Public meeting regarding whether the Federal Government should reestablish a government-to-government relationship with the Native Hawaiian Community

PUBLIC MEETING

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PUBLIC MEETING

MR. BEETSO: If folks in the back wanted to move up, it seems like we're not going to have a lot of folks this morning to cover the entire room. It would be nice to have a good conversation in the front. But if you're comfortable back there, that's fine as well.

So welcome again. This morning's conversation is about the Advanced Notice of Proposed Rulemaking which examines developing a potential process to facilitate the reestablishment of a government-to-government relationship with Native Hawaiians.

So to kick us off this morning, we are blessed to have President Enos from the Salt River Pima-Maricopa Indian Community here today, so I wanted her to go ahead and kick us off with some opening words.

MS. ENOS: I have a little cough. That's why I had to swallow it down. Good morning.

AUDIENCE MEMBERS: Good morning.

MS. ENOS: (Speaking in language other than English). I just said good morning to you in our way, in O'odham, which is Pima, and Piipaash, which is otherwise known as Maricopa.

On behalf of the people of the community,
let me welcome you, and on behalf of the Council let me welcome you here today. We know that this is a -- has been an issue a long time coming, and we know that the people in -- our relatives, the people in Hawaii, the Native people, have been waiting for a decision in their favor for many years and have fought for many, gosh, centuries to be rightfully recognized in their own territory.

The community, we of the O'odham and Piipaash people, have lived in this part of the world since time immemorial. We have roots that go way down here.

Any of the projects here in Arizona, in this part of the Valley, the desert, must have water. Water is absolutely essential, and even more so because it's a desert area. The many functions that any people have to undertake, business, housing, all of those things, settlements, cities, require water.

Centuries ago, for many centuries, our ancestors built canals here and built ditches, and they were able to irrigate and cultivate miles and miles and miles of fields of food, corn, squashes, tobaccos, different types of chilies, melons, cotton, and so on and so on.

When the Mormon battalion, which is one of
the first American groups, came through here in the 1800s, early 1800s, they wrote down what they saw, and here they saw, and in the Gila River which is our sister tribe, one of our sister tribes, they reported miles and miles and miles of fields and agriculture. Our ancestors had worked so hard and had done so well for themselves that they had surplus to sell and surplus to give away. So they were able to help not only the Spanish padres who came through here preaching Catholicism and converting people, but they also helped the Mormon battalion and a lot of the other white settlers that came through on their way to California for the gold rush.

And our people have -- also have a history of supporting each other. In about the last part of the 1700s and the early part of the 1800s, the Piipaash people, who are a Yuman tribe, otherwise known as the Maricopas, lived towards the Colorado River. In fact, their names (speaking in language other than English) Piipaash, which means people by the water.

There were warfares going on in their part of the state or the area, and because we knew each other for a long time and were familiar with each other, probably had some marriages and friendships among each other, the Pima, O'odham people took them in. We formed a confederacy of sorts of mutual support, and even today
that still exists because they live here and we are one tribe. We like to say two tribes, one people.

And it's an example of how -- the quality of character that our ancestors had was to be able to take in people and to be able to support an alliance with them for the protection and the betterment of our group and their group as well.

Now, when I first got into office in 1990 -- I like to tell this example because it's an example of everyone everywhere, including I'm sure the native people in Hawaii. When I was first elected to council in 1990, which was 24 years ago, I think, our population was about 5,005, a little bit over 5,000, something like that. As I speak today, we are -- were, the last time we certified our population number, we were 80 short of 10,000. This year we believe that we are going to be 10,000 in numbers of members of the community.

And I say that because not only does it show how critical the needs continue to be, but it also shows the strength of our people as far as voting, as far as being able to accomplish what a people can accomplish together. And I say all of this on behalf of the native people of Hawaii because they, too, are like us. They, too, have a territory where they shed blood at, territory where their children were born, where their people are
laid to rest or, as I think the custom is, the ashes from
the people are put in the ocean, which is a beloved place
for them as well.

People everywhere in the United States and
in this part of the world, and actually in fact the world,
tribal people have the same recognition, recognizing the
same needs. Those needs are universal. Those needs are
to feel safe in a territory that is ours, to feel at ease
in a territory where we create our own laws, to feel
comfortable in a territory where we celebrate our own
customs and carry on our own tradition and where we can
conduct the affairs of our people in the way that we see
fit as indigenous people, as people that belong to our
territories.

So there is not much difference between the
needs of the Hawaiian indigenous people and the needs of
any other tribe here, including the Salt River
Pima-Maricopa Indian Community. And we totally understand
and we totally recognize them as our relatives. Our
relatives in the political realm because we are all part
of the United States, but our relatives in the cultural
form as well, because all the people in the world in this
part of the hemisphere are connected. And we used to know
some Hawaiian people who would come here, missionaries,
fairly recently, and in talking to those people, they're
young people, you got to learn some of the customs of their people and you also got to learn, I did, I got to learn how much home means to them, just like us.

So the consultation work that you are doing, Department of Interior, I would like to acknowledge that process and acknowledge your work for it and acknowledge -- what's his name? -- Kevin Washburn — just kidding — and Secretary Jewell and President Obama, of course, for their willingness and their ability to go out and collaborate and consult with all the tribes on this really, really critical matter.

Personally, I am speaking for myself because my community has not taken a resolution by the council, but I expect that if given a resolution that we would support recognition of the Native Hawaiian people because we understand, for all the reasons I just described to you, they are a tribal people just like us. So thank you for being here, and welcome to the community.

Today is the primary election day, so I can't spend the whole day with you because I’m running for my seat again. And I really wish you only the very, very best here and that the work that you're doing continues and that it's productive and that it's beneficial to the native people in Hawaii, our brothers and sisters.

Thank you so much, and welcome to our
territoery. (Applause)

Is there any questions?

MR. BEETSO: Thank you, President Enos.

And we got started a little early this morning because it was an election day. And I know President Enos was kind enough to take some time out of her day to be here this morning and give us the welcome, so we really appreciate that. But she had called for questions. So are there any questions?

No?

MS. ENOS: They don't want to keep me from my race.

MR. BEETSO: Okay. I know I asked this a little bit earlier, but just a little bit of housekeeping. Are there any elected or appointed tribal leaders in the room right now?

The reason why I ask is this morning's session was initially planned as a tribal consultation. For those of you who are not aware, Executive Order 13175 is a presidential executive order which requires that the federal government consult with the Indian tribes any time there are policies that might potentially affect Indian tribes, and so normally we hold consultations with tribal leaders. But since there are no elected or appointed tribal leaders in the room, this is officially not a
tribal consultation. We are now transitioning into a public forum.

So the way this will work this morning is you have a roadmap up here on the screen. We'll start with introductions and then we'll move to a brief discussion on Native Hawaiian history and then move into the ANPRM, which is what a lot of you guys are here to learn more about, maybe discuss. And myself and my colleague up here, we will introduce ourselves in a second, and then we'll open it up to questions and comments.

I want to note that we have a court reporter over here in the corner, so please don't make any statements until you have the microphone in your hand so she can hear clearly, and also please state your name before you make a statement or comment.

So with that, let me introduce myself. My name is Derrick Beetso. I am a counselor to Assistant Secretary of Indian Affairs Kevin Washburn, and I am from the Navajo Nation. And my colleague here, I'll allow him to introduce himself.

MR. SMITH: Good morning, everyone. My name is Justin Smith. I'm with the U.S. Department of Justice, and it's an honor to be here with everyone today.

MR. BEETSO: Since we have a rather large
group this morning, when we move to the discussion phase I would ask that everybody be respectful with each other's time, so try to keep comments between three and five minutes. And once everybody has had a chance to make an opening comment, then we'll move to second comments from individuals so we make sure that everybody has a chance to make an opening statement first.

But with that, I guess we'll go ahead and move on into the presentation. And I'll turn it over to Justin.

MR. SMITH: So I'm not going to read the slide out loud, but you can read it for yourself. But as you can see, there are 150 laws already in place that Congress has enacted that relate to Native Hawaiians. And the interesting thing about those laws is that they are different from the laws relating to Native Americans and Alaska Natives. For Native Americans and Alaska Natives there's a government-to-government relationship in place and a process available to create a government-to-government relationship, and that's existed for a long time.

For Native Hawaiians, Congress has created these laws, but the laws all create a relationship directly with the Native Hawaiian people. They don't address a relationship with a Native Hawaiian government,
partly because there is no such government, but also the way the law currently is written, and this is in federal regulations, should a Native Hawaiian government come to exist, there would be no way for it to be recognized in a government-to-government relationship with the federal government because Part 83, which is the law that governs recognition of Native American and Alaska Native governments, native governments, is limited to the continental United States. Does not apply to Hawaii.

So what's on the table and what we're talking about today is that gap and that feature of the law, that limitation in federal law. That's the key issue under discussion today. There's a lot more detail that we'll get into, but that's the central focus of the question.

Now, that feature of federal law has been discussed for some time. And for example, in the year 2000 the Departments of Interior and Justice issued a report called From Mauka to Makai as a result of the reconciliation process. And that report, one of its big recommendations was let's change that provision. Let's create an opportunity for a government-to-government relationship and put Native Hawaiians on the same footing as other Native peoples in the United States.

Now, after that report came out, the Bush
administration came in, and that administration did not support that idea. There was in fact a lawsuit filed during the Bush administration by a group of Native Hawaiians that said they wanted to force the court -- they wanted the courts to order Part 83 to be changed, to let Native Hawaiians apply the same way that other Native peoples already could.

The Court of Appeals said it was not going to order the Bush administration to make that change, but it also said that if the federal government wanted to change the law it had that opportunity, that that was something that the federal government had available to it.

And that's essentially, as I said, the question we're talking about today: should we do the thing the federal government was authorized to do by the Court of Appeals.

You may have heard of the Akaka bill, which also provided -- would've provided -- and is still under discussion -- would provide a process for a similar recognition process to occur. This is essentially an administrative alternative that's been under discussion for some time. And there's been a request by the Hawaiian congressional delegation and also by individual Native Hawaiian groups that the Obama administration look at this issue again - it's been under discussion for a while - and that we consider whether to change this limitation in
existing law.

Now I'm going to switch over to talk about -- first I'm going to apologize for the acronym. There's a lot of legalese here and I do apologize. ANPRM is Advanced Notice of Proposed Rulemaking, and what that means essentially is it's an additional opportunity for early public involvement in an idea that the government wants to talk about.

Usually if the government wants to change the law, wants to change a regulation, it does a notice. It says here's the language we're thinking about, come on in and comment.

Here we're saying we're not even -- we haven't even written the language. Before any language gets written we want the public to come in and tell us what they think, first about whether it's a good idea and second about how to approach this issue and whether it should be done at all. So should the ANPRM move forward, then it would go to the process I just mentioned, there would be a notice of proposed rulemaking and another opportunity for comment.

So this is actually a little unusual, and it's a chance to get the public involved early and really get the public engaged in how this new and important issue should be dealt with. So we're really interested in
hearing what everyone has to say today because that's the purpose of this, is to get the public engaged early on.

I will also notice -- you'll notice that one of the bullets says the process may not move forward. Sometimes an agency issues an advanced notice, and there are reasons that come out in the discussions from the public that it does not make sense to move forward, and so that's an option that's on the table as well. And, again, we're interested in people's comments about all of these issues.

Now, the -- I think the ANPRM document's available so you can take a look. And it's actually surprisingly, for a government document, not that bad of a read, speaking as someone who's read a lot of government documents. But I do admit that it is written -- it's a legal document, and so it is a pretty technical document, so I'm going to try to walk you through the big picture of what's on the table in the very biggest picture way.

