



SB 1520, SD2, HD2
RELATING TO GOVERNMENT
House Committee on Finance

April 5, 2011

3:30 p.m.

Room 308

The Office of Hawaiian Affairs (OHA) offers the following comments on SB 1520, SD2, HD2, which states in its Section 2: "The Native Hawaiian people are hereby recognized as the only indigenous, aboriginal, maoli people of Hawaii":

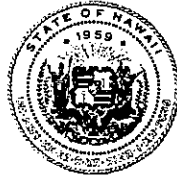
OHA supports state recognition of Native Hawaiians provided that it does not diminish efforts to pursue and obtain federal recognition.

As to the specifics of state recognition, OHA has been carefully considering possible approaches, including SB 1520, SD2, HD2, so as to be able to continue to offer constructive suggestions as this legislative session proceeds. We look forward to continuing to communicate with our beneficiaries, legislators and other public officials, our advisors, and others about how best to approach state and federal recognition.

We appreciate the willingness of our legislators to not only listen to, but to also incorporate into this bill, many of the public's perspectives. We are encouraged by the open and full dialogue on the very important topics of state recognition and federal recognition.

Mahalo for the opportunity to testify on this important measure.

NEIL A. BERCROMBIE
GOVERNOR
STATE OF HAWAII



ALBERT "ALAPAKI" NAHALE-A
CHAIRMAN
HAWAIIAN HOMES COMMISSION

ROBERT J. HALL
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY OF ALAPAKI NAHALE-A, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE HOUSE COMMITTEE ON FINANCE ON

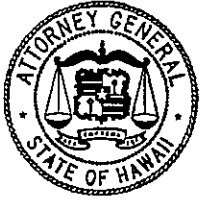
SB 1520 SD 2 HD 2, RELATING TO GOVERNMENT

April 5, 2011

Aloha Chair Oshiro, Vice-Chair Lee and Members of the Committee:

The Department of Hawaiian Home Lands (DHHL) supports the purpose and intent of SB 1520 SD 2 HD 2 which provides for a reorganization process for a Native Hawaiian governing entity and for the State of Hawaii's recognition of this entity.

DHHL has supported the various versions of the Native Hawaiian Government Reorganization Act that have been vetted in the U.S. Congress since 2000. The premise for DHHL supporting this federal legislation was achieving federal recognition to protect the Hawaiian Home Lands trust from 14th Amendment legal challenges and to advance Native Hawaiian self-governance and self-determination. We do support state recognition of a Native Hawaiian entity as an intermediate step for Native Hawaiians to ultimately achieve federal recognition, however, our department must further study this measure and engage in consultation with our beneficiaries to fully understand its impact to our trust and its legal implications. Mahalo for the opportunity to testify.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2011**

ON THE FOLLOWING MEASURE:

S.B. NO. 1520, S.D. 2, H.D. 2, RELATING TO GOVERNMENT.

BEFORE THE:

HOUSE COMMITTEE ON FINANCE

DATE: Tuesday, April 5, 2011 **TIME:** 3:30 p.m.

LOCATION: State Capitol, Room 308

TESTIFIER(S): David M. Louie, Attorney General, or
Charleen M. Aina, Deputy Attorney General

Chair Oshiro and Members of the Committee:

The Attorney General supports the passage of this measure.

We suggest, however, that section 1 be shortened to include only the last paragraph of the section, and that that paragraph be revised on page 6, at line 11, to provide: "ultimately, formal federal recognition of that governing entity" instead of "ultimately, the federal recognition of Native Hawaiians." We have asserted on behalf of the State, and Congress and the courts have already recognized and confirmed, that Native Hawaiians are the indigenous people of Hawaii.

Aha Kiole Advisory Committee



TESTIMONY IN SUPPORT OF SB 1520, SD2, HD2

RELATING TO NATIVE HAWAIIANS

Submitted to the Committee on Finance

April 5, 2011

3:30 p.m.

3:30 p.m.

