

TESTIMONY
SCR 40/SR 25

2 SR 75

SCR40, Urging the Governor and the AG to **DO WHAT'S RIGHT**
WTL; Chair, Sen Hee

I STRONGLY SUPPORT THIS RESO!

I appreciate very much the use of a variety of tactics to get the Gov and AG to do the right thing. But they are caught in a trap of racism of their own making. They have committed a sin against the Kanaka Maoli and their supporters by attempting to, once again, steal native lands! This is like the not-so-great Mahele where the peoples' lands were sold to the haole and the rich; the only difference is the date!

I urge passage of this reso and any other legislation that might help in the struggle against these new age robber barons!

Thank you.

Aloha, joel

Dr. Joel Fischer, ACSW
President, 19-3, Democratic Party

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

HPACH
919 4th Street
Pearl City, Hawaii 96782

February 17, 2009

Senator Clayton Hee, Chair
Senator Jill N. Tokuda, Vice Char
And Committee Members on Water, Land, Agriculture and Hawaiian Affairs

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair

House of Representatives, 2009 Legislature Session
State of Hawaii

Subject: SCR 40/SR 25 URGING THE GOVERNOR AND THE
ATTORNEY GENERAL TO WITHDRAW THE APPEAL TO THE
UNITED STATES SUPREMEM COURT OF THE HAWAII STATE
SUPREME COURT DECISION , OFFICE OF HAWAIIAN AFFAIRS V.
HOUSING AND COMMUNITY DEVELOPMENT CORPORTATION OF
HAWAII, 117 HAWAII 174 (2008) SUPPORT

ALOHA Kakou,

My name is Richard Pomaikaiokalani Kinney. On January 17, 1003 after reading Public Law 1-3-150 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 the 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 SUPPORT the passage of SCR 40/SR 25.

Public Law 103-150 is more then just an Symbolic Resolution. It is an admission of Guilt by the United States. That United States had conspired to overthrow the lawful government of the Hawaiian Kingdom.

All actions that followed the invasion and occupation of the Hawaiian Kingdom since January 16, 1893 are Acts of War and immoral.

The self-declared Republic of Hawaii, the Territory of Hawaii and the

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SCR 40/SR 25

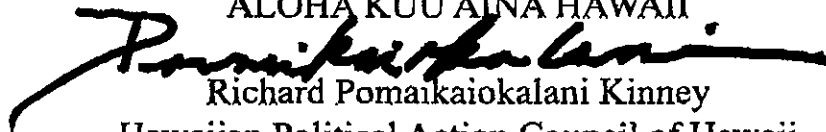
State of Hawaii are all founded and based on that Hawaiian Day of Infamy of January 16, 1893.

Under both the Territory and State of Hawaii, the Sovereign National lands of the Hawaiian Kingdom has been fraudulently administrated for over 109 years.

Mahalo Nui for allowing me to give testimony on these very important Resolutions.

Attachment: Renouncement Documents

ALOHA KUU AINA HAWAII



Richard Pomaikaiokalani Kinney

Hawaiian Political Action Council of Hawaii

87-168 Maaloo Street

Waianae, Hawaii, 96792

Email: HIAWAII@aol.com

HPACH

919 4th Street
Pearl City, Hawaii 96782

STATE OF HAWAII
City and County of Honolulu } ss.

I, Henry Richard Kinney, Jr., a Native Hawaiian descendant and Sovereign, born on December 26, 1938 at Queen's Hospital in Honolulu, Hawaii, do hereby renounce my citizenship to the United States of America as of 6 P.M. Hawaiian Standard Time on January 17, 1993.

I protest against any and all acts done against my native country, the Hawaiian Kingdom and its constitutional sovereign, Queen Liliuokalani by United States troops on January 17, 1893.

the
the

Now, to avoid any collision of arrest from agents of the United States, and perhaps the loss of my life and freedom, I seek the full independence of the Hawaiian Islands as an independant nation of the Free World.

the

Henry R. Kinney

Henry R. Kinney, Jr.
731 McCully Street
Honolulu, Hawaii
96826

Subscribed and sworn to before me this
15th day of January, 1993

Sam H. O'Brien

Notary Public, First Judicial Circuit
State of Hawaii

MY COMMISSION EXPIRES 6-1-96

ls

Caren Diamond
P. O. Box 536
Hanalei, Hi. 96714
February 16, 2009

Testimony in Strong Support SCR40, *CSR 75*

WTL, JGO

Room: 211
Hearing Date 2/17/2009
3:15 PM

Aloha Committee Members,

Please support this important resolution, urging the Governor to withdraw the appeal to the US Supreme Court. Keep Hawaiian Lands in Hawaiian Hands.