There's a list of 18 questions at the end, and essentially what those questions are about is should this rulemaking go forward. Then there would be what amounts to a door created, that is the federal government would not mandate anything. It would not require anything. It would simply set up an option so that if the Native Hawaiian people, in their self-determination,
should choose to establish a government and write a
constitution they would then have the option, again based
on their democratic decisionmaking, to knock on the door
and say to the federal government we'd like to have a
government-to-government relationship analogous to those
that exist for other native communities.

So the question is should there be a door.
That's question No. 1, the first, the very biggest
question. And then the other big picture questions are
how is that door going to work. Now, if people say no to
question 1, you don't need to move forward, obviously.
But if you think this door should exist and this option,
this opportunity should exist, then the second set of
questions is, well, first of all, how is this government
going to come into existence.

In the existing federal regulations for the
continental U.S., there's a process that allows the
federal government to assist an Indian tribe or Alaska
Native village to organize a government, and that's
Part 81. And so one question is should this new process
include something like that. Should the federal
government have any role in establishing a constitution
and a government for the Native Hawaiian people. And if
there is a role, what should that role look like, what
should the federal government do. And again we want -- we
obviously want your views as to whether that's worth doing and necessary.

The second big set of questions are so once you've got a government and a constitution, what does the door look like. So when this government comes into existence, what is the Secretary of Interior going to want to know to decide -- say ten different governments line up at the door and say each of them's saying I am the official Native Hawaiian government, I'm the one that should be recognized. How does the Secretary of the Interior say this is the government with which I, Secretary of the Interior, will establish a government-to-government relationship? So these -- this set of questions involves how the door is going to work, exactly who gets in the door, how does the relationship get established, how is it going to function.

That's the -- again, it's a big picture run-through of what I will admit is a technical document, and I think there should be an opportunity to talk in more detail about some of the aspects of it.

I will say that there are some things that are not on the table today. And if you look in the advanced notice, it says, I think on page 2 or 3, that there are some questions that are not open for discussion. One of them is we're here as federal officials of
Department of Justice and Department of Interior. This is an action by the Department of the Interior; the Secretary of the Interior would be taking this action. And so those officials can only act within the limits of what Congress has enacted, the 150 laws that Congress has adopted. And we can't change those 150 laws that are already in place. So there have been some international law questions that were raised in Hawaii or have come up in the past, and we are not -- comments on those issues are welcome. We're -- there's a limited ability to consider them in the rulemaking process, and we're not able to address them here because of the agencies we work for and the limitations on our roles.

There's also -- the document also says this process is not about claims or grievances, and it says that the process -- one of the laws that can't be changed is the Hawaiian Homes Commission Act. So the status of Hawaiian homelands is created under existing federal law, and that's not something the Secretary is able to change. So those are some things that are not on the table. What is on the table is this door, what it should look like, should we go forward, should the government go forward with this idea.

And with that, I'll pass it back to Derrick to talk a little bit more about how the process works.
going forward.

MR. BEETSO: Thank you, Justin.

So you'll note on the screen here we have a comment due date of August 19th, and that's right around the corner. And there are different ways you can submit your comment. We have the e-portal, which is at www.regulations.gov. And then you can submit them by hand or by mail to the address on the screen. There's also a contact here for further information. And like Justin said, this is an action by the Department of Interior, so we are limited in the scope of recommendations that we can consider. And so we just want to note that from the outset.

So, you know, we have a court reporter here, so make sure when you make a statement, make sure you state your name clearly for the record. And I guess with that we'll move to comments and questions. Again, we want to make sure everybody has a chance to make opening comments, so we'll only take one comment per person until everybody has had an opportunity to make a first comment.

So I know there's a lot of material covered. So is there anybody that would like to make an opening statement or question or comment for myself or Justin?

UNIDENTIFIED SPEAKER: Just it's actually a very procedural question. Would the comments that we make
here also go sort of in the record? Because there was some I think mis- -- others had said at other meetings about the continental United States that these transcripts won't be included in the official record, the verbal sort of testimony, only the written. So I just -- that procedurally.

MR. BEETSO: I think we're obligated to consider everything in the record. So we do have a court reporter here so we can get an accurate transcript of everything that's being stated today. So if you make a comment today, it will be on the record. So that answers that question, and it's a very important question as well.

Is there any other questions to start us off?

I know that Justin mentioned that this is a very legalese type document. So I know if you guys had a chance to read the ANPRM, I know there are some questions that you must have about different statements in there.

This is our fourth meeting in the continental U.S. for tribal nations. We've had another meeting in Las Vegas that was a public forum and then we've had a handful of meetings on the islands of Hawaii as well, so we've had an opportunity to hear from a lot of folks. Some of you folks have been to some of those other meetings. Our last meeting was -- I believe was up in
Seattle, and I thought we had a very good discussion. So I know there are a lot of questions out there, so -- yes?

MS. CARLISLE: Aloha kakou. My name is Jacqueline Carlisle, and I did have a question. And actually I have three, but I will give everyone a chance.

My first question is is tribal recognition through the Department of Interior and the United States, and if that recognition -- if that tribal recognition is given does -- is it revocable?

MR. BEETSO: Well, I think what we are talking about here -- and this is probably a good point to underscore; Justin mentioned it earlier. But there's a difference between what we're considering doing here and like a statute. So tribes can be recognized through statute, so Congress can act and recognize a tribe and that tribe is automatically recognized.

Here we are talking about setting up an option. So I guess an option would be if a petition is put forth to the Secretary under any proposed rule in the future there will be certain criteria that will be examined by the Secretary of Interior. So the Secretary of the Interior would elect -- like for instance with Indian tribes, you look at a constitution that a tribe puts forth, and you see what the percentage of ratification for the constitution is.
So I think under Part 81 for reorganization of Indian tribes, it has to be ratified by at least 30 percent of the folks on an eligible roll. You also look at the rule that's put forth by the petitioner, and the rule has to be unambiguous. So sometimes we might get a rule that relates back to two or three sentences, rules, and to us that's ambiguous. It has to relate back to one essential. But one essential rule, but that rule is up to the community to decide which rule to use.

So if all the criteria are met, if we develop a proposed rule in the future that would allow us to recognize the government-to-government relationship, if all of the criteria are met, then conceivably the Secretary would acknowledge a government-to-government relationship with that group or entity. But if the criteria are not met, then it could be revocable at the floor, so to speak.

But beyond that, once the tribe has recognition, one of the ways that it could be, quote-unquote, revoked would be an act by Congress, that I guess Congress could revoke a government-to-government relationship. But I'll turn to Justin because he's from the Department of Interior -- the Department of Justice, so he's here for all the technical legal questions.

MR. SMITH: That's actually a sort of --
that's sort of a difficult and obscure question. But my
guess is that if an existing tribal government chose to
dissolve its government that the relationship would be of
a different type after that occurred. But I have to say
that's a new question.

MS. CARLISLE: Thank you.

MR. BENKO: My name is Greg Benko, and the
question I have is somewhat simple. I know question 1 is
asking about whether there should be a proposed
administrative rule. If there is agreement to do an
administrative rule, what is the procedure after that?
Who puts the rule together? Where does it go for
approval? Do we need federal government approval to
proceed after that? It seems to me that we're being asked
if there should be a rule, but I'd like to know if we do
what happens after that.

MR. SMITH: The next step in the process
would be that the Interior Department would do a draft of
what the rule would look like and would put the draft out,
and there would be another set of meetings and an
opportunity for the public to weigh in on that draft. So
the rule would be written by the Interior Department.

I think it's also important to emphasize
that what the Interior Department would be writing --
would be doing might be something very short. It might
just say in very brief terms should a government come to
existence, this would be the steps it would have to do to
be recognized.

So there would also be a very important
process that would have to happen with the Hawaiian --
with the Native Hawaiian community in which that community
would do -- and this I think is in many ways the bigger
project, of writing a constitution, which involves making
a lot of decisions about how a government would work and
then electing officials. So the -- a lot of the features
of whatever government would come into existence would be
determined through a democratic process by the Native
Hawaiian community with no federal government involvement
at all. So it would be something that would happen within
the community itself. It's self-determination.

And I think the -- certainly the existing
Part 83 process, if you look at that as an analogy, is
quite limited in terms of what it demands of a government
that applies. It's a pretty simple set of criteria and a
pretty simple process, and the heavy lifting occurs in the
community itself. That community has to say, yes, we want
leaders; yes, we want a constitution; here's who is going
to write it. And that's a complex process. So there are
those two things that would have to happen together, if
the community wants it to happen.
MR. BENKO: I understand that should the rule be drafted, what gives authority to the rule or approval to the rule for the Native Hawaiian community to begin the process of forming the government? I mean, you've drafted a rule and it goes out for public approval or public comment. At what point does it become an actionable or a legitimate go-ahead to start forming?

MR. SMITH: And so there's two questions there. The rule itself, the process involves a notice of proposed rulemaking. So that's a second document with the draft of the actual language of how the process will work. And that document goes out for public comment and then a final rule comes out. And once that final rule comes out, that's the process and that's the go-ahead.

Now, I should say that the community could start organizing sooner if it wanted. So long as the community is ready with a constitution in place by the time this final rule is in place, that's fine.

So the ability to organize a government is a sovereign ability that comes from the community itself. The inherent sovereignty of the community itself is the whole idea of the government-to-government relationship. The community's already sovereign, so they can create a government at any time. This is just the federal government acknowledging, if that's helpful.
MR. BENKO: I think what I'm really looking to see is where does the final official go-ahead come from?

MR. SMITH: So there would -- the Secretary signs the rule. And once the Secretary signs the final rule, it's effective. And then the -- there's a second step, which is once you've got a government that government submits something to the Secretary which then has to be approved. But the rule's in place once the Secretary signs it.

MR. BENKO: Thank you.

MR. SMITH: The Secretary signs it.

MS. HALLUMS: I'm Maile Hallums, and this is a question I have 'cause I'm kind of -- am I to understand that DOI is offering -- you're offering assistance to natives like me, who are not supposed to know how to set up a government? I threw that in for free.

Is this what I understand, that you're going to help us to create a forum so your government can engage with the Native Hawaiian government? Instead of a nation-to-nation relationship, you're looking at a government-to-government relationship? Is it -- I'm not clear why DOI is involved in this process at all except to offer your assistance. And let me give you an example of why I'm asking that.
Supposedly we should know -- there was no referendum in our discussion on nation-to-nation relationship; right? There should be some kind of plebiscite or referendum when Native Hawaiians can meet to decide for themselves exactly how we're going to govern ourselves, among Native Hawaiians, not the American government. That's why I'm assuming you're offering your help.

If you are, if you are offering your help, this is where you can help us, even as we have these discussions, is to arrange that this plebiscite or referendum can happen you would have to have military -- they would have to have military, what do you call, guards around wherever we meet so nobody can interfere with our discussions on how we're going to govern ourselves.

Because as you know with all these hearings you said, all the different factions of Native Hawaiian governing entities have already spoken to you. That's (speaking Hawaiian) -- who is that? -- (indiscernible). They're all exercising their sovereign right to govern themselves for the people. But we're not doing it altogether. Okay?

So back to my question. Are you gonna help us with this? That's where we need your help. We don't need an administrative ruling from you to be recognized.
And I'm not saying it just to be argumentative. I think if you look in U.S. Public Law 103-150 -- everybody calls it the Apology Bill -- you'll see in there that we have the right to do this without your interference.

And for those of you who are not really clear about that law, then I would suggest you look up -- go to the St. Thomas Law Review by Francis Anthony Boyle and it will explain every point in there so it's clearer and you can engage more responsibly in these discussions.

Anyway...

So can you answer that question for me?

MR. BEETSO: Yeah. No. You raised a lot of good points in that statement. You kind of get to what Justin was drawing out, is there's five questions. And four of the five kind of work together, so there's like the first question is just an overarching question should the Department of Interior move forward at all. And if your answer is yes to that, then you move to the second and third, which are kind of -- they get into the grains of reorganization.

MS. HALLUMS: We have to answer that question, too. But if so, how you gonna do it; yeah?

