Reni [reni@whidbey.net]  
**Sent:** Sunday, March 06, 2005 4:40 PM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** THE HAWAIIANS

Dear Senators

Indian Affairs Committee

United States Senate

I am a blue-eyed, fair skinned American citizen who spent most of her life living in Hawaii amongst the Hawaiians. I at first did not understand the prejudice shown me by many Hawaiians. I made it my business to understand by reading countless books on the true history of the Hawaiian people. I understood....and was ashamed of the roll we Americans played in supporting the overthrow of a sovereign nation. How anyone in good conscious can continue down this road by not acknowledging this UNIQUE race is beyond my comprehension. AND To continue to steal their belongings (ceded lands). Is nothing short of thievery no matter how many statesman chose to sign the legislation.

I am writing to ask that you vote against reporting S147, the Native Hawaiian Government Reorganization Act of 2005, favorably to the full Senate when your committee meets this coming Wednesday March 9<sup>th</sup> to discuss the bill.

Hawaiians are overwhelmingly opposed to this legislation.

This bill will transfer the state of Hawaii's federally delegated responsibility for the betterment of Native Hawaiians back to the federal government.

The state of Hawaii, as a condition of statehood, was ceded nearly two and a quarter million acres of land with which to meet its obligations to the federal government and Native Hawaiians.

PLEASE READ.....

Much of the land the federal government transferred to the state for the "betterment of the conditions of Native Hawaiians" remains vacant or is leased to non-Hawaiians.

Why would the federal government want to assume a responsibility it delegated to the state of Hawaii by adding nearly half a million Hawaiians to financially and legally troubled federal Indian policy when the state of Hawaii has nearly two and a quarter million acres of land at its disposal with which to meet its obligations?

3/10/2005

In the face of ominous federal budget problems, particularly with respect to federal Indian policy, the proposal of the Hawaii congressional delegation is one that will benefit only narrow land interests in Hawaii at the expense of the federal government and Hawaiians.

Additionally, if passed into law, S147 will surely face years of litigation in the federal courts.

The state of Hawaii has the means to comply with the Statehood Act and it should be compelled to do so, not rewarded for its failure to do so.

Please vote against S147 at the Committee business meeting on Wednesday, March 9th 2005.

Thank you.

Maureen Pustka

503 NW Coveland St.

Coupeville, Wa. 98239

3/10/2005

**Indian-Affairs, Testimony (Indian Affairs)**

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**From:** Miles A.P. Kahaloa [kahaloa@pixi.com]  
**Sent:** Sunday, March 06, 2005 3:39 AM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Cc:** Miles A.P. Kahaloa  
**Subject:** S147

Dear Senator John McCain (R-AZ)  
Indian Affairs Committee  
United States Senate

I am writing to ask that you vote against reporting S147, the Native Hawaiian Government Reorganization Act of 2005, favorably to the full Senate when your committee meets this coming Wednesday March 9th to discuss the bill.

Hawaiians are overwhelmingly opposed to this legislation.

This bill will transfer the state of Hawaii's federally delegated responsibility for the betterment of Native Hawaiians back to the federal government.

The state of Hawaii, as a condition of statehood, was ceded nearly two and a quarter million acres of land with which to meet its obligations to the federal government and Native Hawaiians.

Much of the land the federal government transferred to the state for the "betterment of the conditions of Native Hawaiians" remains vacant or is leased to non-Hawaiians. Why would the federal government want to assume a responsibility it delegated to the state of Hawaii by adding nearly half a million Hawaiians to financially and legally troubled federal Indian policy when the state of Hawaii has nearly two and a quarter million acres of land at its disposal with which to meet its obligations?

In the face of ominous federal budget problems, particularly with respect to federal Indian policy, the proposal of the Hawaii congressional delegation is one that will benefit only narrow land interests in Hawaii at the expense of the federal government and Hawaiians.

Additionally, if passed into law, S147 will surely face years of litigation in the federal courts.

The state of Hawaii has the means to comply with the Statehood Act and it should be compelled to do so, not rewarded for its failure to do so.

Please vote against S147 at the Committee business meeting on Wednesday, March 9th 2005.

Thank you,

Miles A.P. Kahaloa  
2904 Varsity Circle #6  
Honolulu HI 96826

3/10/2005



**Indian-Affairs, Testimony (Indian Affairs)**

---

**From:** leota [leota.winn@verizon.net]  
**Sent:** Saturday, March 05, 2005 10:58 AM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** S147

Dear Senator John McCain

Indian Affairs Committee

United States Senate

I am writing to ask that you vote against reporting S147, the Native Hawaiian Government Reorganization Act of 2005, favorably to the full Senate when your committee meets this coming Wednesday March 9<sup>th</sup> to discuss the bill.

