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DEPARTMENT OF THE INTERIOR
TRIBAL CONSULTATION
MYSTIC LAKE CASINO
PRIOR LAKE, MINNESOTA
TUESDAY, JULY 29, 2014

Reported By: Lori Morrow, RMR, RPR, CRR, CLR, CCP

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PANEL MEMBERS IN ATTENDANCE FROM THE
UNITED STATES DEPARTMENT OF THE INTERIOR:

Derrick Beetso, Counselor to the Assistant Secretary -
Indian Affairs
Jennifer Romero, Senior Advisor for Native Hawaiian Affairs,
Office of the Secretary
Venus McGhee Prince, Deputy Solicitor for Indian Affairs
Craig Dorsett, Advisor to Assistant Secretary Rhea Suh

1 MR. DERRICK BEETSO: Good morning, everyone. I
2 think we'll go ahead and get started in a few minutes. I
3 just have a couple comments at the outset. This meeting
4 was initially scheduled to be a tribal consultation, so a
5 conversation on a government-to-government basis between
6 the Federal Government and any tribal governments and
7 their representatives. However, there don't seem to be
8 any tribal leaders in the room, and so we can't call it a
9 tribal consultation. So this morning's meeting will not
10 be tribal consultation, and we'll be taking comments from
11 everybody who wishes to give a comment.

12 So I had initially set up a little roadmap of
13 where we're going to go this morning. So we're going to
14 start out with a welcome and opening prayer from
15 Mr. Leonard Wabasha. He's from the Shakopee Cultural
16 Resource Department. And I probably butchered his name.

17 MR. LEONARD WABASHA: Good morning. Welcome to
18 the Shakopee Mdewakanton Sioux Community. We really hope
19 that you enjoy the accommodations that we have to offer
20 here. If you're not familiar, we have a fitness center
21 right over here if you get time. You know, stop by there
22 and check it out. There's a nice steam room that I enjoy
23 myself.

24 One of the other enterprises that we have aside
25 from the gaming is our natural foods. Many of the foods

1 that we offer there are grown here on the reservation.
2 They're 100 percent organic. I've spent a lot of time
3 over there myself helping them out a little bit.

4 But again, welcome. And if you gamble, please
5 do so responsibly.

6 So now I would like to ask you to please rise
7 for the prayer.

8 (Mr. Wabasha recites a prayer in his Native
9 language.)

10 Grandfather, thank you for this beautiful day.
11 Today I ask you for your blessings for the people, for
12 health, for life, and for help that we may all get along
13 together. Love one another.

14 MR. DERRICK BEETSO: Thank you, Leonard. Any
15 time we do something in any country, we always have to
16 start off properly with a prayer. So we appreciate your
17 prayers this morning, Leonard. And I hope to have a good
18 conversation.

19 The way the room is set up in here is a little
20 awkward. I understand this meeting and the next meeting
21 there's a "U" shape, but all the other meetings will be
22 classroom seating. So please feel free to come up and
23 sit around the table so we can have a better discussion.
24 If you would like to do so, we will have a couple minutes
25 for you to relocate. And maybe during that time, we can

1 introduce ourselves.

2 My name is Derrick Beetso. I'm from Navajo
3 Nation. I am Counselor to Assistant Secretary Kevin
4 Washburn. Assistant Secretary Washburn sends his regrets
5 that he was unable to attend this morning, but he's
6 definitely here through me. I'm here representing his
7 office.

8 So we'll then let the other federal officials
9 in the room introduce themselves so you guys can know who
10 the other federal officials are today.

11 MS. JENNIFER ROMERO: Good morning. I'm
12 Jennifer Romero. I am a senior advisor in the Office of
13 the Secretary of Department of the Interior.

14 MS. VENUS MCGHEE PRINCE: Good morning. My
15 name is Venus McGhee Prince. I am from Southern Alabama,
16 and I'm serving as the Deputy Solicitor for Indian
17 Affairs at the Department of the Interior.

18 MR. CRAIG DORSETT: Good morning. My name is
19 Craig Dorsett, and I'm an advisor to Assistant Secretary
20 Rhea Suh at the Department of the Interior.

21 MR. DERRICK BEETSO: And then we have
22 Annette Romero, who is in our Department of Regulatory
23 Affairs. She's at the front manning the table. So if
24 you guys didn't get a chance to do so, there's a sign-in
25 sheet, please sign in your name. As much as you can,

1 sign it legibly so we can read it. And also pick up the
2 packet of papers if you haven't done so already. There's
3 materials with the PowerPoint that we'll be presenting
4 today. There's also a FAQs sheet on what we will be
5 discussing today. And then the Federal Registry Notice
6 for Advance Proposed Rule making Process.

7 A couple housekeeping notes. We do have a
8 court reporter here, so everything will be transcribed.
9 So before you speak, please state your name and where
10 you're from clearly so that she can type it down
11 accurately, and make sure all your statements are clear.
12 We have a good number of folks here in the room, so what
13 we'll do is we'll make sure everybody has a chance to
14 speak once through before we start taking second comments
15 from individuals. So please keep your statements concise
16 and clear.

17 And I guess at this point, we're going to run
18 through this PowerPoint, and we'll shift it over to
19 Jennifer, and Jennifer can give a discussion of why we're
20 here and how we got here.

21 MS. JENNIFER ROMERO: Thanks, Derrick. So I'm
22 actually going to start by giving a very brief overview
23 of the history of the Native Hawaiian people and their
24 government. Before I do that, let me just give you a
25 background on Native Hawaiian Affairs. So like

1 American Indians and Alaska Natives on mainland, the
2 Native Hawaiians are a distinct, native people who lived
3 and exercised sovereignty over the Hawaiian Islands for
4 centuries before European contact and the formation of a
5 federal government. Native Hawaiians continue to
6 maintain their national identity as a distinct people
7 with a unique language, culture, and history and land
8 base. But despite these attributes, Native Hawaiians are
9 the only indigenous community in the United States that
10 does not have a government-to-government relationship
11 with the United States. So currently, no federal
12 regulations apply and exist for recognizing a Native
13 Hawaiian government.

14 So with that background, let me give the
15 audience a quick history of the Native Hawaiian people
16 and government. I think it's important to recognize and
17 understand that Native Hawaiians -- the islands were
18 settled by Polynesians in the archipelago as early as
19 300 A.D. It took several centuries for the distinct
20 Native Hawaiian social system to emerge. And that social
21 system was then governed by district chiefs, who really
22 had stewardship over the lands by about the year of 1000.

23 So about by 1500, four high chiefs emerged, and
24 they controlled the districts through inter island
25 allegiances and marriages. These four individual chiefs

1 ruled the individual islands as distinct yet interrelated
2 realms.

3 But by 1810, one chief emerged as the leader,
4 and his name was Kamehameha. And he consolidated and
5 governed the chiefdoms as a Federated Inter-Island
6 Kingdom. King Kamehameha conquered and unified the
7 islands and established a monarchy under his rule.

8 During his rule and his heir's rule until about
9 1839, a constitutional monarchy was formed. The
10 Constitution of the Kingdom of Hawaii had -- and in the
11 kingdom had criminal and civil codes. They had session
12 laws that were enacted. And during this time, the
13 United States had diplomatic relationships and a trade
14 relationship with Hawaii. Hawaii also entered into
15 treaties with foreign nations, including the
16 United States.

17 So with that, I would like to go over a little
18 bit of the history of the government and how the
19 United States became involved with the community of
20 Hawaii. The constitutional monarchy was overthrown by
21 United States businessmen with the help of the
22 United States Marines in 1893. A provisional government
23 was put into place, and eventually, Queen Lili'uokalani,
24 who ruled at the time, was forced to abdicate the throne.

25 In 1898, the United States annexed Hawaii as a

1 territory despite massive protests by Native Hawaiians
2 still loyal to their queen and despite no formal treaty
3 of ramification ratified by Congress.

4 And in 1959, Hawaii became the 50th state of
5 the union.

6 During the 20th Century, Native Hawaiians
7 experienced massive social, economic, and political
8 upheaval. The United States Policy of Assimilation
9 caused Native Hawaiian language, culture, and ways of
10 life to become under threat. But the Native Hawaiians
11 and their traditions persisted, their languages
12 persisted, and the United States continued to recognize
13 Native Hawaiian people as the indigenous people of
14 Hawaii, enacting laws that formed the basis for the
15 special and political relationship it has with the
16 United States today.

17 So during the 20th Century, like I said,
18 Native Hawaiians experienced a major shift in their way
19 of life. And in 1993, 100 years after the overthrow of
20 the Hawaiian Kingdom, the United States formally
21 apologized for its participation in the overthrow,
22 explicitly acknowledging the special relationship that
23 exists between the United States and the Native Hawaiian
24 people. The United States also acknowledged that the
25 Native Hawaiian people never relinquished their

1 sovereignty and that the overthrow was illegal.

2 That kicked off a reconciliation process between

3 Native Hawaiians and the United States.

4 In 1999, the Department of the Interior and

5 the Department of Justice conducted meetings in Hawaii

6 to investigate the process of reconciliation with the

7 Native Hawaiian people. The meetings touched on

8 topics including sovereignty, community, and economic

9 development, health, education, and housing. The federal

10 report that followed those community meetings came about

11 in 2000. And that federal report recommended

12 Native Hawaiian self determination and self governments

13 through Federal Recognition as its highest priority.

14 In 2000, that -- the 2000 report, it's called

15 "From Mauka to Makai, the River of Justice Must Flow

16 Freely," that kicked off a legislative effort by the

17 Hawaiian congressional delegation to introduce

18 legislation in Congress for the Federal Recognition of

19 the Native Hawaiian people. Even though that

20 legislation -- it was introduced by Senator Akaka. Even

21 though that legislation passed the house in 2010 and it

22 cleared the Senate on Indian Affairs, it failed to become

23 law.

24 And in 2012, Senator Akaka retired, and he was,

25 of course, the primary sponsor of this bill. And similar

1 legislation since his retirement has not been introduced.

2 So getting to how we got here, I think it's
3 important to recognize the history of the Native Hawaiian
4 people, its government. It's very important to recognize
5 that they had sovereignty over their lands and that the
6 United States played a role in -- recognizing that it did
7 play a -- that it did have a role in overthrowing that
8 government and in 1993 acknowledging that it was illegal
9 and setting off a reconciliation process. And we're
10 still in that reconciliation process. And as a result of
11 those events, we're here today to speak with all of you
12 about the Advance Notice of Proposed Rule Making. In
13 June, Secretary Jewell announced the ANPRM, as it's
14 called, and that we were seeking comments on a --
15 basically seeking comments on whether the Secretary
16 should propose a rule. Should the Secretary engage in
17 rule making that would facilitate the reestablishment of
18 a government-to-government relationship with the Native
19 Hawaiian Community.

20 Like I said, the ANPRM is a first step in
21 determining whether Interior should actually develop a
22 formal rule. And here to talk about what the ANPRM
23 precisely is is my colleague, Venus.

24 MS. VENUS MCGHEE PRINCE: Essentially, I'm not
25 going to lie, because, being a lawyer, I know a lot of

1 times things get jumbled up in what we call "legalese."
2 And so I try very hard to, you know, make sure that we're
3 not -- that we're conveying what we mean to convey when
4 we talk to people about these things.

5 ANPRM, in my opinion, is sort of a fancy way of
6 saying we're asking questions. Instead of coming out of
7 the gate with pre-conceived notions or a rule that's
8 already been partially baked, that we are really coming
9 out at this point to ask questions about whether we
10 should even go through that effort of drafting a rule,
11 you know, that would work. So the ANPRM, as you'll see,
12 is a longer document, longer, lengthier than some of us
13 would have liked it to be, that has 19 detailed
14 questions. But essentially, those detailed questions
15 kind of boil down to five essential questions. And the
16 first one really is -- it is the first threshold
17 question. If you say no to this question, we don't need
18 to even go beyond that to the other four questions. And
19 right now, as Jennifer mentioned, like the Native
20 Hawaiian Community, the Secretary doesn't have a process
21 at all by which she could recognize a Native Hawaiian
22 government if a Native Hawaiian government were formed
23 and came to her saying please recognize us. There's
24 nothing in place right now for that. So essentially, the
25 first question is whether you believe that that -- I know

1 Rhea Suh called it a door -- whether you think that door
2 should even be in place. And I think that's essentially
3 the first question.

