



**SB 1085, SD 1
RELATING TO CEDED LANDS**

Senate Committee on Judiciary and Government Operations

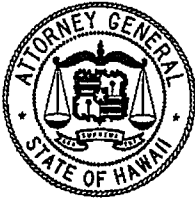
March 5, 2009
Room 211

9:45 a.m.

Aloha Chair Taniguchi, Vice Chair Takamine, and Members.
OHA offers the following comments on this bill:

OHA prefers a bill that would impose a full moratorium. On the other hand, OHA prefers a bill with a modified approach to a moratorium, to no moratorium at all.

Mahalo for the opportunity to testify.



**TESTIMONY OF THE STATE ATTORNEY GENERAL
TWENTY-FIFTH LEGISLATURE, 2009**

ON THE FOLLOWING MEASURE:

S.B. NO. 1085, S.D. 1, RELATING TO CEDED LANDS.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

DATE: Thursday, March 5, 2009 TIME: 9:45 AM

LOCATION: State Capitol, Room 211

TESTIFIER(S): Mark J. Bennett, Attorney General
WRITTEN TESTIMONY ONLY. (For more information, call
Bill Wynhoff, Deputy Attorney General, at 587-2992.)

Chair Taniguchi and Members of the Committee:

The Department of Attorney General opposes this bill.

This bill amends chapter 171, Hawaii Revised Statutes, to bar the Board of Land and Natural Resources from selling or exchanging ceded lands in almost all circumstances.

We oppose this bill on both legal and policy grounds.

As to legal issues, the bill raises the potential for additional federal court lawsuits against the State by persons opposed to government programs that provide benefits to Native Hawaiians. Such lawsuits have been and continue to be filed. New lawsuits might claim, for example, that this legislation violates the Admission Act, which establishes a trust whose provisions and obligations are interpreted under federal common law, because a reasonable trustee would never foreclose in advance almost all opportunities for selling or exchanging land, no matter how favorable the circumstances, no matter how much the sale or exchange would advance the purposes of the Admission Act's public trust, and no matter how much the sale or exchange would benefit the trust's beneficiaries, particularly for the reasons specified or implied by the bill.

New lawsuits might also challenge the legislation as violating the Fourteenth Amendment to the United States Constitution. Were this legislation to be enacted, such challenges might well not be subject to the procedural bars regarding, for example, standing and joining the United States as a party, that previous challenges have faced. Similar issues could be raised with respect to the Hawaii State Constitution.

We also believe that it makes sense as a policy matter for the State to retain far more flexibility than this bill provides as to the use and management of its land. It is impossible to say in advance that beneficial opportunities for sales or exchanges cannot arise. Office of Hawaiian Affairs v. Housing and Community Development Corporation of Hawaii itself arose from the Legislature's specific direction to sell ceded land to implement the Admission Act's third purpose: developing "home ownership on as widespread a basis as possible," a purpose also embodied in Hawaii's Constitution, article XI, section 10: "The public lands shall be used for the development of farm and home ownership on as widespread a basis as possible, in accordance with procedures and limitations prescribed by law."

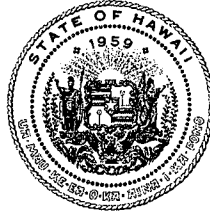
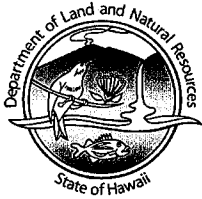
The S.D. 1 version of the bill contains provisions indicating that the limitations expire on December 31, 2014, or earlier if "claims of the native Hawaiian people . . . have been resolved." At present there is no way to predict if resolution will occur before this date. For the reasons stated above, we do not believe it is appropriate to forgo essentially all opportunities for land transfers for more than four years. Not least, there is no indication of who is to make the determination, or when, that claims of native Hawaiian people have been resolved. The provision is more of an invitation to litigation than a real option to authorize sale or exchange.

The S.D. 1 version also provides that the limitations expire if the Legislature indicates that it no longer "supports reconciliation between the State and the native Hawaiian people." We believe this last provision exemplifies a false dichotomy. It is simply not correct to say that supporting the State's sovereign right to, in limited and

appropriate circumstances, sell or exchange its land implies opposition to "reconciliation" with the native Hawaiian people. We support reconciliation, but reconciliation does not need to include relinquishing the State's sovereign rights. And reconciliation does not mean that the State should not hold, manage, and when appropriate transfer lands for the benefit of all Hawaii's people. The State's recognition of and exercise of its right and obligation to manage Hawaii's lands for all Hawaii's people can co-exist with reconciliation with the native Hawaiian people.

We respectfully ask the Committee to hold this bill.

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the Senate Committee on
JUDICIARY AND GOVERNMENT OPERATIONS**

**Thursday, March 5, 2009
9:45 AM
State Capitol, Conference Room 211**

**In consideration of
SENATE BILL 1085, SENATE DRAFT 1
RELATING TO CEDED LANDS**

Senate Bill 1085, Senate Draft 1 proposes to: 1) Prohibit the sale or transfer of ceded lands until the unrelinquished claims of the native Hawaiian people are resolved, reconciliation between the State and the native Hawaiian people is no longer supported, or until December 31, 2014, whichever occurs first; and 2) Establish a process for the sale or transfer of ceded lands, to be implemented only when one of the foregoing conditions occurs. The Department of Land and Natural Resources defers to the Department of the Attorney General with regard to providing specific comments on this measure.

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



KAMEHAMEHA SCHOOLS

Wednesday, February 4, 2009

WRITTEN TESTIMONY TO
THE SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

BY

Nainoa Thompson, Chair
Diane J. Plotts, Vice Chair
Corbett A.K. Kalama Secretary/Treasurer
J. Douglas Keauhou Ing
Robert K.U. Kihune
Dee Jay A. Mailer, Chief Executive Officer

Re: SB 1085 SD1 Relating to Ceded Lands.

To: Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice-Chair
Members of the Committee

Mahalo nui for the opportunity to testify regarding an issue of great importance to all of the people of Hawai'i and to our Native Hawaiian people in particular.

Kamehameha Schools strongly supports this measure, which places a moratorium on the sale or transfer of ceded lands until the issues and claims surrounding these lands between Native Hawaiians and the state are resolved. Ceded lands tie directly to Native Hawaiian well being and identity, as former Crown and Government lands that were taken from the Kingdom of Hawaii after the overthrow of Queen Lili'uokalani in 1893 and later placed in trust, with the proceeds to be used for five public purposes, including the benefit of Native Hawaiians, the indigenous people of these islands.

The Native Hawaiian people carry claims relating to these lands which have not yet been reconciled, and this is an ethical and moral obligation that must be take care of here at home. We stand with many others in our community in support of legislation that will keep intact Hawai'i's ceded lands trust in order that claims can be resolved. As an Ali'i Trust founded to improve the capability and well-being of Native Hawaiians, we urge the state of Hawai'i to continue its long-standing support for and commitment to the Hawaiian community by working with OHA, the Native Hawaiian people and the state Legislature to resolve the dispute over ceded lands without involvement by the U.S. Supreme Court.



COUNCIL FOR NATIVE HAWAIIAN ADVANCEMENT

1050 Queen Street, Suite 200, Honolulu, Hawai'i 96814
Tel: 808.596.8155/800.709.2642 • Fax: 808.596.8156/800.710.2642
www.hawaiiancouncil.org

Testimony in Support of SB 1085 SD1

Date: March 4, 2009

To: Senator Brian Taniguchi, Chair, Committee on Judiciary and Government Operations

From: Robin Puanani Danner, CNHA CEO & President

Re: SB 1085 SD1 Relating to Ceded Lands
Thursday, March 5, 2009, 9:45 a.m.
Conference Room 211

Aloha Chair Taniguchi, Vice Chair Takamine, and Member Senators Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom of the Committee on Judiciary and Government Operations,

My name is Robin Puanani Danner, with the Council for Native Hawaiian Advancement. CNHA is a nonprofit network of over 90 community organizations. Our mission is to enhance the well-being of Hawaii through the cultural, economic and community development of Native Hawaiians. We administer the Native Hawaiian Policy Center, along with our coalition partners, the Native Hawaiian Economic Alliance (NHEA) and the Sovereign Councils of the Hawaiian Homeland Assembly (SCHHA). Throughout the year, we convene our respective members of small business owners, nonprofit executives, and homestead leaders to identify our annual policy priorities.

CNHA supports SB 1085 SD1 because passage of this bill reaffirms the authority of the Hawaii State Legislature to address and oversee the management of the ceded land trust. The privatization of ceded lands through the sale of such lands should not be a power available without the approval and contemplation of the Hawaii State Legislature.

Please pass this bill out of your committee. Mahalo for your time.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA
Executive Director
Tel: 808.543.0011
Fax: 808.528.0922

NORA A. NOMURA
Deputy Executive Director
Tel: 808.543.0003
Fax: 808.528.0922

DEREK M. MIZUNO
Deputy Executive Director
Tel: 808.543.0055
Fax: 808.523.6879

**The Twenty-Fifth Legislature, State of Hawaii
Hawaii State Senate
Committee on Judiciary and Government Operations**

**Testimony by
Hawaii Government Employees Association
March 5, 2009**

**S.B. 1085, S.D. 1 – RELATING
TO CEDED LANDS**

The Hawaii Government Employees Association supports the purpose and intent of S.B. 1085, S.D. 1. As amended, S.B. 1085, S.D. 1 accomplishes several important objectives. It prohibits the sale or transfer of ceded lands until the claims of Native Hawaiians are resolved, or the Legislature passes a concurrent resolution adopted by a two-thirds majority vote of each House that the State of Hawaii no longer supports reconciliation between the State and the Native Hawaiian people, or until December 31, 2014, whichever may occur first.

S.B. 1085, S.D. 1 allows the Legislature to reassert its sole authority under the state constitution to resolve this issue on behalf of the state and to dispose of lands under the control of the state. It also enables the state to carry out its fiduciary responsibilities to the people of Hawaii, and ensure the preservation of the public land trust (ceded lands) until the claims of Native Hawaiians are resolved in a fair and just settlement leading to reconciliation.

Thank you for the opportunity to testify in support of S.B. 1085, S.D. 1.

Respectfully submitted,

Nora A. Nomura
Deputy Executive Director

From: Old Growth Alliance [columbuswasnohero@yahoo.com]
Sent: Wednesday, March 04, 2009 9:19 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; "and senslom"@capitol.hawaii.gov; kupuaina@gmail.com
Subject: bill 1085

Name: Chairman Taniguchi
Committee: Senate Committee on Judiciary and Government Affairs
Date/Time of hearing: March 5, 2009 at 9:45am
Re: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT

Dear Chairman Taniguchi,

I submit testimony in strong support of Senate Bill 1085. SB 1085 provides a re-affirmation of the Hawaii Supreme Court's landmark, January 31, 2008, decision in the case commonly known as Office of Hawaiian Affairs v. HCDCH.

Last month our state Senate passed two resolutions:

- Senate Resolution 25,
- Senate Concurrent Resolution 40.

These resolutions provide that the "Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court." Senate Concurrent Resolution 40 was also adopted by the state House of Representatives. In other words, our legislature has decided to support our state judicial branch on this issue.

SB 1085 is legislation that fits within the public policy of the State of Hawaii through our legislature. Our legislature passed the resolution, now it is time to support the appropriate bill.

Sincerely,

Old Growth Alliance,

I urge you to support and pass SB 1085.

--LETS MOVE!!

Old Growth Alliance

From: Penrod-Ronson Akina [mentoboyz_productions@yahoo.com]
Sent: Wednesday, March 04, 2009 12:42 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom; kupuaina@gmail.com; uchaleda@yahoo.com; andrea@samadhihawaii.com; bklarso@hotmail.com; catherinehage@hotmail.com; dhirad@hotmail.com; dhiradi@yahoo.com; dlpilates@yahoo.com; ednah@midpac.edu; ehumama@hotmail.com; glovergigi@yahoo.com; ian_okamoto@notes.k12.hi.us; jainniec@yahoo.com; jtcox68@hotmail.com; jamie@hawaiiaturecenter.org; jamienak@hawaii.edu; jknakama@yahoo.com; parksmoffett@hotmail.com; johnsignor@yahoo.com; kaohua@hawaii.rr.com; kristasherer@msn.com; bodhilisa@yahoo.com; makaniluau@aol.com; malia_ma@yahoo.com; markeno@mac.com; mauraoc@hawaii.rr.com; phalagao@hawaii.edu; chinn@hawaii.edu; psato@tnc.org; eteruth@yahoo.com; mentoboyz_productions@yahoo.com; kkrevenge@aol.com; suzanne_bernstein@notes.k12.hi.us; valerie_nishida@notes.k12.hi.us; vmeyer@hawaii.rr.com; wendy_lagareta@notes.k12.hi.us; winonafarias@yahoo.com; yayoi.hara@gmail.com; yayoi@cinemaparadise.org; kbuettnet@gmx.net; Moses Goods; Marcus Quiniones; norbert larsen; Alicia; Alexandria Kawahinepōaināmoku Lincoln; carol.l.silva@hawaii.gov; Davianna Pomaika'i McGregor
Subject: Ceded Lands Testimonial

March 4, 2009
Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Members, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Ronson Akina I am a resident of Hawaii and am deeply concerned about the future of the “ceded” lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in STRONG SUPPORT of SB 1085.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, unamended. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of “ceded” lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle’s attempt to take this issue beyond our shores and allow a nine judges that have no vested interest in or connection to Hawaii to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you exercise your authority as

State officials and as the legislative branch of government to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists, and it is important to the future of all of Hawaii's people that this relationship continue to be recognized. It is in large part because of the mana (spirit/power) and traditions of Hawaii's first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,

Ronson Akina

From: Kris Kato [naluhema@gmail.com]
Sent: Wednesday, March 04, 2009 3:05 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom; kupuaina@gmail.com
Subject: Re: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT

Name: Kris Kato

Committee: Senate Committee on Judiciary and Government Affairs

Date/Time of hearing: March 5, 2009 at 9:45am

Re: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT

Dear Chairman Taniguchi,

I submit testimony in strong support of Senate Bill 1085. SB 1085 provides a re-affirmation of the Hawaii Supreme Court's landmark, January 31, 2008, decision in the case commonly known as Office of Hawaiian Affairs v. HCDCH.