*Hawaiians are overwhelmingly opposed to this legislation.*

This bill will transfer the state of Hawaii's federally delegated responsibility for the betterment of Native Hawaiians back to the federal government.

The state of Hawaii, as a condition of statehood, was ceded nearly two and a quarter million acres of land with which to meet its obligations to the federal government and Native Hawaiians.

Much of the land the federal government transferred to the state for the "betterment of the conditions of Native Hawaiians" remains vacant or is leased to non-Hawaiians.

*Why would the federal government want to assume a responsibility it delegated to the state of Hawaii by adding nearly half a million Hawaiians to financially and legally troubled federal Indian policy when the state of Hawaii has nearly two and a quarter million acres of land at its disposal with which to meet its obligations?*

In the face of ominous federal budget problems, particularly with respect to federal Indian policy, the proposal of the Hawaii congressional delegation is one that will benefit only narrow land interests in Hawaii at the expense of the federal government and Hawaiians.

Additionally, if passed into law, S147 will surely face years of litigation in the federal courts.

The state of Hawaii has the means to comply with the Statehood Act and it should be compelled to do so, not rewarded for its failure to do so.

3/10/2005

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Page 2 of 2

Please vote against S147 at the Committee business meeting on Wednesday, March 9th 2005.

Thank you,

Leota R Winn

PO BOX 55

Coupeville, Wa. 98239-0055

360 678-5541

3/10/2005

**Indian-Affairs, Testimony (Indian Affairs)**

---

**From:** Erika Bondy [eabondy@yahoo.com]  
**Sent:** Sunday, March 06, 2005 10:26 AM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** S147

**Dear Indian Affairs Committee  
United States Senate**

**I am writing to ask that you vote against reporting S147, the Native Hawaiian Government Reorganization Act of 2005, favorably to the full Senate when your committee meets this coming Wednesday March 9th to discuss the bill.**

**Hawaiians are overwhelmingly opposed to this legislation.**

**This bill will transfer the state of Hawaii's federally delegated responsibility for the betterment of Native Hawaiians back to the federal government.**

**The state of Hawaii, as a condition of statehood, was ceded nearly two and a quarter million acres of land with which to meet its obligations to the federal government and Native Hawaiians.**

**Much of the land the federal government transferred to the state for the "betterment of the conditions of Native Hawaiians" remains vacant or is leased to non-Hawaiians.**

**Why would the federal government want to ! assume a responsibility it delegated to the state of Hawaii by adding nearly half a million Hawaiians to financially and legally troubled federal Indian policy when the state of Hawaii has nearly two and a quarter million acres of land at its disposal with which to meet its obligations?**

**In the face of ominous federal budget problems, particularly with respect to federal Indian policy, the proposal of the Hawaii congressional delegation is one that will benefit only narrow land interests in Hawaii at the expense of the federal government and Hawaiians.**

3/10/2005

**Additionally, if passed into law, S147 will surely face years of litigation in the federal courts.**

**The state of Hawaii has the means to comply with the Statehood Act and it should be compelled to do so, not rewarded for its failure to do so.**

**Please vote against S147 at the Committee business meeting on Wednesday, March 9th 2005.**

**Thank you,**

**Erika A. "Puanani" Bondy  
Dallas, TX, 75204  
214/880-0379**

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[Yahoo! Netrospective: 100 Moments of the Web](#)

**Indian-Affairs, Testimony (Indian Affairs)**

**From:** maulena [healingwings11333@cox.net]  
**Sent:** Saturday, March 05, 2005 6:44 AM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Cc:** Dorgan, Senator (Dorgan); Hawaii-Independence@yahoogroups.com; 'Ehu Kekahu Cardwell; Isaac Harp  
**Subject:** Vote on Hawaiian Recognition (Akaka) Bill S-147

Dear Members of the Indian Affairs Committee:

I understand that bill S-147, also known as Hawaiian "Recognition" or the "Akaka" Bill (among other names added later), is coming up for your review on Wednesday, March 9th.

I am strongly opposed to this bill, forcing the Hawaiian under the Dept of the Interior, as this has been done many many times in American history to other Native groups and has inevitably had disastrous results. The people of the Pembina Little Shell, or Ojibwa, (Northern Midwest) feel strongly that the Akaka Bill is just another familiar old tactic, used on Native Americans over the last 200 years, and the Lakota at Pine Ridge are still some of the most direly poverty-stricken people in the country.