MR. BEETSO: Yeah. So that's the second and third question. The second and third question is reorganization. And for Indian tribes we have Part 81.
That has its roots in the Indian Reorganization Act. And for those of you not familiar with that, I think like in Oklahoma, for instance Oklahoma used to just be Indian territory, and in the 1930s the Indian Reorganization Act had language to the effect that Indians living on a reservation could organize as a group or as a tribe. And that didn't really apply to Oklahoma because all of Oklahoma was Indian territory with a whole bunch of different Indians or different tribes, so it wasn't one reservation for each tribe.

MS. HALLUMS: You're getting off the subject, though. There might --

MR. BEETSO: Well, no. No.

MS. HALLUMS: We're not --

MR. BEETSO: What I'm saying --

MS. HALLUMS: Might be a little parallel to Native Americans on the continent here, but not quite the same.

MR. BEETSO: Okay. I'll skip the history lesson.

MS. HALLUMS: Yeah.

MR. BEETSO: So what you're asking is you're asking for --

MS. HALLUMS: No. I'm asking for you to clarify your role in the organization of Native Hawaiians.
creating their government.

        MR. BEETSO: Well, we don't have a role
right now, and that's kind of the question. The question
for 2 and 3 is should there be a role, what should it
include. And so you suggested that it --

        MS. HALLUMS: So you are no help to us in
how we can do it?

        MR. BEETSO: We're suggesting whether or not
you need help, and if you do we want suggestions on how
that would look like. So you suggested there should be
some sort of security.

        MS. HALLUMS: So you need to do that so that
we can conduct a plebiscite or a referendum, because
that's what the law calls for.

        MR. BEETSO: Okay.

        MS. HALLUMS: (Inaudible.)

        MR. BEETSO: Yeah. Well, so when you --
        MS. HALLUMS: So maybe I'm getting ahead of
myself.

        MR. BEETSO: No, you're not. You're not.
You're not. But that's -- these are the type of comments
we're looking for. So when you respond today and to the
ANPRM, we would like you to make those recommendations.

        MS. HALLUMS: And I also have it in writing
to the -- it's a little bit off the subject, but DOI had
a -- I'm sorry. Okay.

DOI had hearings in Hawaii. I'm very clear about that. In Hawaii, the largest concentrated --
concentration of Native Hawaiians is on the west side.
Okay? Waianae, Nanakuli, Kapolei, now all in that area,
so we have about 65, 75,000 Native Hawaiians living out in
that area.

You cancelled your hearing in that largest
district, Nanakuli. I'm from Nanakuli. You got an idea
of why I'm here. Not really, but -- and I represent Na
Kapuna O Waianae. And we'll get to you what these
organizations are.

But something's wrong with that picture. We are not really happy about that. So, you know, okay.
Maybe put that down in your notes someplace and correct it. Because 65,000 Native Hawaiians don't have their
comments on your books. What's wrong with that picture?
Okay. (Inaudible.)

MR. BEETSO: Thank you.

MR. SMITH: I wonder if we could go to
statements, just because in the interest of time we get
statements first. What do you think?

MR. BEETSO: Sure. Are there any other
statements?

MS. PAULO: Aloha. My name is Sharon Paulo.
I'm also from Nanakuli. My maiden name is (inaudible) so my family is from Nanakuli. I live in Moreno Valley in California. I'm the president of the Hawaiian civic club known as Kaha Panoa Kaleponi. We are based in Moreno Valley, California.

For many years, for the last 30-some years, I have been actively involved in the Hawaiian community in our area. I'm very familiar with the DOI/DOJ hearings that happened back after the Apology Bill was initiated, and that was -- and the outcome of which was the report From Mauka to Makai. And the recommendation from the report was that the Hawaiian people wanted self-determination.

This advanced ruling is asking us if the Department of the Interior should create a process for a government-to-government relationship between Native Hawaiians and the United States, which says that in the past there was in fact a government-to-government relationship between Hawaii and the United States. This is kingdom time and there was that relationship.

So a lot of the flak that -- and Justin, folks sat there and took all of this beating, and we hurt for them -- in Hawaii is based on the illegal overthrow of the Hawaiian monarchy and the illegal annexation of Hawaii to the United States. And we know that is fact.
I have a question for the DOI, though. In creating this administrative rule, the first one that came out before this one in 2014 is dated in 2012, and I will read. It has the same registration identifying number 1090-AB05, and it reads: Procedures for recognizing the Native Hawaiian community as Indian tribe. And the abstract says: This rule will establish a process for identifying members of the Native Hawaiian community for the --

Read that for me. My glasses. Sorry. My friend will read it for you, but it's not mine. Just read the abstract. Just this paragraph.

MR. KOLLARS: Where did you leave off?

MS. PAULO: Just read the whole thing.

MR. KOLLARS: Okay. "This rule would establish a process for identifying members of the Native Hawaiian community for the purpose of reorganizing that community as four political subdivisions or bands, organizing the bands into a confederation, and then acknowledging a government-to-government relationship with that single confederation as a tribe. The Assistant Secretary for Policy, Management and Budget will be responsible for the Department's implementation of this rule, based upon the intentions of Congress, as evidenced in the Hawaiian Home Lands Recovery Act of 1995," Public
Law, et cetera, et cetera.

MS. PAULO: When this rule came out, it's the prerule to this one that we got right now about the process for creating or reestablishing a government-to-government relationship. That very same year, in 2012, the State of Hawaii passed Act 195, creating Kana'iolowalu, because one of the requirements for recognition is you must have a certified list of members of your tribe before you send your letter of intent to the Secretary of the Indian Affairs to begin the process of federal recognition.

So Act 195 came out, they created Kana'iolowalu, they came up with this number of 125,000 names on that process that's going to make this one happen that delegates are going to go to, and we're going to decide the kind of government Hawaii will have. And only then can we talk to the DOI -- and she's right, better talk to the U.S. Department of State versus DOI -- about a government-to-government relationship once we as a Hawaiian people decide what that government will be.

So this rule is very offensive to us because it's stating to us that the Department of Interior is going to create a process for identifying us as an Indian tribe by creating four bands, just like our ohana in Moreno Valley that we deal with. Our Moreno Indians there
are a band of Indian tribes that became a confederacy and now they have federal recognition.

The same thing is being said about Native Hawaiians. We're going to create tribes. We're going to turn Hawaiians into tribes and from that create a confederacy, and that is the government-to-government relationship you guys are talking about. It's in your document, it's on the U.S. government state website.

And then in 2014 you come up with this one, now tell us how can we help you. And that's what you're asking, you're asking for our help. We don't have to. And you have said that, we don't have to accept your help. But you're asking us what is the process now for us going forward and trying to reestablish a government-to-government.

This is offensive, the first one. Act 195 is full of crap. That list is a bold-faced lie. We know that they took 100,000 names from Kau Inoa, the Native Hawaiian registry, to make that number go up 125,000. So a lot of this is all smoke and mirrors as far as we're concerned.

But the bottom line is it's not your kuleana, it is ours as Hawaiians, to figure out what we want to do and the kind of government we want to have. And then if we want to talk to you at that level of
government to government, we can. And you're right, we
don't have to. That's our choice.

And until our people, our Hawaiian people,
come to a place where we can speak as one voice instead of
everybody talking about what happened 120 years ago, we
will never have a government that says we speak for the
Hawaiian people like our native American -- anyway, I have
a lot of comments, but this upsets me. This language in
your document upsets me.

(Applause)

MR. BEETSO: Okay. So first on behalf of
the Department of Interior, let me apologize for any
offense taken to that. Obviously there have been folks
working on this for a long time, but I have to be clear
that this ANPRM is out here is the only thing that ever
went forward. We know that that's on the website for
(inaudible), but it never went forward. As far as the
folks at Interior, we don't know how it even got up that
high, but we realize it's out there.

But this ANPRM is the only thing that ever
went forward and was released, and it's the only thing
that we've ever met on with regards to this issue. So we
know that's out there and we apologize for it. I started
in Interior in September of last year, so I don't have any
personal knowledge about the process of how that got out
MS. PAULO: It's 2012. Go to your website. You'll see it. It's on there. I printed it. It's ugly language. It's saying you're going to make us Indian tribes.

MR. BEETSO: Okay. That was that --

MS. PAULO: That's not happening.

MR. BEETSO: That was still within OMB, though. It never got released from OMB.

MS. PAULO: It is at OMB. That's right.

MR. BEETSO: Yeah. So just to be clear --

MS. PAULO: I'm very clear what OMB does. You know, so I know. But it's offensive.

MR. BEETSO: Apologies.

Yes, sir.

MR. NAUKU: Aloha kakou.

AUDIENCE MEMBERS: Aloha.

MR. NAUKU: My name is Imakakoloa Nauku. I am from Hawaii originally. I live here now in Arizona. I have been following your hearings of testimonies in Hawaii through all the islands, and every last one of your comments that came back was a remark of no to the five questions that you had originally posed, that you raised those five questions to 19 to make it more difficult, but still our answer was no. Okay?
Now, you've got a problem here, a problem that's affecting you and it's affecting us as a Hawaiian nation. You're trying to change your Rule 83, which is the rule that the Native American Indian tribes are under. They're governed by those rules. We're not. And we don't -- we do not expect to be ruled under those continuing rules that you have over them. Okay?

The question is why is Hawaii not being recognized? Hawaii was recognized at the very beginning from -- by the United States. Hawaii was recognized as a free nation, a free, sovereign, independent nation. We became a free nation when Britain and France welcomed us into the nations of a free nation. We're still in that location. We are not there because you haven't made it our land, our government. You have overthrown our queen and you have crushed our laws down under, and you say that we are a state. We are not a state, have never been a state.

There was never, ever an annexation of treaty with the nation of Hawaii. So how can you make us a state when there was never a treaty of annexation? Congress tried to pass the annexation and failed, failed hard, sourly, and because they wanted Hawaii so bad they made Hawaii an annexed state under a resolution, the Newlands Resolution.
That resolution has no ground, no authority to make Hawaii an annexation of the United States because Hawaii has a treaty and the treaty is the law. That is in your constitution of America: a treaty is the law.

So Hawaii still stands. But we're not recognized by you because you refuse to recognize us. You have indoctrinated us and our children with education of how great this nation is. It is a great nation. Our queen said you were a great nation. But she cried for her people when you overthrew her, and she is still waiting for this day for you to return the kingdom back to its people. But that's not going to happen. That's not going to happen.

So you're trying to make us an Indian, trying to recognize us as an Indian so we can become a government-to-government relationship with you. We don't need that, sir. We do not need that recognition. We need you to look back and recognize us as the free independent Hawaiian nation that we are and have been, and we will still continue to be that free nation.

Now, we all know the Hawaiian kingdom laws, those of us that are Hawaiian. So some of you are going to be pissed off with what I am going to have to say. Okay? And some of you may -- Indian nations might be very angry with us for what I'm about to say.
In the protocol, the kingdom protocol, because we do not have a king or queen and have not had one now for over 123 years because of what you did to us, sovereign government pushed down under, we do not have that, the king and queen then has to be put into place by the kahunas and the kahus. This is the protocol. Because there is no protocol for that, because we do not have a king and queen, because we are waiting for the kahunas and kahus to come forward to elect the king and queen, we are still without.

But there is one protocol that is still in place, and that protocol is that someone has to step forth as an executive for the nation of Hawaii. I, by my birthright, the royal birthright of (indiscernible), from the last living king of Hawaii, I hold that right to claim the executive role for the nation of Hawaii. And from here on out, the negotiation stops. It stops right here and right now.

The negotiation can't take place between the executive, myself, and you for the people of Hawaii. It ends and it ends now. Mahalo.

MR. LAVATAI: (Speaking Hawaiian). Aloha.

AUDIENCE MEMBERS: Aloha.