4 And if you think the Secretary should put that
5 door in place, the next two questions essentially relate
6 to what the Secretary's role should be. And when I was
7 thinking about it and wanting to have people
8 understand -- I know the tribes have questions -- is, you
9 know, should the Secretary assist in the reorganization,
10 should the Secretary help the Native Hawaiian Community
11 in forming its government, in the same way tribes have
12 Part 81 by which they can request that the Secretary hold
13 an election on, you know, their governing documents and
14 things like that. That doesn't exist right now for the
15 Native Hawaiian Community. And the question is should
16 the Secretary put something in place relating to her role
17 or there being an option for her to help facilitate, and,
18 if so, how should she -- you know, how should she
19 facilitate? What do you think that should look like?
20 And I think it's very unique for the Native Hawaiian
21 Community because, you know, unlike tribes who don't have
22 good relationships with their respective states most of
23 the time, you do have the Office of Hawaiian Affairs in
24 Hawaii that is currently engaged in a nation building
25 process for the Native Hawaiian Community. So in some

1 ways, you know, questions two and three of this process
2 about the Secretary's role in the facilitation, I think
3 really they're just about if you believe that the
4 current, you know, process that OHA is undertaking, you
5 know, if everyone is behind that, then the Secretary
6 getting involved in that part of the process could just
7 be confusing. But I think the purpose of those two
8 questions is really to ask people do you think that the
9 Secretary should be involved at all, and, if so, how,
10 and, if so, how would that work and not confuse the
11 current nation building efforts that are going on out in
12 Hawaii.

13 If you don't believe the Secretary should
14 assist, which I think we heard a lot of out in Hawaii
15 that people wanted either the OHA facilitated process
16 that the community was engaged in, or if the community
17 engaged its own community driven process, I think there
18 was a strong preference that we were hearing at least in
19 the oral comments that we heard at meetings for that.
20 But even if you don't believe the Secretary should be
21 involved, and so you're kind of no to two and three, you
22 don't think the Secretary should be involved, the next
23 two questions and the next part of the process that would
24 need still to be addressed is how should the Secretary
25 then -- what process should be in place for the Secretary

1 to recognize whatever governing entity is established by
2 the community. And we need -- because once -- if the
3 community goes through the nation building process and
4 has a government that it wants to come and knock on the
5 door with the Secretary to be federally recognized, what
6 criteria should the Secretary have in place to make sure
7 that that governing entity that is knocking at the door
8 is the representative entity of the Native Hawaiian
9 Community. And I think -- like right now tribes have
10 Part 83, which is the Federal Acknowledgment process for
11 tribes, which isn't quite suited at all to the Native
12 Hawaiian Community because the Part 83 process for tribes
13 is the tribes going through and seeking that Federal
14 Recognition to have a special political and trust
15 relationship and have that government-to-government
16 relationship. Well, the Native Hawaiian Community is
17 different already from the outset because that special
18 political and trust relationship has already been there
19 and been reinforced by Congress, and so really you're
20 just missing that government to government piece. And
21 that's the part that we've been focused on in this
22 process. So Part 83 includes criteria such as, you know,
23 distinct community and political influence and authority,
24 you know, and having a membership list and all that. And
25 I know that some of that is already being done as part of

1 the nation building process. But we need to hear from
2 the community about how do you think -- you know, what do
3 you think would prove that the governing entity is the
4 representative voice of the Native Hawaiian Community so
5 the Secretary would know -- because if the Secretary
6 gets, you know, three different requests or more than
7 that from different governing entities, how does she
8 determine which one is -- you know, is the true
9 representative voice?

10 So bottom line is -- what we are asking at this
11 point is, if you think that door should be there, what
12 should it look like and who should be able to walk
13 through it. And I think that's where we really need
14 input from the Native Hawaiian Community. And I know
15 some people have asked why the tribal consultations. And
16 one reason for the tribal consultations -- well, there
17 were two main reasons for tribal consultations. And then
18 one of those is because tribes do have experience with
19 the Federal Recognition process, although it's different
20 and there are things that would obviously need to be
21 tweaked. And that's why we're entertaining an
22 independent rule for the Native Hawaiian Community, that
23 we still think that the tribes may have some helpful
24 things to say from their experience and knowledge with
25 Federal Recognition process. And the other aspect is

1 just that, as you all know, there can be a lot of
2 misinformation and miscommunication sometimes when the
3 Federal Government is engaged in these types of
4 processes, and we really just want to make sure that
5 everyone, including tribes, are not getting inaccurate
6 information and are misunderstanding what we are trying
7 to do at this point. So we are still in the very early
8 stages, and we are really at this point just asking
9 questions. And it really just boils down to whether
10 there should be this door in place, whether or not the
11 Native Hawaiian government ever chooses to come and
12 petition the Secretary. It's basically creating an
13 option for the Native Hawaiian Community if it goes
14 forward.

15 MR. DERRICK BEETSO: So this morning's
16 presentation was initially geared towards tribal leaders
17 since this was initially tribal consultation. But since
18 we didn't have the tribal leaders here, it shifted, so
19 it's not tribal consultation anymore. So I just want to
20 give you, you know, why we're so heavy on the background.
21 Obviously, there's a lot of representatives here from the
22 Native Hawaiian Community. So I wanted to note that.

23 So if you look at the screen, there's ways that
24 you can submit written comments. The deadline for
25 submitting written comments is August 19. You can submit

1 them several ways, through a eRulemaking portal or
2 through mail or hand delivery to the address on the
3 screen. There's also contact information. For further
4 information, contact John Strylowski in the Office of the
5 Secretary. And there's a phone number and email there as
6 well. We'll keep this screen up there so you guys can
7 jot down this information if you guys don't already have
8 it. It's also in the packets of information that you
9 guys have.

10 So at this point, I guess we'll go ahead and
11 start taking comments. So if you would like to make a
12 comment, we'll start an informal queue. So do we have
13 any volunteers to make a first comment or statement or
14 question for the panel here? Over here?

15 FEMALE SPEAKER: I was wondering if we can go
16 around the room if there's time.

17 MR. DERRICK BEETSO: Oh, yeah. Let's do that.
18 Let's go around the room and do introductions. Okay.

19 MS. CARMEN HULU LINDSEY: Hello. Greetings to
20 you all. My name is Carmen Hulu Lindsey, and I am here
21 in my capacity as the Trustee of the Office of Hawaiian
22 Affairs. To the Shakopee Mdewakanton Sioux Community,
23 let me begin by saying that I am humbled by the
24 opportunity to meet with you here on your sovereign land.
25 Aloha as well to our representatives from the U.S.

1 Departments of Interior and Justice and all others in
2 attendance here today.

3 As many of you may know, the Office of Hawaiian
4 Affairs is a quasi-autonomous governmental agency led by
5 a nine-member board of Native Hawaiian trustees elected
6 by all of the people of Hawaii. We are responsible for
7 managing the Native Hawaiian trust and for advocating for
8 the rights of our Native Hawaiian people until a
9 freestanding governing entity assumes those
10 responsibilities.

11 On behalf of our entire board and agency, I
12 extend a very warm aloha to you all. With me today is
13 our chief advocate Mr. Kawika Riley. And I will turn the
14 microphone over to him to share our board's position.

15 MR. KAWIKA RILEY: Mahalo, Trustee. Good
16 morning and welcome to everyone. As Trustee mentioned,
17 my name is Kawika Riley. I'm the chief advocate for the
18 Office of Hawaiian Affairs. And, Derrick, if I may, I
19 can just provide a few remarks on behalf of the office.
20 The Office of Hawaiian Affairs stands in strong support
21 of federal rule making or other expedited action
22 that would result in a process to reestablish a
23 government-to-government relationship between the
24 Native Hawaiian people and the United States. We have
25 issued our full, formal comments in support and have

1 submitted them to the Department of the Interior. We
2 also have several hard copies if anybody is interested.
3 I have them here in my binder.

4 While the history which Jennifer went into very
5 well between the United States and the Native Hawaiian
6 people is complicated, OHA's reasons for supporting this
7 rule making are simple and clear.

8 First of all, OHA has determined that this sort
9 of rule making is the most viable option to protect
10 existing Native Hawaiian rights, Native Hawaiian
11 resources, Native Hawaiian assets, and both public and
12 private programs for Native Hawaiians. The trust
13 relationship between Native Hawaiians and the
14 United States is codified into federal law and is
15 supported by federal programs for Native Hawaiian health,
16 education, and housing. However, these programs are
17 under constant attack and generally not under the control
18 of the Native Hawaiian people. We desire greater
19 self-determination and greater protection of our assets,
20 rights, and resources.

21 Secondly, as I mentioned -- this was mentioned
22 actually by the trustee. OHA exists partly for the
23 purpose of stewarding a trust that the agency intends to
24 transfer to a strong and recognized, freestanding
25 Native Hawaiian government when that government comes in

1 to be. This rule making holds the potential to help that
2 vision come to life if or when it is the will of the
3 Native Hawaiian people.

4 And lastly, as was alluded to by Venus, we see
5 this rule making as a potential option, as a choice or as
6 a path for the Native Hawaiian people, not something to
7 be forced on them but something to be available to us if
8 it is the will of the Hawaiian people to choose a
9 government-to-government relationship in this fashion.
10 We want that option to be available to the Hawaiian
11 people. And that is a matter of equity and justice.

12 We are clear that we want to be able to
13 determine our own future. And we are not advocating for
14 a federal relationship where the terms and conditions are
15 dictated to us. We understand that as part of the
16 Advance Notice of Proposed Rule Making public comment
17 process, we are being asked along with the general public
18 how this relationship, if it should be, what it should
19 look like. We have answered that we want to be treated
20 with dignity, we want to make our own decisions, and we
21 want to be able to protect what we have left today.

22 So again, to all those in attendance, the
23 federal officials, tribal representatives, fellow
24 Native Hawaiians, everyone here this morning, aloha and
25 mahalo for the opportunity to speak on behalf of the

1 Office of Hawaiian Affairs.

2 MS. MOLLY GLUEK: Hi. My name is Molly Gluek.
3 I should say aloha, too. And I represent the Pacific
4 Justice and Reconciliation Center in Honolulu, which is
5 led by Reverend Kaleo Patterson and Dr. Ha'aheo Guanson.
6 I consider it an honor to be here today as a
7 representative, and I will practice deep listening.

8 MS. CAROLYN GRESETH: Carolyn Greseth. I was
9 born on the island. Now I live here in Minnesota. I was
10 pretty excited to hear that you guys were coming here and
11 that we would be able to be part of the history in
12 regards to Hawaiian's moving forward.

13 MS. JILL KEHAULANI ESCH: Hello. I'm Jill
14 Kehaulani Esch. I am the Ombudsperson for American
15 Indian Families here in Minnesota. I was born in Hawaii
16 and moved to Minnesota in 2000 to go to law school. My
17 middle name Kehaulani means "due from heaven," and an
18 Indian elder told me this past winter "due from heaven"
19 during the wintertime in Minnesota means "snow." But I'm
20 very happy to be here to welcome all of you and to also
21 work with the American Indian Community in my new job.
22 Thank you.

23 MR. BEN HO: I'm going to take this opportunity
24 to read my statement if you don't mind. That way you
25 don't have to come back to me again.

1 My name is Ben Ho. I've lived in Minnesota now
2 for 55 years. My mother, Honey, was the Queen of
3 Kaneohe. My brother, Don, was the King of Waikiki. My
4 daughter, Jennifer, is in the Obama Administration.

5 I have worked with computers for over 55 years.
6 I am now a Kupuna retired and living in Minnesota for
7 over 50 years. I will be submitting my comments
8 regarding the DOI's proposal after this talk. Hopefully,
9 I will show the DOI and President Obama how to get the
10 job done. You will find that my comments do not fit
11 inside your box. It is totally outside all the proposed
12 boxes. The reason I mention President Obama is because
13 he was born in Hawaii, and he understands the Hawaiians.
14 Although I left Hawaii to join the Marine Corps when I
15 was 17, I did not give up being a Hawaiian. The only
16 circumstance where I will be returning to Hawaii is when
17 my wife and I are interred at the National Cemetery of
18 the Pacific in Kaneohe.

19 The Notice of the Proposed Rule Making says
20 Hawaiians must "determine who ultimately will be a
21 citizen or members." The people to be included must be
22 stipulated in a constitution. However, the voices of the
23 people are fragmented, dispersed, and confused. The
24 proposal in my submitted comments will give direction on
25 how to bring the voices together as one.

