

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

KSK

8/25/00

Comments on "FROM MAUKA TO MAKAI: THE RIVER OF JUSTICE MUST FLOW FREELY", the proposed reconciliation process with Hawaiians.

Dear Secretary Berry

Your proposed reconciliation process begins with the statement "The passage of the Apology Resolution was the first step in this reconciliation process."

Could the 11/23/93 Apology Bill, PL 103-150, adopted by the Congress and signed by the President have BEEN A MISTAKE?

Can Congress and the President make a mistake? If so, can a mistake be corrected?

Why would the Apology Bill have been a mistake?

It could be that it was more than it was purported to be by the leaders of the legislation, the entire congressional delegation from the State of Hawaii. It was purported to be a symbolic, simple apology to Native Hawaiians, but not to ALL of the citizens of the Kingdom, on the 100th anniversary of the 1893 overthrow.

There was really NO DISCUSSION of the "Whereases", or Findings of Fact, in the Bill, which led to the following discourse from the Senate Congressional Record on 10/27/93 - (This should be required reading)

"Mr. INOUE. Mr. President, may I once again say that the suggestion that this resolution was the first step toward declaring independence or seceding from the United States is at best a very painful distortion of our intent.

The whereases were placed in the resolution for a very simple reason: So that those who are studying this resolution or those students of history in years to come can look back and say that is the way it was in Hawaii on January 17, 1893.

To suggest that we are attempting to restore the Kingdom, Mr. President, I find it most difficult to find words to even respond to that.

Mr. GORTON. Mr. President, I will suggest through the President to either Senator from Hawaii, that this Senator, as he has already said twice, has never had the remotest idea that independence was the meaning of this resolution on the part of the two sponsors. But this Senator will be happy to yield his own time to either Senator from Hawaii if they will tell us what their operative intention is. What are the appropriate consequences of passing this resolution? Are they any form of special status under which persons of Native Hawaiian descent will be given rights or privileges or reparations or land or money communally that are unavailable to other citizens of Hawaii?

Mr. INOUE. If the Senator will yield?

Mr. GORTON. I will be delighted to do so.

Mr. INOUE. As I tried to convince my colleagues, this is a simple resolution of apology, to recognize the facts as they were 100 years ago. As to the matter of the status of Native Hawaiians, as my colleague from Washington knows, from the time of statehood we have been in this debate. Are Native Hawaiians Native Americans? This resolution has nothing to do with that. This resolution does not touch upon the Hawaiian homelands. I can assure my colleague of that. It is a simple apology.

Mr. GORTON. Mr. President, this Senator wants to sincerely thank the senior Senator from Hawaii for that answer and accepts it as such. This Senator believes the Senator from Hawaii has said this resolution is unrelated to -- it neither advances nor detracts from -- any kind of special treatment for Native Hawaiians."

It is interesting to note that Sen. Gorton requested an additional one-half hour of time to allow Sens. Inouye or Akaka to give their explanation of the Bills consequences and ramifications, but upon Sen. Inouye's objection, there was none.

Yet, ever since 11/23/93, the Apology Bill, with it's un-contested "Findings" has been used by the Hawaiian activists and, today, the Congressional Delegation with it's Akaka Bill, and you with your proposed reconciliation process, as the BASIS for "any form of special status under which persons of Native Hawaiian descent will be given rights or privileges or reparations or land or money communally that are unavailable to other citizens of Hawaii?"

It seems the Apology Bill itself should be re-examined and the validity of the "Findings" fully discussed before it is used as the BASIS for the Akaka Bill, or the proposed reconciliation process with only Native Hawaiians.

Respectfully

A handwritten signature in black ink, appearing to read "Ralph Peck", written in a cursive style.

Ralph Peck
333 - 11th St
Del Mar, CA 92014
858-755-9696