

Lotus cc:Mail for Karen Sprecher Keating

Date: 9/21/00 4:36 AM
Sender: "Emmett E. Lee Loy" <Fiftypercentplus@hotmail.com>
To: <KAREN_SPRECHER_KEATING@doi.gov>
bcc: KAREN SPRECHER KEATING
Priority: Normal
Subject: Re: Re[2]: Re:Comments to draft report on Native Hawaiian...

Author: "Emmett E. Lee Loy" <Fiftypercentplus@hotmail.com> at DOI
Date: 9/21/00 4:36:04 AM
Priority: Normal
bcc: KAREN SPRECHER KEATING at ~SOLHQ
To: <KAREN_SPRECHER_KEATING@doi.gov> at DOI
Subject: Re: Re[2]: Re:Comments to draft report on Native Hawaiian...

Subject:
Re: Re[2]: Re:Comments to draft report on Native Hawaiian
Reconc

Aloha Karen:

Please include these comments as well to the draft report on
native Hawaiian
reconciliation.

The savings clause of the Hawaiian Homes Commission Act of
1920, renders
even future acts of Congress, such as S2899 (the so-called
federal
recognition bill), null and void, if it is inconsistent with
the HHCA of
1920.

The latest revised draft of S2899 is inconsistent with the HHCA
of 1920, and
invites the invocation of the savings clause of the HHCA of
1920.

The role of Justice and Interior ought to be advocating on
behalf of the
real parties in interest under the HHCA of 1920. "Lineal
descendants of the
HHCA beneficiaries" is another way of saying lineal descendants
that do not
qualify under the HHCA of 1920. What about the lineal
descendants that do
qualify under the HHCA of 1920? We will be outnumbered,
outvoted and
outpowered by the no minimal blood quantum "lineal descendants"
just like we
are at the State of Hawaii Office of Hawaiian Affairs. Didn't
Justice and
Interior READ the Rice v. Cayetano decision? Did you see the
part where
they pointed out the differential in the alignment of interests
between
native Hawaiians federally recognized under the HHCA of 1920,
and the no
minimal blood quantum "Hawaiians"?

The United States made one promise to carry out the HHCA of
1920. The

United States has yet to fulfill that promise. Do you really expect us to believe that the United States will fulfill its obligations to the 50% plus blood native Hawaiians under S2899? It is a classic bait and switch, and we are not buying.

The savings clause of the HPCA of 1920 is the hammer we will invoke to nail shut the coffin of S2899 even if it passes into law.

Shame on the United States. Shame on the State of Hawaii. Inouye and Akaka are pulling this smoke and mirrors trick to get their democratic cronies (that run the State of Hawaii and responsible for misadministration of the HPCA of 1920) off the hook.

Inouye and Akaka is playing the United States for a bunch of fools; getting you all to feel sorry and guilty for the overthrow of an independent and sovereign CORRUPT monarchy that ripped off the native tenants in the Mabele of 1848.

Your report should be brutally honest with regards to the plight of the makazinana or native tenants victimized by the Kingdom of Hawaii's Mabele of 1848.

Kind of the fad nowadays for the white people to want to feel guilty about something---but DO NOT feel guilty about the overthrow, it was the best thing for the common native Hawaiians.

Anyhow, take a look at the savings clause of the HPCA of 1920. If S2899 passes into law, you at Interior and Justice, as well as Inouye and Akaka, will become ever so familiar with it, as we intend to rub it into the face of Inouye and Akaka's effort to wipe us from the face of this earth.

If you lower the blood quantum, you will all be responsible for wiping us out. Who is going to protect us? Whose god-damned responsibility is it NOW to protect us? Who is supposed to bring a breach of trust suit against the State of Hawaii? Who has been sitting on their asses since Statehood and allowing the State of Hawaii to rip us off?

Federal-recognition? Try "lower the blood quantum down to nothing" that

actually fits S2899.

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

From: <KAREN_SPRECHER_KEATING@doj.gov>

To: <Fiftypercentplus@hotmail.com>

Sent: Tuesday, September 12, 2000 3:48 AM

Subject: Re[2]: Re:Comments to draft report on Native Hawaiian
Reconc

> Aloha Emmett,

>

> We will include all of your comments in the record of
the public

> comments.

>

> I also will share your comments on the testimony w/Kevin
Gover, who

> will be the Department's witness on Wednesday.

>

> Mahalo, Karen

>

>

>

>

>

Lotus cc:Mail for Karen Sprecher Keating

Date: 9/6/00 11:29 PM
Sender: Fiftypercentplus@hotmail.com
To: KAREN SPRECHER KEATING@doj.gov
bcc: KAREN SPRECHER KEATING
Priority: Normal
Subject: Re: Re: Testing transmission addresses

Author: Fiftypercentplus@hotmail.com at DOJ
Date: 9/6/00 11:29:20 PM
Priority: Normal
bcc: KAREN SPRECHER KEATING at ~SOLHQ
To: KAREN_SPRECHER_KEATING@doj.gov at DOJ
Subject: Re: Re: Testing transmission addresses

Yes, what a small world.

