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Reconciliation Hearing of December 11, 1999

Representatives of the United States Government

Mr. John Berry

Mr. Mark Van Dorm

TESTIMONY OF DAWN KAHALAOMAPUANA TAOTAFI KAAIHUE
KEAWEAMAHI WASSON, PRESIDENT OF HUI MALAMA 'AINA 'O LAIE-
KULEANA LANDOWNER'S GROUP

E na 'Akua, E na Aumakua, E na Kupuna, Aloha kakou, E ho'owehewehe ia kakou, I loko I na mana'o, I na pu'uwai, ame I na na'au I na po'e, 'O Moku Honu, Kokua ia kakou.

Aloha Na Po'e Hawaii. I am a daughter of Hawaii, whose veins flow the blood of my ancestor's. For one hundred seventy five years (175) my kupuna preserved the 'aina that I, my children and grandchildren can live on. They were ho'omau, focused and kamau, they persevered and never gave the 'aina, land. To kupuna Kuanonoehu, kane and Kamakeekapu, wahine, mahalo to all seven generations that followed.

I set this stage of connection to the land and the comparison to the Alaskan Natives in 1971 of the Alaska Native Claims Settlement Act (ANCSA) which brought worthwhile benefits to a selected few, divided Alaska Natives, placed Native lands and cultures in jeopardy, and made Alaska Native Peoples second class citizens.

This book, "An Act of Deception," written by Robert W. Rude was appointed representative for the unorganized interior villages of Alaska and a member of the Alaska Federation of Natives in 1966.

- 1970 Elected, to the Board of Directors of the Cook Inlet Native Association
- 1971 President of the Cook Inlet Native Association, 11 years Board member for 13 years
- 1972 Elected Second Vice President Founding member of Cook Inlet Region Incorporated
- 1974 CIRI first annual shareholder's meeting Rude received 70% of the proxies and votes Elected First Vice President, until 1984

In Rude's preface, he explains the Alaska Native history, an innovative and wide ranging Act, designed to empower and enrich Alaska Native Peoples, was signed into law by Congress. The outcome of that action, only a few select few have gained power and wealth. Many Natives living in rural village communities exist in economic hardship, at or near poverty levels, many regional Native corporation officers receive salaries greater than that of the President of United States. Some earn twice that amount. The same leaders propose resolutions to increase their own income, while decreasing distributions and dividends to the shareholders, the people whom they represent.

Alaska Natives represent more than fifteen per cent of the state's population and less than four per cent of university students in state are Alaska Natives; and only a fraction of that small number ever earn degrees so that they can compete in the job place and become better informed leaders in the future.

The Act did not foresee the needs of those alive at its signing and made little or no provision for future generations of Alaska Native Peoples.

Let me give you some hard cold facts about the Alaskan claims:

Land	44,000,000 acres
Monies	\$ 979,397,288.34
Feds	\$ 462,500,000.00
Bureau of Land Management Mineral Income	\$ 5,208,173.77
State of Alaska	\$ 494,791,826.23
Interest Income	\$ 16,897,288.34

The Alaska Native Claims Settlement Act delivered nearly \$1 billion and approximately 44 million acres to the Alaskan Native Claims Settlement Act corporations, but little of the money and land passed on to the Native people. Only a select few have benefited from ANCSA.

Hearing about the large sums of money, most Alaska Natives thought they were going to receive large sums of money after ANCSA was made into law. Alaska Natives did not receive the money that expected. The main benefactors of ANCSA have been primarily, corporate managers, consultants, lawyers, accountants, corporate employees and directors who

profited. The Alaska Natives received \$ 410 each to \$ 2250 on the average. Or at large stock holders received \$ 44.31 for the first 10 years.

ANCSA placed Alaskan Natives into a position of conflict. Most Alaskan Natives living in rural communities want to protect Native lands for cultural and subsistence uses, while the corporate officials and some urban Natives favor development of Native lands for economic purposes.

In order to make profits Native corporations had to develop their lands. Once these lands were developed they became taxable and vulnerable to loss. The sale of Native lands to produce profits will diminish the total inventory of Native lands. This will reduce native lands for subsistence purposes, which will endanger the culture of the Alaskan Native people.

In the Stevens Village opinion, the Alaska Supreme Court ruled against Alaska villages on the sovereignty issue, the Alaska Native groups do not have government to government rights as Indian reservations do in the Lower 48.