Last month our state Senate passed two resolutions:

Senate Resolution 25,

Senate Concurrent Resolution 40.

These resolutions provide that the "Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court." Senate Concurrent Resolution 40 was also adopted by the state House of Representatives. In other words, our legislature has decided to support our state judicial branch on this issue.

SB 1085 is legislation that fits within the public policy of the State of Hawaii through our legislature. Our legislature passed the resolution, now it is time to support the appropriate bill.

Sincerely,

Kris Kato

I urge you to support and pass SB 1085.

From: Ponce, Mikhail L. - OSHA [Ponce.Mikhail@dol.gov]
Sent: Wednesday, March 04, 2009 4:06 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom; kupuaina@gmail.com
Subject: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT

Name: Mikhail L. Ponce
Committee: Senate Committee on Judiciary and Government Affairs
Date/Time of hearing: March 5, 2009 at 9:45am
Re: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT

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Sincerely,

Mikhail L. Ponce
OSHA Law Specialist
Department of Labor - OSHA
Directorate of Construction - OCSG
ph. 202-693-2507

I urge you to support and pass SB 1085.

From: Anuheia Reimann-Giegerl [franzanuhea@yahoo.com]
Sent: Wednesday, March 04, 2009 6:46 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom; kupaaaina@gmail.com
Subject: SB 1085 - STRONG SUPPORT

Dear Chair Taniguchi, Vice Chair Takamine, and Members, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom,

My name is Anuheia Reimann-Giegerl. I speak as a Native Hawaiian on behalf of myself, my kupuna and other 'ohana unable to articulate their strong support of SB 1085 by this morning's deadline. We strongly urge your support as well.

Our concern about the future of the "ceded" lands runs deep. Governor Lingle's appeal of this case to the U. S. Supreme Court does not represent our views on this issue and so we submit testimony in STRONG SUPPORT of SB 1085.

As the body of officials elected to represent the people of Hawai'i we ask that you represent our voice and pass this bill out of your committee, UNAMENDED. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of "ceded" lands, but also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

We are deeply troubled by Governor Lingle's attempt to take this issue beyond our shores and allow nine judges who have no vested interest in or connection to Hawai'i to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, we urge that you exercise your authority as State officials and as the legislative branch of government to harness control over these issues.

We would also remind you that Native Hawaiians have a special relationship to all of Hawai'i nei, including its "ceded" lands, that differs from the American or Western relationship. This means I, my kupuna and my 'ohana have a relationship to Hawai'i which is inextricable and indescribable. It is a relationship that connects us to our past, our present, and our future. The state has long recognized that this relationship exists, and it is important to the future of all of Hawai'i's people that this relationship continue to be recognized, honored and respected. It is in large part because of the traditions and spirit of Hawai'i's first people that we have such a unique and beautiful society here.

Please carefully consider our future when reviewing this bill. PLEASE PASS THIS BILL OUR OF YOUR COMMITTEE UNAMENDED.

With deepest sincerity and gratitude,
Anuheia Reimann-Giegerl and 'Ohana

From: Kaya [tnapaepae35@gmail.com]
Sent: Wednesday, March 04, 2009 7:03 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom
Subject: Senate Bill 1085 - Commentary IN STRONG SUPPORT

Name: Tasha Kanani 'O Kalani Napaepae
Committee: Senate Committee on Judiciary and Government Affairs
Date/Time of hearing: March 5, 2009 at 9:45am
Re: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT

Dear Chairman Taniguchi,

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These resolutions provide that the "Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court." Senate Concurrent Resolution 40 was also adopted by the state House of Representatives. In other words, our legislature has decided to support our state judicial branch on this issue.

SB 1085 is legislation that fits within the public policy of the State of Hawaii through our legislature. Our legislature passed the resolution, now it is time to support the appropriate bill.

Sincerely,

Tasha Kanani 'O Kalani Napaepae

I urge you to support and pass SB 1085.

From: Tina Shibata [tshibata@worldclassconf.com]
Sent: Wednesday, March 04, 2009 7:14 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom
Subject: Re: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT

Name: Kristina Shibata
Committee: Senate Committee on Judiciary and Government Affairs
Date/Time of hearing: March 5, 2009 at 9:45am
Re: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT

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I urge you to support and pass SB 1085.

Sincerely,

Kristina Shibata

Kristina Shibata
Operations Supervisor
World Class Conferencing, Inc.
Phone: 808-237-2200
Fax: 808-237-2211
Email: tshibata@worldclassconf.com
Web: www.worldclassconferencing.com

From: Ipo McFaul [ikaai@worldclassconf.com]
Sent: Wednesday, March 04, 2009 7:15 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom
Subject: Senate Bill 1085-Commentary IN STRONG SUPPORT

Name: Ku'uipo McFaul
Committee: Senate Committee on Judiciary and Government Affairs
Date/Time of hearing: March 5, 2009 at 9:45am
Re: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT

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SB 1085 is legislation that fits within the public policy of the State of Hawaii through our legislature. Our legislature passed the resolution, now it is time to support the appropriate bill.

Sincerely,

Ku'uipo McFaul

I urge you to support and pass SB 1085.

Gabriella McFaul
Conference Coordinator
World Class Conferencing, Inc.
Phone: 808-237-2200
Fax: 808-237-2211
Email: ikaai@worldclassconf.com
Web: www.WorldClassConferencing.com

No virus found in this outgoing message.

Checked by AVG.

Version: 7.5.557 / Virus Database: 270.11.7/1982 - Release Date: 3/3/2009 4:09 PM

From: Pamela Suga [psuga@worldclassconf.com]
Sent: Wednesday, March 04, 2009 7:16 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom
Subject: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT
Importance: High

Name: Pamela Suga
Committee: Senate Committee on Judiciary and Government Affairs
Date/Time of hearing: March 5, 2009 at 9:45am
Re: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT

Dear Chairman Taniguchi,

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SB 1085 is legislation that fits within the public policy of the State of Hawaii through our legislature. Our legislature passed the resolution, now it is time to support the appropriate bill.

Sincerely,

Pamela Suga

I urge you to support and pass SB 1085.

From: Blanche Wong [bwong@worldclassconf.com]
Sent: Wednesday, March 04, 2009 7:16 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom
Subject: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT
Importance: High

Name: Blanche Kaloahou Wong
Committee: Senate Committee on Judiciary and Government Affairs
Date/Time of hearing: March 5, 2009 at 9:45 am
Re: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT

Dear Chairman Taniguchi,

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These resolutions provide that the "Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court." Senate Concurrent Resolution 40 was also adopted by the state House of Representatives. In other words, our legislature has decided to support our state judicial branch on this issue.

SB 1085 is legislation that fits within the public policy of the State of Hawaii through our legislature. Our legislature passed the resolution, now it is time to support the appropriate bill.

Sincerely,

Blanche Kaloahou Wong

I urge you to support and pass SB 1085.

From: Tasha Napaepae [tnapaepae@worldclassconf.com]
Sent: Wednesday, March 04, 2009 7:21 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom
Subject: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT

Name: Bryson Ali'iwaionahele 'O Kalani Napaepae
Committee: Senate Committee on Judiciary and Government Affairs
Date/Time of hearing: March 5, 2009 at 9:45am
Re: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT

Dear Chairman Taniguchi,

I submit testimony in strong support of Senate Bill 1085. SB 1085 provides a re-affirmation of the Hawaii Supreme Court's landmark, January 31, 2008, decision in the case commonly known as Office of Hawaiian Affairs v. HCDCH.

Last month our state Senate passed two resolutions:

Senate Resolution 25,

Senate Concurrent Resolution 40.

These resolutions provide that the "Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court." Senate Concurrent Resolution 40 was also adopted by the state House of Representatives. In other words, our legislature has decided to support our state judicial branch on this issue.

SB 1085 is legislation that fits within the public policy of the State of Hawaii through our legislature. Our legislature passed the resolution, now it is time to support the appropriate bill.

Sincerely,

Bryson Ali'iwaionahele 'O Kalani Napaepae

I urge you to support and pass SB 1085.

From: Paul Gabriel [paul@entertainmentrevolution.com]
Sent: Wednesday, March 04, 2009 7:22 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom; 'Kupuaina Coalition'
Subject: SUPPORT OF SB 1085

SB 1085 Testimony 1

Name: Paul R. Gabriel
Committee: Senate Committee on Judiciary and Government Affairs
Date/Time of hearing: March 5, 2009 at 9:45am
Re: Senate Bill 1085 - **COMMENTARY IN STRONG SUPPORT**

Dear Chairman Taniguchi,

I submit testimony in strong support of Senate Bill 1085. SB 1085 provides a re-affirmation of the Hawaii Supreme Court's landmark, January 31, 2008, decision in the case commonly known as Office of Hawaiian Affairs v. HCDCH.

Last month our state Senate passed two resolutions:

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These resolutions provide that the "Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court." Senate Concurrent Resolution 40 was also adopted by the state House of Representatives. In other words, our legislature has decided to support our state judicial branch on this issue.

SB 1085 is legislation that fits within the public policy of the State of Hawaii through our legislature. Our legislature passed the resolution, now it is time to support the appropriate bill.

Sincerely,

Paul R. Gabriel

I urge you to support and pass SB 1085.

From: stibbardm003@hawaii.rr.com
Sent: Tuesday, March 03, 2009 9:47 PM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom
Subject: Sentate dBill 1085- COMMENTARY IN STRONG SUPPORT

March 3, 2009

SB 1085 Testimony 1

Name: Margaret Primacio

Committee: Senate Committee on Judiciary and Government Affairs Date/Time of hearing: March 5, 2009 at 9:45am

Re: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT

Dear Chairman Taniguchi,

I submit testimony in strong support of Senate Bill 1085. SB 1085 provides a re-affirmation of the Hawaii Supreme Court's landmark, January 31, 2008, decision in the case commonly known as Office of Hawaiian Affairs v. HCDCH.

Last month our state Senate passed two resolutions:

Senate Resolution 25,

Senate Concurrent Resolution 40.

These resolutions provide that the "Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court." Senate Concurrent Resolution 40 was also adopted by the state House of Representatives. In other words, our legislature has decided to support our state judicial branch on this issue.

SB 1085 is legislation that fits within the public policy of the State of Hawaii through our legislature. Our legislature passed the resolution, now it is time to support the appropriate bill.

Sincerely,

Margaret Primacio
Kahuku

I urge you to support and pass SB 1085.

From: Matthew K. Ing [ing.matt@gmail.com]
Sent: Tuesday, March 03, 2009 9:23 PM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom; kupuaina@gmail.com
Subject: Re: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT

Name: Matthew K. Ing
Committee: Senate Committee on Judiciary and Government Affairs
Date/Time of hearing: March 5, 2009 at 9:45am
Re: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT

Dear Chairman Taniguchi,

I submit testimony in strong support of Senate Bill 1085. SB 1085 provides a re-affirmation of the Hawaii Supreme Court's landmark, January 31, 2008, decision in the case commonly known as Office of Hawaiian Affairs v. HCDCH.

Last month our state Senate passed two resolutions:

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These resolutions provide that the "Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court." Senate Concurrent Resolution 40 was also adopted by the state House of Representatives. In other words, our legislature has decided to support our state judicial branch on this issue.

SB 1085 is legislation that fits within the public policy of the State of Hawaii through our legislature. Our legislature passed the resolution, now it is time to support the appropriate bill.

Sincerely,

Matthew K. Ing

I urge you to support and pass SB 1085.

From: Ellie [emkeola@yahoo.com]
Sent: Tuesday, March 03, 2009 9:15 PM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; "and senslom"@capitol.hawaii.gov; kupuaina@gmail.com
Subject: Senate Bill 1085

March 3, 2009

Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Members, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Ellie Keola. I am a resident of Hawaii and am deeply concerned about the future of the "ceded" lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in STRONG SUPPORT of SB 1085.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, unamended. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of "ceded" lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle's attempt to take this issue beyond our shores and allow a nine judges that have no vested interest in or connection to Hawaii to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you exercise your authority as State officials and as the legislative branch of government to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists, and it is important to the future of all of Hawaii's people that this relationship continue to be recognized. It is in large part because of the mana (spirit/power) and traditions of Hawaii's first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,
Ellie Keola

From: Mark K Ing [marking@hawaii.edu]
Sent: Tuesday, March 03, 2009 9:20 PM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; kupuaina@gmail.com; Sen. Clarence Nishihara; Sen. Sam Slom
Subject: SB 1085

Dear Chairman Taniguchi,

I submit testimony in strong support of Senate Bill 1085. SB 1085 provides a re-affirmation of the Hawaii Supreme Court's landmark, January 31, 2008, decision in the case commonly known as Office of Hawaiian Affairs v. HCDCH.

