

December 21, 1999

Mr. John Berry--Assistant Secretary
C/O Document Management Unit
Department of the Interior
1849 C Street, NW, Mailstop 7229
Washington, DC 20240

Aloha Ke Akua John Berry:

I am writing to say that it was a pleasure and a honor to see you at the East West Center in Manoa. I am a Native Hawaiian born and raised here all my life. About the issue of Hawaiian Nationhood I'm strongly for it. "Hawaiians should have what's coming to them in the form of a compensation package that the Federal Government gives to them with no such strings attached also the Federal Government should give some of the Federal land back as a restitution of the wrong that the United States did to the Native people of Hawaii. I hope and pray that the wrongs of the past can be corrected and a solution can be finalized and implemented and put into action." Please give me your input on this matter and write to me when you have the time. Mahalo Nui Loa!

Sincerely yours,

Matthew Nagai
Matthew Nagai

12/10/99

Jodi K. Nahinu
95-192 Wailawa St.
Mililani, HI. 96789

Re: Testimony on Reconciliation for the Hawaiian People

Aloha to all na poe Hawai'i and greetings to the United States of America representatives. My name is Jodi Kawehionalani Nahinu and I am Hawaiian of the aboriginal peoples who inhabited these islands. I am giving this testimony on behalf of my family and myself.

I have never had so hard of a time writing a testimony as I have had writing this one. I guess it's the frustration of repeating the same things and having nothing done about it here in the State of Hawai'i. And now, here you are, perhaps following the same footsteps as the State of Hawai'i. Are we knocking our heads against a stonewall only to find the wall is still standing there without a dent or scratch?

The United States made a law in 1993 that we refer to as the Apology Law 103-150. It's a very significant piece of the puzzle to our people in our quest for sovereignty and self-determination. This Public Law 103-150 tells the history of the Hawaiian peoples' plight and the reason why you are here.

There was a wrong done by the United States to the Hawaiian people and now it's time to correct it. It sounds so easy but the task is great on your part not ours. You see, the United States must do the sacrificing. It must give back what it has taken wrongfully as the law states. The United States must

now surrender and laydown its arms to the people it nearly exterminated.

The tide has turned and so has the tables of negotiations. The United States must now negotiate with the Hawaiian people and settle up its outstanding debts it owes for the usage of the Hawaiian peoples' lands, waters, and all their natural resources for over the past 106 years.

We, the Hawaiian people have made the greatest sacrifices of our language, culture, government, lands, waters, natural resources, health, and livelihood so that the United States could spread their language, culture, government, and livelihood here in our islands.

Now it is time for reconciliation on your part not ours. We surrendered everything and now it's time for you to surrender everything back that was taken wrongfully. It's not for the Hawaiian people to tell you what we want but for the United States to ask us what it wants.

We, the Hawaiian people are aware of what belongs to us and we know the lands, waters and natural resources the United States are occupying and using. So today, your question to the Hawaiian people should be, "Can the United States continue to use and occupy?" This is reconciliation.

Respectfully Submitted by:

A handwritten signature in cursive script that reads "Jodi Kawehionalani Nahinu". The signature is written in black ink and is positioned below the typed name.

Jodi Kawehionalani Nahinu

DATE: 11-16-, 1999

TO:
Assistant Secretary M. John Berry,
c/o Document Management Unit
Department of the Interior
1849 C Street, N.W., Mailstop 7229
Washington, D.C. 20240 (Fax: 202-208-3230)

RE: RECONCILIATION WITH NATIVE HAWAIIANS

PARTICIPANT DATA:

1. Name DAVID H NAKAWLA
Address P.O. Box 1191
KEKAHA HI 96752
Daytime telephone (808) 337-2039
Fax number _____
E-mail address _____

2. Will you be representing a Native Hawaiian organization
_____ yes no

a. Please provide the name and mission of your organization:

b. How large is your organization's membership?

c. Please provide your organization's address:

3. Which topic(s) would you like to address?

December 10, 1999

December 11, 1999

- | | |
|--|--|
| <input type="checkbox"/> Native Hawaiian Housing | <input checked="" type="checkbox"/> Reconciliation Process |
| <input type="checkbox"/> Native Hawaiian Health
and Education | <input type="checkbox"/> Political Relationship |
| <input type="checkbox"/> Native Hawaiian Culture and
Economic Development | |
| <input type="checkbox"/> Hawaiian Land and Natural Resources | |

Dear Mr. John Berry

11-17-90

My name is David and I am a
Native Hawaiian, I have always followed
the Sovereignty Movement full time, but
anyway getting back to reconciliation
which is my topic. Reconciliation to me
restoration of our lands, and, nations, and
restoration of our people rights to self
determination, and, our political power.
which is define reconciliation in the
Cyclopedia law 103-150.

Sincerely
Kamaha Maki
David H. Maki

Nalco Hawaii

CONSULTANTS

P. O. BOX 23258

HONOLULU, HAWAII 96822

PHONE 235-4958

November 8, 1999

TESTIMONY OF

Dr. Solomon D.K. Nalua'I, M.D. (Ret.)
Honolulu, Hawaii, December 10-11, 1999

U.S. Hawaii Public Hearings
Panel on Reconciliation
U.S. Senate-Joint Resolution 19
U.S. Public Law 103-150

Mr. John Berry, U.S. Department of the Interior
Mr. Mark Van Norman, U.S. Department of Justice
U.S. Hawaii Reconciliation Panel Members
Ladies and Gentlemen:

INTRODUCTION

1. Aloha Mai, I'm Dr. Solomon D.K. Nalua'I, M.D. (Retired)
2. Although I am a duly elected delegate from the Kane'ohe District, Moku Ko'olaupoko, of the 1999 Native Hawaiian Convention, and I Chair its Government Committee,
3. However, I give testimony this day, not as an elected delegate of that distinguished body representing our Hawaiian People for Self-Determination and Self-Governance,
4. Instead, I address the concerns of my own immediate family of eight (8) grown children and my grandchildren, numbering twenty six (26) members,
5. As well as my own extended family, from my twelve (12) living siblings, and all of our grown children, grandchildren and great-grandchildren, with our combined "Nalua'I Ohana" numbering one hundred forty two (142),

RECONCILIATION ISSUES

1. Although We acknowledge all your U.S. domestic reconciliation efforts, and its subsequent financial aid and assistance programs, through all available resources from your Government to our Government, and
2. Although We acknowledge and accept your apology of all the wrongs, injuries and injustices committed by your Government against our Government and all of its Citizen Nationals, and
3. Although this reconciliation effort and its accompanying apology comes by and through a "Domestic Act" of your Governments Senate-Joint Resolution 19; U.S. Public Law 103-150, and

Dr. Solomon D.K. Nalua'I, M.D. (Ret.)
U.S. Hawaii Public Hearing; Panel on Reconciliation
U.S. Senate-Joint Resolution 19; U.S. Public Law 103-150

RECONCILIATION ISSUES (Con't)

4. Although, as agents of your Governments U.S. Department of the Interior and Justice, you represent only the initial domestic repairs of all the aforesaid wrongs, injuries and injustices committed by your Government upon our Government,

STATEMENT OF RIGHTS AND CLAIMS RESERVED

1. Therefore, our acknowledgements and acceptance of your Governments apology, and all its domestic reconciliation efforts, through financial aid and assistance programs, does not in any way, waive any of our rights and claims our Government and its Citizen Nationals make against your Government, and
2. We make it adamantly clear, that We Reserve all our National Rights and Claims to Reconvene our Government Body Politic, and to Restore our Governments Political Status, declared on November 28, 1843, when admitted into the Family of Nations by Great Britain and Ireland and France; said Reclamation and Restoration Process made by and through;
 - a. Negotiations with your Chief Executive, or its representative agent of U.S. Department of State;
 - b. Resolve the issues of U.S. Violations of the five (5) Lawful Treaties made and agreed between your Government and our Government, so innumerated;
 - 1) 1826 Treaty: Peace; Friendship; Commerce.
 - 2) 1849 Treaty: Peace; Amity; Friendship; Commerce; Navigation.
 - 3) 1875 Treaty: Friendly Relations; Reciprocity; Free of Duty.
 - 4) 1878 Treaty: Universal Postal Union; Convention Agreement between Hawaii and U.S.A. and fifty three (53) other Countries, fifty five (55) Countries in total.
 - 5) 1884 Treaty: Agreement to extend the 1875 Reciprocity Treaty; with the added exclusive entry of U.S. National Vessels into our Harbor of Pearl River, for Coaling and Repair Station.
 - c. Resolve the issues of U.S. Violations of International Law committed by your Government when it violated the above Treaties, lawfully agreed and binding upon your Government, when it contracted with our Government;

TESTIMONY OF:

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Dr. Solomon D.K. Nalua'I, M.D. (Ret.)
 U.S. Hawaii Public Hearing; Panel on Reconciliation
 U.S. Senate-Joint Resolution 19; U.S. Public Law 103-150

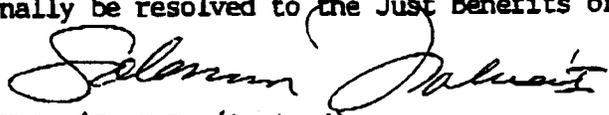
STATEMENT OF RIGHTS AND CLAIMS RESERVED (Con't)

- d. Have all these major issues of U.S. Governments Violations of Codes and International Laws brought and filed before the International Tribunal for Arbitration and Resolution, in our lawful favor;
- e. Obtain Full and Just Restoration of our Governments Independent Political Status, recognized among the fifty five (55) World Nations with whom our Government established good and lawful treaties; prior to the unlawful Overthrow of our Government in 1893, and its subsequent illegal Annexation of our Nation in 1898, through yet another "Domestic Act" of your Governments Senate-Joint Resolution 55, the "Newlands Joint Resolution",
- f. Obtain a Full and Complete Transitional Withdrawal of your U.S. Government from the Dominion, and its Domains of our Governments Territorial Lands, Seas and Airspace Jurisdictions.

CONCLUSION

As "Domestic Agents" of your Government, I pray you take back, in earnest and lawful report, this most important and serious message to your Chief Executive and Department of State, of the Executive Branch of your Government Body Politic, so that these long neglected issues of National Rights and Claims of our Government can finally be resolved to the Just Benefits of our Citizen Nationals.

Mahalo A Nui Loa,


 Dr. Solomon D.K. Nalua'I, M.D. (Retired)
 The "Nalua'I Ohana", and

Elected Delegate, Kane'ohe District, Moku Ko'olaupoko
 Chair, Government Committee, 1999 Native Hawaiian Convention

cc: U.S. President William Clinton
 U.S. Secretary of State Madeline Albright
 U.S. Senator Daniel Inouye
 U.S. Senator Daniel Akaka
 U.S. Representative Patsy Mink
 U.S. Representative Neil Abrocrombie
 Hawaii State Governor Benjamin Cayetano
 Chair, Department of Hawaiian Home Lands
 Chair, Office of Hawaiian Affairs
 Chair, 1999 Native Hawaiian Convention

Giordano Naone Jr
830 Halekiauila St
Apt 902
Honolulu, HI 96813

12.12.99

Mr. President (Bill Clinton)

Just a reminder of our fight for our Kanaka Maoli and Native Hawaiians independence and self-determination. You know that the United States govt had done an injustice to us by committing the illegal overthrow of our Kingdom of Hawaii and the illegal annexation to statehood. And, the Apology Bill 103-150 was only an "apology" with no reconciliation or reparations. It was not a restoration of the Kingdom of Hawaii or the return of all the lands (ceded and estate) stolen by the Americans (U.S. Federal govt and white business people). Your signing of the Apology Bill was only a "sorry" note with no reparations or compensation to restore the Kingdom of Hawaii or the return of all stolen land (ceded and estate lands owned by the Federal and the white-powered land-grabbers and families). Therefore, you, Mr. President, actually didn't do anything righteous nor did you execute an executive order of justice for the Hawaiian people (Kanaka Maoli). You are saying, "I'm sorry but that's about it for the Hawaiians." You are also saying that the Kanaka Maoli and the Hawaii nation (Kingdom of Hawaii) are not getting their independence nor their self-determination - and, especially the lands returned. If you and the U.S. Congress are really sorry for us, then return (now) what you stole. You must return all ceded lands and estate lands (owned by Campbell Estate, Theo H. Davis, the Dele family, Victoria Ward, Ltd., etc.).

Don't say you can't do it! You can - but you won't because the United States wants to be the only super-power of the world to control the whole world under a one-world govt and a one-world economy.

When the Lord our God said to pray for our leaders (rulers), HE had a spiritual reason of wisdom to see justice done. And, if you, Mr. President (Bill Clinton), believe in the same God as mine - Yahweh or Jehovah - you will do the right thing (justice) and restore our sovereign nation (Kingdom of Hawaii) and return all lands that the Americans deceitfully stole from us. You must do this before you leave office in 2001. You must do it NOW! before the year 2000. But, I guess you won't or don't care about the Hawaiians. You have other nations to worry about - especially those who want their sovereign and independence. How can you control another nation who want sovereignty and be self-determined without the United States? The #1 Super Power (United States), won't like that! And, the elite "ILLUMINATI" won't like it, too!

We do not want any more "sories" or anymore federal aids that doesn't help us improve our nation (Kingdom), sovereignty, and health. No more lies and deceptions from the U.S. govt - including our back stabbing, "one-armed bandit," Senator Daniel K. Inouye. Some of us call him the "one-armed" bandit - not because he was a war hero - but because he took a dead woman's wedding ring off her finger. He also sex harassed women in the military. Sound familiar, Mr. Clinton?

Yet, Senator Daniel K. Inouye was actually the one who "blocked" every Kanaka Maoli opportunities to reach our self-determination. But, he gave his Japanese people (race) reparations and compensation of \$20,000⁰⁰ each. And, yet, he didn't fight for reparations or compensate for the Kanaka Maolis. There is something racist about this scenario. Is he, Mr. Daniel K. Inouye, a "puppet on a string" under your Clinton Administration?

You should understand why the Kanaka Maoli are angry and frustrated by Mr. Inouye's political manipulation of Hawaiian affairs. But the real issue is the theft of Kanaka Maoli land and sovereignty and the continuing attempts by U.S. government to dictate the outcome of our sovereignty efforts. Therefore, Mr. President, you should take up the challenge to ensure that the American people and non-Hawaiians support - and not obstruct - justice for the Kanaka Maoli and Native Hawaiians.

Aloha Ke Akua,
(Divine Love of God)
Abraham
Puahe H.

To: Assistant secretary John Berry
c/o Document Management unit
The Department of the Interior
1849 C Street, NW Mailstop-7229
Washington, DC 20240
Fax: (202) 219-1790

Re: Reconciliation as directed in Public Law
103-150. ("Congress Expresses its commitment to provide proper
foundation for reconciliation between the United States and
the native people of Hawaii for the overthrow of the
Kingdom of Hawaii")

What needs to come to the forefront in the discussions on
reconciliation is the issue of the treaties that were broken
in violation of Article VI. of the U.S. Constitution.
In order for reconciliation to be tenable under (Public Law
103-150-the Resolution of Congress), the reconciliation
process itself must be carefully outlined and tested against
the principles that govern redress for high crimes such as
are documented in the Resolution. In this situation we are
dealing not just with the ramifications to the victim as the
Resolution implies should be Acknowledged, but equally
significant are the parties implicated in the resolution for
treason against the U.S.. Although the resolution does not
deal with this directly, it must be taken up by Congress on
both fronts. First Congress must re-establish the rule of law,
by directly applying the rule of law to the Apology
Resolution, thus re-establishing and re-enforcing the
lawful and duly constituted process whereby redress for
violations can be successfully adjudicated.

Northwest Ordinance and the Enabling Act established by
Congress on April 30, 1902, gives us that process.

The reconciliation process must be addressed within the
"framework of Federal Law", in terms of the legal
philosophy that governs the United States Constitution.
By approaching the issue of reconciliation in this manner we
are aiming at justice primarily, reconciliation being the result
of justice applied evenly or lawfully.

How would the founding fathers address the so called process
of reconciliation? How would they have mitigated the issue of
broken treaties (Article VI) etc.?

I believe they would have considered not just what justice
meant for the victim, in this instance its the Hawaiian
people and government, but what has happened to the legal
system as a direct result of the way the ordeal was handled

by Americans. I believe they would have called these acts CRIMINAL on two fronts. First they would have cited the particular laws which govern treaty making policies of the U.S., thus re-affirming the long tradition of American concept of the rule of law-that the officers of government are always subject to the law and prohibited from exercising arbitrary authority over anyone. They would have viewed the Overthrow and the activity of the Americans in Hawaii as treason towards the U.S. itself! Whereas the parties acting with contempt for law bring reproach to itself and turn the legal system on its head. They would have prosecuted all parties implicated in high crimes based on the Northwest Ordinance (Enabling Act) under the Articles of Confederation in addition to the supremacy clause of the U.S. Constitution. And finally they would have cited the Ten Commandments, "thou shalt not steal, thou shalt not bear false witness against thy neighbor, and thou shalt not covet thy neighbors (Land) House!

Ultimately they would have restored the Monarchy and compensated the Hawaiian people and government for their losses. They would have used every tool available to lobby congress and re-affirm the rule of law in dealing with high crimes by U.S. officials against other countries, thereby protecting the integrity of the courts of law in the U.S..

They would have disparaged the High Courts for dealing with this problem lawlessly and in full contempt of the Habeas Corpus act of 1863.

Finally they would point out the contradiction that exists in the "Resolution" (Public Law 103-150). That after extensive documentation of "acts of War against the Kingdom and people of Hawaii", that congress presumes the people and lawful government of Hawaii have already forgiven the U.S. and remain willing to abandon the legal recourse afforded them by law. No treaty can be re-negotiated on behalf of the hawaiian people without full hearings dealing with the matter of redress for violations of treaties already documented in the Resolution.

If the reconciliation process is designed to prevent any claims Hawaii has against the U.S., a revolution has occurred, justice has been denied, and these discussions on reconciliation have served the political interests of those who are driving the revolution to its conclusion.

The point is that if the issues that are outstanding are dealt with unlawfully, and in violation of the constitution of the United States, reconciliation efforts serve only to obscure the constitutional remedies and advance the idea that arbitrary acts against lawful governments are normal and necessary, thus creating new exceptions to the rule!

Until now there are no footnotes at the bottom of the U.S. Constitution that says Congress can be by-passed in determining war with other countries, that the rule of law applies except when american businessmen deem it necessary to achieve political and economic ends.

Historically, the rule of law has been the governing principle in determining justice, and it has served to preserve peace and promote justice abroad. All treaties entered into by the U.S. were to be stipulated and certain conditions were imperative in negotiating the union between two countries. The U.S. was never to be involved in an intangealing alliance and treaties were never to be taken lightly. The treaties are the countries safe-guard against political culpability and war (invasion).

