

Anahola Homesteaders Council

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Dated: November 22, 1999

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

Re: Testimony by the AHC

Aloha Mr. Berry:

The Anahola Homesteaders Council (AHC) wishes to submit our response relating to the reconciliation process scheduled to take place in December.

The AHC board of Directors is comprised of thirteen (13) members each serving a term of two years apiece. The present membership currently involved with AHC affairs is 189 members.

Mission Statement:

The mission by the AHC is identified by:

1. Community Based Economic Development
2. Education
3. Agriculture; and
4. Cultural Preservation (includes language)

Vision of the AHC:

The AHC strongly believe that Native Hawaiians will best determine its sovereign destiny through economic development. **Only** by achieving success in this area will self-determination and independent governance be appropriate.

Current Projects Ongoing: (There are three)

1. **Project Faith: (See attachment)** A Community Based Commercial - Cultural Center Planned for Native People living on homesteads lands and lacking economic opportunities benefiting Hawaiians. This project describes economic development as its means towards achieving self - determination. The expected outcome will provide'

- Jobs
- Business entrepreneurship

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December 17, 1999

Mr. John Berry, Assistant Secretary
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To	Mr. John Berry	From	Leihinahina Sullivan
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Re: Reconciliation – Native Hawaiians

Aloha e Mr. John Berry,

I was unable to attend the reconciliation hearings but am submitting testimony. **Native Hawaiians should be recognized as a Nation within a Nation**. Enclosed you will find an article that I have written on Sovereignty. It was specifically drafted as an investigation piece on where Federal monies on education and health for Native Hawaiians have gone; also to record the amounts received by the State of Hawaii. It is quite alarming due to the political manipulation and maneuvering by the State of Hawaii's Democratic Party, mainly Senator Daniel Inouye.

I am a University student that has been attending the Working Group on Indigenous Populations and several UNESCO workshops and conference. Most recently I have been asked to participate in an Internship program with the High Commissioner on Human Rights in Geneva, Switzerland. As an observer and participant of several UN sponsored conferences and conventions it has sparked my interest in documenting the UN and all of its specialized agencies in relation to indigenous peoples, environmental and conservation issues, and globalization.

The education and opportunity to travel abroad has given me the tools necessary to critically analyze the current situation of Native Hawaiians, they need to be Federal recognized as a Nation within a Nation. The Sovereignty paper is factual information that I have received from the agencies themselves, we need to be protected from politicians like Senator Daniel Inouye that has interest that is self serving and does not benefit Native Hawaiians. Native Hawaiians should determine their own political status and afforded justice by the United States of America.

A me ka ha'aha'a,



Sovereignty

The Native Hawaiian struggle for sovereignty is about regaining control of land, specifically the Ceded Lands trust, and receiving fair compensation for its past use. The Ceded Lands trust is comprised of 1.8 million acres of former Crown and Government Lands or 43% of Hawaii's total land area that was illegally ceded to the United States. The reparations due to Native Hawaiians for its past use and abuse by the U.S. could very well be in the billions of dollars--as the Heely case alone has demonstrated.

Currently, federal legislation is being proposed that would secure millions of dollars for Native Hawaiian health, education, and housing. However, our right to self-determination, billions of dollars of reparations, and 1.8 million acres of lands may be put at stake with language and political maneuvering that would "liken the status" of a state and a service agency to that of sovereign entities in exchange for a few million federal dollars.

The Native Hawaiian Health Care Improvement Act is one of these pieces of federal legislation that is currently up for reauthorization. In its present form it contains language that would endow powers similar to that of a sovereign government to its administrative health service agency, Papa Ola Lokahi (POL). Since 1989, the Act has appropriated 31.4 million dollars from the federal government for the improvement of Native Hawaiian health. Despite this substantial sum allocated for health; disease incidence and mortality rates for Native Hawaiians have remained basically the same with little improvement and in some cases have even worsened.

For Native Hawaiians, heart disease, cancer, and diabetes are the three most troubling diseases and the leading causes of health related deaths, yet the most recent statistics reflect a steady rise in cases and related deaths among Native Hawaiians since 1986. According to a medical source, these diseases are controllable given adequate health care, yet the Act did not provide for primary health care for Native Hawaiians with acute medical conditions. Instead, it implemented Native Hawaiian health scholarships, prevention programs, referral services, and cultural activities.

