

Public Meeting Regarding Whether the
Federal Government Should Reestablish a
Government-to-Government Relationship with the
Native Hawaiian Community

PUBLIC COMMENTS

AUGUST 7th, 2014

9:00 A.M.

Located at

Mohegan Tribal Government and Community Center
13 Crow Hill Road
Uncasville, CT 06382

Reporter: Theresa Bergstrand, LSR #406
93 Ernest Drive
Durham, CT 06422

1 (The proceeding commenced at 9:00 a.m.

2

3 MR. BEETSO: Good morning everyone. My name is Derrick
4 Beetso. I am a counselor to the Assistant Secretary of
5 Indian Affairs. This morning's meeting was initially
6 scheduled as Tribal Consultation, but since we don't have
7 anybody besides the Chairman who I am about to introduce, we
8 are going to transition this to a public forum. So just want
9 that on the record.

10 But right now, we have Chairman Brown, who was gracious
11 enough to come this morning and give us a welcome, so I'll go
12 ahead and turn it over to him.

13 MR. BROWN: Thank you. I am sorry everyone I have a
14 plane that I think is probably even idling right now, we are
15 loading up down in Groton, so I have to get there. I had
16 some prepared remarks, but this is a much more humble
17 gathering than I suspected. Welcome to the Mohegan
18 Reservation. 400 years ago August Grand Sachem of the
19 Mohegan Tribe recognized and decided that diplomacy was the
20 way to go, and that cooperation with those first settlers and
21 first contact would ensure the forward progress in both his
22 tribe and the settlers. So the Mohegan Tribe has always been
23 focussed on and geared toward the spirit of cooperation. And
24 I think that the idea behind these consultations and these
25 processes is to do just exactly that.

1 We have been fortunate here, as you can see, through
2 federal recognition to gain from what it has brought to us
3 and our colony members and we have been very fortunate as
4 well to have a number of congressional delegates, elected
5 officials, presidents and leaders of our nation come through
6 here and experience what it is like for a 21st century tribe
7 to have benefited fro federal recognition. One of these
8 individuals was, in fact, Daniel England, and I had the
9 opportunity to do down to the Smithsonian about a month and a
10 half ago, I believe it was, when the dedication was done, and
11 his son spoke about all that he did for Native Hawaiian's and
12 Native Americans as well. He was a champion for us, and we
13 were deeply appreciative of all he did, and it was an honor
14 to be at that ceremony that day. And what I remember from
15 his son's remarks is he described the importance of story
16 telling in our collective cultures, and how by listening to
17 people tell a story, you learn what is on their mind, but you
18 also learn why it is on their mind, and then you also learn
19 who those people are. And by coming together and having that
20 conversation, you really can gain a full appreciation for the
21 people and peoples and where they come from, and what is
22 important to them. So we are, obviously honored to be able
23 to provide this facility to you today so you can have that
24 conversation, and I welcome all of you. And I wish you the
25 best in your conversation today.

1 So thank you all for being here.

2 MR. WONG: Hello everyone. We would like to present a
3 traditional ceremonial gift from our group, and I believe
4 from all of us Hawaiian's, Hawaiian, irrespective of the
5 views on the subject we will be speaking about today.

6 MR. BROWN: We share some sweet grass and tobacco with
7 you. Thank you. And once again, Derrick, back to you. Good
8 luck everyone. Thank you.

9 MR. BEETSO: Thank you everyone for coming out this
10 morning. We know that there is a change of venue, so we
11 appreciate you guys being able to find it over here. Matter
12 of fact, we have Annette Romera over here, she's with
13 Regulatory Affairs and the Department of the Interior. She
14 has a handout that she will be passing out and she also has a
15 sign-in sheet. So we'll make sure everybody signs the sign
16 in sheet today, because we want a good record of who was
17 here, and also we have a Court Reporter who is going to be
18 matching up statements that are made today, with your name
19 and it helps if she has the sign-in sheet. So please sign
20 the sign-in sheet.

21 Also since we have a Court Reporter, I want to let
22 everybody know, before you speak please say your name for the
23 record so that she can match it up later on. Up here you
24 have an enthusiastic good morning, and you also have a road
25 map for today. So, we just had the welcome with Chairman

1 Brown, so we appreciate that.

2 We also we wanted to get in to introductions. So I
3 introduced myself earlier, again, I am Derrick Beetso, I am
4 with the Office of Indian Affairs, and I want the other
5 Federal folks to introduce themselves as well.

6 MS. PRINCE: I am Venus Prince. I am a member of the
7 Poarch Band of Creek Indians Southern Alabama and I am Deputy
8 Solicitor of Indian Affairs.

9 MR. HARRIS: Hello. Welcome I am Sarah Harris the Chief
10 of Staff for the Assistant Secretary for Indian Affairs.
11 Welcome to Mohegan. The Mohegan Homeland of my people. I am
12 from here. So welcome, and look forward to hearing you
13 everything that you all are thinking and it should be an
14 exciting day. Thanks.

15 MR. BEETSO: Okay. So now you guys know who the federal
16 officials are here. We called this meeting. This was
17 initially scheduled as Tribal Consultation, as I said
18 earlier. So I apologize, we did have a brief discussion on
19 Native Hawaiian history, so I realize a lot of you are from
20 Native Hawaii ancestry, so I don't want to make you feel as
21 though as we are teaching you your own history, but it is
22 more background for tribal leaders that might not be as
23 familiar. And then we'll follow up with the discussion about
24 the AMPRM, basically, generally what is an AMPRM, because a
25 lot of folks, you know, there is a lot of acronyms in Federal

1 Government work. So we are going to discuss what is an AMPRM
2 and what it does, generally. And then we'll get in to
3 specifics of this AMPRM does. This is basically five
4 questions that we will go over, and then after that we'll
5 open it up to questions and comments for everybody.

6 When we'll get to the question period, again state your
7 name clearly, speak clearly. And also we'll try to make sure
8 everybody makes a first statement before we get into second
9 statements and we'll try to go in that type of an order.

10 So, again, thank you for coming here. So we'll move
11 into the discussion that way we have a long time for
12 discussion afterwards.

13 So here is our history on Native Hawaiians. One of the
14 main takeaway's from this is there are over 150 statutes that
15 Congress has passed, so Congress has acted to recognize a
16 political relationship with Native Hawaiian's. Unfortunately
17 that political relationship is on an individual basis. So if
18 we are to use an analogy from the people of this continent,
19 and Native Americans, an American Indian and Alaskan Natives,
20 in their instance you have a government-to-government
21 relationship. You have, the Navajo Nation, for instance,
22 that is my government, and they have a
23 government-to-government relationship with the United States.
24 With Native Hawaiians, the statutes that Congress has passed
25 that benefit Native Hawaiians is just on an individual basis.

1 And so that is kind of the crux of what we are discussing
2 here today.

3 As you heard earlier, the Chairman mentioned that the
4 Mohegan Tribe, this tribe who was gracious enough to invite
5 us here this morning, they went through the part 83 process.
6 Part 83 is a process within the Federal Regulations that
7 allows the Department of Interior to recognize the
8 government-to-government relationship with Indian tribes.
9 And it is a long petition process which is open to
10 unrecognized tribes that want to apply for
11 government-to-government relationships. And there is a seven
12 part criteria that they have to go through.

13 Right now, Part 83 is not able to be used for Native
14 Hawaiian's, because it is only for Indian tribes petitioning
15 within the Continental US. So I want to clarify that today's
16 discussion is not about Part 83. As a matter of fact, Part
17 83, right now, is going through revisions by the Department
18 of the Interior on a separate track. So we are holding
19 consultations in different regions throughout the United
20 States on Part 83. So that's a separate track than what we
21 are discussing here today.

22 I also wanted to say that this is a long process. Of
23 course the 1993 Apology Act is what a lot of folks point to
24 as the starting point towards today's discussion. And in that
25 discussion there was an acknowledgement of the past history,

1 and the past wrongs in relation to the Islands of Hawaii, and
2 it started a discussion really at the Federal level about
3 what can we do to move forward.

4 In 2000 there was a report that was issued by the
5 Department of Interior and Department of Justice that
6 basically highlighted self-governance as something to strive
7 towards in our relationship with Native Hawaiian people. And
8 so, in a lot of ways, the work that we are doing here, and
9 the work that we will discuss later on this morning, comes
10 from that report, comes from those recommendations of
11 self-governance as something to strive towards in dealing
12 with the Native Hawaiian Community. And so I wanted to
13 highlight that just briefly.

14 And then I want to turn it over to Venus who will talk
15 more about what is an AMPRM, and what does this AMPRM
16 encompass. So, thank you.

17 MS. PRINCE: Thank you, Derrick. An AMPRM, and I
18 started with the Federal Government a little less than a year
19 ago. The acronyms that abound in the Federal Government is
20 somewhat surprising. I looked at people, AMPRM, what is
21 that. Essentially it's a process that is optional for any
22 Federal Agency that they can engage in before they actually
23 draft a rule. And so it is a fancy way of saying we are
24 asking questions. And we are asking questions that we hope
25 would guide us, if we do proceed with a rule, as to what that

1 rule should look like. And so it's essentially, right now, I
2 mean, I know I'll talk about in just a second, the five
3 questions that all this kind of boils down to. But if you
4 look through the very complex, you know, dense, actual AMPRM
5 that I think is part of the materials that is available,
6 there is actually 19 specific questions, but it sort of boils
7 down to five that I'll discuss in a minute. But before that,
8 I just want to explain, this AMPRM is sort of the pre-rule
9 process by which we are asking questions that we hope will
10 shape whatever rule is drafted, if one is drafted. It
11 doesn't mean that the Agency is committed to going forward,
12 that is why we are asking questions. So I know some people
13 have asked, you know, this seems pre-cooked, or, you know, a
14 done deal. No, that is exactly why we are out here right
15 now, and that is exactly why we went out to the islands, and
16 why we are trying to get as much feedback from the community
17 as we can.

18 Based on those comments, those will be sorted,
19 categorized, sifted. Something I want to clarify, I know
20 there were some other question, have said, it is not an up or
21 down vote. So it is not, you know, we don't look at it and
22 say, there is this many no's and this many yes's. We really
23 are looking at, sort of, the substance of what people are
24 saying. Because sometimes people can say no, but then what
25 they say after that, kind of makes us go, well, I don't know

1 if they really meant no by that. So we will be looking at
2 each and every comment that is submitted, which takes some
3 time, as you can guess. So, and this AMPRM many is like this
4 extra process in the beginning, but normally any rulemaking,
5 from the time we drafted a rule and it's published for
6 comment, normally that will take, it varies greatly, but it
7 can take anywhere from 18 to 24 months. So it really does
8 take a long time, because we, because even if, if after this
9 part of the process is completed, if we'll sort through the
10 comments, if there is a decision to move forward, there will
11 be a notice of a proposed rule, where you would see the
12 language of whatever that rule is. There will be another
13 notice and comment period after that. So you would see, if
14 that goes forward, you would also see what the proposed rule
15 looks like, there would be another round of meetings at the
16 islands and on the mainland to get people's feedback. Then
17 that would close, you would have another us going through
18 comments and sorting, and then revising any rule based on
19 comments that we get. So that whole process, again, not
20 counting this part, can take 18 to 24 months, typically. And
21 one thing we keep emphasizing to people while we are at these
22 meetings is like, you know, this Administration in particular
23 is probably the most pro-tribal, pro-indigenous interest
24 Administration that we have seen, and may see for quite some
25 time. So there's, this Administration only has a little over

1 two years left in it, so we are trying hard, if there is a
2 decision to move forward, we want to make sure that it could
3 get to the finish line, you know, if there is.

4 So I think if you hear us talk about timing
5 considerations, and that kind of thing, it's because we are,
6 the people that are looking at this issue right now are in,
7 you know, the political's are in the Obama Administration,
8 and, you know, that could change and you could have someone
9 still, you know, friendly or not, you know, after, after
10 Obama's Administration had ended.

11 So with that, and please feel free when we get to
12 questions and answers to ask me more questions about how the
13 process works, and I'll do my best to answer them. But this
14 specific AMPRM, like I mentioned earlier, there are 19
15 detailed questions. It boils down to essentially five, and
16 in some ways, I think almost three. And the first question
17 the, threshold question is essentially, do you think that the
18 Secretary should have an administrative rule in place for
19 Hawaiian's to seek Federal Recognition if a government is
20 formed, and the government wants to. I think that's another
21 clarification that I want to make is, I think a lot of people
22 are thinking that this process, at the end of the day, would
23 somehow form the Native Hawaiian Government or would somehow
24 be a decision that the government-to-government relationship
25 is established. That is not quite this process, and I can

1 see why it gets a bit confusing for everyone. Essentially
2 this process, and this first question, is do you think there
3 should be, and I know Risa had described it as a door. You
4 know, do you think there should be a door in place at the
5 Department of Interior for a Native Hawaiian Government that
6 could be formed, whether it's through the OHA process or
7 community driven process, do you think there should be a door
8 at Interior for that government to come knock on if they wish
9 to at some point in the future. And to clarify, that door,
10 even if it were to be put in place in this Administration,
11 would just be there. And it would be there indefinitely,
12 unless, you know, politicians in the future just wanted to
13 get rid of the rule. It is not something that needs to be,
14 that door, if it were put into place, wouldn't need to be
15 knocked on necessarily in the next two years, it could be
16 potentially used 10 years from now, 25 years from now, absent
17 any sort of Administrative push to, like, repeal that. That
18 first question really is rather simple in the sense that, do
19 you think a door should be there or not. Should that rule be
20 there or not.

21 If you, the second and third questions, are really about
22 the, whether the Secretary should help facilitate, sort of, a
23 reorganization, nation building type process. Interior is
24 well aware of OHA's efforts on the, in the nation building
25 process. This question was asked primarily because the

1 Secretary just wanted to know whether there was any role at
2 all for the Secretary, and whether the community wanted the
3 Secretary's assistance at all in that process. Similar to,
4 like, a lot of tribes, as Derrick was mentioning, have, have
5 a rule, Part 81, that does allow the Secretary to assist them
6 with elections and things like that. The second and third
7 questions are, and, I mean, and not that we can judge yet,
8 but just from the comments that we have heard, is that most
9 people believe that the answer to the second and third
10 questions is no, because the community is already engaged and
11 working, you know, towards a nation building, and because
12 understandably, the community wants to build its own, its own
13 nation, its own government. And I think, really, the
14 Secretary, with these two questions, wasn't meant to intrude
15 on that process, so much as just to ask if there was any role
16 or any assistance that she could provide.

17 I think the meat of what we are looking at, is likely to
18 be questions four and five. Which is, what should Federal
19 recognition look like or what process does that need be for
20 the Native Hawaiian government when it is formed. And
21 ultimately, it's, whereas tribes have this Part 83 process,
22 and have, you know, five criteria they are supposed to
23 satisfy in order to reestablish the government-to-government
24 relationship, that doesn't apply to Native Hawaiian's, and,
25 you know, and the question really is, what should apply. You

1 know, what should the Secretary look at to know that any
2 government that comes petitioning to her for, comes knocking
3 on the door saying, you know, we want to reestablish the
4 government-to-government relationship, you know, how does the
5 Secretary know, how should she determine that that is the
6 true representative government of the people. Because that
7 is what the five criteria for tribes, that is what that is
8 about, how do we know this is a legitimate representative
9 government of this community, and not a faction, you know, or
10 that type of thing.

11 So Part 83, sort of, I think the reasons you may see
12 seem references in the 19 questions, Part 83, is really
13 asking the community, is there any part of Part 83 that you
14 think is relevant and helpful or not, you know, to the Native
15 Hawaiian government situation.

16 And so those are, essentially, the five questions. Like
17 I said, to me it almost boils down to three. Do you think
18 there should be a rule, you know, if so, should, can the
19 secretary help at all with, sort of, the pre-nation, you
20 know, nation building process. If not, that is okay, you
21 know, move to four and five. You know, what should a rule
22 look like and how should the Secretary know that this is the
23 true representative government of the Native Hawaiian
24 community.