The native Hawaiians as defined in the HHCA of 1920 have been federally recognized since 1921. More than 31,200 applications for Hawaiian homestead lots are currently on file at the Department of Hawaiian Home Lands, representing over 19,000 qualified native Hawaiians as defined in the HHCA of 1920.

The State of Hawaii invented the Office of Hawaiian Affairs in 1978, and created a brand new class of citizens called Hawaiians of no minimal blood quantum.

The Supreme Court in Rice v. Cayetano pointed out the differential in the alignment of interests between the native Hawaiians as defined in the HHCA of 1920 (the beneficiaries of the Section 5(f) trust) and the brand new class of no minimal blood quantum "Hawaiians."

OHA is not responsive to the needs of the native Hawaiians as defined in the HHCA of 1920, and is hoarding in excess of \$340 million of our dollars that should be used to fuel the implementation of the HHCA of 1920. Instead, OHA is alternately hoarding and squandering the Section 5(f) revenues. They could really care less about the 50% plus blood native Hawaiians, because we are outvoted, and do not carry much weight at their formerly rigged elections. Those elected cater to the no minimal blood quantum Hawaiians, because they constitute the bigger voting bloc, hence the native Hawaiians get the shaft at OHA.

The blood quantum insures that those most closely related to the native tenants that got ripped off under the Kingdom of Hawaii's

Mahale of 1848,
will be allowed to wait their turn in line for their share of
the lands that
their ancestors never got in the Mahale. A not-less than one-
half native
Hawaiian is more closely related to the native tenants than a
one-five
hundredth part Hawaiian.

Proponents of S2899 portray the bill as one for federal
recognition and use
the Rice v. Cayetano decision as a ruse for their chicken
little sky is
falling scare tactics.

Rice v. Cayetano is not fatal to the HHCA of 1920.

The compelling governmental interest of rehabilitation for
native Hawaiians
under the HHCA of 1920, is vindicated through a narrowly
tailored remedy
available through the HHCA of 1920.

S2899 is actually a bill to redefine native Hawaiians to
include anybody and
everybody, or the general public.

What better way to allow the State of Hawaii to shirk its
responsibilities
to the higher blood quantum Hawaiians, than to redefine a
native Hawaiian to
mean the general public?

Another observation is that the higher the blood quantum, the
more dismal
the socio-economic profile. The people I represent who are in
prison, are
for the most part, the higher blood quantum Hawaiians, for
example.

The minimal blood quantum Hawaiians use the dismal socio-
economic profile of
the higher blood quantum Hawaiians to milk the federal
government of monies.
It never gets to the higher blood quantum Hawaiians. People
running the
programs use the native Hawaiians for their own job
justification and job
security.

OHA is a perfect example. They are playing the United States
for fools.
The State of Hawaii promised to carry out the provisions of the
HHCA of
1920, and the United States gave them 1.4 million acres to do
it with. Now,
the State wants to shirk its responsibilities with this bogus
"Federal
Recognition" bill.

Seems as though they did not know that we have been federally

recognized
since 1921. Of course they know. They know it, and we know it
too. The
State just don't want to put us on our lands, that's all.

Aloha,

Ernett E. Lee Loy 5689
Attorney at Law
758 Kapahulu Avenue, #429
Honolulu, Hawaii 96816

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

From: <KAREN_SPRECHER_KEATING@doj.gov>
To: "Ernett E. Lee Loy" <Fiftypercentplus@hotmail.com>
Sent: Tuesday, September 05, 2000 3:20 AM
Subject: Re:Testing transmission addresses

> This worked. Are you the son of Uncle Genesis and brother of
Namaka?

> Aloha. Karen

>

> Reply Separator
> Subject: Testing transmission addresses
> Author: "Ernett E. Lee Loy"
> <Fiftypercentplus@hotmail.com>
> Date: 8/26/00 5:28 PM

>

>

>

>

>

>

> Test

>

>

>

Date: 9/7/00 5:22 PM
Sender: Fiftypercentplus@hotmail.com
To: KAREN_SPRECHER_KEATING@doi.gov
bcc: KAREN SPRECHER KEATING
Priority: Normal
Subject: Re: Re:Comments to draft report on Native Hawaiian Reconc...

Author: Fiftypercentplus@hotmail.com at DOI
Date: 9/7/00 5:22:37 PM
Priority: Normal
bcc: KAREN SPRECHER KEATING at ~SOLHQ
To: KAREN_SPRECHER_KEATING@doi.gov at DOI
Subject: Re: Re:Comments to draft report on Native Hawaiian Reconc...