I myself am white, born and raised in the U.S. in a WW2 Navy family, with my life deeply dedicated to the Hawaiian people, 'Aina and culture. Even as not a Native Hawaiian, I think I can "see through" this bill.

Because President Clinton wrote a formal and legal apology to the Hawaiian people in 1993, why does our government not owe the Hawaiian people AUTOMATIC recognition with no strings attached? I grew up in a family full of Irish-American lawyers, and this whole thing doesn't sound right to me.

Otherwise, why is it okay for President Clinton to write such a formal apology for the way the U.S. took over Hawai'i and later the enforcement of "statehood" and then do NOTHING about it?

If any one of us U.S. citizens owed you guys 10 bucks, unpaid, you would slap our butts in prison. However, if our gov't admits to screwing up, they seem to not be required to do anything about it. Having lived with an "abusive" (now former) husband, the therapists called this a "double standard."

You may not get a LOT of letters from Mainland (U.S.) Hawaiians opposing this bill because the Office of Hawaiian Affairs launched a big-money multi-media campaign awhile back that anti-Akaka Bill folks could not match, so they pretty much hornswaggled a lot of people's minds into believing OHA will be put out of business unless the bill passes, and so the Kanaka Maoli (Native Hawaiians) are in "danger" of losing all their programs.

I am one person who does not believe OHA, albeit I have talked to two lovely Hawaiians who work for OHA, an Auntie Apolei and musician and PR man for OHA, Manu Boyd. Thank God for their deeply engrained Hawaiian values, they remained always polite to me, and Apolei thinks I am "funny" when I'm angry.

That's my two-cents, if y'all give a darn. Even McCain is turning into a different person these days. I'm from his state, if he cares.

Do I sound like I have pretty much given up? Maybe I should be on medication.

Oia'i'o,  
 Maureen Ellen A. O'Dea Spencer  
 Phoenix, Arizona

Message

**Indian-Affairs, Testimony (Indian Affairs)**

---

**From:** 'Ehu Kekahu Cardwell [ehukekahu@earthlink.net]  
**Sent:** Monday, March 07, 2005 2:18 PM  
**To:** Indian-Affairs, Testimony (Indian Affairs)  
**Subject:** Submit Testimony On S 147

March 7, 2005

Indian Affairs Committee  
United States Senate  
Washington, DC

I am writing to ask that you vote against reporting S147, the Native Hawaiian Government Reorganization Act of 2005, favorably to the full Senate when your committee meets this coming Wednesday March 9<sup>th</sup> to discuss the bill.

*Hawaiians are overwhelmingly opposed to this legislation.*

This bill will transfer the state of Hawaii's federally delegated responsibility for the betterment of Native Hawaiians back to the federal government.

The state of Hawaii, as a condition of statehood, was ceded nearly two and a quarter million acres of land with which to meet its obligations to the federal government and Native Hawaiians.

Much of the land the federal government transferred to the state for the "betterment of the conditions of Native Hawaiians" remains vacant or is leased to non-Hawaiians.

*Why would the federal government want to assume a responsibility it delegated to the state of Hawaii by adding nearly half a million Hawaiians to financially and legally troubled federal Indian policy when the state of Hawaii has nearly two and a quarter million acres of land at its disposal with which to meet its obligations?*

In the face of ominous federal budget problems, particularly with respect to federal Indian policy, the proposal of the Hawaii congressional delegation is one that will benefit only narrow land interests in Hawaii at the expense of the federal government and Hawaiians.

Additionally, if passed into law, S147 will surely face years of litigation in the federal courts.

The state of Hawaii has the means to comply with the Statehood Act and it should be compelled to do so, not rewarded for its failure to do so.

Please vote against S147 at the Committee business meeting on Wednesday, March 9<sup>th</sup> 2005.

Thank you,

'Ehu Kekahu Cardwell

**Indian-Affairs, Testimony (Indian Affairs)**

**From:** Bob Hoelscher [rhoelscher@hawaii.rr.com]  
**Sent:** Friday, March 11, 2005 1:36 AM  
**To:** Indian-Affairs, Testimony (Indian Affairs); McCain, Senator (McCain)  
**Subject:** Please OPPOSE the Akaka Bill (S.147)  
**Importance:** High

Aloha,

As a resident of the State of Hawaii and an active duty US Army soldier, I am writing to urge you to oppose S.147, the Native Hawaiian Government Reorganization Act. This bill would divide, not unite, the people of Hawaii; weaken, not strengthen, the nation's and Hawaii's economy; and it would encourage those in Hawaii who view themselves primarily as something other than Americans to reinstate a condition of "equal but separate".