Last month our state Senate passed two resolutions:

- Senate Resolution 25,

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These resolutions provide that the "Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court." Senate Concurrent Resolution 40 was also adopted by the state House of Representatives. In other words, our legislature has decided to support our state judicial branch on this issue.

SB 1085 is legislation that fits within the public policy of the State of Hawaii through our legislature. Our legislature passed the resolution, now it is time to support the appropriate bill.

Sincerely,

Mark K. Ing

I urge you to support and pass SB 1085.

From: Patty Bunge [pattybunge@gmail.com]
Sent: Tuesday, March 03, 2009 9:17 PM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom
Subject: SB 1085

March 3, 2009

Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Members, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Patricia Bunge. I am a resident of Hawaii and am deeply concerned about the future of the "ceded" lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in **STRONG SUPPORT** of SB 1085.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, unamended. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of "ceded" lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle's attempt to take this issue beyond our shores and allow a nine judges that have no vested interest in or connection to Hawaii to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you exercise your authority as State officials and as the legislative branch of government to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists, and it is important to the future of all of Hawaii's people that this relationship continue to be recognized. It is in large part because of the mana (spirit/power) and traditions of Hawaii's first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,

Patty Bunge

"Live in the random, but look for the rhyme. Amazed by the grace that we find." andi and i

From: naukilo@aol.com
Sent: Tuesday, March 03, 2009 9:14 PM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom; kupuaina@gmail.com
Subject: RE: SB 1085

SB 1085 Testimony 1

The Honorable Senator Brian Taniguchi, Chairman
Committee: Senate Committee on Judiciary and Government Affairs
Date/Time of hearing: March 5, 2009 at 9:45am

Re: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT

Dear Chairman Taniguchi,

I submit testimony in strong support of Senate Bill 1085. SB 1085 provides a re-affirmation of the Hawaii Supreme Court's landmark, January 31, 2008, decision in the case commonly known as Office of Hawaiian Affairs v. HCDCH.

Last month our state Senate passed two resolutions:

- Senate Resolution 25,
- Senate Concurrent Resolution 40.

These resolutions provide that the "Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court." Senate Concurrent Resolution 40 was also adopted by the state House of Representatives. In other words, our legislature has decided to support our state judicial branch on this issue.

SB 1085 is legislation that fits within the public policy of the State of Hawaii through our legislature. Our legislature passed the resolution, now it is time to support the appropriate bill.

Sincerely,

Rev. Dennis Kamakahi

I urge you to support and pass SB 1085.

JEANNINE JOHNSON

5648 Pia Street, Honolulu, Hawai'i 96821

Phone: 373-2874 (h) / 537-7261 (w)

March 3, 2009

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Senator Brian T. Taniguchi, Chair

Senator Dwight Y. Takamine, Vice Chair

Hearing: Thursday, March 5, 2009 at 9:45 p.m. in Conference Room 211

SB 1085, SD1 RELATING TO CEDED LANDS.

Prohibits the sale or transfer of ceded lands until the unrelinquished claims of the native Hawaiian people are resolved, reconciliation between the State and the native Hawaiian people is no longer supported, or until December 31, 2014, whichever occurs first; establishes a process for the sale or transfer of ceded lands, to be implemented only when one of the foregoing conditions occurs

Aloha Chair Taniguchi, Vice Chair Takamine and Honorable Committee Members,

I strongly support SB1085 SD1 for the following reasons:

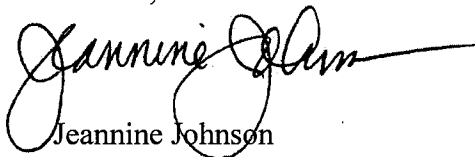
The current status of the Crown Lands, as simply part of the Public Lands Trust, ignores the significance of these lands to Native Hawaiians and their strong claim to them.

...

The State of Hawai'i's role as trustee of the Public Lands Trust for the benefit of Native Hawaiians is spelled out in Hawai'i's Constitution and was explained by the District Court in its Rice decisions. The Hawai'i Supreme Court has stated that "Article XII, Section 4 [of the Hawai'i State Constitution] imposes a fiduciary duty on Hawai'i's officials to hold ceded lands in accordance with the Section 5(f) trust provisions, and the citizens of the state must have a means to enforce compliance. **The State as trustee of the Public Land Trust is held to the same strict standards applicable to private trustees, and "the beneficiaries of this trust should not be left powerless to prevent the State from allegedly neglecting its obligations."** "Who Owns The Crown Lands of Hawai'i?" by Jon M. Van Dyke (emphasis added).

I humbly request your support for SB1085 SD1.

Mahalo,



Jeannine Johnson

cc: Sen. Sam Slom
Rep. Lyla Berg
Rep. Barbara Marumoto

From: Steve Morgan [dpeace2you@yahoo.com]
Sent: Tuesday, March 03, 2009 8:50 PM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom
Subject: Support SB#1085

Committee: Senate Committee on Judiciary and Government Affairs
Date/Time of hearing: March 5, 2009 at 9:45am
Re: Senate Bill 1085 - **COMMENTARY IN STRONG SUPPORT**

Dear Chairman Taniguchi,

I submit testimony in strong support of Senate Bill 1085. SB 1085 provides a re-affirmation of the Hawaii Supreme Court's landmark, January 31, 2008, decision in the case commonly known as Office of Hawaiian Affairs v. HCDCH.

Last month our state Senate passed two resolutions:

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These resolutions provide that the "Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court." Senate Concurrent Resolution 40 was also adopted by the state House of Representatives. In other words, our legislature has decided to support our state judicial branch on this issue.

SB 1085 is legislation that fits within the public policy of the State of Hawaii through our legislature. Our legislature passed the resolution, now it is time to support the appropriate bill.

Sincerely,
Steve Morgan

I urge you to support and pass SB 1085.

From: Honudude06@aol.com
Sent: Tuesday, March 03, 2009 8:54 PM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom; kupuaina@gmail.com
Subject: Senate Bill 1085

Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Members, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Hugh Patrick Doyle, I am a resident of Hawaii and am deeply concerned about the future of the "ceded" lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in STRONG SUPPORT of SB 1085.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, unamended. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of "ceded" lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle's attempt to take this issue beyond our shores and allow a nine judges that have no vested interest in or connection to Hawaii to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you exercise your authority as State officials and as the legislative branch of government to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists, and it is important to the future of all of Hawaii's people that this relationship continue to be recognized. It is in large part because of the mana (spirit/power) and traditions of Hawaii's first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,

Hugh Patrick Doyle

Need a job? [Find employment help in your area.](#)

From: Judy Mick [ppchawaii@yahoo.com]
Sent: Tuesday, March 03, 2009 8:50 PM
To: JGO Testimony
Subject: SB 1085

Aloha. Please pass out for a vote this important legislation to prevent the State of Hawaii from selling or trading any ceded lands prior to Native Hawaiian claims being settled. Our indigenous people deserve that respect. Mahalo. Judy Mick, Kailua

From: Alyssa Murphy [alyssam@gmail.com]
Sent: Tuesday, March 03, 2009 8:47 PM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom; kupuaina@gmail.com
Subject: SB 1085 Testimony

Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Members, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Alyssa Murphy. I am a resident of Hawaii and am deeply concerned about the future of the "ceded" lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in STRONG SUPPORT of SB 1085.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, unamended. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of "ceded" lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle's attempt to take this issue beyond our shores and allow a nine judges that have no vested interest in or connection to Hawaii to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you exercise your authority as State officials and as the legislative branch of government to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists, and it is important to the future of all of Hawaii's people that this relationship continue to be recognized. It is in large part because of the mana (spirit/power) and traditions of Hawaii's first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,

Alyssa Murphy

From: Jessica Lucas [jklucas@hawaii.edu]
Sent: Tuesday, March 03, 2009 8:43 PM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom; kupuaina@gmail.com
Subject: SB 1085
Importance: High

Name: Jessica K. Lucas
Committee: Senate Committee on Judiciary and Government Affairs
Date/Time of hearing: March 5, 2009 at 9:45am
Re: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT

Dear Chairman Taniguchi,

I submit testimony in strong support of Senate Bill 1085. SB 1085 provides a re-affirmation of the Hawaii Supreme Court's landmark, January 31, 2008, decision in the case commonly known as Office of Hawaiian Affairs v. HCDCH.

Last month our state Senate passed two resolutions:

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These resolutions provide that the "Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court." Senate Concurrent Resolution 40 was also adopted by the state House of Representatives. In other words, our legislature has decided to support our state judicial branch on this issue.

SB 1085 is legislation that fits within the public policy of the State of Hawaii through our legislature. Our legislature passed the resolution, now it is time to support the appropriate bill.

Me Ke Aloha Pumehana,
Jessica K. Lucas

I urge you to support and pass SB 1085. Mahalo nui.

March 4, 2009

Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Member Senators, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is *Scott Keala Shishido*, and I am a resident of Aiea, Oahu. I am deeply concerned about the future of the “ceded” lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in **STRONG SUPPORT** of SB 1085.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, **unamended**. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of “ceded” lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle’s attempt to take this issue beyond our shores and allow nine judges that have no vested interest in or connection to Hawaii to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you to exercise your authority, as State officials and as the legislative branch of government, to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists. It is important to the future of all of Hawaii’s people that this relationship, and the related land claims, continue to be recognized. It is in large part because of the mana and traditions of Hawaii’s first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,

Scott Keala Shishido

99797 Nahiolea Street
Aiea, HI 96701
(808) 782-0233

From: Gene Tamashiro [tamashirorganics@gmail.com]
Sent: Wednesday, March 04, 2009 12:41 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom; kupuaina@gmail.com; letters@honoluluadvertiser.com; letters@starbulletin.com
Subject: "Ceded" lands through the lens of the US Constitution

To whom it does concern,

As you probably know by now that 1.2 million acres of former Kingdom of Hawaii land equals nearly 30% of the Hawaiian Islands! Sadly, an issue THIS BIG has not gotten the kind of fair media coverage that the people of Hawaii deserve in order to have a more broadbased and meaningfully informed citizenry. On the other hand, we are fortunate and grateful that most of you, our public officials are also in support of the moratorium. THANK YOU for Senate Bill 1085.

According to our US Constitution, all international treaties carry the same force of law as the Constitution itself. The United States had full and complete diplomatic recognition with the Hawaiian Government, and had entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887. (from Apology Bill Public LAW 103-150)

Queen Liliuokalani understood this and in order to prevent needless bloodshed, placed her trust in President Grover Cleveland, and the US Congress, to follow the US constitutional mandate, and immediately restore the Kingdom of Hawaii. One hundred and sixteen years later, this illegal occupation continues. The situation as described is not my own or anyone else's mere opinion.

This is HISTORICAL FACT and US CONSTITUTIONAL LAW...PERIOD.

I have testified in person once before, and I must implore you all again. To please, for the sake of our beloved Hawaii, America, and the future generations that will inherit the legacy of our decisions and actions...HONOR YOUR OATH to the US CONSTITUTION!

In this day and age of ever expanding and unconstitutional federal lawlessness, please take seriously and apply our US Constitution as the fundamental basis for understanding, adjudicating, and reconciliation (possible restoration) of the still occupied Kingdom of Hawaii.

By doing so you will shine more light of truth, and gain greater support and respect from Hawaii's often beleaguered and woefully disillusioned citizens. Lingle and the State are not only betraying the vast majority of Hawaii's people, she is ignoring Hawaii's internationally recognized history, and advocating more transgressions against the US Constitution!

Somebody please say loud and clear that...."the King has no clothes!"

There are throngs of fellow Hawaii/American patriots waiting in the wings, ready to support you.

Sincerely,
Gene Tamashiro
727 Lukepane Ave #202
Honolulu, HI 96816

From: Kira Lee [kiralee@hawaii.edu]
Sent: Wednesday, March 04, 2009 8:41 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom
Subject: SB 1085

March 4, 2009
Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Members, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Kira Lee I am a resident of Hawaii and am deeply concerned about the future of the “ceded” lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in STRONG SUPPORT of SB 1085.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, unamended. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of “ceded” lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle’s attempt to take this issue beyond our shores and allow a nine judges that have no vested interest in or connection to Hawaii to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you exercise your authority as State officials and as the legislative branch of government to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists, and it is important to the future of all of Hawaii’s people that this relationship continue to be recognized. It is in large part because of the mana (spirit/power) and traditions of Hawaii’s first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. I also speak for many of my Native Hawaiian and non-Native peers who are away for now on the continent but are watching very closely. Mahalo for your time.

Me ke aloha,

Kira Lee

From: Lehua Concepcion [LConcepcion@waikikitrader.com]
Sent: Wednesday, March 04, 2009 8:39 AM
To: JGO Testimony; Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom
Cc: kupuaina@gmail.com
Subject: STRONG SUPPORT of SB 1085

March 4, 2009
Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Members, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Victoria L. Concepcion. I am a resident of Hawaii and am deeply concerned about the future of the "ceded" lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in STRONG SUPPORT of SB 1085.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, unamended. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of "ceded" lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle's attempt to take this issue beyond our shores and allow a nine judges that have no vested interest in or connection to Hawaii to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you exercise your authority as State officials and as the legislative branch of government to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists, and it is important to the future of all of Hawaii's people that this relationship continue to be recognized. It is in large part because of the mana (spirit/power) and traditions of Hawaii's first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,

Victoria L. Concepcion

Derek Kauanoe
Senate Committee on Judiciary and Government Affairs
Date/Time of Hearing: March 5, 2009 at 9:45am
Re: Senate Bill 1085 - **IN STRONG SUPPORT**

Dear Mr. Chairman Taniguchi, Mr. Vice-Chairman Takamine, and members of this committee,

I express my strong support for Senate Bill 1085. As you know, the so-called "ceded" lands is a very important issue of our great state. It is an issue that must be dealt with through the legislature. When previous bills were introduced in the House prior to the oral argument date, discussions included the issue as to whether the legislature could and/or should enact legislation. Oral arguments have since passed. This legislature can and must enact legislation to protect the integrity of future negotiations between the Native Hawaiian community and the state government for the betterment of the conditions of Native Hawaiians.

