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Kōmike Lawelawe o na Hoaloha `Amelika
American Friends Service Committee
Ke`ena o Hawai`i
Hawai`i Area Office
2426 Alanui O`ahu
2426 O`ahu Avenue
Honolulu, Hawai`i 96822
Kelepona (*Telephone*) (808) 988-6266 Fax: (808) 988-4876
E-mail: afsc@pixi.com

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Inoa John Berry (Name) Hui Us. Dept of Interior (Company)

Helu Kelepa`i 202-208-3238 (Fax Phone) Helu kelepona ke-ena _____ (Business Phone)

Maia Kyle Kajihiro (From) Helu Kelepa`i (808) 988-4876 (Fax phone)

KE KUMUHANA NUI
(Subject)

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American Friends Service Committee
Hawai'i Area Program Office
2426 O'ahu Avenue
Honolulu, Hawai'i 96822
Phone: (808) 988-6266
Fax: (808) 988-4876
email: afsc@pixi.com

Program Committee:
Noe Tanigawa
Committee Clerk
Monoiki Ah Nee
Nancy Aleck
Jim Bartels
Mary "Kit" Glover
George Harris
Terry Lau
Kay Linn
Bridget Matsumoto
Trisha Nakamura
Josh Reppun
Linda Rich
Noenoe Silva
Jim Shon

Sub-committees:
Demilitarization
Economic Justice
Gay Liberation
Sovereignty Education

Staff:
Kyle Kajihiro
June Shimokawa

DATE: January 12, 2000

TO: John Berry
Assistant Secretary of Interior
c/o Document Management Unit
MS-7229 MIB
U.S. Dept. of Interior
1849 C Street, NW
Washington, D.C. 20240
Fax: 202-208-3230

FROM: Kyle Kajihiro, Program Coordinator, American Friends Service Committee Hawai'i Area Program

SUBJECT: Testimony for the Native Hawaiian Reconciliation Process

Aloha mai e Mr. Berry

Thank you for this opportunity to testify on the reconciliation process between the United States of America and the Hawaiian nation. Although your committee has admitted that its authority is strictly limited by the scope of U.S. domestic law, and is therefore unable to address international violations committed by the U.S. against the independent and sovereign Kingdom of Hawai'i, we see it as a positive step nonetheless that you have entered into this dialogue to gather information about the nature of the U.S. problem in Hawai'i.

Founded in 1917, the American Friends Service Committee (AFSC) is a Quaker organization that advocates non-violence, peace-building and justice in many different communities, nations and regions around the world. The AFSC began working in Hawai'i during World War II to support persons of Japanese descent in Hawai'i who were unjustly incarcerated in concentration camps or were forcibly removed from their homes simply because of their race. During the 1960s and 1970s, the AFSC in Hawai'i opposed the Vietnam War and assisted conscientious objectors. We also supported Kanaka Maoli (Native Hawaiian) efforts to stop the bombing of Kaho'olawe. Today the AFSC Hawai'i supports Hawaiian self-determination, works to educate the broader community about Hawaiian sovereignty and advocates against militarism.

We submit this testimony to highlight the profound social, cultural and environmental impacts of the U.S. military on Kanaka Maoli and on these islands. The U.S. military was the decisive agent in the illegal overthrow of the Kingdom of Hawai'i in 1893. Your reconciliation efforts must address the fundamental contradictions of the U.S. military's historical role and continued presence in Hawai'i.

1. The U.S. Military presence in Hawai'i violates Hawaiian sovereignty.

A series of U.S. military interventions beginning around 1870 began to erode the sovereignty of the Kingdom of Hawai'i, culminating with the 1893 overthrow, an

unprovoked and unlawful act of aggression against the Kingdom of Hawai'i by agents of the United States. The U.S. military presence in Hawai'i today is the continuation of an initial, hostile military occupation that never ended. Even as late as March 1999, military training scenarios depicted Kanaka Maoli sovereignty activists as the simulated enemy.