25 AUDIENCE MEMBER: So number four states that Native

1 Hawaiian government should establish by the Native Hawaiian
2 community itself, but the last part says if the process that
3 is consistent with the Federal Rule.

4 MS. PRINCE: Yes.

5 AUDIENCE MEMBER: Now, would that be decided by the
6 community, or do they have to follow through with these?

7 MS. PRINCE: No, I mean, we will have to look at, under
8 federal law, like what basic principles or parameters, you
9 know, could surround, sort of, us being able, because
10 obviously the five criteria for tribes was based on some
11 needs under federal law to make sure that the government, you
12 know, is represented, and one that, that, you know, Congress
13 has authorized the Secretary to, you know, have, have that
14 relationship with. So it's, we will have a process, and I
15 think that is what we are looking at too is, sort of, which
16 criteria do we need under federal law, and which ones are
17 going to be most reflective of the unique history values and
18 culture of the Native Hawaiian community.

19 So I think those are the five questions. I am going to
20 quit talking now. You can feel free to, you know, ask me
21 further questions about any aspect of it when we --

22 MR. HARRIS: Since we are a small group here today, I am
23 wondering if we could go around and have folks introduce
24 themselves and, you know, sort of, where you are from or, you
25 know, what your interest is, or just so, I mean --

1 MS. PRINCE: Or if you are representing an organization.

2 MR. HARRIS: Right. Just because we are going to be
3 having a conversation. So I would just like to know --

4 MS. PRINCE: That would help the Court Reporter.

5 MR. DEFRANCO: My name is Michael Keoni DeFranco, I am
6 here representing the mainland campus counsel, the Aina hau
7 Civic Club, I am here representing myself and just more
8 interest in understanding the conversations that we might not
9 have been privy to before. Thank you. I do have a question.
10 Are these hearings being videotaped like the ones on the
11 islands, and if so, are they being made public.

12 MS. PRINCE: We do not have, we haven't video'd any of
13 the mainland ones. And we didn't actually video any of the
14 Hawaiian Island ones either, because I think those were
15 Alaila was there and some others, so we didn't stop
16 videotaping there. But, you know, it wasn't the Federal
17 Government, the Federal Government doesn't normally video
18 record these types of meetings or consultations. Usually
19 we'll have them transcribed, and those transcriptions, my
20 understanding is that those will be available on the website,
21 you know, for everyone as well.

22 MR. WONG: I would like to comment on the question of
23 videotaping. My name is Al Wong. I live in Boston. I am,
24 regarding specifically that. The president of the Ke Ali'i
25 Emalani Kaleleonalani Hawaiian Civic Club in Minnesota, wrote

1 a summary of that hearing at DOI, of which I have, I have a
2 report, their formal report specific to videotaping. I
3 quote, also DOI will not allow videotaping of the meeting,
4 yet they had their own person there to videotape. My member
5 called them on that, why the double standard. If you are
6 going to allow it for yourself, then you need to allow it for
7 everyone. They wouldn't budge. So DOI did tape the
8 Minnesota one. I am only saying that based on that, whether
9 or not the report is accurate, I don't know. But that was
10 from Minnesota, and that was just a few days ago.

11 Is videotaping allowed now? Is that a problem with us
12 videotaping or those that would want to?

13 MR. BEETSO: Well, first I want to say Minnesota, that
14 was a misunderstanding, we didn't have anybody in Minnesota
15 taping. There was an individual taping it, and I notified
16 him that normally if there was a tribal consultation we could
17 close it off to the media and videotaping, but since there
18 wasn't tribal involvement, and it was a public forum, that he
19 was okay to continue taping. And so, since this is a public
20 forum, I think if folks wanted to tape it, they would be free
21 to tape it. The one in Phoenix was taped. And I think
22 somebody in Seattle was taping as well too. So we don't ever
23 expend funds to videotape our sessions. Like Venus said, we
24 just, transcription is what we do. Court Reporters is what
25 we hire, so that is how we record events. And we never

1 videotape, so --

2 MR. WONG: Okay. That is certainly contrary to the --

3 MR. BEETSO: That is contrary to that report, yeah.

4 MR. WONG: An official report of that association.

5 Okay. Thank you.

6 MR. BEETSO: Let's continue with introductions first,
7 and then we'll go to comments. So let's go along this way,
8 and --

9 MS. KAUANUI: Can we please hold off? You have asked us
10 to introduce ourselves before we actually give comment, so
11 it's actually a duplication effort and I think it eats up
12 time unnecessarily. Anyone who is getting up to actually
13 give a comment is going to have to introduce themselves for
14 the record. So we are actually duplicating it, which I think
15 eats up valuable time. There is only three hours for this
16 portion of the meeting, and we are already into that by at
17 least a half an hour, no?

18 MR. HARRIS: That's fine. Whatever you --

19 MS. PRINCE: I mean, we don't, this is a public meeting
20 so --

21 MS. KAUANUI: So we are going to introduce ourselves
22 twice.

23 MR. HARRIS: That's fine. That's fine. If that's what
24 folks --

25 MS. PRINCE: And I think we ended up kind of doing that

1 at some of the meetings, just because people would continue
2 even after their introductions. So that is absolutely fine.

3 MR. STENDER: Okay. My name is Os Stender. I am a
4 Trustee at Large for the Office of Hawaiian Affairs, I am one
5 of nine. I serve as a vice chairman of the board, and if I
6 might take a moment to wish you all aloha for attending this
7 meeting today and thank the Department of Interior for having
8 these meetings.

9 I also extend aloha from Chair Colette Machado. OHA has
10 taken the position to support this process, and we'll be
11 happy to get involved in the discussion. I just want to
12 introduce a couple of, I am going to let them explain who
13 they are, but I have with me today our Board Counsel
14 representing trustees, Breann Nu'uhiwa and Patrick Rogers is
15 here, of our Washington Office. And, of course, I have my
16 intern Lei-Ann Durant. Now they will tell you all about
17 themselves.

18 MS. KAUANUI: Are we going to continue introducing or --

19 MR. DEFRANCO: Can I motion to end introductions and
20 continue with the hearing.

21 MR. BEETSO: Is there a second?

22 MS. PRINCE: Second.

23 MR. HARRIS: Okay. Well, if folks could introduce
24 themselves as comments come up, you could introduce
25 themselves, you know, before your comments, that would be

1 great. Thank you.

2 MR. WONG: You know, I agree with Keoni's suggestion a
3 lot, because assuming that that would allow more time beyond
4 two minutes, which is not an easy thing to do.

5 MR. BEETSO: Okay. So since we are moving into the
6 comment period, little housekeeping. The comment deadline
7 here is August 19th, and there's couple ways you can submit
8 your comments, your official comments. One is
9 www.regulations.gov, and there are instructions on the
10 website for your downloading and submitting your comments.
11 You can also use hand delivery, if you prefer, or you can
12 mail it to that address right there. And there is also an
13 individual here John Stryslowski in the Office of the
14 Secretary, there is a phone number and e-mail, he is the
15 person to contact for further information.

16 As we move to the comments, again we are going to do one
17 comment per person. As soon as everybody has had a chance to
18 make a comment, then we will move to second comments by
19 individuals. I believe you are --

20 MR. WONG: Before we go there. You know, I have an
21 important question I would like to ask, and I am going to
22 read this entirely from the official report of the Minnesota
23 meeting, what is really strange is that the DOI has had
24 Indian Nations personnel at the DOI meetings, and no
25 representative of Hawaiian's ancestry at this meeting. Why

1 is that?

2 MR. BEETSO: I can answer that --

3 MR. WONG: My member of Minnesota spoke with the
4 Hawaiian at the DC office of DOI. He said he wished he could
5 have been involved, but was not asked. Now, I am just
6 quoting a report about why there is not a Hawaiian
7 representative from that office. And I only wanted to say
8 that, I do not expect any comment on that, unless you wish.

9 MR. BEETSO: Well, let me clarify first on why Indian
10 affairs was involved in this, because we have been getting
11 that question a lot. Indian Affairs within the Department of
12 the Interior has been working with tribal government and
13 recognizing government-to-government relationship with Indian
14 Tribes for a long time. In the 1930's the Indian
15 Reorganization passed, and the Indian Reorganization Act was
16 an act that allowed tribes living on a reservation to
17 organize as a tribe and have a government-to-government
18 relationship.

19 Shortly after that we had the Oklahoma Indian Welfare
20 act, which is the same thing for Oklahoma Indians, then you
21 had the Alaska Amendment to the Indian Reorganization Act,
22 which recognized Alaskans were different than IRA tribes, so
23 they had to have an amendment to allow Alaska. We also had
24 the Part 83 process, which has been going for for quite some
25 time and the Reaffirmation Process. So I think my sense of

1 Indian Affairs involvement in this, is from a technical
2 assistance standpoint. A lot of folks feel like Indian
3 Affairs is involved in it because they want to sweep native
4 Hawaiian's into Indian Affairs. It is more because we have
5 had the professional expertise of dealing with tribes on
6 government-to-government basis for so long, and so we are
7 here, and with are hoping to come out to Indian country and
8 have tribes come and tell us, you know, what parts of the
9 process that we have been engaged in with tribes that work
10 well, could we use in this initiative, should it go forward.
11 And so that's the reason why Indian Affairs has been involved
12 in this, and that is my understanding. Sarah Harris, is
13 Chief of Staff for internal, she could probably speak more to
14 it, than myself. But that is my understanding of Indian
15 Affairs involvement. So I want to clarify that at the
16 outset. And also to get into the comments and questions, but
17 I'll ask Sarah to expand on that if she wants.

18 MR. HARRIS: Right. And I just would reiterate exactly
19 what Derrick is saying. I mean, this is just, you know, I
20 mean, we are just asking questions at this point. And we
21 want to, you know, we do have the technical expertise in
22 working with tribes and understanding that, you know, Native
23 Hawaiian, you know, government, you know, if it should choose
24 to, like, go through a process, if there is a process at all,
25 we would be there, you know, to provide, you know, our

1 technical, our expertise and assistance to, you know,
2 whatever may come out of this, and whatever the community
3 may, may choose. So --

4 MS. PRINCE: And to clarify, I am in the Solicitor's
5 Office, so I am not in the Indian Affairs Office. I am the
6 Assistant Secretary under the Solicitor. And she provides
7 the legal advice to the entire Department of the Interior.
8 And I am her Deputy for Indian affairs, there is no other
9 Deputy under which this issue would fall. So, I am
10 providing, I am providing legal advice on this issue, because
11 it sort of falls, you know, within, you know, my portfolio
12 and to help the Solicitor provide the Secretary of Interior
13 with the facts.

14 MR. BEETSO: And I'll just say, you know, in general
15 this is Mohegan territory. We have a chance to create a new
16 records. You guys all have an opportunity to comment here
17 and reflect upon that later on. So, you know, to the degree
18 that we can, you know, we know that Minnesota report is
19 there, and I know you have read it and everything. Perhaps
20 afterward we could discuss it, but for not, let's take this
21 opportunity to build a new record and move forward with this
22 process. We are interested to hear your comments today, and,
23 but we don't want to spend a period or any more time on
24 reflecting on what happened in Minnesota, because those folks
25 had a chance to put their statements on the record, so we

1 want to make sure everybody here has a chance to put their
2 statements on the record too. Okay.

3 So let's move on.

4 MS. KAUANUI: I wasn't suggesting I go first, I was
5 suggesting that we not duplicate --

6 MR. BEETSO: Oh, I thought you were so eager to give a
7 comment.

8 MS. KAUANUI: No, I did, I think it was a waste of time.
9 I really feel people need to be heard.

10 MR. LANDON: Hi, my name is Kai Landon, and I represent
11 Ke Aupuni a Hawaii. This is not exactly my huliāna(sic), but
12 I come here speaking for --

13 MR. WONG: Can you go up front?

14 MR. LANDON: -- but I come here speaking for my Ohana,
15 which, and so, what I kind of wonder about is that 1810
16 Hawaiian's started a process to create a government, or we
17 created a government, no longer tribe. The Hawaiian Kingdom
18 is not a tribal but by the time there's records of it being
19 occupied, Hawaii, is not a tribal government. It is
20 multi-cultural nation. So I am kind of confused, and my
21 folks are confused, because you are talking about native
22 Hawaiian government and a re-establishment. And the people
23 who spoke before have talked about this too. Our folks back
24 in Hawaii. So why are we talking about a Native Hawaiian
25 Government when Hawaiian's have already established

1 themselves, already recognized by the Federal Government, by
2 several treaties, which you know, you heard that. So the
3 relationship is established. The United States, America, fly
4 over here, independent, sovereign, and then we have, we have
5 the problem you guys come in, and so now we are talking about
6 fixing it, which is great, let's fix it. We need a lot of
7 fixing here, and there's a couple elements missing.

8 So I have two questions, one, why aren't we talking
9 about Hawaiian Government, as it is. And why aren't we
10 talking about the lands? Because in 2009, you guys, it
11 states, it went to the Supreme Court, to say the own the
12 Crown Lands, and they lost. It was remanded back for
13 injunction to, who owns, the issue of who owns the Crown
14 Lands of Hawaii. So this element of land, I want to know how
15 that is connected. Are you saying this relationship with
16 Hawaiian's is going to be somewhat separate with the land
17 issue, and yet when and if, when it is likely that the land
18 is returned to Hawaiian's under the trust laws, private
19 property law, what are you guys going to do? Are you going
20 to abandon this process? So okay, so many acres go back to
21 the Hawaiian's, then what happens? Kind of --

22 MS. PRINCE: I guess I emphasize, there is no doubt that
23 you are correct, that it is a very complicated issue. And
24 Hawaiian's have a unique legal history, you know, in addition
25 to the culture, to the cultural history, and this is, we view

1 is a potential first step. Because I think we would not get
2 to some of the issues that you are raising if this didn't
3 move forward. So I think, you know, that one reason we are
4 not addressing it now, is because it may not need to be
5 addressed, depending on how this part of the process goes.

6 So we are very aware that there are not just the lands
7 issue, but there are a whole host of other issues that would
8 come up and need to be addressed. If the process moved
9 forward. But in our view, a lot of this would not
10 necessarily come to pass, if there is no government formed
11 and no government that is, you know, sort of seeking, seeking
12 the government-to-government relationship. And sort of
13 leading those issues. I don't know if I am fully answering
14 your question, but --

15 MR. STENDER: No.

16 MS. PRINCE: But bottom line is that I, we think the
17 lands issue is something that would be discussed and sort of
18 more fully addressed down the road.

19 MS. NU'UHIWA: Aloha mai kakou, My name is Breann
20 Nu'uhiwa, as Os Stender mentioned. I am counsel for the
21 Office of Hawaiian Affairs. And I appreciate the opportunity
22 to be here with you this morning. Thank you for holding this
23 meeting and also thank you everyone for coming in.

24 I am hoping perhaps by expressing the Office of the
25 Hawaiian Affairs understanding and position maybe some of

1 your questions might be answered, and any of us are here can
2 speak after the formal part of the meeting to specific
3 questions about what is going on in the ground.

4 OHA very carefully came to its position on this issue
5 after, not just months of looking at this question, but
6 decades of looking at this question, right, since the
7 inception of OHA. The whole idea of OHA being created was
8 that it would be essentially a placeholder government until
9 the community could come together and build that government
10 that could then negotiate on behalf of Native Hawaiians.
11 And what is critical to your point, I think, and why I think
12 we all actually sort of get along despite our best efforts to
13 not get along, is that the issues that you are talking about,
14 we have a tremendous appreciation for and sincerely believe
15 that those issues are somewhat separate. So the questions of
16 the continuing legal rights, for example, of the Hawaiian
17 Kingdom under International Law, those are very, very
18 important questions. And OHA devotes time and effort in to
19 moving forward, and as, you know, working with others who are
20 working at the UN and supporting their research and learning
21 more about what they do. And the questions of the
22 multicultural Hawaiian Kingdom, and the continuing rights
23 thereof under International Law are critically important.