The central nerve of the reconciliations process are the broken treaties. Treaties were drawn up in order to protect the party (ies) from dispossession and exploitation. Treaties were meant to give full recourse to the injured party and lawful compensation for high crimes.

Our recourse as Hawaiian subjects will be to map out our reconstruction and redress in terms of what the rule of law has meant historically to the republic and the legal philosophy embodied in the U.S. Constitution. If the American people expect liberty and justice from their own government, so too must they be prepared to establish the rule of law as the basis for making treaties with other countries. In other words it is not just Hawaii that has been harmed by the lawlessness but the american people themselves who are at risk of being defrauded by their own government if these kinds of lawless acts are permitted to go unchallenged by law.

Conclusion:

If the U.S. is really interested in justice, it would support congressional legislation mandating the U.S. and state Governments STOP BREAKING THE TREATIES! Applying the rule of law directly to the process even as they would expect as

grounds for establishing good will with any foreign country.
By using this formula we are able to address the issue of redress
reconciliation in the proper context. Anything more will
only compound the criminality of these historical events and
set a precedence in the international arena for crime.

Noa Napoleon
807 Kawaiahao St.
Hon, HI 96813
(593-8805)

December 22, 1999

Mr. John Berry, Assistant Secretary
Department of the Interior
1849 C Street NW. Mailstop 6117
Washington, D.C. 20240

KS12

Re: Reconciliation Act (Hawaiian)

Mr. Berry,

I would first like to commend you for ability to humble yourself, and conduct the business at hand while facing at times, somewhat volatile individual members of the Hawaiian community. When this occurred, my first thought was "this is why the Hawaiians can't move forward". I reside on the island of Maui, "Maui no ka oe". I attended the hearing at Paukukalo, and did not testify. I felt that I could relate to you what I think, better on several sheets of paper, than in three minutes in front of a crowd.

My name is Steven Newhouse, I am 25% hawaiian, 25% chinese, the balance (50%) is equally divided between english, french, scotch, german, dutch and tahitian. I was raised by 3 different, and culturally distinct groups of my ohand (extended family).

The Hawaiian ohana were fisherman, and workers. They taught me to survive on the land, and in the sea. They worked hard and they played hard. I am traced back 7 generations, prior to the arrival of captain Cook.

The German, Scotch, and English, arrived in the early 1800's. My Chinese great grandmother was sent to Hawaii with her uncle and aunt when she was 2 years old. My grandfather, Newhouse came to Hawaii as a member of the U.S. Army.

I consider myself, hawaiian, not Hawaiian with upper case letters, but hawaiian, lower case only. I am also chinese, tahitian, and white (American). My allegiance is to my family, my god, my Hawaii, and my country.

While there are some Hawaiians who want the Islands to be restored to a sovereign monarchy, I believe that what has been done in the past is done. Too late to undo, let's reach some sort of mutual agreement to resolve our differences. I doubt that the majority of Hawaiians want to return to a monarchy either.

I, like many other Hawaiians, were born and raised as Americans first, Hawaiians second. The "olelo", (language of our forefathers) was not spoken in

public, only at home when the family was present. Hawaiian language was taught on a very sporadic basis at best. Hula was predominant, and used as entertainment for the "haole" tourist (meaning any foreigner). The gods of old were replaced with the Christian God, and worship of the ancient dieties ceased.

This is how I was raised, typical "hawaiian kid" circa 1954. Too brown to be fully accepted by the haole, and too white to be fully accepted by the "Hawaiians". Those who are my friends, and know me, will tell you that I don't care what you are, the color of your skin or what church you go to. My Hawaii is the land of "ALOHA". You do your thing, and I'll do my thing, don't bother me and I won't bother you. Respect me as a human being and I will respect you in return.

I fear that many Hawaiians have lost that spirit of aloha, they are caught up in the western ways. Many now think of themselves as sovereign Hawaiians, who are owed something personally. They are caught up in a quandary, trying to decide who they areas a race. I have tried all my life to blend all this heritage into something that I can live with, without showing disrespect to others.

Can Hawaii ever return to a sovereign nation, I personally don't think so. If our children are any indication of the future of Hawaiians as a people, then those who are speaking loud and clear, and with a sharp tongue should realize that the next generation doesn't want a monarchy, or an independent Hawaiian Nation. Maybe a form of nation within a nation would work for them, maybe not. Our children don't want to secede from the union. They want the opportunity to have an education, compete in the global work force, work hard and play hard.

Of our 3 children, the youngest, Kimberley who is 16, is our only keiki to have been provided the opportunity to learn the Hawaiian language, and participate in programs funded by the federal government, specifically catering to Hawaiian children. The Native Hawaiian Education Act, has provided the funding for numerous programs. Na Pua Noeau which she has been involved in for several years is such a recipient. Through this program, I have watched her grow up to become a confident, reliable, young Hawaiian woman, who has the skills and desire to succeed in life.

I have been bugging her for the past 4 months to start thinking about college, and what she wants to do with her life. First it was a secretary, then the armed forces, she even thought about engineering. Last week as she drove me home, she said "dad, I want to get into medicine". I explained that this was a noble profession, that it will take alot of concentration, and maximum effort on her part to be successful. The next question was "what about money".

At this point I can't answer that, other than "we'll find it somehow, somewhere", if you are willing to dedicate yourself in this endeavor. This is where the United States of America comes in. Reconciliation, and Reparations, in laymans terms or just plain old Kings English, *money*. My wife constantly tells me that money isn't everything, and I reply "show me how to trade rocks for food and shelter", then find someone who is willing to trade and I'll be out in the yard picking up rocks every day.

MONEY, MONEY, MONEY, the root of all evil?, greed, and such maladies which plague our communities. For me money means caring for my family, providing them with a home, health insurance, clothes, food , a movie, transportation to events, and as much as I can give them. Money via whatever form of reconciliation, and reparations from the United States of America, should be focused on education, housing, and health.

Given that we live in a global community, where daily necessities are produced and technology is shared all over the world, Hawaiian children need financial aid. The state Department of Hawaiian Home Lands, the state Office of Hawaiian Affairs, Alu Like Inc., Na Pua Noeau, and a host of other organizations need funding to further help these children to compete in our ever evolving world. Some Hawaiians need housing, while others need medical care, most of all I firmly believe that most Hawaiians want to work. They do not want a hand out from the government, and then have to look at their neighbor and expect him to understand what this "situation" is all about.

They do not want to have to tell someone in their ohana who does not meet the blood quantum, that you aren't a native Hawaiian, so you aren't afforded the same opportunities. Hawaiian style is , color-no problem, hair & eyes-no problem, religion-no problem, main thing you believe in God, and treat people the way you would like to be treated.

Return what land that is not in use for the common good to DHHL, fund education, health, and housing programs for all Hawaiians, regardless of blood quantum. One drop of the blood of the aboriginal people living here prior to Captain Cooks arrival will do. Will pumping a pile of money to keep the natives quiet solve anything? Doubtful, as it will most likely take years, and alot of effort on both sides to truly reconcile, and "Imua" (move forward).

To be hawaiian, chinese, tahitian, and of mixed european decent, all the while trying to juggle this with everyday life is not easy for me. I do know who I am, and where I come from. I understand other cultures, I know of the past. I also know where I want to go, and what I want for my family, as well as the greater Hawaiian community.

Many Hawaiians have forgotten or just don't practice ALOHA anymore, through no fault of their own. They were brought up that way, and had no say in these matters. One is born Hawaiian not by chance, but by purpose, and the will of God. I would like to see *the word "ALOHA"* used more, and the living of "ALOHA" practiced every day.

This is my testimony to you Mr. John Berry, and Mr. Mark Van Norman, representative's of the United States Government, man to man, human to human. I pray that you will both come to a consensus which will be mutually beneficial to all parties concerned. I thank you for your time, efforts, and diligence in carrying out you duties.

My ohana wishes your ohana the best of the holiday season, and all which comes with it.

mahalo and aloha.



Steven P. Newhouse
P.O. Box 748
Kula, Hi. 96790
(808) 876-0067

cc: M. Van Norman
D. Inouye
D. Akaka

NATIVE HAWAIIAN HEALTH SCHOLARSHIP PROGRAM

Testimony

"Reconciliation Process" Hearing
Native Hawaiian Health and Education

December 10, 1999

PROJECT DIRECTOR: Sita Nissanka, DrPH, MPH

FEDERAL PROGRAM OFFICER: Shirl Taylor
Division of Programs for Special Populations
Bureau of Primary Health Care-US Public Health

DESCRIPTION OF PROGRAM:

The Native Hawaiian Health Scholarship Program (NHHSF), which began on October 1, 1990, is currently authorized by the Native Hawaiian Health Care Improvement Act of 1992 (P.L. 102-396). The purpose of the Native Hawaiian Health Scholarship Program is to: improve the health status of Native Hawaiians by selecting Native Hawaiians for scholarships to be trained in selected health professions and prepare scholarship recipients to deliver primary health care services to Native Hawaiians as well as disadvantaged and vulnerable populations in underserved rural communities.

The Native Hawaiian Health Scholarship Program is funded through a cooperative agreement between the Bureau of Primary Health Care Public Health Service and Kamehameha Schools Bishop Estate. The program provides scholarships to Native Hawaiian students pursuing careers in health professions that are identified through a needs assessment conducted annually by Papa Ola Lōkahi. The list of professions varies over time. In the early years of the program, for example, the needs assessment identified medical doctors as high need. Thus, many of the early scholarship recipients were enrolled in MD degree programs. Over time, as this need has been met, the number of MD students has declined, and the enrollment of students in other disciplines has increased.

Scholarship assistance includes full tuition, a monthly stipend (\$935 was provided for the 1998-1999 academic year - this amount increases by 10% each year), funds for books and supplies and other reasonable educational expenses. The Internal Revenue Service (IRS) considers the entire scholarship (tuition and fees, stipends, books and supplies and other reasonable costs) to be taxable income. This action is necessitated by the IRS's interpretation of a provision in the Internal Revenue code (26 USC§117c), which authorizes taxation of amounts representing payment for services required as a condition of receiving the scholarship.

ELIGIBILITY:

In order to be eligible for the scholarship, applicants must be Native Hawaiian with proof of U.S. citizenship and must be enrolled or accepted into an accredited health profession's training program.

SELECTION CRITERIA:

The Native Hawaiian Health Scholarship Program awards are very competitive. The applications for scholarship awards exceed the funds that are available. Each year we have over 450 requests for applications from Native Hawaiian students. Sixty to eighty eligible applicants are selected each year. Only 8 to 10 students are awarded scholarships. The Native Hawaiian Health Scholarship Program considers well-prepared applicants who demonstrate an interest in providing primary health care services to Native Hawaiian Population of greatest need. Priority is given to disciplines that are identified in the Native Hawaiian health care needs assessment provided by Papa Ola Lōkahi.

Eligible candidates and each applicant's interview responses are rated based on:

- Interest in a primary health care field of study;
- Work experience in a health setting;
- Work experience in a Native Hawaiian community;
- Educational and career goals;
- Commitment to service for Native Hawaiians in health professional shortage and medically underserved areas in the State of Hawaii;
- Knowledge of Native Hawaiian culture, language and values.

PROGRAM ACTIVITIES:

Retention

Retention activities include close monitoring of scholarship recipients in training to ensure academic progress. Transcripts are reviewed at the end of each semester and meetings are held with academic advisors regularly. Scholarship recipients meet with the NHHS Program Director at least three times each semester.

Counseling

All scholarship recipients, both in training and in service, receive counseling. In compliance with the program's authorizing legislation, counseling is also provided to disadvantaged students enrolled in health professions courses of study. Extensive counseling is provided to students in training. Counseling focuses on major areas of student concerns:

- Taking responsibility for personal choices;
- Clarifying conflicting values;
- Time management;
- Dealing with personal relationships;
- Lack of self-esteem;
- Inability to discuss and clarify expected academic standards with faculty and academic advisors;
- Academic planning;
- Anxiety and feelings of helplessness and inadequacy;
- Lack of self-confidence and assertiveness;
- Difficulty adjusting to academic and structured environments;
- Selecting priorities to comply with academic expectations;
- Feelings of alienation and powerlessness.

Prepare Scholarship Recipients in Training for Service Commitments

Individual counseling and discussions with students are vital components of this program. The NIHS Program Director provides counseling and conducts workshops, group discussions and seminars to better prepare the students for primary health care services in rural communities. Topics selected for additional training complement the curricula in schools and colleges the students attend, such as:

- Multi-professional team work;
- Social-awareness, interpersonal skills and self-conception;
- Leadership training;
- Students' conception of their field of study;
- Native Hawaiian culture and values and how to incorporate these in health care services to Native Hawaiians.
- Culture Health and illness
- Community participation in Primary Health Care

Research

The NIHS Program Director reviews current research, publications, and journal articles relevant to the students' field of studies to provide new knowledge on health issues to both students in

training and in service. NHHSP maintains a resource library and subscribes to a number of journals and publications.

CURRENT STATUS OF SCHOLARSHIP RECIPIENTS:

Ninety-one Native Hawaiian students have received scholarships so far. We have in the program:

- 30 Medical Doctors
- 18 Nurses
- 7 Psychologists
- 2 Dentists
- 8 Dental Hygienists
- 6 Public Health Workers
- 15 Social Workers
- 1 Midwife
- 4 Nurse Practitioners

Out of these, 44 scholarship recipients (after graduation) have been placed in medically underserved and health professional shortage areas in the State of Hawai'i.

Barry Northrop
PO Box 4998
Boulder, CO 80306

Assistant Secretary John Berry
c/o Document Management Unit
The Department of the Interior
1849 C Street, NW Mailstop-7229
Washington, DC 20240

7 December 1999

RE: Hawaiian sovereignty conciliation talks

Dear Secretary Berry,

I wish to have my comments entered into the record in the matter of the United States' takeover of the sovereign Hawaiian nation in 1893. From my study on the subject it is undeniable that the United States government illegally annexed the Hawaiian nation as its own territory. The question is what to do now?

The basic rule is when something is taken illegally, it is returned. That is what many Hawaiians are demanding. However, given the peculiarities of history this is not a given when a nation is involved. The intervening years have added many interests into the mix, so a carte blanche return to the Hawaiian monarchy is not going to happen. The U.S. government and private interests will not stand for it, and ultimately they are bigger than the Hawaiians and the rest of the world won't side with the Hawaiians in a conflict of force.

Nevertheless, the Hawaiians got the short end. The only remaining decency is restitution. There are several methods to determine proper restitution. One would be market value: what is the Hawaiian land mass worth in today's market? Though values would be disputed, the process itself is straightforward; it happens all the time in valuing real estate. The total value could be distributed among surviving Hawaiians and Hawaiian-run entities (governmental and administrative bodies, schools etc.). The payer would be the United States government and possibly some of the private companies that were involved in the original conflict.

But money alone does not suffice. Money is no substitute for the theft of a county. There must be land. The Hawaiian Homelands Act has been severely abused in my opinion. Held in trust for the Hawaiians, virtually no individuals have anything to show for it. I would propose adding a majority of Federal and state owned lands to the Homelands and turning it over to the Hawaiians. The market value of this land would be deducted from the monetary restitution.

Lastly, there must be some form of sovereignty. Today's Hawaiians are fragmented and factionalized. They have many opinions as to what form sovereignty ought to take. I have my own opinions, however it will ultimately rest with political realities. Honestly I would like to see a truly sovereign Hawaiian nation. The U.S. is fighting wars in Europe for sovereignty following the breakup of the Soviet Empire. We should be able to manage a peaceful reconstruction in Hawaii. The non-contiguous nature of the lands that I propose would be a problem, but nothing insurmountable. A team of advisors from Washington DC and Honolulu (state government) is suggested to aid in the start-up.

Apologies are nice but by themselves are an insult. Doing something demonstrable and in good faith such as I have outlined is required unless the U.S. government is really only interested in lip service until attrition wipes out the Hawaiians for good. It is not without some irony that the date of this letter is December 7th: a day that will live in infamy.

Sincerely,



**TESTIMONY PRESENTED TO THE U.S. DEPARTMENTS OF INTERIOR AND JUSTICE
REGARDING RECONCILIATION BETWEEN NATIVE HAWAIIANS AND THE
GOVERNMENT OF THE UNITED STATES OF AMERICA**

**BY
HARRIET MAKIA AWANA O'SULLIVAN
KAILUA, O'AHU, HAWAII
THURSDAY, JANUARY 6, 2000**

PULE KALAI WA`A
Canoe Maker's Prayer

- Ka hakuko`i mai ka nahele***
(There is excitement in the forest.)
- Ka pu-nana ko`i i ka lua***
(The nest of the adze is the hollow.)
- I ka`ia i ke ko`i o Humu`ula***
(The adze of Humu`ula [stone] is hewn.)
- Auwe ka leo a ke ko`i***
(A crying sound has the adze.)
- Pani`oni`o i ka nahele***
(The woods are colorful.)
- He alahe`e ke ko`i mauka,***
(The alahe`e wood is the adze [handle] inland.)
- He`ole ke ko`i makai***
(A trumpet shell is the adze below.)
- O ke ko`i kapu o ke kahuna***
(The sacred adze is [that] of the kahuna.)
- Ka ka haku ana i mua,***
I ka ahu kapu a Kanaloa.
(The blemishes before him are removed,
The sacred heap of Kanaloa.)
- Kua i kana wa`a a hina i lalo,***
Kupa lauhulu ho`owaha,
O ka wa`a a ke kahuna.
(The canoe is hewn, chips fall,
The unwanted roughness is removed
From the canoe of the kahuna.)
- Nana i kua, nana i kalai i ke ui,***
(He hews, he carves to perfection,)
- Ua holo papa na ko`i o na kua ihu.***
(The adze smoothes the prow.)
- O kupa ko`i o na kua hope.***
(Chips are removed at the stern.)
- Kupa Ku-pulupulu i kana wa`a.***
(Ku-pulupulu hews on his canoe.)
- Ho`oki o Ku-`alana-wao i kana wa`a.***
(Ku-`alana-wao ceases working on his canoe.)
- E noho mai ana o lea i ka uka.***
(Lea dwells high in the upland.)
- A o Moku-hali`i ke po`o a ka wa`a***
(Moku-hali`i heads the canoe making.)

Aloha.

My name is Harriet Makia Awana O'Sullivan. On behalf of my ancestors, my granddaughter, Kehaulani Lum, my five children, my twenty-two grandchildren, my sixteen great-grandchildren, and my descendants yet to come, I rise in support of your "efforts of reconciliation" between the Federal Government and Native Hawaiians.