Submitted by: The Aha Kiole Advisory Committee (AKAC): Vanda Hanakahi, Moloka'i (Chair), Leslie Kuloloio, Kahoolawe, (Vice-Chair); Timmy Bailey, Maui; Winifred Basques, Lana'i; Pi'ilani Ka'awaloa, (Po'o) Hawai'i; Charles Kapua, O'ahu; Sharon Pomroy, Kaua'i; Keith Robinson, (Konohiki) Ni'ihau.

Aloha Chair Oshiro, Vice-Chair Lee and Members of the Committee,

Thank you for the opportunity to testify in support of S.B. 1520 SD 1, HD 2, the bill that recognizes that the Native Hawaiian people are the only indigenous, aboriginal, maoli people of Hawai'i.

The Aha Kiole Advisory Committee (AKAC) and the Aha Moku System is comprised of Native Hawaiian natural and cultural resource practitioners – experts in traditional resource methodology handed down from generation to generation who still reside in the 43 traditional moku of Hawai'i. These are the Native Hawaiians who have actively kept and practiced their traditional methods of resource protection and sustainability throughout the generations. These are the Native Hawaiians who will be deeply affected by this bill.

S.B. 1520 provides the recognition by the State of Hawaii, long overdue of the Native Hawaiian people and we urge you to support the passage of S.B. 1520 SD1 HD2.

Mahalo nui loa,

Vanda Hanakahi, Chair, Moloka'i

Aha Kiole Advisory Committee

P.O. Box 507

Ho'olehua, HI 96729

Phone: 808-336-6184

kaiwilauula@yahoo.com



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Founder/Legislative Director

**TESTIMONY ON SENATE BILL 1520, SENATE DRAFT 2, HOUSE DRAFT 2,
RELATING TO GOVERNMENT**

**House Committee on Finance
Hon. Marcus R. Oshiro, Chair
Hon. Marilyn B. Lee, Vice Chair**

**Tuesday, April 5, 2011, 3:30 PM
State Capitol, Conference Room 308**

Honorable Chair Oshiro and committee members:

I am Kris Coffield, representing the IMU Alliance, a nonpartisan political advocacy organization that currently boasts over 60 local members. On behalf of our members, we offer this testimony in support of SB 1520, SD2, HD2, relating to government.

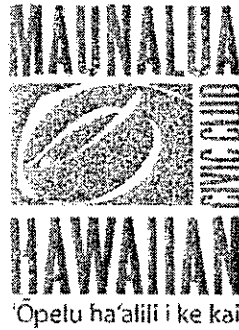
One of the most conspicuous and shameful gaps in Hawaii state law is the lack of any statute defining Native Hawaiians as the official, and only, indigenous people of our island home. Thankfully, this measure would *finally* rectify that discrepancy. The merits of such a move have been argued by Hawaiian scholars and indigenous activists in so complete and competent a manner as to leave scarcely anything to say. American colonialism, epitomized by the illicit overthrow of the Hawaiian monarchy, in 1893, and consummated in the ensuing annexation of the islands, in 1898, left the Hawaiian people dispossessed, disenfranchised, and marginalized. Over time, that dispossession has been manifested in economic and social strife, as Native Hawaiians suffer disproportionate rates of incarceration, poverty, alcoholism, heart disease, and illness, when compared to the general population. According to the U.S. Department of Health and Human Services, for example, Native Hawaiians and Pacific Islanders are 30 percent more likely to be diagnosed with cancer than non-Hispanic Caucasians, and are 5.7 times more likely to die from diabetes. With regard to education, approximately 10 percent of Native Hawaiians attain a college degree, compared with 27 percent of Caucasians. Undoubtedly, myriad socioeconomic factors play a role in the continued struggles of the Hawaiian community. In a very real sense, however, all of those factors can be located in the theft of land and suppression of culture that was perpetrated by the

federal government. Thus, at this point, the need for recognition of Hawaiians' unique political position as the archipelago's native people should be self-evident.

Additionally, the IMUAlliance encourages the committee to view this measure as a companion to SB1, SD2, HD2, relating to the state recognition of the Native Hawaiian people, their lands, entitlements, health, education, welfare, heritage, and culture, which sets forth a process for establishing self-governance for qualified Native Hawaiians. Please do not usurp the will of our state's indigenous population by merely passing SB 1520, SD2, HD2, a bill that, while necessary to right a historical wrong, does little to ensure self-determination within the realm of popular politics.