24 We have the privilege and the honor within our OHA staff
25 and among our friends who work in this area and research in

1 this area, of understanding the role of Native Hawaiians
2 within that broader context of the Kingdom. Because I think
3 historically what is very critical to understand and is often
4 not on the record, is that Native Hawaiians had special
5 rights as the native people of Hawaii, even under the kingdom
6 Government, despite the fact that there was a multicultural
7 citizenship opportunity, and people could become naturalized,
8 et cetera, et cetera. Native Hawaiians as a political body
9 within the Kingdom continues to have their own identity as
10 the indigenous people of Hawaii. And that is really the
11 group that we are talking about.

12 The Kingdom is a government, and presumably it would
13 have diplomatic relationships with the Native Hawaiian people
14 within the Kingdom, as it did in the past. And there would
15 be a special rule for the native people within the Kingdom
16 structure. At the moment, the government that is in place is
17 the United States Government, and that is the government with
18 whom Native Hawaiians, as a subgroup of the larger Hawaiian
19 population are talking to.

20 And so that is what this process is about. It is not
21 about the Kingdom's rights as a nation state under
22 International Law, which are totally separate question. It
23 is the question of the rights, and you raise it beautifully,
24 to land, water, self-governance, the ability to be
25 self-determining and educating Native Hawaiian children,

1 those questions that OHA actually deals with on a daily
2 basis. You know, poverty, over representation of Native
3 Hawaiians in the criminal justice system, difficulties with
4 dropout rates and chronic disease, issues that are unique to
5 Native Hawaiians as a community, regardless of what
6 government structure is around Native Hawaiians, is the
7 critical matter. And that is really where OHA's position is,
8 that we are happy to talk about International Law of the
9 Kingdom, we are happy to talk about Federal Law, we are happy
10 to talk about State Law, what we care about in all of those
11 forums, is where did Native Hawaiian's fit into this picture,
12 and is there an appropriate respect for the dignity of Native
13 Hawaiians as the indigenous people of Hawaii. And that's
14 really the question, and that is where our comments come from
15 in support of this, because right now, one of those
16 governments, State, Federal and then the Family of Nations is
17 reaching out to Native Hawaiians and saying, is there a place
18 for diplomatic relations where we can discuss, at some point,
19 if you come through this door, we can talk about land, we can
20 talk about the water, we can talk about, you want to build
21 your own schools and educate your children according to your
22 own values and principles, and that's why we support this,
23 because we think that is critical. And we would hope any
24 government, you know, who knows, 200 years from now maybe the
25 global scene looks completely different and there are

1 different super powers, who knows, but the question is where
2 Native Hawaiians will be through all of that political change
3 that happens around Hawaii. Hawaii is still the indigenous
4 territory of Native Hawaiians. And that is OHA's mission and
5 that's OHA's agenda, and that is why we support what is
6 being, what is being proposed here. Because we do think that
7 Native Hawaiians should be able to negotiate and to discuss,
8 on a government-to-government basis, with whichever
9 government, whether it is the State or Federal Government or
10 others, that want to engage, and not, and that is the crux of
11 our commission, and I hope responsive of some level to your
12 question about what we think this is about, and what it is
13 trying to --

14 MR. LANDON: I appreciate your response, and we are not
15 in conflict with you, my government is not and it is not what
16 we seek. The question is confusing me because it says,
17 government, reestablishes government-to-government and that
18 is why we come, because if it is an OHA issue, an issue that
19 you described, that is not, that is yours, it is not a
20 problem for us. But this is, this is talking about, so is
21 there going to be two discussions of government relations,
22 and you said yes. A Native Hawaiian, American relationship
23 kind of thing, and then is there a sovereign kingdom, is
24 another discussion, that's what you are suggesting.

25 MS. NU'UHIWA: And that is what we understand the

1 conversation to be, yes.

2 MR. LANDON: That is very useful.

3 MR. BEETSO: Is there anybody else that would like to
4 make a first comment, first statement?

5 MS. ROBBINS: I will. (Speaking in Hawaiian) I am Lisa
6 Neolani Robbins. (Speaking in Hawaiian) I am from Virginia.
7 (Speaking in Hawaiian) I am from Maui, Kaimuki Hilo. I am a
8 cultural and youth Kupuna and indigenous rights advocate. I
9 am also a culture practitioner. I do have a degree in
10 finance from William and Mary. I am here to represent our
11 ancestors who signed the annexation petition, particularly
12 from Maui and Moku O Keawe, the big island. I am here also
13 to overwhelmingly say, and concur with the Royal Order of
14 Kamehameha and all of the organizations back home, all of the
15 people that said a'ole I am here to agree with that.

16 A'ole DOI. Let me just explain why most of us don't
17 want that. First of all, there is no jurisdiction. You all,
18 the DOI does not have jurisdiction over (Speaking in
19 Hawaiian), just there is no relationship like that. And I
20 have always believed that OHA could be a greater conduit for
21 our people. I have always said that. I say it to everyone,
22 because I truly believe that. But their systematic marketing
23 of initiatives, like the (Speaking in Hawaiian), stop
24 systematically marketing this to us. It's, we are saying
25 a'ole, no, that is not going to work.

1 Senator Kerry should be here. We shouldn't be talking
2 amongst ourselves like this. We should have a one-on-one
3 relationship. He should, and the Secretary, they should be
4 talking to us one-on-one. It shouldn't be where we need to
5 go through channels in order to be respected or recognized.
6 We already have a Kingdom, we already, we are already in
7 existence. Since, what 121 years, we have always been told,
8 let's organize for you, let's do this for you, but we have
9 our own voice. We can say, we have our own choices to make.
10 And I, we do have all the respect for our fellow brother and
11 sisters, Native American brothers and sisters, we have full
12 respect, but we don't make choices for you, as you all
13 shouldn't make choices for us. And there's three components
14 to that, because self-determination. It is up to us, isn't
15 it? It is up to us. Disclosure and accountability, I don't
16 see, like, for example, coming to this forum, it took us half
17 an hour to get here. Prior to that I called, we didn't know
18 where this, where the meeting was going to be. The front
19 desk at the casino didn't know. Then we called again, they
20 didn't know. We had to run around to find this building. It
21 was called the Tribal Building, yes, but we didn't know.
22 There was no full disclosure whatsoever.

23 And about moving over. OHA is a State Agency, and I
24 respect what you all do. I really do. But you don't speak
25 for all of us. You don't speak for all of the Hawaiians, and

1 that, this is why I brought my keiki here. I want them to be
2 active citizens and see what choices are being made for us.
3 We need to have our voices listened to. And that is why I am
4 here. I have deep roots in Hawaii, deep, deep roots, and
5 people are telling us what to do. I saw the hearings back
6 home, two minutes, two minutes to talk for 121 years of
7 American rule, relationship, that is not fair. And I do
8 appreciate that you all are letting us speak today. It's
9 very respectful of you all to do that, because we, our voices
10 have, everyone is trying to muzzle us or choose for us. No,
11 a'ole, and that is why I am here. A'ole.

12 MR. BEETSO: Thank you. So just to be clear. We know
13 this is a very emotional issue. We know there is lot of
14 different facets of this particular issue. The Federal
15 government is a huge body, and we are here on behalf of
16 Interior, and Interior is very limited in the role that we
17 can play in anything. This is just questions. This is just
18 ideas that we are trying to get from the community about ways
19 that, you know, the Federal Government can assist in setting
20 up a process, you know. And it is not trying to force
21 anything. American Indians, as groups, to be recognized
22 through statutes by Congress, if Congress passes a statute
23 and says Tribe X is a tribe, Tribe X is a tribe regardless of
24 if they want to be a tribe or not a tribe, obviously they
25 probably want to be a tribe if they are going through

1 Congress to be recognized. But that is not what this is.
2 This isn't the Federal Government creates a rule and
3 automatically winds up pushing into that door. As Venus
4 described it, it is a door, it is a process. Part 83 is a
5 process for petitioning tribes that want to be recognized.
6 There are a lot of tribes out there that might not want to
7 petition to be recognized, and they have the right to do
8 that. They still organize themselves as a community and
9 organize themselves as a government, and they exist as a
10 tribe. The Federal Government through our Part 83 process
11 never says, this group is an indian tribe. That is not what
12 we do. The Federal Government says that we have a
13 government-to-government relationship with this indian tribe,
14 that's the difference. So we are not in the business of
15 determining who is an Indian and who is not an Indian, who is
16 a Native Hawaiian, who is not a Native Hawaiian. It is just
17 creating a process where if the community, if the community
18 of Native Hawaiian's were to organize as a government
19 structure, and they wanted to create a
20 government-to-government relationship with the Federal
21 Government, than that process, there is, right now there is
22 currently no procedures for that to occur.

23 And so what we are doing is, as Venus said earlier, we
24 have a timetable, we have this administration which is
25 friendly, which is supportive of this initiative, and that is

1 why we are trying to go through these actions. I see it
2 going on two tracks. So our track here is the Federal track,
3 and if we were to move forward with this process, we have
4 that window of opportunity to act, we have that window where
5 the administration is supportive of this initiative. There
6 is another track that should take place on the community
7 level, and that is something that we have no say in. You
8 know, that is a meeting of the minds, so to speak, of all the
9 Native Hawaiians that will be impacted by this. There has to
10 be, you know, some sort of, I guess, diplomatic union, you
11 know between these people. And should they organize as a
12 government and decide they wanted to seek international law
13 remedies, and, you know, that is their prerogative. But say
14 they want the Federal Recognition, there is no process for
15 that right now. And that's why we are here.

16 You know, so we see it as just creating an option, you
17 know, something that could be used down the road, as Venus
18 said earlier, this is something that doesn't necessarily have
19 to be used. So I think one of the things this we really have
20 been trying to do is just try to educate folks on what this
21 really is asking, and what it would create. But it is not
22 anything that would be forced upon anybody. It is just a
23 procedure that could be used. Right now there is no
24 procedure. Just to clarify. But, appreciate the comments
25 always. But, you know, Venus, did you have anything to add.

1 MS. PRINCE: No, you summarized it. I just wanted to
2 emphasize that it is essentially creating an option. It
3 doesn't mean that the Native Hawaiian Government that is
4 formed will choose to use it. It is just a, whether you want
5 it there as an option.

6 MR. BEETSO: And I know in your comments, you mentioned
7 OHA and their abilities, and my understanding from OHA is it
8 is a state agency. And you know, because it is a state
9 agency there is a lot of limitations to the folks that they
10 can reach. And this came up in Arizona, folks are saying
11 that they were on the mainland and they weren't eligible for
12 certain programs that OHA does. And, you know, reflecting
13 upon my own experience, I am from the Navajo Nation, and I
14 didn't always grow up there. I didn't always grow up within
15 the four sacred mountains. I grew up in California,
16 Maryland, Phoenix, Arizona off the reservation, but no matter
17 where I went, my citizenship followed me, and I was able to
18 tap in to education resources. When I was at the University
19 of Maryland, at Arizona State University, you know, no matter
20 where I went, I was a tribal citizen and those tribal
21 benefits carried over. So what Breann said about, you know,
22 OHA being a placeholder is, in my experience, it seems
23 rational because I think our thought is, if there was a
24 process and if a Native Hawaiian community were to organize
25 and develop its own government and there was a process if

1 they were to walk through, you know, sooner or later down the
2 road, that the programs and the trust that OHA administers
3 would probably carry over to that government in the future,
4 and that government would have a broader discretion on who
5 would receive those benefits. You know, so that's just, just
6 my thoughts on the whole process.

7 But, I don't know, do you want to, we have some new
8 folks in the room. We'll start here, and then we are going
9 through the opening comments right now, so everyone is making
10 their first statements. So we'll go here --

11 MS. KAUANUI: I have a comment and suggestion about
12 process. Is there a way to move the podium to where you are
13 standing, and the people can actually use it to address you
14 as a panel? It is my understanding from reading about the
15 purpose of this meeting is you are here to consult us, and it
16 seems like you are taking defensive posture in responding to
17 each comment. I appreciate the spirit, in terms of
18 clarification in terms of points of fact, but if you are
19 truly here to get the comments of people who came far and
20 wide, from all over the place, for a very short meeting, that
21 we are now almost an hour into, I see this as
22 counterproductive. I understand why you would want to
23 counter or talk or defend your position as Federal
24 Representatives, I have respect for your positions, but if
25 you are truly here to get the comments from the people who

1 are attending, would you be willing to set up the room that
2 way, and actually hear us and let us cue up so that we can
3 actually deliver our feedback to you that you are here to
4 take back to --

5 MR. WONG: I think that is a great idea, because I want
6 to look people in the eye so I intended to do that --

7 MS. KAUANUI: But also so if we have papers, we can
8 speak to it, we are speaking from here rather than to the
9 room. But also, I don't know that there is going to be
10 enough time for you to be responding to each of us
11 individually, and I am wondering, if you are here sincerely
12 to get our input, would you be willing to be more in a
13 listening documentation mode?

14 MR. BEETSO: Yeah, I mean, you have had a couple great
15 suggestions on procedure. So what would you like --

16 MS. KAUANUI: I am just thinking, from Hawaii at least
17 there was a mic and people had a semblance of addressing you,
18 rather than speaking from the audience.

19 MS. PRINCE: And just so you understand, we were
20 thinking is more, especially when you have a smaller
21 audience, you know, I don't think that we were, we don't
22 always, even when we were in our other meetings in the
23 Mainland, respond to every comment. We use it more as an
24 opportunity to have more of a dialog versus a, just listening
25 and stone faced and not being able to sort of answer, you

1 know, because some of these were questions to us, you know
2 what I mean?

3 MS. KAUANUI: And that seems very unilateral that you
4 have made that decision. I didn't come here to dialog, I
5 came here to tell you what I think about your questions and
6 answer them. And I appreciate it if we could cue up so you
7 could actually --

8 MR. WONG: Absolutely. Absolutely. We need to time to
9 speak. We come here, we know what is going on, we want to
10 speak.

11 MR. HARRIS: No, and we want to hear you.

12 MS. PRINCE: Please, ma'am --

13 MR. WONG: Well, let's get going.

14 MR. BEETSO: Okay. Well, it's an option. For those of
15 you who don't want to use it, you don't have to, but if you
16 would like to use the podium to make your statements and
17 comments. So, would anybody else like to make a comment or
18 statement?

19 AUDIENCE MEMBER: Yes, if you could just speak up a
20 little bit, I really can't hear.

21 MR. BEETSO: Okay. I was saying this is an optional
22 podium, you don't have to use it. If you like to use the
23 podium to make your statement, that is up to you.

24 AUDIENCE MEMBER: May I suggest, we have gone down the
25 line, that we continue to go down the line, as an order.

1 MR. BEETSO: Okay.

2 AUDIENCE MEMBER: I think the first row is finished,
3 would you like to start the second row?

4 MS. KAUANUI: No, I am suggesting the people cue up.

5 MR. HARRIS: I think you are next in the cue is what
6 they are saying.

7 MS. KAUANUI: Yeah, no, I think people should choose the
8 cue for themselves. We are here to share with you. I am
9 talking about procedure, that doesn't mean I want to jump in
10 and speak right now. I am actually trying to talk about
11 process and holding you accountable for the press release
12 that you delivered in terms of the purpose of this meeting.

13 I will, I do plan to speak. It doesn't mean I need to
14 speak right this minute. I am asking, if people talk about
15 process rather than have a defensive posture from the people
16 who are ostensibly actually here to actually take our
17 feedback in terms of the structure of the consultation
18 itself.