1 The reason so few Hawaiians have any interest
2 in participating is because the Congress, the state, and
3 now the Department of the Interior has been trying to
4 force-feed a plan that is unacceptable. For the people
5 to participate, they must first decide and understand
6 what kind of government they want to establish. My
7 submitted comments will give direction to the Department
8 of the Interior and the President on how a government can
9 be created.

10 The rule recommended to the President must
11 assure wide participation, otherwise resistance will
12 continue. How many in the third enrollment are dead,
13 eligible to vote, or were dispersed during the Hawaiian
14 Diaspora.

15 In conclusion, I and other Kupuna have been
16 attentive to the many changes since the first Akaka bill,
17 which did not improve its acceptability. The changes
18 only hardened the disdain for the process. Continued
19 attempts to force this disagreeable process will end in
20 failure.

21 Many Kupuna in the Committee for a United
22 Hawaii have died since 2000. I doubt that I will be
23 alive to see this process happen. I pray the President
24 will put forth a rule that will unite Hawaiians.

25 Thank you.

1 MS. BOBI OLMOS ARNOLD: Aloha. First of all, I
2 would like to thank everyone for being here and
3 attending. I thought there would be a lot more Hawaiian
4 people. I am Bobi Olmos Arnold of Waipio Valley, Hawaii.
5 I represent the Royal Order of Kamehameha I Wahine and
6 the Lolani Palace Docent. Mahalo.

7 MS. PEG TETU: Aloha. I am Peg Tetu. I was a
8 Smith from Kauai, Hawaiian to the core. Even if I
9 married "haole," and I live here in Minnesota in cold
10 country, I go home as often as possible, and I try to
11 keep up on what's going on. And I'm so glad that we have
12 our representatives. There's a lot of us up here, and
13 we're really concerned. Mahalo.

14 MR. JERRY FREITAS: Aloha. Thank you for this
15 opportunity. My name is Jerry Freitas. Transplanted
16 from Oahu, Hawaii, been here for 23 years.

17 One thing about being removed from the main
18 island is no matter where you are, you are still
19 connected. People don't know the association of being
20 Hawaiian. No matter where you go in the world, you're
21 Hawaiian. You always have that connection with other
22 Hawaiians. And that goes for me being a [inaudible]
23 school graduate. That bond was instilled in us in the
24 educational process of Hawaii. That's why I have such a
25 strong connection with the community and the process of

1 being Hawaiian. So I'm very interested in the direction
2 we go, and I think we do need direction. And it would be
3 a -- I would say to not allow help, I mean, there are
4 experts in the field who have gone through this. And
5 yes, we need another year, but I think the responsibility
6 totally goes on the Hawaiian people to move forward.

7 So thank you.

8 MS. SONJA TANNER: Aloha. My name is
9 Sonja Tanner, and I'm actually a Minnesota Chippewa Tribe
10 member, White Earth Band. But I was able to spend six
11 months in Hawaii last year and worked with a lot of
12 Hawaiian government, Prime Minister Noa, and met several
13 of the other cabinet members.

14 So I guess a big issue I have is we're here
15 talking about the Hawaiians. And I understand there are
16 Hawaiian members here. But there is a lawful Hawaiian
17 government. I understand it's maybe not recognized
18 within the state and certainly the Federal Government,
19 but there is one. So I guess a big problem I have is why
20 aren't they here. Like I said, I did work with them for
21 six months, and I lived in Maui. I did go to the
22 Big Island, you know, met amazing, beautiful people.
23 But I guess my question is I don't think we're the right
24 persons, the tribal governments, to decide what is going
25 to happen with the Hawaiian people and how they're going

1 to reestablish their government. I understand we've done
2 the same thing. We've gone through the same thing as a
3 tribal member. No sense in recreating the wheel. But,
4 you know, you guys have talked about this special
5 political and trust relationship that you have with the
6 Kānaka Maoli. From my research, I don't understand how
7 that special work is trustworthy. I know the population
8 in 200 years has gone from 300,000 people to less than
9 30,000 supposedly, and -- I think these are 1978
10 statistics. I know you don't want to talk about the
11 Hawaiian Homeland programs, which, again, I've
12 researched, and I think that's one of the biggest
13 travesties that has happened to the Hawaiian people.

14 You know, there's a lot of other things I've
15 actually looked at and researched. And, you know, our
16 people have obviously gone through the loss of our land,
17 our culture, you know, our peoples. But, you know, we
18 did have a reservation, and we do have higher education,
19 and we do have healthcare. I've noticed that you -- the
20 Department of the Interior says there is a Department of
21 Education. Again, we talked about the Hawaiian
22 Homelands, and I know, again, you don't want to talk
23 about that. But statistically speaking, you know, they
24 have -- the Kānaka Maoli people have the highest poverty
25 level in Hawaii, the highest rates of homelessness, all

1 of the other horrible poverty, and they can't afford to
2 own their own homes. I just -- I feel like, you know, if
3 this was a true attempt at reconciliation, I would like
4 to know did you invite and maybe pay for any of the
5 Kānaka Maoli people. I know there are different factions
6 of -- different levels of government. And like I said, I
7 was working with the reinstated level of Hawaiian
8 government, and they have been around for 20 years. I
9 mean, they do have an elected prime minister. They do
10 have -- I'm not even sure how many members, but I have to
11 believe at least a thousand. And I did attend the --
12 what is it called -- the meeting in Maliko, which is in
13 Maui. And like I said, I just -- I think that the tribal
14 government should be able to -- no sense in recreating
15 the wheel, because we actually have gone through the same
16 travesties that the Kānaka people have. But I also think
17 that for them not to be here -- and I understand
18 [inaudible] here, I understand about the roll call, but I
19 think from what I understood is that the majority of the
20 Kānaka Maoli people do not want to be considered an
21 Indian tribe. They want -- you know, we're talking a
22 government-to-government relationship. But in fact, the
23 Hawaiian -- it should be a nation to nation. You know,
24 they were a sovereign people. They did have treaties
25 with the United States Government. We have recognized

1 that it was an illegal overthrow. So after illegal, I
2 guess, how do you try to legalize what happened? Again,
3 I don't think it's our place. I think it's the Hawaiian
4 Kānaka people who should be deciding, obviously, their
5 own fate and how they want their government structured.
6 And it seems like it's working. I know I did talk to
7 Henry Noa -- Prime Minister Noa yesterday and talked
8 about this meeting, and I know we talked about empire.

9 So from what I saw on the notices, it looks
10 like the notice came from your office, Department of the
11 Interior, on July 18, and then the first meeting was in
12 Oahu on the 23rd. I mean, that's not even seven days, is
13 it? Is that an advance notice? I guess, again, to me,
14 you didn't -- it doesn't seem like it fell within legal
15 ramifications of proper notification. My understanding
16 also is that there was only one notice in each of the
17 islands' newspapers. There weren't television ads.
18 There were newspaper ads. So, you know, I know there's
19 fairly good attendance by the Kānaka people, but I'm just
20 questioning the legitimacy of, you know, notifying them
21 and to give them proper time and the allowance to be at
22 these meetings and speak about where they're coming from.

23 So I do have a document that I prepared, and I
24 will submit it. But I guess I would like to know from
25 you guys have you invited any of the Hawaiian leadership

1 or community other than state offices, which I know
2 there's also issues, obviously, as far as the trust
3 relationship there within with the Hawaiian people, the
4 Kānaka people. Can I ask that? Have you guys invited
5 any Hawaiian community leaders?

6 MR. DERRICK BEETSO: So we want to give a
7 chance for everybody to do introductions first. We do
8 want to have a back and forth. We'll have that. We want
9 to make sure everybody has introductions. And some of
10 you are providing comments with your introductions, which
11 is fine. But we will have an opportunity to answer some
12 of the points that have been raised after everybody's had
13 a chance to introduce themselves. And we'll get into
14 more of a back and forth dialogue. Does that sound fair?

15 MS. SONJA TANNER: Thank you. Yeah. I'm sorry
16 for that. Like I said, I was there for six months, and I
17 saw the injustice that's happening. Not necessarily the
18 [inaudible] not happening with them. So mahalo.

19 MR. LARRY LITTLEGEORGE: My name is
20 Larry Littlegeorge. I'm a tribal member of the
21 Ho-Chunk Nation. And I represent an organization called
22 the Federation of United Tribes. So with that, I'll make
23 comments later.

24 MR. ART SHEGONEE: My name is Art Shegonee.
25 I'm a member of the Menominee Nation in Wisconsin. I'm

1 honored to be here. And I hope that -- I wish you all
2 well, and welcome to God's country.

3 MS. DAWN SHEGONEE: I'm Dawn Shegonee, and I'm
4 just an active listener and wanting to really learn more.
5 My husband is Art, and we're involved with the
6 Federation.

7 MS. CECELIA KRAUSE: Good morning, everyone.
8 My name is Cecelia Krause, and I'm here with the
9 Federation today to gather information and learn more
10 about the [inaudible].

11 MR. DAVID CHANG: Hello. My name is
12 David Chang. I live here in Minneapolis. Don't really
13 represent anybody. Well, I teach at the U. I teach
14 American Indian Studies. The only people I can say I
15 represent would be my sons today, and I hope to speak for
16 the interests of our own Kānaka and the next generation,
17 and I think about their interests as we look forward.

18 MS. TAMMY HURBIS: Aloha. My name is
19 Tammy Hurbis. I've lived here in Minnesota now for 25
20 years. I'm just here to learn and hopefully teach my
21 kikis what is next for us.

22 DANA MARIE KALEINA'ALA 'O KA'AHUONA'ALI'I:
23 Aloha. My name is Dana Marie Kaleinā'ala 'Ō
24 Ka'ahuonā'ali'i, or just "Kalei" is just fine. I've been
25 here for over 30 years. I'm here to support my Hawaiian

1 community.

2 MS. LETITIA HOLT: Aloha, Kānaka. My name is
3 Tish Holt, and I just am glad that whoever showed up did
4 show up here at this meeting. I appreciate the
5 invitation. And I would like to hear more, to listen,
6 and to understand, and perhaps that all of us can move
7 forward.

8 MR. STEVE ESCH: Hello. My name is Steve Esch.
9 I'm one of those infamous haole husbands that drag the
10 Hawaiian to Minnesota. I'm just here to listen and to
11 give support.

12 MR. MICHAEL GRESETH: Aloha. I'm Michael
13 Greseth. I'm Hawaiian but born and raised in Minnesota.
14 And I'm here to support whichever direction that the
15 Native Hawaiians wish to go.

16 MR. PAUL NATTO: Good morning. My name is
17 Paul Natto. Thank you for being here. And I appreciate
18 the foundation of the Hawaiians showing up this morning.
19 I'm here in full support for the initiative that the
20 Secretary is taking for and with the Native Hawaiians.

21 MR. SCOTT GERMAN: Scott German,
22 Sisseton-Wahpeton. Just here to listen and, like
23 everybody else, be supportive of the direction that the
24 Native Hawaiians want to go.

25 MR. DERRICK BEETSO: Okay. Thank you. Well,

1 we had a lot of introductions. So I want to say welcome.
2 Jahte. That's how I say good morning in Navajo. And we
3 appreciate all you guys being here this morning, taking
4 time out of your day. I know this is a workday, so if
5 somebody took the day off of work to be here, this is a
6 very important conversation.

7 We had some comments from folks during the
8 introduction, and I know we've been jotting down notes on
9 things to respond to. So at this point, we'll turn to
10 our panel up here and see if they want to go ahead and
11 field some of those comments and give some responses.

12 MS. VENUS MCGHEE PRINCE: We just wanted to
13 clarify some things based on some of the comments. And
14 I -- when you said I know a lot of the Native Hawaiian
15 Community doesn't necessarily want to be treated like an
16 Indian tribe, we've heard that a lot, and we recognize
17 that. And we recognize that the Native Hawaiian
18 Community has a very unique history of culture and
19 values, and I think for -- we just want everyone to
20 understand, to be very practical and real, we're the
21 Department of the Interior, and so we are trying to do
22 what the Department of the Interior can do. And the
23 Secretary wants to do what she can do in the remainder of
24 this kind of favorable administration, you know, that has
25 been very supportive of tribal and indigenous peoples,

1 you know, throughout its term. And we have a limited
2 amount of time. And we are not -- I mean, and I think,
3 as you mentioned, what we are trying to do is to give
4 that choice and that option and want to put something --
5 if that's what the people want, we want to put this
6 option in place and do what we can do, you know, within
7 the time that we have left recognizing that the Native
8 Hawaiian Community may or may not want it, you know, or
9 may or -- I should say may or may not use it in the
10 future. It's really about whether we should try to do
11 this within the time we have left and give the
12 Native Hawaiian Community that option and choice.

