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cc:  
Subject Re: Fw: Press Release [Virus checked]

Attached is my testimony, and a link to the plan I am referring to. Thanks  
for including me on your list.  
John Carroll

----- Original Message -----

From: <KAREN\_SPRECHER\_KEATING@cc.gov>  
To: <yasminanwar@usa.net>; <wt109@webtv.net>; <wsiohuli8@hotmail.com>;  
<SPOMROYTSE@webtv.net>; <sistarella@aol.com>; <rpayne@usgs.gov>;  
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Sent: Wednesday, August 23, 2000 7:57 AM  
Subject: Fwd: Press Release (Virus Attached)

> Aloha,

>  
> I am transmitting a press release that is being released by the  
> Department on letterhead momentarily. I am sending it as text and as  
> an attachment in WordPerfect. I will send the report next as an  
> attachment only.

>  
> If you cannot extract it, please wait a bit and check the web - it is  
> being scanned as a PDF file now and will be readable from our website  
> (www.doi.gov) SHORTLY, using Adobe Acrobat.

> Aloha, Karen Sprecher Keating

>  
> NEWS

>  
> DEPARTMENT OF INTERIOR  
> DEPARTMENT OF JUSTICE

> For Immediate Release: August 23, 2000 Contact: Stephanie Hanna (DOI)  
> (202) 208-6416

> Cristine Romano (DOJ) (202)

> 514-2008

>  
> NATIVE HAWAIIAN RECONCILIATION DRAFT REPORT RELEASED

> WASHINGTON - The Department of the Interior and the Department of Justice  
> announced today the release of a final report regarding the reconciliation  
> process between the Federal government and Native Hawaiians that included

> a series of meetings held on Oahu and five of the neighbor islands in  
> December, 1999.

> "It is apparent from the comments we received during the reconciliation  
> process that Native Hawaiians wish to maintain a distinct community  
> and

> desire to control their own affairs," stated John Berry, Assistant  
> Secretary for Policy, Management and Budget, Department of the Interior.  
> "As a matter of justice and equity, we believe that Native Hawaiians  
> should

> have self-determination over their own affairs within the framework of  
> Federal law, as do most Native American Tribes," Berry continued.

>  
> "We believe that the past history of United States-Native Hawaiian  
> relations affirms instances in which U.S. actions were less than  
> honorable," commented Jacqueline Aguiar, Acting Director, Office of Tribal  
> Justice, Department of Justice. "For justice to be served, the Federal  
> Government should honor the unique relationship that exists with Native  
> Hawaiians and respond to their desire for more local control."

>  
> Both Berry and Aguiar noted that the final draft of the Native Hawaiian

> reconciliation report will solicit comments from the public and they urged  
> interested citizens to review the document and provide their views in  
> writing. "We are providing an opportunity for open public comment  
> regarding the draft plan for action contained in the draft report,"  
> emphasized Berry. "Now is the time to read the plan, consider what it  
> means, and tell us your reaction. I cannot emphasize enough the necessity  
> for public input at this crucial time in Native Hawaiian history."

>  
> A summary of the draft report's recommendations is attached and the Native  
> Hawaiian reconciliation draft report will be available immediately at the  
> Department of the Interior for public review and also on the Department of  
> the Interior web site at <http://www.doi.gov> shortly. (The draft report  
> will be available on the web in the form of PDF files readable with Adobe  
> Acrobat Reader.)

> Comments must be received by the Department of the Interior within 30 days  
> or by September 22, 2000. In addition, a copy of the draft report is  
being

> mailed to everyone who legibly provided their name and address at any of  
> the public meetings in Hawaii. All people who participated in the  
> roundtable discussion held on November 11, 1999, and all people who  
> included a return address with written statements on the reconciliation  
> process provided to Interior during or since the hearings.

>  
> Copies for review will be available within ten business days at all public  
> library branches throughout Hawaii, Office of Hawaiian Affairs and  
> Department of Hawaiian Home Lands Offices on all islands, University of  
> Hawaii at Manoa Hamilton Library Hawaiian Collection, University of  
Hawaii

> i at Manoa Center for Hawaiian Studies, University of Hawaii at Hilo  
> Hawaiian Studies Department, U.S. Fish and Wildlife Service in the Prince  
> Kuhio Federal Building, and at Kiana'oa School.

