

**SB 1520**



**SB 1520, SD 1**  
**RELATING TO GOVERNMENT**  
Senate Committee on Ways and Means

February 25, 2011

9:00 a.m.

Room 211

The Office of Hawaiian Affairs (OHA) offers the following comments on SB 1520, SD 1, which sets forth a process for the reorganization of a first nation government by Native Hawaiians and its subsequent recognition by the State of Hawai'i:

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 is carefully considering possible approaches, including SB 1520, SD 1, so as to be able to offer constructive suggestions as this legislative session proceeds. We look forward to communicating with our beneficiaries, legislators and other public officials, our advisors, and others about how best to approach state and federal recognition.

Mahalo for the opportunity to testify on this important measure.



February 14, 2011

## Testimony in support of SB1520 SD1, Relating to Government

Submitted to: The Committee on Ways and Means

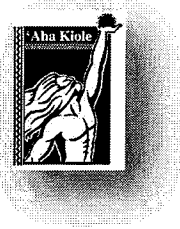
From: Kitty M. Simonds, President Maunalua Hawaiian Civic Club

Aloha Senator David Ige and Senator Michelle Kidani and members of the Committee on Ways and Means,

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



Aha Kiolo Advisory Committee

**TESTIMONY IN SUPPORT OF SB 1520 SD 1**  
**RELATING TO NATIVE HAWAIIANS**

Submitted to: Hearing of the Committee on Ways and Means

Hearing Date: February 25, 2011, 9:00 a.m., Room 211

Submitted by: The Aha Kiolo Advisory Committee: 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 Ige, Vice-Chair Kidani and Committee Members;

Thank you for the opportunity to testify in support of S.B. 1520 SD 1, the bill that establishes procedures for state recognition of a first nation government.

The Aha Kiolo 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.

S.B. 1520 provides the recognition and the process for this recognition by the State of Hawaii, long overdue of the Native Hawaiian people. It is critical that this recognition includes the means and methods to that will further assist with self governance. We understand that this bill will not hamper on-going attempts for federal recognition of the Native Hawaiian people.

We urge you to support the passage of S.B. 1520 SD1.

Mahalo nui loa,

Vanda Hanakahi, Chair, Moloka'i

Aha Kiolo Advisory Committee

P.O. Box 507

Ho'olehua, HI 96729

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# Ke Aupuni O Hawai'i

## THE HAWAIIAN KINGDOM

Box 62107 • Manoa Station • Manoa, Oahu, Hawaiian Islands

**February 25, 2011**

9AM DECISION-MAKING MEETING

SENATE COMMITTEE ON WAYS AND MEANS

Chair: Senator David Ige

Re: **COMMENTS OPPOSING SB1520**

Aloha Kakou,

**The Hawaiian Kingdom opposes Senate Bill 1520 that establishes procedures for state recognition of a first nation government.** We do so because **SB1520** suffers from the same numerous flaws that the failed Akaka bill had.

**SB1520** is based on four patently false premises:

- 1) The insinuation that the nation, the Hawaiian Kingdom, the nation that existed before the U.S. takeover was an aboriginal, indigenous, "Native Hawaiian" — now, "First Nations" — government;
- 2) The erroneous presumption that Hawaiians are indigenous peoples of the United States of America;
- 3) The exclusion of non-"Native Hawaiians" whose ancestors were citizens and subjects of the Hawaiian Kingdom;
- 4) The claim that the United States and the State of Hawaii are the lawful successors of the Hawaiian Kingdom.

The truth is:

- 1) The Hawaiian Kingdom was a fully operational, fully recognized, progressive, sovereign, independent, neutral nation. Its body politic consisted of people from many different ethnicities and races, not just "native" Hawaiians; not "Native Hawaiians" with a capital "N"; and especially not a so-called "First Nation." These are terms contrived to avoid having to come to grips with Hawaiian Nationals, the rightful heirs to the Hawaiian Kingdom who were deprived of their nation, their identity and their inheritance.
- 2) Hawaiians have never been and are not today, indigenous people of the United States of America. We are definitely not a so-called "First Nation" of America. Hawaiians are indigenous to Hawaii, to Polynesia and Moana Nui A Kiwa (the Pacific). We were not hanai to America, we were kidnapped by America.
- 3) Non-kanaka maoli were also citizens and subjects of the Hawaiian Kingdom nation — Hawaiian Nationals. They too were injured by the loss of their nation just as the

kanaka maoli were. Therefore, their descendants are heirs to the Hawaiian Kingdom as well, and should not be left out.