MR. LAVATAI: Oh, I felt that aloha because it sounds like a little bitter, so we got to change the
aloha here. I'm going to try it one more time. Let's keep the aloha spirit. Family and friends and our special guests and our brother who came back home, aloha.

AUDIENCE MEMBERS: Aloha.

MR. LAVATAI: (Speaking Hawaiian). My name is Herman Lavatai. (Speaking Hawaiian), a child born of Hawaii. My mountains are the Ko'olau. My waters are the cool waters of Pearl Harbor. I was born at Tripler Army Hospital.

I'd like to give mahalo first to Justin and also Derrick, to welcome Justin back home because diné, diné which means the sacred people of the Native peoples of this aina, of this land. And I'm not too sure if we're related by clan, but my children are -- oh, I just went blank. I'll tell you later (inaudible).

Secondly, I'd like to welcome and recognize two important people from this beautiful Salt River Pima-Maricopa Indian community. They're so humble in their own nature and their mana, spirit. And that is Bob Scabby.

Robert Scabby, would you please stand, and right there. (Indiscernible.) (Applause.) And his beautiful wife, this is Councilwoman Enos from our community here.

MS. SCABBY: Scabby.
MR. LAVATAI: I mean Gabby. I'm so sorry.

Kala mai, kala mai. I'm so sorry. So -- and they're long-time community members here. But they love the people of Hawaii.

The third aloha that we never gave aloha to are our Uncle Oswald and Derrick and members of the Office of Hawaiian Affairs. And, you know, aloha begins here, Arizona, no matter where they're at. And it's okay, you come here and you share and you voice your (indiscernible) and your opinion.

But did everyone give our Thanksgiving and mahalo to (indiscernible) for the opportunity so that we can (indiscernible) and we can share one with another. It can be good, bad, happy, or elect yourself because of your royal lineage that you are the direct descendent of the great kings and the ali'is. That's beautiful and I really do appreciate it.

The (indiscernible) here for me is so simple, as it was explained eloquently by Justin this morning. And it's so simple that if we can only understand the five simple things that are being presented here, me, for myself and my ohana, but as an individual stands alone who is so proud to come from Hawaii, I favor and I am in support of making a change to give authorization to this part of 83 so that it can literally
open the door of dialogue so that we can have this
carversonation to continue on to the next area of
understanding, and that is hopefully that we can select a
particular model or form of government.

Office of Hawaiian Affairs, you know, they
are so akamai, they're so smart, they have some options
for us. Uncle, if you're so into the monarchy, then I'm
asking you (speaking Hawaiian), then you, you share your
mana'o and your kuleana to explain to us how you would
like to see that form of government to be set and to be
established.

If you had listened earlier to the words, to
(speaking Hawaiian), to understand that they are only
facilitators. They are only -- they are only guiding us
and giving us this opportunity.

I want to give thanks to Obama, all the way
down to the Secretary, to Justin, so that we can have
these opportunities to come and share our -- how we feel.
And the thing is time is of the essence because it waits
for nobody. And this is the time, any time in the history
of our great Hawaiian nation or peoples, then and now,
that if we close the door of opportunity now, then we may
not have this opportunity ever, ever again.

The formula is very simple. It's up to us
to really, really take the time, no matter how you may
feel or what your hidden agenda may feel like, if -- you
know, we have a clan, yeah, in Navajo Nation. It's called
bitter water, and I'm so glad my children aren't related
to all those clan members from bitter water.

When I hear people who feel so bitter but
cannot put yourself into present moment to just come to
agreement, the agreement -- if we do not come to consensus
and come to some type of form -- we may not all agree, but
the simplicity of being able, because we're going to lose
the opportunity if we do not establish some type of form
of government, Auntie, (indiscernible), that's one. I
know Derrick and all those here from office of homeland
affairs, they can give you three more example. But,
Uncle, you know, you might restore us, but never tell us
it's like the monarchy way, but you can give it a
different form of government.

But the point being is come to an
understanding and malama and a consensus, because right
now, as a form of government, we have no leo. There is no
voice. We cannot even stand on our two feet in order to
have a dialogue in regards to those 150 statutes are
sitting up in Washington, D.C.

The other point is, and this is so vital and
important to me, as I think of my na kupunas, that when we
finally come together and restore our government to its
fullest and we make that proud decision, because it's
going to be a hard road to reach and to attain, this is
part of the growing pains, for us to come and to make
those kind of -- open our eyes, open our ears, listen with
your heart versus creating these barriers. But once when
we are able to finally celebrate a nation, then I'm hoping
that we have beautiful programs.

I love Salt River Pima-Maricopa Indian
Community because they have a strong na kupuna program,
strong elders program. Almost every other year they get
to go home to Hawaii, and I always pray the Scabbys that
they would ask me to be a chaperone. But I never get that
chance. That Myrna Lewis never calls me.

And the other part is when we have our own
nation, we don't have to be called a tribe, but a nation
as a people, that I visualize the keiki and their mothers
and their children having -- and these young couples
having strong early childhood development programs. I
visualize and I hope that we can make sure that we have
great educational programs from K through 12 to adult
learners to our na kupuna. Yeah? I pray and hope that we
can establish many positive direct programs. But right
now, brothers and sisters, it's not happening. It does
not exist. It will not exist if we do not come together
and we do not pull together.
And last but not least, I'm asking the Hawaiian affairs, and especially the people back home in Hawaii -- where is (indiscernible)? This is to you. All those back home in Hawaii, us, your ohana, families, we have names from back home in the islands, and the thing I want to tell you, when you say words like this, that if we become a nation and we receive these benefits then it should only stay in Hawaii, that I have a big challenge with. It hurts me in here, in my heart, in my whole na'au. Because no matter where Derrick is at and our military people are at, if they're Navajo and my daughters, they don't exclude you. They so proud to be diné. They're so proud to be Pima-Maricopa Indian community.

And so, yes, I understand the kälä needs to be direct impact for them, but many times we lose out in scholarship dollars, maybe come early childhood education or to help our na kupunas to receive since we do both medicinal healing. But also you know it cost a lot of kälä to pay for medicine. Yeah, Uncle? Oh, not cheap. But those are the programs that can help.

And last but not least, I always think of -- I don't care, you may -- it may push a button, but I'm going to say this name. I always think of Robin Danner, Puanani -- Robin Puanani Danner. She spent -- she grew up
in Tuba City. Her parents were educators, and she's a small girl. That's where she grew up. But her career was she had this amazing career with the Alaska Nation. She learned so much about their economic development.

When our government is formed, then it's up to the leaders, those who are there that can create and develop and to decide on how these economic development agreements can be made so that the people back home in Hawaii and across the mainland and Alaska and our servicemen and women, sons and daughters can all benefit from positive direct programs.

I am taking this off on a government motion. Even though it says on the dollar bill in God we trust, for long time you talk about the kahunas. They were our spiritual leaders. You say that, but I say it in reverence and respect, because for all of us as we come to these meetings, may you -- may you take it a step further and you petition (indiscernible), Sky Father, grandfather so that you can understand for your own being, your own na'au, to make the right decision.

I walked in your community, Auntie, got stoned, Bradford got stoned. You can go (inaudible).

UNIDENTIFIED SPEAKER: (Inaudible.)

UNIDENTIFIED SPEAKER: You cut our trees down.
MR. LAVATAI: But I've been to mostly all of your communities. In here, in this beautiful state of Arizona, and there's so many beautiful tribal and Indian nations, when you speak of my children's people do not disrespect them because they have already paved the way and pioneered and went through so much pain what we are trying to do.

We have Office of Hawaiian Affairs who wants to be a guide, as both of these -- both entities, but they just want to help us to steer in a very good direction. But I'm asking all of you, as you make your decision, that as an individual -- and you know na kupunas, they can tell the same thing, bad, good, ugly or sad, and they can be very direct because that is their right.

Auntie, that's your right.

MS. PAULO: It's our job, honey.

MR. LAVATAI: That's right.

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. LAVATAI: But the thing is I don't want anyone here to be diffused or to misunderstand the simplified situation that is being asked of you before August 19th.

Mahalo (speaking Hawaiian.)

(Appplause)

MR. BEETSO: Okay. So we'll go here and
then here, and then there.

MR. STENDER: (Speaking Hawaiian), and thank you all for coming.

I couldn't have said it any better than what Herman has said just now. My name is Oswald Stender. Doesn't sound very Hawaiian, but I am just elected at large at the Office of Foreign Affairs. I come here to welcome all of you and to share our mana'o on this process. And (indiscernible) got it right.

I have with me others from the Office. Well, first I want to express the regrets of our chairperson, Colette Machado, who could not be here today, and I serve as the vice chair to our chair and I'm here to represent her and the board members of the Office.

I'm a trustee elected at large and have been with OHA for about 14 years and have been following this process for all those many years. We are getting closer to resolution, and we need your help to do that. And so I brought along with me, I have Judge Klein, who is a board counsel. And I have -- (applause) -- Breann Nuuhiwa, who is also counsel to the board of trustees. (Applause) I have staff members Roger -- Patrick Rogers and Derek Kavanoe. (Applause)

I will leave to the attorneys to explain the process that we went through to get to where we are today
and to reinforce our support of the plan that's -- that
the -- of the hearings here to create this
government-to-government relationship with the United
States government, and they will explain that to you.

So with that -- actually, we will have some
time this afternoon for any of you who would want to meet
with us and discuss OHA's position and how we got to this
point and how important this process is, and so I invite
you to stick around after this meeting so we can (speaking
Hawaiian). So with that, thank you. (Applause)

MS. LEWIS: Aloha. My name is Devida Pulani
Lewis. I'm from the island of Oahu (indiscernible). I
live in Arizona.

It seems to me that our generation coming up
will be executive -- will be the executives of what our
kupuna now are putting into place, and we appreciate that.
This is my mom, so you can imagine our household full of a
lot of nice information, so I appreciate the lifetime
commitment of my mom, my aunties, my uncles in putting
this together.

However, what little I do know about it, in
our generation we move at the speed of light as if all of
this is already done and why is this my problem. It seems
to me that we don't even have a government to reestablish
anything with your government in the United States. So it
seems to me that we're jumping the gun a little bit, where we haven't organized ourselves to agree on what our government looks like.

So I don't know all the rules and all the laws, I can't quote you where it is or what forms or anything like that. But in its simplest form, to Uncle's point, we haven't agreed on a government, that OHA has been a recognized establishment after we became -- after we were taken over, we were part of the United States. They were formed to keep our best interests at the forefront of the U.S. government. However, they were established after the overthrow.

Now that they've -- we've been apologized to, we are a nation. We have not stepped into ownership of that responsibility. We don't know what that looks like. We just know we're a nation. Okay. Well, I'll keep paying taxes, then, to my -- I don't know what this is.

So I'm confused a little bit to understand how we can give you permission to help us establish an administrative process to have our governments communicate when we don't have one.

So I would have to say no, that we -- we have to say no until we can organize ourselves in such a way that OHA's a part of it, my, you know, na kupuna or
Waianae council, we've got councils on every island. There's, I don't know, tens of twenty of them across not only the Hawaiian islands but in the United States and abroad that have established themselves.

We are not tribes, but we started to set ourselves up like tribes by thinking that we have these independent councils working independently of each other, but not working together.

So we don't have different dialects. There's one dialect of Hawaiian, that's it. There's one. We have one language. We don't have the different segregation of this kind of Hawaiian and that kind of Hawaiian. Yes, I'm a pupule Hawaiian, but that don't count. That don't count. But we're one nation. And we have to -- we have to detail and describe what that looks like.

And until we can do that -- like my mom said, it would be best if all of us can get together and determine that. It may take days, weeks, months, years. We need military protection so we don't have the influence of the United States government or any government of any nation anywhere telling us how we're going to govern ourselves. And if we start just back where we left off in the monarchy, I think that's a great place to start. And then start disseminating the information that way.
But until every single Native Hawaiian by blood has input into this process and can communicate this process through representatives or however we do it, we can't reestablish what -- we don't even have a government. So I think we need to reestablish our government first. I would love to be part of that process because it will be my duty when I become the next kupuna generation to make sure that our nation is intact. Thank you.

(Applause)

MR. BEETSO: Okay. So we're going to see if anybody wants to make a first statement, and then after first statements then we'll move to second statements. So we have a gentleman here.

MR. MAILE: (Speaking Hawaiian). My name is David (indiscernible) Maile, and my family comes from Maunawili, Oahu. I currently live in Albuquerque as I work towards my doctoral degree at the University of New Mexico. I am Hawaiian, a (indiscernible) forever and ever. (Speaking Hawaiian).

Today I stand for justice like my great great grandfather, Charles B. Maile, did in 1897. He was one of the many revolutionary Hawaiians that signed the petition against annexation sent to then-U.S. President William McKinley. These protests influenced the U.S. Senate to vote against the treaty of annexation that ended
in Congress' desperation to pass the joint resolution, the Newlands Resolution, which according to international law is illicit to unilaterally annex the Hawaiian kingdom in 1898. Both international law and U.S. law demonstrate that federal recognition policies such as the Akaka bill function under unjust jurisdictions and undermine Hawaiians' rights to self-determination.

My answers to the Department of Interior's proposed questions regarding the, quote, procedures to reestablish a government-to-government relationship with the Hawaiian community are all no. The Hawaiian kingdom continues to exist and has been illegally occupied by the U.S. for over 120 years. Thus, any effort by the Department of Interior, federal government, or U.S. nation sake to regulate Hawaiian governance, nation building, and self-determination only continues processes of settler colonization that murderously attempted and attempt to eradicate my people.

I urge native and non-native communities to ally with Hawaiians against the violence of federal recognition to demand U.S. compliance with law and deoccupy the sovereign kingdom of Hawaii. Respectfully, with mahalo for the people indigenous to these lands and with great emphasis, I must say a'ole to the Department of Interior. (Speaking Hawaiian). This is my story. We
must strive for the summit before our stories of resistance continue to be strangled.

(Applause)

MR. BEETSO: Thank you.

MS. MELOY: Aloha kakou. My Hawaiian is very, very rusty. But my name is Heather Meloy, and I'm from Indiana. I am not Native Hawaiian nor am I Native American.

UNIDENTIFIED SPEAKER: I need you to talk a little closer to the mike.

MS. MELOY: I, however, consider Hana, Maui one of my homes. Actually, I feel more at home there than I do in my own home very often, and I have been lucky enough to be welcomed into that community.

And I have been shared so many stories that I was not aware of until probably seven years ago. I did not know the history of Hawaii. My lineage is actually, you know, from European ancestry. My family fought in the revolutionary war.

I look at my kuleana and my responsibility as to do what I can to make amends. There's a responsibility that I have to speak up for what has been done, that it's wrong. And it was wrong of my country to overthrow the Hawaiian government.

It is not my responsibility, and it would be
very pompous of me to think that I had an answer to how that government for Hawaii should be formed. I have spoken a lot in the last, you know, few weeks since the notice or the advanced notice was sent out and spoken with friends who have gone to many of the meetings in Hawaii.

Last night I was asked to answer the five questions for a friend of mine in Hana, and his response in Hawaiian, which again my Hawaiian is very rusty, is a'ole, a'ole, a'ole, a'ole, and a'ole, and I -- it is time to vacate and go home. Mahalo.

Again, that is not by any means speaking for every Hawaiian; that is one person's view. And I know from all of my experience, even in the community, a very small community of Hana, that view is very diverse. I know people who are very involved and elected officials within what is called the lawful Hawaiian government, which their prime minister is Henry Noa. I know other people who are from other very active lineages.

And what I know is that it is not my responsibility or the responsibility of United States to say how a government should be formed for the Native Hawaiian community. And if there is any assistance, it should only be asked by the Hawaiian people and not offered or expressed by us.

(Appause)
MR. BEETSO: Thank you. We'll go here, here, and then here.

UNIDENTIFIED SPEAKER: You can go first.

MR. KOLLARS: Aloha.

AUDIENCE MEMBERS: Aloha.

MR. KOLLARS: My name is Lono Kollars. I'm the vice president of Kahani Ka Panoa Kaleponi Hawaiian Civic Club. I rise in opposition to this proposed rule for many reasons. I have some questions that are generic to my statement, if I could ask those questions first?

MR. BEETSO: We're in the statement portion.

MR. KOLLARS: Okay. It's my understanding, then -- I'm going to go with what I think I know. It's my understanding that the DOI has no jurisdiction over land; therefore, this advanced ruling has nothing to do with land in Hawaii.

So also this advanced -- this rule would also not give us federal recognition. It would be an administrative directive from DOI. Again, my understanding. I don't know if that's correct or not. I was going to ask a question, but...

If we have a government in Hawaii and we say this is how we want to proceed with the nation to nation, my characterization would be nation within a nation relationship, not nation to nation. If we have that and
this advanced rule goes through and the federal government
doesn't like what we bring to the table, the things that
we want for that relationship to work, what happens then?
Does everything get dissolved? Do we not agree and
therefore we stay where we're at? I'm confused as to how
would we proceed if that happens. Frankly, I see that as
a very high possibility.

So I write -- I've done 24 years, 40 years
total in U.S. government service. I'm retired Air Force,
and I work civil service now for the Department of
Defense. I help write policy. I know these rules,
directives, they can all change with a stroke of a pen.
So how protected are we? How protected are our programs
without Congress validating what you are trying to do with
this rule?

So for those purposes, that's why I say no.

MR. BEETSO: I'm going to go here and then
here and then here.

MS. HOCKENHULL: Aloha kakou, everybody.
It's really hard to sit here and just not boil under your
skin.

My name is Pualani Hockenhull. My family is
from (indiscernible). And for so many years you folks,
not just my family, but many others, have been not treated
fairly. It is very hard for the local people there to
even understand what the DOI -- DOI is trying to facilitate. I understand you're trying to facilitate a process, but you need to understand the people better. They are not happy.

I mean, throughout our whole lives dealing with government issues, not just the DOI, but in government and in general, you know, whether it was the Japanese-Americans and their placement in internment camps, whether it was our veterans, you know, pick something. Even our Native American Indians, and my father's side is Choctaw and Cherokee, so I've gotten it from both sides.

And I am so, so sorry that, you know, so much has had to happen, over 120 years worth, before anybody actually is paying attention now. This is long overdue. We need to come together. I mean, I heard several folks and the Auntie over there who has said, you know, what we need facilitated right now is a place where we can come together and decide, you know.

The DOI having these meetings cut us off at the pass. We're not able to get together first so we have something to talk about, something to present. So we need to do that first before -- I honestly think before we go any further.

And I am grateful that people are here today
and that they're listening. But please listen to the people. The majority has said it already, it's a'ole and I agree.

We cannot trust the government at this time. And I'm not trying to say I wasn't patriotic as the next person, but when you deal with a government where they let our veterans die, including my father, without giving him his benefits, where you have people losing land in Hawaii -- as of right now my family is being thrown off their land in Hana. It is very hard to sit here and be calm and nice and everything, but I'm going to do it because I was brought up better than that.

But I need you folks to understand we need to facilitate our infrastructure, our nation. We need to take care of ourselves first. So if the DOI would like to help, like Auntie has said, and Auntie (indiscernible), we need to do that first and that's what I am requesting that you facilitate, nothing else. Mahalo.

(Applause)

MR. BEETSO: Thank you.

So we have two people in the queue now, but real quick I want to clarify that the intent of what we are asking is not to cut anything off. We kind of see things going on two tracks. So what the Native Hawaiian community would be doing, we're not trying to rush that or
speed that up. That would take as long as it takes in
order to organize some form of government, and it had to
be done by the people. You know, a government that's done
outside of the people just doesn't function. We know
that.

But what we're asking is should there be a
procedure or regulation in place where once that
government is formed it can come to try to have a
government-to-government relationship similar to what
American Indian tribes have. Right now there are no
regulations on the books that would allow the Secretary of
Interior to acknowledge a government-to-government
relationship.

And Indian tribes, you know, have used that
government relationship to take more autonomy, control
over their land and resources. And, you know, similar to
what the gentleman was saying up here, I'm Navajo, I
didn't always live on the Navajo Reservation. I lived in
California, Maryland, Phoenix area. But no matter where I
go, my tribal citizenship goes with me and my tribe
controls a lot of resources or monies that I can tap into
from wherever I'm at.

You know, so what we're doing is not -- we
don't see it as being a linear construct where we're
asking you to form a government by the time the rule is
made. That's not what we're doing. What we're saying is that we would like to know whether or not there should be a rule on the books, and that rule would last -- you know, once it's in the regulations it would last, you know, until somebody uses it. It could be 20 years from now, it could be 2 years from now, but there's nothing there right now.

And right now, as it was mentioned earlier, we have a window where we have an administration right now that's supportive of this initiative, and we don't know if that window is going to be there with the next administration. So, you know, it might seem like, you know, there's the August 19th deadline, everything is moving so fast, but for us as a federal government in order to set up our federal door -- our federal process that would stay on the books, you know, there is an administrative timeline that we're cognizant of. But we also realize that organizing a community might take some time, so I just want to clarify that, that it -- we kind of see it as two different things.

(Applause)

MR. JOHNSON: Hi. My name is Greg Johnson. I'm from Boulder, Colorado. I am not kanaka maoli, but I have been a supporter of Native Hawaiian burial protections for many years and in particular have great
admiration for the island burial councils and the work
they do tirelessly and also groups -- other groups that
have worked under aggregate state statutes like
(indiscernible) and others. So it's in support of those
types of efforts that I want to speak very briefly to the
sets of issues being addressed today.

I've also followed Hawaiian sovereignty
issues for nearly 20 years and fully understand the depth
of concerns and (indiscernible) and histories. Kekuni
Blaisdell was one of my first teachers in this area, and I
just have profound admiration for the kind of work and
spirit that goes into this.

And I understand the historical realities of
the way the kingdom was overthrown and the pain people
have suffered and the denials that have been put in place
by the United States government on this front.

However, with regard to the question of
federal recognition, I think proximate goals need to be
kept in mind, and I think speaking about burial
protections in particular and federal statutes relevant to
them, the (indiscernible) legislation, but others as well,
that that legislation cannot function as well as it should
if Native Hawaiians aren't recognized in some capacity
beyond Native Hawaiian organizations. You look over to
the (indiscernible) dispute to understand how fractious
this can become.

So it's from that perspective that I would encourage all you kanaka maoli to think about recognition as not mutually exclusive with long-term sovereignty goals in a stronger sense. That is, you can and should have people who are agitating for full political sovereignty and decolonization in the long run, but it seems to me why not also have people working with federal government, state government in the short term and maybe the mid-range term, who knows, but who can secure rights, entitlements, who can really shore up the resource base, et cetera, so these don't get further eroded, particularly in a legal context. And who knows what kind of benches will be forthcoming on the Supreme Court down the line. Right?

And so it seems to me to imagine a two-prong strategy: a short-term alliance with federal and state government and a long-term radical decolonization. And these are not necessarily opposites, but that's just -- that's my humble opinion as an outsider.

I had the great pleasure to be in Hawaii this summer and witness a number of the meetings. And I feel for you all, and I wish for the best possible outcome in this process. Thank you.

(Applause)

MR. KLEIN: Aloha kakou.
AUDIENCE MEMBERS: Aloha.

MR. KLEIN: My name is Robert Klein. I'm a Native Hawaiian. I served 22 years in the Hawaii judiciary, 8 years on the Hawaii Supreme Court. I'm now board counsel for the Office of Hawaiian Affairs for the last 12 years.

I know that this subject that is being broached today is a combination of highly emotional comments, highly legal comments, and it strikes us all deeply when we hear that the federal government is offering a pathway to the Hawaiian people for federal recognition. It raises all sorts of concerns.