I am a native Hawaiian from Kailua, O'ahu, who was born in the sunrise of territorialism, who raised a family in the dawn of statehood, and, who today, at age 82, stands on the cusp of a grand new millennium. Barely a decade ago, scarcely a single Hawaiian person would dare utter such words as *apology*, *sovereignty*, *kingdom*, or *reconciliation* without fear of condemnation or rebuke. But, in this period of renewal and renaissance, as you have learned during your travels through the islands, the vocabulary of the Hawaiian people is growing rich with promise, possibility, and renewed hope. We are a passionate people painfully struggling in our own homeland for a sense of identity and place. We hold tightly to the faith of our beloved Queen that justice will one day prevail. America's apology, and your appearance, are important steps forward.

The Hawaiian Canoe as Metaphor

On the wall of my home hang several images which I hold dear – a photo of my daughter, the youngest member of the U.S. Olympic Diving team, receiving a bronze medal for her performance in the 1968 Games; a piece of rare *kapa* from the islands of Samoa; and, a handmade quilt presented to me as a gift from the Office of Hawaiian Affairs. Alongside these treasures hangs a black and white framed photograph of Hokule'a, the famous sixty-foot, double-hulled canoe built in 1975 by the Polynesian Voyaging Society, sailing through calm seas. Perhaps the single most important metaphor in Hawaiian contemporary culture, Hokule'a reveals the genius of a Polynesian people who made their home in these islands several centuries ago. "The voyaging canoe," wrote Tommy Holmes, "embodied the essence of a people and culture whose origin and survival were tied to a delicate balance between a capricious ocean and the finite resources of an island sanctuary."

Through Hokule`a's achievements, Hawaiians have rediscovered their past. More importantly, they have constructed a bridge to the future. Built with the cooperation of people from all sectors of society, Hokule`a is an omnipresent reminder of our ability to lift the veil which divides us as a community – Hawaiian vs. non-Hawaiian, American vs. Indigenous, marginalized vs. mainstreamed – to allow us to reach beyond our differences in order to achieve something great.

As we continue our journey of healing and reconciliation, let us keep the image of Hokule`a in mind. For in a sense, the process upon which we are embarking resembles closely the arduous task of canoe building. Like our ancestors, who understood that "...so agonizingly many things could go so horrendously wrong from the time a canoe builder first set foot in the forests till the finished canoe entered the water," we must be clear and prepared. If we succeed, then together we can build a new "canoe."

By accepting the image of Hokule`a and canoe building, we embrace the metaphoric steps involved:

- (1) We must search for a favorable log;
- (2) It must be felled and rough-hewn;
- (3) We must haul it to the sea side;
- (4) We must finish the canoe; and,
- (5) It must be consecrated and launched.

The journey from finding a favorable log to launching a finished canoe will be long, arduous, painful, even potentially fatal. Our ancestors understood this; as we must. In taking the first step towards selecting the correct foundation, it is important that those who would lead our search party understand the essence of who we are, where we come from, and where we want to be. To help you, I offer several gifts of Hawaiian wisdom and practice.

First, *'Olelo No`eau*, a collection of Hawaiian proverbs and poetical sayings passed down in spoken form from generation to generation. The preface of this book reveals that the sayings from an oral tradition of Hawai`i offers a basis for an understanding of traditional Hawaiian values. Second,

Nana I Ke Kumu, a two-volume “source book of Hawaiian cultural practices, concepts and beliefs which illustrate the wisdom and dignity contained in the cultural roots of every Hawaiian child.” In the foreward, there is hope that the “cultural knowledge embodied in these works will provide bridges to an understanding of our ancestors viewed from our present complex system of thinking, feeling and doing.” Together, these resources will help illuminate the essence of the people with whom you are attempting to reconcile.

The third volume accompanying my testimony is a contemporary piece that is equally vital in its insight. Written by Professor Eric Yamamoto of the William S. Richardson School of Law, University of Hawai‘i, Manoa, *Interracial Justice, Conflict & Reconciliation in Post-Civil Rights America*, offers important analysis of the dynamics of transformative reconciliation. Professor Yamamoto was a member of the legal team in the *coram nobis* litigation that led to the vacation of Fred Korematsu’s criminal conviction in *Korematsu v. United States*. He serves as a legal advisor to the Native Hawaiian Advisory Council and has provided legal counsel to the Asian American churches of the Hawai‘i Conference of the United Church of Christ (UCC) that proposed an apology and reparations to Native Hawaiians for harm resulting from the UCC’s participation in the overthrow of the Hawaiian Nation in 1893.

“Interracial justice inquiry,” writes Yamamoto, “offers racial groups a critical pragmatic approach to recalling the pain while releasing it, to dealing with collective memory while moving toward a more peaceable, productive future.” Admitting that reconciliation emerges over time, he highlights four praxis “dimensions” of combined inquiry and action that are relevant to our process: Recognition, Responsibility, Reconstruction, and Reparation. “Interracial justice embraces this notion of reconciliation through restorative justice. It entails hard acknowledgment of the historical and contemporary ways in which racial groups harm one another, along with affirmative redress of justice grievances and the rearticulation and restructuring of current relations. The specific dimensions of interracial justice address restoration through interrogation of and action on justice grievances underlying immediate conflicts. This interrogation and action are integral part of a larger ‘complex process of ‘unlocking’ painful bondage, of mutual liberation’ – a mutual liberation that

'frees the future from the haunting legacies of the [distant and recent] past.' It is this larger complex process that links interracial justice to healing, and healing to reconciliation."

Together, these resources offer important perspective. I hope you will find them useful.

Recommendations

Throughout the hearings, you heard numerous calls for independence. You also made it clear that you are restricted to a framework that may not accommodate such status. We understand this. However, we encourage you to respect that call in your deliberations. Indeed, twenty years ago, few people would have thought the return of Kaho`olawe to a future sovereign nation possible, and yet, for internal and external reasons, it is now so. One hundred years ago, sugar was king. Today, it is practically non-existent. Who among us can foresee where Hawai`i, America, and the global economy will be in our own century? Let us remain flexible and free from ethno-centric sensibilities.

At the same time, if we are to remain a brilliant force in the future, we must care for our people in the present. To that end, may I recommend that you do the following:

1. Understand the uniqueness of the Hawaiian culture and at every juncture attempt to implement appropriate practice. In particular, as you choose the path, be sensitive to the ways and needs of our people. Remember that we are building a "canoe";
2. Create an office in the U.S. Department of Interior with sufficient staff, administrative budget, and direct access to the Secretary. Provide a mechanism for intergovernmental participation. Open a staffed office in Hawai`i;
3. Require the office to work with the Hawaiian people and to undertake a specific activity within a determined period of time (perhaps, one year). An example of this would be to create and staff a commission to review and analyze Public Law 103-150, also known as the Apology Bill, hold public hearings on the matter, and make appropriate recommendations to the Congress based on its

findings. This process might resemble that created and followed by the Commission on Wartime Relocation and Internment of Civilians (CWRIC) and the Kaho`olawe Island Conveyance Commission (KIRC). The scope of the work might involve matters of land, compensation, reparation, legislative change and self-determination. It might also analyze the ceded lands and Hawaiian homelands trusts to determine compliance and cure; and,

4. Carry out the Commission's recommendations.

Throughout, we must be acutely aware of social, economic, educational, employment, health and governmental remedies that will meaningfully transform our people in the near and long terms. We must eliminate systemic barriers that divide us as a people (i.e. the Hawaiian homelands blood quantum requirement) and encourage appropriate activities and structures that will bind us once again (i.e. nation, not a corporation). We must guarantee that our rights to self-determination remain intact. And, we must educate the larger society on the issues involved and encourage mutual participation. This element was sorely lacking during the recent hearings.

Just as the building of Hokule`a involved the cooperation, commitment and vision of all in the community (and, continues to do so), so too must this tremendous effort of building our new Hawaiian canoe envision a benefit for society as a whole.

Mahalo for the opportunity to express my mana`o. I look forward to learning of your progress in the months ahead.

Pai 'Ohana

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November 22, 1999

Assistant Secretary John Berry
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The Department of the Interior
1849 C Street, NW Mailstop-7229
Washington, DC 20240
Fax: (202) 219-1790

Re: CONSULTATIONS WITH NATIVE HAWAIIANS AND FEDERAL OFFICIALS ON
RECONCILIATION PROCESS

Dear Assistant Secretary John Berry:

My name is Mahealani Pai, of the Pai 'Ohana (family). The name of our organization, Pa'a Ka 'Ike, literally means to "secure the knowledge". Securing the knowledge means that we have the ultimate respect and reverence for our ancestral knowledge. It is with this knowledge, we continue to pass on to our descendants as was done from generations past, since time immemorial. Deeply rooted, this secures the proper alignment to continue our ancestral knowledge and values necessary for the survival of our people and thus builds a *pono* (correct) foundation. We understand these lessons so that we know who we are today, so that we may overcome those challenges and have a clear vision towards the future. We continue to *kahea* (call) our ancestral guardians for protection and they protect us, they speak to us, and guide us in our *hana* (work) and this makes us *pono*. We exist because of them.

The purpose of our organization is to help perpetuate and provide Hawaiian cultural education to children of Hawaiian descent and to the public. Our organization was created as a result of insurmountable challenges that our family continuously faced with the recent arrival of the U.S. National Park Service and its accompanying laws upon our ancestral homeland. Despite the federal government's attempt to extinguish the personification of the very culture it was seeking to protect, our family chose to rise above and step over this rock wall and move forward by seeking more knowledge of our past so that we may try to make our homeland a better place for our descendants to live.

May I request an audience with you regarding reconciliation and political relationship at the roundtable on Saturday, December 11, 1999, at the Keoni auditorium of the East West Center on the campus of the University of Hawai'i at Manoa, island of O'ahu.

Thank you for consideration.


Mahealani Pai
President, Pa'a Ka 'Ike

cc: File

**Hekili Paiaina
45-341 Puali St.
Kane'ohe, Hawaii 96744**

1/7/2000

Dear Honorable Sirs:

Regarding the recent reconciliation hearings on O'ahu on December 17 & 18, 1999.

My name is Hekili Pai'aina and I am writing to you on behalf of my ohana who reside in the ahupua'a of Kane'ohe, moku o Ko'olaupoko on the island of O'ahu.

Although I was not present at those hearings I was able to watch most of it on television and was in most part pleased by what I saw. The mana'o or message that I would like to express is one of understanding and patience. Most native Hawaiians are somewhat ignorant when it comes to their own history and culture. In fact, it would be safe to say that they know more about your history and culture than of their own. There was a time when there were more native hawaiiians speaking fluently in japanese then in their native tongue. But times are changing and a sense of pride is returning to things hawaiian. Most of our ignorance is due to a foreign country which put in place their educational system that was used to effectively eliminate cultural and traditional values and replace it with a western model. This was at the very least inappropriate and at its' worse, demoralizing and destructive to the indigenous peoples here. Therefore, hawaiiians who "find out the truth" embrace a deep sense of resentment and betrayal, culminating in boisterous exhibitions of anger and disbelief which you have been witness to.

For other hawaiiians such as my parents and their generation, they don't want to hear it. Its like an old wound that has healed. And for a few hawaiiians, they just don't care because its not a priority. It can't pay the bills or buy the drugs to help them cope with a lifestyle they have chosen.

I am one of the fortunate hawaiians who have been "born again". Although I still bear a mental scar of our history, I use that to my benefit and have become a cultural practioner, grounding me to the 'aina, the land that feeds. My ancestors had lived on these islands for thousand of years in a symbiotic relationship with the land and sea long before the first foreigners arrived.

America the Beautiful has had control of Hawaii for about one hundred years and the rape of the land for profit continues. Many of our culturally significant and sacred sites are located on federally owned land, and therefore excludes or makes it extremely difficult for native hawaiian practioners to access those sites. This limits our inherent right to practice our native hawaiian gathering, religious and navigational rights. We need access to these areas either by curatorship or withdrawal by the military, the later being preferred. As we are the indigenous peoples of this land who have been oppressed by a country who had admittedly taken it illegally, we have the right to determine our own destiny without U.S., Federal or State interference, i.e. Senator Daniel Inouye.

We need to work directly on a federal level with a department of reconciliation and the money for this process should be readily available, although the process should not be done in haste for we are accountable to our ancestors and generations to come.

In closing, I have seen a hard line push of HA Hawaii advocating the sovereignty process. I would like to state a fact; that they do not represent even a quarter of the hawaiian vote. Although they may have a say in the process, clearly they do not represent the majority. Also may I strongly suggest that something be done lawfully to protect the rights that we as hawaiians have received. Rights that are being threatened by the Rice case. Failure to react to this problem could result in needless acts of violence which would not benefit anyone's cause. Let us continue open dialogue in the coming year and work for the betterment of the Hawaiians.

**Sincerely,
Hekili Pai'aina**



KA LAHUI HAWAI'I

1030 Kohou Street, #102 - Honolulu, HI 96817

November 22, 1999



Josiah "Black" Ho'ohuli
Kia'aina (Governor)

Keali'i Gora
*Lukanela Kia'aina
(Lt. Governor)*

Shane Pale
Kakau 'Olelo (Secretary)

Lehua Kinilau
Pu'ukū Lahui (Treasurer)

Assistant Secretary John Berry
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Testimony on Reconciliation Process

Aloha,

Ka Lahui Hawai'i is a native initiative for self-determination comprised of over 20,000 citizens residing in Hawai'i and several other States including Alabama, Alaska, California, Florida, Idaho, Nevada, New York, Oregon, Texas, Utah, Washington and Washington D.C. Besides adopting a Constitution in 1987, Ka Lahui Hawai'i unveiled the Ho'okupu a Ka Lahui Hawai'i (Ka Lahui Master Plan) in February 1995. The Ho'okupu provides Ka Lahui's strategy to achieve self-determination, which includes a section specifically addressing reconciliation.

Before detailing Ka Lahui's approach to reconciliation, I would like to first designate Keali'i Gora (Lt. Governor) and Shane Pale (Secretary) as Ka Lahui's representatives for the roundtable discussion on reconciliation. It is important to note that while Ka Lahui Hawai'i is designating two official representatives on reconciliation, in fact the elected legislature of Ka Lahui Hawai'i comprised of representatives from each island and the continental US formally adopted the Ho'okupu, which includes Ka Lahui's initiative for reconciliation. Additionally, over 50,000 copies were disseminated to Hawaiians and non-Hawaiians throughout Hawai'i and the continental US in order to gather community input on the proposals included in the Ho'okupu.

Reconciliation is just one of the eight components covered in the Ho'okupu, which will each, be briefly explained. First, the Ho'okupu begins by calling for the Endorsement of Fundamental Principles critical to the sovereign Hawaiian nation. These fundamental principles include a commitment to peace, disarmament, and non-violence; recognition of the inherent dignity and of the equal and inalienable rights of Native Hawaiians and their descendants under international legal standards; the right to self-determination; the right to self-development; termination of wardship; and establishment, jurisdiction, and recognition of Ka Lahui Hawai'i. Self-determination is exercised when Native Hawaiians freely determine their political status and freely pursue their economic, social and cultural development. This means Federal and State government agencies must not participate in the establishment of a Native nation and government.

The second section, entitled Consensus Building, encourages consensus by building upon what has been established (Ka Lahui's long track record of accomplishments), while also agreeing to accept the challenge of change. The Master Plan explains that Ka Lahui's Constitution allows persons or groups favoring other structures of government, for example: monarchical, traditional, free-association, or commonwealth status, to change Ka Lahui's structure if supported by the Nation's citizens and elected leaders.

The next section, Dealing with the United States, describes the relations between the US and the indigenous peoples of Hawai'i from its inception in 1826 to the current policy of non-recognition, denial, and State wardship. The section concludes with Ka Lahui's position regarding the U.S. policy, which proposes a process for reconciliation as provided in the Apology Bill.

Section four provides a general template for Terminating Wardship Under the State. The steps required include repudiation of State wardship, the segregation of traditional lands and natural resources, and specific provisions for the Hawaiian Home Lands and Ceded Lands Trusts.

Section five calls for the Establishment of a National Land Trust so Ka Lahui Hawai'i can develop housing, medical and educational facilities, and business enterprises. The Ho'okupu explains that the current and immediate needs of the Hawaiian peoples require no less than 2 million land acres.

The next section addresses the Private Land Trusts, created by the Hawaiian Monarchy to provide for education, medical assistance and assistance for elderly and orphaned children. Ka Lahui Hawai'i asserts in its Ho'okupu that Native Hawaiians and their descendants should participate in the management of the trusts as beneficiaries. Instead of avoiding sovereignty or escaping the ramifications of Hawaiian self-determination, the Private Trusts are encouraged to work cooperatively with Ka Lahui Hawai'i as an alternative to beneficiary suits.

Section seven explains the critical component of Economic Development since the goal of nationhood is economic self-sufficiency. In this section, the Ho'okupu deals with issues of taxation and regulation. More importantly, the concept of community-based economic development is endorsed.

The final section in the Ho'okupu addresses International Issues. Since Hawai'i was a part of the United Nations system from 1946-1959 as one of the territories on the United Nations list of Non-Self-Governing Territories, there is an international aspect to Hawaiian sovereignty. The Ho'okupu encourages utilization of the UN process to achieving decolonization in Hawai'i.

The Ho'okupu has shaped the focus of Ka Lahui's initiatives and activities since its completion in 1995. While Ka Lahui Hawai'i has focused its work on implementing various aspects of the Ho'okupu including consensus-building through puwahu, Ho'omalua ma Kualoa and now as a participant on Paepae Hanohano to community-based economic development through Hale Ku'ai (Ka Lahui's national store), this hearing as a first step toward implementing reconciliation could further three critical sections of the Ho'okupu - Dealing with the United States, Terminating Wardship Under the State and Establishment of a National Land Trust.

As background to addressing reconciliation, an evolution of the United States policy relating to Hawai'i and its indigenous peoples is described in the section entitled Dealing with the United States as follows:

1. The Policy of Perpetual Peace and Friendship – 1826-1842
2. The Policy of United States Colonial Domination – The Tyler Doctrine 1842
3. The Policy of Armed Intervention – The Overthrow of 1893 and Annexation of 1898
4. The Policy of the "Sacred Trust" – 1946-1959

Thereafter, the current policy of the United States towards Hawaiians: The Policy of Non-Recognition, Denial and State Wardship is also explained:

1. State Wardship
2. Non-Recognition
3. Reagan, Bush, and Clinton Administrative Policy – Abandonment
4. The Apology Bill

Finally, the section concludes with what will be the crux of Ka Lahui's testimony on reconciliation. First, Ka Lahui's Position Regarding United States Policy:

1. Ka Lahui Hawai'i rejects the United States Policy of State Wardship and calls for the immediate termination of this policy by the United States and the State of Hawai'i.
2. The United States accepted a "sacred trust" obligation over Hawai'i under the United Nations Charter and has admitted to its role as a Trustee of the Native Hawaiian trusts. In both instances, the United States has violated its trust obligations and is obligated to restore the rights and entitlements of the indigenous peoples of Hawai'i to self-determination and to our lands, assets, and natural resources under the United Nations Charter and other international covenants, and pursuant to its own laws.
3. By adoption of the Apology Bill, the United States has acknowledged that "the indigenous Hawaiian people have never directly relinquished their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum." Therefore, under international law, the American government is engaged in an illegal occupation of Hawai'i.
4. As an act of our collective right to self-determination and to self-governance, Ka Lahui Hawai'i accepts the United States Apology and proposes the following process for "reconciliation" under Public Law 103-150.