13 And then I know Jennifer was going to talk to
14 you about some of the efforts we have been making to the
15 community.

16 MS. JENNIFER ROMERO: Yes. So to address
17 participation, Venus and I and a few of our other federal
18 team from the Justice Department recently came back from
19 nearly three weeks in Hawaii. We conducted 15 public
20 meetings throughout the state all over the islands.
21 These meetings were attended by literally hundreds of
22 Native Hawaiians, Hawaiian people, and individual
23 stakeholders, as well as non-Native Hawaiians. We
24 collected over 45 hours of oral testimony. We canvassed
25 the state, sometimes visiting communities from one end of

1 the island to the other on the Big Island. And we did
2 that in one day. We worked feverishly and fearlessly to
3 meet with the individual community members. We heard
4 their testimony. We listened. We think it was vitally
5 important, critically important that we made that effort
6 in the Hawaiian Islands to hear from people, to
7 understand that they have a voice.

8 And in addition to those 15 public meetings, we
9 also had smaller community meetings in between those
10 meetings where we visited with various organizations,
11 these small community organizations, including the Royal
12 Societies, other Native Hawaiian organizations, state
13 organizations, the Department of Hawaiian Homelands, the
14 Office of Hawaiian Affairs, the Homestead Community, the
15 Ali'i Trust. We wanted to meet with as many stakeholders
16 as possible in that three-week span. We wanted to have a
17 very robust dialogue with the community. And I think we
18 did. And we are still in the process of putting the
19 transcripts of those meetings up on our -- on the
20 regulations -- or not on the regulation -- on the
21 website, which will be in the Department of the
22 Interior's website. And I can give you that site
23 offline. But I think it's important to underscore the
24 efforts that the Department of the Interior made to
25 really visit the communities and hear what the people

1 themselves, including -- you know, a large majority of
2 those people were in the Kānaka community. So, you know,
3 I understand your comment why -- you know, why aren't
4 they here today. Well, we did as much as we could in our
5 own capacity to meet with the people in Hawaii, in their
6 homes, in their communities.

7 With respect to why aren't they here today,
8 this is a tribal consultation. The United States has an
9 obligation and a duty to meet with tribes any time
10 federal policy could have an impact on them. The ANPRM,
11 we do not foresee any of this rule making process to have
12 an impact on Indian tribes. But the Executive Order that
13 governs the consultation process, that's executive order
14 13.175, obligates the United States to meet with tribes
15 any time federal policy could have any impact on them,
16 which is why we're here today.

17 So again, I wanted to underscore that it's not
18 because we didn't invite the people, the Native Hawaiian
19 mainlanders, to come to these meetings. As you see, it
20 is an open forum now. But we had to come under the
21 auspices of the tribal consultation policy.

22 MS. VENUS MCGHEE PRINCE: And I just wanted to
23 add as well and emphasize how much we are trying to reach
24 out and get community input.

25 By comparison, frequently, when we have a rule

1 go out that's going to affect tribes directly, you know,
2 usually, we've already drafted, and the rule goes out,
3 you know, as a draft rule. And so there's already sort
4 of a -- and they're sort of just reacting to what we may
5 have already, you know, drafted and think about putting
6 into place. And we may only have five to eight --
7 Derrick? -- you know, consultations with tribes in
8 different regions throughout the country. And so this
9 really early attempt and this ANPRM normally does not
10 happen before we, you know, put out a proposed rule, you
11 know, that's affecting tribes. So this is really like --
12 and so when Jennifer describes that we had these 15
13 meetings and all of these other smaller meetings in
14 addition to the 15 public meetings in Hawaii -- and
15 that's not saying, too, that if -- you know, if we hear
16 back from the community that we do want this option, and
17 we draft -- and draft a rule, there will be another
18 round, you know, on kind of this notice, comment, and
19 public meeting. So there will be another opportunity for
20 the community to voice its input. So I guess I just
21 wanted to underscore like the efforts that the
22 administration is making to try to be sure that whatever
23 we do is reflective of what the Native Hawaiian Community
24 wants.

25 MR. DERRICK BEETSO: And I would just add one

1 thing. I know that the question was put forth by you
2 earlier in regards to why tribes shouldn't be making
3 these decisions. And it's not that we're asking for
4 tribes to make decisions, but, as Jennifer said, this was
5 an issue set up as a tribal consultation under the
6 executive order. And I want to underscore what Venus
7 said a little bit earlier is that consultation in this
8 instance is kind of founded in tribal ability to offer
9 some technical assistance towards this process.

10 As far as -- the history of Indian tribes in
11 the United States is very unique. Indian Affairs has
12 been the primary source as far as
13 government-to-government relations with indigenous people
14 thus far. And if you look at the Indian Reorganization
15 Act or the Oklahoma Indian Welfare Act, those acts allow
16 groups of Indians living in close proximity to each other
17 to organize as tribal governments, which the
18 United States then carried on a government-to-government
19 relationship with since the 1930s. So there is kind of a
20 framework. It's analogous. It's not identical. Things
21 obviously don't match up. But you did have an instance
22 in Oklahoma where it's traditionally all Indian territory
23 where you have a lot of Indians living in Oklahoma that
24 weren't necessarily organized as tribes. And so the
25 Oklahoma Indian Welfare Act gave them an opportunity to

1 have secretary elections that would develop a framework
2 for tribal government. Now you have 40 plus tribes in
3 Oklahoma.

4 So that being the background of Indian Affairs
5 working in this realm of government-to-government
6 relationships and how it's happened in the past, I think
7 what we were really looking for was for like the experts
8 from Indian Country to come forth and give us suggestions
9 on things that they think will work, you know, things
10 that they think don't work if that's what they choose to
11 provide. But that's the reason why, you know, on top of
12 the executive order that we thought it was important to
13 reach out to Indian Country because of that history of
14 government-to-government relationships. So I hope that
15 answers some of the questions.

16 So at this point, I know we did introductions,
17 but not everybody has had an opportunity to comment.
18 We've had some folks give introductions and comments. So
19 maybe this gentleman right here would like to --

20 MALE SPEAKER: I was going to ask if we could
21 move on to comments and things to maximize the time,
22 because we're already well over an hour in.

23 MR. DERRICK BEETSO: Definitely. So --

24 MALE SPEAKER: That way we can have that back
25 and forth if there's other questions that we need

1 answered. That's all I'm going to ask.

2 MR. DERRICK BEETSO: Okay. So more
3 housekeeping. Any time you give a comment, please state
4 your name again for the record. We have a court reporter
5 here who is working diligently to try to make sure she
6 gets everything accurately. So state your name clearly
7 for her to understand, and then go into your comments.
8 Folks that have already given introductions/comments,
9 please wait to give a second comment, and we'll look for
10 folks to get their first comments down. So anybody who
11 hasn't had a chance to give a comment --

12 The gentleman here, state your name before the
13 comment, please.

14 MR. KAWIKA KOLOMONA KANAKEEAINA: Hello. My
15 name is Kawika Kolomona Kanakeeaina. I am first
16 generation of my immediate family born and raised on the
17 mainland, not by choice but by circumstance. I wanted to
18 thank you, Trustee Lindsey, for being here, and
19 Mr. Riley, from OHA. I also wanted to bring to the
20 attention of many in this room that this is the first
21 time that OHA has come to Minnesota. It would be how
22 many decades?

23 MALE SPEAKER: Many, many years ago.

24 MR. KAWIKA KOLOMONA KANAKEEAINA: Many decades,
25 Trustee. We have not had a formal relationship with OHA.

1 We have tried. We have been in consultation and
2 conversation with Kelly Lindsey -- correction -- Kalei
3 Singh, with no response, with no showing up. And only at
4 this time is OHA, the Office of Hawaiian Affairs, seen in
5 HA, NHRC, the Native Hawaiian Roll Commission, the
6 Association of Hawaiian Civic Clubs powering out this
7 effort on the continent to engage Kana'iolowalu.
8 Kana'iolowalu was part of Act 195 of State of Hawaiian
9 law formed and obviously forced upon OHA and forced upon
10 the Native Hawaiian people. That I understand and that
11 many Native Hawaiians understand. In my opinion, OHA and
12 I believe it was Howatenami [phonetic] pushed to have the
13 names that were gathered from previous efforts such as
14 Kau Inoa, such as the Hawaiian Registry Program, and
15 Operation 'Ohana added to Kana'iolowalu so that no one
16 was left out of that process.

17 Unfortunately, there was reported in a board
18 of trustees meeting in 2013 that there were an estimated
19 110,000 names on these lists, three lists. Added
20 Kana'iolowalu, 87,000. There are missing 23,000 names.
21 Who made that decision? Why were 23,000 names left off?
22 Also, why is Kana'iolowalu only representative of 30,000
23 self-registered Native Hawaiians? 125,631 is the
24 posted number. 110,000 supposed moved over. With
25 reality, 87,000. 20 percent represented on the

1 continent. 20 percent. Break that down, that's
2 7,000 plus people. We hold the majority of the
3 population of Native Hawaiians on the continent.

4 Where have you been? Where were you in Kana'iolowalu?

5 So my concern is the efficacy of your efforts,
6 not the ethics but the efficacy and the purposes behind
7 it. My concern also is that this weekend, Native
8 Hawaiian Roll Commissioner Danner wrapped up a four-day
9 meeting with the representative, also her replacement in
10 CNHA, with the plains tribes and sealed's a deal across
11 the board of unanimous support from 38 plains tribes
12 without the knowledge of the Native Hawaiian people. She
13 is a commissioner of an entity of the State of Hawaii
14 that wants you to look into that, please. That should
15 not have been done. We have trust moneys being spent for
16 you to travel here, and you have a responsibility to us,
17 and I want to make sure that that's recognized.

18 We as Native Hawaiians deserve the right to
19 teach our Indian brothers and sisters our history. My
20 sixth great grandmother was Dakota Cherokee. I just
21 found out three years ago this. My father's side is
22 Seneca, recently found out as well. We have a right to
23 teach our history with all due respect to DOI. It's
24 pronounced [unintelligible].

25 Transparency and efficacy has not been followed

1 on the part of OHA. With trustees traveling to
2 Washington, D.C., without the knowledge of
3 Native Hawaiians since 2012, many with the DOI, it's
4 a lot of concerns. And I think what needs to be done,
5 honestly, is that we need to be allowed extra time. I
6 think the DOI needs to allow us extra time. I want to
7 point out it was actually June 18 the news -- the press
8 release came out. June 20 the ANPRM, and June 23
9 meetings were started. The DOI, unbeknownst to many in
10 this room, agreed about a week ago to hold three
11 additional meetings on the continent solely with
12 Native Hawaiians in Las Vegas, Los Angeles and
13 San Francisco. The Los Angeles one happened this
14 weekend. Where is our face-to-face, individual meeting
15 outside of including the Indian tribes? We were not
16 offered that opportunity. We have a Tuesday meeting,
17 middle of the work week, 9:00 to noon. We want our own.
18 You've set the precedent. Please try to do that with
19 others.

20 So there's a lot going on, and I think that OHA
21 needs to step up. You need to step up. We weren't even
22 introduced to you until you did a formal introduction.
23 You should have recognized Hawaiians were in the room.
24 That's part of your culture. You should know. Instead,
25 you're on their side of the table, not sitting here with

1 us, and I think that's concerning, so.

2 MR. DERRICK BEETSO: Okay. Thank you. So
3 we're the federal officials that are calling this
4 meeting. Please direct all your comments towards us. We
5 want to make sure that everybody has a chance to comment
6 to us on ANPRM. And please as much as you can try to
7 limit your conversations or comments to within the scope
8 of the ANPRM. After the meeting, you'll have
9 opportunities to discuss other issues amongst your
10 yourselves. But for us, for our purposes for this
11 federal meeting, please direct all your comments towards
12 us.