But I'd like to echo what the last speaker said a little bit, and Derrick before him, and that is let's get back to the basics. Let's take a look at what the federal government is offering. This is an Advanced Notice of Proposed Rulemaking. There's no rule yet. There's no rule yet. This is a commentary period. The rule hasn't even been shaped. And if the rule was shaped and -- you would have another comment period to tell us exactly how you feel about that rule.

So the federal government is reaching out through the DOI and the DOJ to promulgate a rule, if called for, a rule that would open the door, as Justin said and Derrick said, a door that would be available to a
Hawaiian government if and when formed and if chosen by
that government to follow that path.

Now, you have to ask yourself is a doorway
like that valuable, just to have the door open? Is it
valuable? Well, of course it's valuable. It's valuable.
And the reason it's valuable is ultimately -- I don't know
how many of you have followed litigation in our courts,
but I have. And I've represented Office of Hawaiian
Affairs and many Hawaiians in the courtroom, and here's
what happens. Our enemies say any government program that
benefits the Hawaiian people is unconstitutional. And I'm
talking any program: Department of Hawaiian Homelands, the
OHA trust.

Any program that receives government
benefits is subject to attack in the federal courts on the
basis of the Fourteenth Amendment. Why? The reason being
that the benefits are provided to Hawaiian people as a
race. That is what our opponents say. We know under the
United States Constitution racial discrimination is not
allowed. It violates the Fourteenth Amendment. And if
you don't think that's serious, it's serious. Because the
first court that rules that these programs violate the
Fourteenth Amendment, that will be the last dollar that
comes into our state to help Hawaiian people. That will
be the end of that.
Now, people say, well, why doesn't that happen in Indian country? And maybe you know the answer to that. It doesn't happen in Indian country because Indians have a political relationship with the United States that prevents or bars Fourteenth Amendment type lawsuits from occurring.

So this is one of the reasons that the Office of Hawaiian Affairs trustees, who are elected by everyone in Hawaii, has for a long, long time supported federal recognition. It's one of the most important reasons, is to protect the trusts, protect the ability to get federal dollars into our state to help our very needy folks.

The trustees have long taken the position that federal recognition is an antidote to these types of lawsuits, which waste resources. And fortunately thus far we've been able to fend them off. But frankly we've never gotten to the base issue of whether these dollars are provided to Hawaiian people as a race or because of a political relationship. It's so difficult to win a case in federal court, there are many defenses that we raise. So far we've been successful.

And maybe it's going to take a failure in federal court so that people wake up to the fact that these programs really are -- they're fragile. And no one
guarantees that they're going to continue forever.

Now I've heard people say so what. It's more important to be a nation. Well, okay. You can still be a nation, but you would be a nation that perhaps doesn't have the resources that are available to the Hawaiian people right now.

OHA also supports -- OHA also supports this process because the OHA trust, which consists of land, financial assets, will one day go to that Hawaiian government. OHA is also facilitating a pathway so that the government can be created. There will be a list, a roll of qualified Native Hawaiians who will -- that will be certified, and from that list electors can vote for their chosen representatives to attend an aha. And in the aha, government documents will be produced. That will be the role of the aha. Nobody is predicting what those government documents will say. Nobody is foreclosing any choice of what those documents may say.

It may -- it may well be that people select to have a kingdom type government. That wouldn't be my choice, but it may well happen. In which case I doubt that that kingdom government is going to reach out to the United States through this rule and ask for federal recognition, because I think I know the answer to that. You don't see too many kingdom governments in the U.S.,
and this would not be the first.

The point being that it's incumbent upon the Hawaiian people to participate, be involved in that 'aha, make your voice heard and develop -- as people want to say, we want our voice heard, we want to participate, we want a say in what that government will be. Excellent. Participate. That's what OHA is facilitating, an opportunity to get together. As someone said, we need to get together in peace and harmony and pound these issues out. That's what it's for.

The election will be in January of 2015. I urge you all to sign up, I urge you all to vote, participate. Let your voice be heard. There's no prediction as to what will come out of that 'aha. But it's two separate things.

'Aha is forming the government the Hawaiian people wish to have. This process, the federal process, is to have a rule in place that allows federal recognition if that government of the people selects that path. So I don't mean to be preachy, but that's really what it's all about, is basic fundamental.

This is a path to keep the door open. The government pathway comes from the people, facilitated by OHA. And the two are moving together fairly quickly. So we appreciate all your mana'o today on behalf of the OHA
trustees, and we thank you for your listening to what I have to say. I'm passionate, too, in case you didn't know. Thank you.

(Applause)

MR. BEETSO: Okay. Is there anybody that hasn't made a statement yet that would like to make a statement? Okay. We'll go here and then here.

MS. CARLISLE: Hi. At the beginning of the meeting, he asked if we had any questions, so I asked the question -- aloha kakou. Aloha (speaking Hawaiian). My name is Jacqueline (indiscernible) Carlisle. I was born on the island of Oahu, and I have been living in Arizona for the last five years.

I cannot live on my island. It's too expensive. I can't afford the rent, the electric, the water. I had to leave. I have four children. They're here with me 'cause they can't afford to live there, either. Pardon me, but I love my -- I love my country and it is the de jure kingdom of Hawaii is the government design. It's a constitutional monarchy and it's an impaired government.

I love the Native Americans. They are the leaders in what restitution is. They still want their money. They don't want us Hawaiians infringing on their restitution benefits. But, you know, like the Department
of Interior, Department of Justice, they need the rules.

    And my answer to question 1, which is should
the Secretary propose an administrative rule that would
facilitate the reestablishment of a
government-to-government relationship with the Native
Hawaiian community, and the answer is yes. Because the
Department of Interior is limited. My answer is yes, with
reservations and limitations.

    The Interior manages our volcano lands.
They manage our land, water, and food. But I will not let
them take and they will not let me abandon my government.
I know how -- I've read their laws and they're so
wonderful. What an opportunity. What an opportunity that
we have today. Talk about America, land of opportunity.
Who knew that we can have a free, independent sovereign
nation or be a Native American tribe? You know, each of
us have choices. I want to take a lawful perspective.

    Article 1, section 8, clause 10 says that
Congress shall have the power to define piracies committed
on the high seas and the offenses of the -- against the
law of nations. Do you know what law of nations is? I
read their laws. I have the law of nations book.

    I know how to authorize somebody to be an
ambassador. You want to be an ambassador, you want to be
the king of Hawaii? Well, let me tell you, you're going
to have to go through me because I know your duties, I know your job. You want to be a part of the legislature? I read the 1887 constitution of the Kingdom of Hawaii, and article 20 provides that constitution. What is a constitution? A constitution is a framework of your government: your legislative branch, your executive branch, your judicial branch, and your free independent treasury.

Us Hawaiians, who knew we had money in Switzerland? If I become -- and I love the -- believe me, I love the American Indian tribes. They're wonderful people. Like I was -- believe me, I'm from (speaking Hawaiian). My lineage is (indiscernible).

I want to thank the Department of Justice. But, you know, I could care less. And that's what I did, I hated myself. We lived on a beach. We had no food. We had to fish. And then the state government tells us, oh, you cannot fish, you have to go to the store and buy the fish. It's like I don't have money to buy the fish. How can I go to the store and buy fish?

And then they let me eat tilapia. Oh, my gosh. Eat tilapia? Tilapia. You know, last night we went to the -- if it wasn't for this meeting, we wouldn't have the opportunity to go to the wild fish and I could have a plate of ahi. Ahi with mango.
But to get back on point, I cannot abandon my kingdom. I cannot. I just cannot. We, the people, we have to raise the competency of the Hawaiian nation. We need to lawfully qualify our people to be in the legislature. Yes, it's an impaired constitution. But it's there, and the U.S. is trying to erase it.

But you want to know what? They trying to do something, too. They're trying to help us. And they're -- OHA has a lot of money. They've been giving OHA all the money. OHA has the money for five -- five benefits and politically is one. If the DOI wants to help us, expedite the funds to reinstate the de jure people of Hawaii.

You know, I've listened. I couldn't -- I couldn't take it anymore because I couldn't afford it. The Arizona -- I love Arizona, especially the basketball team. But, you know, I don't mean to say -- the DOI, the answer is yes. You're very limited in what you can do. For full and complete diplomatic recognition we need the Secretary of State. 'Cause why? They do international affairs.

You know, my love -- you know, I live in Hawaii. What is the palace for? What is the picture on it? What is that? That's a building, it's a castle. For what? What is it? The palace, Queen Lili'uokulani to
(indiscernible). She was saint of our island. She yielded. She yielded her authority to President Grover Cleveland, and in December 18, 1893, he responded to her, issued (indiscernible).

You know, I got to tell you this. I'm gonna brag and boast. While these fine American people, they wrote the Apology Bill, Public Law 103-150, and she apologized. She didn't have to. Because she told her government to apologize to the Hawaiian people, and they did. They listened to her. They apologized.

Now, that created -- it split me in half.

Who am I? Jacqueline Carlisle. Jacqueline (indiscernible) Carlisle, who are you? Am I a Hawaiian receiving an apology, or am I an American giving apology? It split me in half. Who am I?

Well, I thank America for the good laws, the family of nations. This family of nations, even they abided, abide by it. How do you think they drew up their constitution? Certainly not Webster's dictionary. They used Black's Law Dictionary, Fourth Edition.

We all are working. I can see the growth. America has been helping us, and we need to -- we continue to need their help. But OHA has our political monies. You know how hard it is to go in there and beg for money? Because we won't hold an election, a proper election. We
have to raise the competency of our Hawaiian people to
deal with international affairs.

If you went to (indiscernible) and you do
(indiscernible) and you're talking to people with Ph.D.s
and master degrees, I know they're going to take advantage
of you because you don't know what they're talking about.
You don't know how to protect your rights, our inalienable
rights, the preamble to the United States Constitution.
And you want to know what? Our Hawaiian people, we have a
preamble to our 1887 constitution.

But to get back to this, I wanted to -- we
want DOI to help us. The answer is yes, we want them to
open that door, with limitations, because the DOI is
limited in her obligations and her duties. Thank you.

(Applause)

MR. RASOR: Maybe I better stand. Okay.

Aloha. My name is Jean Rasor. I came up -- we came up
last week to go to Washington state for the hearings
there, and I've attended most of the hearings in the
islands, which is fairly contentious because -- where did
DOJ go? That's the most I've ever heard him speak the
entire time he was in Hawaii, and that's all the
conferences, because after the first day he shut up,
didn't say anything, and then he didn't show up for the
last ones. Okay. That's -- we won't do that anymore,
though.

Okay. Let me -- let me just say a couple of things. First of all, I have very strong feelings for the Indian tribes of North America because they are the first peoples, and my oldest two sons are direct descendents of Trail of Tears and Choctaw Cherokees in Oklahoma. And then my half brothers and half sisters from my father's second marriage were born on the reservation in Montana. They're Assiniboines, which is a type of Sioux. So very (indiscernible) to the Indian tribes. Now -- and I believe in them, I support them a hundred percent.

Now we'll go to where we actually need to begin. Okay. Let's start with the Hawaiian homestead bill that (indiscernible) took. Does anybody in this room know why the original bill was predicated on one thirty-second Hawaiian? Anybody in this room?

Do you know, Os? What was it?

MR. STENDER: They couldn't include (inaudible).

MR. RASOR: Because it included -- this is the reason -- no. The real reason was because of my ancestors, my first -- we were the first -- some of the first hapa haoles in Hawaii, from a Spanish ship that wrecked off (indiscernible) or the place -- the beach is now called Kulou because of two children that crawled up,
came on the shore.