Hawaiian nationals overwhelmingly opposed annexation to the U.S., and as result each attempt to ratify a treaty of annexation in the U.S. Senate failed. Without a treaty of annexation, the U.S. had no legal basis to unilaterally expand its military presence in the islands, as it did following the passage of the Newlands Resolution in 1898. This simple joint resolution, an internal law of the U.S., could not have extended U.S. jurisdiction over Hawaiian territory.

Hawaiian nationals' choice of their political status, as expressed through the anti-annexation petitions of 1897 were the most valid and free expressions of the will of the Hawaiian people. But this expression of self-determination was disregarded by the U.S. by the passage of the Newlands Resolution. The statehood vote of 1959 contained so many flaws that it cannot be considered a valid expression of self-determination of Hawaiian nationals. International law spells out protocols for decolonization and self-determination which include withdrawing the occupying military and offering a full range of political options in a plebiscite. The statehood vote did not offer independence as an option. The U.S. military continued its occupation of Hawai'i throughout the vote, and military personnel were even allowed to vote. This violates the very principle of self-determination.

2. Military occupation of Hawaiian lands displaces Kanaka Maoli.

As a result of the military takeover, Hawai'i today is one of the most densely militarized regions under U.S. control, with the military controlling 205,925 acres, or roughly 5% of the land. This figure is based on the *Hawaii Military Land Use Master Plan* and the *Hawaii Military Installations and Training Areas* and includes both lands the military claims in fee and leased lands. On O'ahu, the most densely populated island, the military controls 85,718 acres out of 382,148 acres, or 22.4% of O'ahu. Statewide, the combined armed services have 21 installations, 26 housing complexes, 8 training areas, and 19 miscellaneous bases and operating stations.

The largest percentage of the military's land holdings are made up of so-called "ceded lands." In 1898, when the Newlands Resolution allegedly annexed Hawai'i, nearly 1.8 million acres of former national and crown lands of the Kingdom of Hawai'i were illegally seized by the United States. In 1959, when the U.S. claimed Hawai'i as a state, the military retained control of approximately180,000 acres of ceded lands ,while most of the rest reverted to the state. Surplus lands were to be returned to the state after World War II, but with the exception of Kaho'olawe and Barber's Point, very little has actually been returned. Today, the military controls approximately 112,173 acres of ceded land, representing 54% of its land holdings.

In 1998, the military had 47,064 active duty personnel and 85,350 dependents stationed in Hawai'i. According to a recent pamphlet distributed by the Commander In Chief of the Pacific Command (CINCPAC), the military population made up 13% of Hawai'i's population.

By comparison, the Kānaka Maoli (Native Hawaiians) numbered 220,748, or 18.5 % of the total population. As others have already testified, Kanaka Maoli have the worse social statistics of any group and are the most dispossessed in Hawai'i, their homeland; 40% of the homeless or houseless are Kanaka Maoli.

Militarization has impacted Kanaka Maoli access to Hawaiian Home Lands. The Hawaiian Homes Commission Act of 1920 set aside187,000 acres for Kanaka Maoli homesteading. A 1983 Federal-State Task Force concluded that 13,580 acres of Hawaiian Home Lands were improperly withdrawn through

presidential executive orders, much of it for military uses. Of these improperly transferred lands, 1,356 acres in Lualualei were removed from the Hawaiian Home Lands inventory and turned over to the Navy. In 1999, under a land swap agreement to settle the improper transfer, the Department of Hawaiian Home Lands received 580 acres at Barber's Point in exchange for the land at Lualualei. Although the land at Barber's Point was supposedly more valuable than the Lualualei parcel, 770 acres were lost from the Kanaka Maoli land base through this deal between the state and federal governments.

3. The military occupation of Hawaiian lands obstructs the free exercise of Hawaiian culture and exacerbates cultural disintegration.

The militarization of land in Hawai'i negatively impacts the cultural survival of Kanaka Maoli, whose genealogy derives from the land, and whose spirituality and livelihood depend on having direct and vital connections to the land. By displacing and excluding Kanaka Maoli from their ancestral homelands, the military causes incalculable harm to Kanaka Maoli culture, which precipitates the disintegration of families and communities. Around the world, land alienation often has been the fatal blow to the survival of indigenous peoples. With the military occupying such a large portion of Hawaiian land, it bears a great responsibility for the cultural demise of Kanaka Maoli.

Military uses of the land conflict with fundamental Hawaiian values of *aloha 'āina* (love for the land) and *mālama 'āina* (to care for the land); its environmental impacts are widespread and profound. The August 1992 issue of Environment Hawai'i reported that in 1991, "235 sites at active installations in Hawai'i (including Johnston Island) posed an environmental problem of one or another kind." Typical environmental impacts include the destruction of ecosystems and protected species and contamination by solvents, organic compounds, fuels, explosives, chemical weapons, heavy metals, radioactive substances, and unexploded ordnance. Large scale construction projects associated with the military have destroyed significant productive lands and cultural sites.

The military took some of the choicest locations for their installations, including many of the best beaches and shorelines. As a result, Kanaka Maoli have been denied access to many of the most important land and ocean resources, thereby irreparably harming or extinguishing certain traditional and customary practices such as farming, fishing, hunting, gathering and worship. While the military deserves some credit for implementing environmental protection and clean up measures, these are often "too little - too late" and usually only mitigate environmental and cultural damage caused by uses that are fundamentally incompatible with Hawaiian values and sustainability.

The following is a partial list of sites where there have been conflicts with the military uses of the land:

- Mōkapu: At Mōkapu, the site of the Marine Corps Base Hawai'i - Kāne'ohe Bay, hundreds of iwi, ancestral burials were unearthed and displaced by military housing. According to legends, Mōkapu is the place where the first humans were made by the gods.

- Hālawa: After a twenty-year struggle, the controversial H-3 freeway was completed, the most expensive roadway ever built. Paid for by U.S. defense funds to connect Pearl Harbor with Marine Corps Base Hawai'i - Kāne'ohe, it destroyed important archaeological sites in Hālawa and Kāne'ohe.

- Ke'awalau o Pu'uloa (Pearl Harbor): Ke'awalau o Pu'uloa was once the center of one of the most productive agricultural and aquacultural systems in Hawai'i with over 36 fishponds in production, was destroyed by the dredging of the Pearl Harbor Naval Station. Today, Pearl Harbor is one of the most contaminated military installations, with six Superfund sites, and contaminants that include lead, TCE, mercury, and petroleum. Furthermore, Navy ships have flushed radioactive cobalt and chemicals into the harbor. Subsistence fishers in the harbor, which include mostly Hawaiian, Pacific Islanders and Filipinos, are at the greatest risk of exposure to toxins.

- Kaho'olawe: Kaho'olawe is considered to be *kinolau* (a physical form; an embodiment) of Kanaloa, god of the sea, and thus sacred to Kānaka Maoli. In the 1970s, Kaho'olawe became a site of struggle and cultural revival for Kanaka Maoli. The Navy bombed Kaho'olawe relentlessly for over thirty years, which caused severe damage to the ecology and cultural sites. Beginning in 1976, the Protect Kaho'olawe 'Ohana (PKO) staged a dramatic campaign to stop the bombing and win the return and restoration of the island. The effort to clean up unexploded ordnance has illustrated the enormous cost of military training.

- Mākua: Mākua is a culturally and ecologically important valley on the west side of O'ahu which the military has used for live-fire training since the 1930s. The valley contains at least three documented *heiau* (temple) sites and numerous other ancient sites, while the beach contains many burials. Mākua also contains critical habitat for numerous native species, including over 30 endangered species and the only wild specimen of an endemic lobelia plant. The army took over the entire valley during World War II, evicting several hundred residents and destroying their homes. Former valley residents recount how the military painted a white cross on Mākua church and bombed it for target practice. Although the military was supposed to release the land after the war, none was returned. In 1964, over the objections of Hawai'i's Governor, President Johnson signed Executive Order 11166 designating 3,236 acres of the valley as a training facility. The State then leased an additional 1,515 acres to the Army for 65 years for a mere dollar. Military exercises at Mākua have included ship-to-shore and aerial bombardment, amphibious assault, mortar, napalm and rocket training, and ordnance disposal. Unexploded ordnance litter and render the interior of the valley extremely hazardous. Many fear that toxic chemicals from the explosives contaminate the soil and groundwater. Kanaka Maoli have organized for at least 22 years to seek the return of the valley.