Secondly, the Ka Lahui Hawai'i Initiative for "Reconciliation" with the United States Pursuant to U.S. Public Law 103-150 (The Apology Bill):

1. The goals of "Reconciliation" are:
 - a) The final resolution of historic claims relating to
 - i. the overthrow;
 - ii. claims relating to State and Federal misuse of native trust lands and resources;
 - iii. violations of human and civil rights; and
 - iv. Federally held Lands and resources;
 - b) The structuring of a new relationship between Ka Lahui Hawai'i and the United States which acknowledges the rights of Native Hawaiians and their descendants, including our right to self-determination.
2. The Essential Elements of "Reconciliation" with the United States shall include but not be limited to the following:
 - a) Express termination of the United States policy of non-recognition of Native Hawaiian self-determination. Repudiation of United States policy of State Wardship.
 - b) Federal recognition of Ka Lahui Hawai'i as the indigenous sovereign Hawaiian Nation and Federal recognition of the jurisdiction of Ka Lahui Hawai'i over its national assets, lands, and natural resources.
 - c) Federal programs, legal and fiscal entitlements, tax benefits, and other obligations to be negotiated.
 - d) Recognition of Hawaiian sovereign rights to trade and commercial activities based on treaties between the Hawaiian Nation and other sovereigns - before and after the overthrow.
 - e) A commitment to decolonize Hawai'i through the United Nation process for non-self-governing territories.

3. Provision for Land, Natural Resources, and Cultural Resources include:

a) Restoration of traditional lands, natural resources, ocean and energy resources to the Ka Lahui National Land Trust:

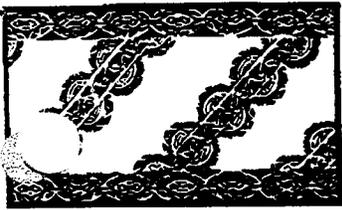
- i. The United States and the State of Hawai'i shall inventory and restore the lands of the native trusts (State controlled Hawaiian Home Lands and Ceded Lands) and Federally held Lands, and the United States shall remedy all Federal and State breaches of trust relating to these assets.
- ii. The United States and the State of Hawai'i shall segregate the Hawaiian National Trust Lands from other public and private lands.
- iii. The United States and the State of Hawai'i shall allocate not less than two (2) million acres of land drawn from State-controlled Ceded Lands, State-controlled Hawaiian Home Lands, and Federally-controlled Lands to the National Land Trust.
- iv. The Base Closure Act and Federal Surplus Property Act shall be amended to allow for land banking of these lands for the National Land Trust.

b) Cultural, traditional, religious, and economic rights

The United States shall recognize individual and collective Hawaiian rights to cultural and religious properties, marine resources (to the 200 mile limit established under International Law) and cultural ecosystems. These traditional and economic entitlements should be recognized as the jurisdiction of Ka Lahui Hawai'i, the indigenous Hawaiian Nation.

We call upon both Mr. John Berry and Mr. Mark Van Norman to give serious consideration to Ka Lahui's proposal for reconciliation. Additionally, Ka Lahui's designated representatives will be available to address any questions or concerns prior to and during the roundtable discussion set for December 11, 1999.

Mahalo for this opportunity to submit testimony on reconciliation. If you have any questions, please feel free to call us at our office in Honolulu (808) 845-6246, fax (808) 848-6830, or email us at kalahui@gte.net. We look forward to hearing from you with regard to our participation in the roundtable discussion.



KA LĀHUI HAWAI'I

1010 Koluou Street, #102 • Honolulu, HI 96817

Josiah "Black" Ho'ohuli

Kia'aina (Governor)

Keali'i Gora

Lukanela Kia'aina

(Lt. Governor)

Shane Pale

Kakau 'Olelo (Secretary)

Lehua Kinilau

Pu'ukā Lāhui (Treasurer)

November 22, 1999

Assistant Secretary John Berry
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Testimony on Political Relationship

Aloha,

Ka Lahui Hawai'i is a native initiative for self-determination comprised of over 20,000 citizens residing in Hawai'i and several other States including Alabama, Alaska, California, Florida, Idaho, Nevada, New York, Oregon, Texas, Utah, Washington and Washington D.C. One of the fundamental principles endorsed in the Ho'okupu a Ka Lahui Hawai'i (the Ka Lahui Master Plan) is the right to self-determination. While Ka Lahui Hawai'i has consistently advocated for the inclusion of Native Hawaiians in the existing federal policy of self-determination which affords American Indians and Alaska Natives the opportunity to relate to the US in a government to government relationship, ultimately, this political relationship should be determined by Native Hawaiians.

Native Hawaiians and our descendants have the right of self-determination. By virtue of that right, we are entitled to freely determine our political status and freely pursue our economic, social and cultural development. Pursuant to the International Covenant on Civil and Political Rights and the International Covenant on Social, Economic and Cultural Rights, the United States, other western countries and approximately three hundred million indigenous peoples throughout the world recognize this right of self-determination.

Self-determination must guide all efforts to attain sovereignty. This means Federal and State government agencies must not participate in the establishment of a Native nation and government, nor should they influence the process. Self-determination is realized when Native Hawaiians choose a governmental structure that provides for their democratic representation. Only then will we be able to deal effectively with the State and Federal governments, which now control our lands and natural resources.

Since its inception in 1987, Ka Lahui Hawai'i has advocated for the inclusion of Native Hawaiians in the existing federal policy of self-determination. As US representatives from the Departments of Interior and Justice, you are well

aware of the federal policy as it applies to American Indians and Alaska Natives. However, Native Hawaiians continue to be excluded from this policy of self-determination. This exclusion is in direct contradiction to the numerous measures passed by Congress including Native Hawaiians in programs for Native Americans. The following Congressional Acts are just a few examples:

1. The Native American Programs Act of 1974, Pub. L. No. 93-644, § 11, 88 Stat. 2323-26 (1975), 42 U.S.C. § 2991-92;
2. The American Indian Religious Freedom Act, Pub. L. No. 95-341, 92 Stat. 469 (1978), 42 U.S.C. § 1996;
3. The Native American Graves Protection and Repatriation Act, Pub. L. No. 101-601, 104 Stat. 3048 (1990), 25 U.S.C. secs. 3001-13;
4. The National Historic Preservation Act of 1966, Pub. L. No. 89-665, § 101, 80 Stat. 915 (1966), 16 U.S.C. § 470a(d)(6);
5. The Older American Act of 1965, 89-73, § 101, 79 Stat. 219 (1965), 42 U.S.C. § 3001 et seq.

The inclusion of Native Hawaiians in the existing federal policy of self-determination would be a first step to allowing Native Hawaiians to relate as a "Nation to Nation" with the United States. It would then be the responsibility of the Nation to resolve Hawaiians claims to native trusts and other entitlements, including but not limited to land, water, natural resources, housing, education, health, and economic development.

While Ka Lahui Hawai'i advocates at a minimum for inclusion in the existing federal policy of self-determination, other claims like international violations outside of the jurisdiction of the Departments of Interior and Justice will require the cooperation and participation of other Federal and even International bodies. In any event, inclusion in the existing federal policy would address Native Hawaiian needs immediately, while leaving the door open for other options after a period of decolonization.

At this time, I would like to designate Lehua Kinilau (Treasurer) as Ka Lahui's representative for the roundtable discussion on political relationship. If you have any questions, please feel free to call us at our office in Honolulu (808) 845-6246, fax (808) 848-6830, or email us at kalahui@gte.net. We look forward to hearing from you with regard to our participation in the roundtable discussion.



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Testimony on Native Hawaiian Culture and Economic Development

Aloha e Mark van Norman me John Berry. Aloha kakou e na kupuna, na makua, na 'opio a me na hoaloha o ka pae 'aina Hawai'i. Aloha.

Ka Lahui Hawai'i is a native initiative for Hawaiian self-government, formed by and for Native Hawaiians, without the interference of State or Federal agencies. Ka Lahui Hawai'i is the evolutionary product of years of legal research and community dialogue. Citizens of Ka Lahui Hawai'i are committed to regaining their native lands and re-establishing Hawaiians as a self-governing people.

Native Hawaiian Culture

Ka Lahui Hawai'i defines sovereignty as the ability of a people to govern their own affairs. Furthermore, the Nation has a more specific definition of sovereignty one of which includes a people with a common culture, language, tradition and history. For example, Native Hawaiians clearly possess a unique and

distinct culture, beautiful language, special traditions and a vibrant history. Also, another element of sovereignty is a land base, which enables Hawaiians to live and practice their culture and traditions. Ka Lahui Hawai'i is working to secure the Hawaiian Home Lands Trust, which includes approximately 200,000 acres, and the 5(f) Ceded Lands Trust, comprising approximately 1,800,000 acres.

Today, for Native Hawaiians, the protection of cultural and intellectual property has taken on growing importance and urgency. The very notion of being "Hawaiian" embraces the concept of a distinct and separate culture and way of life, based upon long-held traditions and knowledge which are connected, fundamentally, to our specific lands. Native Hawaiians cannot survive, or exercise their fundamental human rights as distinct nations and peoples, without the ability to conserve, revive, develop and teach the wisdom they have inherited from their ancestors.

As such, the protection of cultural and intellectual property is connected fundamentally with the realization of the territorial rights and self-determination of Native Hawaiians. Traditional knowledge of values, self-government, social organization, managing ecosystems, maintaining harmony among peoples and respecting the land is embodied in the hana no'eau (arts), 'oli (poetry), mele (songs), mo'olelo (literature) which must be learned and renewed by each succeeding generation of Native Hawaiian children. These rich and varied expressions of the specific identity of each Native Hawaiian provide the required information for maintaining, developing and, if necessary, restoring Native Hawaiian societies in all of their aspects.

Chairs Van Norman and Berry, contemporary issues involving Native Hawaiian culture include, but are not limited to, protection and use of sacred sites, return and reburial of human remains, recovery of sacred and ceremonial object, ensuring the authenticity of artworks, and communal rights to traditional designs. Issues in the performing arts, breaches of confidentiality, tourism and problems of privacy, medical research and "bio-prospecting", indigenous science and

technology, community control of research, and professional organizations and ethics are other modern day problems and challenges Native Hawaiians face.

Ka Lahui Hawai'i calls upon your departments to comply with international and national legal instruments and mechanisms relating to Native Hawaiian culture. They include: Universal Declaration of Human Rights Article 27.2, International Covenant of Economic, Social and Cultural Rights Article 15.1, International Convention on the Elimination of All Forms of Racial Discrimination Article 5 (d), and UNESCO Declaration on the Principles of International Cultural Cooperation (1966). Additionally, legal mechanisms which require compliance include: UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970), and Organization of American States (OAS) Convention on the Protection of the Archaeological and Artistic Heritage of the American Nations (Convention of San Salvador, 1976). Other legal standards focus on the World Intellectual Property Organization (WIPO), Berne Convention for the Protection of Literary and Artistic Works (1886). Congressional mandates include: Native American Graves Protection and Repatriation Act (NAGORA), American Indian Religious Freedom Act (AIRFA) and many other legal instruments and mechanisms. .

Pursuant to resolution 46/10 of October 22, 1991, the United Nations General Assembly reaffirmed the importance of inventories as an essential tool in the identification and recovery of cultural property. Indigenous peoples, including Native Hawaiians, lack the resources necessary to compile inventories of their dispersed heritage or to arrange for the return of objects across international borders. The United States and its agent, the State of Hawai'i and other international institutions, multi-national corporations, and relevant non-governmental organizations should give urgent attention and priority to Native Hawaiian needs. Ka Lahui Hawai'i seeks immediate implementation of these national and international legal conventions, mechanisms, instruments and standards. Your cooperation and resolution of Native Hawaiian cultural matters will be greatly appreciated.

Economic Development

Ka Lahui Hawai'i defines the fifth element of sovereignty as an economic base, the ability of the nation to work on behalf of its citizens to be self-supporting. Ka Lahui Hawai'i asserts that the goal of nationhood is economic self-sufficiency.

The cornerstones and fundamental building blocks of our sovereign initiative for economic development are the following:

1. The Hawaiian Nation shall establish a National Land Trust and have jurisdiction over its capital assets (revenues) in order to support economic initiatives for housing, employment, education, and the development of its own businesses and those of its citizens;
2. The Hawaiian Nation shall attain international and United States recognition of its sovereignty and shall negotiate economic and tax benefits appropriate for a National Land Trust. This shall not only exempt "national" business from taxation, but it shall provide the private sector (Hawaiian and non-Hawaiian) businesses with the opportunity to share in these benefits if they undertake to joint-venture with the Hawaiian Nation. This approach provides the Hawaiian Nation with the ability to utilize the tax incentive to work with the broader business community in meeting the needs of our citizens while creating more opportunities for affordable products and services.
3. The international trade agreements, covenants, and treaties between the Monarchy and other "foreign" nations are a historic entitlement, the benefits of which are due Native Hawaiians and their descendants. Therefore, the Hawaiian Nation has an established history of international trade agreements which is a basis for seeking such status with other nations, including the United States. It is Ka Lahui Hawai'i's

position that our sovereign nation should be free to enter into international trade agreements and contracts without the burden of United States customs, tariffs, and import and export regulations and costs.

4. Ka Lahui Hawai'i supports the concept of community-based economic development. Economic self-sufficiency is an achievable goal of our citizens and local communities. Hawaiian small businesses should be given the financial and technical support to create and maintain businesses, which employ citizens and return benefits to the community that supports the business enterprises.

A. Taxation and Regulations

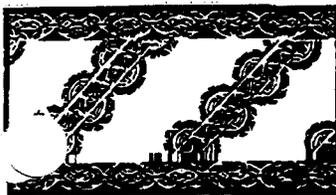
The power to tax and to regulate economic activities on its land base is an essential expression of self-determination of peoples through their sovereign nation. This power cannot be limited to economic activities of indigenous peoples, but must extend to all economic undertakings pursued within the domain (land, air, and water) of the Hawaiian Nation.

B. The Right to Self-Development and Technology

Ka Lahui Hawai'i asserts that economic development must be culturally appropriate and environmentally responsible. Technological applications, which meet these criteria, should be utilized by the Hawaiian Nation. The right to determine whether development occurs and how development proceeds is a sovereign right vested in the Hawaiian Nation.

In keeping with our national commitment to peace and disarmament, Ka Lahui Hawai'i opposes the use of all trust lands and marine and air resources for military ends.

Mahalo Nui Loa (Thank you) for the opportunity to testify.



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Testimony on Native Hawaiian Housing

Aloha,

Ka Lahui Hawai'i is a native initiative for self-determination comprised of over 20,000 citizens residing in Hawai'i and several other States including Alabama, Alaska, California, Florida, Idaho, Nevada, New York, Oregon, Texas, Utah, Washington and Washington D.C.

At this time, I would like to designate Robin Danner as Ka Lahui's representative for the panel discussion on Native Hawaiian Housing. Her testimony has already been submitted, which provides her experience and background in housing as well as Ka Lahui's position on Native Hawaiian Housing. If you have any questions, please feel free to call us at our office in Honolulu (808) 845-6240, fax (808) 848-6830, or email us at kalahui@gte.net. We look forward to hearing from you with regard to our participation in the panel discussion.

Mission Statement: To establish a Community Land Trust (CLT).

A CLT is an non-profit organization created to hold land for the benefit of a community and the individuals within the community. Most CLT's are especially concerned with providing and preserving affordable housing on this land.

Malama Aina the land called Maunalaha for the benefit of future generations and to perpetuate the culture and lifestyle.

- B. Long Term Goals and Objectives:**
- * Property placed in CLT.
 - * Upgrade Infrastructure: water, electricity, sewer
 - * CHDO status: to help rebuild and rehab homes
 - * Negotiate better lease agreement w/DLNR
- C. Short Term Goals and Objectives:**
- * 501C3 Status
 - * Strengthen community and board
 - * Education programs for children in valley:
 - * adopt a loi
 - * summer archeological study in valley
 - * indigenous plants
 - * Find monies to improve infrastructure and housing situation
- D. Weaknesses:**
- * lots located near streams
 - * lots located on steep cinder slopes
 - * no access
 - * no infrastructure
 - * resident population too small to justify costs of needed improvements
- E. Opportunities:**
- * HUD:
 - * HOME Program
 - * CDBG
 - * Association for Native American (ANA) Grants

F. Threats

- * **Lack of government funding/support**
- * **Existence of a non-hawaiian lessee**
- * **Increase in Property Taxes**
- * **Total erosion of infrastructure causing serious damage**
- * **Lack of Fire Hydrants**
- * **Permitting process:**
- * **Apply for a CDUA from DLNR**

G. Strengths

- * **Younger generation getting involved**
- * **Partnerships with various non-profit organizations**
- * **Legislature aware of needs**
- * **Residents willing to do repairs**
- * **History of 150 years**
- * **Established Community**

Problem Statement

Road Repairs

- Not county standards
- emergency vehicles, hard time responding due to size and condition of road
- Realign telephone poles
- guard rails
- street lights (only one exists at beginning)

Infrastructure

- Electricity
 - Outdated lines installed 1930 doesn't meet codes
 - power surges
- Water
 - no fire hydrants (nearest is over 1000 ft away)
 - galvanized lines since 1930, constant breakage not sure about water quality
 - increase water pressure
- Cesspools
 - old and collapsed
 - not allowed
 - septic tank costs

Homes

- substandard (old)
- none existent
- financing

Insurance

- Hurricane
- Fire
- CPL

Needs Assessment

Lot No	Size	Condition of Home	Infrastructure	on Lot	Family Needs/Community Priority	<21	22+	55+
1	0.93	Poor	substandard	yes	Financing for home repairs	1	2	1
2	0.78	Good	substandard	yes	Financing for rebuilding home, taxes		1	2
3	0.49	Poor	substandard	yes	Funding infrastructure and home	2	3	
4	0.59	Poor	substandard	no	Funding infrastructure and home			2
5	0.64	New	substandard	yes	Taxes			
6	0.49	Fair	substandard	yes	Descendency		3	1
7	0.44	None	None	no	No access, infrastructure, finance home			
8	0.86	Fair	substandard	yes				1
9	0.48	None	None	no	Funding infrastructure and home			1
10	0.29	Poor	substandard	yes	Funding infrastructure and home	1	2	1
11	0.75	Poor	substandard	yes	Taxes, no fire hydrants, financing, infrastructure			
12	1.04	None	None	no	Funding infrastructure and home			2
13	0.82	None	None	no	Funding infrastructure and home		3	
14	0.64	None	substandard	no	Funding infrastructure and home			3
15	0.82	Poor	substandard	yes	Funding infrastructure and home	2	2	
16	0.35	None	None	no	Funding infrastructure and home, no access	1	2	1
	1.25	Poor	substandard	yes	Funding infrastructure and home, insurance property taxes, river plugs w/heavy rains	3	1	3
18	1.30	Fair	substandard	yes	High property taxes, insurance, funding home	3	1	2
19	0.52	New	substandard	yes				
20	1.14	Poor	substandard	yes	Mudslide from Round Top, descendency	3	2	
21	1.30	New	substandard	yes	Property Taxes, insurance, descendency	3	2	
22	0.64	Good	substandard	yes	Property Taxes, descendency	3	2	1
23	0.32	None	None	no	Funding infrastructure and home			
24	0.52	None	None	yes	Funding infrastructure and home, river bank	1		2
25	0.28	Poor	substandard	yes	Funding infrastructure and home			1
26	0.36	None	None	yes	Funding infrastructure and home	2	2	
27	0.24	Good	substandard	yes	traffic and speeding from Nature Ctr, not 50%		1	1
28	0.52	Poor	substandard	yes	Funding infrastructure and home	2	3	1
29	0.70	Poor	substandard	yes	Funding infrastructure and home		1	1
30	0.40	Poor	substandard	no	Steep slope, funding infrastructure and home			

Information collected by survey

August 27, 1999

Aloha Trustee Trask, fellow trustees and committee members:

My name is Charlotte K. Batalona. I am the President of the Maunalaha Valley Community Association. Our community is not new to the Office of Hawaiian Affairs (OHA). In 1994, the association president then, Minewa Kaawa came to OHA. She presented each trustee with a History folder she compiled during her 21 years as president. The new trustees now serving on the board were also presented a folder. She came to OHA with the belief this office would be the answer to the struggles for Maunalaha. Here I am sitting before you today in 1999, 5 years since first coming to OHA still requesting your assistance.

