

April 5, 2011

SB1 and SB 1520

House Finance Committee

Occupational State of Hawaii

LATE TESTIMONY

Truthful Presentation from Michael Daly *Artist, Oahu resident*

I am opposed to SB1 (SD2, HD2) establishing a commission to prepare a roll of Native Hawaiians. Such a roll of racial profiling is dubious. A government register of this type can be used to suppress or unduly influence a section of the community based of race. This seems at odds with civil rights. The State of Hawai'i (1959) has no jurisdiction in this arena; the state and it's accession of preceding unlawful governing entities, namely the Territory of Hawaii (1898) and the Republic of Hawaii (1893), has a history of brutal hostility to Kanaka Maoli people of Hawaii, it continues to date and despite any narrative or title to the contrary SB1 is in reality an instrument of further segregation and dispossession.

I am opposed to SB 1520 (SD2, HD2) recognizing Native Hawaiian people as the only indigenous, aboriginal Maoli of Hawai'i. I do so on the grounds that this bill is also disingenuous and part of the machinery of SB1 that is somehow viewed as a legitimate way to console grave and long standing and escalating grievances arising from the illegal overthrow of Queen Lili'uokalani in 1893.

Recognition of Kanaka Maoli people is embedded in the history of the 'aina and recognition of the native people, as a racial group that been discriminated against culturally, physically and economically is by no means unimportant provided such recognition is not a further means to round-up and identify this defined group for further control, isolation and self-development deprivation.

Recognition of Kanaka Maoli is first and foremost recognition of the love of their country, their sovereign right to multi-cultural national self-determination and the inextricable bond with the Monarchy, Queen Lili'uokalani. In short any recognition of Kanaka Maoli without regard to recognition of the **Kingdom of Hawai'i** is a white wash, a sham, a race based attack.

What little revenue this Finance Committee has during today's economic times (times which are compared to the Great Depression), with inflation, unemployment, homelessness rising and with middle class and their spending power destroyed I find it difficult to understand how this committee might entertain a bill that seeks to develop a

permanent national entity of geographic, legal, constitutional and operational structure. Of course such an entity is illegal and wholly subject to failure, challenge and ridicule.

These Native Hawaiian governance bills are models of the Akaka Bill which has failed the US federal lawmaking system over repeated trials and decades from the 1990s. The Akaka Bill is based in fundamental and dangerous racial agendas supported by the Democratic Party to disguise some sort of appearance of fix to untenable Hawaiian regional problems which had been hidden for generations under occupation but became generally and publicly known in the 1970s, what's called the Hawaiian Renaissance, when the true history USA purpose in the overthrow, the Territory of Hawaii and State of Hawaii became known.

Akaka, Senator Inouye and the Democrats produced the Apology Resolution during the Clinton Administration to give the bill to fix Native Hawaiians a reason. The bill never had legs.

To think that as he retires and on the eve of the end of the Akaka era in Washington DC and the last breath of his deceitful bill the state body can now slip a version of Native Hawaiian governance through the Honolulu system in a matter of months and considering the mighty ill-favour such bills have, not only within the Kanaka Maoli ohana, but everyone else, to think that these laws imposed on such a group without proper discourse might have the trust and substance of longevity defiles belief.

Yes, due to the racism that has mired the indigenous people of Hawai'i since 1893 there is good reason to affirm local status and make good the 118 years of cultural genocide. But I repeat, such recognition only comes with the core recognition of the Monarch, Queen Lili'oukalani and international reconciliation and the reclamations of the Kingdom of Hawai'i.

The Apology Resolution, Public Law 103-150 of January 17, 1993, the centenary of the queen's overthrow was signed by President Bill Clinton recognised the criminal roll the USA forces had in that affair in support of the rebels. The resolution, a necessary stepping block to usher the Akaka Bill waiting in the wings, also recognises and apologises to Native Hawaiians, but this is a foundational flaw in the apology because it racially extracts Native Hawaiian out of the damaged party, namely the Monarch which is the Kingdom of Hawai'i.

How do I know that these state Native Hawaiian governance bills take their queue from the defeated Akaka Bills? It's easy enough for boys and girls, say 5>12 to identify, so you distinguished members should have no trouble understanding also. The entity identified in both the federal and state versions is "Native Hawaiian" and not including the multi-cultural groups of the damaged Kingdom, the Chinese, Japanese, Portuguese, Europeans, and Porto Ricans to name some. The bills don't recognise the damage done to

all physical, cultural and intellectual property developed and owned by the sovereign nation.

Since treaties were established before and since the Overthrow between the legitimate Monarch and the USA, and none of those include a Treaty of Annexation the people and the Monarch never been ceded or relinquished. And the crimes of overthrow and occupation must be addressed otherwise International Law is held in contempt, replaced by terrorism and jungle law.

The Apology Resolution is useful insofar as the USA admits it's crimes and identifies the harsh impacts of it's actions. It says:

... the long-range economic and social changes in Hawaii over the nineteenth and early twentieth centuries have been devastating to the population and to the health and well-being of the Hawaiian people

And in Section 1 (4) the Congress:

... expresses its commitment to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii, in order to provide a proper foundation for reconciliation between the United States and the Native Hawaiian people

Here the USA admits to its failures and damages to some limited degree pertaining to "Native Hawaiians" yet as incomplete, it commands the principle of reconciliation.

SOLUTION

I believe the state of Hawai'i, if it has any honour in this affair should immediately quit the notion of identifying "Native Hawaiians" for the time being, as some special entity as having no regard to the whole life support system of that appendage; the Kingdom.

This involves quitting these in-state regional Hawaiian governance bills as they would further racial, cultural and economic damage and separate Hawaiian people, impairing the legitimate process to self-determination, unity and international reconciliation. The continuation of these oppressive occupational pursuits is futile and unsustainable. If continued it will stretch a failed balloon state.

At home, the state must investigate the heritage it has with the original Annexationist rebels in Hawai'i who conspired and facilitated with the United Church of Christ, the Honolulu Advertiser and the United States of America in the Overthrow and Annexation of Hawaii and which roots later found it absolutely necessary to become part of the Union of States, Statehood.

The state must apologize, recognize, and enable the regime of the Kingdom of Hawai'i and seek independent international mediation.

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FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, April 05, 2011 3:29 PM
To: FINTestimony
Cc: botelhotina@yahoo.com
Subject: Testimony for SB1 on 4/5/2011 3:30:00 PM

LATE TESTIMONY

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

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

Comments:
read other testimony thank you.



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

STATE TESTIMONY

February 23, 2011

Senator Malama Solomon
Senatorial District 1
Hawaii State Capitol
Room 207
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Senator Soloman,

Pursuant to your request, the Office of Hawaiian Affairs (OHA) herein presents for your review and consideration, a biennium budget relating to SB 1: RELATING TO STATE RECOGNITION OF THE NATIVE HAWAIIAN PEOPLE, THEIR LANDS, ENTITLEMENTS, HEALTH, EDUCATION, WELFARE, HERITAGE, AND CULTURE.

BACKGROUND INFORMATION

SB 1, SD 1 establishes a nine-member Native Hawaiian roll commission to prepare and maintain a roll of qualified Native Hawaiians; requires the commission, after publication of the roll, to appoint an interim council of nine members from the roll to commence the organization of a convention of qualified Native Hawaiians; then requires the governor to dissolve the commission after the interim council is appointed.

This letter serves as OHA's presentation of the biennium budget pursuant to its interpretation of the requirements of SB 1, SD 1.

INTERPRETIVE REQUIREMENTS & ASSUMPTIONS

The major requirements of SB 1, SD 1 are stated as follows:

1. Establishment of a nine-member Native Hawaiian roll commission; hereinafter referred to as the "Commission".
2. The purpose of the Commission is to:
 - a. Prepare and maintain a roll of qualified Native Hawaiians and
 - b. Certify that the individuals on the roll of qualified Native Hawaiians meet the definition of qualified Native Hawaiians. OHA hereby

recommends changing the definition of qualified Native Hawaiian from the current Bill definition to the Chapter 10 definition of Hawaiian as "any descendant of the aboriginal peoples inhabiting the Hawaiian Islands which exercised sovereignty and subsisted in the Hawaiian Islands in 1778, and which peoples thereafter have continued to reside in Hawai'i." This change will dramatically reduce the cost of roll certification and is reflected in this presentation because the process will be less complicated.

3. The Commission shall publish notice of the certification of the qualified Native Hawaiian roll, update the roll as necessary, and publish notice of the updated roll of qualified Native Hawaiians.
4. The Commission, upon publication of the roll of qualified Native Hawaiians, shall appoint an interim council of nine members from the roll of qualified Native Hawaiians to independently commence the organization of a convention of qualified Native Hawaiians, established for the purpose of organizing themselves. The interim council is hereinafter referred to as the "Council".
5. The Commission, upon appointment of the Council, shall be dissolved.

