

SB1

TESTIMONY



SB1 SD1

**RELATING TO STATE RECOGNITION OF THE NATIVE HAWAIIAN PEOPLE,
THEIR LANDS, ENTITLEMENTS, HEALTH, EDUCATION, WELFARE, HERITAGE,
AND CULTURE**

Senate Committee on Judiciary and Labor
Senate Committee on Ways and Means

February 28, 2011

10:00 a.m.

Room 211

The Office of Hawaiian Affairs (OHA) offers the following comments on SB1 SD1, 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 is carefully considering possible approaches, including SB1 SD1, 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.

We do appreciate, however, the willingness of our legislators to not only listen, but to also adopt, many of the public's recommendations to improve SB1. We note that SB1 SD1 incorporated some of the proposed amendments made by OHA and others. We are encouraged by the open and full dialogue on this very important topic. Mahalo for the opportunity to testify.

COMMITTEE ON Judiciary and Labor
And COMMITTEE ON Ways and Means

DATE: Saturday, February 28, 2011

TIME: 10:00 a.m.

PLACE: Conference Room 211

State Capitol

415 South Beretania Street

A G E N D A

[SB 1](#)

[Testimony](#)

[Status](#)

RELATING TO STATE RECOGNITION OF THE
NATIVE HAWAIIAN PEOPLE, THEIR LANDS,
ENTITLEMENTS, HEALTH, EDUCATION, WELFARE,
HERITAGE, AND CULTURE.

Submitted by ~~Ma~~ Laenui, Chairperson, Aha Hawai'i Ōwi (Native Hawaiian Convention)

Aloha Kakou:

I oppose all efforts made by the State legislature inconsistent with the carrying on of the work of the Native Hawaiian Convention. Any such efforts constitute a waste of money, a waste of effort, and a contradiction to the commitment made to the Native Hawaiian People to the effort for its own development of a Native Hawaiian form of government.

It behooves us to take a not-too-distant review of our history of conferring with the Native Hawaiian people, a review taking us a mere 20 years, in which the State Legislature and the Office of Hawaiian Affairs agreed that there was a need to take a comprehensive and consultative approach with the Hawaiian people, to address the subject of Hawaiian sovereignty. This is the history which brings us today to the `Aha Hawai'i Ōwi, aka the Native Hawaiian Convention.

Hui Na`auao in early 1990's organized a multiplicity of individuals and organizations under a broad umbrella of Hawaiian rights especially as it regarded issues of historical injustice in the overthrow of the Hawaiian nation.

The Sovereignty Advisory Council (SAC) was formed by the State Legislature, circa 1991, appointing nine organizational representatives and individuals, charged with the mandate "to develop a plan to discuss and study the sovereignty issue". This council submitted a report to the State Legislature detailing the events of the overthrow, the remaining issues still unresolved and made suggestions on the State's taking further action on this issue.

The Legislature subsequently created the Hawaiian Sovereignty Advisory Council (HSAC) in 1993, naming several organizations to sit on the council and authorizing the Governor to appoint additional individuals, nominated by Hawaiian organizations or individuals. HSAC was charged with advising the Legislature on the next step to take in moving ahead on the matter of Hawaiian self-governance. This council visited the communities in Hawai`i and in America, trying to obtain the opinions of the people on how to proceed with moving forward on self-governance. HSAC concluded that a vote should be called asking the native Hawaiian population if an election of delegates should be held to propose a form of native Hawaiian governance. The legislature received the report, adopted the recommendations and followed by the appointment of an elections commission.

In the same year, U.S. President William Clinton signed Public Law 103-150, often called the Apology Resolution.

The Hawaiian Sovereignty Elections Commission was subsequently formed (1994) to pose the question of the formation of a governmental form to the native Hawaiian population.

Ha Hawaii was incorporated (1995) as a not-for-profit corporation to aid in the administration of the convention to result from the election of delegates, anticipating a favorable outcome on the question to be posed.

The balloting, called the "Native Hawaiian Vote" was done by mail in 1996. The question on the ballot was, "Shall the Hawaiian people elect delegates to propose a native Hawaiian form of government?" The vote was overwhelmingly in favor (73%) of such an election. The results were verified by the League of Women Voters.

Delegates were subsequently elected from the traditional Hawaiian Moku and a special moku of people living in the continental U.S. portion of North America, by Native Hawaiian voters. In total, 78 delegates were elected. The Native Hawaiian Convention (Aha Hawai`i Ōwi) was subsequently constituted. Their deliberations began in July 1999.