Subject:
Re: Re:Comments to draft report on Native Hawaiian
Reconciliatio

Two individual comments. The second comment had to do with pointing out the native Hawaiians as defined in the HACA of 1920 being more closely related by the degree of kinship or blood affinity, to the native tenants ripped off under the Kingdom of Hawaii's Mabele of 1848.

A 50% plus native Hawaiian is more closely related to the native tenants, than a one-five hundredth part descendant, for example.

Today, more than 31,000 applicants that meet the blood quantum definition of the HACA of 1920, continue to wait for their share of the lands.

Do not let the State of Hawaii off the hook. They promised to carry out the provisions of the HACA of 1920, under Section 4 of the Admissions Act of 1959. And, the United States gave them an additional 1.4 million acres to do it with in Section 5(f).

S2899 is a fraud. It seeks to broaden the definition of a native Hawaiian so much, that the State of Hawaii is allowed to shirk its responsibilities to those descendants most closely related to the native tenants victimized by the Kingdom of Hawaii's mass dispossession machinated by the Mabele of 1848.

Why isn't the Departments of Interior and Justice bringing a suit for breach of trust against the State of Hawaii for failing to fully implement the HACA of 1920, instead of trying to push S2899 through?

----- Original Message -----
From: <KAREN_SPRECHER_KEATING@doi.gov>

To: "Ermett E. Lee Loy" <Fiftypercentplus@hotmail.com>
Sent: Thursday, September 07, 2000 10:54 AM
Subject: Re:Comments to draft report on Native Hawaiian
Reconciliatio

> Aloha Ermett,

>

> Are there two sets of comments from you or only one? I
think I had

> two tests and two comments. Mahalo, Karen

>

> Reply Separator

> Subject: Comments to draft report on Native Hawaiian
Reconciliation

> Author: "Ermett E. Lee Loy"

> <Fiftypercentplus@hotmail.com>

> Date: 8/26/00 6:18 PM

>

>

>

>

>

> No Minimum Blood quantum definition of Native Hawaiian.

>

> Your draft report insults the native Hawaiians as defined in
the Hawaiian

> Homes

> Commission Act of 1920. In particular, where your reports
uses the no

> minimal

> blood quantum definition in reference to Hawaiian Home Lands.

>

> The Hawaiian Home Lands are for native Hawaiians as defined
in the HHCA

of

> 1920. However, your report says that it is for Native
Hawaiians of no

> minimal

> blood quantum.

>

> I 1/500 part Hawaiian is NOT the same as a 50% plus native
Hawaiian.

>

> Pay attention to the past Congressional Hearings on the
blood quantum,

and

> note

> that we HAVE NOT, and WILL NOT lower the blood quantum,
until all the

> native

> Hawaiians as defined in the HHCA of 1920 have received their
share of the

> lands.

>

> We, as heirs to the native tenants, and previously, heirs to
the commoner

> or

> makaainana caste were ripped off by the Kingdom of Hawaii in
the Mahele

of

> 1848.
>
> We do not wish to return to the Kingdom of Hawaii.
>
> In the Mabele of 1848, we were supposed to receive 1/3 or
> 33.33 percent
> of
> the
> lands. However, the Kingdom of Hawaii ripped us off and
> gave us NOTHING.
>
> Then in the Kuleana Land Grant Acts of 1850-54, the Kingdom
> of Hawaii
> placed so
> many obstacles, and the chiefs committed so many acts of
> intimidation,
> that we
> only received .8 percent of the lands. This left an
> undelivered property
> right
> to 32.2 percent of all the lands in Hawaii.
>
> The Kingdom of Hawaii stole our undelivered lands and
> converted it into
> "Government Lands."
>
> Now, after that, what makes you think that the native
> tenants want to
> return to
> the kind of government--the Kingdom of Hawaii--that had
> brutally
> exploited us
> for centuries and had ripped us off under the Mabele of
> 1848?
>
> Thank god the Kingdom of Hawaii was overthrown in 1893.
>
> Moreover, your report collapses the distinction between the
> property
> right
> belonging solely to the heirs of the native tenants, with
> the political
> rights
> affected, positively and negatively, by the overthrow in
> 1893.
>
> In your report, it is sloppy when it refers to the Hawaiian
> Home Lands
> were for
> Native Hawaiians of no minimal blood quantum.
>
> Be consistant, and use the small n for native Hawaiians,
> when referring
> to
> the
> beneficiaries of the HACA of 1920.
>
> You folks in Washington, D.C. seem to be of the liberal
> minded, let's
> feel
> sorry for all the minimal blood quantum Hawaiians, that make