For example, in 1996 POL partnered with Polynesian Voyaging Society (PVS) and Queens Community Health Initiative in an ongoing sailing program called *Malama Hawai'i* (Care for Hawai'i) which in this year includes a fantastic voyage to Rapa Nui. Although the focus of this program includes creating healthy communities through education, it is unclear in its mission statement exactly how sailing will lessen the incidence of diseases that plague Native Hawaiians. What is more alarming about this program is a recent solicitation letter to the U.S. military authored by Myron "Pinky"

Thompson, the President of PVS and founder and President of POL. In his letter, Mr. Thompson offers the assistance of the Hawaiian voyaging canoes (Hokule'a and Hawai'iloa) in U.S. Chile, Pacific Island and Native Alaskan relations in exchange for the inclusion of PVS's voyaging program in the U.S. military's 6.6 billion dollar missile screen program targeted against North Korea. Furthermore, with the past Bishop Estate Trustee, Mr. Thompson, at the helm of POL it comes as no surprise that 6.8 million dollars allocated for Native Hawaiian Health Scholarships were given over to and administered by Kamehameha Schools Bishop Estate (KSBE) which gave out a total of 92 scholarships. This type of "behind the scenes" political maneuvering could very well endanger the right of Native Hawaiians to self-determination, especially when federal legislation is drafted that could recognize a health service agency, POL, as the future Native Hawaiian government. Moreover, with 31.4 million dollars expended for the improvement of Native Hawaiian health and with Native Hawaiian health statistics continuing to rival those of third world countries, it is evident that POL needs to redesign the implementation of it's objectives and become accountable for it's expenditures.

The Native Hawaiian Education Act is the counterpart to the Native Hawaiian Health Care Improvement Act, and, since 1989, has appropriated 100 million dollars for the improvement of educational curriculum in public schools, parent-infant and preschool programs, higher education, the establishment of a gifted, talented, and various other special educational programs for Native Hawaiians. By 1994, it had granted approximately 30 million dollars to KSBE to implement various areas of this Act. With the Act's reauthorization in 1995, the Native Hawaiian Education Council was established to guide and coordinate educational activities. Presently, the Council is comprised of state appointed representatives from Hawaiian and state and educational agencies including the DOE, OHA, KSBE, Hawaiian Language Immersion Advisory Council, Aha Punana Leo, and the Queen Lili'uokalani Trust and Children's Center. With this Act, up for reauthorization once again, the Council is now trying to find ways to bring in more community members.

Again concerns arise when 100 million dollars has been expended for the improvement of Native Hawaiian education by some of the largest and most prestigious Hawaiian institutions and agencies, and Native Hawaiian statistics have experience no dramatic improvement and in some cases have worsened. For example, the percentage of Native Hawaiian high school graduates have remained the same since 1993, yet the number of high school seniors planning to pursue higher education has seen a 4.4% decrease. With the dramatic rise of tuition in the University of Hawai'i system and the losing battle for an increase in Hawaiian tuition waivers, fewer Native Hawaiians are looking to pursue their higher education in Hawai'i. Access to education due to a deficiency in monies is a problem shared by the children of Kula Kaiapuni 'o Anuenue, a Hawaiian immersion K-12 school in Palolo, Hawai'i. Their funding for bussing has been

cut, leaving approximately 60% of their school population without any means of transportation for school which may force many of them into English medium schools.

Misdirection in the expenditure of the Native Hawaiian Education Act funds is a concern when Native Hawaiian youth are still experiencing some of the more pressing problems of access to education. For example, one of the programs implemented by the Native Hawaiian Education Act, the Native Hawaiian Family-Based Centers Project, focuses on early intervention, and has appropriated approximately 40 million dollars since 1989. This project was administered by KSBE until 1997 when it was given over to Alu Like, Inc. and renamed *Pulama I Na Keiki* (Cherish the Children). According to recent Alu Like written testimony to a Congressional Subcommittee, this project focuses mainly on the prenatal and infancy stages of brain development and is based on the assumption that Native Hawaiian mothers do not adequately stimulate and nurture brain development in their children. It concludes that a "child's brain suffers" and changes physically when deprived of a "stimulating environment." This type of language is presumptuous and attributes the educational shortcomings of Native Hawaiians to brain deformities rather than something more practical like poverty. What should be emphasized in Alu Like's report are the *Pulama I Na Keiki* partial scholarships that have been given to Native Hawaiian children for preschool at KSBE and Punana Leo.