Those conquistadors were Cortezes. Cortez, like everybody thinks all the conquistadors had jet black hair and black beards. Cortez was a (indiscernible). He was a redhead. And that's why in south Kona we know the generations of (speaking Hawaiian) and 'ehu hair. It's because they're Spanish. And that is the real reason for the one thirty-second. And now this is the first time I've revealed it before people. Okay.

Now, my family comes from two parts of -- they're basically from (indiscernible). But since a lot of them went through Hana with the Hawaiians -- I mean with the Kona chiefs, okay, that lived in Hana, but basically we're from the Napoopoo side of the bay and (indiscernible). So it is in our kuleana to do certain things. The white people brought -- I mean, the Napoopoo side of Kealakekua are all the descendants of the High Chief (indiscernible). Keoua side, for all the ruling chiefs, their brothers, their cousins and uncles, who would've been pretty much told what to do anyway and how to do it, even trained them on how to fight. Okay?

Now, because of that, I grew up with these things. And then in 1959, my mother worked for -- with Leon Sterling in the clerk's office for a while, a long time she was the secretary for the city council. Grandpa
was a representative from South Kona until he died in
1941 -- or '44. Excuse me. But the responsibility to the
government were things that they inherited because it was
their job.

But in 1959, in the early morning, because I
had grown up with my mother telling us from the time we
were young children, and it was pretty much no vote worth
no grumble, but she said it this way: If you don't go
there then you have nothing to say, period.

But in that very morning in 1959, when I got
up and I said, "Mom, how come you're not going off to
vote?" She said -- and this was her answer, very
clearly -- "There is nothing on the ballot for me to vote
for." And that was the end of it. She said we do not
have the option that should be on there. We were not
afforded that chance to do it. Bottom line, that's it.

So we have maybe -- let's see. Oh, then we
have the big (indiscernible) of a statue of a high school
that Senator Inouye and plenty other people went to, and
there's a statute of him -- big bronze statue holding the
treaty of annexation. There is no such animal. Can
anybody find it? Can the DOJ find it or anybody in
Congress find a copy of this treaty of annexation? A'ole,
there is no such thing. And yet nobody's melted down that
stupid statue yet and made it into a bunch of pennies.
It's still sitting there. My uncle was the vice principal of that school for a long time. But it doesn't matter. We're talking lies. One lie after another. That is part of our history.

But fortunately -- and I think times are changing. The times now -- some of the things I've just said here have never been said before people before. But, you know, in the last year or so, I think it's been the time to say it's not the time to hold those secrets anymore. The secrets need to be revealed so we all know where we stand and we all can stand tall, because these were gifts from our ancestors and they still remain as such.

And also I was part of the (indiscernible) testimonies on the other side. I know Eddie very well. We're friends, but we don't agree. Okay.

Now let's see here. Anything else? I think that's probably it.

You know, this isn't directly involved with this particular attempt at some kind of legislation to make us a tribe, which we never will be. We have always been a country. We were a country before Cook came, we were a country when Kamehameha passed away, on his last breath at (indiscernible), and we are still a country. We were -- our country was abrogated and it was taken from us
for a while, but it is still there. It's still being
restored, and I believe within my heart and hopefully
before my mo'opuna get old enough, that it will be done.
Mahalo.

(Applause)

MR. BEETSO: Is there anybody in the room
that hasn't made a statement that would like to at this
time?

We'll go here and then we'll go to Breann.

MR. KIM: I am Kaonoi Kim. I am originally
from Waianae, too, so we have -- this is all my ohana over
here. We're all from Waianae, so we're all one.

And, you know, I viewed the videos that were
streaming in from Hawaii at all those meetings, and I got
to give the DOI some credit for withstanding all the anger
and that -- and abuse, yes, that they received back home.
But, you know, it's partly justified because of all the
history that was -- that had taken place.

I am the president, pelekikena, of Lau
Kanaka No Hawaii Hawaiian Civic Club of Arizona, but I
speak for myself; I don't speak for the club. I say that
it's been decades that we as Hawaiians have been arguing,
going back and forth over this issue, and I think this is
an opportunity that's being presented to us to at least
give the process a chance. It's just a proposal. That's
all they're asking us to comment about, is this proposal before anything else takes place. And nothing will take place if we say no, no, no.

So I know back home as many as -- as many people -- ten people in the room, you're going to have ten different opinions. And unless we start getting together, open this process, start maybe through some guidance from OHA, go through the process of having a (indiscernible) and getting delegates together to discuss what type of government we would like to have established, we're just going to be spinning our wheels for another decade or two.

I might -- I don't think I'll be around before the Hawaiians have their own nation, but I'm worried about my mo'opunas. You know, they love Hawaii. They live here and they were born here. I came here to help my daughter raise them, and that's the only reason I left Hawaii.

And also, too, I know Derrick asked me if I would ever go back home, and I told him no, I don't think so, because all of my kupunahas are all gone now, so I have no -- my roots are still there, but my heart isn't there anymore because my ohana is gone. I have a lot of cousins in Waianae, but they're not my generation. We don't speak the same language, so...

But as for myself, I think we should have
this -- approve this process to at least open the door. We can always say no later.

(Applause)

MS. NUUHIWA: Aloha, my kakou.

AUDIENCE MEMBERS: Aloha.

MS. NUUHIWA: My name is Breann Nuuhiwa, and I am here officially with the Office of Hawaiian Affairs, but I'm rising right now to speak on behalf of myself as an individual and as a mother of a two-year-old Hawaiian boy that I hope has a brighter future than what's available. And I apologize, because I was planning to be very reserved and professional in my testimony, but I feel very strongly about what I hope for him.

And I have had the privilege and honor -- and hello again, Councilwoman Scabby -- of working here as an attorney at the Salt River Pima-Maricopa Indian Community and seeing on the ground level what self-governance in action can really mean for children's lives. And I'm talking about preschool, I'm talking about the ability to be self-determining in how your children get educated and what they learn about, and not being a slave to the system that's put in place by --

And I'll admit, you know, we are part of the state government, but that was never the intent of OHA. And I would defer, of course, to Trustee Stender to speak
to that, but the idea of OHA was always that it would be a placeholder until such time that the dreams people have expressed in this room, of coming together and deciding where the community should go as a whole, as one, and how it should move forward, could come to pass.

And OHA is desperately waiting for that to happen. OHA wants to hand over the reins. OHA wants to hand over the trust. OHA wants to hand over all of that administrative responsibility to a self-governing Native Hawaiian entity. And that's -- we stand in support of that because that's part of the whole reason we exist, was a dream that some day the state government wouldn't have its hand in what Hawaiians were deciding about how to administer resources and how to serve the community.

And I had the privilege, after working here at Salt River, of going back home and working within the Office of Hawaiian Affairs and seeing -- I mean, we take a lot of slings and arrows from the community, but the people who work for you at the Office of Hawaiian Affairs are deeply committed to justice for Hawaiians and put themselves and their reputations on the line every day at the state legislature and the federal government to fight for burial rights, to fight for water rights, to fight for rights to land, and to fiercely protect the trust that belongs to the native land people and should be
administered by the Native Hawaiian people. That's what
everyone at OHA does on a daily basis, and it's a
beautiful, powerful thing to be a part of and to see.

I have to echo Justice Klein's comments.
It's a battle zone. You know, if you look at OHA on the
top, Trustee Stender, you see a very graceful swan on the
water. Beneath the water we're fighting daily against
people who want Hawaiians to have nothing, absolutely
nothing. And we're fighting in every forum you can
imagine. And we're beginning to -- we're -- you know, in
terms of our advocacy in terms of international rights,
we're in our infancy, admittedly we're learning, you know,
how to be more effective in that arena.

But what we do know is that there are many
rights at the federal and state level that we've been
fighting to protect for decades now. And no one I talk
to -- and, you know, I'm welcome to -- I'm open to
conversation after this is over, but no one I've talked to
who wants to see the kingdom restored also wants to see
burial rights go away, also wants to see water rights go
away, also wants to see land rights go away. But that's
what's happening at the state and federal level while
we're having a very passionate and philosophical
discussion about governance, which is really important,
and I fully support that.
But I -- and I can say my own opinion as an attorney, I have not seen anything that would support the idea that those paths are mutually exclusive. I don't see this as an either/or conversation, and that's just my professional opinion as an attorney assessing what's been put in front of me. I think these all -- things can all happen at the same time, which is why I've very, very much devoted much of my energy to trying to protect those things at the federal and state level that are in place for my son and pushing for more and making sure that burial rights are increased, that water rights are increased, so that when self-governance is fully restored that there's something there to govern, that there's something there for my children and my children's children to point to, because the little that's there right now is vulnerable. It's very vulnerable.

And I can tell you, and Justice Klein has told you, from the front line it's scary. It's very scary. And we are trying our best to make sure that all of that can be protected for future generations. But the reality is there are increased protections for other Native peoples in the United States that Native Hawaiians cannot tap into. And I'm going to leave you with one example and sit down, because I know nobody likes to hear a lawyer talk for too long.
But, you know, we're struggling, we have been struggling at the Office of Hawaiian Affairs with an issue going on at the state level with our Hawaiian language immersion schools. And I don't know if some of you may be familiar with that issue. But our Hawaiian language immersion students learn, of course, in Olelo Hawaii, but they are tested with tests that are developed in the English language and then loosely translated back into Olelo Hawaii.

Not surprisingly, those test scores are not very good test scores. They have an impact not only on the school programs, but they have an impact on what those students think about their own intelligence and their pride, not only in themselves as students and learners, but as Hawaiians learning to speak their native language. And that is -- that's a daily thing. You know, that's not a philosophy. That's a kid feeling stupid. And that's something that we can't tolerate, and that's something that we've been advocating with respect to for years now.

And we pushed really hard at the state level. We pushed, we worked with the Department of Education to get them to commit to developing a test that is in the Hawaiian language for those students so that it can -- they can have an accurate assessment how they're doing in math and how they're doing in reading.
We pushed and pushed and pushed and the state was on board and we were doing great, and then we get to the federal level. And you know what? The level of self-determination that Native American governments can have over the education of their children is not available to Native Hawaiians because of the lack of a formal government-to-government relationship at the moment. And we're advocating to change that, and you know we have 150 laws to support our argument that Native Hawaiians should have that same -- should have that same authority regardless of a government-to-government relationship. But that is something that we struggle with, and that question shouldn't even be an issue. There shouldn't be a question that Native Hawaiians have a full bundle of sticks when it comes to rights at the federal level.

And like I said, I speak from a position of sincerely not believing that us fighting for water rights and burial rights and others at the state and federal level impact the longer-term discussion about diplomacy and the interaction between nations.

And I leave you with that. And I appreciate your time and all of your conversation and welcome to the opportunity to speak with anyone further after this. Thank you.

(Applause)
MS. SCABBY: Good afternoon. My name is Deanna Scabby, and I'm a council representative here for our Salt River Pima-Maricopa Indian Community. And I just wanted to just tell you it's been an honor and -- to be here amongst all of you to hear your words and your struggles and to hear your goals and desires. And, you know, it's something that we as a tribe deal with every day.

My husband here, he's been working for our tribe now for about, what, 35 years, and we have -- he is the coordinator of the office of self-governance and he's the one who officially goes back and forth, he works with our president. And you were able to hear our president speak and she's also very passionate, and when she has the resolve to do something, she does it. And I see that with all of you, and I just hope that whatever decisions you make as a people that your future will be done in a good way because it's just not about now, it's about your future, your children, your grandchildren.

I wanted to say, also, that I've attended many conferences of the native -- National Congress of American Indians as well as to the self-governance conferences and have never heard any native nor tribe anywhere say that we do not support you all. We support you, we want to see you flourish and do the things you
need to do as a people. And we have never -- I have never heard a tribe say, well, we don't want those Hawaiians to have any money. Never. We have a desire and a goal to see that you can flourish, also, as a government, just as we have struggled and done for many years.

So I just want to leave that with you. It's a privilege to be here. And I thought all you all wanted was to have benefits, health benefits. You know? But my eyes have been opened to other things, so thank you.

