



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

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ON THE FOLLOWING MEASURE:

S.B. NO. 1085, S.D. 2, RELATING TO CEDED LANDS.

BEFORE THE:

HOUSE COMMITTEE ON HAWAIIAN AFFAIRS

DATE: Wednesday, March 18, 2009 TIME: 9:00 AM

LOCATION: State Capitol, Room 329

TESTIFIER(S): Mark J. Bennett, Attorney General,

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Chair Carroll 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 House Committee on  
HAWAIIAN AFFAIRS**

**Wednesday, March 18, 2009  
9:00 AM  
State Capitol, Conference Room 329**

**In consideration of  
SENATE BILL 1085, SENATE DRAFT 2  
RELATING TO CEDED LANDS**

Senate Bill 1085, Senate Draft 2 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



**SB 1085, SD 2  
RELATING TO CEDED LANDS**

**House Committee on Hawaiian Affairs**

March 18, 2009  
Room 329

9:00 a.m.

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Aloha Chair Carroll, Vice Chair Shimabukuro, 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.



# KAMEHAMEHA SCHOOLS

Wednesday, March 18, 2009

WRITTEN TESTIMONY TO  
THE HOUSE COMMITTEE ON HAWAIIAN AFFAIRS

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 SD2 Relating to Ceded Lands.

To: Representative Mele Carroll, Chair  
Representative Maile Shimabukuro, 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.

Kupu'āina Coalition  
[www.stopsellingcededlands.com](http://www.stopsellingcededlands.com)

March 15, 2009

Hawai'i State House of Representatives  
Committee on Hawaiian Affairs  
State Capitol  
415 South Beretania Street

Aloha Chair Representative Mele Carroll, Vice Chair Representative Maile Shimabukuro, and Representatives Au Belatti, Bertram, Brower, Mizuno, Nishimoto, Yamane, and Ward,

We would like to express our **strong support** for S.B. 1085 SD2, as individuals and as spokespersons for Kupu'āina Coalition, an organization of students and recent alumni of the William S. Richardson School of Law (WRSLS). We formed Kupu'āina to inform and educate our community about the *The Office of Hawaiian Affairs v. Housing and Community Development Corporation of Hawai'i ("OHA v. HCDCH")* case and the implications of a review by the U.S. Supreme Court. Although the hearing of the U.S. Supreme Court has passed, we are steadfast in our efforts to support moratorium legislation.

S.B. 1085 SD2 gives the Hawai'i State Legislature an opportunity to reaffirm the State's commitment to reconciliation with the Native Hawaiian people, a process which is a result of over 30 years of hard work, and a process which will benefit numerous generations of Hawai'i to come. S.B. 1085 SD2 would help to send a strong message to the U.S. Supreme Court as we await its opinion.

Both our State's Highest Court and this Legislature support a local resolution. In overwhelming support this Legislature announced and affirmed that "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court." This Legislature further found that pursuing review by the U.S. Supreme Court "is detrimental to the interests of all of the people of Hawai'i and to the ongoing reconciliation process between the State and the Native Hawaiian people."

We applaud this committee for moving quickly to support a moratorium and confirm the decision of our State's highest court. S.B. 1085 SD2 is consistent with the State's policy as articulated in S.C.R. 40.  
***Please pass S.B. 1085 SD2 unamended.***

The Hawai'i State Legislature should feel comforted in knowing that the result of S.B. 1085 SD2 would benefit all of Hawai'i's people, including our non-Hawaiian 'ohana. The people of Hawai'i, particularly the Native Hawaiian people, have a special connection with the 'āina (land). We endeavor to protect these lands and S.B. 1085 SD2 would help provide that additional protection.

Mahalo Nui,

Kupu'āina Coalition, Jocelyn Doane, Derek Kauano, Davis Price



## KO'OLAUPOKO HAWAIIAN CIVIC CLUB

March 18, 2009

To: Rep. Mele Carroll, Chair  
And Members  
House Committee on Hawaiian Affairs

From: Mahealani Cypher, President  
Ko'olaupoko Hawaiian Civic Club

Subject: S.B. 1085, S.D.2, Relating to Ceded Lands

Aloha mai kakou from the Ko'olaupoko Hawaiian Civic Club, working with nine ahupua`a around Kane`ohe Bay, moku Ko'olaupoko, O`ahu.

Our civic club strongly supports this legislation, which would prohibit the sale of ceded lands until Hawaiian claims are resolved and reconciliation has occurred between the state of Hawai`i and the Hawaiian people.

This is a matter of justice for the Hawaiian people. In the American system, justice delayed is justice denied. We know that all of you, here at the Legislature, believe in the American system of justice, otherwise you would not be sitting here today. It goes without saying that this is your opportunity to “walk the talk”, to show how deeply you believe in justice for our islands’ first people – by passing this bill out of committee and into law. No longer must justice be denied.

We ask for one amendment, that the effective date be changed to read “upon enactment into law.”.

Mahalo for this opportunity to share our mana`o.

P. O. Box 664  
Kaneohe, HI 96744  
Ph. (808) 235-8111  
koolaupokohcc.org





Association of Hawaiian Civic Clubs  
P. O. Box 1135  
Honolulu, Hawai'i 96807

TESTIMONY OF LEIMOMI KHAN, PRESIDENT  
IN SUPPORT, WITH AMENDMENTS, TO

**SB 1085, SD2, RELATING TO CEDED LANDS**

**Committee on Hawaiian Affairs**

**Hearing date and time: Wednesday, March 18, 2009, 9:00 a.m., Room 329**

Aloha Chairperson Carroll, Vice Chair Shimabukuro, and members of the Committee on Hawaiian Affairs. Thank you for this opportunity to testify on SB 1085, SD2, which 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; and which establishes a process for the sale or transfer of ceded lands, to be implemented only when one of the foregoing conditions occurs.

SB 1085, when originally introduced, had the effect of a full moratorium on the sales and transfer of ceded lands; no limiting provisions attached to it. Subsequently, SD 1 and now SD 2 have included provisions that limit the period of the moratorium as indicated above. Especially troublesome are the reasons, "reconciliation between the State and the Native Hawaiian people is no longer supported, or until December 31, 2014."

For over 100 years, the Native Hawaiian people have sought for justice as the result of the overthrow of its government. Finally, we are seeing some progress in addressing those injustices.

A common thread throughout the legislative bills introduced this year has been a recognition of the state's fiduciary duty to preserve the corpus of the public land trust, specifically ceded lands, until the unrelinquished claims of the Native Hawaiian people are resolved, and clearly acknowledging the injustice done to the Native Hawaiian people.

Thus, we cannot think of any reason for the state to ever make the decision that reconciliation between the State and the Native Hawaiian people is no longer supported, and inclusion of a deadline of December 14, 2014, which is only five years from now, is contrary to assuring the time necessary for reconciliation resulting in justice for the Native Hawaiian people...especially since it's taken over 100 years for us to get to this point.

We strongly urge you to **delete** the provisions in this legislation that would have the effect of discontinuing the prohibition on the sales and transfer of ceded lands until “reconciliation between the State and the Native Hawaiian people is no longer supported, or until December 31, 2014.”

**WAIMEA HAWAIIAN HOMESTEADERS' ASSOCIATION, INC.**

**P. O. Box 6753**

**Kamuela, Hawaii 96743**

March 17, 2009

**M KANANI KAPUNIAI**  
*Pu'ukapu-Pastoral '90+*  
Director- **President**

**N DUKE KAPUNIAI**  
*Honokaia*  
Director - **Vice-President**

**SHARON MEDEIROS**  
*Puu Pulehu*  
Director - **Secretary**

**A HOPPY BROWN**  
*Puukapu Pastoral '90+*  
Director - **Treasurer**

**DOROTHY/BRUCE  
NISHIE**  
*Kamoku/Nienie/Waikoloa*  
Director

**KENNETH/LAVERNE  
KANIHO**  
*Pauahi*  
Director

**BERNARD ALANI, JR**  
*Puukapu Farm >'85*  
Director

**BETTY LAU**  
*Kuhio Village*  
Director

**JOSEPH KEALOHA**  
*Pu'ukapu-Agricultural '85+*  
Director

**FRED LAU**  
*Kuhio Village*  
Director

**HENRY "SOLI" NIHEU"**  
*Pu'ukapu-Farm '85+*  
Director

**DERRICK HONDA**  
*Pu'ukapu-Pastoral <90*  
Director

TO: Rep Mele Carroll, Chair  
Rep Maile S. L. Shimabukuro, Vice Chair  
*Committee on Hawaiian Affairs*

FROM: M Kapuniai, President

RE: **SB1085,SD2**  
**Relating to "Ceded Lands"**

Date/Time: Wednesday, March 18, 2009 9:00 a.m.

Place: Conference Room 329  
State Capital, 415 So Beretania St

We write in **SUPPORT OF SB1085, SD2**

The corpus of the Public Land Trust is to remain whole and in tact for the intended purposes as stated in the Admissions Act, for perpetuity.

The corpus of the Public Land Trust is to be managed prudently, and is not to be used as a bargaining tool from time to time.

Decisions for the management of this "Public Land Trust" will not rest on the "opinions of a few". It is the responsibility of all, with the host culture at the helm.

We **ALL** know that **ALL** the land which was "ceded" did not have **TITLE. The State of Hawaii is the "steward" and, does not have legal title to convey, period!**

Though, the Hawaiian Home Lands Trust is not part of the "Public Land Trust", we the lessees, families of the lessees, applicants, and others who qualify to be a beneficiary of this Hawaiian Home Lands Trust, are also beneficiaries of the Public Land Trust.

We request your support for SB1085, SD2.

Thank you!

Phone: (808) 890-2311 (Res) 936-0157(Cell)  
Email: [duke@sandwichisles.net](mailto:duke@sandwichisles.net)

**HPACH**  
919 4th Street  
Pearl City, Hawaii 96782

March 18, 2009

Representative Mele Carroll, Chair  
Representative Maile S. L. Shimabukuro, Vice Chair  
And Committee Members on Hawaiian Affairs  
House of Representatives, 2009 Legislature Session  
State of Hawaii

Subject: SB 1085 SD2, OPPOSE

ALOHA Kakou,

My name is Richard Pomaikaiokalani Kinney. On January 17, 1993 after reading Public Law 103-150 I renounced my citizenship to the United States. I come here today as a Hawaiian Nationalist of the Hawaiian Kingdom. I strongly support the restoration of the Hawaiian Kingdom government that was invaded and occupied thru an Act of War on January 16, 1893 with the involvement of the diplomatic and military forces of the United States.

As Sovereign of the Hawaiian Political Action Council of Hawaii, I strongly OPPOSE the passage of SB 1085 SD2.

Presently under the laws of the United States and the State of Hawaii Native Hawaiians as defined in the Hawaiian Homes Commission Act of 1920 are the wealthiest beneficiaries in the United States. If it was not for the Native Hawaiians of the Hawaiian Homes Commission Act, there would be no State of Hawaii and most important no Office of Hawaiian Affairs.

Since the Congressional passage of the Hawaiian Homes Commission of 1920 and thru the Hawaii State Admission Act of March 18, 1959, Native Hawaiians of the Hawaiian Homes Commission Act are federally recognized as beneficiaries to the Public Lands Trust.

SB 1085 SD2 is another Fraudulent Bill. SB 1085 SD 2 ignores the rightful claims that all Hawaiians have to the national lands of the Hawaiian Kingdom that are presently administrated by the State of Hawaii.

SB 1085 SD2 ignores lands that are classified as Section 5(a) Lands of the Hawaii State Admission Act. Section 5(a) Lands are those lands that were administrated by the Territory of Hawaii. Section 5(a) Lands are the bulk of the national lands of the Hawaiian Kingdom that all Hawaiians have an Inherent Sovereign claims as Kanaka Maoli Hawaii.

# HPACH

919 4th Street  
Pearl City, Hawaii 96782

Page 2  
March 18, 2009  
SB 1085 SD2

Since 1900 when Hawaii became a Territory of the United States the Indigenous Hawaiian people have never properly benefited from their national lands of the Hawaiian Kingdom. Instead the Kanaka Maoli Hawaii have always been on the losing end as the rightful claimers to their Sovereign Hawaiian Lands.

SB 1085 SD2 is like the Apology Resolution that was signed into law by President Clinton in 1993. SB 1085 SD2 is an admission of wrongful acts committed against the Indigenous Hawaiian people by the State of Hawaii.

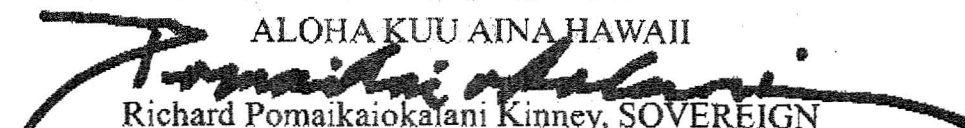
Without a complete inventory of the Public Lands Trust there should be no actions taken by the Legislature.

SB 1085 SD2 does not correct the wrongs of the past but instead it covers up and perpetuates the Fraudulent Acts against all of the Native Hawaiian people.

For many Hawaiian Nationalist of the Hawaiian Kingdom like myself, January 16, 1893 is our "Day of Infamy."

Once more HPACH strongly OPPOSE the passage of SB 1085 SD2. Mahalo Nui for allowing me to give testimony on this Bill.