19 MR. BEETSO: Well, just, you know, from past experience,
20 we are an hour into it. We have two hours, we have a lot of
21 time here you guys, you know, so you shouldn't be worried
22 about folks not having a chance to talk, because we have a
23 lot of time. And we are here for your comments, so we are
24 here for you comments and your statements. We have a Court
25 Reporter here to transcribe everything, so this is your

1 opportunity. So if I need to shut up, I will do that, that's
2 fine. You know, but I just really want to try to engage
3 conversation and dialog. And I am a big believer in implied
4 consensus for a break. So if it seems like there is, like,
5 nobody wants to make a comment, you know, we can take a 10,
6 if somebody wants to take a 10, and folks can discuss amongst
7 themselves, you know, what has been presented this morning
8 and then come back and regroup and see if we have more
9 statements, does that make sense? Yes? Okay. Let's take 10
10 or so. There is refreshments out there, coffee and juice and
11 soda's, so please take a refreshment break, and we'll come
12 back in here, and we'll recharge and start again.

13

14 (Whereupon a short recess was taken.)

15

16 MR. BEETSO: Okay. Looks like we have a speaker cued
17 up, so --

18 MR. DEFRANCO: Aloha. My name is a Michael Keoni
19 DeFranco. I am here representing the Ainahau Hawaiian Civic
20 Club. So (Speaking in Hawaiian). First just want to start
21 by thanking the Mohegan Tribe for their hospitality, and the
22 Interior representatives for the opportunity to speak, both
23 to our people and to all the bodies helping with that or we
24 wouldn't be here.

25 I want to start my statement be just putting my vote in.

1 I know there are 19 questions, I see five here --

2 AUDIENCE MEMBER: Excuse me? Can he have a mic? It's
3 very hard to hear in the back.

4 MR. DEFRANCO: I am happy to restart. My name is
5 Michael Keoni DeFranco. I am here representing the Aina hau
6 Civic Club, representing my Ohana from Molokai, representing
7 my Ohana from Waipio Valley, Big Island, my family from Huli,
8 and Oahu, and representing myself and my kapuna. My kapuna
9 descendants (Speaking in Hawaiian) and have always stood for
10 the recognition of the Hawaiian Kingdom from when the first
11 boats hit our shores in 200 a.d. I am here representing them
12 and my future keiki also representing my Wesleyan University,
13 which I just realized that a professor of mine is here as
14 well. So aloha to you.

15 I want to start by putting my vote on the record. I see
16 there are 19 specific questions listed. I see five here. So
17 my answer to number one is, no. My answer to number two is,
18 no. My answer to number three is, none. My answer to number
19 four is, no. And my answer to number five is, none. And in
20 terms of the 19 questions overall, what I do not support is a
21 Federal Government process of representing the Native
22 Hawaiian Kingdom. What I would support is an international
23 body, something like the United Nations coming into place,
24 and helping us as Hawaiians. As Kanaka Maoli, and as all the
25 other subjects of the Hawaiian Kingdom. We are not just

1 Hawaiian, and here representing part of that family is my
2 huliaana(sic) my responsibility to recognize all the citizens
3 of the Hawaiian Kingdom as one.

4 We collectively have been working since the overthrow of
5 the Kingdom to reestablish ourselves as the ruling
6 individuals of our Nation, and we have never stopped that
7 process. I appreciate, you know, this committee, and this
8 Presidential Office for showing interest in helping us with
9 this process, but this is not something that we necessarily
10 are looking for. This is the process we have been working on
11 for a very long time. When my great grandmother died, she
12 had put in my hands a Hawaiian gold coin. We had our own
13 currency minted in San Francisco, we had our own bank the
14 Royal Hawaiian Postal Union Bank, which is actually still in
15 place, just not active today. And when she was dying she put
16 this gold coin in my hand and said, Keoni, one day you will
17 deposit this back in our bank or you will give it to your
18 Keiki and he will do the same, and it will continue to be
19 passed down over and over again until it is back in the bank
20 where it belongs. And so I am here to stand and say that we,
21 as Kanaka Maoli, will always take care of our own people
22 whether or not we are recognized in any capacity. This is
23 something we have been fighting for for a very long time,
24 something that I am devoting my life to. And so I, with all
25 due respect, I want to put my vote down as no. I hope that

1 those that are going through all the testimony, all the
2 hearings from all the Islands, because I have been watching
3 them, they might have been very emotional, they might have
4 not voted yes or not, but I hope that you take the good
5 common sense in understanding where they are coming from. If
6 their voting in opposition, whether or not they use the right
7 procedure or not, I would hope that you would understand
8 their vote is no as well.

9 And so we are standing here as Kanaka Maoli representing
10 all of our tribe, however you would like to describe it, as
11 Hawaiian people. Not just white, not just black, not just
12 brown, we are a nation that has always held our hands open to
13 the world. The word aloha does not mean hello, it does not
14 mean good-bye. The word aloha, alo to share the breath, I am
15 here standing for my kapuna extending my aloha to you all,
16 hoping that you understand where we are coming from and will
17 support us as we continue our own nation building on our own.
18 Thank you. Mahalo, and good luck.

19 MR. MATSUMURA: I spoke with the Stenographer just to be
20 sure that it is easy for her to here. And let me make sure
21 it is easy for the rest of you to hear. My name is Miles
22 Matsumura. I am from Hilo, Hawaii, of the (Speaking in
23 Hawaiian) families of (Speaking in Hawaiian). I am currently
24 doing consulting work for a client in New York City, and
25 residing in the traditional lands of the Quapaw Tribe, who

1 sadly no longer exists due to the totality of the slaughter
2 of the people by the Dutch Officials.

3 I have basically three things that I wanted to address.
4 First, as Keoni did, the questions that you posed, the five
5 questions. The first, again is no. The second, no. The
6 third is none. The fourth, no. And the fifth is none.

7 A big concern that I have had in the past couple years
8 in reading and listening and going online, has to do with
9 motivations. And I respect the roles that the three of you
10 have in your roles as part of your nations, and, but I may
11 comment not on you individually, but in terms of your role as
12 government officials. I also have a great deal of respect
13 for Mr. Stender here. In my dozen years of work at the Queen
14 Lili Uokalani Children's Center, operated by the estate of
15 our late queen, Mr. Stender has done a great deal of effort
16 to help our Hawaiian. He, himself has benefitted from the
17 programs of the Queen's trust and he has contributed,
18 personally, a great deal to help children. Again, my
19 comments are not about Mr. Stender as a person. I may
20 comment as to the role he has as an elected trustee. As our
21 sister down at the end of the hall pointed out, the Office of
22 Hawaiian Affairs is a state agency, and you recognize that.
23 They are both set by Americans who are residents of the State
24 of Hawaii. When it was created, it may have been envisioned
25 as a fourth arm of the State Government representing the

1 native people. The courts changed that, so that they are
2 elected by all of the American registered voters of the State
3 of Hawaii. Therefore, they are a state agency, and
4 represents the interest of their responsibility under that
5 state government. We do have dispute as you, as an attorney
6 and as other legal counsel have an attorney, on the role of
7 law. And what troubles me is efforts that work without, or
8 by ignoring the rule of law, whether it be international or
9 domestic. And in the case of what Keoni mentioned and Kai
10 mentioned about, and I mentioned, in terms of government, the
11 constitution of the Kingdom of Hawaii provides means for its
12 own reestablishment, what you do when you don't have a ruler
13 in place, the procedures are built in. The constitution has
14 a means for addressing the things that are being attempted to
15 be addressed through both the Federal Government and the
16 State Government.

17 On the matter that I brought this computer, for the
18 benefit of our stenographer, I'll put the mic closer for a
19 little sound clip that I brought, mainly to get on the
20 record. And the speaker is the current Governor of the State
21 of Hawaii, former congressman, he made this statement in a
22 house committee in 2009.

23 "So the 1.8 million acres wasn't seen as worth anything.
24 The 200,000 acres that Mr. Connie administers right now,
25 again, we are seeing as, well, we'll just give that to the

1 Hawaiian's. Nobody wants it, there is no water, there is no
2 infrastructure, there is no anything, it is not useful to
3 anybody who wants to make money out of it, so we'll give that
4 to the Native Hawaiians. Now, come to 2010, how would you
5 like to have, Doc, 1.8 million acres of land in Hawaii,
6 today. How would you like to have 200,000 acres in
7 additional land reserved for Hawaiians by Congressional Act.
8 When we come down to it, when we come down to it, when you
9 get right down to the nitty gritty of all of this, this had
10 nothing to do with the Constitution. This has nothing to do
11 with the race, this has to do with assets. Land and money.
12 What they mean is, how can they get in on owning,
13 controlling, maneuvering and manipulating that two million
14 acres of land, the hundreds of millions of dollars and the
15 tens of millions of dollars in income stream. I rest my
16 case."

17 Now, as Connie pointed out, the State of Hawaii does not
18 have a clear title to these former Kingdom of Hawaii lands.
19 As he pointed out, the Supreme Court made it clear that if
20 they were to bring that back, they would rule more
21 specifically on that. In the case of the efforts of the,
22 well I have read at least about two organizations, as well as
23 representatives from the Office of Hawaiian Affairs,
24 approaching the Department of Interior in 2012, but as far as
25 I can tell, those representatives do not represent the Kanaka

1 Maoli or the citizenry of Hawaii. They do, in my opinion,
2 represent individuals or organizations that may be recipients
3 of government money who wish to gain control of those lands,
4 and that is why I gave my no's, because I don't agree that
5 these two million acres, of the four million acres, that
6 comprise Hawaii should come under the control of those
7 entities which have so strongly pushed for this process.

8 And that is what I have to say.

9 MS. KAUANUI: Greetings. Hello. Thank you for being
10 responsive to my suggestions, I appreciate it.

11 My name is Dr. Kehaulani Kauanui. I am an associate
12 professor at Wesleyan University here in Connecticut going in
13 my 15th year. I am Kanaka Maoli, identified as a Hawaiian
14 National. This is my primary area of research, is Native
15 Hawaiian rights in relation to Native America and the
16 distinct status of Native Alaskans. I have taught Federal
17 Indian Law at Wesleyan University. I teach on indigenous
18 politics from a global perspective. I am in the anthropology
19 and American Studies with a joint appointment and tenure. I
20 also am a radio producer and host, and have produced for
21 seven years a show called Indigenous Politics from Native New
22 England and Beyond. I am very familiar with the BIA
23 recognition process and also how it's been implemented and
24 resisted here in the New England region. So I come from a
25 perspective that is very much in solidarity with tribal

1 nations and the ongoing attacks on tribal sovereignty
2 throughout this country. While also maintaining a really
3 staunch resistance to the Federal Recognition process in the
4 Hawaiian context. And so I wanted to let you know about
5 that.

6 In terms of Ohana ties, just to let people know, I know
7 there is Kanaka Oiwi here. Again, my name is Kehaulani
8 Kauanui. I am Hawaiian. My father's side, Joseph Kauanui,
9 the third, both his parents are Kanaka Maoli, were Kanaka
10 Maoli. My family, my closest kin, reside in Anahola Hawaiian
11 Homelands Territory, and that is where I consider home. I am
12 a Diasporak Kanaka raised in California, unabashedly claim my
13 adiasporak status. And also we have roots through my
14 grandfather's side two (Speaking in Hawaiian), to my
15 grandmother's side (Speaking in Hawaiian).

16 I want to concur with everything that was just said
17 immediately before me. I want to speak to regulation
18 identified number 1090AB05. I have read all the Department
19 of Interior documents. I've read the lengthy comments from
20 the Office of Hawaiian Affairs, as well as the report that
21 the CNHA, Counsel for Native Hawaiian Advancement sent to
22 tribal representatives. And, for the record, I would like to
23 answer the five questions and then expand on the first one
24 and why I think the first one, for me, says it all in terms
25 of unpacking it and the problematic's with this frame work

1 for our distinct legal history, which you have acknowledged
2 several times already this morning. For question number one,
3 no. Question number two, no. Question number three, none.
4 Question number four, no. Question number five, none.

5 One of the things that was missing from the history
6 section that you put together in our packets, and up on the
7 screen, are the treaties between the US Federal Government
8 and the Hawaiian Kingdom. There are five of them, and none
9 of them seed any treaty, territory, sovereignty or governance
10 whatsoever. Several of them have to do with postage stamps
11 and money orders and recognizing and respecting independent
12 state status. So we hear the term Hawaii State, State of
13 Hawaii, Hawaii State, for me we have to make a distinction
14 between the independent state of Hawaii, that is the Hawaiian
15 Kingdom, and the 1959 50th state, which is a subsidiary of
16 the US Government. Those are two different kinds of states.
17 And what I want to address is the standing of this
18 independent State of Hawaii under international law.

19 I think a lot of people hear kingdom and, you know, they
20 are propelled back into the 19th century, without regard to
21 what 21st century international law has to say on this issue.
22 And I raise that, not because I don't get it that that's out
23 of your jurisdiction, but because it's precisely the question
24 of jurisdiction that is the core of the issue, which is why I
25 answered the questions the way I have. Those treaties are,

1 have a very distinct legal history from US Governmental
2 treaties with tribal nations. US Governmental treaties with
3 tribal nations have always been about encroachment within a
4 settler colonial situation that compelled tribes to give
5 something up in exchange for something else, but often by
6 brute force, and threat and coercion. And so that is not to
7 demean tribal sovereignty a lesser than sovereignty, the
8 distinction thought is that tribal sovereignty has never been
9 recognized as state sovereignty under international law. And
10 that is what makes the Hawaii case distinct legally, in terms
11 of contemporary international law. Indigenous peoples do not
12 have the same rights as independent states under existing
13 international law. Some of you may be familiar with the UN
14 declaration on the rights of indigenous peoples, passed by
15 the General Assembly in 2007. That is merely an aspirational
16 declaration. I think it, I know all the work that went into
17 that from people who worked on it for decades, but it is very
18 clear from that declaration, which is not a binding
19 convention, of course, that even as a declaration, it says in
20 Article 46 that indigenous people do not have the right to
21 self-determination if it threatens the existing states that
22 currently encompass them. And so that already shows you that
23 even with decades of trying to get the declaration passed,
24 that there is no consensus on the rights to full
25 self-determination for indigenous people to create

1 independent states. I also don't want to suggest that that
2 is the aspiration of indigenous peoples. We don't
3 necessarily see indigenous peoples going to the UN and trying
4 to establish independent states. It is about expanded
5 self-determination within the existing states that encompass
6 them.

7 So the question, for me, is in terms of that historical
8 lineage, if we take those treaties seriously, we have to
9 actually grapple with and reckon with the fact that the US
10 recognized Hawaii as an independent state throughout the 19th
11 century, and also that many other nations throughout the 19th
12 century from 1843 on, did as well, until the US backed
13 overthrow of 1893. This is really important because it does
14 raise the specter of the Hawaiian people, and other people
15 who have claims in terms of Hawaiian sovereignty as an
16 independent state to actually be in dialog with the
17 Department of State, rather than the Department of the
18 Interior. And so, it is precisely because it is an issue of
19 jurisdiction of which executive branch should be dealing with
20 a question that I have answered in the negative for all five
21 questions.

22 The purpose of the meeting as stated in the documents,
23 says the purpose of such a relationship would be to more
24 effectively implement the special political and trust
25 relationship that currently exists between the Federal

1 Government and the Native Hawaiian Community. That right
2 there is admission that this is really, in many ways, would
3 be for the administrative convenience for those both at the
4 Federal level and at 1959 50th state level, in terms of
5 consolidating within a Federal framework. Somebody asked
6 earlier about it being within the framework of federal law.
7 That is a form of containment. That doesn't mean that you
8 are not doing the best jobs that you do within that system.
9 I am contesting that actual boundary. And so, you know, part
10 of it, to me the very first question really says it all. It
11 says, should the Secretary propose an administrative rule
12 that would facilitate the reestablishment of a
13 government-to-government relationship with the Native
14 Hawaiian Community. That term, reestablishment, is already a
15 misnomer because it assumes that there has been a trust
16 relationship that is parallel with tribal recognition, which
17 just isn't the case given the legacy of the independent state
18 recognition.

19 Also, it is not about a government-to-government
20 relationship. That is about internal self-determination,
21 that is about tribal sovereignty as the US sees it, which is
22 subordinate to Federal Sovereignty, and that is the
23 contradiction of US Federal Policy, right? We know that the
24 US always says it is nation to nation, so long as it is
25 actually subordinate to domestic independent to the Federal

1 Government. So government-to-government is a misnomer. It
2 really should be independent state to independent state, and
3 again, that is not within the jurisdiction or appropriate
4 framework for the Department of Interior, I recognize that,
5 and that is precisely why my answers are in the negative to
6 all these questions.

7 Also, how can one have a government-to-government
8 relationship, even if we stick with that and kind of go with
9 it for a minute, the farce of that, how can one have a
10 government-to-government relationship with a community. That
11 is already a contradiction in terms. It just doesn't float.
12 So that's the, sort of, the core of it for me.

13 Now I just want to touch on three other things very
14 rapidly. What people, what the people it will affect most
15 directly have to say on the matter, I am really alarmed that
16 the Danner sisters, and the CNHA, as well as some of the
17 Office of Hawaiian Affairs representatives have actually
18 tried to make it seem as though those saying no to this
19 process are in the minority, and just a bunch of loud mouth
20 Hawaiians, you know, with this fantasy of reviving a kingdom.
21 The fact is, as you know from the record, and as the
22 (Speaking in Hawaiian) Hawaii TV proceedings show, over 95
23 percent of the people that testified or gave public
24 commentary are Kanaka Maoli, the people who will be directly
25 affected by this most. And over 95 percent of those people

1 said no to the questions of considering a procedure to
2 reestablish a government-to-government relationship with the
3 Native Hawaiian Community.

4 So that is, in terms of the record, of course I know
5 that you have to wait for the written record, I understand
6 August 19th is the deadline. So time will tell what the
7 actual, the whole vast (Speaking in Hawaiian) or feedback
8 looks like. But the video hearings are really, really
9 powerful. I don't know if, I don't recognize all of you from
10 those, but, and so, you know, some of my family also gave
11 commentary there. And they said no too. I, right now
12 though, am only speaking in my, in my own capacity as a
13 native Hawaiian woman, and also as someone who cares deeply
14 about this issue and has been affiliated with Hawaiian
15 Sovereignty movement since 1990 through my Auntie Puanani
16 Rogers who would have testified on Kawai.

17 The other issue I want to get back to is this question
18 of international law. Over a year ago, there was a memo that
19 was leaked that actually talked about the fact that now that
20 we don't have Anoaia and Akaka in the Congress for different
21 reasons, obviously, and that Akaka bill has sort of run its
22 course, that people would be trying to work their way through
23 the Department of the Interior. And when I heard this a year
24 ago, I thought, that's ridiculous, there is no procedure for
25 it, because I am so familiar with what it looks like for

1 tribal nations going through the petition process, and I also
2 watched the Eastern Pequot and Skatacook cases here very,
3 very closely for the years, and when those culminated in
4 2004/2005. So I know that this has sort of been something
5 that people at the 1959 50th state level were gearing
6 towards. However, one can see, from my perspective reading
7 the Office of Hawaiian Affairs comments that there is a sense
8 of urgency within that State Agency to try and push this
9 through. So I understand on the face of it, it is about
10 whether or not a door should there to be opened. I
11 understand that in literal terms, and that it's not for you,
12 that you are not dictating who tries to knock on that door,
13 and I see that you are saying that out of respect for a
14 community, sort of, aspiration. But it is really clear that
15 not only are there people that want a door, there is people
16 trying to beat down the door, and they are trying to beat
17 back the people that they see back home who are actually
18 trying to contest this. And part of this has to do with
19 establishment, good old establishment and class politics
20 amongst the Hawaiians community. It's those, as you pointed
21 out who are affiliated with state agencies that have, want to
22 see the Federal Funds go to those receptacles
23 institutionally, that want to see this happen. And the
24 consolidation doesn't threaten them. That's fine, I get
25 that. And many, some of them actually have fiduciary

1 obligations to support that kind of move. But this is so
2 different, because this is one of the few times that I would
3 say, one of the few times you will ever hear me say that I
4 support the status quo in this case, in a temporary sense.
5 And that is to say there is no harm to the Native Hawaiian
6 people without this door or process being there. Whereas
7 once that process gets put in place, there is great threat to
8 the existing claim. And just because the claim looks like it
9 might be 200 years off, to whomever, you know, spoke earlier,
10 and I know a lot of our people feel that way in terms of it
11 being unrealistic, untenable and feasible. That is a
12 different issue. Right? That is a different issue, who are
13 we to say? When I was an undergrad, you know, we had full
14 blown legal apartheid in South Africa. Five years later I
15 was listening to Mandela's freedom speech. We don't know
16 what things look like within even five years. The point is,
17 we can't, you know, foretell that history. But for me, the
18 kuleana and the responsibility is not to do anything that
19 threatens, surrenders or forfeits that claim. We have a
20 responsibility, a kuleana, to protect it, even if we can't
21 realize it now, cash it in, foresee it, and there is nothing,
22 there is no harm in not, in protecting that. There is so
23 much harm that would come from the Federal Process because it
24 is that intensification, and I really see this, not in the
25 procedure itself, it is just the door, but it is what comes

1 after one steps through that door. And that would be the
2 first documented acquiescence of the Native Hawaiian people
3 to US authority. The US has nothing right now. They know
4 and they have admitted through the Apology Resolution, not
5 Apology Act, that the lands that they took are stolen. They
6 have acknowledged that they are national lands, they don't
7 call them native lands or aboriginal lands which has a
8 different status within the US system. They are national
9 lands, and they acknowledge that they don't actually have
10 them by compensation or consent. That means they are stolen.
11 They also acknowledge that the Native Hawaiian people never
12 relinquished their inherent sovereignty. It's that inherent
13 piece where there is that grafting within tribal sovereignty,
14 because that is the language of the Federal Government, but
15 that's what's wrong with this process. That is what I see is
16 problematic about the Office of Hawaiian Affair comments.
17 They can list 150 pieces of legislation where the Federal
18 Government has recognized Native Hawaiians as a distinct
19 people, and in many of those pieces of Federal Legislation it
20 is alongside Alaskan natives and tribal nations in the 48
21 states. But that is different. Talking about the Federal
22 Government's own history of its versions of recognition,
23 albeit not as a collective governmental entity, but of Native
24 Hawaiians as an indigenous minority within the US Federal
25 boundaries, that is one thing. But that can't be just, sort

1 of, parlayed and sort of grafted onto this fake genealogy of
2 that being a government-to-government relationship. And
3 again, government-to-government can mean many things. We are
4 talking, really, where is the question of independent state
5 to independent state. So when I say State of Hawaii in that
6 case, I mean the independent State of Hawaii, not the 1959
7 50th state, which happened, if you followed that in 1959
8 already is legally contestable under the 1960 protocols. It
9 was a boarder scheme to prevent people from being able to
10 exercise the decolonization protocols that came, sort of, the
11 morning after.

12 To get back to the timeline on the international
13 question. I want to acknowledge though, in terms of that
14 sense of urgency from the Office of Hawaiian Affairs, we know
15 that on May 5th the Office of Hawaiian Affairs CEO,
16 Kamana'opono Crabbe, submitted a letter of formal request to
17 US Department of State, for legal opinion on the current
18 status of Hawaii under international law in which he asked
19 four distinct questions. He didn't get a reply to that from
20 John Kerry or John Kerry's staff, and that is what was so
21 threatening within the structure of the Office of Hawaiian
22 Affairs itself. And so it is no surprise to see this urgency
23 come through in their documents in terms of getting that door
24 set up, because again, once you, once our people walk through
25 that door, there is that morning after problem. Who are you

1 waking up with? Right? The whole question of what is going
2 to be used to document. And there is a lot of evidence to
3 suggest the Office of Hawaiian Affairs and the Native
4 Hawaiian Rural Commission created by 2011 50th state
5 legislation for Act 195, you know, setting up the Native
6 Hawaiian role, has used other databases and databanks to try
7 and cull Native Hawaiian names off that for a role. That is
8 a breach of so many different kinds of ethical roles, I can't
9 even get into that can of worms, but the point is there is
10 malfeasance going on here, there is misrepresentations, these
11 are 50th state shenanigans that are really immoral, because
12 again, it is about abrogating a claim. Once there is
13 documentation that those people sign onto a process, there
14 you have something for the first time that the US actually
15 has in hand that says that the Native Hawaiian people have
16 acquiesced to our authority. Right now all they have got are
17 the 1897 Coup A Petitions, that Kumo spoke to here, that say,
18 no. And those 1897 petitions, through the work of (Speaking
19 in Hawaiian) that combined over 38,000 signatures, out of
20 roughly 40,000 Hawaiian's in Hawaii at the time, said that
21 they did not wish to be part of the US in any shape or form.
22 And they use that language in English and Hawaiian. There is
23 no translation problem. There is no ambiguity. We do not
24 wish to be part of the US government or the United States of
25 America in any shape or form. That's what is on the record

1 right now, along with the apology resolution and along with
2 Grover Cleveland's statement post-US backed overthrow that
3 took place under the Harrison administration where he
4 acknowledged that it was an act of war, and said that the
5 queen should be restated. And he negotiated an executive
6 agreement to that effect. Those are three really powerful
7 pieces of evidence in the service of the independent state
8 claim under international law. And again, I know that is not
9 your jurisdiction, responsibility, maybe even your interest,
10 that is fine. I get that. But that's precisely why we must
11 say no and none to those five questions if we are committed
12 to protecting the claim. We don't forfeit, we don't
13 surrender. It is arrogant to say, well, we should get what
14 we want now. What happens to kuleana for our decedents.
15 Who will go down in history as the sellout's of the Native
16 Hawaiian people? Who will go down in history for the people
17 that said, so what, in response to the US backed overthrow?

18 So the other part, in terms of the state agency that I
19 want to just expand one more point to add to what you said,
20 if you don't mind, is that somebody said earlier, from Office
21 of Hawaiian Affairs, that Office of Hawaiian Affairs was
22 initially created as, sort of, a placeholder to represent the
23 Native Hawaiian people as, sort of, a placeholder for
24 self-governing nation. Yes, in the 1978 state constitutional
25 convention. However, we know since the US Supreme Court

1 ruling in Rice V Cayetano in 2000, which the Akaka Bill for
2 federal recognition came right on the tails of that for the
3 aftermath. We know that from that ruling that the Office of
4 Hawaiian Affairs can no longer even hold up the pretense that
5 they even remotely represent the Native Hawaiian people,
6 because all registered Hawaii voters in the 1959 50th State,
7 can vote for Office of Hawaiian Affairs trustees. How they
8 maintain a seat at the National Congress of American Indians
9 is beyond me. Right? That would be like having the state
10 representatives from Vermont who, you know, dashed the case
11 of the Abenaki to be able to sit in NCAI. That has to be
12 done away with. That is a conversation that I think Native
13 Hawaiian people should be having with you, and tribal
14 representatives. I know that the Department of the Interior
15 didn't create the NCAI, but again, in terms of those channels
16 of communication, that's where we need those kinds of
17 dialogs.

18 Now, the Office of Hawaiian Affairs wrote in their
19 comments a question on international arena that I want to
20 speak to, for people in this room, and also for you taking
21 our comments today. Listen to how murky this is, listen to
22 how nonsensical this is, "The proposed administrative rule
23 should not prospectively attempt to limit the inherent
24 sovereign rights of the reorganized Native Hawaiian
25 Government that inured under US domestic law. Likewise, the

1 rule should open a path for reestablishment of a domestic
2 government-to-government relationship that will not, as a
3 legal matter, effect paths for international redress." End
4 quote.

5 Now, for people who are concerned about international
6 law, they might see, international redress and think, great,
7 and people from Office of Hawaiian Affairs say, we got it
8 covered. We are saying on record that we don't want anything
9 that would actually work to abrogate the international
10 claims. But the concept of international redress is vast.
11 And again, as I said, indigenous peoples rights under
12 international law are distinctly different from the rights of
13 independent states, and for that matter distinctly different
14 from the rights of colonies through the decolonization
15 process. Those are three very distinct paths. And Hawaii
16 has a hybrid situation, right? We are an indigenous people,
17 we are an independent state, who were also treated as a
18 colony, so we have this hybrid issue. But again, we don't
19 surrender the claim, we don't forfeit it just because we
20 don't realize it. We seem to not be able to realize it right
21 now. And again, we can't graft the US government's
22 recognition of Hawaiian indigenous status to past US
23 Government's recognition of independent state status. Those
24 can't just be glommed on, right? They don't go together,
25 right? It's a mismatch. And so that's the part that I want

1 to stress.

2 Again, there's, in conclusion, there is nothing to lose
3 with the status quo in this case. We know our people are
4 doing amazing work. Hula revitalization, traditional
5 Hawaiian medicine, Hawaiian language revival, Kaolo and
6 terobed(sic) cultivation and restoration. Cultural
7 sovereignty is very strong, and that is our distinct, the
8 cultural piece that you have so kindly talked about and
9 acknowledged. But again, what is to gain by this besides the
10 forfeiture, the immediate gain is about those federal funding
11 receptacles and also what is called the special
12 opportunities, which is in the DOI memo and for many people
13 that's about the right to apply for native grants, different
14 pools of money, you know, very shortsighted. We do not
15 forfeit, we do not surrender, we do not give up the claim to
16 be card-carrying Hawaiian Nation within a nation member. And
17 again, it is not a reestablishment. It is about the
18 establishment of a Native Hawaiian Government, not a
19 reestablishment, because the Hawaiian Kingdom was not, it was
20 a government by Native Hawaiians but not exclusively for
21 Native Hawaiians. And that is the distinction between US
22 trust relations and the tribal nations.

23 So we have, you know, the threat of the first documented
24 acquiescence to US authority and collective terms. We do not
25 surrender our political claims simply because it does not

1 look unfeasible at this time. And it's, the only reason it
2 seems impossible is precisely because of US domination in the
3 globe, right? That is why the claim looks ridiculous to some
4 people. You want to do what, you want to reestablish a
5 kingdom in the 21st century, well fine, we can talk about
6 what model an independent Hawaiian state might take in the
7 21st century, but the question of legal restoration itself
8 and the mechanisms for, only look impossible because of US
9 hegemony and domination, right? It is not the claim that is
10 faulty. It is US abusive power that we know dictates the
11 global and geopolitical scenario.

12 Threshold, you have talked about these as threshold
13 questions, and I thought about that. Because, you know, we
14 think about the epistemological implications of language and
15 what language means and many people know about the most
16 obvious working definition of the threshold of being that
17 strip at the bottom of the doorway that one crosses to enter
18 a space, to enter a house, to enter a room. It is a point of
19 entry or beginning, as you've said, the door. Whether to set
20 up the door. And so these are the threshold questions around
21 whether that door should be set up. But there is another
22 lesser known, and I want to say, maybe we can think about
23 this even in terms of the ancestral and spiritual realm of a
24 threshold, and that is the other definition that is lesser
25 known. It says, the magnitude or intensity that must be

1 exceeded for a certain reaction, result or condition to
2 occur. We do not want this threshold, that door, that
3 magnitude or intensity that must exceed this certain
4 situation, and that is the threat to our claims under
5 international realm. Mahalo.

6 MR. BEETSO: Thank you. I know we had some folks that
7 arrived a little bit later, would you guys like to approach
8 the podium and make a statement or make a statement from
9 where you are at? So we are now moving to second statements.
10 So would you like --

11 MR. LANDON: Hello again. Kai Landon. I would like to
12 really praise the last statements and Miles. They are really
13 quite good, and I think they covered a lot of really
14 important issues. To clarify, I come here representing my
15 Ohana in Kaau and Hilolaia and Honahu and my kahuna and macu
16 and puna, and for them, for the first question, they say a
17 'ole. They say, no. I say yes to consultations at the State
18 Department. For the question two, my Ohana says no. For the
19 question two on the positive side, I would say, it would be
20 good if the American's start to renounce violence, because
21 violence is the tool that we see being used to enforce the
22 claim of land ownership, of claim of owning the trusts, trust
23 lands. So when our folks try to go and exercise their land
24 rights and go onto the land, they find the maka 'i, the
25 police. They get pepper sprayed, they get arrested, they get

1 beat up. So we would really like to say, let's stop that.
2 If there's, if there's a problem of a claim issue, it is a
3 civil one. And that shouldn't be exercised with violence.
4 This is a problem you see in our communities, a lot of
5 communities, which that's one of the problems they are trying
6 to exercise, sovereignty.

7 On the third question, my Ohana would say none. And on
8 the third, our issue would be to respect the process that is
9 happening, in terms of creating government. And we see lots
10 of efforts, you know, lawful Hawaiian government, kaopuni.
11 There have been lots of, they are not disconnected, and they
12 are not dis-unified, they have the same goal. So we are all
13 the same, and we are not disconnected, and we are not
14 factions or un-legitimate. They are all legitimate local
15 efforts. And if the US government would start to respect
16 that and not interfere with that, we would say, yes.

17 On the fourth question, my Ohana would say, no. On the
18 other side the question is that this international law. And
19 one of the problems with international law is that America
20 doesn't want to participate in that. They don't recognize
21 the ICC and ICJ, they are not signers on to the
22 Itineramericorp. So there's a vacuum for our folks to seek
23 remedy. And this is what it is about seeking remedy under
24 the law. And law is something that has always been
25 important. My kumo's taught me that Hawaiian's have always

1 been a legal people. They always respected law and the law
2 of Kaokua to being with, but the law that they put together
3 to live together. In peace. And the creed of the Hawaiian
4 nation is peace, and that is why there has been no war,
5 because the queen said, we are not going to, the violence
6 does not make our sovereignty better. Sovereignty is
7 improved by the respect of other sovereigns together. That
8 creates it.

9 And so the fifth question we would say, no. And we
10 would say, is that, I don't think that, that Office of
11 Hawaiian Affairs which is a good office in terms of helping
12 Hawaiian people, needs a government-to-government
13 relationship, because they have one. They are the
14 government. They are the federal government, and I think
15 that they don't need this door. The door for the
16 relationship to improve relationships should be through the
17 State Department and the Hawaiian people in a sovereign way.

18 So I didn't think this door really helps the process of
19 OHA bringing more programs to help Native Hawaiians, which I
20 think is a good thing. And our folks support that. But I
21 think some of the mistrust, and I'll finish with this because
22 I don't want to take up too much time of other folks that
23 have a better right to speak than I do. Is that when we went
24 to the Supreme Court in 2009, it was on a question of whether
25 the title of the Crown Lands was, they call seeded lands, was

1 clouded by the apology. That was the position that OHA came
2 and was representing on, sorry on the other ones. But when
3 they got to the court, what they expressed to the court was
4 that the Hawaiian's only had a moral interest in their own
5 lands and that the state was correct, that they had perfect
6 title. So OHA, representing Hawaiian interest, is going to
7 the Supreme Court and saying, no Hawaiian's don't own that
8 land. That was very disturbing. And it was very hurtful, I
9 think, for a lot of folks to find out that, why aren't they
10 saying that, this is the argument they brought to the court,
11 the court admonished them, why did you bring this question
12 and waste our time, if you guys don't believe that the title
13 was clouded. And the reason we all talk about land is
14 because it is really, as he pointed out, the statement, it is
15 all about land. You don't have a nation if you don't have
16 land, right? You guys, what would you be native, if you
17 didn't have land. We would be lost. I don't know. The land
18 is what makes the things live in the Hau and all of these
19 things in life. So the land issue is the discussion. I
20 think that needs to come first. So, just to clarify the
21 position. Mahalo for your patience.

22 MR. BEETSO: Thank you. For those of you leaving, just
23 remember we are taking written statements too, so if you guys
24 heard something today that jog your memory, you want to write
25 it down and turn it in as a written statement, that would be

1 great.

2 MR. MATSUMURA: Okay. For my second statement, I can be
3 a little less serious. But I have said this in New York City
4 at a gathering. I am a product of assimilation. It used to
5 be when people ask you, oh, what are you Japanese or what are
6 you, Chinese, oh, how much Hawaiian are you. Well when they
7 asked me a few months ago, then I realized I am part of the
8 brainwashed generation who would answer that question. The
9 correct answer is, I have grandparents who gave up their
10 citizenship in Japan and immigrated to Hawaii. They didn't
11 immigrate to the United States of America. I have a
12 grandparent from China who gave up his citizenship in China
13 and immigrated to Hawaii. I have never been to Japan. I
14 don't even know Japanese language. I have never been to
15 China, I don't know Chinese language. I am not Japanese, I
16 am American, I mean, I am not Chinese. Well, the question
17 is, oh, did you immigrate to America? I used to joke and
18 say, no they joined us. But the reality is, they have forced
19 their way to acquire our nation. Hawaiian is a citizenship.
20 And that citizenship included citizens from former, former
21 citizens from Europe, former citizens from America, former
22 citizens from Helicines, former citizens from China, former
23 citizens of Japan and became citizens of the Kingdom of
24 Hawaii. Hawaiian is a nationality, it is a Philippines.
25 Kanaka Maoli, on the other hand are our native people, and

1 there is an important distinction. Under this brainwashing
2 which I grew up, we were taught to think that we are either
3 capital N, native Hawaiian, or small n, native Hawaiian, both
4 of which have been defined by the United States Government.

5 Native people of Hawaii do not call themselves that in
6 their own language. That is an English or American English,
7 those are American English terms in American English
8 definitions. The importance of that is that I am Hawaiian.
9 I am part Kanaka Maoli, but I am Hawaiian. That is what we
10 mean, we are not a tribe. The attempt to create something
11 similar to a tribe is offensive. That is like saying, and
12 someone else at one of the other hearings gave the example,
13 of saying Congress by joint resolution hereby annexes the
14 former United Kingdom, and we now declare the Anglo-Saxon to
15 be a federally recognized tribe. If that sounds ridiculous,
16 that is how ridiculous this effort sounds to us.

17 And in terms of the land question, less than a month ago
18 I was disturbed by news that I read from Hawaii about the
19 State of Hawaii's proposal with the state of Hoi, Office of
20 Hawaiian Affairs, internal to the state government, to settle
21 seeded with, or I say non-seeded land claims, by giving
22 control of 25 acres in Kaka'ako, Hawaii to the Office of
23 Hawaiian Affairs. There is one young man that I know his
24 name is Gabriel Ozorio in Hilo said, oh, they want the crumbs
25 that fall off the table. Who settles 25 acres in exchange

1 for two million. And it is only two million of the four
2 million. Consequently, again no offense to the man that I
3 know here, but to the Office, I have asked everyone I know to
4 vote out. If they are Americans, if they are voting, vote
5 out those trustees. The land issue is serious. The nation
6 issue is serious. The legal issue, as you so eloquently
7 pointed out is, we do not concede. We do not wish to
8 concede, because the first thing United States will do is
9 say, when the question arises in the international community,
10 United States will say, this is a domestic issue. No,
11 they've agreed to fall under our American system and operate
12 as a domestic tribe. We don't agree with that. That is why
13 you heard so many people say, you need to leave. You really
14 do. But, thank you for providing this opportunity for this
15 expression to be made. Thank you.

16 MR. STENDER: I am not here to dictate the issue or
17 debate the issue. OHA's position has been very clear. I
18 think the most difficult thing I have been a trustee, and I
19 only, I am speaking only for myself, not the board. All the
20 decisions that I make while sitting on that board table, kind
21 of reflects my growing up, you know, my experiences in, in
22 trying to find a place for myself and other Hawaiian's, you
23 know, in Hawaii. I was breaking into the business world in
24 Hawaii at time when it was not popular to be a Hawaiian. I
25 ran for the office of Hawaiian Affairs because of my own

1 life's experiences. I wish I had the answer, if the answer
2 was clearer than it's been, it's been very difficult to make
3 some of these decisions.

4 The I look at the plight of the Hawaiian's, and we're
5 the most incarcerated, we're the most unemployed, we are the
6 most uneducated, I mean, the list goes on. I think American
7 Indian's understand that problem. We have such similar
8 histories. And we all know that it's a struggle for
9 Hawaiian's to survive in Hawaii. I mean, we heard, you know,
10 in Arizona there's a young woman who had to leave Hawaii
11 because she couldn't afford to live there anymore. And that
12 is the story with a lot of Hawaiian's that have, and you,
13 probably some of you moved from Hawaii for economic reasons.
14 And it's very hurtful to see many of my own family not come
15 back. They go away to college and they don't come back,
16 because they can't afford it.

17 So all of the judgements I make, and I am sure that
18 other members of the board try to make these same judgements
19 are influenced by our own life's experiences. So in
20 addressing this issue, I don't know if it's the right answer,
21 but I sincerely believe that we need to establish a means of
22 communication with the United States. You know, it is true
23 the lands were stolen and it was taken away. It was stolen.
24 The Kingdom was illegally overthrown. I mean, all the things
25 that people are lamenting about are, it's true. And it's,

1 been said a million times. How do we solve the problem? I
2 don't know. But, I think this is, for myself, opens the door
3 for communication so we can address all of these issues that
4 are facing us. We try to do them piecemeal. In the
5 meanwhile, you know, what do we do in trying to educate our
6 young children, you know, all of the moneys that we get from
7 the United States Government to help us in the education
8 process is very helpful, we need it. We spend money that,
9 that, in education instead of fighting the legal skirmishes
10 that are true. I mean, these battles need to be addressed,
11 they need to be solved, and unfortunately we don't have, OHA
12 does not have the means to do all of this. And I think the
13 communication process were the United States Government is so
14 important, that we need to be a part of it. We cannot turn
15 our backs and not pay attention to, you might say the
16 dominant structure of government that dictate what we do
17 every day.

18 So I don't know. I hope it is right answer, as I
19 believe it opens the door for discussion so we can address
20 these very issues that we suffered from. And if we don't
21 have this discussion, we will never solve the problem, we'll
22 continue to complain about it, but never solve it. The legal
23 process has gone both ways, and it is very disappointing. So
24 I only say that because, you know, I feel personally very
25 strong that we need to have a discussion to bring closure to

1 all these issues that we face.

2 We will be, from OHA, will be here after this meeting is
3 over, and be happy to explain to you what we have done,
4 things we have done, things we haven't done, things we need
5 to do, and try to communicate with you to help to solve those
6 larger issues of OHA. And I would like to get a copy of your
7 paper, if you don't mind. I think there are a lot of things
8 there that I didn't know about, new ideas, new thoughts, and
9 I think that could be helpful. And I thank you all for
10 giving us the time. I appreciate it this morning. Aloha.

11 MR. DELOVIO: Aloha, my name is Henry Delovio. I was
12 born and raised on Ponlaia. And I am proud of the fact that
13 I am Hawaiian. I want to share a little bit of stories that
14 was told to me by my tutuben(sic) and tutumiemi(sic). They
15 were very angry with people that was, had overthrown the
16 Queen. The reason for it is, nobody respected the Queen that
17 was white. They had come to Hawaii to grab the land that was
18 told. Now, they figure that people there was the land
19 grabber's came there, they knew about the money system which
20 they live with for years. And the land that the people of
21 Hawaii had didn't belong to them. It belonged to monarchy,
22 you, of all people, should know that. People would come in,
23 white men would come in with bottles of whisky and did like
24 the Indians, did the Hawaiian's like they did the Indians.
25 And they asked for land. And my great granduncle was one of

1 them that gave them the land. He thought he could. But the
2 land wasn't his. My grandfather told me, he says, when he
3 gave the land away, they was reminded that it wasn't his to
4 give away. So when he tried to get the land back, they
5 couldn't. And they thought they just grab a small portion of
6 the land, but I don't think there was a Hawaiian during that
7 time that was, that knew what a telescope was. And this
8 were, the white men were approving that the land that was
9 given to them extended far beyond what he said they could
10 have. So therefore, me, as a growing up, as a little boy, I
11 was told not to trust any white person. Because, and my
12 mother he said to me, one of these days you will understand
13 why we are telling you this. And first of all, besides this,
14 they had, her and her sister they had business on
15 alamahan(sic), I don't know if any of you knew that, right
16 across the, there used to be a marketplace there. They had a
17 fish store over there. I used to go in every morning. I
18 used to go to the fish market with her, then we take the fish
19 to the market and we open up the store, and we sell the fish
20 all day. Then we decided, well they decided to open up a lei
21 stand, and the lei stand was done in, right in front on Toco
22 Boulevard, in front of the Royal Hawaiian Hotel.

23 At that time Don's Landing, Beaches Point, Don
24 Beachcomber, was the business man, I understand he is no
25 longer there. And all of those folks in Hawaii, they gave,

1 the Royal Hawaiian Hotel permission to let my grandmother
2 have a lei stand on Kalakaua Avenue, and she was the only one
3 that had that down on Waikiki and Kalakaua Boulevard. They
4 took my grandmother and her sister, and because they donated
5 a lot of money to charity at that time, and I asked him, I
6 said, why are you doing this? After you told me what the
7 white person did, why are you doing this? He said, well, you
8 can't fight them, so let's join them. And that bugging me
9 all my life. As a person. And yet I married white person.
10 I met her in Hawaii. I had the hardest time when I moved up
11 here. I only got problems from the white people. I don't
12 get problems from the Chinese, Japanese, Filipino's, the
13 blacks, no problem with them. The people up here. In all my
14 travels, and I travelled just about half of the world, and I
15 have never in my life, and there is a lot of people here who
16 probably agree with me, that the people here in New England
17 is the rudest people I have ever met. I have been to Europe,
18 a lot of countries in Europe, the continental United States,
19 I never met people as bad as here. And instead of me joining
20 the fight, I fought against them. And it got me nowhere. So
21 should it join them? No, I am not going to join them.

22 As far as my story goes back to the telescope, my
23 grandfather, he says, he was so pissed, excuse my
24 terminology, he was so pissed at the white man, he wanted to
25 kill them. He says, I'll get them one by one. So my uncle

1 said, no you won't. Then you would be in prison, and you
2 would be like the rest of the Hawaiian's, the drunk
3 Hawaiian's, all they do. But see you got to remember now,
4 what they were told, as I was told, the feelings that they
5 had, that I had when growing up, and again is that we, and I
6 just want you people to know, that when I experienced in my
7 life, I hope nobody else goes through. It's been hard. But
8 I just smile at people. I do. They call me smiley up here,
9 because I am always smiling. But they don't know why I'm
10 smiling. Behind this smile, well, it is no longer there, but
11 it is a lot of hatred. And we got to remember that most of
12 the people that, that grew up in my age, this young man here
13 might be older than me, I don't know.

14 And as far as the five questions that you, I disagree
15 with all of them. No. No. No. And none. And as for that,
16 this teacher over here, boy, I tell you, you have been
17 studying on this, huh? I thought I knew a lot, but you know
18 more than I do. I have been doing a lot of checking on my
19 own to see what going on, what is true, what is false and I
20 agree with you wholeheartedly, right to the point. So if you
21 need help, I'll be the one to help you. And my friend over
22 here, I'll help you also. There's another one here, Mr. And
23 Mrs. Ku'zhi. Al, when I met Al, he had Hawaiian club up
24 here in Boston. And he got so busy he couldn't take over, so
25 I took over. So it went from the Boston Hawaiian Club, to

1 Hui O'NuiNui, which I started. And we had a great time until
2 I couldn't it anymore because my medical condition, and I
3 stepped down. But it was the best time of my life. And
4 again, I thank you. Mahalo.

5 But I just want to let you know that I disagree with all
6 five questions that that you have. And I personally would
7 like to see the monarchy come back. I might be wrong, but
8 prove me wrong. You may disagree with me, but that is my
9 feelings. Thank you for your time.

10 MR. WONG: My name is Alfred Ku'ahi Wong. I was born
11 and raised in Honolulu, and my family is from Ke One Hanau,
12 from the Big Island. First I just like to say for the five
13 questions, no, no, none, no, none. I will submit further
14 comment before the deadline regarding the 19 questions. It
15 was very, very difficult for me, and I have been trying to
16 understand all of this for a good many years, the subject
17 that we are talking about. It is complicated, very
18 complicated. And as a result of Kanaka Maoli's finding out
19 more of the truth of our history and at 16 hearings that took
20 place in Hawaii, it was overwhelming against the Department
21 of Interior's interference with Native Hawaiian's. We can
22 handle it. No problem. We can handle our affairs ourselves.