Despite the rhetoric of the Native Hawaiian lobby, this bill is about race. Here in Hawaii, some of the Native Hawaiians supporting this bill see it as a way separate themselves from the greater American society but allows this American society to fund their "tribe" with American dollars. Significantly, most people who classify themselves as Native Hawaiians do not support this legislation according to the Honolulu Advertiser.

This legislation would carve up Hawai'i by race, and set a precedent for similar balkanization throughout America. Twenty per cent of Hawai'i's people, completely integrated and intermarried, living working and praying side by side with everyone else throughout all neighborhoods, would be singled out by law solely because they have a drop of native blood, and given a new government. Most have less than 25% native blood. Many of them oppose the whole idea of a race-based government. But if the bill passes Congress, a race-based government can be created to protect the wealth and power of some ethnic Hawaiians and to keep federal dollars flowing to Hawai'i. There will never be a vote by all ethnic Hawaiians or by all Hawai'i's people on this issue. Ethnic Hawaiians who sign up for the "tribe" get to vote for a "tribal" council and get federal recognition; ethnic Hawaiians who oppose it (probably a majority), and the remaining 80% of Hawai'i's people, are shut out. The bill also allows a negotiated settlement dividing up Hawai'i's lands and resources without any ratification vote by the tribe's members or by the people of Hawai'i.

The Hawaiian "tribe" would be the largest in America, with 400,000 possible members. 240,000 of them live in Hawai'i, 60,000 in California (more than any current California tribe), and 100,000 in the other 48 states. This huge "tribe" would compete against genuine tribes for federal handouts at the expense of all America's taxpayers. Hawai'i Senators Inouye and Akaka sat on the Senate Indian Affairs Committee for many years, even though there have never been any tribes in Hawai'i. They constantly inserted "Native Hawaiians" into legislation intended to benefit real Indians and Alaska natives. Because of court challenges, they now want Congress to make it official that "Native Hawaiians" are federally recognized as a tribe. All Hawai'i politicians, both Democrat and Republican, favor the bill to make all America's taxpayers keep sending money to Hawai'i!

The precedent set by the Hawaiian Recognition bill would strengthen demands by millions of "indigenous" people throughout the U.S. not currently eligible for tribal membership, casinos, or government handouts to form new federally recognized tribes simply because they have a

3/11/2005

drop of Indian blood. Their people and businesses living on "tribal" lands would be exempt from federal and state income tax, sales tax, environmental regulations, and civil and criminal laws; and would be subjected to whatever laws are created by "tribal" government insiders without recourse to U.S. Constitutional protections. Indian groups throughout America are claiming special rights to race-based control of "sacred places." In Hawai'i, the old pagan religion is being revived and used to support political claims for racial supremacy in land use policy, based on a sacred genealogical family relationship among the gods, the ethnic Hawaiians, and all the lands of Hawai'i.

The balkanization of America is already well underway through racial and ethnic identity politics. The recent California governor recall election showed this dramatically. Cruz Bustamante got huge campaign contributions from California Indian tribes who expected him to protect their special interests -- the money came from untaxed tribal income from casinos and tribal businesses. Bustamante's enthusiastic membership in a radical Hispanic group drew major attention -- MEChA claims a right to organize a race-based nation for all people having any Aztec (Mexican) ancestry, converting California, Arizona, New Mexico, and Texas (all former Mexican territory) into a new independent Nation of Aztlan. The legal and moral basis for doing this is similar to the rationale for the Hawaiian bill -- historical grievances against the U.S. and demands for money and power for allegedly poor, downtrodden "indigenous" people. Other nations have suffered grievously because of laws and government policies establishing racial supremacy. Fiji, with a history similar to Hawai'i, enforces Native Fijian racial supremacy over descendants of Asian sugar plantation workers through a legal system resembling what Hawaiian sovereignty activists are seeking.