U.S. SUPREME COURT ORAL ARGUMENT TRANSCRIPTS PROVIDE GUIDANCE FOR PROTECTING CEDED LANDS FOR NATIVE HAWAIIANS.

The transcripts of the oral arguments show that it is not inappropriate for our legislature to act and that if the state acts in conformity with Admission Act, there appears to be little concern.¹ To the surprise of many, Supreme Court Justice Samuel Alito informed us that he himself was familiar with:

- Hawai'i's current legislative session and
- that bills had been introduced to address this very same issue.

In fact, Justice Alito inquired of Attorney General Mark Bennett about this specific bill, SB 1085:

*You could -- would there be anything to prevent the Hawaiian legislature from passing a law that says, we have absolute -- we have title to these lands, but we are going to impose a five-year moratorium on any transfer of these lands because we want to promote a reconciliation process?*²

To this question, the Attorney General replied in part, "certainly under the terms of the Admission Act, the authority given the political branches for the management and disposition of the lands is broad"³

¹ Transcripts of the oral arguments from State of Hawaii v. Office of Hawaiian Affairs is available at <http://www.honoluluadvertiser.com/graphics/cededlands.pdf>

² Transcripts at page 11, lines 12-17.

³ Transcripts at page 11, lines 18-23.

Justice Souter interrupted the Attorney General and re-stated the Hawai'i Supreme Court's holding, "[w]e hold, number one, that the Apology Resolution **and related state legislation** give rise to the state's fiduciary duty."⁴

On page 15 of the transcripts, in lines 19-22, Justice Breyer recognizes the need to work out this issue in a manner that is independent of the courts. He describes the ceded lands issue as a general dispute where one party asserts that their claims are valid, and another party asserts otherwise. Justice Breyer says, "let them fight it out."

Justice Ginsburg posed a question in the form of a statement,

*the legislature, if it so chose, could say, we want this property -- the proceeds from this property to be for the exclusive betterment of the conditions of the Native Hawaiians. They could. It would be up to the legislature to give it all to the Native Hawaiians.*⁵

The Attorney General's response re-affirmed Justice Ginsburg's statements. The Attorney General said such a legislative action would not "violate the Admission Act."

OUR STATE SUPREME COURT AND OUR STATE LEGISLATURE BOTH SUPPORT A MORATORIUM ON THE SALE OF CEDED LANDS AND SHOULD PASS SENATE BILL 1085.

As you know, the Hawai'i Supreme Court held that the State of Hawai'i could sell ceded lands **after** the unrelinquished claims of Native Hawaiians were resolved. The Court imposed a temporary moratorium on the sale of ceded lands. Last month, our Legislature declared the "public policy of the State of Hawaii is to honor the decision of the Hawai'i Supreme Court" in its January 31, 2008 ruling in Office of Hawaiian Affairs v. Housing and Community Development Corporation of Hawai'i case.⁶

Senate Bill 1085 is a re-affirmation of the Hawai'i Supreme Court's January 31, 2008 ruling. Passing SB 1085 out of the state Senate is an exercise of political authority that is in conformity with the Legislature's expressed public policy as described in Senate Concurrent Resolution 40.

I urge you to pass SB 1085 immediately so that it may cross-over to the House.

Sincerely,

Derek H. Kauanoë

⁴ Transcripts at page 12, lines 1-4. Emphasis added.

⁵ Transcripts at page 17, lines 2-7.

⁶ Senate Concurrent Resolution 40. Available at <http://capitol.hawaii.gov/site1/docs/getstatus.asp?query=SCR+40&currpage=1&showstatus=on>

From: koumana@gmail.com on behalf of Mana Moriarty
[thomasfm@hawaii.edu]
Sent: Wednesday, March 04, 2009 8:49 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom
Subject: In Support of SB 1085

March 4, 2009

Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Member Senators, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

As a resident of Mānoa, I am submitting testimony in *strong support* of SB 1085. I was deeply disturbed by Gov. Lingle's appeal of the Hawai'i Supreme Court decision to the nation's Supreme Court. As the body of officials elected to represent the people of Hawaii I ask that you represent our voice and pass this bill out of your committee, *unamended*.

The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of "ceded" lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people. This policy was recognized last Wednesday by the Justices in the nation's Supreme Court in their questioning of State Attorney General Mark Bennett. I urge you to exercise your authority, as State officials and as the legislative branch of government, to harness control over these issues.

The Native Hawaiian relationship to the land differs from the American or Western relationship; our legislative body should respect this relationship in its deliberations on these issues. It is a relationship that connects them to their past, present, and their future. The state has long recognized, and now people across the country are beginning to recognize, that this relationship exists. It is important to the future of all of Hawaii's people that this relationship, and the related land claims, continue to be recognized. It is in large part because of the *mana* and traditions of Hawaii's first people that we have such a unique society here.

Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time, and continued work in our democratic government,

Sincerely,

Mana Moriarty

March 4, 2009

Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Member Senators, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Chasid M. Sapolu I am a life long resident of Hawaii and am deeply concerned about the future of the "ceded" lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in **STRONG SUPPORT** of SB 1085.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, **unamended**. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of "ceded" lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle's attempt to take this issue beyond our shores and allow nine judges that have no vested interest in or connection to Hawaii to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you to exercise your authority, as State officials and as the legislative branch of government, to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists. It is important to the future of all of Hawaii's people that this relationship, and the related land claims, continue to be recognized. It is in large part because of the mana and traditions of Hawaii's first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,
Chasid M. Sapolu

From: Dee Texidor [DeeTex123@hawaii.rr.com]
Sent: Tuesday, March 03, 2009 4:21 PM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom
Subject: TESTIMONY FOR SENATE BILL 1085

Importance: High

SB 1085 Testimony
March 4, 2009
Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Members, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Diane Texidor. I am a resident of Hawaii and am deeply concerned about the future of the "ceded" lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in **STRONG SUPPORT of SB 1085**.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, unamended. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of "ceded" lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am **deeply troubled** by Linda Lingle's attempt to take this issue beyond our shores and allow a nine judges that have **no vested interest in or connection to Hawaii to dictate the future of our lands and local issues**. Her actions threaten the sovereign power of our State government. For that reason, I urge you exercise your authority as State officials and as the legislative branch of government to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. **The state has long recognized that this relationship exists**, and it is important to the future of all of Hawaii's people that this relationship continue to be recognized. It is in large part because of the mana (spirit/power) and traditions of **Hawaii's first people that we (the people of Hawaii)** have such a unique and beautiful society here.

Once the land is sold it will never be returned, ever. Please carefully consider our future

when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,
Diane Texidor

From: Dee Texidor [DeeTex123@hawaii.rr.com]
Sent: Tuesday, March 03, 2009 4:59 PM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom
Subject: TESTIMONY IN SUPPORT OF SB 1085

Importance: High

SB 1085 Testimony
March 4, 2009
Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Members, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Evonne George. I am a resident of Hawaii and am deeply concerned about the future of the "ceded" lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in STRONG SUPPORT of SB 1085.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, unamended. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of "ceded" lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle's attempt to take this issue beyond our shores and allow a nine judges that have no vested interest in or connection to Hawaii to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you exercise your authority as State officials and as the legislative branch of government to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists, and it is important to the future of all of Hawaii's people that this relationship continue to be recognized. It is in large part because of the mana (spirit/power) and traditions of Hawaii's first people that we (the

people of Hawaii) have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,
Evonne and Henry George, Jr.
and Family

From: Joel Fischer [jfisher@hawaii.edu]
Sent: Tuesday, March 03, 2009 4:25 PM
To: JGO Testimony
Subject: SB1085;JGO;Thursday, 3/5/09

Importance: High

SB1085, Relating to Ceded Lands
JGO; Chair, Sen Taniguchi

PLEASE PASS THIS BILL!!

This year's most crucial issue is the sale of ceded lands by the state. Even calling these lands "cede" is incorrect because they are lands stolen from the Native Hawaiian government, and then returned with instructions on how the lands should be handled. Can these lands be called, in any way, "ceded?"

This bill is one of the few surviving bills that helps control another stealing of these lands. It must be kept alive to serve as a vehicle to address the issue of control of the lands if the Supreme Court returns the issue to the courts in Hawai'i or if the Court rejects the Hawai'i Supreme Court's unanimous decision. I personally feel completely betrayed by Lingle and Bennett taking this state issue out of state.

Please pass this bill on!

Thank you.

Aloha, joel

Dr. Joel Fischer, ACSW
Professor
University of Hawai'i, School of Social Work
Henke Hall
Honolulu, HI 96822

"It is reasonable that everyone who asks justice should DO justice."
Thomas Jefferson

"There comes a time when one must take a position that is neither safe, nor politic, nor popular, but one must take it because one's conscience tells one that it is right."
Dr. Martin Luther King, Jr.

"Never, never, never quit."
Winston Churchill

From: Fidel Gutierrez [fidelgut@yahoo.com]
Sent: Wednesday, March 04, 2009 12:36 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; senakamine@capitol.hawaii.gov; Sen. Robert Bunda; sengabbard@capitol.gov
Subject: Strong Support SB 1085

March 4, 2009
Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Members, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Fidel Gutierrez I am a resident of Hawaii and am deeply concerned about the future of the "ceded" lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in STRONG SUPPORT of SB 1085.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, unamended. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of "ceded" lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle's attempt to take this issue beyond our shores and allow a nine judges that have no vested interest in or connection to Hawaii to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you exercise your authority as State officials and as the legislative branch of government to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists, and it is important to the future of all of Hawaii's people that this relationship continue to be recognized. It is in large part because of the mana (spirit/power) and traditions of Hawaii's first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,

Fidel Gutierrez

SB 1085

March 4, 2009
Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Wednesday, Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Members, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Kealii Makekau, and I am a resident of Hawaii and am deeply concerned about the future of the "ceded" lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in STRONG SUPPORT of SB 1085.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, with out amendments. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of "ceded" lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle's attempt to take this issue beyond our shores and allow nine judges that have no vested interest in or connection to Hawaii to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you exercise your authority as State officials and as the legislative branch of government to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists, and it is important to the future of all of Hawaii's people that this relationship continues to be recognized. It is in large part because of the mana (spirit/power) and traditions of Hawaii's first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,

Kealii Makekau
2563 Date st #312
Honolulu, Hi 96826

From: Tai-an Miao [taian.miao@gmail.com]
Sent: Wednesday, March 04, 2009 12:11 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom; kupuaina@gmail.com
Subject: Senate Bill 1085 Testimony

Senate Bill 1085 Testimony

March 4, 2009
Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Members, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

I am Tai-An Miao, a resident of Hawai'i and I have been closely following the case about the future of the "ceded" lands. I completely disagree with Governor Linda Lingle's appeal to the U.S. Supreme Court. For this reason I am submitting testimony in emphatic support of SB 1085.

As our elected officials who represent the people of Hawai'i, please respect our show of support and pass this bill unamended. The passage of this bill affirms the role of the legislature to address this issue of proposed sales of "ceded" lands and it also serves as a reminder of the responsibility of the State to commit to reconciliation and self-determination for Native Hawaiian people.

I am disturbed by Linda Lingle's decision to involve the U.S. Supreme Court rather than rely on the wisdom of local judges who have an immeasurably better grasp of the context of this case and the history of land struggles in Hawai'i. She is undermining the sovereign power of our State government to make decisions on local issues. For that reason, I urge you exercise your authority as State officials and as the legislative branch of government to harness control over these issues.

I am writing in recognition of the relationship of Native Hawaiians to their land and how the health and wellness of the Hawaiian people is intertwined with the life of the land. The state has long acknowledged that this relationship exists, and it is important to the future of all of Hawaii's people that this relationship continue to be recognized. It is in large part because of the mana (spirit/power) and traditions of Hawaii's first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,
Tai-An Miao

From: Kalai Carey [kalaic@hawaiiintel.net]
Sent: Tuesday, March 03, 2009 11:42 PM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom
Subject: *****SPAM***** SB 1085

March 4, 2009
Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Members, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Kalai Carey I am a resident of Hawaii and am deeply concerned about the future of the "ceded" lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in STRONG SUPPORT of SB 1085.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, unamended. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of "ceded" lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle's attempt to take this issue beyond our shores and allow a nine judges that have no vested interest in or connection to Hawaii to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you exercise your authority as State officials and as the legislative branch of government to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists, and it is important to the future of all of Hawaii's people that this relationship continue to be recognized. It is in large part because of the mana (spirit/power) and traditions of Hawaii's first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,

Kalai Carey

From: Malia Gibson [maliagibson@gmail.com]
Sent: Tuesday, March 03, 2009 11:16 PM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom; kupuaina@gmail.com
Subject: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT

Name: Malia Gibson
Committee: Senate Committee on Judiciary and Government Affairs
Date/Time of hearing: March 5, 2009 at 9:45am
Re: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT

Dear Chairman Taniguchi,

I submit testimony in strong support of Senate Bill 1085. SB 1085 provides a re-affirmation of the Hawaii Supreme Court's landmark, January 31, 2008, decision in the case commonly known as Office of Hawaiian Affairs v. HCDCH.

Last month our state Senate passed two resolutions:

- Senate Resolution 25,
- Senate Concurrent Resolution 40.

These resolutions provide that the "Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court." Senate Concurrent Resolution 40 was also adopted by the state House of Representatives. In other words, our legislature has decided to support our state judicial branch on this issue.

SB 1085 is legislation that fits within the public policy of the State of Hawaii through our legislature. Our legislature passed the resolution, now it is time to support the appropriate bill.

Sincerely,

Malia Gibson

From: Kupuaina Coalition [kupuaina@gmail.com]
Sent: Tuesday, March 03, 2009 11:00 PM
To: JGO Testimony
Cc: Phoebe Roman
Subject: Strong Support of SB 1085

From: **Phoebe Roman** <roman.phoebe@gmail.com>
Date: Tue, Mar 3, 2009 at 10:40 PM
Subject: Strong Support of SB 1085
To: sentaniguchi@capitol.hawaii.gov
Cc: sentakamine@capitol.hawaii.gov, senbunda@capitol.hawaii.gov, sengabbard@capitol.hawaii.gov, sennishihara@capitol.hawaii.gov, senslom@capitol.hawaii.gov, kupuinacoalition@googlegroups.com

March 4, 2009
Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Members, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Phoebe A. Roman, I am a resident of Hawaii and am deeply concerned about the future of the “ceded” lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in STRONG SUPPORT of SB 1085.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, unamended. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of “ceded” lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle’s attempt to take this issue beyond our shores and allow a nine judges that have no vested interest in or connection to Hawaii to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you exercise your authority as State officials and as the legislative branch of government to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists, and it is important to the future of all of Hawaii’s people that this relationship continue to be recognized. It is in large part because of the mana (spirit/power) and traditions of Hawaii’s first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

March 3, 2009

Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Member Senators, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Haaheo Kahoohalahala and I am submitting testimony in **STRONG SUPPORT** of SB 1085. I am a resident of Hawaii, who was born and raised on Lana'i. I am deeply concerned about the future of what limited lands are left in Hawaii including the "ceded" lands because I know the **devastation** that is done when lands end up in the wrong hands.

Linda Lingle continues to push her own agenda which, continues to threaten the Native Hawaiian people in Hawaii. The actions of the Governor in appealing this case to the U.S. Supreme Court are appalling and as the body of officials elected to represent the people of Hawaii I demand that you pass this bill out of your committee, **unamended**. Her actions threaten the sovereign power of our State government. For that reason, I urge you to exercise your authority, as State officials and as the legislative branch of government, to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists. It is important to the future of all of Hawaii's people that this relationship, and the related land claims, continue to be recognized. It is in large part because of the mana and traditions of Hawaii's first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,

Haaheo Kahoohalahala

March 3, 2009

TO: Senator Brian Taniguchi, Chairman and Vice Chairman Senator Dwight Takamine, Judiciary and Government Operations.

FROM: Brandee Aukai

RE: SB1085

Aloha mai e Senator Taniguchi, Senator Takamine and members of the Senate Committee on Judiciary and Government Operations. My name is Brandee Aukai, a Native Hawaiian and a graduate student at the Myron B. Thompson School of Social Work at the University of Hawai'i. **I AM IN SUPPORT OF SB1085.**

The Hawaii Supreme Court has made its decision to stop the State of Hawaii's further sale of 'ceded' lands. Governor Lingle and the Attorney General should respect the decision of the Hawaii Supreme Court. By appealing to the United States Supreme Court, Governor Lingle and the Attorney General are showing blatant disregard for the very people who elected her into office and for the competency of our own Hawaii Supreme Court.

Governor Lingle and the Attorney General have said that Native Hawaiians have a "moral claim to the ceded lands, but not a legal one." This statement alone tells one that it is the right thing, or pono (a word that she herself has used many times) to return the lands back to the Native Hawaiians.

I humbly urge you to support SB1085! Mahalo nui for the opportunity to testify on this measure.

Me ka ha'a'ha'a,
Brandee Aukai
(808) 620-9857

From: Angela Krattiger [angelakrattiger@gmail.com]
Sent: Tuesday, March 03, 2009 10:26 PM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom; kupuaina@gmail.com
Subject: Testimony in SUPPORT of SB 1085

Chair Taniguchi, Vice Chair Takamine, and Members, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Angela Krattiger. I am a resident of Hawaii and am deeply concerned about the future of the “ceded” lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in STRONG SUPPORT of SB 1085.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, unamended. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of “ceded” lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle’s attempt to take this issue beyond our shores and allow nine judges that have no vested interest in or connection to Hawaii to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you exercise your authority as State officials and as the legislative branch of government to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists, and it is important to the future of all of Hawaii’s people that this relationship continue to be recognized. It is in large part because of the mana (spirit/power) and traditions of Hawaii’s first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,
Angela Krattiger

Name: Kelly Anne Beppu

March 5, 2009 at 9:45am

Re: Senate Bill 1085 - TESTIMONY IN SUPPORT

Dear Chair Taniguchi, Vice Chair Takamine, and Members of the Committee on Judiciary and Government Operations,

I SUPPORT THE PASSAGE OF SB1085!

Last month, the Senate passed Senate Resolution 25 and Senate Concurrent Resolution 40. These resolutions were passed because our legislature agrees and supports that the State of Hawaii should honor the decision of the Hawaii Supreme Court, to not sell any ceded lands.

I ask that you, also, support their decision that prevents sale of any ceded lands, by passing this bill out of your committee. The Governor is obviously not listening to the pleas of the people of Hawaii, so I ask that you represent the voices that she is choosing not to hear.

These "ceded" lands are not the State's to sell, so therefore, they shouldn't be allowed to sell them, for any reason at all. If this bill is not passed and the State is eventually allowed to sell these lands, they will be teaching the younger generations that it's okay to steal, cheat, and deceive. This is NOT okay! We do NOT want our children growing up under a government who allows these actions!

I urge you, for the sake of Hawaiians, all residents of Hawaii, and the children who will call Hawaii their home, please pass SB1085! Thank you for your time.

Mahalo nui,

Kelly Anne Beppu, Graduate Student

Myron B. Thompson School of Social Work

From: Dawn Gohara [gohara3@hawaii.rr.com]
Sent: Tuesday, March 03, 2009 10:12 PM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; kupuaina@gmail.com; Sen. Sam Slom
Subject: SB 1085

March 4, 2009
Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Members, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Dawn Gohara, I am a resident of Hawaii and am deeply concerned about the future of the "ceded" lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in **STRONG SUPPORT** of SB 1085.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, unamended. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of "ceded" lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle's attempt to take this issue beyond our shores and allow a nine judges that have no vested interest in or connection to Hawaii to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you exercise your authority as State officials and as the legislative branch of government to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists, and it is important to the future of all of Hawaii's people that this relationship continue to be recognized. It is in large part because of the mana (spirit/power) and traditions of Hawaii's first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,
Dawn Gohara

From: MAEJER [kulanz@yahoo.com]
Sent: Tuesday, March 03, 2009 9:43 PM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; "and senslom"@capitol.hawaii.gov; kupuaina@gmail.com
Subject: SB 1085

Name: Mae PM Jeremiah-Wong
Committee: Senate Committee on Judiciary and Government Affairs
Date/Time of hearing: March 5, 2009 at 9:45am
Re: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT

Dear Chairman Taniguchi,

I submit testimony in strong support of Senate Bill 1085. SB 1085 provides a re-affirmation of the Hawaii Supreme Court's landmark, January 31, 2008, decision in the case commonly known as Office of Hawaiian Affairs v. HCDCH.

Last month our state Senate passed two resolutions:

- Senate Resolution 25,
- Senate Concurrent Resolution 40.

These resolutions provide that the "Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court." Senate Concurrent Resolution 40 was also adopted by the state House of Representatives. In other words, our legislature has decided to support our state judicial branch on this issue.

SB 1085 is legislation that fits within the public policy of the State of Hawaii through our legislature. Our legislature passed the resolution, now it is time to support the appropriate bill.

Sincerely,

Mae PM Jeremiah-Wong

I urge you to support and pass SB 1085.

From: Sarah Dean [sarahwhodeanie@hotmail.com]
Sent: Wednesday, March 04, 2009 10:18 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; kupuaina@gmail.com
Subject: RE: bill 1085

Name: Chairman Taniguchi
Committee: Senate Committee on Judiciary and Government Affairs
Date/Time of hearing: March 5, 2009 at 9:45am
Re: Senate Bill 1085 - **COMMENTARY IN STRONG SUPPORT**

Dear Chairman Taniguchi,

I submit testimony in strong support of Senate Bill 1085. SB 1085 provides a re-affirmation of the Hawaii Supreme Court's landmark, January 31, 2008, decision in the case commonly known as Office of Hawaiian Affairs v. HCDCH.

Last month our state Senate passed two resolutions:

- Senate Resolution 25,
- Senate Concurrent Resolution 40.

These resolutions provide that the "Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court." Senate Concurrent Resolution 40 was also adopted by the state House of Representatives. In other words, our legislature has decided to support our state judicial branch on this issue.

SB 1085 is legislation that fits within the public policy of the State of Hawaii through our legislature. Our legislature passed the resolution, now it is time to support the appropriate bill.

Sincerely,

Sarah Dean,
Creek Muskogee

I urge you to support and pass SB 1085.

From: Kaohimanu Dang [kaohimanu@gmail.com]
Sent: Wednesday, March 04, 2009 9:22 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom; kupuaina@gmail.com
Subject: I support SB 1085

March 4, 2009
Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Members, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Ka`ohimanu Dang, I am a resident of Hawaii and a Native Hawaiian. I am deeply concerned about the future of the "ceded" lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in STRONG SUPPORT of SB 1085.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, unamended. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of "ceded" lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle's attempt to take this issue beyond our shores and allow nine judges that have no vested interest in or connection to Hawaii to dictate the future of our lands, our peoples and our local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you exercise your authority as State officials and as the legislative branch of government to harness control over these issues and please represent my voice.

I also would humbly like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. As I have gotten older, I realize that this relationship is beyond any description through words. It is a relationship that connects us to our past, present, and our future. The state has long recognized that this relationship exists, and it is important to the future of all of Hawaii's people that this relationship continue to be recognized. It is in large part because of the mana (spirit/power) and traditions of Hawaii's first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,
Ka`ohimanu Lydia K. Dang

From: eileen@lava.net
Sent: Wednesday, March 04, 2009 9:19 AM
To: JGO Testimony
Subject: Testimony supporting SB1085 protect ceded lands

720 Mahi'ai Street, Apt. E
Honolulu, Hawai'i 96826-5635
March 3, 2009

Senator Brian Taniguchi
State Senate Committee on Judiciary and Government Operations Hawai'i State Capitol
415 South Beretania Street
Honolulu, Hawai'i 96813

Dear Senator Taniguchi,

As a constituent in your district, I am submitting my testimony in support of SB 1085, prohibiting sale of "ceded" lands.

Although I am haole, not Hawaiian, I find it extremely offensive that the Governor's office is trying to sell these lands. The claims of Native Hawaiians to these lands must first be resolved. It is unethical for the government to try to sell these lands. The Hawai'i State Supreme Court's ruling is pono.

I wholeheartedly support Native Hawaiians in their pursuit of a fair and just settlement of this issue. The "ceded" lands must not be sold until the Native Hawaiian claims to these lands have been resolved.

I strongly urge your committee to vote in favor of this bill.

Mahalo!

Sincerely,

Eileen Cain
Honolulu

From: Anna Fernandez [kikulani@gmail.com]
Sent: Wednesday, March 04, 2009 9:04 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom; kupuaina@gmail.com
Subject: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT

Name: Anna Fernandez
Committee: Senate Committee on Judiciary and Government Affairs Date/Time of hearing: March 5, 2009 at 9:45am
Re: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT

Dear Chairman Taniguchi,

I submit testimony in strong support of Senate Bill 1085. SB 1085 provides a re-affirmation of the Hawaii Supreme Court's landmark, January 31, 2008, decision in the case commonly known as Office of Hawaiian Affairs v. HCDCH.

Last month our state Senate passed two resolutions:

Senate Resolution 25,

Senate Concurrent Resolution 40.

These resolutions provide that the "Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court." Senate Concurrent Resolution 40 was also adopted by the state House of Representatives. In other words, our legislature has decided to support our state judicial branch on this issue.

SB 1085 is legislation that fits within the public policy of the State of Hawaii through our legislature. Our legislature passed the resolution, now it is time to support the appropriate bill.

Sincerely,

Anna Fernandez

I urge you to support and pass SB 1085.
Posted by Kupu'āina Coalition at 5:25 PM

From: Wilson Unga [wilsonunga@gmail.com]
Sent: Wednesday, March 04, 2009 9:04 AM
To: JGO Testimony
Subject: Protect Ceded Lands

Aloha,

My name is Wilson Unga and I am a resident of Kahuku, Oahu. I would like to voice my support in protecting ceded lands.

Mahalo,
Wilson Unga

March 4, 2009

Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Member Senators, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Ryan Keeseey and I am a resident of Hawaii and a law student at the University of Hawai'i. I am deeply concerned about the future of the "ceded" lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in **STRONG SUPPORT** of SB 1085.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, **unamended**. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of "ceded" lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle's attempt to take this issue beyond our shores and allow nine judges that have no vested interest in or connection to Hawaii to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you to exercise your authority, as State officials and as the legislative branch of government, to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists. It is important to the future of all of Hawaii's people that this relationship, and the related land claims, continue to be recognized. It is in large part because of the mana and traditions of Hawaii's first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,
Ryan Keeseey

From: Wenda Kuamoo Castro [jndcastro@gmail.com]
Sent: Wednesday, March 04, 2009 8:56 AM
To: JGO Testimony
Subject: sentaniguchi@capitol.hawaii.gov, sentakamine@capitol.hawaii.gov,
senbunda@capitol.hawaii.gov, sengabbard@capitol.hawaii.gov,
sennishihara@capitol.hawaii.gov, senslom@capitol.hawaii.gov,
kupuaina@gmail.com

Sunday, February 15, 2009

SB 1085 Testimony 1

Committee: Senate Committee on Judiciary and Government Affairs

Date/Time of hearing: March 5, 2009 at 9:45am

Re: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT

Dear Chairman Taniguchi,

I submit testimony in strong support of Senate Bill 1085. SB 1085 provides a re-affirmation of the Hawaii Supreme Court's landmark, January 31, 2008, decision in the case commonly known as Office of Hawaiian Affairs v. HCDCH.

Last month our state Senate passed two resolutions:

- Senate Resolution 25,
- Senate Concurrent Resolution 40.

These resolutions provide that the "Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court." Senate Concurrent Resolution 40 was also adopted by the state House of Representatives. In other words, our legislature has decided to support our state judicial branch on this issue.

SB 1085 is legislation that fits within the public policy of the State of Hawaii through our legislature. Our legislature passed the resolution, now it is time to support the appropriate bill.

Sincerely,

Wenda Kapiolani Kuamoo Castro

From: Brenda Wong [ihilanijowong@yahoo.com]
Sent: Wednesday, March 04, 2009 9:25 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Clarence Nishihara;
Sen. Sam Slom
Subject: SB 1085

Name: Brenda Wong
Committee: Senate Committee on Judiciary and Government Affairs Date/Time of hearing: March 5, 2009 at 9:45am
Re: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT

Dear Chairman Taniguchi,

I submit testimony in strong support of Senate Bill 1085. SB 1085 provides a re-affirmation of the Hawaii Supreme Court's landmark, January 31, 2008, decision in the case commonly known as Office of Hawaiian Affairs v. HCDCH.

Last month our state Senate passed two resolutions:

* Senate Resolution 25,

* Senate Concurrent Resolution 40.

These resolutions provide that the "Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court." Senate Concurrent Resolution 40 was also adopted by the state House of Representatives. In other words, our legislature has decided to support our state judicial branch on this issue.

SB 1085 is legislation that fits within the public policy of the State of Hawaii through our legislature. Our legislature passed the resolution, now it is time to support the appropriate bill.

Sincerely,

Brenda Wong

I urge you to support and pass SB 1085.

From: Tiana Kuni [tkuni@hawaii.edu]
Sent: Wednesday, March 04, 2009 9:32 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; senishihara@Capitol.hawaii.gov; Sen. Sam Slom; kupuaina@gmail.com
Subject: In support of SB 1085

My name is Tiana Kuni. I am a resident of Hawaii and am deeply concerned about the future of the "ceded" lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in **STRONG SUPPORT** of SB 1085.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, **unamended**. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of "ceded" lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle's attempt to take this issue beyond our shores and allow nine judges that have no vested interest in or connection to Hawaii to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you to exercise your authority, as State officials and as the legislative branch of government, to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists. It is important to the future of all of Hawaii's people that this relationship, and the related land claims, continue to be recognized. It is in large part because of the mana and traditions of Hawaii's first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,
Tiana Kuni

From: Moanike'ala Sitch [kulolo4me@hotmail.com]
Sent: Wednesday, March 04, 2009 9:28 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine
Subject: *****SPAM*****

SB 1085 Testimony 2

March 4, 2009
Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Members, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Amber C.K. Moanike'ala Sitch and I am a resident of Hawai'i (Maunawili, O'ahu). I am grateful to have been born and raised here, and am Hawaiian, Chinese, Japanese and Ukranian. I mention not this in order to say that I do not write only to represent myself, or the countless generations of Hawaiians that went before me, but also my family and my kupuna (elders and ancestors) who have lived in Hawai'i for generations, are not Hawaiian and who also love this land and its first people. It is with deep concern that I write in regards to the future of the "ceded" lands of Hawai'i. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in STRONG SUPPORT of SB 1085.

As the body of officials elected to represent the people of Hawai'i I ask that you please represent our voice and pass this bill out of your committee, unamended. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of "ceded" lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle's attempt to take this issue beyond our shores and allow nine judges that have no vested interest in or connection to Hawai'i to dictate the future of our lands and local issues. Her actions to oppose the State's ruling communicates an agenda of "a few in power" that discounts the extreme concerns of the native Hawaiian communities and all of our 'ohana and friends of Hawai'i and beyond! For that reason, I urge you to please exercise your authority as State officials and as the legislative branch of government to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists, and it is important to the future of all of Hawai'i's people that this relationship continue to be recognized. It is in large part because of the mana (spirit/power), aloha and traditions of Hawai'i's first people (that we were created with and that we've shared) that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. You know that history of Hawai'i and our "story" thus far. Please carefully consider our future and the betterment of our future generations when reviewing this bill. Enough injustice has occurred for the Hawaiian community and I plead that you please pass this bill out of your committee. Mahalo a nui loa for your time and sincere.

Sincerely,

From: abundance4royce@aol.com
Sent: Wednesday, March 04, 2009 9:22 AM
To: JGO Testimony
Cc: sentaniguchi@capitol.hawaii.com; Sen. Dwight Takamine;
senbunda@capitol.hawaii.com; Sen. Mike Gabbard; Sen. Clarence
Nishihara; Sen. Sam Slom; kupuaina@gmail.com
Subject: testimony

March 4, 2009
Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Members, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is royce kovacich. I am a resident of Hawaii and am deeply concerned about the future of the "ceded" lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in **STRONG SUPPORT** of SB 1085.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, unamended. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of "ceded" lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle's attempt to take this issue beyond our shores and allow a nine judges that have no vested interest in or connection to Hawaii to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you exercise your authority as State officials and as the legislative branch of government to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists, and it is important to the future of all of Hawaii's people that this relationship continue to be recognized. It is in large part because of the mana (spirit/power) and traditions of Hawaii's first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,

royce kovacich

From: robyn@hawaiiantel.net
Sent: Wednesday, March 04, 2009 9:59 AM
To: JGO Testimony
Subject: sentaniguchi@Capitol.hawaii.gov , sentakamine@capitol.hawaii.gov ,
senbunda@Capitol.hawaii.gov , sengabbard@Capitol.hawaii.gov ,
sennishihara@Capitol.hawaii.gov , senslom@Capitol.hawaii.gov

March 4, 2009

Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Member Senators, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Shane Williams I am a resident of Hawaii and am deeply concerned about the future of the "ceded" lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in STRONG SUPPORT of SB 1085.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, unamended. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of "ceded" lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle's attempt to take this issue beyond our shores and allow nine judges that have no vested interest in or connection to Hawaii to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you to exercise your authority, as State officials and as the legislative branch of government, to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists. It is important to the future of all of Hawaii's people that this relationship, and the related land claims, continue to be recognized. It is in large part because of the mana and traditions of Hawaii's first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,
Shane Williams

From: Tabitha Milian [scabsisrad@yahoo.com]
Sent: Wednesday, March 04, 2009 9:49 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; "and senslom"@capitol.hawaii.gov; kupuaina@gmail.com
Subject: bill 1085

Name: Chairman Taniguchi
Committee: Senate Committee on Judiciary and Government Affairs
Date/Time of hearing: March 5, 2009 at 9:45am
Re: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT

Dear Chairman Taniguchi,

I submit testimony in strong support of Senate Bill 1085. SB 1085 provides a re-affirmation of the Hawaii Supreme Court's landmark, January 31, 2008, decision in the case commonly known as Office of Hawaiian Affairs v. HCDCH.

Last month our state Senate passed two resolutions:

- Senate Resolution 25,
- Senate Concurrent Resolution 40.

These resolutions provide that the "Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court." Senate Concurrent Resolution 40 was also adopted by the state House of Representatives. In other words, our legislature has decided to support our state judicial branch on this issue.

SB 1085 is legislation that fits within the public policy of the State of Hawaii through our legislature. Our legislature passed the resolution, now it is time to support the appropriate bill.

Sincerely,

Tabitha Milian,

I urge you to support and pass SB 1085.

Tabitha

"Let the beauty of what you truly love, be the beauty of what you do"

Rumi

From: Robyn M Williams [robynwil@hawaii.edu]
Sent: Wednesday, March 04, 2009 9:56 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom
Subject: My Ceded Lands testimony

March 4, 2009

Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Member Senators, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Robyn Williams I am a resident of Hawaii and am deeply concerned about the future of the "ceded" lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in STRONG SUPPORT of SB 1085.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, unamended. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of "ceded" lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

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I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists. It is important to the future of all of Hawaii's people that this relationship, and the related land claims, continue to be recognized. It is in large part because of the mana and traditions of Hawaii's first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

From: Kaiopua Fyfe [kaiokauai@gmail.com]
Sent: Wednesday, March 04, 2009 9:44 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom; kupuaina@gmail.com
Subject: SB 1085 Testimony IN STRONG SUPPORT

Wednesday, March 4, 2009
SB 1085 Testimony

Name: Sabra Kauka
Committee: Senate Committee on Judiciary and Government Affairs
Date/Time of hearing: March 5, 2009 at 9:45am
Re: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT

Dear Chairman Taniguchi,

I submit testimony in strong support of Senate Bill 1085. SB 1085 provides a re-affirmation of the Hawaii Supreme Court's landmark, January 31, 2008, decision in the case commonly known as Office of Hawaiian Affairs v. HCDCH.

Last month our state Senate passed two resolutions:

- Senate Resolution 25,
- Senate Concurrent Resolution 40.

These resolutions provide that the "Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court." Senate Concurrent Resolution 40 was also adopted by the state House of Representatives. In other words, our legislature has decided to support our state judicial branch on this issue.

SB 1085 is legislation that fits within the public policy of the State of Hawaii through our legislature. Our legislature passed the resolution, now it is time to support the appropriate bill.

Sincerely,

Sabra Kauka
PO Box 3870
Lihu`e, Kaua`i 96766
808 652-1978
Sabrakauka@aol.com

I urge you to support and pass SB 1085.

From: Kaiopua Fyfe [kaiokauai@gmail.com]
Sent: Wednesday, March 04, 2009 9:37 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom; kupuaina@gmail.com
Subject: SB 1085 Testimony IN STRONG SUPPORT

Wednesday, March 4, 2009
SB 1085 Testimony

Name: Kai`opua Fyfe
Committee: Senate Committee on Judiciary and Government Affairs
Date/Time of hearing: March 5, 2009 at 9:45am
Re: Senate Bill 1085 - COMMENTARY IN STRONG SUPPORT

Dear Chairman Taniguchi,

I submit testimony in strong support of Senate Bill 1085. SB 1085 provides a re-affirmation of the Hawaii Supreme Court's landmark, January 31, 2008, decision in the case commonly known as Office of Hawaiian Affairs v. HCDCH.

Last month our state Senate passed two resolutions:

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SB 1085 is legislation that fits within the public policy of the State of Hawaii through our legislature. Our legislature passed the resolution, now it is time to support the appropriate bill.

Sincerely,

Kai`opua Fyfe
PO Box 3870
Lihu`e, Kaua`i 96766
808 652-1977
kaiokauai@gmail.com

I urge you to support and pass SB 1085.

From: Edward Hu [filibustered@gmail.com]
Sent: Wednesday, March 04, 2009 9:33 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom
Subject: *****SPAM***** Support of SB1085

Dear Chair Taniguchi, Vice Chair Takamine, and Members, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Edward J. Hu. I am a resident of Hawaii and am deeply concerned about the future of the “ceded” lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in STRONG SUPPORT of SB 1085.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, unamended. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of “ceded” lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle’s attempt to take this issue beyond our shores and allow a nine judges that have no vested interest in or connection to Hawaii to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you exercise your authority as State officials and as the legislative branch of government to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists, and it is important to the future of all of Hawaii’s people that this relationship continue to be recognized. It is in large part because of the mana (spirit/power) and traditions of Hawaii’s first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,
Edward Hu.

Name: Michael Daly, Honolulu
Committee: House Hawaiian Affairs Committee
Date/Time of hearing: March 4, 2009 at 9:30am
Re: **Senate Bill 1677** and **Senate Bill 1085**

TESTIMONY IN SUPPORT

Senate Bill 1677 To the
Distinguished and Honourable
people: Chair Carroll, Vice Chair
Shimabukuro and members of the
House Committee on Hawaiian
Affairs:

Senate Bill 1085
Chair Taniguchi, Vice Chair
Takamine, and Members, Robert
Bunda, Mike Gabbard, Clarence
Nishihara, and Sam Slom, of the
Committee on Judiciary and
Government Operations:

Are any of you parents? Have any of you been through school and in class?
Have any of you been children? Are any of you familiar with the process called
“time out”?

Well without answering my rhetorical questions, you understand what a
moratorium is. You probably have a good notion of how it works and the
purpose for which it has become an established tool of containing upset and
finding order.

If you are like me, you will probably realize the immense value of “time-out”. I
dare say you have benefited from real life moratoriums in your homes, your
schools and your communities. I’ve seen where it’s worked between intoxicated
patrons at a pub and I’ve seen where things get out of hand in the case where
the instrument of “time-out” has not been adopted or imposed when the
opportunity arose.

Vietnam War Moratorium

On a provincial, national or international political front a moratorium, even just the
call for a moratorium, can be a powerful tools and an indication of what’s to
come. A quick look back at what’s known as **M-Day**:

Before 1969 the concept of a Moratorium was not a usual political tool. But the
term quickly became a media and household word when people followed Jerome
Gossman in a campaign called **The Moratorium to End the War in Vietnam**.

Protest marches took place across the USA on October 15, 1969 and later in Australia where I lived and protested that country's involvement in the same war. Vietnam was an arduous war without an end in sight evoked though the fabrication of fear and maintained by corruption and mismanagement. October 15, 1969 became known as M-Day.

The Anti War Movement was immersed in the Moratorium. The movement framed the displeasure and disgrace of many public figures including one of the most shameful downfalls of a President in the history of the USA. President Nixon was forced to resign in order to avoid impeachment. Begun in 1959, the Vietnam War was scaled back around M-Day and finally ended on April 30, 1975. Long time advocate and architect of the war Robert McNamara, Secretary of Defense 1961 to 1968, published his book in April 1995 conceding to the world:

“We were Wrong”

The Moratorium movement created the change necessary because righteousness was at stake. But it didn't happen without years of angst, civil unrest, injury and death because of the failure of the government to hear the call of reason.

To bring this home to the issue of Hawaiian Crown and Government Lands in Hawaii and the call on this day for a Moratorium on the sale of those lands please take note of history. Not just the historic example of M-Day but the history of Hawaii. Your responsibilities of government are to lead with the best knowledge, to protect the land as it is perpetuated in righteousness, and to facilitate the smooth transitions of change and protect life and limb.

Hawaiian History

I assert that even a quick review of Hawaiian history will show you and school students where the momentum of change is coming from and where it is headed. 1893: the Hawaiian Kingdom is wrongfully overthrown by a handful of white businessmen, treasonous rebel who conspire with the US minister, John L. Stevens to mount a US invasion. US President Grover Cleveland investigates, calls it “disgraceful” apologises to Queen Liliuokalani and makes a settlement with her to restore the Monarchy with full amnesty for the criminals. The settlement is ignored by the rebels, a new President, William McKinley, takes the opportunity to further exacerbate the crime and signs the Newlands Resolution to create the illusion of an annexed territory. In 1993, on the one hundredth anniversary of the overthrow, another President, Bill Clinton, this time the ilk of Cleveland, signs Public Law 103-150, a Joint Resolution which once again affirms the foundational US crime and Apologises for it. In the time between the mistakes of McKinley's ‘Annexation’ and Clinton's apology the Hawai'i was illegally occupied by the US, put in harms way, and

transferred to the designation of a state of the USA. During this time, and as you would expect from a belligerent and hostile occupation, Hawai'i and its national subjects have been suppressed. Land taken, cultural identity taken, language made illegal, information about the Kingdom, its history hidden from the masses for seven decades when finally some truth arose, enough to at least create departments of Hawaiian Affairs which happened in the 1970s. Do you see how the truth, like DNA cannot be suppressed?

In 1959, quite possibly the height of the oppression and occupation, Hawaii was declared a State by the majority of the illegal and foreign residents who by this time had no idea of the gravity of the shameful US history in Hawai'i. On next Wednesday 50 years to the day, the US Senate in 1959, approved the Admissions Act, on Thursday, the House followed and by March 18, President Dwight D. Eisenhower signed Hawaii up as a so-called state. The foreign invasion of people in Hawaii became ecstatic and there was cheering in the street and "Statehood" newspaper front pages have become ironically etched into history.

But, today and this week, as the 50th Anniversary of Statehood Commission mandated by Governor Linda Lingle to celebrate these events, knows, the task is absurd and a waste of \$1.1 million. Since the Hawaiian renaissance period of the seventies, the establishment of Hawaiian recognition (Office of Hawaiian Affairs, Hawaiian Lands Commission, House Hawaiian Affairs Committee) slim as the recognition is, the Apology Law by Bill Clinton, as incomplete as *it* is, school children, business leaders, the church, public servants and the people at least, now understand that something is wrong, something is terrible wrong!

The point of the history capsule is to show where the momentum is going. It is worth noting that the 116 year occupation in Hawai'i is directly related in a large part to the manifestation and development of the USA as a superpower of military absurdity. The US Government and global power could attempt to squash this momentum or create economic chaos or the system may already be at the beginning of collapse.

Regardless it is up to you to understand the history and participate the best you can in seeing that the path to righteousness is in place. I believe that a moratorium, Senate Bill 1085 and 1677.

History is coding you as decision makers. You have some power here and a lot of responsibility. I trust that whatever we are looking for the truth will lead us there, and corruption, expedience and denial of truth will destroy us.

I can also tell you that the oppression of Queen Lili'uokalani will not continue. Her story is one of the greatest on earth and it will be told. It is beautiful, tragic

and honourable. The without ever knowing Mahatma Gandhi or Rev Martin Luther King rose to there educated level of resistance through peace and non-violence. She knew Jesus, she knew ku – she knew love, she knew Aloha.

We need time to revisit the story, please read and study “Hawaii’s Story” in Lili`uokalani’s own words and seek out the source archival material that proves her intelligence, her artistry, her command of the law, her refinement and her honesty.

We need 5 years.

Avoid unnecessary angst, insecurity and civil unrest

These are volatile issues, the Governor has done an about face on her electoral presentation as a fair and supportive advocate of Hawaiian affairs. The current hostility surrounding Ceded/stolen Lands and her provocative action to deny Hawaiian Lands, to take it so far as to challenge her own state judicial decisions and try the matter at the United States Supreme Court is of grave concern. This is further suppressing Native Hawaiians and Hawaiian nationals. The situation is wrong and dangerous. It needs to be defused and a five-year breathing space concerning Crown and Public Lands will certainly help.

HISTORIC EVIDENCE IN SUPPORT OF A NEED FOR A MORATIRUM

The Kingdom of Hawai`i, the 1893 Overthrow and Queen Lili`uokalani

I have studied two books: ‘Hawaii’s Story’ by Queen Lili`uokalani and ‘The Betrayal of Lili`uokalani’ by Helena Allen. The information in these two documents is enough for all (but the most racially twisted) to realize that intolerable travesties have taken place in recent history against the Monarch of the constitutional Kingdom of Hawaii during the late eighteen hundreds.

The books resonate in truth of a highly sophisticated nation, the most isolated on the planet yet one recognized by every other nation: a modern political system steeped in trade, education, law, culture, international diplomacy, land rights + social values, and boasting a population having the world’s highest literacy rate. The legal and historic facts in these companion volumes speak loudly and can best be realized by not just reading the books, but by studying them. Yet, ‘facts’ by one party or another can be manufactured in writing, in books, in the media

and even in law. But in 'Hawaii's Story' in the Queen's own words and 'The Betrayal of Lili'uokalani' it is the content of Aloha that gives the reader the conviction of trust and distinction for both writers.

So, needless to say, the information in these books is verified by official source documents of the time, not least of all those produced by the enemy state of the USA, e.g. **US President Grover Cleveland's Message**, December 18, 1893 to the Senate and House of Representatives:

I believe that a candid and thorough examination of the facts will force the conviction that the provisional government [Republic of Hawaii] owes its existence to an armed invasion by the United States. Fair-minded people with the evidence before them will hardly claim that the Hawaiian Government was overthrown by the people of the islands or that the provisional government had ever existed with their consent. I do not understand that any member of this government claims that the people would uphold it by their suffrages if they were allowed to vote on the question.

... and a century later to today's time **US President William Clinton's Joint Apology Law 103-150**, November 23, 1993:

Whereas, the United States Minister thereupon extended diplomatic recognition to the Provisional Government that was formed by the conspirators without the consent of the Native Hawaiian people or the lawful Government of Hawaii and in violation of treaties between the two nations and of international law.

The need for learning more about Ceded Lands is evident. If there is still some question in your mind I suggest you read two passages in the books I referred to:

'The Betrayal of Lili'uokalani' by Helena Allen
Read about the enforced impoverishment of Queen Lili'uokalani and the Crown Lands issue in her time: pages: 371-72.

'Hawaii's Story' by Queen Lili'uokalani
Read her complaint: pages 260-61

This will convince you that we need 5 years.

Sincerely, Michael Daly

March 4, 2009

Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Member Senators, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Kim Holland I am a resident of Hawaii and am deeply concerned about the future of the "ceded" lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in **STRONG SUPPORT** of SB 1085.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, **unamended**. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of "ceded" lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle's attempt to take this issue beyond our shores and allow nine judges that have no vested interest in or connection to Hawaii to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you to exercise your authority, as State officials and as the legislative branch of government, to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists. It is important to the future of all of Hawaii's people that this relationship, and the related land claims, continues to be recognized. It is in large part because of the mana and traditions of Hawaii's first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,
___*Your Name Here*___

Wednesday, March 4, 2009

SB 1085 Testimony 1

Name: Malia Davidson

Committee: Senate Committee on Judiciary and Government Affairs

Date/Time of hearing: March 5, 2009 at 9:45am

Re: Senate Bill 1085 - COMMENTARY IN **STRONG SUPPORT**

Dear Chairman Taniguchi,

I submit testimony in **strong support** of Senate Bill 1085. SB 1085 provides a re-affirmation of the Hawaii Supreme Court's landmark, January 31, 2008, decision in the case commonly known as Office of Hawaiian Affairs v. HCDCH.

Last month the Senate passed two resolutions:

- Senate Resolution 25,
- Senate Concurrent Resolution 40.

These resolutions provide that the "Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court." Senate Concurrent Resolution 40 was also adopted by the state House of Representatives. In other words, our legislature has decided to support our state judicial branch on this issue.

SB 1085 is legislation that fits within the public policy of the State of Hawaii through our legislature. Our legislature passed the resolution, now it is time to support the appropriate bill.

Sincerely,

Malia Davidson
Kula, HI 96790

I urge you to support and pass SB 1085.

From: Alicia Perez [aliciap@hawaii.edu]
Sent: Wednesday, March 04, 2009 10:59 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine;
senbunda@captiol.hawaii.gov; Sen. Mike Gabbard; Sen. Clarence
Nishihara; Sen. Sam Slom
Subject: SB 1085 Testimony- A.Perez

Aloha kakou,

My name is Alicia Perez and I am in strong support of Senate Bill 1085, a bill that would place a moratorium on ceded lands. I am asking that you heed to the wishes of people such as myself who believe that this issue should be dealt within the state, in the jurisdiction of people who understand and share a deep connection with this land.

The future of Hawaii, Native Hawaiians, and residents alike who share this connection will be put in jeopardy should this bill be brought to the attention of the U.S. Supreme Court. The issue of selling ceded lands, in my opinion, isn't even an issue that should be in question, or brought to settlement. It's clear to me that no one, other than Native Hawaiians of generations past and present should be the sole beneficiaries and caretakers of this land.

Mahalo a nui,
Alicia Perez

March 4, 2009

Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Member Senators, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Haliaka Juarez. I am a resident of Hawaii and am deeply concerned about the future of the "ceded" lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in **STRONG SUPPORT** of SB 1085.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, **unamended**. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of "ceded" lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle's attempt to take this issue beyond our shores and allow nine judges that have no vested interest in or connection to Hawaii to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you to exercise your authority, as State officials and as the legislative branch of government, to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists. It is important to the future of all of Hawaii's people that this relationship, and the related land claims, continue to be recognized. It is in large part because of the mana and traditions of Hawaii's first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,
Haliaka Juarez

From: Kate L Bryant-Greenwood [bryant@hawaii.edu]
Sent: Wednesday, March 04, 2009 11:09 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom; kupuaina@gmail.com
Subject: testimony in support of SB 1085

Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Wed., Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Member Senators, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Kate Bryant-Greenwood, I am a resident of Hawaii and am deeply concerned about the future of the "ceded" lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in **STRONG SUPPORT** of SB 1085.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, **unamended**. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of "ceded" lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

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Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,
Kate Bryant-Greenwood
3L student William S. Richardson School of Law

From: Ikaika Freitas [surfworm1@gmail.com]
Sent: Wednesday, March 04, 2009 11:27 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; senslom@capitol.hawaii.gov
Subject: Testimony to hearing SB1085

Aloha,

My name is Ikaika Freitas, a student of Ke Kula O Samuel M. Kamakau. I am stepping up to the plate to say that I think it is wrong to sale the land and lands that my Kupuna once owned and walked. I am a native Hawaiian young man that is for the bill SB1085. I say we need to keep the Bill here. The U.S. Supreme Court is not here in hawaii, Therefore they do not think of us and think of the rights of the people of Hawaii. If we keep the Bill here, then we can have a better feel for the right thing not on what the haole people think, but what we think. It always ends up in the wrong hands!,,,,,always, since the beginning we've been out of the picture of voting and speaking for our own land and aina aloha nui ia.....so let us take this one as a fair chance. Mahalo

From: Kaleikaumaka Aweau [hinanowai@yahoo.com]
Sent: Wednesday, March 04, 2009 11:25 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; senslome@capitol.hawaii.gov
Subject: SB1085testimont-Kaleikaumaka O-A

Aloha,

My name is Kaleikaumaka Ohera-Aweau, a student at Ke Kula ʻŌ Samuel M. Kamakau. I am a young native Hawaiian woman, writing this letter in support of bill SB1085. I think that Hawaiian lands rightfully belong to native Hawaiian people, without our lands, our people will perish. This bill should NOT be sent to the U.S supreme court because problems of Hawaii should be dealt with here in Hawaii, with people who care, and know about the importance of our land. It seems to me that our leaders do not have the capacity to run a government such as Hawaii. We were a self-sustaining society that survived off the land for generations. Now that legacy is slowly diminishing right before our eyes. Our leaders do not see Hawaii through Hawaiian eyes, they see money instead of Kalo and Sky scrapers instead of Heiau. Please keep this issue here in Hawaii and give Native Hawaiians a fighting chance to keep what is rightfully ours. Mahalo for your time.

Na ke Akua e malama,

From: maui enos [maui_enos54@yahoo.com]
Sent: Wednesday, March 04, 2009 11:31 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; senslome@Capitol.hawaii.gov
Subject: SB1085 Testimony-M.Enos

Aloha mai kakou

My name is Mauinui Enos I am a senior at Ke Kula o Samuel M. Kamakau, and I am urging the senators to help support and pass Senate Bill 1085. not only for the sake of our kupuna or ancestors, that help preserve and make the ʻāina a better place for us all but for the sake of the next generation like our keiki and their keiki and the future of the Hawaiʻi. Coming from a native Hawaiian family it would be very sad to see the Crown Lands of our aliʻi to be in the hands of others.

With much Aloha
Mauinui Enos

From: Donnalene Sing [donnalenes@hotmail.com]
Sent: Wednesday, March 04, 2009 11:59 AM
To: JGO Testimony
Subject: SB 1085 Testimony 2

Sunday, February 15, 2009

SB 1085 Testimony 2

March 4, 2009
Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Members, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Donnalene Sing. I am a resident of Hawaii and am deeply concerned about the future of the "ceded" lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in STRONG SUPPORT of SB 1085.

As the body of officials elected to represent the people of Hawaii, I ask that you please represent our voice and **pass this bill** out of your committee, **unamended**. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of "ceded" lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle's attempt to take this issue beyond our shores and allow nine judges, that have no vested interest in or connection to Hawaii, to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you to exercise your authority as State officials and as the legislative branch of government to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists, and it is important to the future of all of Hawaii's people that this relationship continue to be recognized. It is in large part because of the mana (spirit/power) and traditions of Hawaii's first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,

Donnalene Sing

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From: Moses Goods [mosesgoods@yahoo.com]
Sent: Wednesday, March 04, 2009 11:36 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; "and senslom"@capitol.hawaii.gov

March 4, 2009
Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Members, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Moses Goods, I am a resident of Hawaii and am deeply concerned about the future of the "ceded" lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in STRONG SUPPORT of SB 1085.

As the body of officials elected to represent the people of Hawaii, I ask that you please represent our voice and **pass this bill** out of your committee, **unamended**. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of "ceded" lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle's attempt to take this issue beyond our shores and allow nine judges, that have no vested interest in or connection to Hawaii, to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you to exercise your authority as State officials and as the legislative branch of government to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists, and it is important to the future of all of Hawaii's people that this relationship continue to be recognized. It is in large part because of the mana (spirit/power) and traditions of Hawaii's first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,
Moses Goods

From: marie pastor [mariev_pastor@hotmail.com]
Sent: Wednesday, March 04, 2009 12:27 PM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom; kupuaina@gmail.com
Subject: SB 1085

Name: Marie Pastor
Committee: Senate Committee on Judiciary and Government Affairs
Date/Time of hearing: March 5, 2009 at 9:45am
Re: Senate Bill 1085 - COMMENTARY **IN STRONG SUPPORT**

Dear Chairman Taniguchi,

I submit testimony in strong support of Senate Bill 1085. SB 1085 provides a re-affirmation of the Hawaii Supreme Court's landmark, January 31, 2008, decision in the case commonly known as Office of Hawaiian Affairs v. HCDCH.

Last month our state Senate passed two resolutions:

- Senate Resolution 25,
- Senate Concurrent Resolution 40.

These resolutions provide that the "Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court." Senate Concurrent Resolution 40 was also adopted by the state House of Representatives. In other words, our legislature has decided to support our state judicial branch on this issue.

SB 1085 is legislation that fits within the public policy of the State of Hawaii through our legislature. Our legislature passed the resolution, now it is time to support the appropriate bill.

Sincerely,

Marie Pastor

I urge you to support and pass SB 1085.

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From: Two40MuscleZ@gmail.com
Sent: Wednesday, March 04, 2009 12:52 PM
To: JGO Testimony; Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom; kupuaina@gmail.com
Subject: MY STRONG SUPPORT of SB 1085.

SB 1085

March 4, 2009
Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Members, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations;

Aloha mai e,

My name is Norman Kuhealani Kauholanui Van Wye. I am the 18th Great Grand Son of Kauholanuimahu, 'Umi Ali'i Amoku Hawai'i Nei, (10th ruling Sovereign of Old Hawai'i; Big Island, Maui, Lanai and Molokai. 1380-1415).

Whereas, I openly voice my deep concern regarding the future disposition of Hawai'ian " Crown" aka "ceded" lands.

Whereas, the actions of the Governor in appealing this case to the U.S. Supreme Court does not in any fashion represent my views on this issue. I hereby submit to you my testimony in STRONG SUPPORT of SB 1085.

Whereas, you are the body of officials elected to represent the people of Hawa'ii. As such, I humbly submit to your authority to please represent our voice and pass this bill out of your committee, unamended.

Whereas, the passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of "Crown" aka "ceded" lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

Whereas, I am deeply troubled by Linda Lingle's attempt to take this issue beyond our shores and allow nine judges, having no vested interest in and/or connection to Hawaii; to assume such authority thereby, dictating the future trust of our lands and local issues.

Whereas, her actions directly threaten the sovereign power of our State government. Ergo, for the reasons I have here-to-fore stated, I urge you to exercise your authority as State officials and legislative branch of government to harness control over these pressing issues.

Whereas, Kanaka Maoli/Native Hawaiians embrace a unique stewardship with their 'Aina (land) which substantially differs from that of an "American and/or Westernized " relationship. Our birthright connects us and our keiki's forever to the 'aina, past, present and future.

Whereas, the state of Hawai'i has long recognized the existence of this relationship. Disallowing that fact would severely impact the self determination, traditions and lives of the Kanaka Maoli people.

Therefore, it is our firm understanding and belief, once the land is sold it will never be returned. Again, we respectfully employ you to carefully consider all that comprises this bill. The future of the Kanaka Maoli People rest on your resolve.

Mahalo nui loa e malama pono,

Na' Kuhealani Kauholanui Van Wye

File

cc: sentaniguchi@capitol.hawaii.gov, sentakamine@capitol.hawaii.gov, senbunda@capitol.hawaii.gov,
sengabbard@capitol.hawaii.gov, sennishihara@capitol.hawaii.gov, senslom@capitol.hawaii.gov,
kupuaina@gmail.com

From: Sommer Kaleohano-Knittle [knittle@hawaii.edu]
Sent: Wednesday, March 04, 2009 1:53 PM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom; kupuaina@gmail.com
Subject: Ceded Lands Testimony

Chairman Brian Taniguchi

Committee on Judiciary and Government Operations

Thur. Mar. 4, 2009

Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Member Senators, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Sommer Kaleohano-Knittle. I am a resident of Hawaii and am deeply concerned about the future of the "ceded" lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in **STRONG SUPPORT** of SB 1085.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, **unamended**. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of "ceded" lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle's attempt to take this issue beyond our shores and allow nine judges that have no vested interest in or connection to Hawaii to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you to exercise your authority, as State officials and as the legislative branch of government, to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a

relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists. It is important to the future of all of Hawaii's people that this relationship, and the related land claims, continue to be recognized. It is in large part because of the mana and traditions of Hawaii's first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,

Sommer Kaleohano-Knittle

From: deja marie ostrowski [dejamarie@gmail.com]
Sent: Wednesday, March 04, 2009 12:07 PM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom
Subject: SB 1085 Testimony: Strong Support on "Ceded" Lands Moratorium

March 4, 2009

Chairman Brian Taniguchi

Committee on Judiciary and Government Operations

Thur. Mar. 4, 2009

Conf. Room 211, 9:45 am

Chair Taniguchi, Vice Chair Takamine, and Member Senators, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Deja Ostrowski. I am a resident of Hawaii and am deeply concerned about the future of the "ceded" lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in **STRONG SUPPORT** of SB 1085.

I ask that you please represent my voice, and the voice of many more of us in Hawaii who have elected YOU to protect our interests and the interest of the people of Hawaii. Please vote to pass this bill out of your committee, **unamended**.

I am deeply troubled by Linda Lingle's decision to appeal the Hawai'i Supreme Court's ruling on the ceded lands. Her appeal to the Supreme Court does not reflect the policy of the State of Hawaii which has always been a committed to reconciliation and self-determination for Native Hawaiian people. In challenging the Hawai'i Supreme Court Ruling, she is taking this issue beyond our shores and allow nine judges that have no vested interest in or connection to Hawaii to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you to exercise your authority, as State officials and as the legislative branch of government, to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists. It is important to the future of all of Hawaii's people that this relationship, and the related land claims, continue to be recognized. It is in large part because of the mana and traditions of Hawaii's first people that we have such a unique and beautiful society here.

Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,

From: Daniel K K Seto [dkkseto@hawaii.edu]
Sent: Wednesday, March 04, 2009 2:09 PM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; Sen. Dwight Takamine; Sen. Robert Bunda; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom; kupuaina@gmail.com
Subject: SB 1085 Testimony

March 4, 2009

Chairman Brian Taniguchi
Committee on Judiciary and Government Operations
Thur. Mar. 4, 2009
Conf. Room 211

Chair Taniguchi, Vice Chair Takamine, and Member Senators, Robert Bunda, Mike Gabbard, Clarence Nishihara, and Sam Slom, of the Committee on Judiciary and Government Operations,

My name is Daniel K. K. Seto. I am a resident of Hawaii and am deeply concerned about the future of the “ceded” lands. The actions of the Governor in appealing this case to the U.S. Supreme Court do not represent my views on this issue. For this reason I am submitting testimony in **STRONG SUPPORT** of SB 1085.

As the body of officials elected to represent the people of Hawaii I ask that you please represent our voice and pass this bill out of your committee, unamended. The passage of this bill reasserts the power of the legislature to address, not only the issue of proposed sales of “ceded” lands, but it also reasserts the policy of the State, which has been to commit to reconciliation and self-determination for Native Hawaiian people.

I am deeply troubled by Linda Lingle’s attempt to take this issue beyond our shores and allow nine judges that have no vested interest in or connection to Hawaii to dictate the future of our lands and local issues. Her actions threaten the sovereign power of our State government. For that reason, I urge you to exercise your authority, as State officials and as the legislative branch of government, to harness control over these issues.

I also would like to remind you that Native Hawaiians have a special relationship to the land that differs from the American or Western relationship. This relationship is beyond any description through words. It is a relationship that connects them to their past, present, and their future. The state has long recognized that this relationship exists. It is important to the future of all of Hawaii’s people that this relationship, and the related land claims, continue to be recognized. It is in large part because of the mana and traditions of Hawaii’s first people that we have such a unique and beautiful society here. Once the land is sold it will never be returned. Please carefully consider our future when reviewing this bill. I ask that you please pass this bill out of your committee. Mahalo for your time.

Sincerely,

Daniel K. K. Seto

1550 Wilder Ave. A1113

Honolulu, HI 96822

From: Kevin O'GradyEsquire [KevinOGradyEsquire@hawaii.rr.com]
Sent: Wednesday, March 04, 2009 3:55 PM
To: JGO Testimony
Cc: kevinogradyesquire@hawaii.rr.com
Subject: SB No 1085 SD1

To the Committee on Judiciary and Government Operations:

I request that you vote NO on this measure. There is no need to bind the state's authority to land which it owns. Public lands held in trust as defined in the law already include broad mandated purposes for the public good and the state must and should abide by those conditions. The proposed bill incorrectly and inappropriately attempts to provide substance to the federal apology resolution, or essentially to create claims for one particular ethnic group out of whole cloth. To do so violates the principles of equal treatment under the law, the 14th amendment to the US Constitution as well as other laws. If the legislature wants to not sell or dispose of public lands it may choose not to do so, but the language of this bill includes dangerous language that presupposes the legitimacy of vague, undefined, moral claims of one group of people loosely defined by ethnicity which have no basis in law. As an alternative, if the purpose is to limit development, the legislature can provide that no public lands be disposed of unless certain requirements are met. Those requirements could be set aside lands for parks or the like. However the focus on indigenous Hawaiians and a so called reconciliation process is misplaced, dangerous and unnecessary. Please vote no on this measure.

Sincerely,

Kevin O'Grady, Esquire.

The Law Office of Kevin O'Grady, LLC
1136 Union Mall, Suite 704
Honolulu, Hawaii 96813
Telephone 808-521-3367
Facsimile 808-521-3369

WWW.CriminalAndMilitaryDefenseHawaii.com

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