

SB 1677 SD 1

ATE TESTIMONY

Alaha Representatives

A handful of us started the Hawaiian Movement for Justice in Kalam Valley almost 40 years ago.

As an OHA Trustee between '84-'96 in the early 90's, an official of HFDC came to the OHA Board enticing us Trustees with a \$5.6 million dollar check, for the sale of Ceded lands in Kona and Maui to be used for private housing. I told my fellow Trustees that there was no way we could accept this check for the sale of our Ceded (or rather SEIZED) lands until a settlement has been reached ~~for~~ with the State for the theft of our Hawaiian Nation by the U.S. Government.

OHA and 4 Native Hawaiian then sued the state which resulted in last Jan '08, State Supreme Court unanimous ruling that no Ceded Land should be sold or transferred until there is a settlement ~~reached~~ reached with all Rarua-napili.

Gov. Lingke and AG Bennet who were not even residents of their islands when we became a state, as you know

have appealed this State Supreme Court ruling to the U.S. Supreme Court and was heard last week. Kingle and Bennett have spurned their "True Colors" as enemies of the Hawaiian people for this ruling. Should have stayed with the state as this issue is only unique to these islands.

Though I would like to see a full moratorium on the sale of these ceded lands for I have devoted my life to Justice for our Aind and People, I ask that you back the Senate version of 2/3 of both Houses voting for sale of our ceded lands.

The House version has not even been able to get through the House leadership although Calvin says father and grandfather were taro farmers. The Senate version should be supported; it has been said that 2/3 majority of House and Senate have voted the same.

So I ask you to back the Senate version intact for it will be better than having both bills die.

3

The U.S. Supreme Court is looking  
to this legislature to take a  
position on this issue and  
you must!!

Please back the Senate version  
SB 1477 SD 1, since the House  
version could not even get through  
the House and I fear we will  
be left with no House  
or Senate version on the sale of our  
stolen Hawaiian lands, we  
and the U.S. Supreme Court are  
watching to see what the legislature  
will do!!

Mahalo nui loa  
MOANIKEAUA AKAKA  
Moanikeala Akaka  
Hilo  
cell 808-987-1050  
home phone 808-935-7981

THE KEKUMANO FOUNDATION  
86-120 Pokai Bay Street  
Waianae, Hawaii 96792  
Kilikina Elchinger-Fetterman, President

LATE TESTIMONY

March 03, 2009

Testifier- Kilikina Elchinger- Fetterman, President; The Kekumano Foundation

COMMITTEE ON HAWAIIAN AFFAIRS

DATE OF HEARING: WEDNESDAY, MARCH 04, 2009, 9:30 A.M.

SB 1677. SDI

FIVE (5) COPIES REQUESTED

Testimony before the COMMITTEE ON HAWAIIAN AFFAIRS-HOUSE OF REPRESENTATIVES, THE TWENTY-FIFTH LEGISLATURE-REGULAR SESSION OF 2009 on SB -1677. from: Kilikina Elchinger-Fetterman, President of the Kekumano Foundation (Non Profit 501C3) Dedicated to: Education, History & Heritage for All Children of Hawaii. Aloha Legislators, I submit the following testimony as an effort to educate and enlighten the lawmakers of the STATE OF HAWAII as to the Heritage of [native] Hawaiians who are direct descendants Heir(s) of Kamehameha I, II, and III, who on February 24, 2009, filed a Motion to Intervene into a very controversial Case No. 07-1372, In The SUPREME COURT OF THE UNITED STATES, concerning the Joint Resolution to Acknowledge the 100<sup>th</sup> Anniversary of the January 17, 1893 Overthrow of the Kingdom of Hawaii, and the question of whether this symbolic resolution strips Hawaii of its sovereign authority to sell, exchange, or transfer 1.2 million acres of state land, unless and until a political settlement with Native Hawaiians is reached regarding the status of that land.