(Applause)

MS. SANBORN: Aloha. My name is Margaret Sanborn, and I'm the ex-president from the Ahahui Kiwila Hawaii San Diego Civic Club. I'm also the executive director for the Pacific American Academy Charter School in San Diego.

I really do believe that what Justice Klein said is extremely important. We've got to keep the federal dollars coming in to support all of our programs, especially education. You speak about education that your child is not getting or the children in Hawaii aren't getting decent scores because their Hawaiian isn't good enough or their test paperwork isn't done correctly or isn't available to them.

This year, after five years of being in education, the unified school district in San Diego pulled
my contract because of low scores. Okay. So we know, educators know that across the country we are now involved in common core. It was difficult to put the common core into place because we didn't have any books, the standards were not put together, tests are not put together. So when we did our tests two years ago and our scores were low, they had decided to give us two years to make good, to get involved in getting the test -- the curriculum together. Well, they changed their minds and then only gave us one year. They didn't give us the opportunity to make the education work.

Aside from all of that, five years ago the Office of Hawaiian Affairs gave to Pacific American Academy $100,000 to start our school. My heart is full of aloha for the Office of Hawaiian Affairs.

However, when I tried to apply for a grant through the Department of Education, the U.S. Department of Education, I was refused because I had to go to Hawaii to send my grant there. And so I didn't do it, but, you know, I am finding that there is no equality here for the Hawaiians on the continent.

A couple months ago we were in San Diego and the first meeting of these meetings occurred, and we were told at that time that the Hawaiians on the continent will not be involved or part of that government in Hawaii. And
I need to know what the Office of Hawaiian Affairs has to say. Justice Klein, I'd like to hear what your opinion is, or is there any validity to that?

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. BEETSO: For those of you who came in a little bit later, there is an offer put forth by OHA to meet with folks afterwards. There are a lot of questions. But we're the federal folks that called this meeting, so we're interested in comments directed towards us at this time.

So we've got this gentleman here. And is there anybody else who would like to make a first statement?

Okay. Up here.

MR. SCABBY: Excuse me. Excuse me. Many years ago I watched a program on public television, and I saw the Hawaiian people living on the hillsides in shacks, living off the land, disenfranchised from their own property, and it had a deep impact on me.

And I have no business speaking here. My name is Bob Scabby. I'm the self-governance coordinator for the Salt River Pima-Maricopa Indian Community. But what I'm saying, I'm not representing the Salt River Pima-Maricopa Indian Community. I'm just sharing some thoughts with you.
By way of personal introduction, I'm a Cheyenne Indian. My wife is -- my wife here is Pima-Maricopa, and we've lived here since I got out of college. And my tribe came out of the Great Lakes area. As the westward expansion came, we were pushed into Minnesota; Lewis and Clark saw us there in Minnesota. And the Cheyennes moved up in Missouri trying to find a home, pressed always by the Algonquin tribes. We were part of the Algonquin tribes, and the (indiscernible) confederacy was pushing the Chippewas, Chippewas were pushing the Sioux, Sioux were pushing the Cheyennes, so there was a lot of turmoil in the great desert that the Americans call the plains. So I'm a plains Indian.

My people went through Colorado trying to find a home. We were massacred in 1864 in Sand Creek by the Americans. I lost many relatives there. We, too, have a lot of healing to do. Our tribe moved into western Oklahoma, the great reservation. When they camped there, Custer attacked our village again, killed 150 people. Our people were powerful people, but we were being hunted, chased.

And our -- all of our cultures, our native cultures, are considered -- the Hawaiians, the island people, where your elders are, the tribes here, we, too, were smitten and chased, hunted, our opinions not valued.
So I come to you just saying these words. I went to college in a white man's college. And I started as a young boy and they asked me what do you want to do. I said -- basically I said I want to major in self-determination and self-governance. And there was no major, but I did as close as I could and went into public administration. And as -- I was hired in 1982 as a self-govern -- I mean as the finance office of controller for Salt River and then I moved into tribal administration.

And as part of tribal administration I moved into the self-governance area when it came available in 1988. It was whenever the (inaudible) past self-governance. And so I got to know -- we did a lot of visits to D.C., Washington, D.C., and I got to know -- I met Daniel Inouye. His heart was to see -- someday to have the Hawaiian people have recognition. Later on I met Michael (indiscernible), Kali Watson. They come to visit us, trying to find out what can we do to bless our people over there.

May I just say there's many hard, you know, opinions here from different areas and that your decision to make whatever you're going to make, what kind of government you want. But I just say this about America: it's a beautiful land. It's a choice land. It's a land
that God gave to us as native peoples, including the
islands, and we will prosper and do so by worshipping Him,
keeping His commandments and honoring any covenants we
make with Him.

The Salt River has been greatly blessed
because the people are very powerful people, very humble,
and they try to live right. And I'm proud to work here
and humble to work here.

Make no bones about it, my brothers and
sisters, fellow Hawaiians, tribal members, the United
States government is in complete control of this land at
this time. They took your queen away, they took our
council of 44 chiefs away, it's taken, and replaced it
with American forms of government, the family of
governments, federal, state, tribal, and local
governments. And who can dispute it? This land is
choice, it's a great land above all other lands, but it's
also run by people who keep us under their thumbs.

So as tribes, Native Hawaiians, I look at it
this way, we live like in cocoon. The United States is
around us, protecting us militarily, making sure we don't
get run over -- overrun by other nations. But we're
also -- we're not sovereign nations anymore. We're quasi
sovereign nations. And we just -- when tribes are saying
we're sovereign nations, you know, we have to go to the
state to get a gaming compact. We have to go -- we have
to work with others, you know. If they say we -- and I
tell you this from my long service in the government, that
we exist on the compassion of the United States government
through both houses of Congress, the House of
Representatives and the Senate.

And you want to -- this thing -- this thing
may not come your way again. You need to think about it.
The only way it may come again is with my help, Yahweh,
Jesus, when He comes again. You may have to wait until
then, because He did promise you this land. And some day
when America has run its course that He will give this
land to the natives and all those who are friendly to the
natives, compassionate to the natives.

Sovereignty is financial. Or is it? Think
about it. We at Salt River, for every dollar that the
federal government allocates to us, (inaudible)
government, we have to put in $15 to make it run right.
We run our own membership services, police services,
detention, education services, social services, health
services, road services, cultural preservation services,
environmental services, all of these things that make a
government run. We also have a Salt River Community
Children's Foundation which I am chair of at this time.

But there's also different ways to deliver
these services, you know. You can -- I tell you what, I'll give you something. Okay? Somebody write this down.

You can have -- there are direct service tribes, and that's where, to me, they're like little kids. The government sends the BIA or their agents in to run your business for you. I don't think the Hawaiian people want that.

There are 638 tribes. Those are contracting tribes where the government can give you the money and you can contract for those and implement those services.

There's self-governance, and I'm the self-governance coordinator. I'm doing what I wanted to do when I was a little boy. Self-governance is basically like -- you know, the 638 tribe -- 638 tribe is like they're in junior high, you know. Because, you know, you're implementing these contracts, but, you know, you got to have parents and other people looking over your shoulder to make sure you don't -- you know, you don't do anything wrong. And they hover over you. And the contract needs to be this thick down to about this thick, you know, about an inch thick now.

Self-governance is what Salt River is. We do our business the self-governance way, where the federal government gives us the money and we just do with it. Locally, the council determines what they want to put that
money into and we deliver those services.

I'd just like to say that, you know, think about that, you know. Self-governance is a lot better way of doing business. I think that you could, at least at a minimum, live like that. I'd like to see us some day just get block grants like some of those Puerto Rico or somebody else gets a block grant, you know, just give us a block grant and let us govern ourselves. That's even better.

And I'd like to just say that it's a -- you know, there's -- just in closing, there's a lot of -- I go throughout the United States, and there's a lot of healing that needs to take place. We were overrun. But the white people in their hearts generally are good people, but we need to make sure that we elect good leaders from amongst them.

We also need to make sure that we take care of -- you know, our people are basically, we like to take care of our membership. We do things for the membership. And so that's who we are.

Thank you for this opportunity to speak with you on some of these things. I hope I've been helpful a little bit. Thank you.

(Applause)

MR. BEETSO: Is there anybody who hasn't
made a first statement that would like to make a first statement? Who hasn't spoken yet that would like to speak?

Okay. So we've got a little bit of time, less than an hour, so we'll go ahead and move into second comments. So I'll start with this gentleman here.

MR. BENKO: Question more for OHA. I've heard here and elsewhere about getting the Hawaiian -- Native Hawaiian community together to even begin to discuss forms of government and how to go about doing things. It seems to me that there is a need for some central coordinating point to help oversee this.

Is there any type of legal ramifications or restrictions that would prevent OHA from doing such a role?

MR. BEETSO: So just to reiterate, OHA is going to be happy to talk to you after this session. We'll let him answer this real briefly.

MR. STENDER: OHA is beginning again. We've had several ahahas in the past in trying to organize the Hawaiians to organize themselves to form this new government, and we've not been successful to date. We just started again a couple months ago, and that process now is beginning again. And the judge mentioned January 15th as a timeline that we hope to achieve by
then. We should have some structure in place that would
implement the further adoption of governance.

MR. BEETSO: Anybody else who would like to
make a statement at this time, second statement?

Well, I'm all for applying consensus to
adjourn if everybody feels like, you know, we've had a
healthy dialogue and there's nobody that would like to
make a statement at this time.

We appreciate you guys coming out. We
appreciate Salt River hosting this. And I just want to
say thank you for all your thoughts and all your comments,
because a lot of folks think that we're just checking a
box, but we really do have to look at everything and we
want to look at everything that's presented to us.

I'd like -- like Justin said earlier, this
is an optional stage of the rulemaking process. It
doesn't have to be done. But I think, you know, we're
really interested in getting a lot of broad public
comments from everybody before we even start to draft a
rule, so that's the purpose of this.

And, you know, right now, as we mentioned
earlier, there's no guarantee that a rule will be drafted.
We have an ANPRM process, but we do have to go back and
look at all the different comments. So we appreciate
everybody who participates in these venues, and we thank
you for taking the time out of your day. We know this is a workday, so thank you again. And we'll be available up here for any questions.

Gentleman would like to make a closing statement.

MR. STENDER: I would like to say there were a lot of things said this afternoon, this morning that really a lot of it is misinformation. A lot of it is information that you don't have. And I really urge any of you who have questions of where OHA has processed to date to really meet with us after this meeting to at least fully understand what the effort has been and the importance of it. Thank you.

MR. BEETSO: Yeah. I was just gonna -- we have this room blocked off until 3:00 p.m., so if you want to meet with OHA, you guys are welcome to meet here. So with that, I guess we'll adjourn.

Justin, would you like to have statements?

MR. SMITH: Just to say mahalo, and we really appreciated the comments, including the passionate comments, because the history is important and we don't mind hearing about it. It's -- feel free to speak your mind. Thanks, everyone.

(11:24 a.m.)

*   *   *   *   *   *   *
STATE OF ARIZONA )
   ) ss
COUNTY OF MARICOPA )

I HEREBY CERTIFY that the foregoing public meeting regarding whether the Federal Government should reestablish a government-to-government relationship with the Native Hawaiian Community was taken by me pursuant to public notice; that I was then and there a Certified Reporter for the State of Arizona; that the statements of the participants thereto were taken down by me in shorthand and thereafter transcribed through computer-aided transcription under my direction, and that the foregoing typewritten pages contain a full, true, and accurate transcript of all said proceedings, all done to the best of my skill and ability.

I FURTHER CERTIFY that I am in no way related to nor employed by any of the participants hereto, nor am I in any way interested in the outcome hereof.

DATED at Phoenix, Arizona, this 13th day of August, 2014.

KIMBERLY PORTIK
Certified Reporter
Certificate No. 50149