13 Is there another comment? Yes, sir?

14 MR. LARRY LITTLEGEORGE: Again, my name is
15 Larry Littlegeorge. I'm a Ho-Chunk tribal member. I
16 have some comments, some issues about some history. And
17 it starts in the 1400, 1430s. They're the papal bulls,
18 Pope Nicholas V. He was one of them that drafted up the
19 Doctrine of Discovery. The Doctrine of Discovery gives
20 authority to Christian nations to claim lands to
21 non-Christian nations. Here's an excerpt from basically
22 what the Doctrine of Discovery is:

23 We are supposed to be converted, us indigenous
24 people, us native people, here in this country. I do not
25 include the Hawaiians. I do not include that you guys

1 are natives, nor do I call you indigenous. You're
2 nationalists. You guys have a nation. You guys have a
3 sovereign nation. Inside this Doctrine of Discovery when
4 it came, we were supposed to convert to catholicism, or,
5 with the help of God, we shall use force against you
6 declaring war upon you from all sides with all possible
7 means. We shall bind you to the yoke of the church and
8 their highnesses. We shall enslave your persons, wives,
9 sons, sell you and dispose of you as the king sees fit.
10 We shall seize your possessions and harm you as much as
11 we can, as disobediently resistant vessels.

12 This in 1823 was implemented into the Indian
13 policy by Chief Justice John Marshall so they could take
14 this government -- this government could take the land
15 from the indigenous people, the Indians here.

16 In 1893, Queen Lili'uokalani -- I hope I said
17 that name right. I've been practicing it for a while.
18 Her appeal in 1893: Oh, honest Americans, as Christians,
19 hear me for my downtrodden people. Their form of
20 government is as dear to them as yours is precious to
21 you. Quite as warmly as your love for your country, so
22 they love theirs. Do not covet little vineyard of
23 Naboth's so far from your shores, lest the punishment of
24 Ahab fall upon you. If not in your day, in the day of
25 your children, for be not deceived. God is not mocked.

1 The people to whom your fathers told of the living God
2 and taught to call "Father" and to whom the sons now seek
3 to despoil and destroy are crying aloud to him in their
4 time of trouble. And he will keep his promise and will
5 listen to the voices of his Hawaiian children calling for
6 their homes.

7 That sounds like a real Christian quoted from
8 First Kings, Verse 21.

9 As opposed to the Doctrine of Discovery, Hawaii
10 was a Christian nation. Indian policy does not affect a
11 Christian nation, which you stated earlier had treaties
12 with Sweden, with Spain, with Japan, with Russia, with
13 the United States. They had an embassy here. And we
14 went over there for what? Grover Cleveland, the
15 President, recognized this and what was happening over
16 there, and he told Congress why have you done this to a
17 peaceful nation. Give this nation back to them.
18 Apologize to them. But as politics do happen inside our
19 government, we stayed there. We occupied it. We
20 occupied that land as if in 2003 we went and we took
21 Saddam Hussein out. We occupied it for a little bit, but
22 we gave it back to the people. But what we did with
23 Hawaii is we stayed there. We stayed there 121 years.
24 Do we want them -- the nationalists in Hawaii, do we want
25 them treated as indigenous people like us? Of what's

1 been happening? The poverty that's happening now? The
2 suicide that's happening to our people? Do we want that
3 put upon them? Once an accomplished tribe, the Sioux
4 Nation -- and I see their poverty. I've been on -- I've
5 been there, and I looked at their community, and I got on
6 my knees, and I cried. The sand -- the ears hit the
7 sand. No. No. I do not want this for the Hawaiians.
8 I'm on their committee. I know some of them. I'm on a
9 committee to repudiate the Doctrine of Discovery. That
10 has not come up at all. And I think that's one of the
11 bases here.

12 There are many more reasons why I think the
13 Department of the Interior should hand this over to the
14 state department. I think John Kerry should be here. He
15 handles foreign affairs. But that's just Larry
16 Littlegeorge. That's my own comments. Like I said
17 before to my committee members, I'm only a voice. I
18 don't have any acronyms in back of my name, nor do I have
19 any acronyms in front of my name. I never climbed a big
20 mountain, nor have I swam a big river. But these are
21 just my humble opinions. And I thank you for coming. I
22 thank you for giving me this opportunity.

23 MR. DERRICK BEETSO: Thank you. Please state
24 your name before you state a comment, and also please
25 limit your comments to the scope of the ANPRM. Thank

1 you.

2 FEMALE SPEAKER: To keep it in the scope of the
3 ANPRM, but you also specifically said in the CFR that you
4 really want to discuss certain topics, first of all being
5 alter fundamentalism of the political and trust
6 relationship established by Congress between the
7 United States and the Native Hawaiian Community. You
8 also say that you cannot authorize compensation for any
9 past or [inaudible] and then also have any direct impact
10 on the status of the Hawaiian Homelands Program. So I
11 think some of those things that you really don't want to
12 discuss, I think people need to understand how important
13 that actually is to progressing into talking about
14 reconciliation with the Native Hawaiian Community and the
15 Kānaka Maoli people. I've done a lot of research on the
16 Hawaiian Homelands. I don't know if you can possibly
17 compensate them for the loss of their lands, their
18 culture, their language, et cetera, et cetera. I think
19 we all know that property in Hawaii, I think, is the most
20 expensive property in the world. But not wanting to talk
21 about that, I think, means that you cannot really
22 establish a reconciliation process because how do you do
23 it. I mean, they have lost so much, again, like the
24 Indian tribes.

25 But some of the travesties by the United States

1 Government helped the Hawaiian Homelands. I just read
2 some of the stats on that. There's 200,000 acres.
3 20,000 are missing. Nobody knows where they are.
4 122,000 acres are being occupied by non-Hawaiians with
5 25,000 Kānaka Maoli. But some of the problems that I see
6 that some of those programs are trying to work through
7 get into a level playing field, so to speak, with them.
8 I just -- I don't -- I don't understand how you can
9 eliminate some of those topics.

10 I know I -- my first home was through the
11 Minnesota Chippewa Tribe. It's on the reservation. But
12 my understanding of eligibility requirements is you have
13 to be 50 percent Kānaka. And again, my understanding is
14 you actually qualified for the loan, and you qualify by
15 the bloodline. When you die, the home goes back into the
16 Hawaiian Homelands Commission even if you have a spouse,
17 maybe not 50 percent, maybe not even Kānaka, but your
18 kids are also not eligible. Like I said, I don't -- I
19 feel like some of those things actually need to be
20 brought up, and they need to be discussed before we can
21 actually continue on with this process.

22 So anyway, I think everybody in the room and
23 the Department of the Interior needs to understand that
24 there's a lot more that needs to be researched.

25 MR. DERRICK BEETSO: So just to clarify what

1 you were talking about, there's this legal limits to what
2 we can do. This is just a -- it's an Advance Notice of
3 Proposed Rule Making. Rule making is something that an
4 agency can do. So a lot of those things you were
5 mentioning are statutory. Somebody like Congress or --
6 our attorney is here, so she can speak more to the reason
7 why it's limited and the scope of what we can discuss and
8 what's outside of the realm of things that we can do
9 through any regulatory process. So go ahead.

10 MS. VENUS MCGHEE PRINCE: I mean, Derrick is
11 right. I think we're having to operate within the
12 confines of what Congress has passed and the laws they
13 have passed. And I think what we are engaged in right
14 now is something that we believe the Secretary has the
15 authority to do, which is, you know, if the people want,
16 re-establishing the government-to-government
17 relationship, which I think in our view would then open
18 the conversation and enable that governing entity to
19 start exploring some of these other very complicated
20 questions and issues that you raised. We recognize that
21 there are a lot of surrounding other circumstances,
22 questions, issues, and sort of how things would be
23 handled if a governing entity is formed and if the, you
24 know, government-to-government relationship is
25 reestablished. But we are operating within the

1 confines -- and I think some of the other issues that
2 have been raised. There are international law issues
3 which are within the state department's purview instead
4 of Interior's purview. And I think what we're trying to
5 do right now is something that we believe the Secretary
6 has the authority to do, and we believe that if that
7 moves forward and if that is successful and if the
8 governing entity wants it and we establish that
9 government-to-government relationship, that they can then
10 lead the discussion with -- on a government-to-government
11 basis lead that discussion with the United States
12 Government about some of the other issues that you've
13 raised.

14 MR. DAVID CHANG: Thank you. David Chang. So
15 I really wanted to thank Mr. Ben Ho for the way you
16 opened this by questioning the box and the box that
17 you've just reiterated. It's this is the question and
18 this is why we are stepping outside of the box is to
19 challenge the legitimacy of the box. Okay? And so this,
20 while this may be frustrating to you, is the central
21 point for so many of us.

22 So to the representatives of the Department of
23 the Interior and the state, to the five questions, I have
24 to answer no, no, no, no, and no to these questions.
25 Why? Because each of these questions are based on false

1 historical and also false legal premises because they ask
2 what action should be taken by, as you said, the
3 Secretary of Interior. But the national status of the
4 Hawaiian Nation is not an issue of the Secretary of
5 Interior. As Mr. Littlegeorge indicated, this is a
6 question for the Secretary of State. So while that steps
7 outside of the box that's been drawn here, we need to
8 step outside of this box, because this is historically
9 and logically inconsistent given the point that so many
10 of us are -- that's running through so many of our minds.

11 As a matter of law, the Hawaiian nation was
12 never properly made U.S. territory in the 1898 Joint
13 Resolution. Many of these points you heard over and over
14 again. I know because I stayed up late every night
15 watching this stuff streaming online. I saw my cousins.
16 I saw aunties and friends out there saying no. This 1898
17 Joint Resolution of Congress cannot annex territory.
18 It's a logical impossibility for one nation's parliament
19 to declare another territory to be interior to itself.
20 So therefore, to have the Secretary of Interior deal with
21 this is to continue this process. It takes a treaty and
22 a ratification to do that process of annexation. So
23 therefore, this is why -- we look to the Secretary of
24 State, or we look to Secretary Kerry or whoever falls in
25 that position -- is why we challenge this policy -- or

1 many of us do. And the other thing that I really want to
2 emphasize is, night after night as I stayed up way too
3 late watching this stuff on my computer, the overwhelming
4 majority, the quasi-totality of comments were in
5 opposition to this process over and over and over all
6 over, right? And so not only does it lack kind of
7 historical and legal foundation, it lacks popular
8 legitimacy. So many voices against the creation of an
9 entity appointing these kinds of rules that if such an
10 entity were created, it would enjoy almost no legitimacy.
11 Think of all those people who would say but we spoke
12 against it. I heard person after person after person
13 speak against it, and then they created it. Where is the
14 legitimacy for this entity? So the law seems to me,
15 clearly, and Hawaiians in their comments have been clear,
16 and that clarity to you is a message to carry back to
17 Washington, to carry back to Interior, to carry back to
18 Justice, and say we checked, we asked, the people said
19 no. And that's what I hope, that you carry that message
20 forward.

21 Thank you.

22 MR. DERRICK BEETSO: Thank you. Is there
23 anybody who hasn't had an opportunity to make a comment
24 that would like to do so right now? If not, I'm a big
25 believer of an implied consensus for breaks. So this is

1 an implied consensus of everybody. So do you want to
2 take ten minutes, and then we'll reconvene, and then you
3 guys can talk?

4 (Break, 10:23 a.m. until 10:45 a.m.)

5 MR. DERRICK BEETSO: I think we'll get started
6 in a few minutes. So if people could start making their
7 way to their seats. There were some comments about the
8 air, so we notified the building facilities, and I think
9 they will be turning the air down, so it should be a
10 little warmer.

11 So we heard a lot of good input this morning,
12 and we appreciate that. It always makes the rule making
13 process a lot better, the proposal making progress so we
14 can hear everybody, make sure we get everybody's voices
15 heard on the record. Again, I want to reiterate that we
16 have a transcriber here, so please speak clearly, state
17 your name before you make a statement. There were a lot
18 of comments made that were maybe not within the bounds of
19 the ANPRM, what some called "outside the box" earlier.
20 But we're glad to hear those comments. And so right now,
21 we'll give you an opportunity, Jennifer and Venus, to
22 kind of respond and kick us off, and then we'll open it
23 back up for more comments.

24 MS. VENUS MCGHEE PRINCE: I just wanted to
25 emphasize again, I know we were talking about the box,

1 and, I mean, we appreciate that. We want to hear
2 everyone's perspectives, and we want to hear different
3 paths, you know, that people would like to see for the
4 Native Hawaiian Community. But I think that we wanted to
5 emphasize that this -- what we're proposing right now --
6 make sure everybody can hear me. What we're proposing
7 right now is that it's a path, and it's one that could be
8 there and never be used. And I think that's what we want
9 everyone to know is that we recognize that there are
10 arguments and that there is a strong feeling among some
11 of the Native Hawaiian Community about not being in that
12 box, not being under the same umbrella with Interior and
13 tribes. But it is one option, and it's an option that,
14 you know, the Native Hawaiian Community would have to
15 choose to use. So it's not that -- it wouldn't be the
16 Secretary imposing something on the community if the
17 community never wants to exercise it, never wants to use
18 it. And I just wanted to make that, you know, very
19 clear. I know we've said it in different ways, but I
20 just wanted to make that as clear as possible.