Mahalo for your support, Caren Diamond

From: Noa Napoleon [freeoceanaxs@yahoo.com]
Sent: Monday, February 16, 2009 9:52 AM
To: WTLTestimony
Cc: JUDtestimony
Subject: SCR 40

Noa Napoleon
1750 Kalakaua Ave #103
Honolulu Hawaii 96815

Testimony in **Support** of SCR 40 and SR 25

Urges the Governor and the Attorney General to withdraw United States Supreme Court appeal of the Hawaii Supreme Court decision on ceded Lands

Hearing date: Feb 17, 2009
Time: 3:15
Rm 211

Senate Committees on Water, Land, Agriculture and Hawaiian Affairs/
Judiciary and Government Affairs

Good afternoon Chairs Hee, Taniguchi, and Committee members,

I support SCR 40 and SR 25! I urge Senators to listen carefully to the recommendations of the Hawaiian community regarding this important issue. I note that this committee had heard from Hawaiian leaders on this matter at a prior press conference where it was suggested that you incorporate into this legislation specific language about protection of our national lands and claims. In my testimony on SB 475 regarding "Lands Controlled by the State" I attempted to point to out that a fundamental conflict of interest lies at the heart of this question about whether the state can sell ceded lands. I also pointed out how OHA has failed to outline alternatives to the Akaka bill which many Hawaiians feel only further complicates and obscures the path of justice outlined in the 1993 Apology Resolution. Let us be very clear, Kanaka Maoli never relinquished their National sovereignty, and no treaty of annexation was ever lawfully enacted by Congress giving over our national lands to the United States. Avoiding this critical history will only muddy the waters and make reconciliation and justice impossible. This is a critical moment in history and I urge legislators not to overreach in terms of setting new policy that may only further frustrate the goal we all share to end injustice. I applaud you for your courage to challenge the Governor and for taking up the plight when it could have been just as easy to go along with the status quo. I would also alert Senators that House and Senate bills seeking to commercialize state harbors (submerged lands etc.) must also be carefully scrutinized for the same reasons you have questioned the Executive branch on the ceded lands issue. Please stop the land grab bills before its too late!!

Mahalo, Noa Napoleon

Dear Senators:

SCR40 + SR25

I support these Bills because they are decisions to be worked out within the state's internal sovereign kuleana and doesn't involve the federal decision. What the Governor and Attorney General is asking is a loaded question pertaining to Hawai'i's unique status that would have to bear down on an international issue of U.S. belligerent occupation and violations of such international laws. The governor's intent forces the international issue to come to the fore and basing it on the Newlands Resolution will, in fact, question the validity of such an act making it null and void.

Contesting the mechanics and voting process of statehood will again put that status in jeopardy by making it null and void. Under national and international laws, these are internal acts of the United States of America; actions illicit under U.S. constitution laws which does not apply to Hawai'i as a foreign country. October 4, 1988, the Opinions of the Office of Legal Counsel of U.S. Department of Justice, determined there is no authority Congress can point to that authorizes legislation for native Hawaiians, let alone the Hawaiian Islands as a whole.

They concluded: " It is therefore unclear which constitutional power Congress exercised when it acquire Hawai'i by joint-resolution. Accordingly, it is doubtful that the acquisition of Hawai'i can serve as an appropriate precedent for a congressional assertion of sovereignty over an extended territorial sea." U.S. Representative Ball thus characterized the effort to annex Hawai'i by joint resolution after the defeat of the treaty as " a deliberate attempt to do unlawfully that which cannot be lawfully done." *Id.*

Mahalo in all you do,

Tane

AKA: David M.K. Inciong, II

1107 Acacia Road #113
Pearl City, HI 96782-2581

(808) 456-5772



Senate Concurrent Resolution No. 40 & Senate Resolution 25
URGING THE GOVERNOR AND THE ATTORNEY GENERAL TO WITHDRAW
THE APPEAL TO THE UNITED STATES SUPREME COURT OF THE HAWAII
STATE SUPREME COURT DECISION, OFFICE OF HAWAIIAN AFFAIRS V.
HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII,
117 HAWAII 174 (2008)

Senate Committee on Water, Land, Agriculture, and Hawaiian
Affairs
Senate Committee on Judiciary and Government Operations

February 17, 2009
Room 211

3:15 p.m.

Aloha Chairs Hee and Taniguchi, Vice Chairs Tokuda and
Takamine, and Members. OHA supports Senate Concurrent
Resolution No. 40. + SR 25

This resolution would urge the Governor to withdraw the State's appeal to the U.S. Supreme Court of a unanimous ruling by the Hawai'i Supreme Court that the State possesses a fiduciary duty to preserve the corpus of the public land trust, specifically the ceded lands, until such time as the "unrelinquished claims" of Native Hawaiians to these lands are resolved.