you feel
> guilty
> about something you should not.
>
> The overthrow of the Monarchy was the best thing that could
have happened
> to
> the native tenants, first brutally subjugated under the Kapu
System, and
> then
> massively dispossessed under the Kingdom of Hawaii following
the Mahele
of
> 1848.
>
> Down with the Monarchy, and all the alii caste descendants
of no minimal
> blood
> quantum, trying to steal our undelivered lands with this
overthrow in
1893
> argument.
>
> Get off of your liberal, let's feel sorry for the 1/256 part
Hawaiians
> that are
> assimilated, trip.
>
> Focus on your obligations that Congress articulated already
under the
HCCA
> of
> 1920.
>
> Have you ever stopped to consider why Congress in 1920,
closer to the
time
> and
> the scene of the crime (if you want to call the overthrow a
crime) did
not
> pay
> attention to the overthrow?
>
> The overthrow was the best god-damned thing that could have
happened to
> the
> heirs of the native tenants.
>
> Under the Monarchy we got nothing but abused.
>
> Under the United States we got 200,000 acres in the HCCA of
1920, and an
> additional 1,4000,000 acres at Section 5(f).
>
> You should fire Mr. Berry for insulting the native Hawaiians
as defined
in
> the
> HCCA of 1920, for asking no minimal blood quantum Hawaiians
if they want

of
> bogus argument is that. Who cares if Clinton is leaving
office. Gore is
> leading in the polls and if president, you would still have
the
> opportunity to
> rip off the native Hawaiians as defined in the HSCA of 1920.
>
> If Bush was to be elected, so what? Have you forgotten
that both houses
> of
> Congress is run by Republicans, even if Gore is elected
president?
>
> What about us native Hawaiians as defined in the HIICA of
1920 that hate
> the
> chiefs and their heirs for benefitting from the crime of the
Maukahe of
> 1848?
>
> Why are you not listening?
>
> Signed,
>
> Emmett E. Lee Loy, Attorney at Law 808-922-0455
>
>
>

Lotus cc:Mail for Karen Sprecher Keating

Date: 9/12/00 2:11 AM
Sender: Fiftypercentplus@hotmail.com
To: KAREN_SPRECHER_KEATING@doi.gov
bcc: KAREN SPRECHER KEATING
Priority: Normal
Subject: Re: Re:Comments to draft report on Native Hawaiian Reconc...

Author: Fiftypercentplus@hotmail.com at DOI
Date: 9/12/00 2:11:23 AM
Priority: Normal
bcc: KAREN SPRECHER KEATING at ~SOLHQ
To: KAREN_SPRECHER_KEATING@doi.gov at DOI
Subject: Re: Re:Comments to draft report on Native Hawaiian Reconc...

Subject:
Re: Re:Comments to draft report on Native Hawaiian
Reconciliatio

I would like for you to include all of my comments submitted to you under the public comment to your draft report, as well as to include this comment, which has to do with your testimony this next Wednesday, before the U.S. Senate Committee on Indian Affairs, on September 13, 2000:

The United States, including its Departments of Interior and Justice, have a flat-out trust responsibility to the native Hawaiians as defined in the Hawaiian Homes Commission Act of 1920 (50% plus blood).

The primary beneficiaries are the native Hawaiians as defined in the HCCA of 1920, and, as part of the trust responsibility, you all need to advocate for the benefit of these primary beneficiaries.

I am deeply disturbed that Senator Akaka is trying to shirk his responsibility to the primary beneficiaries, by seeking to amend S2899, the so-called "federal-recognition bill" in a way that makes it look like he and the Indian Affairs Committee is looking out for our best interest, but, in fact, is not.

Senator Akaka wants to amend the bill to federally recognize both the "native Hawaiians as defined in the HCCA of 1920" as well as adding the tricky "and their descendants" language. What this really means is native Hawaiians as defined in the HCCA of 1920 and their descendants who do not meet the criteria of a native Hawaiian as defined in the HCCA of 1920. What about the descendants who do meet the criteria of the HCCA of 1920? They will be, once again, just like with the rigged elections of the Office of

Hawaiian Affairs, be outnumbered and outvoted and outpowered by the lower blood quantum persons who claim to be Native Hawaiian. This is not right. Your duty is owed to protect only the Native Hawaiians as defined in the SHCA of 1920. After all, they have been waiting all these years for their lands, and for those descendants who do meet the criteria of the SHCA, they will be put in a longer line, with people of no minimal blood quantum.

The proposed amendment looks nice, but its effects will be fatal to the beneficiary class that stands to lose. Instead of worrying about those who do not qualify under the HHCA, shouldn't you really be worrying about those who do qualify, but are not being served by this proposed, prospective alteration of their legally protectable, proprietary entitlement embedded in the HHCA of 1920?

