

TESTIMONY

Of

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Aloha Mr. Berry and Mr. Van Norman, welcome to Hawaii. I would like to thank Sen. Akaka first of all for making these hearings possible. I would like to thank the both of you for coming and listening to our plight as Kanaka Maoli (Hawaiians) who have suffered for a hundred plus years, in trying to assimilate into a foreign culture and was not successful.

Before beginning my testimony, I would first like to point out some points that I feel are important to consider in these hearings. Also in my testimony I do not plan to discuss the facts of history because we have done so in many other congressional hearings that took place in the past.

It is my opinion that the process of reconciliation can begin with these hearings if it is considered by all as the "beginning", not the solution to our plight as host culture of this land. In the past Federal Hearings, we were given false hopes that our situation would be remedied by those hearings and of course, nothing happened. It is hoped that something substantial will come out of these hearings that set the foundation for future dialogue. Also that an office in the Department of Interior be established for Native Hawaiians. That a "plan" be devised for future efforts of addressing the claims of Kanaka Maoli. That future efforts are made by your department to determine whether an international body like the United Nations should be the agency in hearing the claims of the Kanaka Maoli. And this point is made only because the United States of America already admitted its guilt in the Overthrow and they cannot sit in judgement of themselves. It is my hope that these hearings would at the least accomplish what was previously stated. My testimony now begins.

A thousand years before the first migrations to Hawaii occurred in the 3rd Century, Polynesian Kahuna (priest) prophesized the location of Hawaii and how it was formed and told our ancestors of the Islands names. Each Island was named for primordial gods from the mystical legends of Polynesia. When our ancestors came, they came equipped with their wives, children, plants, animals, gods and goddesses and populated these lands for 13 hundred years until Capt. James Cook "stumbled" upon Hawaii in 1778. The Polynesians were accomplished navigators and were sailing thousands of miles throughout the Pacific. Western man thought that if one would sail past the horizon, they would fall into deep space. Capt. Cook commented on arriving here "how robust" the people were. That the fish were plentiful in the ocean and the land was planted from the top of the mountain to the sea (Ahupua'a System.) Capt. Cook's visit started the downfall of the Hawaiian population with the pestilence that was brought by his ships and those that followed. The missionaries arrived in 1820 to take care of the "sick heathens" and introduced Christianity. They changed the religion, lifestyle, and social practices of the native people. In 1840, some of the missionaries left the ministry and worked with the Kings and Queens in changing the laws of the land. With the help of their children who were sent away for education, they were successful in changing the laws and government whereby land was sold for the first time. Many Hawaiians did not understand the western concept of land ownership and "lost" their ancestral lands to the foreign western laws that were applied to the land.

The population of Hawaiians had greatly diminished since Capt. Cook's arrival 1778. From almost 700 thousand to 30 thousand in 1878, almost 1/2 of the population had succumbed in a hundred years. Another cause of death was heartbreak and how their lives were changed drastically.

When the overthrow occurred in 1893, almost half of the lands were in private hands. With the admitted involvement in the Overthrow and later the Annexation, America became a major player in the future destiny of Hawaii. The Annexation was

Illegally consummated according to the facts of history. The question is did America except Hawaii as a territory from persons that did not have the authority to consummate the transfer? Did America convey statehood to Hawaii without permission of the true owners, the Kanaka Maoli?

Is the Statehood Act legal as there were no plebiscite of the Kanaka Maoli, who are the true owners of Hawaii?

Facts have shown that Ruling Kings and Queens were stewards of the land and they controlled the lands because of their office. Did we loose our Sovereign status when Queen Liliuokalani abducted her throne? Are the ancient laws of the land still in effect? Is all land ownership in Hawaii questionable because of "prior rights" we possess as Kanaka Maoli?

Today our people are strangers in their own land. They are landless and occupy the top of the list of all the social ills in Hawaii. Because our values are different from that of the western world, we have never assimilated into the mainstream of society. For that we have paid dearly and all we are asking is for us to practice our culture and live the way we were mandated to. Why should we all have to be westernized?