Attachments: Renouncement Documents

ALOHA KUU AINA HAWAII  
  
Richard Pomaikaio Kalani Kinney, SOVEREIGN  
Hawaiian Political Action Council of Hawaii  
87-168 Maaloa Street, Waianae, Hawaii, 96792  
Email: [HIAHAWAII@aol.com](mailto:HIAHAWAII@aol.com)

## Rep. Maile Shimabukuro

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**From:** Joel Fischer [jfischer@hawaii.edu]  
**Sent:** Saturday, March 14, 2009 2:05 PM  
**To:** HAWtestimony  
**Subject:** HAW;SB1085;3/17/09;9AM;Rm329

**Importance:** High

SB1085, SD2, Relating to Stolen Lands  
HAW; Chair, Rep Carroll

### **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

**JEANNINE JOHNSON**

5648 Pia Street, Honolulu, Hawai'i 96821

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

March 14, 2009

COMMITTEE ON HAWAIIAN AFFAIRS

Rep. Mele Carroll, Chair

Rep. Maile S.L. Shimabukuro, Vice Chair

Hearing: Wednesday, March 18, 2009, at 9:00 a.m. in Conference Room 329

SB 1085, RELATING TO CEDED LANDS.

SD2 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 Carroll, Vice Chair Shimabukuro and Honorable Committee Members,

I strongly support SB1085 SD2 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).

A moratorium on the sale or transfer of ceded lands until the issues and claims between Native Hawaiians and the State regarding these lands are resolved is essential to fulfill the Legislature's fiduciary duty to preserve the corpus of the public land trust. I humbly request your support for SB1085 SD2.

Mahalo,

  
Jeannine Johnson

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

Nicole Holler  
Organization: Individual  
Testify In support  
Bill SB 1085 SD 2  
To the committee on Hawaiian affairs

Dear members on the committee, I am Nicole Holler, a student at the University of Hawaii. I am also a member of the NASW. I am testifying in support of bill SB 1085 SD 2.

I strongly feel that the state should not be able to sale or trade the Hawaiian ceded lands until the Native Hawaiian people are resolved and can come to an agreement on the matter. I feel that the land belongs to the Hawaiian people and the state does not have the right to take that away.

Thank you for allowing me to testify on bill SB 1085. I urge you to strongly support this bill.



## Rep. Maile Shimabukuro

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**From:** roger dunn [rogerdunn@gmail.com]  
**Sent:** Sunday, March 15, 2009 11:11 PM  
**To:** HAWtestimony  
**Subject:** Reps Hawaiian Affairs 1085

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro and Members of the House,

My name is Roger Dunn, I am part Hawaiian-Chinese, born and raised in Nuuanu, 2480 Pali Hwy. Honolulu, HI 96817. I hope politicians can keep their word, and do what's best for Hawaiians and for Hawaii. We do not appreciate a conflict in Hawaii due to the injustice done to the Hawaiian People. Please choose pono over money.

On opening day of this year's legislative session, Senate President Colleen Hanabusa spoke the following words

*"As well, we know we must address the sense of betrayal that many in our Native Hawaiian community feel on the issue of ceded lands, and in particular the case now pending before the United States Supreme Court. We will not turn a deaf ear to these questions, as difficult as they may be. We have heard the call of the people and we must respond."*

Although the House Speaker may not have spoken these words himself, I urge you to also hear the call of the people and respond by passing SB 1085. As difficult as it may be to work towards the resolution of these issues, it is something we must do. I urge you and our individual representatives to pass SB 1085 in all its referred committees: HAW, WLO/JUD, & FIN.

Mahalo,

Roger Dunn

--

Thomas Friedman's 'Hot, Flat, and Crowded' "

- \*Energy Efficiency Engineer
- \*LEED EB Accredited Professional
- \*Solar Consultant - Fans, Skylights, Hot Water, PV
- \*Real Estate Agent - ElitePacific.com
- \*Fitness Personal Trainer

## Rep. Maile Shimabukuro

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**From:** Ellie [emkeola@yahoo.com]  
**Sent:** Monday, March 16, 2009 12:01 AM  
**To:** HAWtestimony; All Reps  
**Subject:** Senate Bill 1085

SB 1085

3/18/09

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro and members of the House,

Aloha! My name is Ellie Keola. Thank you very much for your consideration in reading my e-mail.

On opening day of this year's legislative session, Senate President Colleen Hanabusa spoke the following words,

*"As well, we know we must address the sense of betrayal that many in our Native Hawaiian community feel on the issue of ceded lands, and in particular the case now pending before the United States Supreme Court. We will not turn a deaf ear to these questions, as difficult as they may be. We have heard the call of the people and we must respond."*

Although the House Speaker may not have spoken these words himself, I urge you to also hear the call of the people and respond by passing SB 1085. As difficult as it may be to work towards the resolution of these issues, it is something we must do. I urge you and our individual representatives to pass SB 1085 in all its referred committees: HAW, WLO/JUD, & FIN.

Senate Bill 1085 presents us all with a very important opportunity. We live in a complex society here in Hawai'i, with a richness in diversity unique to anywhere else in the United States, and possibly the world. We are also extremely fortunate in that we are able to enjoy and prosper from a natural environment of incredible beauty – a beauty that is both intrinsically finite and fragile.

Unfortunately, BOTH the sense of community AND the irreplaceable value of the 'āina which binds our diverse society have been and continue to be undermined by the historic and continuing injustices that have occurred here in Hawai'i. These injustices, although inflicted in different ways against different groups of people, have consistently been perpetrated by the powerful few against the disenfranchised masses. Sadly, these injustices have been (and continue to be) often "legitimated" through the legal process. I would argue that it is the continued legal legitimation of these injustices that have inflicted the most harm, and pose the greatest threat, to the very essence of what makes living in Hawai'i such a unique and incredible experience.

Fortunately, however, we have shown that it is possible for the legal process to begin to address these harms, and to provide for the social healing that would truly make Hawai'i a model for not only the United States, but for countries around the world. We have certainly taken great steps towards this end, but we are clearly not through, especially with respect to the Kanaka Maoli community.

Senate Bill 1085 thus presents us with a remarkable opportunity – during no less of a crucial time than the eve of a US Supreme Court decision that would potentially undermine thirty years of progress – to use the law, not to oppress, but to continue to address the harms of oppression and colonization and cultural genocide. I truly believe that this opportunity should not, and must not, be dismissed. And to those misguided few who claim that addressing these harms would not benefit all of us who call Hawai'i our home – I would have to respectfully,

but firmly, disagree.

Please, please, please, take this opportunity to make the right decision and pass SB 1085.

Mahalo nui loa once again for your time and consideration.

Ellie Keola

## Rep. Maile Shimabukuro

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**From:** Dawn Gohara [gohara3@hawaii.rr.com]  
**Sent:** Monday, March 16, 2009 12:11 AM  
**To:** HAWtestimony; All Reps  
**Subject:** SB 1085

**Importance:** High

SB 1085  
3/18/2009

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro and Members of our House of Representatives,

My name is Dawn Gohara. It is important that you pass Senate Bill 1085. Statements and questions by United States Supreme Court justices show that this issue is a matter of state law and that moratorium legislation is appropriate.

### **The Ceded Lands Case Has Been an Issue of State Law.**

On February 25, 2009, the Supreme Court of the United States heard oral arguments for the ceded lands case. One of the more "conservative" Justices, Samuel Alito told the Attorney General that the ceded lands case seemed to be more of a state issue. Justice Alito said, "If the Apology Resolution is put aside, I'm not quite sure what is left, **other than State-law issues.**"

### **The Supreme Court Is Aware of Proposed State Ceded Lands Moratorium Bills and Provided Guidance on How to Proceed on This Issue.**

Justice Alito showed his familiarity of Senate Bill 1085 when he asked the Attorney General Mark Bennett, "[W]ould 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?"

The Attorney General's response to this inquiry, in part, was, "certainly under the terms of the Admission Act, the authority given the political branches for the management and disposition of the lands is broad . . . ." The Attorney General continued to say that such an action would be against the Federal common law of trusts, but Justice Souter immediately disagreed and commented that the Hawai'i Supreme Court's "reasoning seems to rest upon some kind of State equity law or trust law." He further stated, "the only thing they are disclosing right now is -- aside from the Apology Resolution, seems to be State trust law."

Other statements made, as can be found in the transcripts, show that our state legislature can pass laws regarding these lands. But such legislation should be made in conformity with one of the trust purposes, as described in the Admission Act.

Because the ceded lands is an issue of our State and because some guidance has been provided on how to proceed, I urge the Senate to pass Senate Bill 1085.

Sincerely,  
Dawn Gohara

**Rep. Maile Shimabukuro**

---

**From:** Penrod-Ronson Akina [mentoboyz\_productions@yahoo.com]  
**Sent:** Monday, March 16, 2009 12:16 AM  
**To:** HAWtestimony; All Reps

SB 1085  
3/18/2009

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro and Members of our House of Representatives,

My name is Ronson Akina. It is important that you pass Senate Bill 1085. Statements and questions by United States Supreme Court justices show that this issue is a matter of state law and that moratorium legislation is appropriate.

**The Ceded Lands Case Has Been an Issue of State Law.**

On February 25, 2009, the Supreme Court of the United States heard oral arguments for the ceded lands case. One of the more "conservative" Justices, Samuel Alito told the Attorney General that the ceded lands case seemed to be more of a state issue. Justice Alito said, "If the Apology Resolution is put aside, I'm not quite sure what is left, **other than State-law issues.**"

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Other statements made, as can be found in the transcripts, show that our state legislature can pass laws regarding these lands. But such legislation should be made in conformity with one of the trust purposes, as described in the Admission Act.

Because the ceded lands is an issue of our State and because some guidance has been provided on how to proceed, I urge the Senate to pass Senate Bill 1085.

Sincerely,

Ronson Akina

## Rep. Maile Shimabukuro

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**From:** Brandee Aukai [bkaukai@hawaii.edu]  
**Sent:** Monday, March 16, 2009 5:41 AM  
**To:** HAWtestimony; All Reps  
**Subject:** SB1085

SB 1085  
3/16/2009

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro and Members of our House of Representatives,

My name is Brandee Aukai. It is important that you pass Senate Bill 1085. Statements and questions by United States Supreme Court justices show that this issue is a matter of state law and that moratorium legislation is appropriate.

### **The Ceded Lands Case Has Been an Issue of State Law.**

On February 25, 2009, the Supreme Court of the United States heard oral arguments for the ceded lands case. One of the more "conservative" Justices, Samuel Alito told the Attorney General that the ceded lands case seemed to be more of a state issue. Justice Alito said, "If the Apology Resolution is put aside, I'm not quite sure what is left, **other than State-law issues.**"

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Other statements made, as can be found in the transcripts, show that our state legislature can pass laws regarding these lands. But such legislation should be made in conformity with one of the trust purposes, as described in the Admission Act.

Because the ceded lands is an issue of our State and because some guidance has been provided on how to proceed, I urge the Senate to pass Senate Bill 1085.

Sincerely,

Brandee Aukai

## Rep. Maile Shimabukuro

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**From:** Kent Fonoimoana [kent@trisland.com]  
**Sent:** Monday, March 16, 2009 7:05 AM  
**To:** HAWtestimony; All Reps  
**Subject:** Please pass SB 1085

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro and members of the House,

Aloha! My name is Kent Fonoimoana. Thank you very much for your consideration in reading my e-mail.

Senate Bill 1085 presents us all with a very important opportunity. We live in a complex society here in Hawai'i, with a richness in diversity unique to anywhere else in the United States, and possibly the world. We are also extremely fortunate in that we are able to enjoy and prosper from a natural environment of incredible beauty – a beauty that is both intrinsically finite and fragile.

Unfortunately, BOTH the sense of community AND the irreplaceable value of the 'āina which binds our diverse society have been and continue to be undermined by the historic and continuing injustices that have occurred here in Hawai'i. These injustices, although inflicted in different ways against different groups of people, have consistently been perpetrated by the powerful few against the disenfranchised masses. Sadly, these injustices have been (and continue to be) often “legitimated” through the legal process. I would argue that it is the continued legal legitimation of these injustices that have inflicted the most harm, and pose the greatest threat, to the very essence of what makes living in Hawai'i such a unique and incredible experience.

Fortunately, however, we have shown that it is possible for the legal process to begin to address these harms, and to provide for the social healing that would truly make Hawai'i a model for not only the United States, but for countries around the world. We have certainly taken great steps towards this end, but we are clearly not through, especially with respect to the Kanaka Maoli community.

Senate Bill 1085 thus presents us with a remarkable opportunity – during no less of a crucial time than the eve of a US Supreme Court decision that would potentially undermine thirty years of progress – to use the law, not to oppress, but to continue to address the harms of oppression and colonization and cultural genocide.<sup>1</sup> I truly believe that this opportunity should not, and must not, be dismissed. And to those misguided few who claim that addressing these harms would not benefit all of us who call Hawai'i our home – I would have to respectfully, but firmly, disagree.

Please, please, please, take this opportunity to make the right decision and pass SB 1085.

Mahalo nui loa once again for your time and consideration.

Kent Fonoimoana  
Kahuku, Hawai'i



## Rep. Maile Shimabukuro

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**From:** Benton Kealii Pang [launahale@hotmail.com]  
**Sent:** Monday, March 16, 2009 8:38 AM  
**To:** HAWtestimony; All Reps  
**Subject:** SB 1085

SB 1085  
3/18/2009

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro and Members of our House of Representatives,

My name is Benton Pang. It is important that you pass Senate Bill 1085. Statements and questions by United States Supreme Court justices show that this issue is a matter of state law and that moratorium legislation is appropriate.

### **The Ceded Lands Case Has Been an Issue of State Law.**

On February 25, 2009, the Supreme Court of the United States heard oral arguments for the ceded lands case. One of the more "conservative" Justices, Samuel Alito told the Attorney General that the ceded lands case seemed to be more of a state issue. Justice Alito said, "If the Apology Resolution is put aside, I'm not quite sure what is left, **other than State-law issues.**"

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Other statements made, as can be found in the transcripts, show that our state legislature can pass laws regarding these lands. But such legislation should be made in conformity with one of the trust purposes, as described in the Admission Act.

Because the ceded lands is an issue of our State and because some guidance has been provided on how to proceed, I urge the Senate to pass Senate Bill 1085.

Sincerely,

Benton Pang, Ph.D.  
3204 Carlos Long Street  
Honolulu, Hawaii 96816

## Rep. Maile Shimabukuro

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**From:** Gene Tamashiro [tamashirorganics@gmail.com]  
**Sent:** Monday, March 16, 2009 9:01 AM  
**To:** HAWtestimony; All Reps

Dear Representatives of the People,

If we are to arrive at a truthful and just resolution to the issue of Hawaiian ceded (stolen) lands, we must first be damn sure that we have the facts straight, and that we can at least all agree on...the facts.

This is why it is so important to refer to correct history (see Apology Bill, US Public Law 103-150), and the legal basis for decision making, (US Constitution).

In our community, does anyone still argue the falsehood, that these lands were not stolen? The Apology Bill (US Public Law 103-150) has clarified this point for the world to see. We must not, and cannot set this crucial document "aside", for it is the recognized official admission of wrongdoing.

Also, our US Constitution clearly states that TREATIES (1826, 1842, 1849, 1875, 1887) CARRY THE SAME FORCE OF LAW as our US CONSTITUTION.

So the historical facts and legal basis of decision making are set before us. The two questions so many of Hawaii's people are asking is... "Why "set aside" the Apology Law? It codifies the facts of this matter into the fundamental truths of this case. And who pray tell, of our elected leaders are willing and courageous enough to STAND UP for their own oath to defend and protect our US Constitution??!!

We have all veered off course and for too long away from both the historical truth, and the highest law of the land. It is now almost too late to recover. Please make this process PONO. May God help and strengthen us all.

Sincerely,  
Gene Tamashiro  
Honolulu, Hawaii

**Rep. Maile Shimabukuro**

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**From:** Julia Estigoy [estigoyj@sbcglobal.net]  
**Sent:** Monday, March 16, 2009 9:34 AM  
**To:** HAWtestimony; All Reps

Dear Members of the Hawai'i House of Representatives,

As I'm sure you know, Hawai'i is unlike any other place. Hawai'i people are also unlike other people.

In recent years, an unfortunate number of Hawai'i people have moved out of the islands, and moved from the areas they still call home. Hawai'i organizations exist throughout the world, and these clubs are formed and led by people who have strong roots to Hawai'i. These people are Native Hawaiians and non-Native Hawaiians. We come together for events, festivities and meetings because we all have a common interest, our love of Hawai'i. It is out of that love, that I send you this e-mail.

Although I may not live in Hawai'i now, Hawai'i is a special place for me and my family. I urge you to protect a part of what makes Hawai'i special and pass Senate Bill 1085.

Sincerely,

Julia Estigoy

## Rep. Maile Shimabukuro

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**From:** Garid P Faria [garid@hawaii.edu]  
**Sent:** Tuesday, March 17, 2009 8:29 AM  
**To:** HAWtestimony; All Reps  
**Subject:** Request Support: SB 1085

**Importance:** High

SB 1085  
3/18/2009

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro and Members of our House of Representatives,

My name is Garid P. Faria. It is important that you pass Senate Bill 1085. Statements and questions by United States Supreme Court justices show that this issue is a matter of state law and that moratorium legislation is appropriate.

### **The Ceded Lands Case Has Been an Issue of State Law.**

On February 25, 2009, the Supreme Court of the United States heard oral arguments for the ceded lands case. One of the more “conservative” Justices, Samuel Alito told the Attorney General that the ceded lands case seemed to be more of a state issue. Justice Alito said, “If the Apology Resolution is put aside, I’m not quite sure what is left, **other than State-law issues.**”

### **The Supreme Court Is Aware of Proposed State Ceded Lands Moratorium Bills and Provided Guidance on How to Proceed on This Issue.**

Justice Alito showed his familiarity of Senate Bill 1085 when he asked the Attorney General Mark Bennett, “[W]ould 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?”

The Attorney General’s response to this inquiry, in part, was, “certainly under the terms of the Admission Act, the authority given the political branches for the management and disposition of the lands is broad . . . .” The Attorney General continued to say that such an action would be against the Federal common law of trusts, but Justice Souter immediately disagreed and commented that the Hawai‘i Supreme Court’s “reasoning seems to rest upon some kind of State equity law or trust law.” He further stated, “the only thing they are disclosing right now is -- aside from the Apology Resolution, seems to be State trust law.”

Other statements made, as can be found in the transcripts, show that our state legislature can pass laws regarding these lands. But such legislation should be made in conformity with one of the trust purposes, as described in the Admission Act.

Because the ceded lands is an issue of our State and because some guidance has been provided on how to proceed, I urge the Senate to pass Senate Bill 1085.

Sincerely,

Garid P. Faria

Garid P. Faria

## Rep. Maile Shimabukuro

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**From:** Paul Gabriel [paul@entertainmentrevolution.com]  
**Sent:** Tuesday, March 17, 2009 7:03 AM  
**To:** HAWtestimony; "reps@capitol.hawaii.gov."@smtp2.pauspam.net  
**Subject:** IN SUPPORT of SB 1085

Dear Members of the Hawai'i House of Representatives,

As I'm sure you know, Hawai'i is unlike any other place. Hawai'i people are also unlike other people.

In recent years, an unfortunate number of Hawai'i people have moved out of the islands, and moved from the areas they still call home. Hawai'i organizations exist throughout the world, and these clubs are formed and led by people who have strong roots to Hawai'i. These people are Native Hawaiians and non-Native Hawaiians. We come together for events, festivities and meetings because we all have a common interest, our love of Hawai'i. It is out of that love, that I send you this e-mail.

Although I may not live in Hawai'i now, Hawai'i is a special place for me and my family. I urge you to protect a part of what makes Hawai'i special and pass Senate Bill 1085.

Sincerely,  
Paul Gabriel

No virus found in this outgoing message.

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Version: 7.5.557 / Virus Database: 270.11.16/2005 - Release Date: 3/16/2009 7:01 PM

## Rep. Maile Shimabukuro

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**From:** Tabitha Milian [scabsisrad@yahoo.com]  
**Sent:** Tuesday, March 17, 2009 6:18 AM  
**To:** HAWtestimony; All Reps  
**Subject:** senate bill 1085

Dear Members of the Hawai'i House of Representatives,

As I'm sure you know, Hawai'i is unlike any other place. Hawai'i people are also unlike other people.

In recent years, an unfortunate number of Hawai'i people have moved out of the islands, and moved from the areas they still call home. Hawai'i organizations exist throughout the world, and these clubs are formed and led by people who have strong roots to Hawai'i. These people are Native Hawaiians and non-Native Hawaiians. We come together for events, festivities and meetings because we all have a common interest, our love of Hawai'i. It is out of that love, that I send you this e-mail.

Although I may not live in Hawai'i now, Hawai'i is a special place for me and my family. I urge you to protect a part of what makes Hawai'i special and pass Senate Bill 1085.

Sincerely,

Tabitha Milian

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

Rumi

**Rep. Maile Shimabukuro**

---

**From:** Phoebe Roman [roman.phoebe@gmail.com]  
**Sent:** Monday, March 16, 2009 10:41 PM  
**To:** HAWtestimony  
**Cc:** All Reps  
**Subject:** Support for SB 1085

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro and Members of the House,

My name is Phoebe A. Roman. On opening day of this year's legislative session, Senate President Colleen Hanabusa spoke the following words,

*"As well, we know we must address the sense of betrayal that many in our Native Hawaiian community feel on the issue of ceded lands, and in particular the case now pending before the United States Supreme Court. We will not turn a deaf ear to these questions, as difficult as they may be. We have heard the call of the people and we must respond."*

Although the House Speaker may not have spoken these words himself, I urge you to also hear the call of the people and respond by passing SB 1085. As difficult as it may be to work towards the resolution of these issues, it is something we must do. I urge you and our individual representatives to pass SB 1085 in all its referred committees: HAW, WLO/JUD, & FIN.

Mahalo,  
Phoebe A. Roman



## Rep. Maile Shimabukuro

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**From:** Pamela Williams [pamelapcm@gmail.com]  
**Sent:** Monday, March 16, 2009 10:31 PM  
**To:** HAWtestimony  
**Cc:** All Reps  
**Subject:** Support for SB 1085

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro and Members of the House,

My name is Pamela M. Williams. On opening day of this year's legislative session, Senate President Colleen Hanabusa spoke the following words,

"As well, we know we must address the sense of betrayal that many in our Native Hawaiian community feel on the issue of ceded lands, and in particular the case now pending before the United States Supreme Court. We will not turn a deaf ear to these questions, as difficult as they may be. We have heard the call of the people and we must respond."

Although the House Speaker may not have spoken these words himself, I urge you to also hear the call of the people and respond by passing SB 1085. As difficult as it may be to work towards the resolution of these issues, it is something we must do. I urge you and our individual representatives to pass SB 1085 in all its referred committees: HAW, WLO/JUD, & FIN.

Mahalo,

Pamela M. Williams

## Rep. Maile Shimabukuro

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**From:** kaniela keuma [kkeuma@live.com]  
**Sent:** Monday, March 16, 2009 5:05 PM  
**To:** HAWtestimony  
**Subject:** ceded lands

Dear Members of the Hawai'i House of Representatives,

As I'm sure you know, Hawai'i is unlike any other place. Hawai'i people are also unlike other people.

In recent years, an unfortunate number of Hawai'i people have moved out of the islands, and moved from the areas they still call home. Hawai'i organizations exist throughout the world, and these clubs are formed and led by people who have strong roots to Hawai'i. These people are Native Hawaiians and non-Native Hawaiians. We come together for events, festivities and meetings because we all have a common interest, our love of Hawai'i. It is out of that love, that I send you this e-mail.

Although I may not live in Hawai'i now, Hawai'i is a special place for me and my family. I urge you to protect a part of what makes Hawai'i special and pass Senate Bill 1085.

Sincerely,

kaniela atai keuma

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Express your personality in color! Preview and select themes for Hotmail®. [See how.](#)

## Rep. Maile Shimabukuro

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**From:** lkalama1@aol.com  
**Sent:** Monday, March 16, 2009 4:14 PM  
**To:** HAWtestimony; All Reps

SB 1085  
3/18/2009

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro and Members of our House of Representatives,

My name is Melita Miller-Kalama. It is important that you pass Senate Bill 1085. Statements and questions by United States Supreme Court justices show that this issue is a matter of state law and that moratorium legislation is appropriate.

### **The Ceded Lands Case Has Been an Issue of State Law.**

On February 25, 2009, the Supreme Court of the United States heard oral arguments for the ceded lands case. One of the more "conservative" Justices, Samuel Alito told the Attorney General that the ceded lands case seemed to be more of a state issue. Justice Alito said, "If the Apology Resolution is put aside, I'm not quite sure what is left, **other than State-law issues.**"

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The Attorney General's response to this inquiry, in part, was, "certainly under the terms of the Admission Act, the authority given the political branches for the management and disposition of the lands is broad . . ." The Attorney General continued to say that such an action would be against the Federal common law of trusts, but Justice Souter immediately disagreed and commented that the Hawai'i Supreme Court's "reasoning seems to rest upon some kind of State equity law or trust law." He further stated, "the only thing they are disclosing right now is -- aside from the Apology Resolution, seems to be State trust law."

Other statements made, as can be found in the transcripts, show that our state legislature can pass laws regarding these lands. But such legislation should be made in conformity with one of the trust purposes, as described in the Admission Act.

Because the ceded lands is an issue of our State and because some guidance has been provided on how to proceed, I urge the Senate to pass Senate Bill 1085.

Sincerely,

Melita Miller-Kalama

## Rep. Maile Shimabukuro

---

**From:** Ka`iana Haili [kaianahaili@hawaii.rr.com]  
**Sent:** Monday, March 16, 2009 10:41 AM  
**To:** HAWtestimony  
**Cc:** All Reps; kupuaina@gmail.com  
**Subject:** SUPPORT SB 1085

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro and members of the House,

Aloha! My name is Ka`iana Haili. Thank you very much for your consideration in reading my e-mail. As a Native Hawaiian practitioner, college instructor and grandfather it is imperative that non Hawaiians understand our innate relationship to our land. *“Hawaiians were generally easygoing and didn’t order people off their lands or regarded them as trespassers. When the whites began to own lands, people began to be arrested for trespassing and the lands were fenced in to keep the Hawaiians out. Hana `i`o ka haole! The white man doe it in earnest!”* `Ölelo No`eau #455 Mary Kawena Pukui. This is a metaphor that tells us that the kanaka maoli, their beliefs and practices are continually disenfranchised and marginalized in their own homelands by insensitive colonizers.

Senate Bill 1085 presents us all with a very important opportunity. We live in a complex society here in Hawai‘i, with a richness in diversity unique to anywhere else in the United States, and possibly the world. We are also extremely fortunate in that we are able to enjoy and prosper from a natural environment of incredible beauty – a beauty that is both intrinsically finite and fragile.

Unfortunately, BOTH the sense of community AND the irreplaceable value of the ‘āina which binds our diverse society have been and continue to be undermined by the historic and continuing injustices that have occurred here in Hawai‘i. These injustices, although inflicted in different ways against different groups of people, have consistently been perpetrated by the powerful few against the disenfranchised masses. Sadly, these injustices have been (and continue to be) often “legitimated” through the legal process. I would argue that it is the continued legal legitimating of these injustices that have inflicted the most harm, and pose the greatest threat, to the very essence of what makes living in Hawai‘i such a unique and incredible experience.

Fortunately, however, we have shown that it is possible for the legal process to begin to address these harms, and to provide for the social healing that would truly make Hawai‘i a model for not only the United States, but for countries around the world. We have certainly taken great steps towards this end, but we are clearly not through, especially with respect to the Kanaka Maoli community.