- Waikāne: The Kamaka family leased land to the military for training. The lease specified that the military would clean up the land and return it to the Kamakas at the end of the lease. However, when the lease expired, the land was returned littered with unexploded ordnance. Rather than pay for a clean up, the military condemned the property for a fraction of its value and fenced it off.

- Nohili: The Pacific Missile Range Facility on Kaua'i sits atop burial dunes and endangered species habitat. Kanaka Maoli staged civil disobedience to block missile launches from Nohili.

- Pohakuloa: This training range sits astride critical native species habitat and cultural sites.

- Waimanalo (Bellows): Native Hawaiians have demanded the return of this prime beach location for many years. It contains unexploded ordnance and toxic chemical spills.

- Lualualei: Lualualei contains a Naval magazine and communications center. The community has opposed the storage of nuclear weapons at Lualualei. As mentioned above, the installation contains Hawaiian homelands that were improperly removed from the trust.

- Kahuku: Recently, the military condemned land from the Campbell Estate which it had been leasing for training maneuvers. Native Hawaiians use the area for hunting and gathering.

- Moloka'i: People who use this formerly used training range on Moloka'i frequently encounter unexploded ordnance.

- Ho'ona: The Kamakakamakaiokekoa family once lived and cared for burial sites and other sacred features in this small oasis in the dry Kona coast. The family was forcibly evicted by the military

during World War II and their homes were burned. Now, the family is fighting against the encroachment of the Natural Energy Laboratory of Hawai'i Authority, which is funded by Defense research funds.

4. An imbalance of military expenditures in Hawai'i have led to chronic patterns of economic dependency.

Hawai'i's political and corporate elite argue that Hawai'i needs a continued military presence for the economic benefit that it supposedly brings. However, reports on the military's economic contribution exaggerate the benefits while completely ignoring the costs.

According to the *State of Hawai'i Data Book*, in 1998 the military was the second largest "industry" in Hawai'i behind tourism, with expenditures totaling approximately $4.07 billion or 11.6% of the gross state product. In 1995 Hawai'i ranked fifth in per capita federal spending, receiving $6.386 per person,$2,502 of which came from the military. Although the share of direct personal income and employment related to the military declined slightly between 1990 and 1997 both in the U.S. and Hawai'i, in 1997, the military still accounted for 5.1% of direct personal income and 9.2% of the jobs in Hawai'i, compared to 0.7% and 1.7% respectively, in the United States.

Still, a true assessment of the military's economic impact must account for the "leakage" of funds to outside contractors and vendors, losses of income taxes and general excise taxes (military personnel and installations are exempt from Hawai'i state taxes), losses from the ridiculously low rents paid by the military for use of Hawaiian lands (e.g. $1 for 65 years for a large portion of Mākua), competition from military personnel for jobs and housing, and the cost of environmental degradation. Reports on the military's economic contribution also fail to disclose the "opportunity cost" of militarism - development opportunities that are lost because resources are already committed to the maintenance of the military.

Doctors caution us that a well rounded diet is essential to having good health, and that too much of even a good thing can become toxic and lead to health problems. This analogy can also be drawn for the military's role in Hawai'i's economy. The military brings a massive volume of economic resources to Hawai'i, but more is not necessarily better. A diet high in calories but lacking in essential nutrients can cause serious problems like heart disease, diabetes, obesity and a host of other problems. Military funds in Hawai'i are like a high fat, high sugar diet, which may be filling and tastes good, but is ultimately addictive, causing chronic health problems. Military funds have developed our economy unevenly, skewing the economic and social priorities of the community, stiffling economic diversification and sustainability, and in the process, making Hawai'i less secure overall.

Conclusion

Any meaningful reconciliation process must involve the withdrawal of U.S. military forces and the reversion of all military lands to Hawaiian jurisdiction, until such time that new agreements may be reached between the U.S. and the Hawaiian government redefining a military relationship with the United States. Reparations must be paid for the clean up and restoration of former military lands, and redress paid to those parties who suffered losses or damages as a result of the unlawful taking of lands, or due to their exclusion from lands which they were entitled to use.

Mahalo for this opportunity to testify.