I would first like to thank Trustee Trask for introducing this bill. Attached to this testimony is our problems statement, needs assessment and legislative history which is taken from our report on needs and concerns. The problem statement reflects the need for infrastructure that meets the minimum health and safety standards. The needs assessment was based on information collected by a survey of the residents. Please note the columns marked Infrastructure and Family Needs/Community Priority. 74% of the residents have substandard infrastructure. The remaining 26% has no infrastructure on the property. It does not mean they do not live on the property in those conditions. In urban Honolulu, and in one of the highest priced real estate market, you would think it not possible. The Family Needs/Community Priority column shows 60% of the residents felt infrastructure is the highest priority. The Legislative history shows our community has tried various means to secure funding and improve the living conditions for all the residents of our valley.

Data provided by the Housing Problems and Needs of Native Hawaiians, HUD-7016, main findings of the report states "Nearly half of Native Hawaiian households experience a problem of affordability, overcrowding and structural inadequacy."

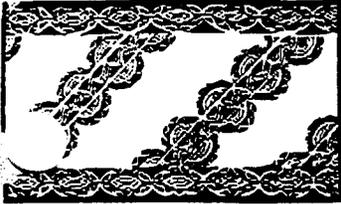
I appeal to you as trustees of native hawaiian beneficiaries to fulfill your responsibilities and fund communities like Maunalaha, Kikala-Keokea and Milolii. By providing funding you would build these communities and empower native hawaiians to gain control over their communities. Community Building is the best tool you can provide to help improve our current conditions. Please do not let hawaiians to continue to live in substandard conditions in their homelands. It is within your powers to put things "to right" or "pono".

Mahalo Trustees, Mahalo Ke Akua

Aloha,



Charlotte K. Batalona "Coco"
President



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Pū'ukū Lāhui (Treasurer)

Testimony on Native Hawaiian Education and Health

Aloha e Mark van Norman me John Berry. Aloha kakou e na kupuna, na makua, na 'opio a me na hoaloha o ka pac 'aina Hawai'i. Aloha.

I submit this testimony on behalf of Ka Lahui Hawai'i, a native initiative for self-determination comprised of over 20,000 citizens residing in Hawai'i and several other States including Alabama, Alaska, California, Florida, Idaho, Nevada, New York, Oregon, Texas, Utah, Washington and Washington D.C. Besides adopting a Constitution in 1987, Ka Lahui Hawai'i unveiled the Ho'okupu a Ka Lahui Hawai'i (Ka Lahui Hawai'i Master Plan) in February 1995. The Ho'okupu provides Ka Lahui Hawai'i's strategy to achieve self-determination, which includes a brief section on education and health.

Ka Lahui Hawai'i is committed and dedicated to self-determination, the right of Native Hawaiians to determine their political status and freely pursue their social, economic and cultural development. This includes the right to determine their educational needs and programs. Ka Lahui Hawai'i also believes that Native Hawaiian education is the primary key to empowerment, providing economic, social and other opportunities. The Nation will do everything in its power to protect and defend all aspects of Native Hawaiian education.

Native Hawaiian Education

Ka Lahui Hawai'i is deeply concerned with the overall management, operation and financing of Native Hawaiian educational programs, specifically elementary, immersion, middle, secondary, and even the collegiate programs. Generally speaking, all of these programs are understaffed, underrepresented, underfunded, not supported and are not in compliance with the federal laws relating to the Native Languages Act and other federal laws and provisions, State Constitutional mandates, statutes and policies and other task force reports relating to Hawaiian education.

Historically, Ka Lahui Hawai'i is cognizant that our ancestors were considered among the most literate people in the world – education was primary and valued in traditional Hawai'i. Consequently, today, while the Hawaiian student population comprises 25.7% of the total student population, they make up 35.3% of the special education programs. Additionally, 39.4% of Hawaiian students consist of the learning disabled. In the University of Hawai'i system, I would like to inform you that professors of Hawaiian ancestry constitute only 2% of the university faculty. Students enrolled in one of the state universities or community colleges in Hawai'i and are of Hawaiian descent comprise only 11%. Ka Lahui Hawai'i implores the two of you to seriously examine and evaluate the State Department of Education and the University of Hawai'i's actions and programs relating to Hawaiian education and seek rectification through the appropriate federal agencies of our many concerns and immense violations. Your instantaneous attention and cooperation with these matters will be greatly appreciated.

Chairs Van Norman and Berry, Ka Lahui Hawai'i is also aware that there exists numerous and substantial international charters, conventions and other instruments that recognize the basic human rights of all peoples, amongst which is the right of education. These include:

- Universal Declaration of Human Rights;
- International Covenant on Civil and Political Rights;
- International Covenant on Economic, Social and Cultural Rights;
- Convention Against Discrimination in Education;
- Coolangatta Statement;
- Kari-Oca Indigenous Peoples Earth Charter;
- Draft Declaration on the Rights of Indigenous Peoples;
- Discrimination (Employment and Occupation) Convention;
- Declaration on the Elimination of all Forms of Racial Discrimination.

Ka Lahui Hawai'i also calls upon your departments to examine and implement these international charters, conventions and other instruments, especially those international legal documents that the United States are signatories to. These legal standards are critically important to effective diplomatic relations. We humbly request that the United States expeditiously execute and fulfill this obligation with the highest trust standards.

Native Hawaiian Health

In the area of Native Hawaiian health, the colonization of Native Hawaiians and their subsequent loss of land and traditional livelihoods has led to their current health statistics, which are the worst in the state of Hawai'i and in the United States. The two most significant indicators of health are morbidity and mortality rates. The morbidity statistics of Native Hawaiians indicates heart disease, cancer, and diabetes as the three most troubling diseases and the leading causes of health related deaths among Hawaiians. The morbidity and mortality statistics of Native Hawaiians suggest a significant problem in Native Hawaiian health care.

Heart Disease

Native Hawaiians make up 20% of the population of Hawai'i, yet account for nearly 50% of all heart disease cases.

Although the number of Native Hawaiian heart disease cases number less than non-Natives (who comprise of 80% of the state's population) the mortality rate of Native Hawaiians due to heart disease is significantly higher than non-Natives. In 1990, the mortality rate due to heart disease for Native Hawaiians per 100,000 was 523 compared with 189 non-Natives.

Cancer

Native Hawaiians lead the state of Hawai'i in lung cancer. In Hawai'i, between 1986 and 1990, there were 69 incidences of lung cancer among Native Hawaiians males per 100,000 compared with 46 incidences among non-Native males, and there were 38 occurrences of lung cancer among Native Hawaiian females per 100,000 compared with 23 incidences among non-Native females.

Diabetes

Native Hawaiians account for more than 66% of all diabetes cases in Hawai'i, although they comprise of only 20% of the total population. According to recent statistics, the mortality rate for diabetes for Native Hawaiians per 100,000 was 57 compared with 5 for non-Natives.

Health Care

The most recent mortality rate statistics indicate that the number of deaths related to heart disease, cancer and diabetes for Native Hawaiians far outnumber non-Native deaths in Hawai'i related to these same health conditions. According to Hawai'i's medical community, these diseases are controllable if patients are provided with adequate health care.

Native Hawaiian Health Care Improvement Act

The Native Hawaiian Health Care Improvement Act was passed through the U.S. Congress in 1988. This act set up a non-profit organization, Papa Ola Lokahi, as a health care service agency to receive U.S. federal monies and address the deplorable health statistics of Native Hawaiians.

In the Native Hawaiian Health Care Program report to Congress, it cited access to Health care as a major reason for the current health statistics of Native Hawaiians. This report recognized the "cultural chasm" between Western and Traditional medicine and transportation difficulties as the major dilemmas in Native Hawaiians accessing health care.

Since the enactment of this Native Hawaiian Health Care Program there has been no significant, positive change in Native Hawaiian health statistics. Ka Lahui Hawai'i believes that Papa Ola Lokahi has failed to provide primary medical care for Native Hawaiians with acute medical conditions, and instead has implemented only prevention programs, referral services, and cultural activities.

Papa Ola Lokahi's "Compact" with the Federal Government

The Native Hawaiian Health Care Act is currently under the process of reauthorization in the U.S. Congress. Current drafts of this Act allow the U.S. Secretary to "compact" with Papa Ola Lokahi, likening its status to that of a local government. Ka Lahui Hawai'i asserts that this "compact" language is a violation of the Native Hawaiian peoples' right to self-determination and is another attempt by the U.S. government and its agent to maintain control over Hawaiian lands and entitlements. Furthermore, the Legislature of Ka Lahui Hawai'i denounces any

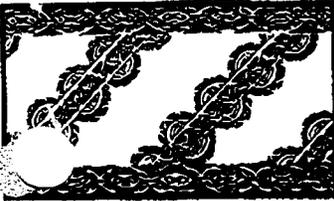
further reference to the establishment of a "compact" between Papa Ola Lokahi and the federal government in the reauthorization of the Native Hawaiian Health Care Act.

In closing, Mr. Van Norman and Mr. Berry, Ka Lahui Hawai'i would like to remind you that the United States and its agent, the State of Hawai'i have a legal responsibility to take care of the first peoples of this land by allowing Native Hawaiians to exercise self-determination, which includes:

1. providing a better system to improve overall Hawaiian education and health,
2. appropriating more funds directly to the nation to be expended on struggling Hawaiian education and health programs,
3. allowing the nation to create, develop, organize and implement a new Hawaiian educational and health care systems and programs incorporating Hawaiian culture, language, history and values.

We ask for your immediate financial and physical support in these varied initiatives and hope that you will give serious consideration to Ka Lahui Hawai'i's proposal on Native Hawaiian education and health. Additionally, Keali'i'olu'olu Gora, Lieutenant Governor, will speak on issues relating to Native Hawaiian education and Creighton Mattoon, O'ahu Island Po'o (Chair) will be Ka Lahui Hawai'i's representative on health related matters. Furthermore, we strongly urge you to continue the federal hearings in the immediate future on all islands for greater Native Hawaiian input and participation.

Mahalo nui loa (Thank you very much) for the opportunity to submit testimony on Native Hawaiian education and health. Please call our office in Honolulu at (808) 845-6246, fax (808) 848-6830, or email kalahui@gte.nct should you have any questions. Ka Lahui Hawai'i looks forward to hearing from you with regard to our participation on the panel.



KA LAHUI HAWAI'I

1849 Kōhōu Street, #102 • Honolulu, HI 96817

Josiah "Black" Ho'ohuli
Ka'āina (Governor)

November 22, 1999

Keali'i Gora
Lukanela Ka'āina
(Lt. Governor)

Assistant Secretary John Berry
c/o Document Management Unit
The Department of the Interior
1849 C Street, NW Mailstop-7229
Washington, DC 20240
Fax: (202) 219-1790

Shane Pale
Kākan 'Ōlelo (Secretary)

Lehua Kinilau
Pu'uhā Lāhui (Treasurer)

Testimony on Hawaiian Land and Natural Resources

Aloha,

Ka Lahui Hawai'i is a native initiative for self-determination comprised of over 20,000 citizens residing in Hawai'i and several other States including Alabama, Alaska, California, Florida, Idaho, Nevada, New York, Oregon, Texas, Utah, Washington and Washington D.C. Since its inception in 1987, Ka Lahui Hawai'i has advocated for the return of land to the Hawaiian Nation. The Ho'okupu a Ka Lahui Hawai'i (Ka Lahui's Master Plan), which is explained in more detail in Ka Lahui's testimony on reconciliation has four sections that deal with land issues – Dealing with the United States, Terminating Wardship Under the State, Establishment of a National Land Trust, and the Private Land Trusts.

Before detailing Ka Lahui's position on Hawaiian Land and Natural Resources, I would like to designate Shane Pale (Secretary) and Lehua Kinilau (Treasurer) as the official Ka Lahui Hawai'i representatives to address issues related to Hawaiian land and natural resources. LNR

The provision for land, natural resources and cultural resources in the Ho'okupu under the section Dealing with the United States has already been included in testimony on reconciliation. Thus, more emphasis here will be placed on Terminating Wardship Under the State, Establishment of a National Land Trust, and The Private Land Trusts.

Native Hawaiians and their descendants have not benefited from the illegal United States imposed policy of State Wardship which was created in 1959 as part of Statehood. On the other hand, the State of Hawai'i has benefited by utilizing its power as a Trustee to diminish, transfer, encumber, and toxify our native trust lands and resources. By failing to settle Hawaiians and native Hawaiians on 5(f) Ceded and Hawaiian Home Lands, the State withheld from Native peoples their land entitlements, while Hawaiian "beneficiaries" died in poverty and destitution. The State acted in collusion with the Federal Government to violate the human and civil rights of Hawai'i's indigenous peoples, and participated in denying the Hawaiian people their collective rights to self-determination and self-government.

Ka Lahui's position on the State's control of Native Trust Lands, Assets and Resources – specifically, the Ceded Lands or 5(f) lands and natural resources (issues relating to Ka Lahui's position on Hawaiian Home Lands and Natural Resources were covered under Native Hawaiian Housing) include the following:

1. Self-Determination

The State of Hawai'i must comply with federal recognition of Ka Lahui Hawai'i as the indigenous sovereign Hawaiian Nation, as well as federal recognition of the jurisdiction of Ka Lahui Hawai'i over its lands and natural resources, including water.

2. Native Trust Lands, Assets and Resources

The United States Department of the Interior should call for a land freeze (precedence for this action is Interior Secretary Stewart Udall's ordering all land transfers under the Alaska Statehood Act to cease until Congress could act upon the claims of Natives). The State of Hawai'i would then be required to cease the sale, transfer, lease or encumbrance of Hawaiian Homes and Ceded Lands to non-Hawaiians in order to work collectively with Ka Lahui Hawai'i and the United States to segregate traditional lands and natural resources, including water for the National Land Trust. The State would also be required to segregate the financial resources of Native Hawaiians and their descendants and transfer these fiscal resources to the Hawaiian Nation.

3. State Controlled 5(f) Lands and Natural Resources

- a) The United States should require the State of Hawai'i, including the Office of Hawaiian Affairs to work cooperatively with Ka Lahui Hawai'i and the United States to finalize one accurate inventory of the Ceded Lands, and the segregation of not less than one-half of these lands for the National Land Trust. The State of Hawai'i, including the Office of Hawaiian Affairs, shall work cooperatively with Ka Lahui Hawai'i to inventory the financial resources of the Native Hawaiians and their descendants and transfer these fiscal resources to the Nation.
- b) The State of Hawai'i shall also acknowledge the jurisdiction of Ka Lahui Hawai'i over its lands and natural resources, including but not limited to:
- i. the total environment of the lands, air, water, coastal seas, submerged lands, flora and fauna, and other resources which we have traditionally owned or otherwise occupied or use, and
 - ii. surface and ground water, and energy resources.

The State of Hawai'i shall agree that National Land Trusts are not subject to State or County taxation, legislation, or control or jurisdiction. Ka Lahui Hawai'i believes that the management of natural resources will involve working collectively with all those who use these resources.

- c) The State of Hawai'i shall assume liability for illegal transfer of these lands and for pollution and waste of these trust assets. If such issues cannot be resolved through negotiation, the State will consent to be sued for its breaches of trust.

Ka Lahui Hawai'i in its Ho'okupu calls for the Establishment of a National Land Trust.

A. The Need

The survival of Native Hawaiians, our ancestors, and descendants is rooted deeply in the land. The life of the land is the spiritual and cultural foundation of Native Hawaiians and our children. Therefore, Ka Lahui Hawai'i, like all other sovereign nations, needs to reclaim and recover its land base. Land is one of the fundamental elements of sovereignty. The Hawaiian peoples' loss of their traditional lands has resulted in genocide and diaspora. In order to care for its peoples and to ensure their survival, Ka Lahui Hawai'i seeks to establish a National Land Trust to develop housing, medical and educational facilities, and business enterprises. Lands and natural resources also include the cultural properties, sacred sites, traditional fisheries, and other resources of the Hawaiian nation which are necessary to maintain and preserve the spiritual and economic foundation of the indigenous culture for future generations

B. The Entitlement

Ka Lahui Hawai'i's Constitution identifies the land and natural resource entitlements of indigenous Hawaiians within the archipelagic boundaries of our traditional territories because we assert that our collective rights to land and natural resources preceded the illegal overthrow of 1893.