23 It was, it has been mentioned that there were some that
24 were, who did not show sufficient aloha at these hearings.
25 That is really not what aloha is about. We love and share

1 this with all people of everywhere. But when you have been
2 oppressed for 121 years, what the United States did, was
3 wrong. And if it means that people are upset and express
4 their outrage and frustration at what DOI, to the White
5 House, it is attempting to do circumventing what Senator
6 Parker failed to do, what the legislator in Hawaii comes out
7 with this scheme, this scheme to get what they feel is best
8 for us. Manifest destiny, the United States was doing all
9 these terrible things, taking all these countries because we
10 know what is best for everyone. Wrong.

11 The lawful Kingdom of Hawaii was one that had agreements
12 with the major nations of the time. Our Queen, the
13 government of Hawaii, the Monarch, was recognized and honored
14 by the Queen Victoria at her jubilee celebration. They were
15 honored that Prince Albert Hall, with where they sat, because
16 they came such a far distance. So what, and certainly mean
17 no disrespect to the messengers. I know that you are just
18 doing what you have to do, and certainly no respect to
19 individuals who carry that message from OHA, which I will
20 comment further. The difficult in understanding all about
21 this is because there was nothing in history about who we
22 were taught in the schools. Our language was forbidden, we
23 were put down, and what Trustee Os Stender has said about the
24 stats of the highest rate of incarceration and health and so
25 on and so on. Why shouldn't we get upset? I am angry.

1 Hawaii is still exists as kingdom. One of the things in
2 learning about this issue, was my participating in the
3 Indigenous Nation of United Nations. They have been doing
4 this for a while, and that kind of got off track, you know,
5 it almost seems like it was a show, but we trudge on in the
6 international arena, to get support. To get support for us,
7 our nation. It was only, I think, about a week ago, a
8 lawsuit filled by a gentleman on the Big Island. And that
9 lawsuit was dropped. The state dropped the charges which was
10 relative to land issues, but not paying it because of the
11 land title issue.

12 Sweden, I believe, is the country that is helping us.
13 We have representation at the Human Rights Commission in
14 Geneva and one of our supporters goes there regularly to seek
15 their help, and has been successful in that. One of the
16 outcomes that happened this past March, in working with those
17 who are also seeking their own independence. Hawaii we is
18 not the only one. There are others. We were successful, and
19 when I say we, those of us that participated in making
20 happening an entity called the Decolonization Alliance that
21 was formally launched in Washington. The Alliance is
22 comprised of Hawaii representatives and other nations, like
23 West Papua, and other countries, to work together to seek
24 help through the United Nations Church Center, right across
25 the United Nations. So the church center has endorsed and

1 wanted to do more. The issues of Easter Island is also
2 another participant. And so we work hard. I am not the only
3 one. The Hawaii foundation I am a member of, the director,
4 is not the only one. Many people are doing the same. At
5 some point Hawaiian's will get together, and we'll work it
6 out. We do not need the DOI involvement in this.

7 I question why. I believe I know the answer, which I
8 will not state. Why are six nations, tribal nations, been
9 asked for input. Why? It's our business. It's not their
10 business. It is ours. We can manage our own. We did this
11 until the United States in 1993 took away the sovereignty,
12 putting our Queen Lydia Liliuokalani, in prison in her own
13 palace. And to avoid bloodshed, and there was, she
14 acquiesced to seek redress at the nation's capital. What
15 happened? Well, anyway, rather than go through the history
16 thing, at least on this one, when Britain took sovereignty
17 away, it was returned. And on that day, Thomas Square, named
18 after the designee from Britain, restored our sovereignty,
19 and thus is why Thomas Square is named after this person.
20 Our Queen, I believe, felt that the United States would do
21 the right thing, like Britain did, and return our
22 sovereignty. An agreement was made by the Queen in which she
23 agreed and signed, amnesty for those 13 people whose agenda
24 was money. The sentence of the missionary, all big names
25 right now.

1 The Office of Hawaiian Affairs, I am angry too at. I am
2 very angry. I am not the only one. I am angry for their
3 failure to use the precious money for the betterment of
4 Hawaiian, what they promised, and did not deliver, when they
5 said that they would stay neutral. They did not. The money,
6 you know, they have done so many terrible, terrible things.
7 The settlement with the (speaking in Hawaiian) issue. The
8 money that they wasted spending, and it goes on and on and
9 on. It was (speaking in Hawaiian), it was correct for CEO
10 Kamanaka Puno Pratt, to write that letter, because those are
11 valid questions. The Hawaiian Kingdom still exists.

12 I started learning more about our history in, I think it
13 was 1997, when I got a call out of the blue from a gentleman
14 from Anahoma(sic), the Island of Koi. His name was Butch
15 Kekahu. Butch had a dream. His dream was, on the 100th
16 anniversary of the illegal annexation that is August 8th in
17 1998, 100th anniversary of the illegal. Where was the Office
18 of Hawaiian Affairs in recognizing this wrong. Where was the
19 other folks, organizations, in recognizing this in the
20 Nation's capital? Nowhere. So the son of a man from
21 Anahola, from yard sales, whatever they could do to raise
22 some money, said all kinds of things, they managed to do that
23 and get themselves to DC. And when Butch called me, I said,
24 of course I'll help, as indeed other folks in DC. And so on
25 August 8th, 1998, we were welcomed by the Piscataway Nation

1 by Chief Billy Red Wing Tayac. Welcomed. We got their
2 support. And as today, we also thank them for allowing us to
3 be on their land. It was then that I started to know more
4 than what I didn't know. Things have changed, of course,
5 with this renaissance, and now the natives know a lot more
6 than they ever did. And they too, like myself, are angry.
7 And do I know that, because the 16 hearings broadcast,
8 they're upset, rightfully so. They are upset with the Office
9 of Hawaiian Affairs. Not doing the, you know, doing what
10 they should be doing, taking care of Hawaiian's, instead of
11 wasting all this money. They said they are not going to be
12 neutral, and yet look, this gentleman in this chair. So I
13 learned more.

14 July 4, 2000, as to provide information, I helped
15 organize an event that took place on the tea party, the
16 Boston Tea Party Ship in Boston's harbor. On that day, we
17 went to, on that ship, and we cast tea leaves. And that was
18 just to bring publicity about the intent to go back and do
19 another more in 2000.

20 I learned more in 2012, there was a national meeting of
21 Association of Hawaiian Civic Clubs. I am a member of the
22 (Speaking in Hawaiian) Civic Club. And this club, on their
23 own, put about 2200 signs, signs of Kapuna's who signed the
24 annexation protest. The Hui Aloha Aina Annexation Petition,
25 1897 to 1898. There is no difference for those of us who

1 have provided testimony against this proposed advanced rule.
2 This is, as my friend Miles has said to me before, this is
3 our generations Ku'e Petition, and I am here to say no.

4 You know, it wasn't easy for me to prepare my remarks.
5 There is so much things in my minds, there's a lot of things
6 about what that say. So up until I stepped up, I was still
7 trying to, you know, figure things out and what to say and so
8 on. I have one little bit that I should have mentioned
9 earlier, but as far as the efforts at the United Nation
10 level, French Polynesia was put in the decolonization list.
11 And so, though it takes effort, it takes time, it takes hard
12 work, it takes coordinating with folk who believe and
13 understand what the truth is, to go to this path without
14 interference by the DOI through the White House, and by those
15 who have been asked their opinion, unless their opinion is
16 that by adding, what I believe is about 27,000 Hawaiian's
17 that reportedly claimed on this list, would lessen to federal
18 volume for the nations. And even now OHA refuses to add or
19 to remove names from this list, wasting money. Our people
20 need help and they are wasting money that is not being a good
21 caretaker, and we'll see what happens at election time as far
22 as those who continue their path, ignoring those who have
23 said, no, we can handle ourselves. I am not sure, I hope
24 that this is the first statement, and I look forward to the
25 next one to be, as I have already mentioned, an opportunity

1 to kind of put it all together with, as I recall, three
2 minutes 15 seconds worth.

3 But let me say, in closing, we are, we are Kanaka
4 Maoli's. We are who we were. We will get back what was
5 stolen from us. Mahalo nui loa for your attention and this
6 opportunity.

7 MS. ROBBINS: We all know what this is, right? It's
8 clear, there are more than seven of us that voted a'ole to
9 the DOI jurisdiction over us. Our flag waves proudly still
10 to this day. I am a descendent of those who had signed the
11 Ku'e Petition. And I was exactly going to say aio(sic) to
12 you, because this is our generation's Ku'e. Let's never
13 forget our kapuna, right? (Speaking in Hawaiian). Mahalo
14 everybody.

15 MR. DEFRANCO: I was there to see the putting down the
16 names of the ku'e. I knew a few of the names that I was
17 going to see there, but I had no idea how many family members
18 that I would see there. I saw names of my kapuna in their
19 50's and 60's. I saw a seven-year-old girl with her name
20 down there. And this wasn't a safe time in Hawaii. People
21 were disappearing if they put their names down on this list,
22 but the stay stood there and stood proud and they supported
23 who they are as a people. I do not support these movements
24 because of my love for my people. I am here. I think a lot
25 of us feel this way. I think we will stand on the shores

1 until the end of time. We will always be Kanaka Maoli. We
2 will always be Hawaiian. We will always respect those around
3 us, but what we are hoping for is respect back, respect of
4 the process. Nation building process is neverending, every
5 day we are working on this. Family members of mine
6 disappeared during this time of the transitional government,
7 and I stand here for them today.

8 I am not afraid anymore. Some of us might be feeling
9 like this is a good deal to have, but I'm, I'm, almost every
10 person is a no. And I can tell you this is not the deal we
11 are looking for. And we are going to continue to work
12 together, we are going to continue to solicit international
13 help, we are going to continue to have smiling faces and face
14 all those opposing aloha, but we do not support this. And I
15 have watched all the videos, all the testimony and I think it
16 is pretty clear what the Hawaiian people want. And if
17 there's a decision that is against that, it is just not fair,
18 that is just not true. And just like all those names there,
19 there is 10 times that much out there. And I just really
20 hope you respect the process. Because as a 26-year-old
21 American Citizen, I look to the government of this country to
22 uphold value for the world. The world around us is
23 crumbling. A lot of people like to look at the United States
24 as one of the only nations in the world holding the light,
25 the truth. And if you get to a point when we can't even

1 trust this government, I don't know what the children, my
2 children, are going to believe.

3 It is very interesting, while I do come from a very long
4 genealogy of Hawaiians, there is one member that is a
5 revolutionary war family. My great grandma, while she was
6 always 100 percent Hawaiian, she was also a member of the
7 Daughter's of the American Revolution. Someone in her family
8 married in Connecticut. And then I had a family member that
9 left Hawaii, sailed back through Connecticut fought in the
10 civil war in the colored union for the Union, and came back
11 home to Hawaii because he understood what, he understood what
12 it meant to defend and uphold values of a different country.
13 So I stand here as one of the founders of United States of
14 America, helping found this country, and also as a Kanaka
15 Maoli, a proud member of the Hawaiian, blood Hawaiian family,
16 asking please, begging you, not just to listen to my
17 testimony, but re-watch all those videos, whether or not they
18 follow procedure, we do not agree as a people. And we hope
19 you continue to respect this process. Mahalo.

20 MR. BEETSO: Well, looking at the time, it looks like we
21 have about 20 more minutes for this first session. So if
22 there is anybody who hasn't made a statement that would like
23 to make a statement, I would urge you to come up to the front
24 and make a statement. If not, we will go to the second
25 statements as well.

1 But I just want to clarify that, on behalf of the
2 tribes, the tribes weren't providing input in this process.
3 It's the Department of the Interior, the Federal Government
4 as a whole, as an Executive Order 13175 that we have to abide
5 by, any time there is policy that is being considered that
6 may potentially affect American Indian Tribes. So this
7 outreach to Indian tribes to the five days that we've had,
8 this being the fifth and final that we scheduled, which just
9 to uphold that duty under 13175 Indian Tribe governments.

10 Now, that being said, there hasn't been a lot of input
11 from about tribes in this process, and what I suspect, is
12 that they probably feel, as you do, that it is not their
13 fight. As a matter of fact, there was only one tribal leader
14 that did speak and stated that himself, and he said this is
15 not our fight. And this is your fight. So just on behalf of
16 the tribe's their initiative to have input in this process is
17 the Department of Interior reaching out to the tribes
18 because --

19 MR. WONG: Well, I wasn't expecting a response, nor did
20 I ask for one. But since you do, and as someone who has been
21 involved in this subject for a long time, once a week we have
22 conference calls amongst ourselves to discuss things and
23 what, if anything we should do, to the free Hawaii e-mail on
24 the internet and all the other things that we do, our
25 sources, reliable sources, and everything that we said in

1 this regard, that has been driven by. To this about, and
2 sure, fine, and dandy.

3 First of all, I am talking about the Federal Government,
4 our tenure, as it may, I have experience in federal registry,
5 I was a contact at the EPA, so I understand government, and
6 how this works. I don't necessarily believe, because the
7 government, any government, can do what they want, even
8 though DOI has said that they could, you know, with respect
9 consensus, I don't, I don't believe that. But what we have
10 found out, which I, okay, is that there was another reason --
11 why is it that those that were selected at casinos? Okay,
12 casino. What you say is so, but our reliable sources say
13 something else. And this is a scheme that has been
14 perpetuated by the Office of Hawaiian Affairs. The damage,
15 the CMHA, and others who want this, because the, if this
16 thing goes through, then this recognized tribe, we are not
17 Indian, we are not Native American. We are Hawaiian. You
18 can put a feather in my hair, and I am not going to be a
19 Native American. We are not indigenous to the continent.
20 All right. We are Polynesian. We are Hawaiian's. Why
21 should we want to report to DOI, to do what, to the Bureau of
22 Hawaiian Affairs, no. We still exist. If we should be
23 talking to anyone one, we should be talking to Senator Kerry,
24 who should have answered the letter. But there is another
25 reason, which I won't mention. Okay. So what you say is

1 true. What I believe is something else. But I appreciate
2 your comment on, on, you know, why.

3 MR. HARRIS: With respect to the selection of, where,
4 you know, these consultations with Federal Indian Tribes were
5 to take place, our office, the Secretary of Indian Affairs
6 selected those places without any involvement from anyone
7 else in the Federal Government. Many tribes do have casinos,
8 many do not. For federally recognized tribes in the United
9 States, casinos have been an economic development that has
10 brought us, you know, I mean, this is my tribal homeland,
11 and, I mean, gaming completely aside, that had nothing to do
12 with any of the selection of where these places, where these
13 consultations took place. Aside from the fact that gaming
14 has been successful, and it has helped us, you know, educate
15 our children and take care of our elderly, and it is an
16 economic engine. And that's it.

17 MR. WONG: And that's all fine and dandy. But as Native
18 Hawaiian's, we can take our business. We don't need to be
19 put under DOI and go report to a --

20 MR. HARRIS: Absolutely. Sir, I am only addressing your
21 comment about the selection of, you know, where these
22 consultations took place. And I want to clarify for the
23 record, that there has been no outside involvement, and the
24 happenstance that there is gaming and some of these --

25 MR. WONG: Oh, happenstance.

1 MR. BEETSO: I just would not that there was a change in
2 venue for this particular meeting because we did hear that
3 before and we didn't want that to be any type of issue, so we
4 changed it from the casino to this government building.

5 MR. WONG: And DOI has failed, I mean, how, when people
6 had no idea where this place was. Sitting out somewhere
7 wondering what, if I didn't make contact yesterday and try to
8 meet, I wouldn't have known, I would have been, I would have
9 been waiting.