The resolution supports the ruling of the State's highest court. By taking the action urged by the resolution, the Governor would help maintain the status quo and ensure that the public land trust is preserved in order to ensure a fair and just settlement leading to reconciliation with the Native Hawaiian people.

We urge your Committees to respond favorably to this resolution.

Mahalo for the opportunity to testify.



KAMEHAMEHA SCHOOLS

Tuesday, February 17, 2009

WRITTEN TESTIMONY TO

THE SENATE COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS
AND THE SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

BY

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

Re: SCR 40 and SR 25 – URGING THE GOVERNOR AND THE ATTORNEY GENERAL TO WITHDRAW THE APPEAL TO THE UNITED STATES SUPREME COURT OF THE HAWAII STATE SUPREME COURT DECISION, OFFICE OF HAWAIIAN AFFAIRS V. HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII, 117 HAWAII 174 (2008).

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 these resolutions, both of which urge the Governor and the Attorney General to withdraw the appeal to the United States Supreme Court of the Hawaii State Supreme Court Decision, Office of Hawaiian Affairs v. Housing and Community Development Corporation of Hawaii. We believe that ceded lands, the subject matter of the appeal, is best resolved without involvement by the U.S. Supreme Court. 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 Liliuokalani 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 taken 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 the 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.

February 15, 2009

TO: Senator Clayton Hee, Chairman; Senator Jill Tokuda, Vice Chair; and Members of the Committee on Water, Land, Agriculture, and Hawaiian Affairs

Senator Brian Taniguchi, Chairman; Senator Dwight Takamine, Vice Chair; and Members of the Committee on Judiciary and Government Operations

FROM: Kelly Anne Beppu

RE: SCR40

Aloha,

My name is Kelly Anne Beppu and I am a MSW student at UH-Manoa.

I SUPPORT the passing of SCR40.

One must understand the complex history of Hawaii to have any chance at understanding the ceded lands issue. The United States Supreme Court is not capable of making the appropriate and informed decision on this issue, because it only knows surface level information about Hawaii. If this appeal goes through, the decision of the U.S. Supreme Court, if in favor of selling ceded lands, would be detrimental to not only Native Hawaiians, but also all those who call Hawaii their home.

But, not only is this a slap in the face to the people of Hawaii, it is a slap in the face to the Hawaii State Supreme Court. With blatant disregard for her own Supreme Court's intellect, knowledge base, and final decision, the Governor's appeal to the United States Supreme Court is degrading and should be frowned upon. We should be confident, that the decision by the Hawaii State Supreme Court is one that will benefit the people of Hawaii, as a whole. The people of Hawaii, not the U.S. Supreme Court know what's best for Hawaii.

This action by the Governor will only serve to furthermore put a strain upon any type of reconciliation between the Native Hawaiian people and the State of Hawaii, which is why I ask that you **pass this SCR40** and ask that the Governor and Attorney General to reevaluate their choice.

Thank you for the opportunity to testify.

Mahalo,

Kelly Anne Beppu

February 16, 2009

TO: Senator Clayton Hee, Chairman
And members of the Senate Water, Land, Agriculture and Hawaiian Affairs Committee

FROM: Brandee Aukai

RE: SCR40 & SR25. Urging Governor Lingle and Attorney General to withdrawal appeal to the United States Supreme Court of the Hawaii State Supreme Court decision, Office of Hawaiian Affairs v. Housing and Community Development Corporation of Hawaii, 117 Hawaii 174 (2008)

Aloha mai e Chairman Hee and members of the Senate Water, Land, Agriculture and Hawaiian Affairs Committee, my name is Brandee Aukai and I am 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 SCR40 & SR 25 Relating to Governor Lingle and Attorney General's withdrawal of appeal to the United States Supreme Court.

The Hawaii Supreme Court has made its decision on stopping the State of Hawaii's sale of 'ceded lands.' Governor Lingle and the Attorney General should respect the decision of the Hawaii Supreme Court. To appeal to the United States Supreme court, a court that has no concept of the issues that pertain to Hawaii and its people is blatant disregard for the very people who elected the Governor into office.

Governor Lingle and the Attorney General has said that Native Hawaiians have a "moral claim to the ceded lands, but not a legal one." This statement in itself shows the people of Hawaii just what kind of people Governor Lingle and her administration are. When she took the oath to become Governor of the State of Hawaii, she took on the responsibility of having to care for her people. If there is a moral claim to the land by Native Hawaiians, then Governor Lingle and her administration should know that it is the right thing for the land to go back to the Native Hawaiians. To do otherwise would be hewa, or not "pono" (a word that she has used many times to benefit herself).

I urge you to support SCR40 & SR25. Mahalo nui for the opportunity to testify on this measure.

Me ka ha'aha'a,
Brandee Aukai

TESTIMONY
SCR 40/SR 25
(END)