Finally, contrary to the claims of the bill supporters, the U.S. took no lands from Hawaiians at the time of the 1893 revolution or the 1898 Annexation (or at any other time) and it did not deprive them of sovereignty. Upon annexation, (unlike American Indians and Alaska natives) Hawaiians became full citizens of the U.S. with more freedom, security, opportunity for prosperity and sovereignty than they ever had under the Kingdom. As part of the Annexation Act, the U.S. provided compensation by assuming the debts of about \$4 million which had been incurred by the Kingdom. The lands ceded to the U.S. were the former government and crown lands under the Kingdom held for the benefit of all citizens without regard to race. In 1959 the U.S. transferred those public lands to the new State of Hawaii subject to the same public trust. The State still holds them in trust for all citizens of Hawaii. Hawaiians today are no different, in any constitutionally significant way, from any other ethnic group in Hawaii's multi-ethnic, intermarried, integrated society. Like all the rest of us, some do well, some don't and most are somewhere in between.

Mahalo,  
Bob Hoelscher  
Lieutenant Colonel, US Army  
Currently Residing at:  
618 Hibiscus Street #101  
Honolulu, HI 96818

3/11/2005



**Paul M. Sullivan**  
*P. O. Box 30014, Honolulu, HI 96820*  
*(808) 593-0929*  
*sullivanp003@hawaii.rr.com*

March 8, 2005

The Honorable John McCain  
 United States Senate  
 241 Russell Senate Office Building  
 Washington DC 20510

Via FAX to: (202) 228-2862

**Re: S. 147, the Native Hawaiian Government Reorganization Act**

Dear Senator McCain:

**The Senate Indian Affairs Committee is scheduled to vote on this bill on Wednesday, March 9, 2005. There is no need for this racially-divisive bill.**

**It's not needed to protect Hawaiian culture or cultural practices.** There are no barriers under State or Federal law to any legitimate cultural expression. Indeed, the bill itself states at Section 2(17) that "Native Hawaiians are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources."

**It's not needed to ensure public assistance for health care, education, housing or other social needs.** There are already race-neutral, need-based programs at the state and federal level, and Native Hawaiians do not claim that they are discriminated against in the administration of these programs. If those programs need to be expanded, they should be. There are, of course, racially-preferential programs which single out Native Hawaiians for special advantages, but if these were transformed into race-neutral, need-based programs, Native Hawaiians would surely be their primary beneficiaries. What Native Hawaiians cannot fairly demand is the continuation of race-based programs which exclude the rest of Hawai'i's needy.

**It's not needed to restore a "Native Hawaiian government."** The monarchy was a racially-mixed government for a racially-mixed population. It was overthrown not by the United States, but by subjects of the Kingdom who successfully rejected President Cleveland's call to restore the monarchy and who maintained an independent republic for over five years. But even if there were ever a "Native Hawaiian government," it's just too late to "restore" it now. Hawai'i is 80% non-Hawaiian, and these American citizens cannot be deprived of their birthright.

**It's not needed to resolve claims for "stolen land" and "lost sovereignty."** These claims were examined in detail by the Congressionally-chartered Native Hawaiians Study Commission in 1983 and found wanting.<sup>13</sup> The "stolen land" claims were examined again in

<sup>13</sup> See "Existing Law, Native Hawaiians and Compensation," 1 FINAL REPORT OF THE NATIVE HAWAIIANS STUDY COMMISSION 333-370 (1983).

1995 in an environmental impact statement for land use changes at the Bellows Air Force Station in Waimanalo, Oahu.<sup>14</sup> The Record of Decision therein, based on detailed legal analyses published in the Draft and Final EIS documents, concluded that these claims had no legal or historical validity.<sup>15</sup>

As to sovereignty, the "Native Hawaiian people" never had sovereignty under the monarchy. Sovereignty resided in the monarch; there was no popular sovereignty in any sense whatsoever.<sup>16</sup> The sovereignty of the kingdom passed upon the revolution of 1893 to the provisional government which succeeded it, then to the Republic, and then, upon annexation, to the United States. It was as U.S. citizens that "Native Hawaiians" truly came to share in the "sovereignty" of their nation as a matter of right.

**Please read my booklet "Killing Aloha"** which provides a section-by-section analysis of S. 147. You can find it on the Internet at <http://tinyurl.com/63lu9>.

**Please oppose S. 147.**

Aloha,



Paul M. Sullivan

<sup>14</sup> U.S. PACIFIC COMMAND, FINAL EIS FOR LAND USE DEVELOPMENT AT BELLOWS AIR FORCE STATION, WAIMANALO, HI (1995), section 6.6.

<sup>15</sup> 61 Fed. Reg. 28568, June 5, 1996.

<sup>16</sup> Rex v. Booth, 2 Haw. 616 (1863).