>  
> Written comments can be submitted to Assistant Secretary John Berry, c/o  
> Document Management Unit, Department of the Interior, 1649 C Street, NW,  
> Mailstop-7223, Washington, DC, 20241. Written comments will also be  
> accepted at Office of Hawaiian Affairs offices on all islands, which will  
> transmit them to Interior by overnight mail, at Interior's expense, on  
> September 8 and September 11, 2000. You may fax comments to (202)  
209-3230

> or (202) 219-3740 or (202) 219-3741. Electronic submissions are welcomed,  
> but please send a hard copy of your statements as well.

>  
> Email: [or](mailto:or)

>  
> The Departments are aware that the deadlines are tight but are also aware  
> that finalization and issuance of the Final Report will take some  
> additional time once comments have been received. To accomplish as much  
as  
> possible this year, it is necessary that comments to be sent quickly. Any  
> comments received after the deadline will be read and may be incorporated  
> in future actions taken.

>  
> Native Hawaiian Reconciliation Process Plan of Action

>  
> Recommendation 1. It is evident from the documentation, statements, and  
> views received during the year-long consultation process undertaken by Interior  
> and

> Justice pursuant to Public Law 102-242 (1991), that the Native Hawaiian  
> people continue to maintain a distinct community and certain governmental  
> structures and they desire to increase their control over their own  
> affairs

> and institutions. As a matter of justice and equity, this report  
> recommends that the Native Hawaiian people should have self-determination  
> over their own affairs within the framework of Federal law, as do Native  
> American tribes. For generations, the United States has recognized the  
> rights and promoted the welfare of Native Hawaiians as an indigenous  
> people

> within our Nation through legislation, administrative action, and policy  
> statements. To safeguard and enhance Native Hawaiian self-determination  
> over their lands, cultural resources, and internal affairs, the  
> Departments

> believe Congress should 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. The determination of precisely how and whether a Native  
> Hawaiian governing body should be recognized is a task that Congress  
> should

> undertake in consultation with the Native Hawaiian people. Interior and  
> Justice are ready to provide any appropriate assistance to Congress on  
> these issues and will continue to work with the Native Hawaiian people to  
> promote reconciliation and respect for Native Hawaiian rights in accord  
> with Public Law 103-150.

>  
> Recommendation 2. This report recommends the establishment of an office  
> in Interior to address Native Hawaiian issues, within the Office of the  
> Assistant Secretary for Indian Affairs, following approval by the Office  
> of

> Management and Budget and with appropriate Congressional notification.

>  
> Recommendation 3. This report recommends that the Department of Justice  
> assign the Office of Tribal Justice on an ongoing basis to maintain a  
> dialogue with the Native Hawaiian people on issues of mutual concern and  
> to

> continue to work cooperatively with Interior on these issues.

>  
> Recommendation 4. This report recommends the creation of a Native  
> Hawaiian Advisory Commission to consult with all bureaus within Interior  
> that manage lands in Hawaii's legal system, land management, resource, and  
> cultural issues affecting Native Hawaiians.

>  
> Recommendation 5. The general history of United States-Native Hawaiian  
> relations reveals many instances in which the United States actions  
> were less than honorable. Native Hawaiians continue to suffer the  
> effects of these actions, for which our Nation continues to have

moral

> responsibility. For justice to be served, this report recommends  
> that

> the past wrongs suffered by the Native Hawaiian people should be  
> addressed. Case-by-case litigation would not be the most productive  
> avenue for reconciliation. Instead, the Departments believe a more

> productive approach to reconciliation would be through more general  
> efforts to promote the welfare of the Native Hawaiian people, respect  
> their rights, and address the wrongs that their community has  
> suffered. While the Department is not able at this time to  
> recommend a precise course for those efforts, we believe that the  
> Executive Branch, Congress, the State of Hawaii, and the Native  
> Hawaiian people must develop an appropriate process to ensure true  
> reconciliation.