The proposed legislation should be narrow. It should only recognize the native Hawaiians as defined in the HHCA of 1920. THEN, if we want to change the criteria, let US do it. This would be the better way to go, and it would be fairer to those of us with an interest at stake under the law subject to being impaired or impeded.

That is what the State of Hawaii was supposed to have done in the first place when they invented the now, defunct, Office of Hawaiian Affairs. When the State of Hawaii invented the Office of Hawaiian Affairs in 1978, it was in reaction to us native Hawaiians closing in with vengeance upon the Section 5(f) "lands... proceeds and revenues." The State of Hawaii invented OHA and then created a brand new class of "Hawaiians" of no minimal blood quantum. The "Hawaiians" who are actually members of the general public, outnumbered and outvoted and exerted greater political influence at the Office of Hawaiian Affairs. This was pointed out by the Supreme Court in the Rice v. Cayetano opinion as a "differential in the alignment of interests."

Do not make the same mistake with the federal-recognition bill of S2899.

The HHCA and the Section 5(f) trust, are all we have, if you

take it away
from us, by allowing persons who do not qualify under the HACA
of 1920, to
come in and redefine, who we are, we are going to suffer
irreparable harm
forever. You will have played a significant role, in wiping us
out from the
face of this earth.

You all need to testify to the Indian Affairs Committee,
because we are here
in Hawaii, and Senator Akaka has handpicked only nine (9)
persons all in
favor of lowering the blood quantum for us. And for those who
profess to be
native Hawaiians under the HACA, if they wish to give away
their individual
share, that is fine. But, it is an entirely different matter,
if they are
going to fraudulently pretend that they speak for all of us WHO
DO NOT WISH
TO GIVE AWAY OUR UNDELIVERED SHARE.

Above all, remember this: the 50% plus blood quantum criteria
insures that
only those most closely related to the native tenants
dispossessed of their
ancestral lands in the Mabele of 1848, and for whom Congress
moved the HACA
of 1920 into federal law, are the ones that will suffer great
harm, once
again, if you allow the proposed S2899 to read "and their
descendants (who
do not qualify under the HACA of 1920).

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

From: <KAREN_SPRECHER_KEATING@doi.gov>
To: "Emmett E. Lee Loy" <Fiftypercentplus@hotmail.com>
Sent: Monday, September 11, 2000 6:59 AM
Subject: Re:Comments to draft report on Native Hawaiian
Reconciliation

> Emmett,
>
> This one does appear different than the other two. Is
there one that
> you want to be your comments or shall we include both?
>
> Mahalo, Karen
>
> Reply Separator
> Subject: Comments to draft report on Native Hawaiian
Reconciliation
> Author: "Emmett E. Lee Loy"
<Fiftypercentplus@hotmail.com>
> Date: 8/26/00 6:18 PM
>
>
>

>
>
> No Minimum Blood quantum definition of Native Hawaiian.
>
> Your draft report insults the native Hawaiians as defined in
the Hawaiian
> Homes
> Commission Act of 1920. In particular, where your reports
uses the no
> minimal
> blood quantum definition in reference to Hawaiian Home Lands.
>
> The Hawaiian Home Lands are for native Hawaiians as defined
in the HHCA
of
> 1920. However, your report says that it is for Native
Hawaiians of no
> minimal
> blood quantum.
>
> 1/500 part Hawaiian is NOT the same as a 50% plus native
Hawaiian.
>
> Pay attention to the past Congressional Hearings on the
blood quantum,
and
> note
> that we HAVE NOT, and WILL NOT lower the blood quantum,
until all the
> native
> Hawaiians as defined in the HHCA of 1920 have received their
share of the
> lands.
>
> We, as heirs to the native tenants, and previously, heirs to
the commoner
> or
> makaainana caste were ripped off by the Kingdom of Hawaii in
the Māhele
of
> 1848.
>
> We do not wish to return to the Kingdom of Hawaii.
>
> In the Māhele of 1848, we were supposed to receive 1/3 or
33.33 percent
of
> the
> lands. However, the Kingdom of Hawaii ripped us off and
gave us NOTHING.
>
> Then in the Kuleana Land Grant Acts of 1850-54, the Kingdom
of Hawaii
> placed so
> many obstacles, and the chiefs committed so many acts of
intimidation,
> that we
> only received .8 percent of the lands. This left an
undelivered property
> right
> to 32.2 percent of all the lands in Hawaii.