- 4) The U.S. is an interloper, a usurper, a kidnapper, an occupier, a pirate. As such, the U.S. has no lawful jurisdiction in Hawaii. The State of Hawaii is a puppet fake state set up by the U.S. to administer its captured territory and people, while masquerading as a legitimate government...

The proper remedy to the crime of piracy is to set the captured free; not to further subject them to deeper captivity under a ridiculous "indigenous" governing entity. That will be an even greater atrocity than the current illegal situation. SB1520 is outrageous as it will further victimize the Hawaiian people by keeping us captive to a criminal master.

Aloha,



Hawaiian National

# THE KOANI FOUNDATION

P.O. Box 1878 • Lihu'e Kaua'i • Hawai'i 96766  
Phone: 808-822-7643

SENATE WAYS AND MEANS COMMITTEE  
Senator DAVID IGE, Chair  
DECISION MAKING SESSION  
February 25, 2011, 9AM

RE: COMMENTS IN OPPOSITION TO SB1520

Aloha Aina,

The Koani Foundation submits these comments in OPPOSITION to SB1520 on the general principle that it does not address the real issue of the theft of the Hawaiian nation and the injuries that stem from that.

We also find the bill has numerous inaccuracies, inconsistencies and plain mistakes making it impossible to imagine how this could seriously provide any remedy. These flaws stem from a portrayal of history that leave out crucial information about who has title and jurisdiction.

The "findings" section of the bill leaves a gaping 27-year historical hole (from 1893-1920) apparently to avoid mentioning the illegal processes used by the United States to capture the Hawaiian Islands. The "findings" jump from 1893 with the Hawaiian Kingdom operating as a fully recognized treaty nation, to the Hawaiian Homes Commission Act of 1920 where the term "Native Hawaiian" enters the legal lexicon defined as a person having 50% of more aboriginal blood. What happened in between?

The "findings" section leaves out these important events:

1. The 1893 usurpation ("overthrow") of the lawful Hawaiian Kingdom through acts of high treason and sedition by insurgents calling themselves the "Committee of Safety" who set up an illegal "provisional government" for the Hawaiian Kingdom;
2. The 1893 successful protest lodged by Queen Lili'uokalani resulting in President Cleveland halting the process of U.S. annexation of Hawaii (from the provisional government);
3. The 1893 findings of the Blount Report resulting in U.S. President Cleveland's address to Congress admitting that the U.S. had shamefully and unlawfully committed an unauthorized act of war against a friendly nation.
4. The 1893 settlement between U.S. President Cleveland and Queen Lili'uokalani that the president would facilitate the return of the Hawaiian Kingdom government to its proper, lawful status.

5. The 1894 refusal by the insurgent traitors to return the government of the Hawaiian Kingdom and their defiant response in self-proclaiming a fraudulent replacement government, the "Republic of Hawaii."
6. The 1897 second failed attempt at annexation of Hawaii by the U.S., thwarted by protests and lobbying by the Queen and by the "Monster Petition" (Ku'e Petition) with signatures of 90% of the people of Hawaii in opposition to annexation.
7. The 1898 fraudulent (treaty-less) "annexation" of Hawaii through a "joint resolution" of Congress executed in collusion with the unlawful "Republic of Hawaii." In essence, the U.S. used an illegal instrument (joint-resolution) to have the illegal Republic of Hawaii, "cede" its non-existent political authority and land titles to the U.S. In reality the whole annexation transaction was a farce; two thieves dividing up the stolen loot. Nothing was "ceded" or transferred. Thus, all political authority and title to the lands of the Hawaiian Islands, to this day, still reside with the lawful Hawaiian Kingdom government and its people.
8. The 1959 "admission as a state" was just another contrived pretense to conceal the fraud.