10 MR. BEETSO: Sir, with all due respect, this morning's
11 meeting was initially for Tribal Government, okay? Tribal
12 Government didn't show up, we opened it up to make an open
13 forum, okay. So we are trying to do our best to accommodate
14 everybody.

15 MR. WONG: Well, when people don't know -- we were, we
16 were invited to be here. Which is why we are here. Why
17 should we not know where the venue is and make changes at the
18 last minute. So, you know, I do believe it was terrible.
19 Terrible. People have suffered because they didn't know.
20 They did not know. So don't play high holy water with me
21 about, oh, you did your best. You did not, and that is
22 obvious. I should not have found out where the venue was
23 and, if I didn't call ahead. There is no way to get out of
24 that.

25 MS. ROBBINS: Yes, there was no full disclosure. And

1 also, I think this proves that with the DOI having agency
2 over us, it spells disaster. So a'ole DOI.

3 MR. BEETSO: Well, we appreciate all the comments. Is
4 there anybody who, I think we will move to closing comments
5 now. If anybody would like to make closing comments.

6 MR. WONG: Excuse me, I hope we will be able to do we
7 what talked about earlier this morning.

8 MR. HARRIS: I think that is what we are moving to.

9 MS. KAUANUI: I want to thank the Mohegan Tribal Nation
10 for hosting this meeting and being willing to open the doors
11 for us to come here. I planned to do that in my initial
12 comments and neglected to because I was so heated up at some
13 of the stuff that was said, so (speaking Hawaiian), I do
14 appreciate it. I have had some incredible contact with
15 esteemed leaders here, from the Supreme Court, has been
16 interviewed on my radio show. I have interviewed Chief Lynn
17 Malerba on the radio show. And to me the Mohegan survival is
18 incredibly inspiring. The resilience of survival in the
19 colonial period, from the 17th century on, so I want to
20 acknowledge that, because one of the things that has bothered
21 me throughout the, to the Akaka Bill amongst native
22 Hawaiians, and I noticed some of this in the videos that I
23 have seen from the Hawaii hearings, is, you know, this sort
24 of lack of knowledge around the history in terms of tribal
25 survival, and also US domination. And so I just want to be

1 really explicit in saying that that's where I am coming from
2 about saying I am not an Indian or I don't want the feathers
3 in my hair, because I don't want to naturalize US power
4 domination over the Tribal nations. Because Indian itself, I
5 understand, is a category that is contested within Turtle
6 Island, and so I don't want to naturalize that. We don't
7 need to do that to host this process.

8 One of the things though that I do understand that this
9 process, and creating this threshold and the door actually
10 could affect tribal nations, and that is precisely because it
11 is a federal process, and it's contained within a particular
12 framework. So I think that it gets to this issue of why, it
13 is precisely because of it's the federal framework that it
14 could potentially be a threat to other tribes. That is part
15 of this ongoing problem. That, to me, is a symptom, and is
16 indicative of what's wrong with this. The thing that I want
17 to just speak to, very quickly, four points. The issue
18 around lands loss and lamenting the lands, I see it as, is
19 way more than grief or lamenting lands. It is really about
20 trying to, not obliterate, annihilate or extinguish an
21 outstanding claim to those lands. So it is not about
22 lamenting, it is actually about protecting the claim. Again,
23 we don't forfeit, we don't surrender. We don't give it up
24 just because it doesn't look like this minute we are going to
25 be able to get them back. That is right now, in this

1 particular historical moment. We know that the 50th state of
2 the subsidiary of the US Government had made many attempts
3 over the years to try and sell those lands, and the Office of
4 Hawaiian Affairs has played a role in that. State of Hawaii,
5 et al versus, excuse me, State of Hawaii versus Office of
6 Hawaiian Affairs, Et Al, is a perfect example of that
7 Jonathan Kamaka Osorio was the original plaintiff in that
8 case. He was eventually joined by the Office of Hawaiian
9 Affairs and three other Kanaka Maoli individuals to try and
10 stop the executive branch of the state from selling those
11 lands. The 1.6 million acres of land, out of the 1.8
12 million, right? Because we know out of the 1.8; 400,000 are
13 claimed by the Federal Government for military purposes;
14 200,000 are claimed for Hawaiian home lands territory and the
15 remaining 1.2 million are what the executive branch wanted to
16 sell. And Office of Hawaiian Affairs backed that lawsuit.
17 But as soon as the rubber hit the road, they sold out that
18 case. Right. Office of Hawaiian Affairs and the three other
19 Plaintiff's brokered a deal with the executive branch of the
20 government and then we get an act passed through the state
21 legislature. They even went so far to challenge Jonathan
22 Osorio's standing to be the last standing plaintiff in the
23 case by saying he was 50 percent responsible. Now, that is
24 getting ugly. That is going for the jugular. And of course
25 that case was thrown out even though he was steadfast. He

1 was steadfast in his aloha aina, because they said the case
2 use no longer right for adjudication because of the
3 legislative mechanism that was put into place. This is more
4 evidence that we do not need a state driven process that is
5 not the independent state driven process. That is the US
6 subsidiary 50th state has been reminding the Akaka Bill, has
7 been pushing so hard for government recognition all these
8 years. That's because they have something to gain, and that
9 is what sets our case apart in a very particular way. And I
10 want to acknowledge those precisely because I am on Mohegan
11 Territory. I know that the federal recognition cases of the
12 Mohegan Tribal Nation and the Mashantucket Pequot Tribal
13 Nation are very distinct when it comes to Indian country in
14 terms of recognition and in terms of the role that the
15 Connecticut State government played in that particular
16 period. That is, in many ways, exceptional to the way that
17 state governments in the 48 states played in federal
18 recognition. State governments, whether it's Power Dean in
19 Vermont or Richard Blumenthal here in Connecticut, they don't
20 want federally recognized native governing entities in their
21 midst. Those are competing jurisdictions. So when you have
22 democrats and republicans, democrats and republican governor
23 saying Hawaii is the 50th state, US subsidiary pushing for
24 federal recognition, you know that is a big red flag. You
25 know something is wrong with day one, and that is because

1 they have something to gain from it, and it has to do with
2 those lands. Those lands are everything because they have
3 still not fallen into private hands, right? And that's the
4 thing we have seen with Governor Abercrombie with the Public
5 Land Development Corporation, trying to do the next step to,
6 you know, alienate (speaking Hawaiian) unbridled corporate
7 development over it. You know, and the people at the
8 hearings were, you know, demanding that that be repealed and
9 it was. But, you know, we have to keep looking around the
10 corner for what's the next hatchet that is a coming at us for
11 these lands. We know from the Akaka Bill's last draft that
12 the state representatives from the Office of the Hawaiian
13 Affairs and the congressional delegates have said repeatedly
14 that they understand, that they consent to this. They
15 acquiesce in their own capacity as state agents and state
16 offices, that there would be the 50th state US subsidiary,
17 would have criminal and civic jurisdiction over any Hawaiian
18 governing entity. We saw that in the federal legislative,
19 the model, that might not be the case that goes through this
20 process, that remains to be seen depending on, you know, not
21 just whether there is a door, but what that actual door looks
22 like, when you talk about the distinct history. And parts of
23 that is because, out of that 1.8 million acres, those lands
24 are not contiguous territory. Those lands are all over
25 different parts of the major islands, and that means they

1 can't group them together so that is not fair. When we drove
2 onto this land, it is very clear where the boundaries are of
3 this reservation. But now we have to be clear, because we
4 know right now that Mohegan Tribal Officers, you know, they
5 can pull me over for speeding, right? But when I leave, that
6 is because they have limited jurisdiction over me as a
7 non-Indian. So the issue with lands in the model itself is
8 problematic, because there is no contiguous territories,
9 except these peppered plots of land all over. I mean, the
10 most you can imagine is the Hawaiian Homeland Territory, and
11 even they are all over. This creates a nightmare for
12 jurisdiction. And we know from the Venetide case in the
13 Alaskan Native Village, the Supreme Court ruling, that when
14 tribes own their own land outright, they are not allowed to
15 assert even limited jurisdiction over them. So to me this
16 exposes what this is, and I think that is also dangerous in
17 its potential to negatively affect tribal nations that are
18 coming down the pike towards federal recognition, because
19 this is more like that main claim settlement act. This is
20 very much more like the Alaskan Native claim tribal act,
21 which we all know is so different than the federally
22 recognized tribes we have in the lower 48 states. Know you,
23 we talk about the 566 native governing entities, but Alaskan
24 Natives don't have the same kind of recognition for those
25 entities, because they are corporations, and because in most

1 cases they own their own lands as corporate entities.

2 The other thing, and I totally hear what you are talking
3 about Trustee Os Stender, and the suffering of our people,
4 and to me those are all symptoms of settler colonial
5 domination brought by the US Government. This process is not
6 going to heal that suffering. Decolonization is what will
7 heal that suffering, not more implications within some
8 illegal US framework, right? You didn't take more of a
9 problem, as the solution. You try and get out of the problem
10 all together. And that's what makes it, people say radical
11 as though it is a negative. I claim that. Radical means to
12 get at the root of something, that is what it means.
13 Radical, goes to mathematics. To claim that, if we truly are
14 interested in healing the suffering, the colonial domination
15 has brought our people, and that is about land is possession.
16 And so anything that threatens our unextinguished claim to
17 our collective title to those lands, as a nation, we must say
18 a'ole. If we are committed to protecting the claim. No
19 surrender, no forfeiture.

20 The other thing is that, I heard on Native American
21 recently, the Office of Hawaiian Affairs Trustee, Rowena
22 Akana, still evoking the lawsuits, talk about desperation and
23 scare tactics. That is how they ran the Akaka Bill for a
24 decade, was scaring people, like my family, on Hawaiian
25 Homeland in Anahola. They are scare tactics. The lawsuits

1 have been unsuccessful. The only one that even had any
2 success was Rice V Cayetano, and that was nearly a very
3 narrow ruling that just said states can't conduct registrants
4 from voting. And, you know, people took that and ran with it
5 by saying, you know, you need 14th amendment protection. We
6 know there is a lot of anti-Hawaiian racism that has been
7 trying to challenge federal funds. I am against those
8 lawsuits, but we don't give up our claim. Federal funding
9 comes and goes. We know that, you know. And once you get
10 federal recognition, there is no funding any way. It is, now
11 go do it yourself. Right. So that is part of the issue too,
12 is we can't be looking at the scare tactics. It is a state
13 driven process. State driven meaning US state driven
14 process, US subsidiary 50th state is trying to drive this.
15 That is a reason enough for us to be suspicious and back
16 away.

17 So I want to just mention that people really should
18 look, even if this process and procedure looks different than
19 the legislative mode, in terms of looking at past drafts of
20 the Akaka Bill legislation, also known as the Native Hawaiian
21 Government Reorganization Act. What we need to pay attention
22 to is, where all the state actors were on that legislation
23 when they were willing to give the green light, go, to the
24 50th state civil and criminal jurisdiction over us. They
25 have already made themselves clear. They have already shown

1 exactly what they are willing to give us through that decade.
2 Why should we think that them trying to push and create a
3 door to push through that threshold is going to be any
4 different, right. They are trying to drive this. They are
5 trying to drive us into the ground. We can't go back to
6 federal domination and militarization and the genocidal
7 logics, right, of blood quantum, and sort of defining our
8 people out of the existence that the US has set up at as the
9 solution. That is totally a contradiction in terms. A'ole.
10 Mahalo.

11 MR. BEETSO: You have a couple minutes.

12 MR. STENDER: I definitely have to say this. But, you
13 know, I, at the other meetings and the meetings in Hawaii.
14 There is so much being said that is put out there as fact,
15 and it is not fact. And, a couple of things here. That is
16 why I would like to get your paper. Because there are things
17 that you are saying that not true, it is absolutely not true.
18 So some of the things that you said are absolutely not true.
19 So that is that's our problem, in dealing with issues that
20 are not fact. And nobody is asking us what fact is. I don't
21 know where you hear it from, but you tell it like it is fact.
22 But nobody asked us. This are a lot of things that you said,
23 we could spend days going point by point in trying to respond
24 to some issues, or the things that you are saying. But many
25 things that you are saying are not fact. And we need to

1 correct it. And I would like Breann to comment on a couple
2 of things. We can't do it all.

3 MR. LANDON: I think we could start by talking about the
4 advocacy on the State of Hawaii issue, because that was a
5 large misstatement, and false statement. That was --

6 MR. LANDON: I was in the Supreme Court --

7 MR. BEETSO: You know, you know. Excuse me. This is,
8 this is the federal portion of the meeting. Can we move --

9 MR. LANDON: I mean the laws of the lands and the
10 government, that is what, just so everybody knows, we don't
11 have title to those.

12 MR. BEETSO: OHA has volunteered to stay past, they have
13 this room until 3. So after this meeting concludes OHA is
14 going to stay past and talk to anybody that wants to talk to
15 them. So let's save questions for OHA for later. We really
16 called this meeting to hear from you guys on this ruling. We
17 have heard a lot of things today, there has been a lot of
18 emotional testimony, and we appreciate it all. And I think,
19 you know, speaking for myself, all the meetings in Hawaii,
20 and this meeting, one of the last ones in the mainland
21 portion of the process, if it doesn't do anything else, it
22 has been awesome just to provide a venue for folks to voice
23 their opinions and their concerns in general, even though
24 outside the scope of the AMPRM and International Law, it has
25 been good for us to hear it. And so, you know, as far that

1 process is concerned, it is about to conclude, and I just
2 want to thank you guys again for coming out here. Thank the
3 Mohegan Tribe for hosting this. And just appreciate it, that
4 it's a work day, and it's kind of tough to maneuver. I heard
5 folks came from Baltimore, Maryland, and Virginia from all
6 over, and Boston. We appreciate it, so --

7 MR. WONG: Before conclusion, closing, I asked, and was
8 given permission otherwise we would have done it earlier, for
9 three minutes and fifteen seconds, which is what I am asking,
10 as was promised to me. And I am not going to talk, we want
11 to sing.

12 MR. BEETSO: All right.

13 MR. WONG: If any of our sisters know want to dance,
14 (speaking in Hawaiian), please do so.

15 Ellen Pendergast in January 1893 was approached by
16 members of the Royal Hawaiian Band and who begged her to
17 write a melody expressing hers and others, everyone's sadness
18 about the, about what had happened. But just the name of
19 this melody, which is relevant to this issue, was Kaulana Na
20 Pua, Famous are the flowers.

21 (Singing in Hawaiian)

22 Famous are the children of Hawaii. Ever loyal to the
23 lands. When the evil hearted messenger comes. With his
24 greedy document of extortion. Hawaii land of Keawe
25 answers. The bays of Pi'ilani help. Kaua'i of Mano

1 lends support. And so do the sands of Kakuhihewa. No
2 one will fix a signature to the paper of the enemy.
3 With its sin of annexation. And sale of native civil
4 rights. We do not value the government sums of money.
5 We are satisfied with the stones, astonishing fruit of
6 the land. We beg Lili'uokalani. Who has won the rights
7 of the land and tell this story. Of the people who love
8 their land.

9 Famous are the children of Hawaii, ever loyal to the
10 land. When the evil messenger comes, with his greedy
11 document of extortion. Mahalo.

12 MR. BEETSO: Okay. That conclude this session. I
13 believe OHA is going to stick around for those of you who
14 like to speak further with them.

15

16 (Whereupon the proceeding ended at 12:08 p.m.)

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STATE OF CONNECTICUT

I, THERESA BERGSTRAND, a Licensed Professional Reporter/Commissioner within and for the State of Connecticut, do hereby certify that I took foregoing testimony of public comment, on August 7, 2014 at The Mohegan Tribal Government and Community Center, 13 Crow Hill Road, Uncasville, CT 06382.

I further certify that the within testimony was taken by me stenographically and reduced to typewritten form under my direction by means of computer assisted transcription; and I further certify that said proceeding is a true record of the testimony given by said witnesses.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.

WITNESS my hand and seal the 2nd day of September, 2014.

Theresa Bergstrand, LSR.
My commission expires 3/31/2016

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