Funding for this process was generally supported through the Office of Hawaiian Affairs and the State legislature.

As the work progressed, there emerged two models of a governmental form, one called for an integration approach in which the native Hawaiian government would operate within the United States of America, very much like the commonly known Akaka Bill framework. The second model was one of an independent nation-state. The convention had determined to submit two models to the native Hawaiian constituency upon finalization of these models.

The work of the convention has met several obstacles including the lack of adequate funding by OHA and the State Legislature as well as the intervention of the introduction of the Akaka Bill in the U.S. Congress.

Delegates of the AHO have been patiently watching the progress of the Akaka Bill which would inform the further work of the convention. We have seen in December 2010 that the Akaka Bill has met its demise, although we are fully aware of the fact that it may be reintroduced in the Congress in the coming years.

The current executive officers of the convention are:

~~Pō~~ Laenui, Chairperson,

Dante Carpenter, Vice Chair,

Glenn Oamilda, Vice Chair,

Maurice Kahawai`i, Treasurer,

The position of Secretary is vacant due to the untimely death of Nalani Gersabe.

In consultation with the executive officers and other delegates of the AHO, it is our intention to reconvene the AHO as soon as we are able to obtain sufficient funds, which funds would go primarily to the cost of travel of delegates, meeting facilities, and a minimum of support staff to maintain and preserve records and files, and a continuity between sessions.

It is my estimate that the convention would take three more sessions to complete its drafting of two models of Hawaiian governance for presentation to the Native Hawaiian constituents. There will be a final function of education, discussion, debate, and a vote on the models to conclude the mandate of the Aha Hawai`i Ōwi.

It would not be appropriate for the legislature to create yet another process in the formation of a native Hawaiian governance entity. The native Hawaiian people have suffered enough trauma of others attempting to set for them a Hawaiian governance entity. Rather, the legislature should support the completion of the mandate of the native Hawaiian vote, providing and/or encouraging the Office of Hawaiian Affairs to assist in the provision of necessary resources to see this work to fruition.

This bill, with appropriate amendments, could serve as a vehicle to reach that conclusion.



THE TWENTY-SIXTH LEGISLATURE

REGULAR SESSION OF 2011

COMMITTEE ON JUDICIARY AND LABOR

And COMMITTEE ON Ways and Means

DATE: Monday, February 28, 2011
TIME: 10:00 a.m.
PLACE: Conference Room 211

State Capitol

415 South Beretania Street

Testimony: RELATING TO STATE RECOGNITION OF THE NATIVE HAWAIIAN PEOPLE, THEIR LANDS, ENTITLEMENTS, HEALTH, EDUCATION, WELFARE, HERITAGE, AND CULTURE

From: Ho`oipo DeCambra, Member of `Aha Hawai`i `Oiw

Aloha Kakou:

I oppose all efforts made by the State Legislature inconsistent with carrying on of the work of the Native Hawaiian Convention. Any such efforts constitute a waste of money, a waste of effort, and a contradiction to the commitment made to the Native Hawaiian People to the effort for its own development of a Native Hawaiian form of government.

I have grown old, look at my hair, and still others have lost their hair, through this movement for self-determination, the right to self-govern ourselves. I now have 15 mo`opuna who need to know clearly that they have **the right to self-govern** themselves, and they have **the freedom to use their own language and to practice their own culture** as Native Hawaiians. **This testimony is for the yet unborn Hawaiian children**, and my 14 mo`opuna, Kaimana, Kainalu, Ikaika, Luke, Ka`enaleiehukai, Jordan, Kiaka, Wailani, Kameaaloha, Kapuaokalani, Paula-Ann Leilani, BJ, Makalapua, and (1) Great grandchild Genesis Leina`ala.

As a Native Hawaiian and member of `Aha Hawai`i `Oiwī (AHO) who contributed to the work in progress, I concur that there emerged two models of a governmental form, one called for an integration approach in which the native Hawaiian government would operate within the United States of America, very much like the commonly known Akaka Bill framework. The second model was one of an independent nation-state. The convention had determined to submit two models to the native Hawaiian constituency upon finalization of these models.