> \_\_\_\_\_ Forward: H.letter \_\_\_\_\_  
> Subject: Press Release  
> Author: KAREN SPRUCHES FRYMAN  
> Date: 8/13/91 11:11 AM  
> (See attached file: H.letter.H.letter.doc)

> Will send the report next

-  - Akaka Bill Testimony rewsed.doc
-  - Brown Revisions.DOC

**ALOHA ALOHA KAKAHIKA (AUINALA)**

My name is **John Carroll** and I am a candidate for the **United States Senate**.  
**Three of my children and eleven grandchildren are of Hawaiian descent.**  
**These comments are made with the clear understanding of the impact of the proposed legislation on my descendants.**

**This testimony is offered with respect for both Senator Akaka and Mr. Abercrombie. I am sure that they have studied the statistics and know the current plight of "native Hawaiians". One of my sons is a match for the profile generally noted as characteristic "Hawaiian". He was convicted of a felony, became a drug addict and generally held himself in low esteem. He is bright, loving and very capable. He worked with mentally handicapped for many years, coached championship baseball, and SOCCER and in line skate hockey teams. He needs the kind of help envisioned in this offering. There are many more like him, male and female, young and old.**

**Attached to my testimony and I would like to incorporate it here by reference is a plan that I worked out prior to Rice v Cayetano. It is offered in the hope that it will be a stimulus for amending the current bill.**

**The current form of the bill should not be pursued. It is highly flawed and disregards tenets of history, international law and the US as well as the Hawaiian**

## Constitutions.

To say that Sovereignty is a complicated ISSUE IS a complete understatement. The dispute encompasses historical, moral and Constitutional CONSIDERATIONS, WHICH defy any simple description or solution. And like many other social AND POLITICAL controversies, the underpinnings of this dispute deal with land, and the use of land.

We are all familiar with the sad and shameful genesis of this dispute: in 1893, a group of wealthy landowners overthrew the Kingdom of the Hawai'i with the complicity and armed assistance of the Federal government. The reasons for the overthrow were purely economical; the landowners sought to develop and maintain their properties free FROM INTERFERENCE from the Monarchy. And to that end, they enlisted under false pretenses, the aid of a company of marines from one of the naval vessels moored in Honolulu. The actions taken were recognized at the time as an illegal act of war upon a peaceful nation by the United States; a nation with whom the United States had treaties of friendship and full diplomatic relations.

At the time of the overthrow, the people of Hawai'i were a diverse mixture of different races, CULTURES and homogenous sociology. To be sure, there were indigenous people of Polynesian racial extraction in the islands, but to suggest that they were the only inhabitants affected by the overthrow would do severe violence to plain history. The Hawaii Constitutions of 1840, 1864 and 1887 had specifically recognized non-Polynesian peoples as legitimate and highly valued members of the Kingdom. And they, along with their Polynesian brethren were given identical, equal rights as (and I quote) "Every Man;" other than those rights specifically reserved to the monarchy.

In 1898, the United States annexed Hawaii as a territorial possession. As part of that process, all public, governmental and crown lands were ceded to the United States. However, revenues from the ceded lands were to be used SOLELY for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes. No distinction was made on the basis of race or ethnicity. And by definition, revenues were to be used for public purposes, and not for a select or favored minority. When Hawaii became a State in 1959, these lands were returned to the State government ostensibly for the same purpose.

However, the 1978 version of the State Constitution created classifications for these benefits based on blood quantum and other racial indicia. It drew distinctions based on Native Hawaiians versus other Hawaiians whose forebears came to Hawaii generations ago, AND WERE equally important in the history and accomplishments of its peoples. And it accorded the right to administer the ceded lands to the Office Of Hawaiian Affairs, AGAIN BASED on racial extraction and ethnicity. As the outcome of Rice v. Cayetano demonstrates, these classifications were, and are inherently unconstitutional.

In spite of the Supreme Court's ruling, the Bill sponsored by our Congressional leadership appears to promote these racial divisions even further. First, it states that benefits under the Bill are to be provided exclusively for "Native Hawaiians;" members of the State's population who are "lineal descendants of the aboriginal, indigenous native people" who resided in the islands on January 1, 1893. All other Hawaiians, including those who trace their lineage back to Scotch, Portugese, German, Chinese, Japanese, Korean and Okinawan immigrants who settled in Hawaii long before that date, are completely excluded.

Second, the Bill creates a Native Hawaiian Interim Governing Council to be composed (again) of "Native Hawaiians" to regulate the affairs of a "Native Hawaiian Governing Body." The Body is to be given specialized powers, rights and other duties to administer to "Native Hawaiians;" all of whom are recognized as having an "inherent right to autonomy, self governance and self determination," distinct from their allegiance as Americans. Eligibility, voting rights, participation and standing to object are all restricted along the same lines - meaning that the Governing Body and all of its operative parts, are to be racially based and motivated.

Third, the Bill provides that all other rights and privileges which "Native Hawaiians" now enjoy, are to be preserved against alteration, diminishment or abridgment; meaning that "Native Hawaiian" Americans are accorded special status as COMPARED TO other Americans in this Country. There will, in effect, be two classes of American citizens residing in the State of Hawaii: those imbued with specialized entitlements based on race, and those who share the daily trials and tribulations which all other Americans, however situated, bear as a price for their freedom.

Fourth, THE Bill purports to derive support for its passage from the Resolution of Apology passed by the 103<sup>rd</sup> Congress in October of 1993. However, testimony pertaining to passage of the Resolution clearly indicates it was never intended to lead to this result. According to Senator Inouye who sponsored the Resolution, it was intended simply to serve as an apology, nothing more; no steps towards secession or independence from the United States for any group of Hawaiians, native or otherwise, was ever anticipated. In fact, Senator Inouye specifically assured his colleagues that the Resolution did not "touch on Hawaiian Homelands,"

and was never projected to promote or advance special treatment for any group of Hawaiians, regardless of designation. Yet, the language of the Bill, which specifically provides for such treatment, refers to the Resolution as a predicate for its authorization.

In summary, the Bill is seriously flawed from a historical, moral and constitutional perspective. It will lead to endless litigation, and, in my opinion, WILL polarize and divide Hawaii's citizens beyond future conciliation. The Bill is nothing more than a racially motivated measure designed to promote the interests of one classification OF AMERICANS to the exclusion of others. It is divisive, discriminatory, and, in the final analysis, JUST plain wrong.

## CARROLL MASTER PLAN

### This could fly if it can get through the US Congress

March 29, 2000

John Carroll  
Box 3016  
Honokaa, Hawaii  
96727

1. A resolution should be submitted in the US Congress, House and Senate demanding reparations as noted below and should contain the following:

**Whereas Hawaii is the only insular state in the United States, and  
Whereas there are no highways, pipelines, railroads or other land  
connections to the mainland United States, and**

**Whereas Hawaii was illegally seized by the USA, and  
Whereas in 1993 the US Congress acknowledged the illegal taking of  
this sovereign nation, and**

**Whereas the State of Hawaii has the right to be reinstated as a  
sovereign nation as the Kingdom of Hawaii in accord with the guiding  
law and principals set forth in the LAW OF NATIONS, and**

**Whereas it is in the best interests of both the USA and the citizens of  
the State of Hawaii that Hawaii remain a state of the Union, and**

**Whereas if the following demands are agreed to by the Congress of the  
USA the wounds to the Hawaiian Kingdom should be healed forever,**

**Therefore be it resolved that the US Congress provide:**

2. A. Reparations: The US Government must agree to pay as reparations for the illegal taking as well as for rents on Royal Patent and/or ceded lands. \$00.50 per acre per year for all lands taken at the time of the overthrow of the Hawaiian Kingdom in 1893. THIS WOULD CREATE A FUND OF APPROXIMATELY \$95,000,000,000.00. (1.8 million acres at 50 cents per acre per year for 106 years) Reparations would be paid to the State of Hawaii over a period of years. Unpaid reparations would be accumulating interest at a nominal rate.
- B. That Hawaii be deemed an OPEN PORT, free of all duties on goods

- transported in or out of Hawaii,
- C. That there be no restrictions imposed on the State of Hawaii by the US Congress as to what vessels or aircraft may ply trade between Hawaii and any other geographical location, country or principality, and it shall be within the sole purview of the Legislature of the State of Hawaii to permit or prohibit foreign carriers, surface or air, from entering the State.
  - D. The citizens of the State of Hawaii shall vote by way of referendum on the provisions of this resolution. If the measure passes by a two-thirds majority, the citizens of the State of Hawaii and the Kingdom of Hawaii shall forever and irrevocably relinquish and specifically abrogate their inherent rights to reinstatement, independence from the USA and sovereignty.

### THE PROCESS

3. First, there must be a popular vote, a referendum, held to determine that this plan is acceptable to Native Hawaiians and the citizens of Hawaii. At the present time there is no provision in Hawaii law for referendum, the method of submitting an important legislative measure to a direct vote of the whole people. Recall, the legal method for firing an elected official, has never been granted or reserved to the citizens of the State of Hawaii. This proposed referendum could be initiated by the fiat (Resolution Adopted by the legislature and placed on the ballot for popular vote) of the state legislature. HRS 11-112, 50-11, 88-219.

### REFERENDUM PROVISIONS

4. The exact amount owed by way of reparations would be calculated and paid into a central trust fund in accord with the provisions of the Resolution of Annexation, (HR US 18-- ) i.e. for the education of the Children of Hawaii. This fund would be accessible to and include all children in Hawaii whose parents are permanent residents, regardless of race. In addition, all persons of Hawaiian aboriginal descent, regardless of residence, would be eligible to receive benefits from the appropriate trust entity.
5. Trustees will manage this fund as well as the servient trust funds with strict fiduciary responsibilities set forth in the law. Breach of the fiduciary obligations will be denominated in State law as a felony crime. This would include speculative mismanagement, simple negligence, commingling and the like.
6. The central repository fund should be divided among separate trusts each with a specific beneficiary class clearly defined as set forth below:

- a. An education fund for ALL CHILDREN of HAWAII, regardless of race or ethnicity. This fund would be for the college education of qualified candidates.
- b. An education fund for elementary and high school students (Up to age thirty) to allow them to be ready for college if that is their goal. This fund could be used to enhance teacher salaries in the public school system, other educational enhancements (music, art, Hawaiian immersion, and tutors, as well as for tuition grants for private school education.
- c. A fund for education in skill training, including trades, nursing, computer, cyber tech, construction, driver training, flying, technology, etc. This would be coordinated through the trade unions and the vocational training assets in the present school system. This fund would be used for acquisition of the needed tools, technical instructors, infrastructure, etc.
- d. A fund dedicated to medical assistance as well as job counseling and training specifically to assist those (up to age thirty) who are beset with behavior problems. Treating, rehabilitating and otherwise handling dysfunctional students, dropouts, and persons up to age 30 who need this type of care will be the primary goal of this fund. This would require a legal redefinition of "Children", but could be done by the local legislature for the purposes of creating this class of persons and conferring a beneficial interest in the trusts designed for "children".
- e. A fund would supply medical insurance for all "children of Hawaii" up to the age of thirty. By then the children should be in a position to obtain their own medical insurance through employment or from the state. The plan would be free and include medical, dental, vision and drug coverage without co-payment.
- f. A trust fund, which could be utilized only for the benefit of aboriginal (persons of Hawaiian blood, amount criteria specified by OHA) for the purposes of creating farms, ranches, businesses or building homes. These would not be loans, rather, grants in aid.
- g. All ceded lands possible would be returned to the appropriate State agency for distribution to aboriginal children and adults (*This may be in conflict with the provisions of Rice v. Cayetano, but the purpose needs to be included as part of this plan. The racial aspect of this can be questioned on constitutional grounds. It is not legally impossible if the US Congress adopts this as a "Treaty Violation Reparations" which should remove the taint of the racially unequal distribution of the reparation fund.*)

7. who qualify under pre- Rice v Cayetano criteria. Such land should be conveyed in fee simple rather than lease for 99 years, as is currently the case. Currently assigned leasehold Hawaiian Homes Lands would be conveyed in fee simple.
8. If Hawaii is deemed an open port State, the state of Hawaii shall determine what nations shipping companies and airlines will be allowed to do business in Hawaii. All import and export taxes would be eliminated to reduce the cost of items, which are required for daily living. In addition, these concessions will provide more jobs on the docks. They (concessions) would allow businesses, farmers and ranchers to bring in goods at much better prices. In turn, this should insure a significantly lowered cost of doing business, raising crops and animals. This plan will result in a lowered cost of living and, ultimately, a thriving business economy.
9. This plan acknowledges the need for maintaining National Security. The plan can be designed to insure that the sea and air ports are secure and in compliance with security standards of the US Government.

John S. Carroll