



SB 1, SD2, HD2
RELATING TO STATE RECOGNITION OF THE NATIVE HAWAIIAN PEOPLE,
THEIR LANDS, ENTITLEMENTS, HEALTH, EDUCATION, WELFARE, HERITAGE,
AND CULTURE
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 1, SD2, HD2 which provides for the recognition of the Native Hawaiian people by the State of Hawai'i:

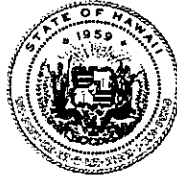
OHA supports state recognition of Native Hawaiians provided that it does not diminish efforts to pursue and obtain federal recognition.

As to the specifics of state recognition, OHA has been carefully considering possible approaches, including SB 1, 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, but to also adopt, many of the public's recommendations to improve SB1. 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 1 SD 2 HD 2, RELATING TO STATE RECOGNITION OF THE NATIVE HAWAIIAN PEOPLE,
THEIR LANDS, ENTITLEMENTS, HEALTH, EDUCATION, WELFARE, HERITAGE, AND CULTURE.**

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 1 SD 2 HD 2 which provides for the recognition of Native Hawaiians as the indigenous people of Hawaii and establishes a process for the reorganization and recognition of a Native Hawaiian Governing 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. Thank you for the opportunity
to testify.



Aha Kiole Advisory Committee

**TESTIMONY IN SUPPORT OF SB 1 SD 2 HD
1 RELATING TO NATIVE HAWAIIANS**

Committee on Judiciary

March 22, 2011

2:00 p.m.

Room 325

Submitted by: The Aha Kiole 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 Keith-Agaran and members of the Judiciary Committee,

Thank you for the opportunity to testify in support of S.B. 1, SD 2 HD 1, the bill that relates to the State recognition of the Native Hawaiian people.

We support this measure as reported in SCR 993 and agree with the amendments stated to revise the definition of qualified native Hawaiian to descendants whose people, "prior to 1778, occupied and exercised sovereignty in the Hawaiian Islands."

We also support a native Hawaiian convention which may be commenced by qualified Native Hawaiians following the publication of the roll of qualified Native Hawaiians. Hawaii is made up of eight distinctly different islands that are characterized by unique characteristics within the Hawaiian people who reside on each island and who are recognized to have different dialects, geography and diverse natural and cultural resources. So while we are all identified as indigenous Native Hawaiians, we are all not similar in how we practice our culture. These differences are part of the strength of the Kanaka Maoli. It is important to retain the individuality and unique characteristics of the different islands and this must be reflected in the make-up of a Native Hawaiian convention.

S.B. 1, SD 2 HD 1 provides the recognition of the Native Hawaiian people by the State of Hawaii, long overdue. It is critical that this recognition includes the means and methods that will further assist with self governance. Too often government loses sight of how important the knowledge and skills of Native Hawaiians in their own land are; or, how traditional cultural practices are enmeshed in Hawaiians of today. State recognition would correct that oversight.

We urge you to support the passage of S.B. 1, SD 2 HD 1 that calls for the recognition of Native Hawaiians by the State of Hawaii.

Mahalo nui loa,

Vanda Hanakahi, Moloka'i Kiole, Chair

Aha Kiole Advisory Committee

P.O. Box 507

Ho'olehua, HI 96729

Phone: 808-336-6184

Email: kaiwilauula@yahoo.com



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

**TESTIMONY ON SENATE BILL 1, SENATE DRAFT 2, HOUSE DRAFT 2, RELATING TO THE STATE
RECOGNITION OF THE NATIVE HAWAIIAN PEOPLE, THEIR LANDS, ENTITLEMENTS, HEALTH,
EDUCATION, WELFARE, HERITAGE, AND CULTURE**

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 IMUAlliance, 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 1, SD2, HD2, with suggestions for amendments.

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. This measure would *finally* rectify that discrepancy, while simultaneously setting forth a process for reorganization and recognition of a Native Hawaiian governing structure. 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 Native Hawaiian rights and a process for self-determination should be paramount and self-evident.

