

SCR 75

NEIL ABERCROMBIE
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

COMMENTS OF ALAPAKI NAHALE-A, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE SENATE COMMITTEE ON HAWAIIAN AFFAIRS ON

SCR 75, URGING A REVISION TO PRESENT POLICIES ON MATTERS OF BLOOD
QUANTUM FOR SUCCESSORS TO LESSEES OF A HAWAIIAN HOME LANDS LEASE

March 30, 2011

Aloha Chair Galuteria, Vice-Chair Ryan and Members of the Committee:

The Department of Hawaiian Home Lands (DHHL) understands the intent of SCR 75 and likewise understands the interests and concerns of our beneficiaries who would like to succeed their leases to direct descendants who are not at least 25% Native Hawaiian.

This type of amendment to the Hawaiian Homes Commission Act would first require sufficient consultation with all beneficiaries, including our lessees and applicants. Our consultation process ensures that beneficiaries determine the best solution for this issue. Further, this type of amendment requires approval by the Hawaii State Legislature and will likely require congressional consent. We request the opportunity to conduct our consultation before the legislature advances this type of legislation.

Thank you for the opportunity to provide these comments.



SCR75
URGING A REVISION TO PRESENT POLICIES ON
MATTERS OF BLOOD QUANTUM FOR SUCCESSORS TO LESSEES OF A
HAWAIIAN HOME LANDS LEASE
Senate Committee on Hawaiian Affairs

March 30, 2011

2:45 p.m.

Room 224

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SCR75, which urges a revision of the present policies on matters of blood quantum for successors to lessees of a Hawaiian Home Lands lease.

OHA does not believe that the original homesteading advocates meant to prevent those with less than 50 percent blood quantum from being eligible for Hawaiian Home Lands leases. The advocates, some of which were ali'i, proposed homesteading as a way to rehabilitate the Native Hawaiian people and reconnect them with the 'āina. They felt the proposal was justified because Hawaiians were entitled to the lands which would be used.¹ Congressional delegate Prince Jonah Kūhiō Kalaniana'ole and others championed for homesteading for all Native Hawaiians, regardless of blood quantum. After much debate and heavy influence by powerful sugar businessmen who were interested in holding onto over 200,000 acres of valuable agricultural lands, Prince Kūhio eventually agreed to a compromise that would have allowed for those with 1/32 (or 3.125%) Hawaiian blood to obtain homestead lots. Unfortunately, the bill that Congress eventually passed defined eligible native Hawaiians as those of not less than 50 percent Hawaiian blood.

OHA believes this foreign definition has divided the Native Hawaiian people. The definition imposed by the U.S. Congress arguably divided the Native Hawaiian people into two classes: the "fifty percenters" (those with at least 50 percent blood quantum) and the "less than fifty percenters". This division has had significant political consequences and has impacted some 'ohana's ability to maintain their homesteads.

OHA supports revising blood quantum policies for Hawaiian Home Lands leases to ensure that 'ohana are able to hold onto their leases. The idea is not a new one. Towards the end of the 20th Century, there were an increasing number of 'ohana that were at risk of not being able to retain their leases. To protect these

¹ J. Kēhaulani Kauanui, *Hawaiian Blood*, Duke University, 2008 P 101

'ohana, amendments were made that reduced the required blood quantum from at least 50 percent to at least 25 percent for qualified successors (spouse, children, and siblings).

The closer we can bring the Hawaiian Homes Commission Act in line with its original intentions, the easier it will be for our people to move forward, together, as one people. OHA asks this committee to take into consideration the history of the HHCA, the tireless work of Prince Kūhiō and other advocates, and the needs of the Native Hawaiian people.

OHA strongly urges the committee to pass SCR75. Mahalo nui loa for the opportunity to testify.

galuteria1 - Ikaika

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 25, 2011 10:21 PM
To: HWN Testimony
Cc: olindaaiwohi@yahoo.com
Subject: Testimony for SCR75 on 3/30/2011 2:45:00 PM

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for HWN 3/30/2011 2:45:00 PM SCR75

Conference room: 224
Testifier position: oppose
Testifier will be present: No
Submitted by: Mike Stone
Organization: Individual
Address:
Phone:
E-mail: olindaaiwohi@yahoo.com
Submitted on: 3/25/2011

Comments:

Please do not pass this bill, it is not one that is worded well. It needs to be amended to say upon the "death of the successor." Otherwise these people of less than half Hawaiian will be living in homes that we, who are half Hawaiian continue to wait for a home. Not fair at all.

galuteria1 - Ikaika

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 25, 2011 10:19 PM
To: HWN Testimony
Cc: olindaaiwohi@yahoo.com
Subject: Testimony for SCR75 on 3/30/2011 2:45:00 PM

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Testimony for HWN 3/30/2011 2:45:00 PM SCR75

Conference room: 224
Testifier position: oppose
Testifier will be present: No
Submitted by: Kanoelani Medeiros
Organization: Individual
Address:
Phone:
E-mail: olindaaiwohi@yahoo.com
Submitted on: 3/25/2011

Comments:

galuteria1 - Ikaika

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 25, 2011 10:18 PM
To: HWN Testimony
Cc: olindaaiwohi@yahoo.com
Subject: Testimony for SCR75 on 3/30/2011 2:45:00 PM

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Testimony for HWN 3/30/2011 2:45:00 PM SCR75

Conference room: 224
Testifier position: oppose
Testifier will be present: No
Submitted by: Olinda Aiwohi
Organization: Individual
Address:
Phone:
E-mail: olindaaiwohi@yahoo.com
Submitted on: 3/25/2011

Comments:

galuteria1 - Ikaika

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 25, 2011 10:17 PM
To: HWN Testimony
Cc: tad781@hawaii.rr.com
Subject: Testimony for SCR75 on 3/30/2011 2:45:00 PM

Follow Up Flag: Follow up
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Testimony for HWN 3/30/2011 2:45:00 PM SCR75

Conference room: 224
Testifier position: oppose
Testifier will be present: No
Submitted by: Jared Aiwohi
Organization: Individual
Address:
Phone:
E-mail: tad781@hawaii.rr.com
Submitted on: 3/25/2011

Comments:

Having read this resolution to change the successor-ship of a lessee is a concern of many of us native Hawaiians who are 50% to 100% Hawaiian. Our concern is not so much with lowering the successor blood quantum but more so with the wording. Right now the way the successor-ship is written giving a qualified lessee an award and then the award is quickly given to a qualified relative who is of 25% blood, then the 50% lessee, goes back on the DHHL waiting list, and either buys another qualified lessees home or land and then again sells or transfers their lease to a 25%. This just leaves all those who are patiently waiting on the DHHL list to never move up, that is one of the reasons for such a backlog of names and that is why qualified native Hawaiians wait over 20 or more years, and sometimes die while waiting. I would suggest an amended version be introduced, one that would state: a lessee of DHHL homestead lands may name a qualified relative of 12 and a half % Hawaiian blood to only succeed upon the death of the lessee. My reason is valid, by making sure that the homes or lands will not be lost. If the lessee awarded to a qualified beneficiary of 50% blood quantum then the children should be no less than 25%. The only reason to lower the blood quantum would be to satisfy those lessees who are now living on DHHL lands who are 25% Hawaiian blood, which is in violation of the intentions of Prince Jonah Kuhio Kalaniana'ole. Many of those of 25% are not living in homes/lands of long term family members. If you take a survey of how long their ohana has owned or leased their property from DHHL you will find many have just recieved it. I read in this bill that the reason for it is to preserve the family lands after the beneficiary has died, that is not true, many beneficiaries are alive and well, they have just given their homes or lands to those who are of less than half blood quantum, most buy the leases and pass them on. This is true, I have witnessed this many times, here on Maui and elsewhere within the state. If you change the wording to say, upon the death of the lessee a qualified relative of no less than 12 and a half Hawaiian blood may succeed. I would support that. Amend or kill bill. Another thing that was brought to my attention is that those of 50% blood who are on the waiting list need to be awarded their homes, before any people of less blood quantum. Successors should be succeeding only after death of the lessee. Another point made by Hawaiians on the list is that these people who are less than half Hawaiian, are aware of the circumstances before the award, but then they complain after an award is made and want the blood quantum changed. They care nothing about those on the waiting list. When changes like what is being proposed happens it causes a bigger problem, pretty soon we will see a bill proposing the blood quantum of a successor be dropped to 6%

and then 3% and then 1% and then less and less, while all the 20,000 plus continue to wait for a DHHL award. Be fair to those on the waiting list and instead of proposing this kind of a raw deal, propose one that protects the indigenous people of Hawaii. Stop the infractions being done now, by proposing that successors of less than 50% Hawaiian blood succeed only upon the death of the qualified lessee. I am not being prejudicial about this matter, my children are all 50% Hawaiian, but my grandchildren are all 25% to 36% Hawaiian and do not qualify as bona fide lessees, but I could as a living, breathing person, turn my home over to my grandchild over 18 yrs, 25% Hawaiian, then turn around and buy another home which is for sale nearby in my community, then transfer to my other grandchild, and on and on, until I have succeeded all my grandchildren a Hawaiian home lease. After satisfying that purpose, I could then either go back on the list and just wait for an award which might take a decade, or just find another home or lot to buy and then live on that until I die, but then I could give it to my great grandchild of 12.5% Hawaiian, and repeat what I just did. The words upon the death of the lessee needs to be included in this bill, but I feel it needs to be killed and introduced at a later time, when you all have a better understanding of what really goes on. If you ask indiscreetly an employee of DHHL who does most of the transfers, she would tell you it is happening as I stated. Our lands are being given to those of less than half Hawaiian and those who are 50% continue to wait. I oppose!

ASSOCIATION OF HAWAIIAN CIVIC CLUBS

Testimony of President Soulee Stroud

**SCR 75 URGING A REVISION TO PRESENT
POLICIES ON MATTERS OF BLOOD QUANTUM FOR
SUCCESSORSHIP TO LESSEES OF A
HAWAIIAN HOME LANDS LEASE**

Heard before the
COMMITTEE ON HAWAIIAN AFFAIRS
Wednesday; March 30, 2011; 2:45 p.m.; Rm. 224

Aloha Chairman Galuteria, madam vice chair Ryan and members of the Committee on Hawaiian Affairs. I am Soulee Stroud, President of the Association of Hawaiian Civic Clubs here to testify in support of SCR75 Urging a Revision to Present Policies on Matters of Blood Quantum for Successorship to Lessees of a Hawaiian Home Land Lease.

The Association of Hawaiian Civic Clubs is comprised of sixty affiliate clubs in eleven states of the continent who participate in a convention held annually to conduct Association business. Among other things, we submit resolutions on issues relating to Native Hawaiian issues. The resolutions are assigned to committees where they are discussed and debated before being voted upon and passing on to the House of Delegates.

In 2010 a resolution addressing this issue was adopted as: #10-17, Urging the Department of Hawaiian Home Lands to Revise Its Present Policies on Matters of Blood Quantum Successorship. It was a difficult issue for many of us, but in the final analysis the majority prevailed, #10-17 was adopted and reported out.

We are here to support our members who voted to for a change in policies by the Department of Hawaiian Home Lands. Thank you for the opportunity to testify. Contact: jalna.keala2@hawaiiantel.net

galuteria1 - Ikaika

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 29, 2011 7:59 AM
To: HWN Testimony
Cc: duke@sandwichisles.net
Subject: Testimony for SCR75 on 3/30/2011 2:45:00 PM

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Testimony for HWN 3/30/2011 2:45:00 PM SCR75

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: M KananiKapuniai
Organization: Individual
Address:
Phone:
E-mail: duke@sandwichisles.net
Submitted on: 3/29/2011

Comments:

With the belief and strong conviction that families shall reside and prosper on Hawaiian Homes Trust Lands for perpetuity, I strongly support SCR 75. The Lessee and all family members, not just the "more than 25%", contribute in time, talents, financial resources, sweat and tears to its efforts towards self-sufficiency, as Prince Kuhio envisioned.
Thank you! M Kapuniai