21 MS. JENNIFER ROMERO: And I would like to add
22 it's an option that's based on the relationship that the
23 United States has with the Native Hawaiian Community that
24 already exists, that already is reflected in over a 150
25 statutes passed by Congress specifically conferring on

1 Native Hawaiians. And these are not intangible benefits.
2 These are real benefits. The programs that have been
3 established by these over 150 statutes include
4 healthcare, education, loans, employment, two of the big
5 ones, the Native Hawaiian Healthcare Improvement Act, the
6 Native Hawaiian Education Act. The United States also
7 recognizes Congress has also passed laws to preserve
8 Native Hawaiian culture, language, and historical sites.

9 So those are some of the tangible examples that
10 we can give you with respect to what this special trust
11 relationship means and where it comes from. And the
12 Secretary is presenting an option that can be exercised
13 pursuant to that relationship. But again, it is an
14 option, an option that if created will remain there for
15 the Native Hawaiian Community if it so chooses to
16 reorganize and reestablish itself as a government and
17 then pursue a government-to-government relationship. It
18 is simply an option.

19 MS. VENUS MCGHEE PRINCE: I just also want to
20 emphasize this very special window that we have over the
21 next -- how many months do we have left? 29 months? 29
22 months that this administration has to sort of create
23 this alternative path for the Native Hawaiian Community.
24 And again, it's a path. It doesn't have to be the path
25 if that's not what the community chooses. But we have

1 this unique moment in time that we may not have for the
2 rest of our lifetimes to at least give that option and
3 potentially give that option. And so -- and we only have
4 a -- all of you guys probably know what I've experienced
5 in my ten months with being with the Federal Government.
6 Things take a lot of time and are very slow. And so, you
7 know, it's one of those things -- and I know there was
8 some concern about notice and that type of thing, and I
9 must say that we are doing the best we can knowing this
10 very limited window of time that we have to give as much
11 notice and give as much input, and still if the community
12 wants it get to a finish line, you know get to a finish
13 line of having something there, because if we don't, it
14 may not be there, and we may lose the opportunity that we
15 have right now in this next two years or so to do
16 something that could be special, could be used, you know,
17 two years from now by the community, could never be used
18 by the community. But I think those of us who are
19 working on this issue really want -- you know, if the
20 community wants it, we want to at least have that option
21 available.

22 MR. DERRICK BEETSO: Okay. Thank you. Is
23 there anybody that would like to give a first comment or
24 an additional comment at this time? Yes, sir. Please
25 state your name before the comment.

1 MR. JERRY FREITAS: Jerry Freitas. You
2 mentioned 29 months. Is this just this administration?
3 After that, do we have to start all over with the next
4 administration? Why does it not transcend through to
5 government? Government is government. I mean, the
6 office doesn't just close down with a new president.
7 That's how we got screwed the first time. Excuse me.

8 MS. JENNIFER ROMERO: I'll address that
9 question. Again, what Venus just said, this is a very
10 special moment in time, and it builds on all of the
11 hard work that was done by the Hawaiian Congressional
12 Delegation, by its state leadership, by the Native
13 Hawaiian community leaders. And it really kicked off,
14 at least in a political sense, in 1993 with the Apology
15 Resolution. Before that, the Native Hawaiian voices in
16 the community were not being heard. And with that, it's
17 been 21 years of really hard work by everybody from the
18 grass-roots level all the way up to the congressional
19 delegation and as well as leaders in the State of Hawaii.
20 So when you say why should it stop, it's really the
21 Obama Administration's strong desire to pursue this
22 avenue -- this alternate avenue because so many efforts
23 during the over two decades of advocacy have fallen on
24 deaf ears. Will it be a priority for whoever wins the
25 White House in 2016 is not for us to say. But what we

1 can say is it is a priority for President Obama now.

2 MS. VENUS MCGHEE PRINCE: And any work that we
3 do now wouldn't just go "poof" and disappear but could if
4 you have someone elected that isn't supportive of the
5 Native Hawaiian Community and just wants to leave things
6 status quo. The statutes and stuff that currently
7 establish the Native Hawaiian programs and benefits are
8 still there, and that obviously wouldn't expire with the
9 end of the administration. But right now, you have a
10 very supportive administration, supportive Department of
11 the Interior led by the Assistant Secretary of, you know,
12 Policy, Management and Budget, Rhea Suh, who is really
13 and has before the -- I always mispronounce her last
14 name -- Kyana there as well consulting with us. And it's
15 a very -- you have a very supportive administration that
16 really wants to have something in place if that's what
17 the community wants. And a new administration, while it
18 may not be against it, it may not be a priority. Because
19 one thing that I know the politicals that have been
20 appointed, we know that each administration has its own
21 political priorities, and that is what it's going to
22 focus on. And you just happen to have a president right
23 now who is -- you know, who is, you know, born and raised
24 in Hawaii. And so I think he's more understanding of the
25 need, you know, to try to engage in reconciliation and,

1 you know, sort of move the relationship forward.

2 MR. DERRICK BEETSO: And just to underscore
3 what Venus said, this is an option I know she said two
4 years down the road. It could be emphasized 15, 20 years
5 down the road if it's on the books and it's in the
6 agency's regulations, it's there. How it's going to be
7 implemented by the future administrations is anyone's
8 guess. But if the regulations are on the book, it's a
9 done deal, and, you know, that can be used conceivably
10 down the road by future generations.

11 Is there anybody else who would like to offer a
12 first statement? No? Okay. Sir.

13 MR. KAWIKA KOLOMONA KANAKEEAINA: First, I
14 apologize for not answering your five threshold
15 questions. My answer is no.

16 Once again, you mentioned how Congress has
17 passed laws, regulations, et cetera, 150 and counting,
18 that established that special trust relationship. You
19 mentioned things such as education, healthcare,
20 et cetera, et cetera. With the exception of those
21 programs that can reach outside of the State of Hawaii,
22 the majority of the Native Hawaiian population is not
23 benefiting from that. We don't benefit from a whole lot
24 of programs. We don't benefit from Federal Government
25 programs, state programs, et cetera.

1 With the ANPRM, are there guarantees in there
2 that, A, the government can put in writing that they're
3 not trying to turn us into an Indian tribe? Because I
4 know that's a lot of what's rumored is we're going to
5 become an Indian tribe. To squash that, A, can that be
6 specifically put in writing by the Secretary saying no,
7 no, no, we're not trying to do that?

8 And, two, a constitution by a Native Hawaiian
9 government entity has to comply with federal guidelines.
10 From my understanding, from an Indian tribe's
11 perspective, some tribes in Wisconsin, for example, have
12 members all over the United States, and they have a
13 special responsibility to them. Would that also be
14 the -- would that also be in our constitution, and is
15 that federal -- is that in compliance with federal law?
16 So I guess I have a two-part: one, you're not trying to
17 turn us into an Indian tribe from my understanding. But
18 can that be put in writing? And two, is it within
19 federal guidelines that despite us not living on
20 the [inaudible], we can benefit from a Native Hawaiian
21 government constitution?

22 MS. JENNIFER ROMERO: Let me take a stab at
23 that. To your first point, can it be put in writing, I
24 encourage you to put that in your written comment. I
25 think when I spoke earlier about the over 150 statutes

1 being on the books right now, I think in the preamble to
2 the ANPRM, the United States specifically acknowledges
3 that there's a unique relationship, separate and apart
4 from Indian tribes, with the Native Hawaiian Community.
5 Can that be spelled out more clearly? Certainly. But I
6 think that you should put that in your written submission
7 as well.

8 As to the second point about a constitution,
9 that's something that the Native Hawaiian Community as
10 an entity -- a governing entity has the prerogative to
11 do on its own. The United States is not going to tell
12 a Native Hawaiian governing entity how to govern itself,
13 how to put together its governing documents, and what
14 those governing documents should say. That's purely up
15 to the Native Hawaiian Community and government.

16 So all three of us panelists are members of
17 organized Indian tribes. Each of our tribes have
18 different constitutions. I don't live on my reservation,
19 but certainly, I am recognized no matter where I live
20 as being a part of that community. So if that's
21 important to you and important to others in the
22 community, then that's something that should be
23 addressed by the Native Hawaiian governing entity,
24 and you as its citizens will have a voice in that.

25 MR. DERRICK BEETSO: I think that's important

1 to understand. I know there's an earlier dialogue about
2 you living on the mainland and not in Hawaii. We had the
3 same situation. Like us culturally, my umbilical cord is
4 buried on that reservation. That's where I'll return
5 when it's over. But the government is something that
6 operates in many ways the same because we try to
7 incorporate a lot of culture into our government
8 structure and our constitution, but it also opens up the
9 door to government services, you know, that the tribe
10 will provide for me and my daughters and my son. And so,
11 you know, there's different levels going on as far as the
12 community. And I just want to underscore that, too, that
13 there's always different levels operating.

14 MR. LARRY LITTLEGEORGE: Thank you. Again, I
15 have to move around. I want to thank you again.

16 My name is Larry Littlegeorge. My question is,
17 we started the Federation of the United Tribes, and we
18 had our first summit March 1 and March 2, and it's to the
19 United Indian Nations with all the Indian tribes that
20 signed a treaty with the United States. And inside
21 there, we had a presenter from the International Indian
22 Treaty Council. She brought in the United Nations'
23 Declaration of Indigenous Rights. I don't know if I said
24 that right. Peoples. Anyway, they gave a lot of rights
25 all over the country. Ecuador has a new constitution

1 which kind of basically takes corporate -- corporations
2 out of it. The United States give them corporate rights,
3 you know, equal to our rights. And they come into our
4 land in Wisconsin, they're doing sand mines. And these
5 corporations come in, override our rights. They have the
6 resources that they call the treatise of water, the sand,
7 all these things. In our way, we call them our
8 relatives. They come in, and they want money for this
9 stuff. So what I'm saying is we were broadcast. We
10 were streaming in 22 different countries. And the
11 United Nations asked the Security Council did the
12 Hawaiians -- did these people file papers for the
13 Hawaiian people. I think this here has a global stage
14 what is happening. Other countries are watching it, the
15 history, the tale of the tape. The United States of
16 America has a black eye the way they treated us, the way
17 they still have, through the Doctrine of Discovery.

18 I just want to go ahead and educate the
19 people on what is happening. The laws that you have
20 established, they were broken. The United States is
21 not going by their own laws. They do not go by the
22 treaties. They come into our land, and they give
23 corporate rights to them. They come into the southwest.
24 They are supposed to reclaim those uranium mines.
25 They're still open. One of the uranium mines, there's

1 clusters of cancer. You know, all we want to do is take
2 care of our land. And when we take care of Mother Earth,
3 Mother Earth will take care of us. That's our belief and
4 to treat one another with respect. We respect all living
5 things.

6 But my comment is this is a world stage, and
7 these other countries are watching. And I hope some
8 decision is made that will help and benefit the
9 Hawaiians, the Hawaiian nationalists.

10 MR. DERRICK BEETSO: Thank you. I have a
11 comment here just real quick. I know you were asking
12 about the constitution and federal laws. Just real
13 quick, the Part 81 of the Reorganization of Indian
14 Tribes, I think there's like a threshold. A lot of
15 people have to ratify the constitution. So that's kind
16 of what's [inaudible]. So I want to clarify. I know
17 Venus and Jennifer said that we're not going into there
18 saying what the constitution should look like. But when
19 you examine the constitution, some of the things that
20 we've done with tribes is to look at how much of the
21 population has ratified the constitution. And so that's
22 from that perspective.

23 MALE SPEAKER: That's a minimum requirement.

24 MR. DERRICK BEETSO: Yeah. There would be like
25 a minimum, well, at least with respect to tribes. So

1 that's kind of what the question about what the
2 constitution should include.