And I concur it is our intention to reconvene the AHO. **Why not use this momentum and complete the job?**

With regards to the current bill under consideration, I believe that it would not be appropriate at this time for the legislature to create yet another process in the formation of a native Hawaiian governance entity. **Rather, the legislature should support the completion of the mandate of the native Hawaiian vote, providing and/or encouraging the Office of Hawaiian Affairs to assist in the provision of necessary resources to see this work to fruition.**

I ask the legislature to continue to support this effort of the convention. All I want is to take the process we started a few years back through to the finish line. **This bill could serve as a vehicle to the finish line.**

Sincerely,
Ho`oipo DeCambra



Association of Hawaiian Civic Clubs
P. O. Box 1135
Honolulu, Hawai`i 96807

IN SUPPORT OF SB1, SD1
Relating to the State Recognition of the Native Hawaiian People, Their
Lands, Entitlements, Health, Education, Welfare, Heritage and Culture

Before the Joint Committees on
Judiciary and Labor and Ways and Means
February 28, 2011; 10:00 am; Room 211

Aloha Chairman Hee, Chairman Ige and members of the joint Committees on Judiciary and Labor and Ways and Means. I am Soulee Stroud, President of the Association of Hawaiian Civic Clubs here today to support the passage of Senate Bill 1 Senate Draft 1 (SSCR428).

The first civic club was founded in 1918 and we continue to thrive with clubs on all islands of the State of Hawaii, 11 states on the continent and the District of Columbia. We now have more than sixty component clubs participating in those activities that our founders envisioned – historic preservation, education of Native Hawaiian students, protection of traditional culture and advocacy for Hawaiian Home Lands.

SB 1,S.D.1 has been amended to delete the original contents of the bill and insert language to establish a new chapter in the Hawai'i Revised Statutes to reflect the proposed amendments to: create a more comprehensive findings purpose, establish a nine member Native Hawaiian Roll Commission to certify qualified Native Hawaiians, require the publication of certification; require the establishment of an Interim nine member Council to organize a Convention; clarify established rights, and appropriate funds to the Office of Hawaiian Affairs for the period of 2011 to 2013 to implement this act.

We support the provisions of SD 1. The establishment of a Native Hawaiian Roll was also contained in the "Akaka bill" and is an established practice of identifying members of the class of "indigenous, aboriginal, "maoli" population. SB1 S.D. 1 provides for a nine member Native Hawaiian Roll Commission that is appointed by the Governor, the Senate President, and the House Speaker, each appointing three members. No criteria for appointment

is provided in the draft, nor is there guidance regarding on-going efforts to enroll qualified Hawaiians. Given the short timeframe provided in this draft, we would suggest the use of OHA's Kau I Noa program to assist in this process. We support also the publication of notice of certification of the qualified Native Hawaiian roll.

The establishment of an Interim Council to organize a Convention, is a past practice of the Legislature when in 1997 the Legislature a Hawaiian Sovereignty Elections Council for the purpose of convening a Convention, unfortunately, it was not successful. One of the difficulties of the 1997 initiatives was the limited time and monies provided to carry out the tasks identified in the Legislation. We would suggest that the Senate Draft has the same flaws.

The Senate Draft proposes two years of funding for the process of creating a roll of qualified Native Hawaiians and organizing a convention of qualified Native Hawaiians for the "purpose of organizing themselves"....the Senate Draft also states that "no additional funds shall be appropriated for the purposes of this Act." We disagree with this language.

First, it will take longer than one year to verify a roll of Native Hawaiians. Second, it will take longer than one year to organize a Convention. We would suggest that the bill can proceed as amended, if the language prohibiting future funding for the purpose of this act is deleted.

Sufficient time is required to carry out the work identified in this Senate Draft and we believe that given adequate funding allows greater possibility for the process to succeed.

The Association of Hawaiian Civic Clubs has always supported Federal recognition of Native Hawaiians as the aboriginal, maoli people of Hawai'i. We have always supported too, self-governance and self-determination for our people. We support SB 1, S.D1 in this spirit and urge the Legislature to make the amendments noted, to allow for a successful effort in building the mechanisms we need to assure the protection and continuation of our heritage, culture, and political relationship as the first peoples of Hawai'i nei.

Thank you for your consideration of our testimony .

For further information please contact our Government Relations Chair, Jalna Keala at jalna.keala2@hawaiiantel.net.



TESTIMONY BY
THEODORA FURTADO
PRESIDENT, MAINLAND COUNCIL OF
THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS

SENATE BILL 1
RELATING TO STATE RECOGNITION OF THE NATIVE HAWAIIAN PEOPLE,
THEIR LANDS, ENTITLEMENTS, HEALTH, EDUCATION, WELFARE,
HERITAGE, AND CULTURE.

Before the Joint Senate Committees on Judiciary and Labor and the
Committee on Ways and Means
February 28, 2011

Chairman Hee, Chairman Ige and members of the Senate Committees:

Aloha kakou! Mahalo for this opportunity to provide testimony on this legislation. I am Theodora Furtado, President of the Mainland Council of the Association of Hawaiian Civic Clubs. The Mainland Council of the Association of Hawaiian Civic Clubs represents 15 Hawaiian Civic Clubs that span across ten states on the continent, the District of Columbia and Alaska. We extend the Hawaiian Civic Club movement that Prince Kuhio started in 1918 across the continent and we advocate for the improved welfare of native Hawaiians in culture, health, economic development, education, social welfare, especially as it impacts Hawaiians living on the continent.

According to the 2000 U.S. Census, approximately 40% of Native Hawaiians live in states other than Hawai'i. Regardless of the reasons for these Native Hawaiians residing in other states, many still hold close ties to the islands and maintain a vested interest in the formation of a self-governing Native Hawaiian nation. Many Native Hawaiians currently residing on the mainland would gladly move home to Hawai'i to have the opportunity to participate in a Native Hawaiian community that could provide the cultural, educational, and economic conditions necessary for their families to thrive.

As you consider this and other legislation pending in the State legislature that would provide a process for state recognition of the Native Hawaiian people, the Mainland Council requests that language be inserted in the bill clarifying that Native Hawaiians, wherever they reside, on the 'āina, the continent or the world, are included in the State process of Native Hawaiian recognition. Additionally, the Mainland Council requests that specific language be inserted to enable non-resident Native Hawaiians to participate in the Native Hawaiian Roll Commission and the subsequent Interim Council created in this bill.

In order to provide justification for the inclusion of non-resident Native Hawaiians in the process of Native Hawaiian recognition, one can look to the Alaska Native Claims Settlement Act (ANCSA) which Congress passed in 1971 to settle the land and financial claims made by the

Alaska Native people. ANCSA created 12 regional corporations within the state of Alaska and a 13th corporation to incorporate those Alaska Natives who were no longer residents of Alaska, thereby giving non-resident Alaska Natives the ability to exercise the rights and privileges afforded to their counterparts still living in Alaska. An example of this is afforded Alaska Natives living in the State of Utah. According to Utah Board of Education, Title VII of the Elementary and Secondary Education Act (ESEA), also known as the No Child Left Behind Act of 2001 (NCLB), Indian Education funds are specifically earmarked for American Indians and Alaska Natives thus receiving the benefits of their federal recognition.

We ask that you allow Native Hawaiians residing throughout the world to participate in the critical formation of the Native Hawaiian nation – a process in which all Native Hawaiians share a vested interest regardless of where they currently reside.

Mahalo for your consideration.

Sincerely,

Theodora Furtado

Theodora Furtado, President
Mainland Council of the Association of Hawaiian Civic clubs

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 24, 2011 8:55 AM
To: JDLTestimony
Cc: tane_1@msn.com
Subject: Testimony for SB1 on 2/28/2011 10:00:00 AM

Testimony for JDL/WAM 2/28/2011 10:00:00 AM SB1

Conference room: 211
Testifier position: oppose
Testifier will be present: No
Submitted by: David M. K. Inciong, II
Organization: Individual
Address:
Phone:
E-mail: tane_1@msn.com
Submitted on: 2/24/2011

Comments:
Updated testimony with typos corrected:

My family and I strongly oppose this bill. At a time when funds are restricted, it is necessary to oppose passage of this disingenuous bill. It also disenfranchises most of the Hawaiians and all descendants of the Kingdom of Hawaii.

Since there is no treaty of annexation, the Kingdom of Hawaii still exists albeit under the U.S. belligerent occupation. This promotion of the U.S.A. WASP racist Manifest Destiny doctrines is repugnant and disdainful to even think the alleged state of Hawaii has the jurisdiction to create its own manufactured facsimile of a tribal native government to usurp the superior status of the Kingdom of Hawaii and supplant its puppets to orchestrate a false entity.

The prolonged United States of America's belligerent occupation with its continuous, ongoing violations of the international law of occupation and in defiance of the law of neutrality, the self-admitted guilt acknowledged by the United States of America and the lack of a lawful treaty of annexation are all injurious to the citizens of the Kingdom of Hawaii.

It is strongly desired by the bona fide subjects of the Kingdom of Hawaii, the descendants of those patriots whereby 98% of them signed the massive Ku'e Petitions of 1897 against the unlawful and pretentious annexation, that the United States of America cease and desist its gross, injurious violations against the Kingdom of Hawaii and its multi-ethnic nationals of this mainstream Polynesian Hawaiian society.

We are cognizant of the criminal actions of the United States of America against a trusting, friendly neutral nation that had been recognized internationally throughout the world, including the United States of America, as a peer and member of the family of nations prior

to the conspiratous acts of the United States of America's government, its agents, its citizens, and its military.

It is not for you to manufacture a governing entity to recognize in a paternalistic way and relegate a lesser status for part of our subjects of the Kingdom of Hawaii. That would be costly on your part and against your constitution and that of the Constitutional laws of the United States of America. Surely you could spend the taxpayers money on something more useful.

We look to the United States of America to do the right thing by complying with the international law of occupation to work out the process to deoccupy the Kingdom of Hawaii; to enforce the human rights law, and the law of neutrality and to restore its treaties in good faith to the Kingdom of Hawaii as a most favored nation.

Therefore, it behooves you to oppose this insidious bill and reconcile with the bona fide subjects of the Kingdom of Hawaii rather than create your own puppet American entity of a tribal concoction subject to your paternalistic, racist U.S. WASP ethnocentric mindset.

Show some respect; we are not your underlings incapable of governing ourselves. We are very capable of making self-determining choices without your help. Just follow the guidelines established by the law of occupation.

Sincerely,

a full-fledged human being of the Kingdom of Hawaii,

Tane

From: OhanaMoniz@aol.com
Sent: Thursday, February 24, 2011 9:01 AM
To: JDLTestimony
Subject: SB 1, SD 1

[SB 1, SD1](#)

[\(SSCR428\)](#)

[Testimony](#)

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RELATING TO STATE RECOGNITION OF THE
NATIVE HAWAIIAN PEOPLE, THEIR LANDS,
ENTITLEMENTS, HEALTH, EDUCATION, WELFARE,
HERITAGE, AND CULTURE.

I am writing in opposition to this bill. I would further like to add that this Bill does not include wording that includes the Voice of Native Hawaiians who live outside of the State of Hawaii.

What about us?

Melissa Haa Moniz
8907 Redbud Woods
San Antonio, TX 78250

From: Lela M. Hubbard [lmhubbard@hawaiiintel.net]
Sent: Sunday, February 27, 2011 12:26 PM
To: JDLTestimony
Cc: Colette Machado; ulu vasper; Kekuni Blaisdell; Kyle Kajihiro; Kealii McClellan; William Markham Pregill; Mary Dias
Subject: Hearing on SB1,SD1on Mon., Feb. 28, 2011, 10 AM, Rm 211

Committee on Judiciary and Labor
Sen Clayton Hee, Chair
Sen. Maile Shimabukuro

Committee on Ways and Means
Sen. David Ige, Chair
Sen. Michelle Kidani, Vice Chair

Support of the intent of SB1, SD1

I represent Na Koa Ikaika, an ohana group that has supported Hawaiian Nationhood for over two decades. We appreciate your support of our march to nationhood; however this is a process we Hawaiians need to develop ourselves, an excruciatingly slow awakening of our right to a true Hawaiian Nation. Recognition by the State and the Federal government subverts that right.

Any commission or council to create a roll must be unbiased and selected by the Hawaiian people from a list of qualified individuals: educated, knowledgeable of genealogy, upholders of Hawaiian values and traditions, ma'a on our legal rights in the family of nations as well as showing an understanding of our history under America.

Further all who participate in this vote will be educated on all options and the implication of those options funded by OHA. What the continent has been given on these issues is one-sided assimilated pap. True education gives the facts and lets the participants decide. Let the truth set us free---which is what America fears.

The Alaskan Settlement has undermined native rights and made the lawyers rich as the natives have been fighting the horrors of the corporations which were very lucrative for those leaders in charge. I have talked with Alaskan natives who knew they were being cheated, realizing little from their stock. What controls would we have? As much control as we have over OHA-virtually none.

Indigenous, aboriginal, maoli all are terms that demean us. We have a right once again to be a citizen of our nation recognized by the family of nations. Until all Hawaiians, ka po'e Hawai'i, are willing to stand up for our legal rights, we will be sold out piecemeal for pennies by our manipulated, narrow-minded leaders.

No commission or any other process will go forward until a majority of the eligible Hawaiians are on the roll. The much touted native Hawaiian vote had only 26% of the eligible participating.

Limiting interim council members to organizations established in April 1865 or December 1918 I suspect limits membership to the alii. Please list those organizations. What about the makaaina who work hard and do not have the time to join groups. Who would represent the Niihau ohana? Milolii? Pieces of paper do not supplant natural heart and brains.

Does Sec. 3 amend the HHCA of 1920 to end the segregation of Hawaiians into haves and have nots?

Lela M. Hubbard
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