Ka Lahui Hawai'i's Constitution sets forth an expansive view of these entitlements, including, but not limited to, the following:

1. State held trust lands: Hawaiian Homes and ceded lands;
2. Marine Resources and Fisheries to the 200 mile limit recognized under international law;
3. Surface and ground water rights and submerged lands (i.e. shoals, reefs, atolls, estuaries, and marshes to the 200 mile limit);
4. Lands and natural resources under the Federal Government of the United States;
5. Energy resources: Ocean thermal and geothermal resources;

6. Minerals and other metallic substances;
7. Airspace above the land and marine resources;
8. The trust assets of the Private Trusts;

C. The Commitment

Ka Lahui Hawai'i asserts that the Hawaiian Nation has an obligation to maintain, protect, and preserve the lands and the resources of the Hawaiian peoples for future generations. The following are the basic components which comprise Ka Lahui Hawai'i's Land Management and development strategy:

1. The lands and natural resources of the Hawaiian Nation shall be held for future generations. The lands and natural resources of the Hawaiian Nation are inalienable.
2. Maintenance and development of the national land base shall be guided by the traditional concept of Malama 'Aina, which includes sound principles of Natural Resource Management based on the carrying capacity of the land or the resource.
3. Cultural and historic properties, sacred sites, and other ecosystems of religious or archaeological significance shall be inventoried, managed, and preserved.
4. National lands and resources shall be allocated not only for the collective needs of the citizenry (national undertakings), but for the individual private uses of the citizens which are licensed or permitted by the Hawaiian Nation.

D. The Establishment of a National Land Trust

The preservation and management of our Traditional lands and natural resources require the establishment of a National Land Trust under the control and management of the Hawaiian nation. Hawaiian lands and resources are currently under the control of state and federal agencies, private trusts, corporations, and individuals.

The termination of the United States imposed policy of wardship shall require that Hawaiians devise a new way to:

1. Marshal our lands and resources, and
2. Collectively manage our lands and resources in order to ensure their appropriate use for future generations, and
3. Most importantly to prevent other sovereigns and private corporations who may attempt to delete, encumber, tax or otherwise utilize and diminish our resources.

To this end, Ka Lahui Hawai'i asserts that a National Land Trust should be established immediately as a preliminary primary undertaking. This undertaking should precede any formal negotiation or claims settlement with the United States or the State of Hawai'i. The criteria used above should be utilized in the process of amassing the lands of the Hawaiian nation.

Land and water resources which have been toxified, polluted, or rendered dangerous by virtue of military, state, commercial or industrialized uses should not be automatically transferred to the Hawaiian Nation. Rather, the Hawaiian Nation and its citizens shall establish a method to secure lands and resources which can be used or need to be preserved for future uses.

The National Land Trust shall be comprised of lands currently called;

1. Hawaiian Home Lands;
2. State Ceded Lands;
3. Federally held lands; and
4. Private Land Trusts

Ka Lahui Hawai'i asserts that the current and immediate needs of the Hawaiian peoples for economic development, housing, education, health, and for the protection of cultural ecosystems and historic and sacred properties requires not less than two (2) million land acres. It is Ka Lahui Hawai'i's position that the National Land Trust of the Hawaiian Nation should eventually encompass all of the traditional lands of the Native Hawaiians and their descendants.

Since the Private Land Trusts are designated as a part of the National Land Trust, the Ho'okupu includes a section specifically addressing the Private Land Trusts.

The Hawaiian Monarchy provided for future generations by bequeathing their personal entitlements to land in trust for the Hawaiian people. These include:

1. The Kamehameha Schools/Bishop Estate
2. The Queen Emma Foundation, Queen's Medical Center and Health Care System;
3. The Lunalilo Trust;
4. The Queen Lili'uokalani Trust;
5. The Queen Kapi'olani Women's and Children's Medical Center.

These private trusts were created to provide for education, medical assistance and assistance for elderly and orphaned children. These private trust lands and assets are currently managed pursuant to State and Federal law, despite the fact that they are entitlements of Hawaiians.

Hawaiian beneficiaries have never had any opportunity to set policy for the administrations of these assets, nor have they been able to participate in the selection of the persons who administer the trusts. The appointment process for trustees and administrators of these trusts has been highly politicized and has resulted in the mismanagement of these trusts. Some of the Private Trust Lands and assets have been severely diminished by State condemnation. The Bishop Estate lands have been confiscated by State law in order to provide for private home ownership – a State obligation which the State did not address. These lands are not entitled to the tax and other benefits as proposed by the Ka Lahui Hawai'i National Land Trust.

A. Ka Lahui Hawai'i's Position Regarding the Private Trusts

1. Ka Lahui Hawai'i asserts that Native Hawaiians and their descendants are beneficiaries of these trusts, and should be able to participate in their management and in the setting of policies relating to these lands.
2. Ka Lahui Hawai'i asserts that the lands and assets of the private trusts must be protected from State and Federal actions which diminish their land base or financial resources.

B. Ka Lahui Hawai'i, as the Native Hawaiian Nation, acknowledges its responsibility and obligation to provide for the health, education, and welfare of its peoples. To this end, our national objectives and those of the private trusts are common goals.

C. The Private Trusts shall work cooperatively with Ka Lahui in the following areas:

1. To find ways in which the assets of Private Trusts can be incorporated into the National Land Trust or otherwise designated "National Lands" in order to shield them from State, Federal and County actions (including taxation);
2. To devise processes which shall allow native peoples and Ka Lahui Hawai'i to participate in the setting of policies relating to the management of the private trusts and the appointment and employment terms of the trustees and administrators overseeing these trusts;
3. To collectively develop and implement Service Programs so that duplication is avoided and adequate financing is available;
4. The creation of an H.M.O. (Health Maintenance Organization) providing health services and coverage to all citizens of Ka Lahui Hawai'i who subscribe and which can maximize medical benefits from Medicaid, Medicare, etc. Medical and health services should include, but not be limited to: mental health, substance abuse, family and domestic abuse, nutrition and dietary needs, and elderly health services. Medical services shall be provided to all indigent Ka Lahui Hawai'i citizens.

There are many issues which the Private Trusts and Ka Lahui Hawai'i need to explore. The Private Trusts cannot avoid Sovereignty or escape the ramifications of Hawaiian self-determination. Working cooperatively with Ka Lahui Hawai'i towards common goals is an alternative to beneficiary suits.

Our private trusts are being targeted and diminished; we must all work collectively to maintain and maximize these assets for future generations.

Mahalo for this opportunity to submit written testimony on Hawaiian Land and Natural Resources. If you have any questions, please feel free to call us at our office in Honolulu (808) 845-6246, fax (808) 848-6830, or email us at kalahui@gte.net. We look forward to hearing from you with regard to our participation in the panel on Hawaiian Land and Natural Resources.

Sociology Paper

Submitted for Testimony Reconciliation Hearings
By Daniel Kapo'o Paleka Jr.



Ancient Ka'anapali Beach, Maui
Artwork by Herb Kawaiianui Kane
adaptation by Daniel K. Paleka Jr.

Introduction

For over 100 years since the overthrow of the Hawaiian Monarchy by the United States of America, Native Hawaiians have struggled to adapt to a model of government imposed upon them. Native Hawaiians or Kanaka Mauoli, continue to acculturate themselves to the dominant American or Western ideologies. Assimilation on the part of the Hawaiian people has occurred for the most part, yet we still fall behind in terms of health, income, housing and high incarceration rate. In this paper I intend to apply my sociological imagination and make reasonable connections as to why Hawaiians are the largest ethnic group occupying our State correctional facilities. I have included tables and figures gathered off of the web to support my theory that there is a certain discrepancy between the rate of Native Hawaiian offenders placed in custody as compared to other ethnic groups. I also supply evidence of my theory based on eight years of participant observation as a correctional officer responsible for escorting inmates to court for disposition on their cases and noticing the differences that are apparent when an individual has a public defender or is not able to afford ones own attorney. I also touch on the cultural relativity of the situation where Hawaiians are less apt to want to question authority than other ethnic groups based on observation and supported by data.

Sociological Perspectives

Functionalism and *Conflict theory* are the sociological perspectives which best explain why Hawaiians trail other ethnic groups in such areas as education, housing and income. From the *functionalist* perspective one must realize that Hawaiians have not completely integrated with American society. Hawaiians have maintained their own cultural identity which attempts to coexist with the Western ideologies, but because of the difference in traditional beliefs and customs, many Kanaka Mauoli feel disconnected. Hawaiians express this by seeking their own self determination through the Sovereignty movement. Since the overthrow, adjustment and adapting to the rapid change in their environment has proved a forbidding task.

The natives' struggle for a more powerful voice borrows from the conflict theory in that a sustained feeling of separateness from American society still exists. Unfortunately this distinction between the two groups is evident in criminal case decisions also where the defendant is of Hawaiian ancestry. Hawaiians have argued the jurisdiction of the American government in court only to incur judicial retaliation and wound up incarcerated themselves.

Statistical Data

Table 1¹ The Racial Composition of the State of Hawai'i: 1990.

Race	1990 Census Bureau ^a		1990 Health Surveillance ^b	
	Population Estimate	Percent	Population Estimate	Percent
Caucasian	369,616	33.35%	262,605	24.10%
Hawaiian	138,742	12.52%	205,079	18.82%
Chinese	68,804	6.21%	51,294	4.71%
Filipino	168,682	15.22%	123,641	11.35%

¹ United States. Bureau of the Census. *1990 Census of Population. General Population Characteristics. Hawaii. 1990 CP-1-13.* (Washington, 1992). Hawai'i State. Department of Health, Health Surveillance Program. Special Tabulation. (Honolulu).

Japanese	247,486	22.33%	222,014	20.38%
Others	114,899	10.37%	224,940	20.64%
Total	1,108,229		1,089,573	

^a Hawaiian as defined by the U.S. Bureau of the Census. "The Concept of race as used by the Census Bureau reflects self-identification; it does not denote any clear-cut scientific definition of biological stock."

^b Hawaiian as defined by the Health Surveillance Program. The Health Surveillance Program (HSP) examined the ethnic background of the parents of each individual as provided by that individual. Racial background of each individual is based on the racial composition of his/her parents. Consequently, a determination can be made between those of Pure-Hawaiian ancestry and those of mixed-Hawaiian ancestry. The Program does not cover the institutionalized populations (military barracks, nursing homes, prisons, dormitories), the Island of Ni'ihau and Kalaupapa Settlement in their research. Note: The data is based on a sample and is subject to sampling variability. Since 1989, Portuguese are classified as "Other Hispanic," no longer as "Caucasian."

The population of Hawai'i shown in table 1 above, has Hawaiians making up 12.2% of the population according to the 1990 census bureau and 18.82% by State of Hawai'i, Department of Health standards. The method in which one decides ethnicity can alter the ethnic distribution of a region. There is a significant difference in the Native Hawaiian population reported by the U.S. Bureau of the Census and the Health Surveillance Program. The 2000 census is expected to alleviate this variance with improved design to the ethnic distribution formula. By both standards we still can conclude that the number of Hawaiians are fewer than Caucasians and Japanese and maybe even Filipinos.

Among Adults in Hawai'i, Whites were arrested for Index Offenses(See Table 2) more often than any other ethnic group: 36% of the total. Japanese and Chinese adults were arrested at a lower rate than their proportion to populations of 20.38% and 4.71% respectively. Hawaiians on the other hand were over-represented in all adult arrest categories except larceny-theft. These arrest rates compiled by Hawai'i Police Departments submitted for the Federal Bureau of Investigations Uniform Crime Reports. Hawaiians have disproportionately been arrested more than other ethnic groups to the point that criminal tendencies are attached to their cultural

identity much in the same way that Blacks are on the mainland.

Data showing the incarceration rates of ethnic groups remanded to the custody of the Department of Public Safety(See Table 3), demonstrate a disproportionate amount of Hawaiians (36.5%)making up the total sentenced-felon population put behind bars compared to Caucasians(20.5%). The question I ask is “Why is it that the arrest rate for offenses committed by other ethnic groups in Hawaii are higher than those of the native Hawaiian population, yet a discrepancy exists in the amount of Hawaiians who are incarcerated compared to those of, say Caucasian decent?”

Table 2²

² State of Hawaii. Office of the Attorney General, Crime Prevention and Justice Assistance Division *Crime In Hawaii*, (Honolulu: Correctional industries printing, 1999

**Race/Ethnicity of Adults Arrested for Index Offenses
State of Hawaii, 1998**

OFFENSE (ROW %)	WHITE	BLACK	INDIAN	CHINESE	JAPANESE	FILIPINO	HAWAIIAN	KOREAN	SAMOAN	OTHER	TOTAL
MURDER	8 44.4	2 11.1	0 0.0	0 0.0	0 0.0	3 16.7	4 22.2	0 0.0	1 5.6	0 0.0	18 100.0
FORCIBLE RAPE	31 27.9	9 8.1	0 0.0	2 1.8	4 3.6	17 15.3	31 27.9	2 1.8	5 4.5	10 9.0	111 100.0
ROBBERY	102 27.2	25 6.7	0 0.0	7 1.9	27 7.2	35 9.3	99 26.4	8 2.1	30 8.0	42 11.2	375 100.0
AGGRAVATED ASSAULT	143 28.3	28 5.5	1 0.2	8 1.6	19 3.8	79 15.6	120 23.7	18 3.6	30 5.9	60 11.9	506 100.0
BURGLARY	293 38.4	25 3.4	1 0.1	13 1.7	40 5.4	76 10.2	206 27.7	2 0.3	21 2.8	67 9.0	744 100.0
LARCENY- THEFT	1,985 38.7	206 4.0	1 0.0	127 2.5	405 7.9	617 12.0	1,034 20.1	99 1.9	109 2.1	552 10.7	5,135 100.0
MOTOR VEHICLE THEFT	250 28.6	33 3.8	0 0.0	13 1.5	68 7.8	125 14.3	258 29.5	11 1.3	41 4.7	75 8.6	874 100.0
ARSON	3 11.5	0 0.0	0 0.0	1 3.8	0 0.0	2 7.7	10 38.5	0 0.0	3 11.5	7 26.9	26 100.0
TOTAL	2,815	328	3	171	563	954	1,762	140	240	813	7,789
COLUMN % OF TOTAL	36.1	4.2	0.0	2.2	7.2	12.2	22.6	1.8	3.1	10.4	100.0

Row percentages may not total 100.0 due to rounding.

Table 3³

Race	State Fiscal Years Ended June 30					
	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96
Caucasian	19.8%	20.7%	19.8%	20.5%	19.2%	20.5%
Hawaiian ^a	38.8%	39.8%	39.9%	39.3%	40.0%	36.5%
Chinese	0.6%	0.6%	0.8%	1.0%	0.7%	0.6%
Filipino	7.7%	8.1%	8.1%	9.1%	9.6%	9.3%

³ Hawai'i State. Department of Public Safety. *A Statistical Report on Hawaii's Prison Population, Admissions, and Releases, Fiscal Years 1990-1991 to 1995-1996.* (Honolulu, 1997).

	g					
Japanese	3.2%	3.3%	3.1%	3.2%	3.1%	3.7%
Black	4.8%	5.0%	5.9%	5.1%	5.1%	5.3%
Korean	0.3%	0.5%	0.4%	0.3%	0.7%	0.7%
Samoan	4.5%	4.6%	4.6%	5.1%	5.1%	5.0%
Other	19.9%	15.9%	15.4%	14.8%	14.9%	16.6%
Unknown	0.4%	1.6%	2.0%	1.8%	1.7%	1.9%
Sentenced Felon Population	1,533	1,612	1,718	1,757	1,812	1,909

^a Hawaiians and Part-Hawaiians.

Theories

Is there is a prejudice that exists against the native Hawaiians or are there other aspects such as education, income and cultural factors, which could be connected to the high rate of incarceration. Hawaiians are catching up in the arena of education but a majority of the inmates I have come in contact with do not have a high school diploma. A lack of education makes it difficult for anyone to defend oneself in court. Most choose to take a plea agreement and just get the incident behind them.

Because numerous Hawaiians cannot afford their own attorneys, Public Defenders are utilized in most cases. Public defenders are good attorneys but heavy caseloads make it impossible for them to spend much time on their cases. Culture can also be seen as a cause, while Hawaiians are taught not to question authority and take what comes their way. Changing policies to address these situations may have a positive affect in reducing the number of Hawaiians in custody but first more studies must be done to get at the root causes of this problem. State Government databases are in the process of integrating so information can be cross referenced by different agencies. Information is a powerful tool when one knows how to use it.

Conclusion

I am not the only one who sees the disparity in the number of Hawaiians in Hawaii's State Correctional Facilities. If the Judicial System would acknowledge the fact, then

something could be done to remedy the ⁹ situation. Being a Correctional Officer and watching it occur is one of the toughest parts of my job because I am Hawaiian too.



HO'ŌLA LĀHUI HAWAI'I

P.O. BOX 3990 • LIHU'E, KAUA'I, HAWAII 96766 • (808) 246-3611 • FAX: (808) 246-9551

November 18, 1999

Aloha Kakou,

Greetings from the garden Isle of Kaua'i. I am David Peters, Executive Director for Ho'ola Lahui Hawaii the Native Hawaiian Health system serving the islands of Kaua'i and Ni'ihau. I am pleased to submit this testimony on behalf of the board, staff and clients of our organization.

In providing health care services to Hawaiians we are faced with a daunting task. Our Hawaiian people are living with great illness and lack the resources they need in order to be well. As we glean from Olelo No'eau: "Pu'ali kalo i ka wal'ole" Taro for lack of water grows misshapen meaning for lack of care one may become ill.

Kaua'i has no community health center as identified in recent federal appropriations legislation to care for those who have no health insurance or who do not feel comfortable receiving care in a western medical facility. Ho'ola Lahui Hawai'i provides preventive and some limited primary care services, but we cannot accommodate the needs of Hawaiians living in our service given the limited resources we receive. Expanded primary care services are desperately needed especially care that is culturally appropriate and centered.

The lack of primary care coupled with the costs of ancillary services and medications make accessing existing services difficult. Many of our Hawaiians cannot afford the costly medications they need in order to live especially our Kupuna. Laboratory services and other medical procedures are too expensive for those who seek this type of care. Increasingly the number of individuals asking our organization for help has lead us to provide some limited services in the Anahola Community twice per month. We also have instituted a mobile dental care clinic to assist with the growing need for dental care.

Some 30% of all Hawaiians have no health insurance coverage. Many do not qualify for public health benefits for a myriad of reasons including kuleana land constraints by failing the assets test even though they have no money. Many Hawaiians must make the decision of whether to buy

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food or to pay for medical care. This is unacceptable in the modern day world in a land with its current resources.

As our problem continues to swell we are faced with a bureaucracy that is non-responsive to our needs and a state government that is unable to address the health concerns facing Hawaiian families every day. The current services lack the cultural base to work with our families. Establishing a center specifically for services to Hawaiians is crucial to achieving wellness.

As a health organization we are not comfortable in addressing reparations or sovereignty issues. Rather we believe that we must help Hawaiians and their families become pono so that they can determine what is most appropriate to address their concerns.

I close with another proverb from Olelo No`eau: "Loa`a ke ola i-Halau-a-ola" Life is obtained in the house of life. One is happy, safe, well again. A play on ola (life, health, healing, contentment, and peace after a struggle) Hawaiians continue to struggle and the time has come for healing. It is our kuleana to ensure the health of all Hawaiians so self-determined aspirations according to Hawaiian culture and values can be achieved.