3 MS. CECELIA KRAUSE: Okay. Thank you. My name
4 is Cecelia Krause, and I am a member of the Ho-Chunk
5 Nation. And I'm just looking over the paperwork and
6 trying to stick with your agenda. Even your paperwork
7 that you have submitted to us to look at is conflicting,
8 because in one respect you say you have over 150 statutes
9 recognizing [inaudible]. Okay? And then on the next
10 paragraph, you say there's no form of
11 government-to-government relationship. Okay? And the
12 Secretary in this part, is this referring to the Indian
13 Affairs, or is it --

14 MS. JENNIFER ROMERO: Interior.

15 MS. CECELIA KRAUSE: Secretary of Interior?
16 Okay. And I agree with the two gentlemen saying that
17 this should be within John Kerry's realm, because you
18 refer to it as a government. Therefore, you are
19 admitting that they are a government of themselves, in
20 which they have been all along. They had prior to the
21 United States coming to their shores. And then to
22 enforce United States laws on another country, the
23 legality of that. And the way this is written and the
24 Congress, they are still kind of like elbowing their way
25 in, so to speak. You know, they can't -- they can't let

1 something go because there might be something they can
2 get out. So they still want to just shoulder their way
3 in and push their way in ahead of line -- ahead of the
4 line.

5 And speaking, I have worked for the Ho-Chunk
6 Nation, and yes, we do get these -- the money from the
7 Federal Government. But you know what? It's gone down,
8 and it's gone down. The amounts have gone down in the
9 reports from what I get and the reports that we get. How
10 is that going to help them if they can do it on their
11 own? If they have their own resources, what are the
12 advantages to them?

13 June 23 was a very important date to me when I
14 was growing up. June 23, 1959, we were taken from our
15 home and put into white foster homes. And that day, my
16 world changed. Everything was no longer the same. I
17 remember never more called our brothers kaikunane. Or we
18 couldn't see them. We never could do that anymore. We
19 couldn't speak our native tongue. When our mother
20 called, and which they allowed them to, we couldn't speak
21 to her in our own language. So there's some things like
22 that that may have to be faced, too, or that have been
23 forced upon you already.

24 And from what I can see, the government needs
25 to be respected. And if their community wishes not to be

1 a state, then they should not be a state. That's
2 infringing on your rights, your God-given rights, and I
3 hope you can hold on to it.

4 God bless you all.

5 MS. DAWN SHEGONEE: I just have a brief
6 question, because I was very interested in what
7 Benedict Ho presented today. Oh, I'm Dawn Shegonee.
8 And you gave me a statement of what you said here. And
9 I was just curious because you say many in the committee
10 for the United Way [sic] have died since 2000. I doubt
11 that I will be alive to see this process happen. I pray
12 the President will put forth a rule that will unite all
13 Hawaiians. And I guess because I'm listening and trying
14 to learn, what exactly did you kind of foresee that
15 President Obama could do to unite people around what is
16 many layers of spirit and emotion and maybe some
17 injustice also? I was just curious about what you kind
18 of foresee that Obama could do that way.

19 MR. BEN HO: I must apologize. I will not
20 speak beyond my statement. I want to see what happens
21 from this day forward.

22 MR. DERRICK BEETSO: And just a reminder,
23 please direct all your comments towards the federal
24 panelists. We're the ones that set the meeting today, so
25 we're the ones who want to hear your comments. So direct

1 all your comments towards us, and we would appreciate
2 that.

3 So no need to apologize, sir.

4 Is there another comment from anybody? The
5 back row has been pretty quiet. You guys don't want
6 to -- right here, sir.

7 MR. KAWIKA KOLOMONA KANAKEEAINA: I have a
8 question, if that's okay.

9 So knowing that a large portion of the
10 Native Hawaiian Community has not gotten the opportunity
11 to meet with you face to face, did they know that there
12 was a meeting on Sunday in Las Vegas, a meeting in
13 San Francisco August 9, in Los Angeles August 10? Do you
14 plan on extending -- is the option open to extend your
15 period for public comment? And the reason why I'm kind
16 of asking it in the way I'm asking it is it seems like
17 this is a done deal. It kind of seems like this is a
18 done deal with the way that organizations that represent
19 all Native Hawaiians are engaged in the government and
20 have been for almost three years now, or two and-a-half
21 at least. So my question is, do you have the option --
22 does the Secretary have the option to extend the period
23 of public comment, say, take it from 60 days to 120 days
24 and provide an opportunity for you to work with OHA, work
25 with other organizations to identify communities

1 throughout the continent? There's 40,000 Native
2 Hawaiians that live in the Midwest. 40,000. This is
3 14 of over 2,000 that live in Minnesota. 6,600 plus in
4 Missouri where I was born and raised. We deserve a
5 right -- or we have a right, we should, to meet with you
6 folks face to face. So is that an option? And if so, A,
7 how did the communities in Vegas, Los Angeles and
8 San Francisco get you to set up those meetings, and what
9 do other communities need to do to get you to set up
10 meetings with them?

11 MR. DERRICK BEETSO: This kind of gets the
12 process -- and everybody knows the Federal Government is
13 very strapped for resources. We've done a lot as far as
14 like trying to make sure that we've gone to Hawaii,
15 trying to make sure that we have meetings here. And,
16 obviously, we can always have more meetings and try to
17 open it up to more folks. But this is a resource issue,
18 to be frank. And also, I know there's -- one of the ways
19 that we were hoping to try to address this was to have a
20 call where folks could call in and discuss this with --
21 I'll let these guys --

22 MR. KAWIKA KOLOMONA KANAKEEAINA: Can I say
23 something about that with regard to you saying that it's
24 a process and strapped for resources? With all due
25 respect, there's a secretary cabinet position in

1 South Dakota that represents Indian tribes. That
2 secretary said point blank, this meeting was not anything
3 special. It's the annual meeting that the DOI has with
4 their tribes in South Dakota every single year. The
5 intent was not specifically just for this. And I think
6 the confusion came because OHA's Washington, D.C., office
7 was supposed to send out notifications to the Indian
8 tribes about these meetings outside of what the DOI did
9 and ask them to allow us to come in as just a formal
10 courtesy. And they didn't receive those. When I talked
11 to the tribe locally that is hosting this meeting today,
12 they had no clue what I was talking about. So I think
13 that there wasn't fairness done in allowing Native
14 Hawaiians the opportunity to attend these meetings.
15 There was confusion as to whether this was public or
16 private, whether it was government to government,
17 whether -- what it was supposed to be about and what
18 really it is. So I think that there needs to be more
19 clarity after today, because today is the first meeting.

20 MS. JENNIFER ROMERO: I think I would say
21 we apologize for the confusion. Rhea Suh, who is the
22 Assistant Secretary for Policy, Management, and Budget,
23 who is the leader on this effort, she addressed Indian
24 Country in a radio show called Native American Calling
25 before we came here and specifically announced that

1 Native Hawaiians were encouraged to attend all of these
2 meetings in a consult with the United States with tribes.

3 As far as outreach efforts, you heard what I
4 said earlier about our efforts in the islands to meet
5 Native Hawaiians individually, in the public forum, and
6 also in a small community Talk Story forum.

7 As far as the Native Hawaiian mainlanders,
8 we do encourage them to attend. I don't think -- I
9 think there is some confusion with respect to who is
10 invited, who is not invited. We specifically encourage
11 Native Hawaiian mainlanders, those Native Hawaiians
12 living on the mainland to attend these meetings and have
13 their voices heard.

14 With respect to the Las Vegas, San Francisco,
15 and L.A. meetings, those were put together at the
16 specific request of the Association of Hawaiian Civic
17 Club. We are open to those kinds of requests, and we do
18 everything we can to accommodate those requests. And it
19 took a lot of shuffling of schedules. We all have family
20 obligations and commitments, as well as professional
21 commitments, and we endeavor to align those commitments.
22 And so we do have representatives that will be attending
23 those three meetings separate and apart from the tribal
24 consultations.

25 So to your point, I understand the frustration

1 that you feel about Native Hawaiian mainlanders not
2 getting their voices heard at these community meetings.
3 But I encourage you to spread the word that they are
4 welcome at these tribal consultations. And to the extent
5 that we can accommodate further requests for small Talk
6 Story meetings with Native Hawaiian mainlanders outside
7 of that process, we're happy to entertain those requests.

8 MR. KAWIKA KOLOMONA KANAKEEAINA: So get the
9 time period extended?

10 MS. VENUS MCGHEE PRINCE: I was about to talk
11 about that. Anyone can request that the Secretary extend
12 the time frame, and so -- and then she would duly
13 consider it, you know, as to whether to extend or not.
14 But I wanted to emphasize the -- I think one of the
15 concerns is -- and I mentioned earlier about, you know,
16 only having the two years or so left in this
17 administration. Because every step in the process takes
18 a lot of time, if this part of the process is extended
19 another two to three months, you know, it just increases
20 the risk that if it moves forward and if -- because we
21 would have the rule part, you know. That would come out
22 later. And then we would have another 60 to 90-day sort
23 of comment period and consultations conducted in Hawaii
24 and on the mainland and all of that, so the only -- the
25 concern with extending it at this point, not -- and I'm

1 not saying that the Secretary wouldn't consider it if
2 someone were to make a formal request for an extension of
3 time. I believe she would duly consider it. The risk
4 arises that we may not be able if the community wanted us
5 to to get to a finish line and a final rule that would be
6 there if they wanted to use it, that we might not the get
7 there, you know, with the remaining time that we have in
8 this administration. So that's the only real concern,
9 you know, with extension now or an extension later if the
10 process is moving forward.

11 MR. DERRICK BEETSO: And I wanted to clarify,
12 too. I think I misspoke, because we have a dual track
13 going on in Indian Affairs. We have a consultation
14 regarding our rules for federal acknowledgment. And
15 that, in a sense, we did hear from the public that they
16 wanted to come up here and extend it. And we extended it
17 this past week to 60 days. And in that basis, we added a
18 phone number. So I'm not sure that we've done that in
19 this instance. So I was thinking about the federal
20 process where it was a phone line where interested folks
21 could call in that we couldn't get out to see. So my
22 apologies on that.

23 Yes, sir.

24 MR. DAVID CHANG: A quick question. I'm
25 wondering, how did the Department of Justice get

1 involved?

2 MS. VENUS MCGHEE PRINCE: Department of
3 Justice, of course, is basically all the agencies'
4 litigation counsel. And the White House at one point
5 asked the Department of Justice to help and assist
6 Interior in looking at what options might be available to
7 assist the Native Hawaiian Community. And that was
8 about -- I don't know -- a year or so ago I think that
9 that request was made, certainly before I arrived at
10 Interior, because they were already involved. But that's
11 because they're essentially our litigation counsel and
12 can assist us trying to determine the risk associated
13 with different options and sort of what might be the most
14 defensible if we were challenged in court.

15 MR. DAVID CHANG: Thank you.

16 MR. DERRICK BEETSO: I think also the history
17 of Justice goes back a little further, too. They
18 helped with the -- there was an initial report in 2000, I
19 think, that was released. And I think Justice had a hand
20 in drafting that report as well. I forget what the name
21 of the report was. Maybe Jennifer can elaborate.

22 MS. JENNIFER ROMERO: Yes. The name of the
23 report -- and I want to get this right. Pardon my
24 pronunciation. It's "From Mauka to Makai, the River of
25 Justice Must Flow Freely."

1 MR. DAVID CHANG: Thanks. Quick factual
2 question. Thank you for clearing that up for me. Given
3 that the overwhelming amount of public comment has been
4 made, what does it matter? Are you going to bring this
5 back to Washington? How does this change things that you
6 went out to the community and the public comment was
7 overwhelmingly in opposition to this? What's that going
8 to do?

9 MS. JENNIFER ROMERO: Well, thank you for that
10 comment.

11 So yes, when we visited the islands, there was
12 certainly -- the majority of folks who attended those
13 meetings were outspoken and critical against the process.
14 However, we were also addressed by a number of folks in
15 our other meetings who expressed that they were
16 intimidated to speak publicly in support of the process.
17 They didn't want to stand up in that intimidating
18 environment. And they pledged to us that they would make
19 their comments for the record in writing.

20 With respect to your question about what does
21 it matter that the overwhelming, as you say -- as you
22 characterized, overwhelming majority was in opposition,
23 the rule making process is not an up and down vote. The
24 rule making process is a lot more complicated than that.
25 So of course we take into consideration oral testimony,

1 written testimony. But the way rule making works for all
2 agencies, and especially the Department of the Interior
3 that has jurisdiction over indigenous communities, we
4 take our agency's expertise, and we review those comments
5 and analyze them. We take that very seriously. So when
6 we get a comment -- this is just an example -- saying no,
7 no, but I think the Native Hawaiians should have control
8 over the disposition of their land and natural resources,
9 that could be no but yes. So it really depends on what
10 the comments say, the substantive nature of those
11 comments, and how they're analyzed by the experts in the
12 Department of the Interior.

13 MR. KAWIKA KOLOMONA KANAKEEAINA: Can I have a
14 follow-up question to that response from his question?
15 This is really -- I don't need the mic.