>
> The Kingdom of Hawaii stole our undelivered lands and converted it into
> "Government Lands."
>
> Now, after that, what makes you think that the native tenants want to
> return to
> the kind of government--the Kingdom of Hawaii--that had brutally
> exploited us
> for centuries and had ripped us off under the Māhele of 1848?
>
> Thank god the Kingdom of Hawaii was overthrown in 1893.
>
> Moreover, your report collapses the distinction between the property
right
> belonging solely to the heirs of the native tenants, with the political
> rights
> affected, positively and negatively, by the overthrow in 1893.
>
> In your report, it is sloppy when it refers to the Hawaiian Home Lands
> were for
> Native Hawaiians of no minimal blood quantum.
>
> Be consistent, and use the small n for native Hawaiians, when referring
to
> the
> beneficiaries of the HACA of 1920.
>
> You folks in Washington, D.C. seem to be of the liberal minded, let's
feel
> sorry for all the minimal blood quantum Hawaiians, that make you feel
> guilty
> about something you should not.
>
> The overthrow of the Monarchy was the best thing that could have happened
> to
> the native tenants, first brutally subjugated under the Kapu System, and
> then
> massively dispossessed under the Kingdom of Hawaii following the Māhele
of
> 1848.
>
> Down with the Monarchy, and all the alii caste descendants of no minimal
> blood
> quantum, trying to steal our undelivered lands with this overthrow in
1893

> argument.
>
> Get off of your liberal, let's feel sorry for the 1/256 part
Hawaiians
> that are
> assimilated, trip.
>
> focus on your obligations that Congress articulated already
under the
HCCA
> of
> 1920.
>
> Have you ever stopped to consider why Congress in 1920,
closer to the
time
> and
> the scene of the crime (if you want to call the overthrow a
crime) did
not
> pay
> attention to the overthrow?
>
> The overthrow was the best god-damned thing that could have
happened to
> the
> heirs of the native tenants.
>
> Under the Monarchy we got nothing but abused.
>
> Under the United States we got 200,000 acres in the HCCA of
1920, and an
> additional 1,4000,000 acres at Section 5(f).
>
> You should fire Mr. Berry for insulting the native Hawaiians
as defined
in
> the
> HCCA of 1920, for asking no minimal blood quantum Hawaiians
if they want
> to
> lower our blood quantum.
>
> Would Congress do this with any other Indian tribe? Go out
and ask
> anybody
> with any amount of that Indian tribes blood if they want to
lower the
> tribe's
> blood quantum?
>
> NO. The new federal-recognition bill wants to do just that.
>
> Think about this herd, it is a denial of equal protection,
because
> Congress
> would never do this with any other Indian tribe.
>
> Would Congress ask anybody with any amount of Navajo blood,
if they want
to

> lower the Navajo tribe's blood quantum, and kick the 50%
plus Navajo's
off
> of
> their reservation?
>
> Say if an Indian tribe discovered oil on the reservation in
Oklahoma,
> would
> Congress ask anybody with any amount, or one drop of that
Indian tribes
> blood
> to come in and vote to steal that Indian tribes oil?
>
> What about the fact that we native Hawaiians have defended
the blood
> quantum?
> Why did your report fail to mention this.
>
> Why did your report make no mention that by such rigorous
defense, we
have
> adopted the definition?
>
> Why did your report fail to mention that even under the
Kingdom of Hawaii
> law
> there was a blood quantum for those who could inherit the
small amounts
of
> lands alienated during the Kuleana Land Grant Acts of 1850-
54?
>
> The Department of Interior has done nothing for us all these
years while
> the
> State of Hawaii has screwed us over.
>
> Why the late appearance? Because Clinton is leaving office?
What kind
of
> bogus argument is that. Who cares if Clinton is leaving
office. Gore is
> leading in the polls and if president, you would still have
the
> opportunity to
> rip off the native Hawaiians as defined in the HACA of 1920.
>
> If Bush was to be elected, so what? Have you forgotten
that both houses
> of
> Congress is run by Republicans, even if Gore is elected
president?
>
> What about us native Hawaiians as defined in the HACA of
1920 that hate
> the
> chiefs and their heirs for benefitting from the crime of the
Mahele of
> 1848?
>

Lotus cc:Mail for Karen Sprecher Keating

> Why are you not listening?
>
> Signed,
>
> Emmett E. Lee Loy, Attorney at Law 808-922-0455
>
>
>



Fiftypercentphis@hotmail.com on 08/26/2000 06:18:06 PM

To: Karen_Sprecher_Keating@ios.doi.gov
cc: Edward K Thompson/OIA/OS/DOI@DOI
Subject: Comments to draft report on Native Hawaiian Reconciliation [Virus checked]

No Minimum blood quantum definition of Native Hawaiian.

Your draft report insults the native Hawaiians as defined in the Hawaiian Homes Commission Act of 1920. In particular, where your reports uses the no minimal blood quantum definition in reference to Hawaiian Home Lands.

The Hawaiian Home Lands are for native Hawaiians as defined in the HCCA of 1920. However, your report says that it is for Native Hawaiians of no minimal blood quantum.

1/500 part Hawaiian is NOT the same as a 50+ plus native Hawaiian.