In the 1992, Venetia opinion, the Alaska Supreme Court ruled that Alaska Native villages are not sovereign. The court ruled that ANCSA extinguished sovereign rights (except for the village of (Metlakatla), and that ANCSA "assimilated" Alaska Natives so that they have the same rights as other Alaskans.

On January 13, 1993, the Interior Department issued a legal opinion that said: "While Native villages in Alaska may have tribal status, the 44, 000,000 acres conveyed to them under ANCSA is not Indian country over which the have self-government powers."

Most Natives did not understand the details of the Act, nor did they understand corporations. ANCSA revoked aboriginal hunting and fishing rights; it placed the people in jeopardy; it was just for this generation; and few Natives understood that they are to have maximum participation in decisions that affect their rights and property. Native shareholders should demand full disclosure and a vote on legislation that affects their rights and property.

The Alaskan Natives were given citizen rights but not given the protections and rights given to other citizens under the Constitution of the United States and under the laws

of Alaska. The Alaskan Natives do not have rights and protections offered to federally recognized "Indian tribes."

To protect Native lands and culture, Rude suggests it be moved under the protection of tribal governments or the corporations should seek amendments to ANCSA that would exempt Native lands and resources from taxation, until they are developed and sold to non-Native individuals or corporations. The regional corporations can convert to tribal governments, but the villages may be able to.

A former justice of British Columbia, Canadian Thomas Berger in 1980 wrote a report, "Village Journey" and published in 1985, he writes "a consensus that the 1971 settlement has failed." A consensus is emerging that Native lands must be held by tribal governments, that Native corporations may be useful as vehicles for economic development where it is feasible but that they ought not be the custodians of Native land for all time.

To the Native Hawaiian people, I beg you for all the Kupuna past and present, Makua and Na Keiki do not make the same mistakes. We are being lead down this path by agencies representing the Native Hawaiian people, OHA, DHHL, the Hawaii State Legislature et al. We, all of us who have the HA, the breath of life, do not give up our rights. We must negotiate on equal terms, government to government.

America, does not come to the table with clean hands. The representatives before us today are just doing their job they are being paid to do, do the President's bidding, the Law, the Mandate as written in the present law, Western Laws. There is no Native Hawaiian input, we have no say.

It's the American people and the Native Hawaiian's we must send our message too. Gandhi did something similar when he went to England, to the wool industries, the British workers, to support his people in India who produced cotton but both realized they needed to unify against the business and government entities concerned with profits and politics. The people prevailed. We can do the same here in Hawaii, make history, our history, the people of Hawaii's history and America's.

The Alaskan Native Claims Settlement Act brought benefits to a few Alaska Natives, the legislation was really "Act of Deception."

In closing, may we sing the song of our Queen Liliuokalani which was appropriate in 1893 and it is today.

E malama na po'e Hawaii, Ho'olohe I na mo'olelo, 'O Mo'I wahine, 'O Liliuokalani:

Kaulana na pua a'o Hawaii
Kupa'a mahope o ka 'aina
Hiki mai ka 'elele o ka loko ino
Palapala 'anunu me ka pakaha

Famous are the children of Hawaii
Ever loyal to the land
When the evil-hearted messenger comes
With his greedy document of extortion

Pane mai Hawaii Moku 'O Keawe
Kokua na Hono a'o Piilani
Kako'o mai Kauai o Mano

Hawaii, land of Keawe answers
Piilani bays help
Mano's Kauai lends support

'A'ole 'a'e kau I ka pulima
Maluna o ka pepa o ka 'enemi
Ho'ohui 'aina ku'aia hewa
I ka pono sivila a'o ke kanaka

No one will fix a signature
To the paper of the enemy
With its sin of annexation
And sale of native civil rights.

'A'ole makou a'e minamina
I ka pu'ukala a ke aupuni
Ua lawa makou I ka pohaku
I ka 'aia kamaha'o o ka 'aina

We do not value
The government's sums of money.
We are satisfied with the stones,
Astonishing food of the land

Mahope makou o Liliuolani
A loa'a 'e ka pono a ka 'aina
Ha'ina 'ia mai ana ka puana
Ka po'e I aloha I ka 'aina

We back Liliu-lani
Who has won the rights of the land
Tell the story
Of the people who love their land.

Amama noa

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