16 So when all those comments and verbal
17 testimonies are given, is that available to the public --
18 without personal information included in the written
19 comments obviously. But is that available to the public
20 so that we as a community can disseminate through that,
21 and then when the Department of the Interior comes out
22 with their decision, if it goes the way of the path of
23 federal, can we have that to look back and say, hmm, our
24 analysis -- I mean, we're not experts, but our analysis
25 is this, but -- so that way, we can -- I don't think

1 there's any harm in questioning the establishment, and I
2 don't think there's any harm -- and I personally want
3 something done. I want a Native Hawaiian government. I
4 want, you know, us to be in charge of our things. But we
5 need to have full transparency in two of the processes.
6 We need to understand the efficacy. And I think the only
7 way we can do that and have a respectful dialogue is to
8 have transparency. So are those public comments -- are
9 those videos that were being taken, audio testimonies,
10 the transcriptions, will those be made available at some
11 point to our community so that we can read them?

12 MS. JENNIFER ROMERO: Yes. They are being made
13 available on an ongoing basis. So we get comments that
14 are posted online, and there's about a day lag for our
15 people to log them and put them into the system. I
16 checked this morning, and there's nearly 400 comments on
17 regulations.gov. Those are posted pretty quickly, like I
18 say, within 24 hours.

19 With respect to the transcripts for the
20 Hawaiian meetings, those are being uploaded into the
21 system as I speak. The transcripts are coming in on a
22 daily basis. It takes us about a day or so to get them
23 up and running. There is -- we did not take video.
24 There's no official video. I know there are other folks
25 in the room that were taking their own videos, but we

1 won't have video for this site.

2 But to answer your question, yes, there's as
3 much transparency as we can provide, and we guarantee
4 that everything that was said in those meetings in Hawaii
5 will be available to the public to review for their own,
6 as well as comments both that are posted online and those
7 comments that have been written to us, delivered
8 personally and also by the United States Postal Service.
9 All of those will be available for viewing by the public.

10 MR. KAWIKA KOLOMONA KANAKEEAINA: What website?

11 MS. JENNIFER ROMERO: The website is -- well,
12 there's regulations.gov where you can view the online
13 comments. As far as the written comments, I believe they
14 will be posted to the Office of Native Hawaiian
15 Relations, which is in the Department of the Interior.

16 MR. KAWIKA KOLOMONA KANAKEEAINA: Thank you.

17 MS. JENNIFER ROMERO: Uh-huh.

18 MR. MICHAEL GRESETH: Hi. I'm Michael Greseth.
19 And I think what we're kind of concerned about is we
20 won't have a problem with government being accessed in
21 Hawaii. I think it would be a terrible thing if they
22 left and left Hawaii vulnerable to anybody else that
23 wants to come in and take over that. I think that, you
24 know, what I see in government is they want to keep their
25 hand in there, and the Hawaiians don't have a problem

1 with their hand there. But when they start implementing
2 things that the government is supposed to do, is the
3 government supposed to be before the people, not the
4 other way around, I think that's where the problem is is
5 there. And I would hate to see the -- you know, a
6 sovereign nation like Hawaii not be protected by the
7 United States and have someone else run it. That would
8 be just a total misstep, as we saw in Iraq when we left
9 that, and they just came up and upheaved the whole system
10 and try to keep the place. So I think government is
11 important. I just think that the way they are doing
12 things and the way that the Hawaiian people want, they
13 want to have their cake and eat it, too.

14 And I see what the Indian Nation, the Native
15 American nation is trying to do for those people, we're
16 trying to say, you know, how can we do that as a Native
17 Hawaiian people and get the same results without jumping
18 through all the hoops and jumping through all the
19 deception the government puts on? And I don't think
20 that's going to happen, because we can't overstep a few
21 guys that worked hard to get through and are still
22 working hard at it. And you're always spinning your
23 wheels from one presidency to another, whatever the case
24 may be. So if we could say like our governments are all
25 the same, like our brother Jerry over here said, the

1 government is all the same, well, they should be all the
2 same. It shouldn't matter if it stops with one
3 administration to another. But I think we're getting
4 frustrated here knowing that there's nothing really
5 that's going to be happening today until we get our own
6 people up there, that we can talk to them and fire at
7 them, because we know that your main concern is to keep
8 the tribes and teach the rest of the indigenous people
9 how to get to where you guys are at. It's a process that
10 we see at -- you know, Brother Littlegeorge is gone, and
11 he had some stipulations on things that happened in his
12 culture. And I think the Hawaiian people just want to
13 make sure that none of that stuff disappears. And I'm
14 all for what you guys are doing. I just think that this
15 screaming at you guys, wanting to get some answers,
16 knowing that we have to represent ourselves and that we
17 don't have any true representation here to really hammer
18 and get these answers -- these questions answered for us.

19 So thank you.

20 MR. DERRICK BEETSO: Looking at the clock, I
21 know we have this room until noon, and it's about 11:30
22 now, so.

23 MALE SPEAKER: I say we have a motion to
24 adjourn.

25 FEMALE SPEAKER: I just have one thing to say,

1 which is really off the subject. But I want to apologize
2 to the Native Americans for all we did to you, which was
3 just horrible. And I live in [inaudible], which is close
4 to Mankato, which is where 38 Native Americans were hung
5 in 18 something. I think that's the biggest mass hanging
6 there ever has been. And I know every fall in the Land
7 of Memories Park, there's a reconciliation powwow, and
8 everyone tries to forget and get together and start anew.
9 But I can understand why it's very, very difficult. And
10 that's why I'm apologizing.

11 MS. VENUS MCGHEE PRINCE: Derrick, I want to
12 make one quick comment, which is, I just want to
13 emphasize, because we do want our record on this to be as
14 robust as we can, and we want to get perspectives, but we
15 do need comments that are submitted to be responsive to
16 the questions that we're asking. And I know we're
17 getting a lot of comments certainly in our public
18 meetings out in Hawaii where I know that a lot of the
19 international law issues that are -- you know, the
20 community feels very passionately about. And, you know,
21 as an indigenous person, I understand exactly where that
22 comes from. And I am empathetic to that. But I think
23 for purposes of this process and what we're doing, you
24 know, we really -- because I know, and I think someone
25 highlighted, that there were the three areas that this

1 ANPRM said that it wasn't covering, and one was the
2 fundamental nature of the relationship between the
3 United States and Hawaii.

4 So we are -- this forum is under sort of
5 domestic law. There's no doubt about it. Interior is
6 dealing with domestic issues. And I just would emphasize
7 that to the extent that even if you -- even if you
8 support sort of the international [inaudible] path, that
9 to the extent you can respond to these questions even
10 past the first threshold thoughtfully with your comments
11 as to what you would want it to look like if it were
12 there, that would be extremely helpful to us.

13 MR. KAWIKA KOLOMONA KANAKEEAINA: With that
14 said, you asked 19 questions. You asked five threshold,
15 and you asked 19. Looking at the 19 questions, which I
16 studied when you originally put them out, some of the
17 things that are being addressed, some of it goes outside
18 the scope. The majority of the things that were being
19 brought up do fall -- kind of gray areas, but they kind
20 of fall within this. And I think where the danger is, as
21 a Native Hawaiian, my concern here is that these are our
22 representatives. OHA is our representatives, one of a
23 few, but they are the duly-elected, appointed
24 representatives of our OHA back on the island. We have a
25 process called ho'oponopono, in which we reconcile and we

1 forget, because forgiveness is more about the forgiver,
2 not the forgiven. The concern is that the government is
3 putting out questions that pertain to what should the
4 qualification be for people to be recognized. Five
5 threshold questions is one thing. But then when the
6 Department of the Interior is putting out questions that
7 drill down to blood quantum -- I'm using my own
8 terminology -- but blood quantum, constitutional
9 framework, that, to me, is outside the purview of the DOI
10 at this time. If the community does through its
11 appointed leaders choose to go the route of Fed Rec, then
12 yes, let's engage in that. But I think the concern right
13 now is we have a ton of people that don't even have a
14 clue about our history and don't have a clue about what
15 you're even speaking to, because we need a plain language
16 doctrine. We need a memorandum of understanding and a
17 plain language doctrine. I'm a state employee. I was a
18 federal employee. We need a plain language doctrine so
19 that people can look at this and say -- they can look at
20 it and understand what you're saying, because I think
21 that's where a lot of the confusion is coming.

22 MS. JENNIFER ROMERO: Your point is very well
23 taken. And I think, you know, we're very much interested
24 in the five threshold questions. The 19 questions really
25 flesh out those five questions, and they're really given

1 as guide posts. By no means do you need to address these
2 questions. But it's really just to give -- just to let
3 you start thinking about some of these issues that are
4 ancillary perhaps at this time but could inform your
5 decision with respect to the answers to questions one and
6 five.

7 MS. VENUS MCGHEE PRINCE: But exactly what you
8 just said, I'm glad that it's getting put into the
9 record. But, you know, if people feel that way about
10 some of these 19 questions, it's good for us to get that
11 feedback, that you don't think that it is, you know,
12 relevant to what we're doing right now.

13 MS. CECELIA KRAUSE: Thank you. This is
14 Cecelia Krause. First of all, I think that the
15 Department of the Interior, they ask us to enroll. We
16 are kept track of our lineage like an animal is, whether
17 they're purebred, half, quarter. And that one I have a
18 hard time with. And the other question I have is who is
19 going to be analyzing all of these questions that are
20 going to be -- some are from the department or from the
21 United States Government, or is it going to be some
22 agency outside the government?

23 MS. VENUS MCGHEE PRINCE: Department of the
24 Interior is certainly the agency that's drilling into
25 these questions if they need to be. And I wanted to

1 emphasize -- you know, I think you were talking about
2 blood quantum. A lot of tribes -- and I think this is
3 one reason I'm very hopeful that the Native Hawaiian
4 Community does succeed in nation building efforts and
5 does form a government, because once the tribal
6 government is formed -- and I hope the same will be true
7 for Native Hawaiian government -- they can set membership
8 requirements however they want to. And a lot of tribes
9 don't depend only on blood quantum requirements. And a
10 lot of tribes change their membership requirements over
11 time. And so I think that is one of the benefits of
12 having that governing structure in place and one reason
13 I'm very hopeful for the current nation building efforts,
14 because I think then it is the community's choice what
15 their membership requirements are, and they don't have to
16 be, you know, based on 50 percent or, you know,
17 25 percent or that type of thing, which I know a lot of
18 tribes, including myself, I have always kind of not liked
19 the blood quantum aspect of the membership requirements.
20 But that being said, I just want to emphasize that that
21 is one of the benefits I think a formal governing entity
22 for Native Hawaiians would have is the ability to set its
23 own membership requirements.

24 MS. SONJA TANNER: I just found out that when
25 the meeting was held here, you mentioned earlier that it

1 was supposed to be for the tribal government community
2 meeting. And you had mentioned that there is no tribal
3 government representation here. So I guess I would like
4 it to be on the record that it's an annual meeting, I
5 think, at the Governor's office, which is where the
6 tribal leaders are, not that there wasn't necessarily any
7 interest.

8 MR. DERRICK BEETSO: Thank you. So at this
9 point, does anybody want to make a closing comment?

10 Okay. Well, we appreciate having an
11 opportunity to talk to you guys today, and we appreciate
12 all the input we received. And we thank you again for
13 taking time out of your day. I know it was mentioned a
14 couple times that today is a workday. It's a day for us
15 to -- and we apologize that sometimes these meetings get
16 scheduled during workdays. So thank you for coming out.
17 And thank you again. Safe travels home.

18 (Meeting concluded at 11:40 a.m.)

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REPORTER'S CERTIFICATE

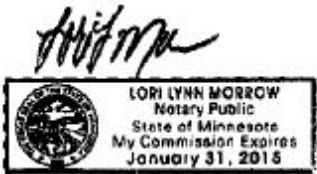
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) ss.
COUNTY OF HENNEPIN)

I hereby certify that I reported the Department of the Interior Tribal Consultation on the 29th day of July, 2014, at Mystic Lake Casino in Prior Lake, Minnesota;

That the proceedings transcribed by me are a true record of the proceedings held;

That I am not financially interested in this matter and have no contract with any persons with an interest in the matter;

WITNESS MY HAND AND SEAL, this 1st day of August, 2014.



Lori L. Morrow, RMR, RPR, CRR, CLR, CCP
Notary Public, Hennepin County, Minnesota
My commission expires: January 31, 2015