



Testimony of Chief Maui Loa,
Reconciliation Hearings
Before
Hon. John Berry,
Asst. Sec'y of the Dept. of the Interior
and
Hon. Mark Van Norman,
Director of the Office of Tribal Justice
December 10 & 11, 1999
at Honolulu, Hawaii

1. I am Chief Maui Loa. I am well known to the state and to the United States as the principal leader in Hawaii and in Washington for the past fifty years of native Hawaiian Tribal People of the United States.
2. Our Tribal Body, the Hou Lahuiohana, has appeared at many hearings like this one. The federal government has even written several studies about the native Hawaiian situation because of one or another of our dozens of legal actions involving the state and the United States. We have thousands upon thousands of documents in our files which detail the long and exhaustive record of the Tribal Hou Lahuiohana in the courts, in congress, in the legislature in the state, in the city and county, and in everyday life as a strong voice advocating for the Tribal Rights and Privileges under United States law for our people all these many, many years. We have made several trips to Washington to advocate for our birthright entitlements. In Washington, we were honored by audiences with three past United States Presidents. We are grateful to President Clinton for sending his distinguished emissaries to Hawaii to hear once again from the Tribal Hou Lahuiohana and from our other leaders. In the absence of the United States paying attention to what is really going on in Hawaii, the balance of the scales of justice has been heavily weighted to the state side. Our thanks, mahalo, to the progressive vision of President Clinton for wishing to do something to better the conditions for native Hawaiians.
3. The Hou Lahuiohana always pursues the Tribal Kalaeloa ancient land claim so we have never veered from the Tribal Path all these many years and we have come here today to testify as a Tribal Body yet one more time to the United States Department of the Interior and Department of Justice.
4. We are certain that our fellow leaders amongst the native Hawaiian People support our sovereign rights as a longstanding Tribal Body just we support thier own rights to the forms of sovereignty they have chosen or may choose. We thank the United States for

recently affirming the native Hawaiian People as a Tribal People of the United States in the Justice Department's brief in *Rice v Cayetano*, a case that the Hou also submitted an amicus brief in.

5. Whatever form of sovereignty besides the Tribal form of sovereignty, which is our form of sovereignty, that also becomes legal and that the state decides to also permit, I am in favor of as long as it does not mean that our established, recognized standing sovereignty is in any way diminished. We can only expect to strengthen our own sovereignty when we support the sovereignty of another independent entity of Tribal native Hawaiians.

6. You can if you wish make some state agency a parent quasi-government to administer state and federal programs for our Tribal Body and any other native Hawaiian sovereign entity, and we can always be protected by the right to sue the trustees individually of such a state board, commission or agency, if and when necessary.

7. But we believe the best guarantee of protection for the United States, the state and for the Hou Lahuiohana, and for other independent sovereign native Hawaiian entities, is for our birthright entitlements under the Constitution as a Tribal Body of the Tribal Native Hawaiian People of the United States to be further strengthening. A direct relationship with the United States wherein our own lands are entrusted to the United States, with us as the owner with a beneficial interest, is the method we favor as the means to strengthen protection. This is one clear method whereby the United States can be totally confident that the Tribal Rights of the native Hawaiian American are going to continue to be protected. This strengthens the direct relationship between the Hou Lahuiohana and the United States Department of the Interior. There is no legal reason to prohibit this happening immediately. This strengthens also the relationship of the state to the native Hawaiian because it is a remedy to the breach of the state over the delegation of the responsibility of the United States to the state over state homelands. We believe this because it is after all the failure of the state to responsibly live up to the authority you delegated to the state on state homelands that brings you here today to hear our testimony. This will also strengthen the other forms of sovereignty that may also become legal besides the Tribal form of sovereignty that is already legal. I am sure that just as we support state homelands and whatever other plan the state has, that the state also supports the Tribal Hou Hawaiians Lahuiohanaaaina. Lahuiohana is our word for Tribal Body. Lahuiohanaaaina is our word for a homeland, or reservation where a Lahuiohana, or, tribal body, resides, and which is sovereign soil of that Lahuiohana. Ohana. Lahuiohana. Lahuiohanaaaina. A Lahuiohanaaaina is just like a reservation of an Indian tribe in federal law.

8. There is never going to be a one size fits all remedy to the complex history of the conflict. An immediate legal remedy that is positive and constructive is the one where we

place land we own in trust directly to the United States government as the best protection of our Tribal rights. Our Tribal lawyers have been working long and hard on reducing the complex issues to a workable method to achieve the immediate protection this remedy offers to us all. I look forward to the opportunity to work directly with the Department of Justice and the Department of the Interior on the details of our proposal.

Respectfully Submitted,
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