Senate Bill 1085 thus presents us with a remarkable opportunity – during no less of a crucial time than the eve of a US Supreme Court decision that would potentially undermine thirty years of progress – to use the law, not to oppress, but to continue to address the harms of oppression and colonization and cultural genocide.<sup>1</sup> I truly believe that this opportunity should not, and must not, be dismissed. And to those misguided few who claim that addressing these harms would not benefit all of us who call Hawai‘i our home – I would have to respectfully, but firmly, disagree.

Please, take this opportunity to make the pono decision and pass SB 1085 for our children’s children.

Mahalo nui loa once again for your time and cooperation.

Ka`iana Haili  
PO Box 4001  
Hilo, HI 96720-0001

March 16, 2009

House Hawaiian Affairs Committee

Letter in full support of SB 1085

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro and Members of our House of Representatives,

Senate Bill 1085 is more important now than ever before. The United States Supreme Court Justices have clearly indicated that this issue is a matter of state law. We must have a moratorium now to avoid costly litigation to the state in upcoming months.

On February 25, 2009, the Supreme Court of the United States heard oral arguments for the ceded lands case. One of the more "conservative" Justices, Samuel Alito told the Attorney General that the ceded lands case seemed to be more of a state issue. Justice Alito said, "If the Apology Resolution is put aside, I'm not quite sure what is left, **other than State-law issues.**"

Justice Alito showed his familiarity of Senate Bill 1085 when he asked the Attorney General Mark Bennett, "[W]ould 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?"

Other statements made, as can be found in the transcripts, show that our state legislature can pass laws regarding these lands. But such legislation should be made in conformity with one of the trust purposes as described in the Admission Act.

Theft in whatever form is still theft. Please prevent the state from committing another illegal act. Pass SB 1085.

Sincerely,

Cha Smith  
Honolulu, Hawai'i  
277-5362

SB 1085  
3/18/09

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro and members of the House,

Aloha! My name is Yvonne Geesey. Thank you very much for your consideration in reading my e-mail.

Senate Bill 1085 presents us all with a very important opportunity. We live in a complex society here in Hawai'i, with a richness in diversity unique to anywhere else in the United States, and possibly the world. We are also extremely fortunate in that we are able to enjoy and prosper from a natural environment of incredible beauty - a beauty that is both intrinsically finite and fragile.

Unfortunately, BOTH the sense of community AND the irreplaceable value of the 'āina which binds our diverse society have been and continue to be undermined by the historic and continuing injustices that have occurred here in Hawai'i. These injustices, although inflicted in different ways against different groups of people, have consistently been perpetrated by the powerful few against the disenfranchised masses. Sadly, these injustices have been (and continue to be) often "legitimated" through the legal process. I would argue that it is the continued legal legitimization of these injustices that have inflicted the most harm, and pose the greatest threat, to the very essence of what makes living in Hawai'i such a unique and incredible experience.

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Mahalo nui loa once again for your time and consideration.

Yvonne Geesey  
Honolulu, Hawai'i

**Rep. Maile Shimabukuro**

---

**From:** Pam Rivas [pjkauano@cox.net]  
**Sent:** Monday, March 16, 2009 11:20 AM  
**To:** HAWtestimony; All Reps  
**Subject:** \*\*\*\*\*SPAM\*\*\*\*\* HAWAII OUR HOME

Dear Members of the Hawai'i House of Representatives,

As I'm sure you know, Hawai'i is unlike any other place. Hawai'i people are also unlike other people.

In recent years, an unfortunate number of Hawai'i people have moved out of the islands, and moved from the areas they still call home. Hawai'i organizations exist throughout the world, and these clubs are formed and led by people who have strong roots to Hawai'i. These people are Native Hawaiians and non-Native Hawaiians. We come together for events, festivities and meetings because we all have a common interest, our love of Hawai'i. It is out of that love, that I send you this e-mail.

Although I may not live in Hawai'i now, Hawai'i is a special place for me and my family. I urge you to protect a part of what makes Hawai'i special and pass Senate Bill 1085.

Sincerely,

PAMELA J RIVAS

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Testimony for SB 1085 SD2  
Before the House Committee on Hawaiian Affairs  
Chairman Mele Carroll  
Wednesday, March 18, 2009

This is testimony in STRONG SUPPORT of SB1085 SD2.

I am a born and raised resident of Hawaii and care deeply for the land and Hawaiian people. I am an MSW student at UH Manoa, a working mother, and someone struggling to be able to afford to raise my family in Hawaii. Although I am not of Hawaiian descent, I have come to understand the need and rights for Hawaiians to keep their ties to the land here. I believe SB1085 SD1 is a first step in doing what is right for the native people of our great state.

While the Native peoples of the continental United States have received demonstration of reparation from the US government, the Hawaiian people remain neglected. It is morally wrong for our governor to sell lands that do not belong to this state, and it is morally wrong for this administration to make a profit on the history of injustice toward the people who were here long before this state existed.

I am also fearful that the sale of these lands would make life in Hawaii more difficult for the poor and needy, the middle class working residents, and anyone who is not a multimillionaire landowner. With the governor attempting to sell lands to the highest bidder, history will likely repeat itself through higher property values and resulting disparity between wages and cost of living. Keeping Hawaiians in relationship with their own lands is beneficial to all of Hawaii's hard working residents, as communities and relationships are maintained and strengthened.

For the sake of Hawaii's future, please pass SB1085 SD2. Mahalo.



## Rep. Maile Shimabukuro

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**From:** Kihikihi, Rhoda (CXR-Hawaii) [Rhoda.Kihikihi@CoxRadio.com]  
**Sent:** Monday, March 16, 2009 12:04 PM  
**To:** HAWtestimony; All Reps  
**Subject:** Passing SB 1085

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro and Members of the House,

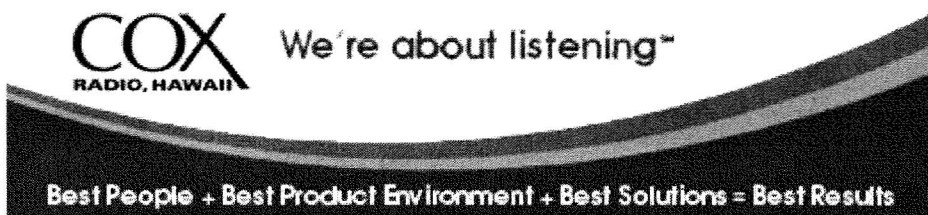
My name is Rhoda Kihikihi. On opening day of this year's legislative session, Senate President Colleen Hanabusa spoke the following words,

*"As well, we know we must address the sense of betrayal that many in our Native Hawaiian community feel on the issue of ceded lands, and in particular the case now pending before the United States Supreme Court. We will not turn a deaf ear to these questions, as difficult as they may be. We have heard the call of the people and we must respond."*

Although the House Speaker may not have spoken these words himself, I urge you to also hear the call of the people and respond by passing SB 1085. As difficult as it may be to work towards the resolution of these issues, it is something we must do. I urge you and our individual representatives to pass SB 1085 in all its referred committees: HAW, WLO/JUD, & FIN.

Mahalo,

Rhoda Kihikihi | Human Resource Manager/Office Manager  
P: (808) 275-1071 | F: (808) 275-1076  
E: [rhoda.kihikihi@coxradio.com](mailto:rhoda.kihikihi@coxradio.com)



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[www.power1043.com](http://www.power1043.com): Power 1043 Delivering Honolulu's Trendy Young Professionals With Paychecks, Plastic & a Must Have Attitude

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[www.AM940hawaii.com](http://www.AM940hawaii.com): All Traditional Hawaiian All The Time

## Rep. Maile Shimabukuro

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**From:** Kehaulani Lum [kehaulani@ameritech.net]  
**Sent:** Monday, March 16, 2009 1:34 PM  
**To:** HAWtestimony  
**Subject:** I support SB 1085

SB 1085  
3/18/09

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro and members of the House,

Aloha! My name is Kehaulani Lum. Thank you very much for your consideration in reading my e-mail.

Senate Bill 1085 presents us all with a very important opportunity. We live in a complex society here in Hawai'i, with a richness in diversity unique to anywhere else in the United States, and possibly the world. We are also extremely fortunate in that we are able to enjoy and prosper from a natural environment of incredible beauty – a beauty that is both intrinsically finite and fragile.

Unfortunately, BOTH the sense of community AND the irreplaceable value of the 'āina which binds our diverse society have been and continue to be undermined by the historic and continuing injustices that have occurred here in Hawai'i. These injustices, although inflicted in different ways against different groups of people, have consistently been perpetrated by the powerful few against the disenfranchised masses. Sadly, these injustices have been (and continue to be) often "legitimated" through the legal process. I would argue that it is the continued legal legitimation of these injustices that have inflicted the most harm, and pose the greatest threat, to the very essence of what makes living in Hawai'i such a unique and incredible experience.

Fortunately, however, we have shown that it is possible for the legal process to begin to address these harms, and to provide for the social healing that would truly make Hawai'i a model for not only the United States, but for countries around the world. We have certainly taken great steps towards this end, but we are clearly not through, especially with respect to the Kanaka Maoli community.

Senate Bill 1085 thus presents us with a remarkable opportunity – during no less of a crucial time than the eve of a US Supreme Court decision that would potentially undermine thirty years of progress – to use the law, not to oppress, but to continue to address the harms of oppression and colonization and cultural genocide. I truly believe that this opportunity should not, and must not, be dismissed. And to those misguided few who claim that addressing these harms would not benefit all of us who call Hawai'i our home – I would have to respectfully, but firmly, disagree.

Please, please, please, take this opportunity to make the right decision and pass SB 1085.

Mahalo nui loa once again for your time and consideration.

Kehaulani Lum

## Rep. Maile Shimabukuro

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**From:** stibbardm003@hawaii.rr.com  
**Sent:** Monday, March 16, 2009 2:07 PM  
**To:** HAWtestimony; All Reps  
**Subject:** SB1085 STRONG SUPPORT

SB 1085  
3/18/09

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro and members of the House,

Aloha! My name is Margaret Primacio. Thank you very much for your consideration in reading my e-mail.

Senate Bill 1085 presents us all with a very important opportunity. We live in a complex society here in Hawai'i, with a richness in diversity unique to anywhere else in the United States, and possibly the world. We are also extremely fortunate in that we are able to enjoy and prosper from a natural environment of incredible beauty – a beauty that is both intrinsically finite and fragile.

Unfortunately, BOTH the sense of community AND the irreplaceable value of the 'āina which binds our diverse society have been and continue to be undermined by the historic and continuing injustices that have occurred here in Hawai'i. These injustices, although inflicted in different ways against different groups of people, have consistently been perpetrated by the powerful few against the disenfranchised masses. Sadly, these injustices have been (and continue to be) often "legitimated" through the legal process. I would argue that it is the continued legal legitimation of these injustices that have inflicted the most harm, and pose the greatest threat, to the very essence of what makes living in Hawai'i such a unique and incredible experience.

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Senate Bill 1085 thus presents us with a remarkable opportunity – during no less of a crucial time than the eve of a US Supreme Court decision that would potentially undermine thirty years of progress – to use the law, not to oppress, but to continue to address the harms of oppression and colonization and cultural genocide.<sup>1</sup> I truly believe that this opportunity should not, and must not, be dismissed. And to those misguided few who claim that addressing these harms would not benefit all of us who call Hawai'i our home – I would have to respectfully, but firmly, disagree.

Please, please, please, take this opportunity to make the right decision and pass SB 1085.

Mahalo nui loa once again for your time and consideration.

Margaret Primacio  
Kahuku

**Rep. Maile Shimabukuro**

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**From:** Donnalene Sing [donnalenes@hotmail.com]  
**Sent:** Monday, March 16, 2009 2:19 PM  
**To:** HAWtestimony  
**Subject:** SB 1085

**SB 1085**  
**3/18/09**

**Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro and members of the House,**

**Aloha! My name is Donnalene Sing. Thank you very much for your consideration in reading my e-mail.**

**Senate Bill 1085 presents us all with a very important opportunity. We live in a complex society here in Hawai'i, with a richness in diversity unique to anywhere else in the United States, and possibly the world. We are also extremely fortunate in that we are able to enjoy and prosper from a natural environment of incredible beauty - a beauty that is both intrinsically finite and fragile.**

**Unfortunately, BOTH the sense of community AND the irreplaceable value of the 'āina which binds our diverse society have been and continue to be undermined by the historic and continuing injustices that have occurred here in Hawai'i. These injustices, although inflicted in different ways against different groups of people, have consistently been perpetrated by the powerful few against the disenfranchised masses. Sadly, these injustices have been (and continue to be) often "legitimated" through the legal process. I would argue that it is the continued legal legitimation of these injustices that have inflicted the most harm, and pose the greatest threat, to the very essence of what makes living in Hawai'i such a unique and incredible experience.**

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**Please, please, please, take this opportunity to make the right decision and pass SB 1085.**

**Mahalo nui loa once again for your time and consideration.**

**Donnalene Sing**

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## Rep. Maile Shimabukuro

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**From:** T Gaeth [tgaeth@yahoo.com]  
**Sent:** Monday, March 16, 2009 2:40 PM  
**To:** HAWtestimony; All Reps  
**Subject:** SB 1085

SB 1085  
3/18/09

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro and members of the House,

Aloha! My name is Tracy Gaeth. Thank you very much for your consideration in reading my e-mail.

Senate Bill 1085 presents us all with a very important opportunity. We live in a complex society here in Hawai'i, with a richness in diversity unique to anywhere else in the United States, and possibly the world. We are also extremely fortunate in that we are able to enjoy and prosper from a natural environment of incredible beauty – a beauty that is both intrinsically finite and fragile.

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Mahalo nui loa once again for your time and consideration.

Tracy Gaeth