In current drafts of S.225, an amendment to the Native American Housing and Self-Determination Act (NASHDA), the Department of Hawaiian Home Lands (DHHL) is equated to a "tribal sovereign" for the purposes of being included into NASHDA. Inclusion would open up approximately 200 million dollars in federal funds over the next five years for Native Hawaiian housing, yet usage of these funds would be restricted to the 200,000 acres of lands controlled by the DHHL and its beneficiaries, who are required to be of 50% Hawaiian blood quantum or more. Yet with its history muddled in neglect and failure to fulfill its trust obligation, the DHHL would hardly seem the right candidate for the sovereign Hawaiian government and the sole controller of 200 million federal dollars.

In 1991, the Broken Trust Report, prepared by the Hawaii Advisory Committee to the United States Commission on Civil Rights, came out and found that "As a State government agency within the executive branch, it [DHHL] is unable to function exclusively in the interests of its beneficiaries." Part of the reason being that its commissioners are "appointed entirely by the Governor." Furthermore, the report found that in over 70 years of existence it has not achieved its objective, which is the rehabilitation of native Hawaiians, despite federal and state administration and millions of dollars allocated. Evidence of this is the 19,000 native Hawaiians who are still waiting on the list. What's more, thousands of acres of Hawaiian Home Lands have been lost and some leased to individual non-natives, like Ruddy F. Tongg, a former state legislator, who leased 1,126 acres of ranch lands and paid less than 6 dollars per acre. Other lessees

include the State of Hawaii, the U.S. military, and big businesses. With a past history of mismanagement of funds and lands, political sweetheart deals, and a total disregard for native Hawaiians who have died waiting for homesteads, DHHL cannot be trusted to administer its own lands let alone \$200 million dollars and the whole of the Hawaiian nation.

Despite millions of federal dollars and thousands of acres of land appropriated for the improvement of Native Hawaiian health, education, and housing, statistics continue to worsen. The same agencies and people that have administered these monies and lands are now proposing to administer millions more under the auspices of sovereignty. This push for more monies by the same agencies that have mismanaged Native Hawaiian entitlements for years demonstrates the need for Native Hawaiians to achieve consensus on our political, economic, and cultural future now. Efforts to move federal legislation that would recognize any Hawaiian state or service agency as the representative sovereign entity undermines our right to self-determination, and ignores the real issue of land and reparations. A few hundred million dollars exchanged for Native Hawaiian rights to 1.8 million acres of Hawaii lands and billions of dollars in reparations would be a 'steal' in any 'free market' society.

The possibility of a federally recognized Native Hawaiian "tribe" being pushed through Congress soon is very real. In a recent brief filed by the United States in the U.S. Supreme Court case of *Rice v. Cayetano*, Native Hawaiians are recognized as having the "same status as the other Native People of the United States." What form sovereignty will take and what agencies will represent us may be a decision that will be made for Native Hawaiians by powerful figures in Washington and Hawaii that include Senator Daniel Inouye and Myron "Pinky" Thompson. In fact Senator Inouye sponsored all three pieces of federal legislation and his assistant, Pat Zell, drafted a concept paper and federal legislation on the 'establishment of a process for the restoration of a Hawaiian government' at the bequest of Mr. Thompson. These documents were circulated among Hawaiian organizations including Alu Like, KSBE and OHA, and was speculated to be part of HA Hawaii's "strategic plan" to solicit the endorsement of the State Democratic Party.

In Pat Zell's concept paper, it was inferred that the restoration process for a Native Hawaiian government could be established in federal law over the next few years "while a congressional delegation that is supportive of Native Hawaiian sovereignty is in office." Therefore, it is imperative that Native Hawaiians stay alert to what is going on in current federal legislation, or we may have to accept possible undesirable outcomes of sovereignty. Some of the outcomes of federal legislation could include a state-controlled figurehead Native Hawaiian government, a Land Agency overseeing only 200,000 acres and servicing only fifty percenters, and/or a rich Health and Education Trust with corporate interests. Although the possible outcomes of current federal legislation vary,

one thing is for certain, Native Hawaiians stand to lose billions of dollars and 1.8 million acres of prime Hawaii land, while "business as usual" politics continue in Hawaii and the nothing really changes.