Nonetheless, SB 1, SD2, HD2 can be strengthened to maximize inclusivity and reflect the general communal will of Native Hawaiians throughout the archipelago. As currently drafted, SB 1, SD2, HD2 includes no provision requiring the roll commission, either before or after the completion of the roll of qualified Native Hawaiians, to convoke meetings on each island, or even in each county, for the purposes of seeking input on roll creation, codification, publication, and maintenance, and, later, development of criteria for the structure of a Native Hawaiian convention. At the very least, section § -4(a) should be amended to include language instructing the roll commission to hold no less than five meetings, one in each county, prefaced by no less than 48 hours notice, to obtain feedback on the aforementioned issues. Additionally, nothing in § -3(b) of this bill directs the governor, president of the senate, or speaker of the house to consult with existing Native Hawaiian organizations when making their appointments to the commission. Because these appointments are not subject to senate confirmation, it is important to include a provision within subsection § -3(b) encouraging, if not stipulating outright, consultation with Native Hawaiian groups, such as the following: "In making an appointment under this subsection, the governor, president of the senate, or speaker of the house may consider recommendations made by any Native Hawaiian membership organization." Finally, section 4 of this bill appropriates an unspecified sum of money for fiscal years 2011-2012 and 2012-2013 for implementation, stating that the funds shall be spent by the Office of Hawaiian Affairs. Unfortunately, neither the amount nor source of revenue required for carrying out the functions of this act have been clearly articulated, and remain ambiguous in the current draft. Accordingly, we encourage your committee to consider replacing the language in section 4 of this bill with similar language from section 3 of SB 1520, SD2, to say: "The sum of \$ _____ or so much thereof as may be necessary for fiscal year 2011-2012 and the same sum or so much thereof as may be necessary for fiscal year 2012-2013 shall be expended by the Office of Hawaiian Affairs for the purposes of this Act; provided that no additional funds shall be appropriated for the purposes of this Act."

Even if our proposed amendments are not adopted, the IMUAlliance fully supports passage of SB 1, SD2, HD2, which provides a path forward from one of our nation's most egregious sins. Mahalo for the opportunity to testify in support of this bill.

Sincerely,
Kris Coffield
Legislative Director
IMUAlliance

THE KOANI FOUNDATION

P.O. Box 1878 • Lihu'e Kaua'i • Hawai'i 96766

Phone: 808-822-7643

TESTIMONY IN OPPOSITION TO SB1 and SB1520

April 5, 2011

House Finance Committee

Rep. Marcus R. Oshiro, Chair

Rep. Marilyn B. Lee, Vice Chair

Aloha Aina kakou,

The Koani Foundation submits this testimony in **OPPOSITION** to SB1 and SB1520 on the general principle that it does not address the real issue of the theft of the Hawaiian nation and the extensive injuries that stem from that theft.

We also find the bill is based on inaccurate and misleading presumptions making it impossible to imagine how this could seriously provide any remedy. These flaws stem from a "history" that leaves out crucial information about who has title and jurisdiction.

SB1 does not mention the illegal processes used by the United States to capture the Hawaiian Islands. These important events negate any claims of authority by the U.S. to affect the governance of the Hawaiian Islands, and certainly not the further enslavement of its people and assets into several native corporations.

In addition to the basic disqualifying inaccuracies, there are these factors:

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** – considering such a radical shift in the structure of the state would require engaging public input and consensus building...something the Akaka bill meticulously 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 existing process.

It boils down to this: You cannot "cede" lands you do not own. You cannot transfer jurisdiction you do not have. The the "State of Hawaii" having no lawful lands or jurisdiction, cannot go forward with this tribal, indigenous "Native Hawaiian corporations" scheme as proposed by SB1 and SB1520. To do so would violate numerous international laws including that of genocide.

Of more immediate concern I that the State of Hawaii I broke. It cannot afford siphoning off hundreds of millions of dollars from its coffers in pursuit of a band-aid solution that fails to address the root problem.

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

THE COMMITTEE OF HAWAIIAN NATIONALS

P.O. Box 23055, MAKIKI STATION
MAKIKI, OAHU, HAWAIIAN ISLANDS

FREE HAWAII

April 5, 2011

House Finance Committee

Rep. Marcus R. Oshiro, Chair

Rep. Marilyn B. Lee, Vice Chair

TESTIMONY IN OPPOSITION TO SB1 and SB1520

Aloha kakou,

We, the Committee of Hawaiian Nationals OPPOSE SB1 and SB1520. We view it as an exercise in futility because it is inherently flawed, misleading and based on false premises.

There was no "treaty of annexation." At no time did the Hawaiian Kingdom ever cede its lands or political authority to the United States. As a result, there was no lawful "Territory of Hawaii," and therefore, no lawful "State of Hawaii"; and thus no such thing as "ceded lands." What you have are stolen lands. You cannot create a governing entity to oversee lands you do not own or lawfully hold in trust.

This exercise of "forming Native Hawaiian corporations" is entirely spurious and just another distraction and excuse to delay the real solution to the illegal invasion, annexation and incorporation of the Hawaiian Islands into the U.S. SB1 is the wrong solution for this problem.

The proper remedy for the kidnapping of a sovereign, independent Hawaii is to FREE HAWAII; return and reinstate the Hawaiian Kingdom and its people...not further enslave them into several levels of corporate entities of a puppet government of an illegal occupier.

The Committee of Hawaiian Nationals wishes to remind you, the elected officials of the so-called "State of Hawaii," that in fact and in law, the Hawaiian Kingdom still exists and is rapidly approaching reactivation and restoration.

We are so confident of the imminent return of Hawaiian Kingdom, that as a courtesy, we invite you to make plans to vacate your positions as officials of this illegal puppet government, the "State of Hawaii," and consider serving under the lawful Hawaiian Kingdom upon its return.

FREE HAWAII.

Malama Pono,

Pilipo Souza

Hawaiian National

Lana Ululani Robbins
POB 700
New Port Richey, Florida 34653

April 5, 2011

RE: OPPOSE SB 1 and SB1520

To Senators Hee, Galuteria, Kahele, and Ryan:

As a property tax payer in Hawai'i, I OPPOSE SB 1 and SB1520. They are another version of the Akaka Bill which Neil Abercrombie and Mazie Hirono both voted for.

On February 23, 2010 Abercrombie and Hirono both voted to STRIP Hawaiian Nationals and their legal heirs of their property rights

<http://clerk.house.gov/evs/2010/roll059.xml>

SB1520 does something similar... STRIPPING HAWAIIAN NATIONALS AND THEIR LEGAL HEIRS OF THEIR PROPERTY RIGHTS. DO NOT STEAL!

[http://www.capitol.hawaii.gov/session2011/bills/SB1520_SD1 .pdf](http://www.capitol.hawaii.gov/session2011/bills/SB1520_SD1.pdf)

There are some of the reasons that SB1520 should NOT pass:

1) On page 2 of SB1520 it INCORRECTLY and INACCURATELY STATES

"Native Hawaiians, the native people of the Hawaiian archipelago that is now part of the United States and the State of Hawaii, are the indigenous, native peoples of the State of Hawaii, and the Native Hawaiian people are a distinctly native community;"

The Hawaiian archipelago is not nor has never been nor will it EVER be a part of the United States.

2) On page 4 it INACCURATELY and INCORRECTLY states

"Native Hawaiians have continuously sought access to the ceded lands in order to establish and maintain native settlements and distinct native communities throughout the State;"

That is INCORRECT. ALI'I have continuously sought access to their ALI'I lands which were

NEVER ceded yet some politicians INSIST on calling these lands "ceded lands." They were never ever ceded and are STILL owned by ali'i.

3) On page 8 you state:

"Despite the overthrow of the government of the Kingdom of Hawaii, Native Hawaiians have continued to maintain their separate identity as a single distinctly native political community through cultural, social, and political institutions, and to give expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency;"

This is also INCORRECT and INACCURATE. Hawaiian NATIONALS maintain AND CONTINUE our NATIONALITY with Ko Hawai'i Pae Aina.

4) On page 11 you state another inaccuracy:

"Ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held as a public trust for five purposes, one of which is for the betterment of the conditions of Native Hawaiians; and"

These are ALI'I lands which were NEVER CEDED and they REMAIN ALI'I LANDS.

5) On pages 11 and 12 you sneakily include this part which tries to reorganize the lands thus titles and royal patents of Hawaiians and their heirs

"Transferring the United States' responsibility for the administration of the Hawaiian home lands to the State of Hawaii, but retaining the exclusive right of the United States to consent to any actions affecting the lands included in the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under the Act; and"

Hawaiians AND their legal heirs RESERVE their PROPERTY RIGHTS NOW AND FOREVER and DO NOT CONSENT TO TRANSFERRING THEIR TITLE AND/OR ROYAL PATENTS TO ANYONE OR TO ANY ENTITY.

6) On page 16 you sneakily include this part

"Is a citizen of the United States;"

That is VERY SNEAKY to INCLUDE.

Not all Hawaiian Nationals are Americans and they WILL NOT BE FORCED TO BE AN AMERICAN simply because YOU WANT THEM TO BE AMERICAN!

Also on page 16 you sneakily include this part:

"Maintains a significant cultural, social, or civic connection to the Native Hawaiian community, as evidenced by satisfying two or more of the following ten criteria:"

Who are YOU to decide who is HAWAIIAN OR NOT. You have NO SAY and have NO AUTHORITY TO TELL US IF WE ARE HAWAIIAN OR NOT and/or WHO IS HAWAIIAN. You have NO AUTHORITY OVER HAWAIIAN NATIONALS PERIOD.

7) On Page 27 you purport to have jurisdiction over Ko Hawai'i Pae Aina when you have NO jurisdiction over Ko Hawai'i Pae Aina:

"Commission. (a) The governor shall establish and appoint a nine-member commission for the purposes of: (1) Preparing and maintaining a roll of qualified Native Hawaiian constituents; and

(2) Certifying that the individuals on the roll of qualified Native Hawaiian constituents meet the definition of a qualified Native Hawaiian constituent"

NO. YOU HAVE NO JURISDICTION OVER Ko Hawai'i Pae Aina and/or over HAWAIIAN NATIONALS.

For that reason I demand that you vote NO on SB1 AND on SB1520.

MAHALO.

To: House Finance Committee – Rep. Marcus R. Oshiro, Chair
Conference Room 308
415 South Beretania Street
Honolulu, Hawai'i 96813

From: Dexter Keeaumoku Kaiama
Hearing Date: April 5, 2011
Hearing Time: 3:30 p.m.

Re: Testimony in Strong opposition to SB1 (SD2, HD2) and SB1520 (SD2, HD2)

Aloha Chairperson, Vice-Chair and members of the House Finance Committee:

I wish to submit my strong opposition to SB1 and SB 1520 and respectfully request these measures be withdrawn and/or rejected by this Committee.

At the heart of my opposition, SB1 and SB1520 is legislation which runs contrary to the continued existence of the Hawaiian Kingdom, as an independent sovereign state under international law.

SB1 and SB1520 is proposed internal legislation that constitutes an ongoing violation of the United State's legal and moral obligation, under the Executive and Restoration Agreements of 1893 between U.S. President Grover Cleveland and Queen Liliu'okalani, to restore the Hawaiian Kingdom to its independent sovereign status prior to the U.S. led illegal overthrow on January 17, 1893.

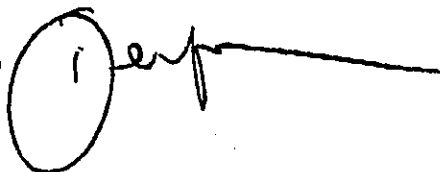
All legislation by the United States, including the State of Hawai'i after 1959, and concerning Hawai'i, subsequent to the Executive and Restoration Agreements between President Cleveland and Queen Lili'uokalani is (U.S.) constitutionally invalid and constitute ongoing violations of international law.

The State of Hawai'i (and specifically this legislative body) must lead efforts toward restoration of the Hawaiian Kingdom and to provide reparations, for the harm (past and continuing) caused to the Hawaiian Kingdom and its people.

Accordingly, please reject SB1 and SB1520 and instead lead efforts toward overturning the illegal acquisition by the U.S./State of Hawai'i and restoration of the Hawaiian Kingdom.

Mahalo nui, malama pono,

Dexter Keeaumoku Kaiama
700 Richards Street, #805
Honolulu, Hawai'i 96813
Tel. No. (808) 545-2922



FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, April 03, 2011 2:20 PM
To: FINTestimony
Cc: thirr33@gmail.com
Subject: Testimony for SB1 on 4/5/2011 3:30:00 PM

Testimony for FIN 4/5/2011 3:30:00 PM SB1

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Arvid Youngquist
Organization: Sky Ohana
Address:
Phone:
E-mail: thirr33@gmail.com
Submitted on: 4/3/2011

Comments:
Chair, FIN Committee
Honorable Members of the House
Finance Committee

WQe support SB 1 SD 2 HD 2 Relating to State REcognition of Native Hawaiian People...

Maalo,

Arvid Youngquist
Founder/Editor
Sky Ohana
Kalihi Valley resident

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, April 02, 2011 5:53 AM
To: FINTestimony
Cc: Ken_Conklin@yahoo.com
Subject: Testimony for SB1 on 4/5/2011 3:30:00 PM

Testimony for FIN 4/5/2011 3:30:00 PM SB1

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:

One practical difficulty with this bill is that it will spend Hawaii taxpayer dollars for the benefit of people who are not citizens of Hawaii, and who might never have even been present in Hawaii.

A person could be living anywhere in the world -- might be a citizen of Russia or Zimbabwe -- might have been born and raised there, by parents who were born and raised there. But if he has 1/512 Hawaiian native blood quantum, and wants to sign up for the phony new "nation", then my tax dollars will be used to recruit and enroll him. And you're going to tax my pension to get money for this? Shame on you!

Now here are some fundamental arguments against the whole concept of creating an Akaka tribe.

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! SB1 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 states for a Nation of New Africa. Fortunately Martin Luther King used Gandhi's spiritual tool of non-violence to appeal to people's inner goodness, which led to full integration. After his pilgrimage to Mecca Malcolm X understood the universal brotherhood of people of all races, but was gunned down by the separatists when he tried to persuade them to pursue integration.

In Hawaii we see a similar struggle now unfolding. Some demagogues use racial grievances to stir up hatred, and leaders use victimhood statistics to build wealthy and powerful institutions on the backs of needy people who end up getting very little help.

The Akaka bill, and SB1, would empower the demagogues and racial separatists. These bills are supported primarily by large, wealthy institutions; not by the actual people they claim to represent. Institutions like the \$400 Million Office of Hawaiian Affairs, and the \$9 Billion Kamehameha Schools, seek to entrench their political power. They want an exemption from the 14th Amendment requirement that all persons be given the equal protection of the laws regardless of race.

But Hawaiians are voting with their feet against the Akaka bill. After seven years and untold millions of dollars in state government money for advertising (and free T-shirts!), fewer than one-fourth of those eligible have signed up for the Kau Inoa racial registry likely to be used as a membership roll for the Akaka tribe. Sadly, if either the Akaka bill or SB1 passes then the separatists will be able to create their tribe even though the majority of ethnic Hawaiians oppose the idea. And 80% of Hawaii's people, having no native blood, will see our beautiful Hawaii carved up without even asking us.

Do the racial separatists have a right to go off in a corner and create their own private club for members only? Perhaps. But should the rest of us give them our encouragement and our resources to enable them to do that? Absolutely not.

The word "indigenous" is a political buzzword, not a defining characteristic of ethnic Hawaiians. We are all indigenous people of this Earth. Ethnic Hawaiians do not live a subsistence lifestyle in the remote reaches of the Amazon River basin or the Australian Outback; they are no different from everyone else.

SB1 says "Native Hawaiians have continued to maintain their separate identity as a single, distinctly native political community through cultural, social, and political institutions and to give expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency."

Regarding "their separate identity as a single, distinctly native political community": George S. Kanahale, *The New Hawaiians*, 29 *Social Process in Hawaii* 21 (1982) disagrees. Mr. Kanahale writes, "These are the modern Hawaiians, a vastly different people from their ancient progenitors. Two centuries of enormous, almost cataclysmic change imposed from within and without have altered their conditions, outlooks, attitudes, and values. Although some traditional practices and beliefs have been retained,

even these have been modified. In general, today's Hawaiians have little familiarity with the ancient culture. Not only are present-day Hawaiians a different people, they are also a very heterogeneous and amorphous group. While their ancestors once may have been unified politically, religiously, socially, and culturally, contemporary Hawaiians are highly differentiated in religion, education, occupation, politics, and even their claims to Hawaiian identity. Few commonalities bind them, although there is a continuous quest to find and develop stronger ties."

It's time for this legislature to stop encouraging racial separatism. It's time to stand up in support of unity and equality. Just say no to SB1 and all other bills motivated by the same mentality.

Please read my 302-page book "Hawaiian Apartheid: Racial Separatism and Ethnic Nationalism in the Aloha State." 27 copies are available in the Hawaii Public Library system, and portions of it can be read on a webpage where the book can also be purchased:
<http://tinyurl.com/2a9fqa>

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 04, 2011 7:22 PM
To: FINTestimony
Cc: kahiwal@cs.com
Subject: Testimony for SB1 on 4/5/2011 3:30:00 PM

Testimony for FIN 4/5/2011 3:30:00 PM SB1

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Kukauakahi (Clarence Ching)
Organization: Individual
Address:
Phone:
E-mail: kahiwal@cs.com
Submitted on: 4/4/2011

Comments:

The "state" Senate is usurping the "self" - as in "self determination" - of Native Hawaiians by taking action on this bill. Hawaiians don't need this assistance - as, if they want to - they can set up their own government.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, April 03, 2011 5:25 PM
To: FINTestimony
Cc: plaenui@hawaiianperspectives.org
Subject: Testimony for SB1 on 4/5/2011 3:30:00 PM
Attachments: Testimony on SB 1 before House Judiciary.doc

Testimony for FIN 4/5/2011 3:30:00 PM SB1

Conference room: 308
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Poka Laenui
Organization: Native Hawaiian Convention
Address:
Phone:
E-mail: plaenui@hawaiianperspectives.org Submitted on: 4/3/2011

Comments:

Testimony in Opposition to
SB 1 in its current form.

Aloha Kakou:

I oppose SB 1 for the following reasons:

As a fiscal matter, it is unwise to allocate funds for a purpose which would simply complicate and interfere with the process already undertaken by the Native Hawaiian constituency to form their own government through the existing Native Hawaiian Convention. This bill will have far larger financial implications than is apparent, for it is not only the formation of a 9 member commission, but it will include the creation of a separate administrative arm, and the call for a separate convention to formulate a governing structure for "qualified" Native Hawaiians.

As a public policy matter, the legislature has previously supported the Native Hawaiian Convention process, spending with OHA, over \$1 million over the years. The convention has not yet completed its work of submitting to the Native Hawaiians its proposals for Native Hawaiian forms of governance. This bill calls for an interference with a process already underway. It would be far more appropriate to support the present Native Hawaiian convention to completion before even considering forming another such convention.

This bill explicitly promotes federal recognition of Native Hawaiians. But it goes much further in pushing for a Native Hawaiian governing structure that pleases and meets federal requirements for establishing us as a "Nation within a Nation" status. This is a matter which should be left up to the Native Hawaiians and not interfered with by the State. This bill calls for continued interference into Native Hawaiian affairs instead of empowering Native Hawaiians in making their own decisions.

This bill calls for creating a roll of "qualified Native Hawaiians" by a select commission of 9 individuals appointed by the State Governor and heads of the two houses of the legislature. From such a qualified list, people are to organize themselves into a native Hawaiian convention.

However, there already exist the Native Hawaiian Convention which has completed those stages of identifying qualified voters of the Native Hawaiian Convention, has elected 78 delegates through a public election process in January 1999, and has been addressing its work of proposing forms of governance and consulting with the Hawaiian population ever since. This bill simply interferes with the Native Hawaiian Convention's work.

This bill violates the principle of self-determination contained in the United Nations Declaration on the Rights of Indigenous Peoples. Rather than allowing Hawai'i's indigenous peoples identify their own "qualified Native Hawaiians", this bill creates its own criteria and its own process for further definition, a contradiction to the principle of self-determination.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, April 05, 2011 12:17 AM
To: FINTestimony
Cc: castanha@hawaii.edu
Subject: Testimony for SB1 on 4/5/2011 3:30:00 PM

Testimony for FIN 4/5/2011 3:30:00 PM SB1

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 existing process.

Mahalo nui loa.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, April 05, 2011 12:17 AM
To: FINTestimony
Cc: shelleymuneoka@gmail.com
Subject: Testimony for SB1 on 4/5/2011 3:30:00 PM

Testimony for FIN 4/5/2011 3:30:00 PM SB1

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

Comments:

Please defer SB1--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: Monday, April 04, 2011 8:33 PM
To: FINTestimony
Cc: pkaleikini@hawaii.rr.com
Subject: Testimony for SB1 on 4/5/2011 3:30:00 PM

Testimony for FIN 4/5/2011 3:30:00 PM SB1

Conference room: 308
Testifier position: oppose
Testifier will be present: Yes
Submitted by: P. Kaanohi Kaleikini
Organization: Individual
Address:
Phone:
E-mail: pkaleikini@hawaii.rr.com
Submitted on: 4/4/2011

Comments:

I oppose these measures 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: Tuesday, April 05, 2011 8:17 AM
To: FINTestimony
Cc: rogersn001@hawaii.rr.com
Subject: Testimony for SB1 on 4/5/2011 3:30:00 PM

Testimony for FIN 4/5/2011 3:30:00 PM SB1

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Puanani Rogers
Organization: Individual
Address:
Phone:
E-mail: rogersn001@hawaii.rr.com
Submitted on: 4/5/2011

Comments:

Any action taken to support this measure is not PONO! and not the will of our na po`e o Hawai`i. Please vote NO!!!!

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, April 05, 2011 9:36 AM
To: FINTestimony
Cc: OSHEA606@GMAIL.COM
Subject: Testimony for SB1 on 4/5/2011 3:30:00 PM

Testimony for FIN 4/5/2011 3:30:00 PM SB1

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: Sunday, April 03, 2011 7:22 PM
To: FINTestimony
Cc: jalna.keala2@hawaiiantel.net
Subject: Testimony for SB1 on 4/5/2011 3:30:00 PM

Testimony for FIN 4/5/2011 3:30:00 PM SB1

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 this bill as amended. The Board of Directors took a position to support the concepts on January 22, 2011. Mahalo

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 04, 2011 10:39 AM
To: FINTestimony
Cc: cynazara@gmail.com
Subject: Testimony for SB1 on 4/5/2011 3:30:00 PM

Testimony for FIN 4/5/2011 3:30:00 PM SB1

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Cynthia Nazara
Organization: Kona Hawaiian civic Club
Address:
Phone:
E-mail: cynazara@gmail.com
Submitted on: 4/4/2011

Comments:
Please kill SB1511

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 04, 2011 5:16 PM
To: FINTestimony
Cc: kittysimonds@mac.com
Subject: Testimony for SB1 on 4/5/2011 3:30:00 PM

Testimony for FIN 4/5/2011 3:30:00 PM SB1

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Kitty M. Simonds
Organization: Maunaloa Hawaiian Civic Club
Address:
Phone:
E-mail: kittysimonds@mac.com
Submitted on: 4/4/2011

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 04, 2011 10:41 PM
To: FINTestimony
Cc: ekandagawa@gmail.com
Subject: Testimony for SB1 on 4/5/2011 3:30:00 PM

Testimony for FIN 4/5/2011 3:30:00 PM SB1

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 11:11 PM
To: FINTestimony
Cc: ponosize@hotmail.com
Subject: Testimony for SB1 on 4/5/2011 3:30:00 PM

Testimony for FIN 4/5/2011 3:30:00 PM SB1

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 9:36 AM
To: FINTestimony
Cc: Kaiwa747@aol.com
Subject: Testimony for SB1 on 4/5/2011 3:30:00 PM

Testimony for FIN 4/5/2011 3:30:00 PM SB1

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:

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, April 05, 2011 12:22 PM
To: FINTestimony
Cc: keen@pixi.com
Subject: Testimony for SB1 on 4/5/2011 3:30:00 PM

Testimony for FIN 4/5/2011 3:30:00 PM SB1

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Ken
Organization: Individual
Address:
Phone:
E-mail: keen@pixi.com
Submitted on: 4/5/2011

Comments:

- Suspend exemptions.
- Increase GET.