Pay attention to the past Congressional Hearings on the blood quantum, and note that we HAVE NOT, and WILL NOT lower the blood quantum, until all the native Hawaiians as defined in the HCCA of 1920 have received their share of the lands.

We, as heirs to the native tenants, and previously, heirs to the commoner or makainana caste were ripped off by the Kingdom of Hawaii in the Mahele of 1848.

We do not wish to return to the Kingdom of Hawaii.

In the Mahele of 1848, we were supposed to receive 1/3 or 33.33 percent of the lands. However, the Kingdom of Hawaii ripped us off and gave us NOTHING.

Then in the Kuleana Land Grant Acts of 1850-54, the Kingdom of Hawaii placed so many obstacles, and the chiefs committed so many acts of intimidation, that we only received .8 percent of the lands. This left an undelivered property right to 32.2 percent of all the lands in Hawaii.

The Kingdom of Hawaii stole our undelivered lands and converted it into "Government Lands."

Now, after that, what makes you think that the native tenants want to return to the kind of government--the Kingdom of Hawaii--that had brutally exploited us for centuries and had ripped us off under the Mahele of 1848?

Thank god the Kingdom of Hawaii was overthrown in 1893.

Moreover, your report collapses the distinction between the property right belonging solely to the heirs of the native tenants, with the political rights affected, positively and negatively, by the overthrow in 1893.

In your report, it is sloppy when it refers to the Hawaiian Home Lands were for Native Hawaiians of no minimal blood quantum.

Be consistant, and use the small n for native Hawaiians, when referring to the beneficiaries of the HACA of 1920.

You folks in Washington, D.C. seem to be of the liberal minded, let's feel sorry for all the minimal blood quantum Hawaiians, that make you feel guilty about something you should not.

The overthrow of the Monarchy was the best thing that could have happened to the native tenants, first brutally subjugated under the Kapu System, and then massively dispossessed under the Kingdom of Hawaii following the Mahele of 1848.

Down with the Monarchy, and all the ali'i caste descendants of no minimal blood quantum, trying to steal our undelivered lands with this overthrow in 1893 argument.

Get off of your liberal, let's feel sorry for the 1/256 part Hawaiians that are assimilated, trip.

Focus on your obligations that Congress articulated already under the HACA of 1920.

Have you ever stopped to consider why Congress in 1920, closer to the time and the scene of the crime (if you want to call the overthrow a crime) did not pay attention to the overthrow?

The overthrow was the best god-damned thing that could have happened to the heirs of the native tenants.

Under the Monarchy we got nothing but abused.

Under the United States we got 200,000 acres in the HACA of 1920, and an additional 1,4000,000 acres at Section 5(f).

You should fire Mr. Barry for insulting the native Hawaiians as defined in the HACA of 1920, for asking no minimal blood quantum Hawaiians if they want to lower our blood quantum.

Would Congress do this with any other Indian tribe? Go out and ask anybody with any amount of that Indian tribes blood if they want to lower the tribe's blood quantum?

NO. The new federal-recognition bill wants to do just that.

Think about this hard, it is a denial of equal protection, because Congress would never do this with any other Indian tribe.

Would Congress ask anybody with any amount of Navajo blood, if they want to lower the Navajo tribe's blood quantum, and kick the 50% plus Navajo's off of their reservation?

Say if an Indian tribe discovered oil on the reservation in Oklahoma, would Congress ask anybody with any amount, or one drop of that Indian tribes blood to come in and vote to steal that Indian tribes oil?

What about the fact that we native Hawaiians have defended the blood quantum? Why did your report fail to mention this.

Why did your report make no mention that by such rigorous defense, we have adopted the definition?

Why did your report fail to mention that even under the Kingdom of Hawaii law there was a blood quantum for those who could inherit the small amounts of lands alienated during the Kuleana Land Grant Acts of 1850-54?

The Department of Interior has done nothing for us all these years while the State of Hawaii has screwed us over.

Why the late appearance? Because Clinton is leaving office? What kind of bogus argument is that. Who cares if Clinton is leaving office. Gore is leading in the polls and if president, you would still have the opportunity to rip off the native Hawaiians as defined in the HHCRA of 1920.

If Bush was to be elected, so what? Have you forgotten that both houses of Congress is run by Republicans, even if Gore is elected president?

What about us native Hawaiians as defined in the HHCRA of 1920 that hate the chiefs and their heirs for benefitting from the crime of the Mahale of 1848?

Why are you not listening?

Signed,

Emmett E. Lee Loy, Attorney at Law 808-922-0455



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To: Karen_Sprecher_ertong@ios.doi.gov
cc: Edward K Thompson/OIA/OS/DOI@DOI
Subject Re: [Virus checked]

----- Original Message -----
From: Emmett F. Leary
To: letters@hawaiiadvocates.com
Sent: Saturday, August 26, 2000 10:55 AM

Dear Editor,

The draft report of reconciliation hearings held in response to the Apology Bill for the overthrow of the Kingdom of Hawaii in 1893, was just released on August 23, 2000, from the U.S. Department of Interior and Justice. The report insults the native Hawaiians as defined in the Hawaiian Homes Commission Act of 1920.

Native Hawaiians defined in the HHCRA of 1920, are the heirs to the makaainana caste later to be defined as native tenants, brutally exploited for centuries under the rule of the ali'i chief caste in the ancient Kapa system.

In the Mabile of 1840 all the lands of Hawaii were supposed to be divided into equal one-third shares between the King, the Chiefs, and the native tenants. Instead, the King and the Chiefs divided the lands between themselves. The native tenants received no lands in the Mabile of 1840, under the Kingdom of Hawaii.

Then, the Kingdom of Hawaii turned around pretended to sell to the native tenants their one-third share under the Kuleana Land Grant Acts of 1850-54. Instead, the native tenants received less than 18 percent of their 33 percent share of the lands of Hawaii, under the Kingdom of Hawaii. This left an undelivered balance in 32.1 percent of all the lands in Hawaii, which property right belonged solely to the native tenants. The Kingdom of Hawaii stole this undelivered balance of lands and called it "Government lands."

Left landless and destitute at the hands of the Kingdom of Hawaii, the native tenants and their heirs were driven into the urban centers to live in squalor, while the landed Konohiki and their heirs lived, and continue to live it up.

From 1854, until the overthrow in 1893, the Kingdom of Hawaii made little or no effort to deliver to the native tenants their outstanding 32.1 percent property interest encumbered by the Kingdom of Hawaii Government lands.

When the United States took possession of the Government lands in Hawaii in 1898, the United States made no effort to effect the private property of lands which had been given to the Konohiki in the Mabile of 1840.

What the United States gained in 1893, was possession of the undelivered property interest belonging to the native tenants and their heirs. Put another way, not all the lands taken from the Kingdom of Hawaii, belonged to the Kingdom, because the Government lands actually belonged to the heirs of the native tenants that had not received their one-third share of the lands since the time of the Mahele of 1848.

In 1921, Congress acknowledged this undelivered property right by setting aside 200,000 acres for native Hawaiians under the HACA of 1920. In 1959, Congress set aside the balance of the former Kingdom of Hawaii Government lands in Section 5(f) of the Admissions Act, as a public trust and for the betterment of the conditions of native Hawaiians as outlined in the HACA of 1920.

Are there any heirs of the native tenants ripped-off by the Kingdom of Hawaii in the Mahele of 1848, surviving today? They are the native Hawaiians as defined in the HACA of 1920. More than 3,000 of the heirs of the native tenants continue to wait for their share of lands and continue to die waiting for such lands on the State of Hawaii Department of Hawaiian Home Lands waiting list.

Hastily drafted, the report by Interior and Justice reaches the conclusion that the control of such undelivered lands now encumbered in the HACA of 1920, and the Admissions Act of 1959, Section 5(f) land trusts, should be returned to all Native Hawaiians with no matter of blood quantum, even though the lands do not belong to all Native Hawaiians. It certainly does not belong to those who are heirs to the Konohiki or chief caste that had received their share in the Mahele of 1848, who are using the overthrow of 1893, as a pretext to steal the undelivered property that belongs to the heirs of the native tenants.

Blurred by the overthrow of 1893, the report by Interior and Justice collapses the distinction between the property right belonging to the heirs of the native tenants solely, with the political rights belonging to all Native Hawaiians impacted, positively and negatively, by the overthrow of 1893.

This distinction between a property right and a political right is critical, as the report is fatally defective.

Moreover, the report fails to mention that the blood quantum requirements of the HACA of 1920, have been defended by the beneficiaries of the HACA since 1920.

The draft report also defines a Native Hawaiian as anybody with one drop of Hawaiian blood, thereby prejudicing the property rights of the qualified beneficiaries of the HACA of 1920. However, native Hawaiians as defined in the HACA of 1920, are vastly different from those persons with one drop of Hawaiian blood.

The native Hawaiians as defined in the HACA of 1920, are the heirs to those that never received their share in the Mahele of 1848. It is time that they do receive their property rights under the HACA of 1920 and the Section 5(f) land trusts.

Sincerely

X

Emmett E. Lee Loy

Attorney at Law for Native Hawaiian, as defined in the HACA of 1920.

Born and raised on the Hawaiian Homestead of Keaukaha on the island of Hawaii

Key: native Hawaiian, as defined in the HACA of 1920, is not spelled with a capital N, unless it starts a sentence.

Native Hawaiian=anybody with one drop of Hawaiian blood.



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