There are so much more questions that need to be asked and answered. Hopefully this process will be a vehicle to address these questions and come up with answers that will benefit our people into the next millinium and beyond.

Mahalo a nui loa.

STATEMENT
OF CHARLES KAULUWEHI MAXWELL, SR., CHAIRPERSON
HAWAII ADVISORY COMMITTEE
TO THE U.S. COMMISSION ON CIVIL RIGHTS

I am Charles Kauluwehi Maxwell, Sr., Chairperson of the Hawaii Advisory Committee to the U.S. Commission on Civil Rights. The U.S. Commission on Civil Rights is an independent, bipartisan, fact-finding agency first established under the Civil Rights Act of 1957. Among its Congressional mandates, the Commission is directed to: Study and collect information concerning legal developments constituting discrimination or denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice; and, Appraise Federal laws and policies with respect to discrimination or denial of equal protection of the laws;

The Commission established Advisory committees in each State and the District of Columbia in accordance with enabling legislation, and the Federal Advisory Committee Act, to advise the Commission on matters pertaining to discrimination or denials of equal protection of the laws because of race, color, religion, sex, national origin, age, disability, or in the administration of justice, and to aid the Commission in its statutory obligation to serve as a national clearinghouse for information on those subjects.

The Hawaii Advisory Committee to the Commission has had a long-standing interest in the problems faced by Native Hawaiians. For example, in the past, it has studied and released two reports on the homelands issue, entitled: *A Broken Trust-The Hawaiian Homelands Program: Seventy Years of Failure of the Federal and State Government to Protect the Civil*

Rights of Native Hawaiians (December 1991); and, *Breach of Trust? Native Hawaiian Homelands* (October 1980). Both reports cast doubt on the ability of the U.S. or State to act responsibly as trustee.

On August 22, 1998 the Hawaii Advisory Committee held a factfinding meeting whose purpose was to obtain information and public comment regarding the status of civil rights of Native Hawaiians, five years after the passage of Public Law 103-150, which acknowledged the "100th Anniversary of the January 17, 1893, overthrow of the Kingdom of Hawaii, and to offer an apology to Native Hawaiians on behalf of the United States for the overthrow of the Kingdom of Hawaii." The heart of this public law lies in its expression of commitment to acknowledge the ramifications of Hawaii's illegal overthrow, in order to provide a proper foundation for, and to support reconciliation-efforts between the United States and the Native Hawaiian people.

It has been six years since the Apology Bill was signed into law. It is still not clear, however, what has been done to provide a proper foundation for, and to support reconciliation efforts if any, between the U.S. and Native Hawaiian people. In fact, the intent behind the language "reconciliation efforts" remains unclear. What is clear, is that in the six years since the Apology resolution was signed into law, more questions have been raised than resolved.

Participants at the Advisory Committee's August 1998 meeting were asked to provide information on the following issues:

- What was the original intent of the Apology Bill?
- What is the full scope of the Apology Bill?
- What has been the impact of the Apology Bill on relationships between Native and non-Native Hawaiians?

- What efforts have been made, or are currently underway to ensure that Native-Hawaiians and non-Native Hawaiians receive equal protection under the laws while reconciliation efforts are underway?
- With the Apology Bill's recognition of the denial of many fundamental civil rights to Native Hawaiians, what more, if anything, can be done by state and Federal governments, educators, advocacy groups, as well as Native Hawaiians to affect and improve underlying civil rights of Native Hawaiians?

Thirty six individuals appeared before the Advisory Committee to present their facts, opinions and information on the questions posed. An official transcript of these proceedings was taken and I am providing a copy of this transcript for consideration by the Departments of Interior and Justice in their deliberations on this important issue for Native Hawaiians. The Advisory Committee is hopeful that these Departments will handle the responsibility with greater diligence than has been evidenced with its findings in the homeland studies.

I thank you for your time and I am available for any questions