OHA's assumptions relating to this presentation are pursuant to the above major requirements of SB 1, SD 1 and are hereby stated follows:

- A. The intent of SB 1, SD 1 is to perpetuate the State's recognition of a Native Hawaiian Governing Entity and ultimate federal recognition of Native Hawaiians.
- B. OHA's presentation has been requested as a resource for your office in determining the *appropriation* to be used in subsequent versions of SB 1, SD 1 and will not be interpreted as support for any current or subsequent version of the Bill.
- C. Certification of the roll will be based upon applications made or to be made to existing Native Hawaiian registries including but not limited to the Kau Inoa Registry and the Department of Hawaiian Homeland's Central Registry.
- D. The convention will be organized by the Council and is not considered in this presentation as the Legislature should seek funding for this phase from other sources such as the Administration for Native Americans (ANA), the Office of Hawaiian Affairs and other stakeholder organizations. OHA estimates the cost of a convention to be between \$3,000,000 and up to \$10,000,000 and does not include the cost of travel outside of Hawai'i. The 1978 Hawai'i Constitutional Convention cost less than \$2,000,000, however, in today's dollars would equal almost \$8,000,000. The ultimate cost of the convention will depend upon how long the convention will last, what existing facilities and staffing are already available, how many delegates will be elected and what kind of accommodations would be provided to the delegates and staff.

THE BIENNIUM BUDGET

The Biennium period covers the periods from July 1, 2011 through June 30, 2012 (FY12) and July 1, 2012 through June 30, 2013 (FY13). An *appropriation* is an authorization granted by the Hawai'i State Legislature permitting an agency, within established fiscal and budgetary controls, to incur obligations and to make expenditures for specific purposes. An *appropriation* is usually limited in amount and period of time during which it may be expended.

The Biennium budget (not including the cost of the Council or the cost of the convention to be organized by the Council) is expected to total \$110,880 and will accommodate the first phase of the Bill requirements as follows:

THE COMMISSION

Travel expenses for the nine-member roll commission (including travel costs and per diem) totals \$7,380 over a 6-month period and includes 1 overnight trip per commission member. The average cost of each overnight trip is \$820 and includes \$120 for per diem in lieu of subsistence while away from their homes or regular places of business.

	#	# of Months	Amount	Total
Travel (1 overnight trips/member)	9	6	700	6,300
Per Diem (1 overnight trips/member)	9	6	120	1,080
			820	7,380

The hiring of an Executive Director over a 6-month period, part-time, would be recommended and is estimated at an annual salary of \$75,000 plus fringe benefits of approximately 20% (for part-time only). For the period, the cost of the Executive Director would total \$22,500 as follows:

	#	# of Months	Amount	Total
Executive Director				
Salary - \$75,000 annually (part-time)	1	6	18,750	18,750
Fringe - 20% of Part-Time Salary	1	6	3,750	3,750
				22,500

The certification of the roll, certified under the definition of a qualified Hawaiian pursuant to Chapter 10 which states "any descendant of the aboriginal peoples inhabiting the Hawaiian Islands which exercised sovereignty and subsisted in the Hawaiian Islands in 1778, and which peoples thereafter have continued to reside in Hawai'i," will be based upon applications made or to be made to existing Native Hawaiian registries including but not limited to the Kau Inoa Registry and the Department of Hawaiian Homeland's Central Registry and is expected to require both a public service announcement campaign to inform registrants of the certification process and staff to certify the roll.

The certification process is expected to cost \$71,000 over a 6-month period as follows:

	#	# of Months	Amount	Total
Certification of Registry				
Public Service Announcement Campaign	N/A	6	15,000	15,000
Certification Staff				
Salary - \$40,000 annually	2	6	40,000	40,000
Fringe - 40% of Salary	2	6	16,000	16,000
				71,000

Publication of the roll is expected to cost \$10,000 over a 2-month period as follows:

	#	# of Months	Amount	Total
Public Service Announcement Campaign	N/A	2	10,000	10,000
				10,000

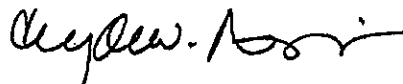
Total Commission costs are summarized as follows:

	FY12	FY13	Total FY 12/FY 13 Biennium Budget
Commission			
Travel	7,380	-	7,380
Executive Director	22,500	-	22,500
Certification of Registry	71,000	-	71,000
Publication of Roll	-	10,000	10,000
Total Commission Costs:	100,880	10,000	110,880

The Biennium budget (not including the cost of the Council or the cost of the convention to be organized by the Council) is expected to total \$110,880. As the intent of SB 1, SD 1 is to perpetuate the State's recognition of a Native Hawaiian Governing Entity and ultimate federal recognition of Native Hawaiians, OHA is honored to present this letter to assist your office in its analysis in determining the *appropriation* on behalf of our Native Hawaiian people.

Please feel free to contact me or OHA's Chief Financial Officer, Richard Pezzulo, by phone at 594-1999 should you have any questions regarding our presentation or require additional information regarding this topic.

'O wau iho nō,



Clyde W. Nāmu'o
 Chief Executive Officer