Mahalo for the opportunity to testify in support of this bill.

Sincerely,
Kris Coffield
Legislative Director
IMUAlliance



April 4, 2011

Testimony in support of SB1520 SD2 HD2, Relating to Government

Submitted to: The Committee on Finance

From: Kitty M. Simonds, President Maunalua Hawaiian Civic Club

Aloha Representative Oshiro and members of the Committee on Finance,

SB1520 proposes the creation of a nine member commission as a first step in the creation of an interim first nation government. We support the intent of the bill and applaud this Senate for taking the initiative and responsibility to finally fully explore this issue.

The Maunalua Hawaiian Civic Club will be active in this initiative as an advocate for the proper management of natural and cultural resources and an advocate for perpetuation of Hawaiian values and practices.

Maunalua Hawaiian Civic Club
P.O. Box 240388. Aina Haina Station
Honolulu, Hawai'i 96824

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, April 02, 2011 6:13 AM
To: FINTestimony
Cc: Ken_Conklin@yahoo.com
Subject: Testimony for SB1520 on 4/5/2011 3:30:00 PM

Testimony for FIN 4/5/2011 3:30:00 PM SB1520

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Kenneth R. Conklin, Ph.D.
Organization: Individual
Address:
Phone:
E-mail: Ken_Conklin@yahoo.com
Submitted on: 4/2/2011

Comments:

The clear purpose of the bill is to authorize the creation of an entity with governmental powers, but restricted to people who have at least one drop of Hawaiian native blood.

That racist concept is unconstitutional under the equal protection clause of the 14th Amendment of the U.S. Constitution. Since all legislators have taken an oath to support and defend the U.S. Constitution, any legislator who votes in favor of this bill has thereby violated that oath and must resign from office.

The concept of this bill also violates the first sentence of the first Constitution of the Kingdom of Hawaii, sometimes called the "kokokahi" (one blood) sentence, which proclaimed "Ua hana mai ke Akua i na lahuikanaka a pau i ke koko hookahi, e noho like lakou ma ka honua nei me ke kuikahi, a me ka pomaikai." In English, it can be translated into modern usage as follows: "God has made of one blood all races of people to dwell upon this Earth in unity and blessedness." What a beautiful and eloquently expressed concept! SB1520 is an ugly and disgusting violation of that kokokahi sentence.

King Kamehameha III wrote the kokokahi sentence as the first sentence of his Declaration of Rights in 1839, which was then incorporated in its entirety to become the preamble of the Constitution of 1840. In making that proclamation the King exercised sovereignty and self-determination on behalf of his native people, and on behalf of all people of all races who were subjects and residents of his Kingdom.

Today's Hawaiians are ethically bound to respect the wisdom of their ancestors. They are also legally and morally bound to respect the full partnership between natives and non-natives which enabled the Kingdom to be established and to thrive. All subjects of the Kingdom were fully equal under Kingdom laws, regardless of race, including voting rights and property rights. When partners work together in full equality to create and sustain a business or nation, it is morally and legally wrong for one partner to toss out or set aside or segregate other partners.

A zealous minority within the ethnic Hawaiian minority demands racial separatism. Should we allow that? Will you legislators be accomplices to such evil?

Consider the historical struggle for identity within the African-American community. Elijah Muhammad's Nation of Islam, and the early Malcolm X, advocated racial separatism and portrayed the white man as a devil. Some radicals called for setting aside several southern

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, April 03, 2011 4:54 PM
To: FINTestimony
Cc: garrypsmith@juno.com
Subject: Testimony for SB1520 on 4/5/2011 3:30:00 PM

Testimony for FIN 4/5/2011 3:30:00 PM SB1520

Conference room: 308
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Garry P. Smith
Organization: Individual
Address:
Phone:
E-mail: garrypsmith@juno.com
Submitted on: 4/3/2011

Comments:

Please stop this bill. The United States Supreme Court has ruled on two separate occasions that native Hawaiians are a race of people not a political group. To provide a separate government will only lead to another ruling after much expense that tells the state to quit applying laws differently for native Hawaiians as it does for other races. We do not need more unconstitutional laws passed by the legislature that only provides full employment for lawyers to take to the U.S. Supreme Court and the state end up paying for their time. Native Hawaiians are not American Indians, they are not a separate government. Stop trying to pass laws which are not going to pass constitutional scrutiny.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, April 03, 2011 7:25 PM
To: FINTestimony
Cc: jalna.keala2@hawaiiantel.net
Subject: Testimony for SB1520 on 4/5/2011 3:30:00 PM

Testimony for FIN 4/5/2011 3:30:00 PM SB1520

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: jalna keala
Organization: Association of Hawaiian Civic clubs
Address:
Phone:
E-mail: jalna.keala2@hawaiiantel.net
Submitted on: 4/3/2011

Comments:

The Association of Hawaiian Civic Clubs supports SB1520 SD2 HD2. This recognition for Hawaiians in Hawaii is long overdue. Mahalo

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 04, 2011 8:36 PM
To: FINTestimony
Cc: pkaleikini@hawaii.rr.com
Subject: Testimony for SB1520 on 4/5/2011 3:30:00 PM

Testimony for FIN 4/5/2011 3:30:00 PM SB1520

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: P. Kaanohi Kaleikini
Organization: Individual
Address:
Phone:
E-mail: pkaleikini@hawaii.rr.com
Submitted on: 4/4/2011

Comments:

I oppose this measure because, like the Federal level Akaka bill, they would set up a Native Hawaiian governing mechanism that would further ensnare and entrench Hawaii into the US system by turning the Hawaiian people into an American Indian tribe, "indigenous" to the US. This would further the US goal of extinguishing Hawaiian Nationals' claims to our lands and our national identity.

At this point the best arguments to use to to stop these bills from moving forward are:

Constitutionality - the state doesn't have the constitutional authority (Federal of State) to create a new tribal governing entity, operating on lands carved away and under separate laws from the state.

Cost - the state cannot afford to pay for setting up a new governing structure, give up revenue-producing lands, lose tax revenues from Native Hawaiians, etc. The cost to the state would be hundreds of millions of dollars.

Public input - such a radical shift in the structure of the state would require engaging public input and consensus building...something the Akaka bill avoided doing for the past 12 years.

A multi-stage process was already begun, years ago, but financially abandoned by the state just short of the convening of the Native Hawaiian Convention stage. Instead of starting all over by forming a new commission, the state need only to proceed and complete the existing process.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 04, 2011 8:33 PM
To: FINTestimony
Cc: botelhotina@yahoo.com
Subject: Testimony for SB1520 on 4/5/2011 3:30:00 PM

Testimony for FIN 4/5/2011 3:30:00 PM SB1520

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Tina BOTELHO
Organization: Individual
Address:
Phone:
E-mail: botelhotina@yahoo.com
Submitted on: 4/4/2011

Comments:

I am Tina wahine keanui nui okalani Botelho- I have been following this bill for a couple years now, i feel as though that the situation to this matter is a conflict between the people of the Oha and kingdom. I am not trying to aginst any one of my families or either or in this matter and subject it is to my knowledge that it will hurt the hawiians and the people of the U.S.A. in this matter . I am very hurt to this amtter of not being advised first from our familis the real things of these issues that came about with out any of them knowing , we should never start something with out asking , and also we should never have people pass a bill that will seperate , remember the covenant and the kingdom its promise to the Queen and her people. It has cause amny problems to alot of them , what about the people who donot have the blood quantams of 25% or higher , we are in trouble now. Please remember that the truth will always prevail. I am a u.s.a. citizen my families who bore before me are not, they are hawiiian territorial. Where is the justice to the Queen and her families. I have written to the President and also Senator on this matter. I want covenant and i want the truth and i want everything that they have promised our families and all of it back not just one thing i want it back as the promise. To restore back what has been promised to be given back when they told my Queen and ourfamilies. I am also the families of the gilman,My grandmais catherine uha gilman and my grandpa is daniel ahyenn hanakahi.