Respectfully Submitted,



David Peters
Executive Director

Culture

DATE: Nov. 22, , 1999

TO:
Assistant Secretary M. John Berry,
c/o Document Management Unit
Department of the Interior
1849 C Street, N.W., Mailstop 7229
Washington, D.C. 20240 (Fax: 202-208-3230)

RE: RECONCILIATION WITH NATIVE HAWAIIANS

PARTICIPANT DATA:

1. Name Kealoha Piscioffa
Address 230 Lyman Ave.
Hilo Hawaii 96720
Daytime telephone (808) 934-7668
Fax number _____
E-mail address _____

2. Will you be representing a Native Hawaiian organization
X yes _____ no

a. Please provide the name and mission of your organization:

**Please see below.*

b. How large is your organization's membership? ≈ 55

c. Please provide your organization's address: As above

3. Which topic(s) would you like to address?

December 10, 1999

December 11, 1999

- Native Hawaiian Housing
- Reconciliation Process
- Native Hawaiian Health
- Political Relationship and Education
- Native Hawaiian Culture and Economic Development
- Hawaiian Land and Natural Resources

** Māuna Kea Anaina Hou - is a Native Hawaiian Organization comprised of mostly Native Hawaiians + Native Hawaiian Organizations who have direct geneological ties and a history of traditional worship and practice relating to Māuna Kea, Hawaii Nui. The Māuna Kea Anaina Hou exist. to protect, preserve and perpetuate its religious and spiritual relationship between Akae, the people and the 'Aina (Māuna Kea)*

Federal Reconciliation Hearings

Date: December 10, 1999
Place: Honolulu, Hawai'i
Testimony of: Kealoha Pisciotta
230 Lyman Ave.
Hilo, Hawai'i 96720
808-934-7668
Number of pages: 3.0

Aloha Honorable Representatives of the United States of America,

Welcome to Hawai'i Nei. Mahalo for coming here and for your willingness to provide the Hawaiian people this opportunity to share our thoughts, feelings and positions with you.

In light of the poor history of relations with America; this moment in our history is without a doubt auspicious and has been a long time coming.

It is doubtful however, that we could collectively even begin to address the historical breaches of trust in this hearing alone nor could our history be fully retold in the three minutes allocated.

We hope that this first meeting will not be the last and will begin a true process of ho'oponopono—a healing of our trust with each other.

I wish to speak to two different forms of oppression:

The political and cultural oppression confronting the Hawaiian people today. Many will speak to the political issues tomorrow so I will only touch on them briefly.

Political Oppression

The political oppression of the Hawaiian people has been well documented over the last 107 years of occupation of our homelands. Documents which include the Federal Task force document titled "Broken Trust", which records over 100 years of both civil and human rights violations, the Seth P. Waxman brief filed in the Rice v.s. Cayetano Case, as well as the Apology Law itself.

The Apology Law speaks to two distinct problems that arise directly as a result of the Overthrow, Annexation and Statehood. That I believe must be included in these reconciliation discussions.

The apology Law states: "...the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or their national lands to the United States..."

And further "...apologizes to Native Hawaiians on behalf to the people of the United States for the overthrow of the Kingdom of Hawaii ... and the deprivation of the rights of Native Hawaiians to Self-Determination."

These statements show that not only was our political status changed but also our social, cultural and economic status changed without our consent.

The overthrow of the lawful government without our consent denied us our Political Status or Rights to Self-Determination were denied and the stealing our our lands and resources denied us our social, economic and cultural status.

The International covenant on Civil and Political Rights (ICCPR) states that "All peoples have the right to self-determination. By virtue of that right they may freely determine their political status and freely pursue their economic, social and cultural development."

It also states that "...all peoples may, for their own ends, freely dispose of their natural wealth and resources..." and "...in no case may a people be deprived of its own means of subsistence."

When we travel to the United Nations we intervene there regarding the restoration of our rights to Self-Determination as defined by international law. ; Because these rights were denied us by the U.S. through the Overthrow, Annexation and Statehood.

Therefore our discussions with the United States surrounding our civil and political rights and Self-determination should not only be confined to the U.S. domestic policy or to the limited forms sovereignty previously granted the indigenous peoples of the U.S. mainland but should also include Self-Determination as is defined by international law.

To accept less would be to let ourselves down, and even the U.S. because if it is the United States intentions to reconcile with us we must speak to all aspects of this process; but furthermore we would be letting down our indigenous brothers and sisters on the Mainland and globally defined by international law.

CULTURAL OPPRESSION

I would like to speak to another aspect of our oppression. The Cultural Oppression of our people.

You see I work atop the mountain known as Mauna Kea. It is one of my peoples most renowned and sacred places. Spiritually its summit resides in what is known as Wao-Akua, the realm of the Creator. Mauna Kea is the Temple of Akua-Creator.

Those that ventured there in the days old did so with care and reverence. They went there to harvest the tools that made our ocean voyaging canoes, for navigation-to observe the heavens but also because it is the burial ground of our highest born and most sacred ancestors.

Mauna Kea's sacred nature is recognized in the oral histories throughout all of Polynesia which pre-date modern science by thousands of years! Here then is where the controversy lies. I work for a modern telescope-actually the worlds largest of it's kind. Because of the rarified atmosphere surrounding the Mauna Kea, which makes for excellent seeing conditions it is considered one of the world's best places to observe the heavens.

Modern astronomy and its place atop Mauna Kea at this juncture is not the controversy, but rather the expansionist or colonial mind-set of the empire-builders within the astronomical community at large. The obvious fear is that the expansion of telescopes and observatories is unbounded, without controls to protect the sacred nature, cultural, historical and natural resources.

The colonization and occupation of our most sacred burial grounds has now reached its zenith; violating both Hawaiian and Western laws. There have been TWO TIMES the number of telescopes built on Mauna Kea than was permitted by law; and plans to build many more larger telescopes into the millinium. There is rampant looting of our sacred sites, and a visitor industry in excess of 104,000 tourists per year, with unencumbered access to all of our sacred sites, and no management and enforcement mechanism in place to control and protect our sacred sites.

The Institute for Astronomy (IfA) the overseer of this mountain has managed to spend \$100's of millions of Federal dollars and completed all of this construction without ever complying with either State or Federal statutes which afford protections for the cultural, historical, and natural resources and environmental protections.

The summit of Mauna Kea, the realm of the creator and the sacred burial ground of our ancestors has now become one of the highest and most unsightly construction sites in the world. Drawing adamant public outcry against further development and against the University and the Institute for Astronomy for their abuse of our sacred places and Ceded Lands.

From a cultural point of view what can be said of the desecration of Mauna Kea, but that we have reached a new height in the art of desecration, and the affront to Creation will be felt on levels of existence. The taking, destroying and desecration of things within the realm of Akua sets the process of creation out of balance and unraveling.

In the year 2033 the lease for the telescopes will be up, but in the year 2040 just 6 years later the Hawaiian people according to the World Health Organization will have expired. No more pure Hawaiian People will be left.

In conclusion, while within our world view the unraveling of Creation continues and the expiration of our peoples passes before our eyes. We pray that this reconciliation process will not simply continue the long litany of political and cultural oppression and eventual end of the Hawaiian people, but in fact will be a true process for true Self-Determination and freedom for the Hawaiian people.

Aloha and May Akua abide with you in your hearts.

c/o Molokai Advertiser-News (aka The MAN)
HC01 Box 770 KKai
Molokai, HI 96748

-----ALSO: org sent 10-30-99....PLEASE REPLY

Dear Assistant Secretary John Berry/o Document Management
Unit:

Stephanie Hanna (DOI) 202/208-6416

.....Cristine Romano (JUSTICE) 202/514-2008

I am very interested in the upcoming meetings, and given that
Molokai is
about 40% native Hawaiian residents, it is important to keep us
informed
about all this and encourage our participation. Please email
all
information to us on Molokai via email plane text in the body
of this email
for publication in Molokai Advertiser-News.

Please confirm receipt of this email, and include an update of
your
information.

Mahalos and Aloha,
George Peabody c/o The MAN

U.S. Department of Justice
OFFICE OF THE SECRETARY

FOR IMMEDIATE RELEASE: October 20, 1999

Contacts: Stephanie Hanna (DOI) 202/208-6416

Cristine Romano (JUSTICE) 202/514-2008

MEETINGS WITH NATIVE HAWAIIANS AND FEDERAL OFFICIALS
ON
RECONCILIATION PROCESS TO TAKE PLACE IN DECEMBER

John Berry, Assistant Secretary, Policy, Management, and
Budget, for the
Department of the Interior and Mark Van Norman, Director,
Office of Tribal
Justice, Department of Justice, will be in
Hawaii for public consultations to implement reconciliation
efforts as
called for in P.L. 103-150, the Apology Resolution. Berry and
Van Norman
plan to be in Hawaii from December 4, 1999 -
December 13, 1999.

Following an opening ceremony on Saturday, December 4, 1999,

Berry and Van Norman will be traveling to neighbor islands for community outreach visits to meet with Native Hawaiian communities and to observe programs established to benefit Native Hawaiians. Brown bag lunches open to the public will be scheduled on the neighbor islands. Time and locations have not yet been confirmed. More information about the neighbor island community outreach will be released shortly.

Discussions regarding the reconciliation process will be held at the East - West Center at the University of Hawaii on Oahu on Friday, December 10, 1999, and Saturday, December 11, 1999, beginning at 8:00 a.m. and ending at 6:00 p.m. The discussions will be open to the public.

To provide an opportunity for Mr. Berry and Mr. Van Norman to engage in discussions about specific areas of concern to Native Hawaiians, the first day of the discussions will be focused on the following issue areas: Native Hawaiian Health and Education, Native Hawaiian Housing, Native Hawaiian Culture and Economic Development and Hawaiian Land and Natural Resources. For each issue area, there will be 45 minutes of discussion among Panelists, Mr. Berry, and Mr. Van Norman, followed by an hour of public comment to provide an opportunity for anyone who wishes to address a point not discussed during the panel dialogue or to provide input regarding issues discussed during the dialogue. To allow as many people to comment as possible, each person or organization will be limited to three minutes.

Reconciliation will be the focus of the second day's discussion. Mr. Berry and Mr. Van Norman will engage in a dialogue to define the reconciliation process, to discuss the federal government's political relationship with Native Hawaiians and to discuss how longstanding political issues such as self-determination and ceded lands should be addressed within the framework of federal law. The discussion will include as many Native Hawaiian community leaders and spokespersons as can be reasonably accommodated at a large roundtable. A period of public comment will also be included to ensure an opportunity for as many individuals as possible to participate in the discussions. Again, to allow for maximum participation,

each
participant will be limited to three minutes for comments.

To promote productive discussions on all issues, all parties wishing to participate in the public forum are encouraged to submit testimony in writing no later than Monday,

November 22, 1999. Participants for the panel dialogue and roundtable discussions will be notified no later than November 29, 1999. All written testimony received by January 7, 2000, will be included in the record. All interested parties are encouraged to provide input through written testimony and public comment.

Anyone wishing to participate should fill out the enclosed form and submit written testimony to:

Assistant Secretary John Berry/o Document Management Unit
The Department of the Interior
1849 C Street, NW Mailstop-7229
Washington, DC 20240
Fax: (202) 219-1790
Please send it as plain text in the body of email reply here in.

Thank you,

George Peabody c/o The MAN
HC01 Box 770 KKai
Molokai, HI 96748
808-558-8253 email: molokaiman@flex.com

Lotus cc:Mail for Karen Sprecher Keating

Date: 11/15/99 1:34 PM
Sender: MARI THOMAS
To: KAREN SPRECHER KEATING
TIM ELLIOTT
Priority: Normal
Subject: Fwd:Racist/Hawaiian Reconciliation hearings

Author: MARI THOMAS at ~DOI/SOL_HQ
Date: 11/15/99 1:34:14 PM
Priority: Normal
To: KAREN SPRECHER KEATING (KAREN SPRECHER)
To: TIM ELLIOTT
Subject: Fwd:Racist/Hawaiian Reconciliation hearings

----- Forwarded w/Changes -----
Author: molokaiman@flex.com at DOI 11/14/99 1:38:47 PM
To: MARI THOMAS at ~DOI/SOL_HQ
To: edwin.s.kneedler@usdoj.gov at DOI
To: Odetta.S.Walker@usdoj.gov at DOI
Subject: Racist/Hawaiian Reconciliation hearings

Forward

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Subject: Racist/Hawaiian Reconciliation hearings
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Date: 11/14/1999 1:38 PM

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iossmtp1.ios.doi.gov (Lotus SMTP MTA
v4.6.5 (863.2 5-20-1999)) with SMTP id 8525682A.006151C6; Mon,
15 Nov 1999
12:42:59 -0500

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by flex.com (8.9.1a/8.9.1) with ESMTTP id IAA17000;
Sun, 14 Nov 1999 08:36:25 -1000 (HST)

X-Sender: molokaiman@mail.flex.com

Message-Id: <103130302b454a0e271a5@[206.126.1.21]>

In-Reply-To: <001301bf2e53\$b1941b20\$695d1c3f@hwb>

Mime-Version: 1.0

Content-Type: text/plain; charset="us-ascii"

Date: Sun, 14 Nov 1999 08:38:47 -1000

To: mari.thomas@IOS.DOI.gov, edwin.s.kneedler@USDOJ.gov,
"Walker, Odetta S" <Odetta.S.Walker@USDOJ.gov>

From: "George Peabody c/o Molokai Advertiser-News aka The
M.A.N."

<molokaiman@flex.com>

Subject: Racist/Hawaiian Reconciliation hearings

Please confirm receipt of this important email message by
REPLY.

Also, please keep me informed of the meeting date and place for
Molokai.

ATT: Assistant Secretary M. John Berry,
c/o Document Management Unit
Department of the Interior

1849 C Street, N.W., Mailstop 7229
Washington, D.C. 20240
and Stephanie Hanna (DOI) 202/208-6416
.....Cristine Romano (JUSTICE) 202/514-2008

Dear Mr. John Berry et al:

Apparently only certain native Hawaiians are being invited by DOI/DOJ to the meetings about so called "Reconciliation". It sounds desirable, but what is clearly intended (handing out hereditary political status or more money or land or privileges on the basis of race or ancestry) is nothing but racist tyranny.

I have opposed the racist agenda of the Office of Hawaiian Affairs since its inception in 1978, and subsequent programs like the Hawaiian Fishpond Revitalization Program funded federally through Sen. Dan Inouye that is causing environmental damages and loss of public lands to special native Hawaiian interests. Unfortunately the battle for racial equality continues in Hawaii against the formidable powers of political institutions. If OHA with its separatist agenda and voting rights and giveaway of resources based on ancestry, is allowed to continue, it will eventually destroy Hawaii as a place of relative peace: gone will be all personal freedoms and equality under law; gone will be all sense of personal safety engendered by friendly inter-racial relations; gone will be the spirit of Aloha, and the democratic principle of equal justice; and certainly the State's economic future will suffer even more that it has under Administrations of governors Waihee and Cayetano.

I believe that OHA, the Hawaiian Homes Commission Act, the sovereignty movement and all federal and state programs that give special exclusive privileges or entitlements to native Hawaiians, or to any other ethnic, racial or ancestral group, should be considered no less egregious than apartheid, white supremacy, ethnic cleansing and other discredited concepts based on racial discrimination.

None of the reasons offered by Trask or OHA trustees or sovereignty leaders or individuals who to support giving, under the banner of "reconciliation", hereditary political status or more money, land or other

entitlements to
Hawaiians, has any constitutional, historical or moral
validity, and for
our elected officials to do so would be tyranny. Don't do it.

Aloha,
George Peabody c/o Molokai Advertiser-News
HC01 Box 770 KKai
Molokai, HI 96748

Peabody
11/15/99

Lotus cc:Mail for Karen Sprecher Keating

Date: 11/15/99 1:34 PM
Sender: MARI THOMAS
To: KAREN SPRECHER KEATING
 TIM ELLIOTT
Priority: Normal
Subject: Fwd:Leshy opinion/withdrawl + HEARINGS Upcoming?
 Author: MARI THOMAS at ~DOI/SOL_HQ
 Date: 11/15/99 1:34:27 PM
 Priority: Normal
 To: KAREN SPRECHER KEATING (KAREN SPRECHER)
 To: TIM ELLIOTT
 Subject: Fwd:Leshy opinion/withdrawl + HEARINGS Upcoming?
 ----- Forwarded w/Changes -----
 Author: molokaiman@flex.com at DOI 11/14/99 1:39:45 PM
 To: MARI THOMAS at ~DOI/SOL_HQ
 Subject: Leshy opinion/withdrawl + HEARINGS Upcoming?

Forward

Header
 Subject: Leshy opinion/withdrawl + HEARINGS Upcoming?
 Author: molokaiman@flex.com
 Date: 11/14/1999 1:39 PM

Additional Header Information:
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 iossmtpl1.ios.doi.gov (Lotus SMTP MTA
 v4.6.5 (863.2 5-20-1999)) with SMTP id 8525682A.0061508C; Mon,
 15 Nov 1999
 12:42:56 -0500
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 [206.126.1.21])
 by flex.com (8.9.1a/8.9.1) with ESMTMP id IAA17080
 for <mari_thomas@IOS.DOI.gov>; Sun, 14 Nov 1999 08:37:21 -
 1000 (HST)
 X-Sender: molokaiman@mail.flex.com
 Message-Id: <103130303b454ac3elda6@[206.126.1.21]>
 Mime-Version: 1.0
 Content-Type: text/plain; charset="us-ascii"
 Date: Sun, 14 Nov 1999 08:39:45 -1000
 To: mari_thomas@IOS.DOI.gov
 From: "George Peabody c/o Molokai Advertiser-News aka The
 M.A.N."
 <molokaiman@flex.com>
 Subject: Leshy opinion/withdrawl + HEARINGS Upcoming?

Dear Mr. Timothy Elliott and John Leshy: Thank you for sending
 to me a
 copy of the statement of withdrawl by Leshy of the Sansonetti
 Opinion and
 other communications. That did indeed answer my questions as
 to why I
 could not get a copy of the new Leshy Opinion....there isn't
 e!
 Thank you again for your assistance.

George Peabody

each
participant will be limited to three minutes for comments.

To promote productive discussions on all issues, all parties wishing to participate in the public forum are encouraged to submit testimony in writing no later than Monday,

November 22, 1999. Participants for the panel dialogue and roundtable discussions will be notified no later than November 29, 1999. All written testimony received by January 7, 2000, will be included in the record. All interested parties are encouraged to provide input through written testimony and public comment.

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The Department of the Interior
1849 C Street, NW Mailstop-7229
Washington, DC 20240
Fax: (202) 219-1790
Please send it as plain text in the body of email reply here in.

Thank you,

George Peabody c/o The MAN
HC01 Box 770 KKai
Molokai, HI 96748
808-558-8253 email: molokaiman@flex.com

Monday, November 15, 1999

MY TESTIMONY IS ABOUT STOLEN LANDS...CROWN LANDS

My Name is Leah K. Pereira and I live on the most beautiful island in the world..Kauai the Garden island, for more than 50 years. My ancestors go back before the 1700's. In some of the Hawaii today History about the ancients and Kauai's Historical past, it mentions stories about my ancestors, the Island chiefs and Kings of old Hawaii. Historically the west part of the island of Kauai the Lands belonged to the ruling class and their families, when the lands were divided among the Kings and their chiefly families it was given out to them by grants. Today it is known as L.C.A Land commission awards. These lands were never transferred to other people or even paid for in fee. They were legally confiscated by the self appointed land surveyors and land recorders in the early 1900's. after the provisional government took over the Kings lands. what I am trying to say is this...we are still alive our blood of the ancient ruling chiefs are still here we have not died, although' our lands have disappeared. In a short period of time, from 1863 to 1930 vast amounts of property was accumulated to some of the large land owners today. And now they appear in court trying to claim Land titles by using the saying of procession is 90% of the law. Ancient people were not able to read or write the English language but what they did have was an amazing oral history of their families and happenings handed down through generations of time. I am living proof of my ancestors. I can no longer sit silent and watch the greedy get greedier. I have always believed in Democracy but today I much rather believe in Justice

Kamehameha IV was my Grt. Grand Father Kaiana's Nephew he granted us some property the name of the Grant was Kam IV to Kaia It was a very large grant but today all that is left is 1 acre of undivided land that my poor grandfather managed to hold on to legally. The land was given to our family in 1847 but not recorded until 1857 and then it was not registered until 1920 by then it was interpreted in English but much less than supposed. Hawaiians in the old days had only one name ..This identified the chief or King and their families. Kaia was our Grandparents' name, other who do not know our oral family history would not know that we are here and still living today. I am the 4th Grt. granddaughter to Kaiana once ruling Chief of Kauai, His first Cousin was Kaeo who was the father of King Kaumualii. My grt. grandfather 's youngest brother was Nahiolo and he fought against Kamehameha I at the battle of Nuuanu, on Oahu...well he left a young son ...his name was Kekuanaoa. Kam I raised him as his own son knowing that this boy was of royal birth and unblemished of common blood. He later married him to Kinou his daughter, thus one of his sons' was Kamehameha IV. my direct lineage.. I needed to explain my genealogy to you, so that you will be able to understand where I stand and why I feel that there has been an in justice done here today.

An example of this is there are Land developers that are building on properties that I know for a fact that has not transferred to them.. a Warranty Deed is a great deed. but a \$10.00 Warranty deed is something to really think about. who are they kidding?! I feel very sad that this is happening and yet they can write to the Federal government for

Moines to build this project and keep it respectable by making it a restriction - only Native Hawaiians can apply to this housing project, what is so sad is that it's not open to any other native Hawaiians but only a relative few. The woman involved is on the board of directors of this land development and most of her relatives was awarded this new home on our family land... which by the way was use to be part of the Ancient Fish Ponds of Waimea. They wouldn't know the history of the land because it was never given to them and the oral history was kept in our family. I also had to appear to the State Burial Council to protect our ancient Burial sites because the development was being built on our homeland and our families buried their loved ones close by, that being the cliffs next to their fishponds and homesite. I can be very thankful to our Grt Grand uncle Delbert Horner (German-California parents) He was one of the most honest man of his time. He was instrumental in saving some of our family land holdings. Although after his death many of his stocks disappeared. (someday I hope a young investigator will find out how it mysteriously disappeared, we have heard it through our oral history because it was in the 1940's and we know whom was involved , I just hope they catch the bad guys in the end.

Thankyou so very much for reading this , I will end here, there is so much more but God knows and hopefully he has chosen you and you will set things right.

Respectfully Yours,

Leah K. Pereira

Leah K. Pereira

Testimony - edited from that given on
Dec. 11, 1999, at the EWC, Hon., HI. - 56
Leialoha Apo Perkins.

85-175 Farview Lane
Apt. A334
Makaha, HI 96792

31 Dec. 1999

Asst. Sec. John Berry
90 Document Management Unit,
Dept. of the Interior
Mailstop 7229
1649 C St. N.W. Washington, D.C.
20240

Dear Asst. Sec. Berry:

Thank you for the opportunity to
have our Native Hawaiian, Kanaka
Maoli, views deposited for the records.

First, I was always proud to be
an American - abroad. at home,
it is, within the context of Hawaiian
disfranchisement, sometimes a
question about being American means.
But I have a continuing belief in the
American democratic vision - of
equality and justice for all. Your
presence for the heaps gives us half
a chance of that.

But I ask - if the American public

is not the owner of its public lands,
The U.S. government having placed^{in 1912}
the right + privilege of controlling
its economics (the dollar) in the
Federal Reserve -- a consortium
of 16 or so families, such as the
Rothschilds, the J.P. Morgan Bank,
the Rockefellers, Carnegies, etc.
not all of whom are Americans --
(G. Davenport, Secretary of the Empire)
how can the Kanaka Maoli
(Native Hawaiians) trust that
the U.S. can control the economics
of the Kanaka Maoli interests?
Get the U.S. in our "Trustee!"
We ask for justice: what is our
due. We are equals, not subordi-
nates to the U.S. government.
We never gave up control of
our independence.

Yet, various U.S. laws prevent us
from acting on that independence.
We are not aware of "needing" to
hurdle federal regulations for
"Unofficial Communities of Indigenous
People to become Official Native Nations."
(Stavber, in Hon. Weekly, Dec. 22-28, 1999). American
laws anagate to Americans alone who is an
"official native nation" ? It twists us in
the wind! We can hardly trust you!
Sincerely,
Pualoha Ape Perleina



casken@hawaii.edu on 11/26/99 03:35:30 PM

To: Roylinne Wada/OIA/OS/DOI@DOI
cc:

Subject: [afscsov] Fwd: Action update/ stand for your Nation (fwd)

thought that this would interest you. John

----- Forwarded message -----

Date: Fri, 26 Nov 1999 08:41:26 -1000
From: Gabrielle Welford <welford@hawaii.edu>
To: Undisclosed recipients: ;
Subject: [afscsov] Fwd: Action update/ stand for your Nation (fwd)

-----Forwarded Message-----

From: "Brudda Hank" <hawaiwar@gte.net>
Date: Mon, 22 Nov 1999 20:36:36 -0800

Action update/ stand for your Nation

The more information that we receive about the Reconciliation hearing slated for the 11th of December in Honolulu, the more we need to make a it perfectly clear that we do not and shall not be suppressed nor dictated too when it come to our nation.

It is not suppressing that the hearing are confined to only Oahu and that speakers are limited to only three min., thus allowing only 15 people per hour to speak. That is of course if you submit written testimony by today's deadline.

How is it that so little information and time is allowed for this process...? Did not the state of Hawaii, OHA, Hawaiian homes, Papa Lokahi and the rest of the agencies that concern themselves with representing the Hawaiian have previous information about these hearings? of course they did....months ago. that is why they are prepared and we are not.

The object of this exercise is to give the general public the thought that the mighty U.S. government is coming to address the needs of the Hawaiian people. they say it is for the process of reconciliation.... reconciliation means that we are in the process of forgiveness.... for 106 years of exploitation, suppression, degradation, humiliation, repression ... all to improve the environment for those on vacation.

It is without question that those whom claim to represent the Hawaiian interest, not to mention the receivers of those funds...that are supposed to reach you, will take top billing.. the plan is to insure that any funds destined for the Hawaiian will end up in some government agency under the control of the State. Is it the state who has suffered all these years...? or is it the Hawaiian people..!!!!!!!

This is why we have chosen to take action, as a stand for our Nation.

Several weeks ago I posted (on several list) what we on the big Island are doing to get onboard the round table during these hearings. Of course we understand that there is little chance..... So as a counterpoint we have chosen to do something culturally correct that may send a signal to all .. that we as Hawaiians don't agree that reconciliation is the proper term to

use at this stage of the game.

Perhaps what is truly necessary is the total restoration of the Hawaiian Kingdom, including the funding necessary to extensively educate the Hawaiian people and their supporters about the Kingdom and the Hawaiian Kingdom) Status Laws, in an effort to prepare them to repatriate themselves to their own Nationality.

Restitution, the act of restoring to the rightful owner, that which was illegally taken. This would entail the return of the Ceded Lands as well as title to all the other lands that belonged to the Kingdom and its subjects prior to the ill fated day in 1893. This would also mean the return of the Hawaiian Judicial System

This of course is only my opinion, there are many more. However we as Hawaiians may differ, there is something that all agree on. We all love our culture and are compelled by our ancestors to protect and perpetuate it for the generations to come.

Makahiki update: Action plan

The Makahiki that was planned for Mauna Kea has been changed. It is going to be held at the Kamehameha Statue in Hilo. The reason for the change is so many more can participate. The Hookupu presented will then be taken to Mauna Kea and placed on the Lele on the Summit of the Mountain. The date is Saturday December 11th. Time is 10:00 am. Of course those who are traditional practitioners or those interested are welcomed to come early for the Hiuwai and the sunrise ceremony.

The Royal Order of Kamehameha, established by Kamehameha V, will also be participating. December the 11th is his birthday. They are expected to make claim of jurisdiction for Mauna Kea. They also made this presentation to the Board of Regents (U of H) regarding the draft plan to develop Mauna Kea.

Strategy / Action speaks louder than words /Stand for your Nation

No amount of words could convey better than the illustration of a peoples action. You and I both know that this reconciliation hearing will receive a good deal of news coverage. The idea is to illustrate your commitment to the Hawaiian Nation and our own culture and traditions. That we, the Kanaka Maoli, reserve our right to our own Nation if that is our choosing.

This Makahiki is indeed culturally correct. It is the time of Lono. A time when war is strictly forbidden, a time for the honoring of the Honua, the giving of thanks for the bounty of the aina, a time for nurturing for the future.

All are welcomed... we would like very much to have the various groups from all of the islands be here. We call upon representatives of the different sovereignty groups, civic clubs, government agencies, schools, hula halau, canoe clubs, etc., represent themselves as a show of Lokahi. Bring your banners, send a contingent.

Lets work hard in this short period to get the word out... lets redirect the spotlight and focus on our Nation.

If you have any questions, or need to contact someone, or have suggestions, please feel free to contact me at : 808 985-9051 or you may e-mail me at hawaiwar@gte.net.

Aloha, A hui

hou, Malama Pono

To Department of the Interior
John Berry, Assistant Secretary

December 7, 1999

From Kahu/Rev. Lloyd Imuaikaika Pratt

Re: The Reconciliation Talks to the 1993 Apology Resolution

This is my testimony regarding December 5, 1999 hearing that was held on the Island of Kauai.

We have heard your talks and promises over and over again and yet we have never seen any of your promises manifest to benefit we the Na Kanaka Maoli and/or the indigenous people of Hawai'i. We have no trust in your system of justice, for we the natives of this land has been suppressed in health, education, and every program that the United States of America and the State of Hawai'i has shoved down our throats and said that it is for the betterment of us. Preservation of life and the freedom of expression for a better relationship with all mankind is what we envisioned and with the United States of America dictating who we are and where we should be is not the avenue that we agree on. We, the natives that God entrusted Hawai'i to be our home, has been taken away from us forcefully through the means of violence. The 1993 Senate Joint Resolution called the Apology Bill is an omission of guilt by the United States of America for the illegal overthrow of the Kingdom of Hawai'i. That announcement to all nations of the world gives recognition, status and venue that the Kingdom of Hawai'i is reinstated into the International arena under International affairs, rulings and protection under the laws of Nations. Almost ten years has passed and still our venue, status and the restoration of our Kingdom of Hawai'i has been neglected by the powers still be (United States of America and the State of Hawai'i) and still proceed in illegal acts of genocide against we the Kanaka Maoli, citizens to the lawful government of Hawai'i. We, the Kanaka Maoli of today are loving people who share what we have as our ancestors did. The United States of America has instilled hurt, suffering, lack and illusions that is not of us. Today, America the land of the free has put in our hearts anger and brought separation among our people.

What God entrusted in us to take care of is polluted with harmful substance. The land, air, water and our bodies has been effected by it. We are Gods children given all the necessities to sustain life in Hawai'i and yet the United States of America and the State of Hawai'i does not permit we of Hawai'i to be self-sufficient and self-sustaining. Hawai'i's environment is perfect for growing food and the natural materials for shelter, clothing and medicine that all mankind needs for life preservation, but we are forced into buying high price import goods that only hurts us and our environment. We are influenced with fears to permit the United State to bring onto our land, water and air military weapons of destructive force. The creation of money and power is all that matters to United States of America and who ever comes in their way is removed or discriminated. We live it and now we are saying no more. We will no longer be followers to your unjustly doings and we ask by the grace of God, that you, the United States of America and the State of Hawai'i leave and take all those destructive elements that you have put onto and in our land, air and water with you.

C.C.
Senator Daniel Akaka

With Aloha,

Dept. of Justice
Mark Van Norman, Director

Kahu Lloyd Imuaikaika Pratt

Kahu Lloyd Imuaikaika Pratt

cd

FACTS IS LAW.

by Keoki Puaoi

THE PRINCIPLE OF LAWS

THE LAW OF NATIONS

by E. DE VATTEL

YOUR QUESTION TO THE UNITED STATES OF AMERICA DELEGATES SHOULD BE?
IS THE STATE OF HAWAI'I AT THIS TIME A DE FACTO STATUS GOVERNMENT?
THE ANSWER IS YES.

DE FACTO GOVERNMENT: MEANING FROM BLACKS LAW DICTIONARY VOLUME 4, STATES TO WIT; ONE THAT MAINTAINS ITSELF BY DISPLAY AGAINST THE WILL OF THE RIGHTFUL, AND LAWFUL GOVERNMENT.

DE JURE' GOVERNMENT: MEANING FROM BLACKS LAW DICTIONARY VOLUME 4, STATES TO WIT; BY RIGHT, BY JUSTICE, LAWFUL AND LEGITIMATE GOVERNMENT.

FACTS: ON JANUARY 17, 1893 MR. JOHN L. STEVENS (THE U.S. MINISTER AT THE TIME OF THE ILLEGAL OVERTHROW OF THE DE JURE' HAWAIIAN KINGDOM). WHEREAS STATES TO WIT IN A WRITTEN TESTIMONY TO THE AMERICAN LEGATION MR. CHARLES L. HOPKINS AT ABOUT 2:45 PM. THAT AFTER NOON, THAT HE HAS EXTENDED DE FACTO RECOGNITION TO THE PROVISIONAL GOVERNMENT. THIS DOCUMENT CAN BE FOUND IN THE BLOUNT REPORT IN WASHINGTON.

FACTS: NOW SINCE THE EVIDENCE IS IN THE BLOUNT REPORT, AND THE STATE OF HAWAI'I IS A DE FACTO GOVERNMENT AND BECAUSE THE UNITED STATES OF AMERICA IS PART OF THE STATE OF HAWAI'I IT IS FAIR TO SAY THAT THE UNITED STATES OF AMERICA IS ALSO DE FACTO, AND HAS NO JURISDICTION HERE IN HAWAI'I.

FACTS: WHY IS IT THAT THE UNITED STATES OF AMERICA HAS NO JURISDICTION HERE IN HAWAI'I? BECAUSE OF PUBLIC LAW 103-150 107 STAT. 1510, ARTICLE 29 IT STATES TO WIT;

FACTS: "WHEREAS, THE INDIGENOUS HAWAIIAN PEOPLE NEVER DIRECTLY RELINQUISHED THEIR CLAIMS TO THEIR INHERENT SOVEREIGNTY AS A PEOPLE OR OVER THEIR NATIONAL LANDS TO THE UNITED STATES, EITHER THROUGH THEIR MONARCHY OR THROUGH A PLEBISCITE OR REFERENDUM;"

FACTS: ARTICLE 34, STATES TO WIT;
"WHEREAS, THE NATIVE HAWAIIAN PEOPLE ARE DETERMINED TO PRESERVE, DEVELOP AND TRANSMIT TO FUTURE GENERATIONS THEIR ANCESTRAL TERRITORY, AND THEIR CULTURAL IDENTITY IN ACCORDANCE WITH THEIR OWN SPIRITUAL AND TRADITIONAL BELIEFS, CUSTOMS, PRACTICES, LANGUAGE, AND SOCIAL INSTITUTIONS;"

WORDS OF WISDOM BY OUR ANCESTORS: "WE DESTROY OUR SELF BECAUSE LACK OF KNOWLEDGE."
NEED MORE INFORMATION CALL KEOKI 823-0946.

BEWARE OF BROKEN PROMISES

KAONA.....MEANS HIDDEN MEANINGS.

WORDS OF WISDOM

AMERICAN NATIVE INDIANS.....

- 1..... BROKEN TREATIES
- 2..... BROKEN PROMISES

DON'T BE FOOL WITH PROMISES THAT THEY CANNOT KEEP.

DO NOT GIVE AWAY YOUR TACIT CONSENT. (SILENT CONSENT)

REMEMBER YOUR ANCESTORS THEY HAVE DIED TO PROTECT YOUR INHERENT SOVEREIGNTY, DO NOT SELL YOUR FUTURE AND YOUR CHILDREN'S FUTURE AWAY.

REMEMBER YOUR ANCESTORS WERE A NATION AMONG NATIONS, UNTIL IT WAS STOLEN AWAY FROM THEM.

REMEMBER YOUR ANCESTORS WERE INDEPENDENT (SOVEREIGN) PEOPLE AND THEY DID NOT GIVE UP THEIR INDEPENDENCE AWAY.

“LET THE PEOPLE DESTROY OURSELVES BECAUSE WE LACK KNOWLEDGE.”

“WHEN THE PEOPLE ARE AFRAID OF THEIR GOVERNMENT THAT IS CALLED TYRANNY.”

“WHEN THE GOVERNMENT IS AFRAID OF THE PEOPLE IT IS CALLED LIBERTY.”

“WHAT IS THE HEART BEAT OF FREEDOM?”

ANSWER: YOUR PRIVACY.”

“WITH THESE WORDS OF WISDOM YOU NOW HAVE PROSPERITY.” THE PEOPLE CALLS IT DIRECT DEMOCRACY.

REMEMBER THESE WORDS OF WISDOM OF OUR ANCESTORS, STAY FOCUS ON YOUR MISSION TO BE A FULLY INDEPENDENT NATION AMONG NATIONS AS THEY WERE.

THE TRUE MEANING OF ALOHA.

- A..... ALWAYS.
- L..... LOVE.
- O..... OTHER
- H..... HUMANS.
- A..... AMEN.

FOR MORE INFORMATION CONTACT KEOKI AT 823-0946