As you are aware Kekumano Foundation is to educate all the children of Hawaii on Heritage, and it is with respect for the heritage of Hawaii's first people that all of Hawaii's people become familiar with the unique relationships to land, and its tenure that have developed since the time immemorial and since the unification of these northern Pacific Islands known as the Hawaiian Archipelago by the Conqueror, King Kamehameha I. I was privileged to hear that Lineal Heirs of Kamehameha I, II, and III had taken the steps to enlighten the U.S. Supreme Court Justices as to the existence of living Heirs to the lands that the illegal republic of Hawaii had purportedly transferred to the United States under an unlawful enactment of the United States Senate known as the Newlands Resolution 55-51 which was bill, not a Treaty of Cession, that did not receive 2/3rds vote of the Senate, in order for it to become law, and it is my feeling that unless there is a clear understanding of what is lawful, compared to what is legal in Hawaii,

Hawaii's future children will continue to be shortchanged with respect to historical perspectives, customs and traditions relating to land tenure, and the obligations and rights of those original inhabitants who are Heirs to the Estates awarded by Royal Patents, and Land Grants by Compact agreement with the Kingdom of Hawaii. As I have educated myself to the facts, less the fictitious and distorted semantic distortions of history, I am strengthened and find a greater resolve and inspiration to know that there are living Heirs whose rights of ownership, use and occupancy in the so-called [ceded lands] is irrefutable. These Heirs possess proprietary ownership of lands mistakenly given by the United States Congress to the STATE OF HAWAII Corporation, since the [Newlands Resolution] was an unlawful enactment, and as the U.S. Supreme Court had confirmed that the question is one of property rights, not of whether or not these lands can be transferred or sold, assuming the STATE OF HAWAII has a perfect title. As an educational endeavor, it would behoove this body of legislators to review the document that I was so privileged to receive during my visit to Washington D.C. to be at such an

historic event, that would either recognize that there are living Heirs who are the true owners, and as a result, the children of Hawaii should be aware of these facts, so as not be misled towards forgetting the land tenure history in Hawaii, for the convenience of adversely possessing landed private property, in the misrepresentation of it as being "public lands" for which, to the best of my knowledge, is ownership Private to the Heirs of Kamehameha I, II, III. If we are to live together in these fair islands, then we must show mutual respect for someones private property, for if not then the STATE of HAWAII will be condoning Piracy, and fostering the concepts that it is all right to steal what belongs to another, or to knowingly covet that which others have illegally come into possession of, especially when the United States confessed to the illegality of the initial events that caused the dispossession of the Crown lands from the Heirs of Kamehameha I, II, and III.

For the purpose of educating the future generations of Hawaii's children and instilling in them a sense of honor and respect, I urge the Senate to review the included filing of an Aupuni Moi (ruling chief) to preserve peace and respect, which will in turn establish a standard of education that will be based on truth and not distortions and interpretations that attempt to justify unlawful and criminal acts, for if we teach untruths, we shall live in the untruths, until the day when all will be revealed and honesty will prevail.

My foundations' purpose is to educate the children of Hawaii with the truth, not the lies. Please accept my discoveries that they may enlighten your decision making so that none will be denied their inheritance, as if one were to steal and care and then profit by its lease or out right resale, a crime is criminal, and only the truth can set one free.

U.S. SUPREME COURT OF WASHINGTON, D.C.

STATE OF HAWAII, et al )

vs. )

OFFICE OF HAWAIIAN AFFAIRS )

FEDERAL COURT CASE # 071372 )

Motion to Intervene  
Notice of Intervention

By )

Proper Party Claimant  
Heirs of Kauikeaouli )

Concerning: )

State of Hawaii, et al. )

Vs )

Office of Hawaiian Affairs  
Federal Court Case # 071372 )

Dated: February 25, 2009. )

MOTION TO INTERVENE

The Lineal Descendants of Kauikeaouli do hereby proclaim our right to Intervene Federal Court Case # 071372 involving the "Ceded Lands Case" known as "State of Hawaii, et al vs. O.H.A" based on the facts:

- 1. Proof of genealogy and as lineal descendant of Kamehameha III, Kamehameha II, and Kamehameha I; and the right to claim such lands under the Probate No. 463, Estate of Naukana, from Probate Records of the Third Circuit Court Transfer of Title by Will of Kamehameha III to his son Hezekia [ Series 016 ]. [See Civil No.99-491.]**
- 2. Evidence of misrepresentation, and identity theft concerning Alodial land title and clear title of Monarchy lands of Kamehameha III & the National Lands held under Duress. [ Civil Case No. 99-491, Kau-Agribusiness vs. Hekekia (k), Kau Honuapo ]**
- 3. Falsified Documents, and acts of overreaching and Fraud. [ Neil Levy "California Law Review of Hawaiian Lands", 1975 ] ["Dead Man No Can Sign" Transcripts Civil No 99-491 Ka'u Agribusiness vs. Hekekia] [U. S. P. L. 103-150 "Whereas, on the afternoon of January 17, 1893, a Committee of Safety that represented the American and European sugar planters, descendants of missionaries, and financiers deposed the Hawaiian monarchy and proclaimed the establishment of a Provisional Government"]**
- 4. The private lands of Kamehameha III are set apart in a certifiable title document and are separate from the "Government Lands" so called in the Ceded Lands case.; therefore these lands mut be removed from the claim of the State of Hawaii as these lands are private lands. [Neil Levy "California Law Review of Hawaiian Lands" Kamehameha III Privy Council Land is held forever unto the King and chiefs]**

5. ***The "Crown Lands" and the "Government Lands" were never transferred to the Provisional Government ; Queen Lili'uokalani surrendered her authority to the United States, but never the title of the lands of the Hawaiian Kingdom Ke Akua Ko Hawaii Pae Aina. ["Whereas, the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty or over their national lands to the United States..." U.S. P.L. 103-150 ]***

6. ***The Lineal Elders have given permission to pursue the truth and compel the Supreme Court to discover that the Aupuni Mo'I have every right to claim their private lands that they have clear title to. Keawe Ohana have compiled documents ready to submit for your consideration concerning title and genealogy as a process for "Motion for Discovery" that this court would be "Compelled by the Facts Presented" as to "Render Judgement in Favor of the Proper Party Claimant" that this court does hereby grant a period of at least 6 months "To Discover the Truth and Merits of our evidence based on Inquiry". [See Circuit Court of the Third Circuit Civil No. 05-1-415 , Motion to Compel, dated February 17, 2007, and File-marked 2007 Nov. 20 PM 4:09 ]***

7. ***Today there are thousands of Kamehameha III's seeds (descendants) scattered throughout the world mixed with almost all ethnic races. We are true owners and should be granted all rights to the land and Government. All illegally obtained lands should be returned to the family. Further illegal transfers and sales of Family Lands should be deemed and treated as Theft. Identity Theft and Theft of Land are crimes that have been committed against my Family and should not be allowed to continue unresolved. My family, next to Akua are the true owners of Ko Hawaii Pae Aina, Hawaiian Kingdom. [ September 13<sup>TH</sup> 2007, United States Civil Rights ]***

8. ***To the United States of America, you must assist my family to support our claim that the State of Hawaii has no legal claim to these properties that were put in the care of the President of the United States of America at the time of the Illegal overthrow; as according to the Queen Lili'uokalani's letter of duress as mentioned in U.S. Public Law 103-150.***

9. ***And be it known that, the State of Hawaii upon admission into the United States of America was under "Conditions of Statehood" that they were not to cause the Hawaiians to diminish. We, the Kanaka Maoli and those who would be Hawaiian Nationals do charge that to sell our National Lands and the lands of our Ohana would cause us all to diminish and is a Violation of Conditions of Statehood.***

10. ***The Minister of the Department of Interior and the Inspector General of the BIA have been notified of such an act by the State of Hawaii, would cause a complaint to be filed for an violations also including Genocide.***

11. ***"Roster of Legislation of 1840-1916" do state the nature of protection concerning any acts to cause "Permanent Prejudism of the Lands" and in consideration of these records of the Hawaiian Kingdom, passages reveal that the fact that the state of Hawaii is attempting to permanently prejudice or permantly separate the Ohana and the Hawaiian Nation from their National Lands. These lands are stated in the Roster to be held in perpetuity.***



12. We pray that these matters concerning our Private and National Lands will be resolved legally in the spirit of just and moral cause, and that my people are given equal footing, due diligence of title, and recognition of our claim. [Vol. I Supplemental 1848]

13. Our claims arise out of recognized customary and traditional rights and practices, including without limitation those exercised for subsistence, cultural, religious, access or gathering purposes, as provided for in the Hawaii Constitution of the HRS. Hawaiian's religion is tied to the land (Aina) Customs and Traditions remain intact through cultural continuity of Keawe. [Civil Case No. 07-1-0204; and Sept. 2<sup>nd</sup>, 1890 Law, Act 18 Section 1]

*We hereby state our plea in this hour of great turmoil for all of our Hawaiian people, that the Supreme Court does grant our Motion to Intervene and grant time to consider the facts based on Inquiry concerning our claims. The true heirs are some of the poorest and simplest of all the Hawaiian People because we were taught not to fight for land or money. Facing genocide and permanent prejudism of our lands we are so compelled that We must hereby proclaim that the State of Hawaii is causing us to diminish by their actions and attempt to sell our lands; and we pray that you will honor our constitutional rights and render judgement on our behalf, to at least hear our claim. Please follow U. S. Public Law 103-150 that also states our claim.*

To the Honorable Judge Presiding over the Supreme Court of the United States of America, I do humbly thank you for your time and consideration.

*Albert Kahiwhiwaokalani Haa, Jr. 2-22-09*

**Albert Kahiwhiwaokalani Haa, Jr.**

**Great -Great-Great Grandson of KAMEHAMEHA THE THIRD**

**Representative for The Family of Kauikeaouli and the Hawaiian People by Blood and Genealogy for return of our National (Government) and Private (Ohana) Lands; for protection of the rights of all Hawaiian People, and Hawaiian Nationals who are People of are all races of people.**

P.O. Box 1321

Hilo, Hawaii 96721

Telephone # (808) 333-5865

Dated: Feb. 25, 2009

Witnessed: *Shelley Clyde Stephens / Stevens 2-22-09*

Witnessed: *William M. Kuanuo Sr. 2-22-2009*

Witnessed: *John A. Kuanuo Jr. 2-22-09*



# KO'OLAUPOKO HAWAIIAN CIVIC CLUB

March 4, 2009

**LATE TESTIMONY**

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

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

SUBJECT: S.B. 1677, S.D. 1, Relating to Lands Controlled by the State

Aloha mai kakou.

The Ko'olaupoko Hawaiian Civic Club supports Senate Bill 1677, Senate Draft 1, but urges the Legislature to consider, instead, legislation that clearly establishes a moratorium on the sale or transfer of Hawaiian trust lands under the control of the State of Hawai'i.

It is our concern that this particular approach to resolving the concerns over alienation of these trust lands may send a signal to the U.S. Supreme Court that the Hawaiian people – and the people of Hawai'i – are okay with such transactions, even though Native Hawaiian land claims have not yet been resolved.

We attended last week's oral arguments before the U.S. Supreme Court in Washington, D.C., and we noted that many of the Justices were clearly questioning whether these issues could better have been resolved by the Hawai'i State Legislature.

Our message to you is that, indeed, your actions here in the State Capitol are being monitored closely by the most powerful court in the United States. We hope you are clear that justice for the Hawaiian people must begin here on this 'aina, in this place called the State of Hawai'i.

Mahalo for this opportunity to share our mana'o.

P. O. Box 664  
Kaneohe, HI 96744  
Ph. (808) 235-8111  
[malamapono@aol.com](mailto:malamapono@aol.com)  
[www.koolaupokohcc.org](http://www.koolaupokohcc.org)



**LATE TESTIMONY**

**SB 1677, SD 1  
RELATING TO LANDS CONTROLLED BY THE STATE**

**House Committee on Hawaiian Affairs**

March 4, 2009  
Room 329

9:30 a.m.

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Aloha Chair Carroll, Vice Chair Shimabukuro, and Members.

We offer the following comments on this bill:

OHA prefers a bill that would impose a full moratorium. On the other hand, OHA also prefers a moratorium bill that requires a two-thirds majority vote of each house of the Legislature to sell or exchange ceded lands, to no moratorium bill at all.

Mahalo for the opportunity to testify.

# LATE TESTIMONY

Name: Kelly Anne Beppu

March 4, 2009 at 9:30am

Re: Senate Bill 1677 - TESTIMONY IN SUPPORT

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Dear Madam Chair Carroll and Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs,

PLEASE PASS THIS BILL SB1677!!!

Hawaiian lands were never ceded, they were stolen and taken illegally. Not only was this action illegal, it was immoral, as well. The State of Hawaii has no jurisdiction over these "ceded lands" and should have no say over what is done with them. I urge that SB1677 be passed so that the sale of "ceded lands" is prohibited.

Think about the values that you want our children and the next generations to be raised with. By allowing the State of Hawaii to sell these "ceded lands" we are teaching our children that is acceptable to lie, deceive, and steal. I know I don't want my children growing up under a government that values those things.

It would be better if this bill could be amended to PROHIBIT ALL SALE OF CEDED LANDS, regardless of what the majority of the legislature votes.

Please pass SB1677, for our future as Hawaiians depends on it.

Mahalo nui,

Kelly Anne Beppu, Graduate Student

Myron B. Thompson School of Social Work

March 3, 2009

**LATE TESTIMONY**

TO: Madam Chair Carroll and Madam Vice Chair Shimabukuro  
And members of the House Committee on Hawaiians Affairs

FROM: Brandee Aukai

RE: SB1677

Aloha mai e Madam Carroll, Vice Chair Shimabukuro and members of the House Committee on Hawaiian Affairs. 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 Hawaii. **I AM TESTIFYING IN SUPPORT OF SB1677.**

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 SB1677! Mahalo nui for the opportunity to testify on this measure.

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

To: Committee On Hawaiian Affairs  
Rep. Mele Carroll, Chair  
Rep. Maile Shimabukuro, Vice Chair

**LATE TESTIMONY**

From: Dexter Keeaumoku Kaiama

Date: March 3, 2009

Re: Testimony Concerning SB 1677, SD1 – Relating To Lands Controlled By The State

Aloha Chairperson Carroll, Vice Chair Shimabukuro and members of the committee,

Let me first extend my mahalo and great appreciation to the legislative members of the Hawaiian caucus for their efforts to preserve and prohibit the sale or exchange of the Hawaiian Crown and Government lands, currently controlled by the State of Hawai'i, until (all) claims to these lands have been resolved.

Despite my appreciation for how you have efforted to meet your kuleana concerning this important issue, I cannot provide my complete support of this bill for the following reasons:

1. It is my opinion that SB 1677, in its current version, continues to be in violation of the Hawai'i Supreme Court Ruling in OHA v. HCDC of Hawai'i, 117 Hawai'i 174, 177 P.3d 884 (2008) insofar as this bill authorizes the sale or exchange of "ceded" lands without ever having to resolve the Hawaiian claims to said lands;
2. In other words, SB 1677 would authorize the State to sell or exchange ALL OF THE Hawaiian Crown and Government lands simply by obtaining a 2/3 majority vote of both houses and NEVER HAVE TO RESOLVE the Hawaiian claims to these lands – a result that undermines any genuine spirit of reconciliation and one that was not contemplated and clearly not authorized by the Hawai'i Supreme Court under OHA v. HCDC of Hawai'i;
3. Accordingly, passage of SB 1677, in its current version, will only invite further litigation each and every time the State seeks to sell or exchange Hawaiian Crown and Government lands currently under its control.

Accordingly, I respectfully recommend that SB 1677 be revised to delete all language that authorizes the legislature to sell or exchange said lands and instead simply prohibits the sale or exchange of Crown and Government lands ("ceded") until (all) Hawaiian claims to said lands are resolved.

IN THE ALERNATIVE, should this proposal continue to move towards passage by the full legislature, I would ask for the inclusion/addition of language that:

Committee On Hawaiian Affairs

Rep. Mele Carroll, Chair

Rep. Maile Shimabukuro, Vice Chair

March 3, 2009

Re: Testimony of Dexter Keeaumoku Kaiama on SB 1677

Page 2

1. First requires and/or obligates the legislature to hold public hearings in the Hawaiian communities in order to obtain the (Hawaiian) communities' approval for each such proposed sale or exchange of "ceded" lands; and
2. Notwithstanding any law to the contrary, Sections 171-A and 171-B would also include language which prohibits any individual, corporation or any other entity (government or private), including, but not limited to, lands transferred to or otherwise held by the Office of Hawaiian Affairs (OHA) from selling or exchanging "ceded" lands until Hawaiian claims are resolved.

Finally, with all due respect to this committee, it is my kuleana to notify (or further confirm with) that the very existence of the State of Hawai'i and its continuing assertion of control is illegal, in excess and contravention of authority provided under U.S. constitution and in violation of international law. State law has already recognized this illegality.

Accordingly, resolution of Hawaiian claims and true reconciliation must include repudiation and overturning of the illegal acquisition by the U.S./State of Hawai'i and restoration of the Hawaiian Kingdom/Government.

Mahalo nui, malama pono,

Dexter Keeaumoku Kaiama  
735 Bishop Street, #419  
Honolulu, Hawai'i 96813  
Tel. No. (808) 526-3239

**Rep. Maile Shimabukuro**

---

**From:** Fidel Gutierrez [fidelgut@yahoo.com]  
**Sent:** Tuesday, March 03, 2009 9:51 PM  
**To:** HAWtestimony  
**Subject:** Senate Bill 1677

**LATE TESTIMONY**

Name: Madam Chair Carroll  
Committee: House Hawaiian Affairs Committee  
Date/Time of hearing: March 4, 2009 at 9:30am  
Re: Senate Bill 1677 - TESTIMONY IN SUPPORT

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Dear Madam Chair Carroll and Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs:

My name is Fidel Gutierrez. I submit written testimony in strong support of Senate Bill 1677. Unfortunately, Senate Bill 1085, at the time of this writing, has not yet been passed out of all its Senate committees. Senate Bill 1085, apparently, is stalled at the Judiciary and Government Operations committee, chaired by Senator Brian Taniguchi.

Senate Bill 1677 may be our only hope this legislative session to protect the so-called ceded lands from being sold. It is important that the "ceded" lands be protected from sales so that the unrelinquished claims of Native Hawaiians can be resolved.

Senate Bill 1677 does not explicitly provide a moratorium, but its two-thirds requirement to sell ceded lands provides a mechanism for restricting the sale of such lands. We must support legislation that protects the "ceded" lands.

Recently, our legislature passed a resolution that urged Governor Lingle to withdraw the "ceded" lands case from U.S. Supreme Court. Perhaps more importantly, the resolution provided that "the Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court" in its January 31, 2008, landmark ruling. Although Senate Bill 1677 falls short of re-affirming our highest state court's decision, Senate Bill 1677 in effect provides some protection of these lands.

Please pass Senate Bill 1677. Thank you for the opportunity to provide testimony.

Fidel Gutierrez



send this via e-mail to [HAWtestimony@capitol.hawaii.gov](mailto:HAWtestimony@capitol.hawaii.gov)

Name: Kimmer Horsen  
Committee: House Hawaiian Affairs Committee  
Date/Time of hearing: March 4, 2009 at 9:30am  
Re: Senate Bill 1677 - TESTIMONY IN SUPPORT

LATE TESTIMONY

-----  
Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs:

My name is (enter name here). I submit written testimony in strong support of Senate Bill 1677. Unfortunately, Senate Bill 1085, at the time of this writing, has not yet been passed out of all its Senate committees. Senate Bill 1085, apparently, is stalled at the Judiciary and Government Operations committee, chaired by Senator Brian Taniguchi.

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Please pass Senate Bill 1677. Thank you for the opportunity to provide testimony.

Sincerely,

Kimmer Horsen

**Rep. Maile Shimabukuro**

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**From:** Ikaika Kon [ikaikaz1@yahoo.com]  
**Sent:** Wednesday, March 04, 2009 12:49 AM  
**To:** HAWtestimony  
**Subject:** " Ceded Lands "

**LATE 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 Ikaika Kon. 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,

Ikaika Kon

HAWtestimony@capitol.hawaii.gov

# LATE TESTIMONY

Name: Bryce Spencer-Kealamakia  
Committee: House Hawaiian Affairs Committee  
Date/Time of hearing: March 4, 2009 at 9:30am  
Re: Senate Bill 1677 - TESTIMONY IN SUPPORT

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Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs:

My name is Bryce Spencer-Kealamakia, I am submitting written testimony on 3/2/09 in strong support of Senate Bill 1677. Unfortunately, Senate Bill 1085, has not yet been passed out of all its Senate committees. Senate Bill 1085, apparently, is stalled at the Judiciary and Government Operations committee, chaired by Senator Brian Taniguchi.

Senate Bill 1677 is our only hope to protect the so-called ceded lands from being sold. I ask you this, how can you sell something that is not yours in the first place? The state motto of Hawaii adopted in 1959 reads: "Ua mau ke ea o ka aina I ka pono" ... "The life of the land is perpetuated in righteousness." (Picture provided) What a mockery! You have it on the state seal but do not honor it when you decide to sell ceded lands. That is not pono. It is of utmost importance that the "ceded" lands be protected from sales so that the claims of Native Hawaiians can be resolved.



Senate Bill 1677 does not explicitly provide a moratorium, but its two-thirds requirement to sell ceded lands provides a mechanism for restricting the sale of such lands. We must support legislation that protects the "ceded" lands.

Recently, our legislature passed a resolution that urged Governor Lingle to withdraw the "ceded" lands case from U.S. Supreme Court. Perhaps more importantly, the resolution provided that "the Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court" in its January 31, 2008, landmark ruling. Although Senate Bill 1677 falls short of re-affirming our highest state court's decision, Senate Bill 1677 in effect provides some protection of these lands.

Please pass Senate Bill 1677. Thank you for the opportunity to provide testimony.

Sincerely,

Bryce Spencer-Kealamakia