It boils down to this: You cannot "cede" lands you do not own. You cannot transfer jurisdiction you do not have. Therefore, the "State of Hawaii," having no lawful lands or jurisdiction, cannot go forward with this Akaka-like, "Native Hawaiian (or First Nation) government Reorganization" scheme proposed by SB1520.

Even if the State of Hawaii was lawful and it did possess "ceded" lands, it does not have the constitutional authority (either US or State) to carve off a section of itself and spin it off as an autonomous governing body. Has anyone bothered to ask the attorney general or any other legal counsel about whether the state legislature can create a race-based minority government? Have you forgotten *Rice v Cayetano*?

No matter how you clone it, SB1520 is bad law.

Mahalo nui loa,  
'Ehu Kekahu Cardwell  
'Ehu Kekahu Cardwell  
Director  
The Koani Foundation



# ALOHA AINA FOUNDATION

999 WILDER AVENUE #1701 • MAKIKI, OAHU • HAWAIIAN ISLANDS

## COMMENTS IN OPPOSITION TO SB1520

February 25, 2011 – 9AM

WAYS AND MEANS COMMITTEE  
Senator DAVID IGE, Chair  
DECISION MAKING MEETING

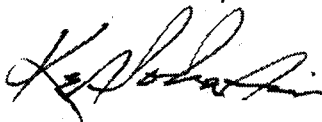
Aloha Aina,

The Aloha Aina Foundation submits these comments in OPPOSITION to funding for SB1520 for three main reasons:

1. **The State of Hawaii has no constitutional authority** to create what this bill calls for. Neither the state constitution nor the U.S. constitution allows the State of Hawaii to create a sub-state of itself. SB1520 is a clone of "the Akaka bill." It is because of its inherent constitutional flaws that after 11-years of tremendous effort in Congress, "the Akaka bill's" Native Hawaiian tribal-nation scheme ultimately failed.
2. **It's going to cost too much. The state doesn't have the money.** This bill requires WAM to write a blank check to pay for what will ultimately amount to hundreds of millions of dollars... which you very well know the state does not have...
3. **WAM doesn't have the time.** Passing SB1520 would be a supreme exercise in futility. You would be wasting precious WAM time, resources and staff in order to pass a measure that will be immediately struck down by the first legal challenge.

The Aloha Aina Foundation asks you to seriously consider these points and not pass SB1520.

Mahalo nui loa,



KeAloha Aiu,  
Aloha Aina Foundation

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 24, 2011 10:13 AM  
**To:** WAM Testimony  
**Cc:** imua-hawaii@hawaii.rr.com  
**Subject:** Testimony for SB1520 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1520

Conference room: 211  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Isaac Harp  
Organization: Hawaii Nationals  
Address:  
Phone:  
E-mail: [imua-hawaii@hawaii.rr.com](mailto:imua-hawaii@hawaii.rr.com)  
Submitted on: 2/24/2011

**Comments:**

Like the US federal government, you are taking a racist approach to a nationality issue. Hawaii Nationals come in many races. We know and you know that there was no treaty of annexation between the USA and Hawaiian Kingdom, and we also know that the statehood process was illegitimate. Therefore, it is crystal clear that you must cease your efforts to define what the rights of Hawaii Nationals are. Our rights include the basic human right to OUR own self-determination. We also have a right to the balance of our 2 million acres of land that was stolen from our lawful government. From the 2 million acres, 200,000 acres of the least desirable lands were placed in the land inventory of the Hawaiian Homes Commission Act. We are owed a balance of 1,800,000 acres of land, back rent for use of our lands, and we have a right to administer our lands as we see fit. If you are truly committed to correcting the wrongs done to the injured parties you will initiate a process to fund a Hawaii National Constitutional Convention so that the healing can begin. Mahalo!

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 23, 2011 12:52 PM  
**To:** WAM Testimony  
**Cc:** epyachts@aol.com  
**Subject:** Testimony for SB1520 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1520

Conference room: 211  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: psayer  
Organization: Individual  
Address:  
Phone:  
E-mail: [epyachts@aol.com](mailto:epyachts@aol.com)  
Submitted on: 2/23/2011

Comments: