

OPTIONAL FORM NO 10 (7-90)

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GENERAL SERVICES ADMINISTRATION

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September 22, 2000

Assistant Secretary John Berry
C/O Document Management Unit
Department of Interior
1849 C Street, NW, Mailstop-7229
Washington, DC 20240

Reference: DRAFT REPORT--From Mauka to Makai: The River of Justice Must Flow Freely, dated August 23, 2000

Dear Secretary Berry:

Aloha, I am Kirk Lee Keali'i'ialohio Durante, native Hawaiian and graduate of the Kamehameha Schools. I am the current President of the Kamehameha School Alumni Association encompassing all alumni within the 13 Regions throughout the United States. I have enclosed my personal comments to the report referenced above for your consideration. The comments below reflect the untiring work of many Native Hawaiians who have assisted me with preparing this letter.

1. Introduction

In 1993, Congress passed Public Law 103-150, the Apology Resolution. The resolution apologizes for the role of the U.S. in the 1893 military overthrow of the Hawaiian Kingdom. In 1999, pursuant to the promise of the resolution, Senator Akaka requested that the Departments of the Interior (DOI) and Justice (DOJ) address the reconciliation (meaning healing) between the U.S. and Native Hawaiians.

The Mauka to Makai report is the result of a request from Senator Akaka. The report provides the following five recommendations to begin the reconciliation process:

- Congress should enact legislation regarding Native Hawaiians' political status and create a framework for recognizing a government-to-government relationship with a representative Hawaiian governing body;
- the establishment of an office in the Department of the Interior to address Native Hawaiian issues;
- the Department of Justice and the Office of Tribal Justice to maintain a dialogue with the Native Hawaiian people and DOI on issues of mutual concern;
- the creation of a Native Hawaiian Advisory Commission to consult with DOI regarding Hawaiian land management, resource and cultural issues affecting Native Hawaiians;

- past wrongs to Native Hawaiian people should be addressed; and
- Congress, the Executive Branch of government, the State of Hawaii, and Native Hawaiians should develop the reconciliation process.

The draft report clearly outlines historical evidence for Federal recognition and the establishment of a native Hawaiian government to protect Hawaiian rights, property, culture, and language; and to preserve existing Federal benefits favoring native Hawaiians.

2. Recommended Improvements to the Report

- **Federal Recognition of Native Hawaiians.**

Recommendation: I strongly support and recommend the much deserved Federal recognition of Native Hawaiians. I feel it is important that all indigenous, Native Americans have the same status under federal statutes including the right to self-determination and self-governance, and a federally recognized government-to-government relationship with the United States.

- **Interim definition for "Native Hawaiian."**

Recommendation:

During recent hearings in Hawai'i, arguments were put forward that an "interim" definition of "Native Hawaiian" should be used to create a temporary role in order to begin the process. This definition will recognize only those defined in the Hawaiian Homes Commission Act of 1920 (HHCA) with 50% or greater blood quantum as Native Hawaiians.

Limiting the definition of "Native Hawaiians" to those with 50% or greater blood quantum further exacerbates the current injustices described in the report. As part of the reconciliation process, the definition should be broadened to include the vast majority of Native Hawaiians living today, and not the minority, as it currently does.

As such, the Report must clearly articulate that the benefits from the approximately 160 existing laws apply to a very small minority of "Native Hawaiians" as defined by the HHCA. The report is misleading and must be corrected as part of this review process.

- **Blood Quantum as defined by the HHCA.**

Recommendation:

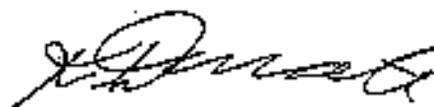
As part of the reconciliation process, the definition of "Native Hawaiians" using blood quantum should be broadened to include the vast majority of Native Hawaiians living today. Using the HHCA 50% blood quantum provides benefits to the minority, not

the majority of the Native Hawaiians living today.

Hawai'i is unique because of its size, location, and history of massive immigration which resulted in large-scale agricultural land ownership by foreigners. A natural consequence of these factors led to marriage outside of the Hawaiian race by many remaining Native Hawaiians resulting in the dilution of the blood quantum. Because of the inter-racial marriages, many children currently on HHCA lands do not technically qualify for the lands their parents occupy and deserve.

The determination of 50% blood quantum as defined in the HHCA is a divisive wedge forged by foreigners that was driven between two groups of Native Hawaiians. As I discussed earlier, the vast majority of native Hawaiians have less than 50% blood quantum, thus creating have and have not groups. The original HHCA legislation submitted in 1920 by Prince Jonah Kuhio requested 1/32 blood quantum. The process of getting the HHCA passed into law saw the quantum requirement rise to 50% or greater. Based on documented history, the blood quantum requirements were heavily influenced at the time by large landowners in an effort to reduce the number of Native Hawaiians qualified for the land.

Mahalo nui loa (thank you very much) for the opportunity to provide comments on this report. If you or a staff member care to discuss these comments by telephone, I can be contacted at home (703) 426-4921 or e-mail address is KirkLKDurante@aol.com.



Kirk L. K. Durante
Native Hawaiian