



"Marilyn L. Khan" <khanm@hi.net> on 09/24/2000 03:20:20 PM

Please respond to "Marilyn L. Khan" <khanm@hi.net>

To: Edward K Thompson/OIA/OS/DOI@DOI
cc:

Subject: Re: Native Hawaiian Reconciliation Draft Report

Aloha, Ed. Here are our comments representing the 23 Hawaiian Civic Clubs on O'ahu. I am assuming that you will send copies to Mr Berry and Mr Van Norman, but if that is not true, could you send me their e-mail address or fax and I will send to them.

mahalo for your follow-up and patience.
Could you acknowledge receipt, please.

Leimomi

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

From: <Edward_K_Thompson@ios.doi.gov>

To: <khanm@hi.net>

Sent: Friday, September 15, 2000 11:08 AM

Subject: Native Hawaiian Reconciliation Draft Report

> Leimomi,

>

> Thanks again for your help in organizing the distribution of the draft
> report to the Hawaiian Civic Clubs. I appreciate your assistance in
> helping us to reach as many Native Hawaiians as possible.

>

> I'm asking your assistance once again. The deadline for comments is next
> Friday, September 22. Is it possible for you to send an email to all
> clubs

> to remind them to get their comments into us by next Friday?

>

> Also, I wanted to let you know that if people want more copies of the
> report, it can be purchased at University Kinko's on
> 2575 South King Street at \$4.98 a copy. Phone number is 943-0005.

Copies

> for reading can also be found at all Hawaii Public library branches, OHA
> offices statewide, DHHL offices, Center for Hawaiian Studies at UH Manoa,
> UH Hamilton Library, and at the Hawaiian Studies Dept. of UH Hilo.

>

> Mahalo again for your help,

>

> Ed

>

**ASSOCIATION OF HAWAIIAN CIVIC CLUBS
O'AHU DISTRICT COUNCIL**

P.O. Box 38122
Honolulu, Hawaii 96837-1122
e-mail: khaam@hi.net
phone: (808) 396-9147

22 September 2000

Mr. John Berry
Assistant Secretary, Policy Management and Budget
Department of Interior

Mr. Mark Van Norman
Director, Office of Tribal Justice
Department of Justice

Aloha

As noted in your report, "From Mauka to Makai: The River of Justice Must Flow Freely", a draft report on the reconciliation process between the Federal Government and Native Hawaiians, the Native Hawaiian community has maintained its distinct character as an aboriginal, native people through the support of Native Hawaiian social and political institutions such as the "Native Hawaiian civic clubs."

We have been in existence since December 1918, when Prince Jonah Kuhio Kalaniana'ole, Hawaii's delegate to the Congress at that time, brought together a group of leaders to organize a strong and cohesive group within the Hawaiian community to lead Hawaiians to become actively involved in legislative matters. Today, there are 46 clubs located throughout the United States, 23 of those clubs sit on O'ahu.

Since its founding, the O'ahu Council has actively participated in legislative matters, initiating numerous resolutions on health, education, economic, cultural and land issues. We are proud to say that we were the first to sponsor an informational forum for the public at the State Capitol Auditorium, on July 31, 2000 on Senate Bill 2899 and HR 4904 (both to express the policy of the United States regarding the United States' relationship with Native Hawaiians, and for other purposes), recognizing the importance of and need for this legislation.

Additionally, at its annual convention held in 1997 and 1999, the Association of Hawaiian Civic Clubs passed resolutions urging a comprehensive settlement of the outstanding claims of the Hawaiian people for land and sovereignty and urging Native Hawaiian participation in a reconciliation process with the Federal government as called

for in Public Law 103-105 by attending and speaking out at community outreach meetings, and testifying and/or submitting written testimony at the public hearings.

At the outset, we wish to applaud Senator Daniel K. Akaka's request and the subsequent support by the Secretary of the Interior Bruce Babbitt and Attorney General Janet Reno to designate officials to represent their respective Departments to commence the reconciliation process. This resulted in your appointments and the subsequent meetings with the Native Hawaiian community in December 1999 to dialogue to seek recommendations with respect to the reconciliation process. We appreciated the sensitivity to the views of the Native Hawaiian community that the two of you exhibited during your visit to Hawaii.

As to the report itself, we offer the following comments:

The history and the current state of affairs as described in your report are articulated well.

Regarding that section titled, "Native Hawaiian Reconciliation Executive Summary and Recommendations", we recommend that the last sentence of the first paragraph be more specific regarding the treaties that existed between the United States and the Kingdom of Hawaii.

As reads: "Over the next 60 years, the United States entered into several treaties of peace, friendship and commerce with the Kingdom of Hawai'i, recognizing its status as an independent sovereign."

Change to read: "From 1826 until 1893, the United States recognized the sovereignty and independence of the Kingdom of Hawai'i, extended full and complete diplomatic recognition to the Kingdom of Hawai'i and entered into treaties and conventions with the Kingdom of Hawai'i to govern friendship, commerce and navigation in 1826, 1842, 1849, 1875, and 1887."

Reason: While the report later contains the details of the treaties, legislators and others may not read through it. Oftentimes, such leaders rely on executive summaries. The suggested revision clearly makes the point on the status of Hawai'i as a Kingdom and its relationship to the United States prior to the overthrow.

Regarding the recommendations contained on page 4 of the report, we offer the following comments:

Recommendation 1. "...the Native Hawaiian people should have self-determination over their own affairs within the framework of Federal law, as do Native American tribes." "...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." We strongly recommend striking the words, "within the framework of Federal law, as do Native American tribes." This has been a contentious issue with the Native Hawaiian community and inclusion of such language serves no purpose. Ultimately, the framework for deriving "self-government" will be derived by the Native Hawaiian people in working with international and American laws.

Recommendation 2, "...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." Recommend that there be an "Office of the Assistant Secretary for Native Hawaiian Affairs", rather than relegating the affairs of Native Hawaiians under the Assistant Secretary for Indian Affairs.

Recommendation 3: "...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." We offer no comments.

Recommendation 4; "...the creation of a Native Hawaiian Advisory Commission to consult with all bureaus within Interior that manage land in Hawai'i regarding land management, resource, and cultural issues affecting Native Hawaiians." We offer no comments.

Recommendation 5: "The past wrongs suffered by the Native Hawaiian people should be addressed." The Departments of Interior and Justice did not offer a precise outline for these efforts, but believed that the Executive Branch, Congress, the State of Hawai'i and the Native Hawaiian people must develop an appropriate process to ensure true reconciliation. We offer no comments.

We strongly urge that there be a sixth recommendation specifically requiring the inventory of all ceded lands. Approximately 50% of your report covers this issue, and it is of utmost importance to the Native Hawaiian people for it is the foundation of its economic base. In 1999, at its annual convention in Ka'anapali, Maui, Hawai'i, the Association of Hawaiian Civic Clubs, by resolution 99-08, again called for an independent audit and appraisal of the ceded lands. Accordingly, we recommend the following:

Recommendation 6. "This report recommends that the Department of Interior, in collaboration with the State of Hawai'i, fund for and complete an inventory of all ceded lands, that it be completed within two years of the final draft of the Report on the Reconciliation Process Between the Federal Government and Native Hawaiians; that it be published and available to the public; and that Native Hawaiian organizations, such as the Association of Hawaiian Civic Clubs, be given the opportunity to comment on its completeness and accuracy."

Mahalo for the opportunity to comment. We look forward to an early completion and issuance of the final report.

Me ke aloha pumehana

Isl Leimomi Khan
(by e-mail)

LEIMOMI KHAN
Pelekikena