FINTestimony

From: mailinglist@capitol.hawaii.gov
sent: Tuesday, April 05, 2011 12:23 AM
To: FINTestimony
Cc: castanha@hawaii.edu
Subject: Testimony for SB1520 on 4/5/2011 3:30:00 PM

Testimony for FIN 4/5/2011 3:30:00 PM SB1520

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Tony Castanha
Organization: Individual
Address:
Phone:
E-mail: castanha@hawaii.edu
Submitted on: 4/5/2011

Comments:

Aloha, I oppose this bill, in part, for the following reasons:

- 1) Constitutionality - the state doesn't have the constitutional authority (Federal of State) to create a new tribal governing entity, operating on lands carved away and under separate laws from the state.
- 2) Cost - the state cannot afford to pay for setting up a new governing structure, give up revenue-producing lands, lose tax revenues from Native Hawaiians, etc. The cost to the state would be hundreds of millions of dollars.
- 3) Public input - such a radical shift in the structure of the state would require engaging public input and consensus building...something the Akaka bill avoided doing for the past 12 years.
- 4) A multi-stage process was already begun, years ago, but financially abandoned by the state just short of the convening of the Native Hawaiian Convention stage. Instead of starting all over by forming a new commission, the state need only to proceed and complete the exiting process.

Mahalo nui loa.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, April 05, 2011 12:17 AM
To: FINTestimony
Cc: shellemuneoka@gmail.com
Subject: Testimony for SB1520 on 4/5/2011 3:30:00 PM

Testimony for FIN 4/5/2011 3:30:00 PM SB1520

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Shelley Muneoka
Organization: Individual
Address:
Phone:
E-mail: shellemuneoka@gmail.com
Submitted on: 4/5/2011

Comments:

Please defer SB1520--such a bill should at the very least, be vetted in the community before it's passage. Many people have no idea a "state level Akaka Bill" even exists. Please take heed and defer this bill. Mahalo nui.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, April 05, 2011 9:37 AM
To: FINTestimony
Cc: OSHEA606@GMAIL.COM
Subject: Testimony for SB1520 on 4/5/2011 3:30:00 PM

Testimony for FIN 4/5/2011 3:30:00 PM SB1520

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: DENNIS O'SHEA
Organization: Individual
Address:
Phone:
E-mail: OSHEA606@GMAIL.COM
Submitted on: 4/5/2011

Comments:
PLEASE KILL THIS AKAKA CLONE BACKDOOR ATTEMPT.
HAWAIIANS DON'T WANT IT AND THE STATE CAN'T AFFORD IT.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 04, 2011 6:49 PM
To: FINTestimony
Cc: qehcc@hotmail.com
Subject: Testimony for SB1520 on 4/5/2011 3:30:00 PM

Testimony for FIN 4/5/2011 3:30:00 PM SB1520

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: casina waterman
Organization: Individual
Address:
Phone:
E-mail: qehcc@hotmail.com
Submitted on: 4/4/2011

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 04, 2011 10:42 PM
To: FINTestimony
Cc: ekandagawa@gmail.com
Subject: Testimony for SB1520 on 4/5/2011 3:30:00 PM

Testimony for FIN 4/5/2011 3:30:00 PM SB1520

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Emily Kandagawa
Organization: Individual
Address:
Phone:
E-mail: ekandagawa@gmail.com
Submitted on: 4/4/2011

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 04, 2011 11:12 PM
To: FINTestimony
Cc: ponosize@hotmail.com
Subject: Testimony for SB1520 on 4/5/2011 3:30:00 PM

Testimony for FIN 4/5/2011 3:30:00 PM SB1520

Conference room: 308
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Pono Kealoha
Organization: Individual
Address:
Phone:
E-mail: ponosize@hotmail.com
Submitted on: 4/4/2011

Comments:
AKAKA BILL = CONTINUED GENOCIDE OF RACIST GREED.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, April 05, 2011 9:37 AM
To: FINTestimony
Cc: Kaiwa747@aol.com
Subject: Testimony for SB1520 on 4/5/2011 3:30:00 PM

Testimony for FIN 4/5/2011 3:30:00 PM SB1520

Conference room: 308
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Johnette Germano
Organization: Individual
Address:
Phone:
E-mail: Kaiwa747@aol.com
Submitted on: 4/5/2011

Comments: