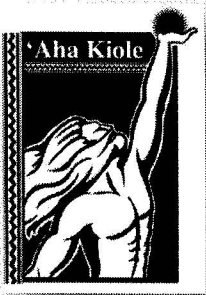


LATE TESTIMONY



Aha Kiole Advisory Committee

TESTIMONY IN SUPPORT

OF HB 1627 HD 1,

Relating to Government

Submitted to: Hearing of the Committee on Judiciary

Hearing Date: February 17, 2011, 2:30pm, Room 325

Submitted by: Vanda Hanakahi, Chair, Moloka'i

Aloha Chair Hanohano and Members of the House Committee on Hawaiian Affairs,

Thank you for the opportunity to testify on H.B. 1627 HD 1, the bill that establishes procedures for state recognition of a first nation government. The Aha Kiole Advisory Committee supports this bill and urges you to pass it.

Mahalo nui loa,

Vanda Hanakahi, Chair

Aha Kiole Advisory Committee

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GRASSroot
Institute of Hawaii

LATE TESTIMONY

TESTIMONY
February 17, 2011

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**TESTIMONY ON HB 1627 HD1 RELATING TO
STATE RECOGNITION OF A FIRST NATION GOVERNMENT**

by Malia Blom Hill, Policy Advisor at the Grassroot Institute of Hawaii

On behalf of the Grassroot Institute of Hawaii, I would like to state my opposition to HB 1627 HD 1 which will establish procedures for state recognition of a first nation government.

This Bill, an obvious attempt to either shore up the chances that the so-called "Akaka Bill" (providing federal recognition to a Native Hawaiian "tribe") will be passed in Congress or--failing that passage--create a half-measure of recognition within the State of Hawaii, is an incomplete, rushed and ill-considered piece of legislation.

Even with the many compromises and negotiations of the federal bill, there remained serious questions about the mechanism of Native Hawaiian recognition, allocation of lands, money, sovereignty, and many other issues. That problem is accentuated in HB 1627 HD 1, which does not include a sound plan for implementation.

Moreover, no attempt has been made to study the impact of this legislation upon the state if passed. The Grassroot Institute has examined the possible economic impact of the Akaka Bill and found some worrisome negative implications for the state's economy. This bill is both untested and unexamined, and it would be irresponsible to consider it without a detailed and impartial study of the economic, legal, and cultural impact of such radical legislation. In terms of legal impact, it is important not only to consider the question of what level of sovereignty is to be recognized within the State and what the effect of that system will be, but also to consider the inevitable challenges to the constitutionality of the bill. As the recognition of tribes is an enumerated Congressional power, there is a real question as to whether the State Legislature has the power to enact this legislation at all. If not, then we are utilizing taxpayer monies in what is little more than a transparent political ploy. Even ignoring the question of whether the Legislature has the power to make this determination, the mechanism for determining who qualifies as a Native Hawaiian under this legislation is likely to lead to challenges on civil rights grounds.

Finally, I must caution this body that public support on Native Hawaiian recognition is more uncertain than ever. Our own poll on support for the Akaka Bill revealed that once Hawaii's citizens were aware of the actual provisions and effects of Native Hawaiian reorganization, support for the Bill plummeted. There is clear evidence that a majority of people in Hawaii do not want to see the state divided in this way.

Thank you for the opportunity to testify before you today, and I urge you to vote against HB1627 HD 1.

The Grassroot Institute of Hawaii is an independent, non-partisan think tank based in Honolulu. The Institute's mission is to achieve a freer and more prosperous Hawaii through the principles of free markets, individual liberty and limited, more accountable government.

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Testimony for JUD 2/17/2011 2:30:00 PM HB1627

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Kealii Makekau
Organization: Individual
Address:
Phone:
E-mail: Kealii8@hotmail.com
Submitted on: 2/17/2011

LATE TESTIMONY

Comments:

Can the State of Hawai`i create a Nation, State or Tribe?

Constitution for the United States of America, Article IV, Section 3, Clause 1, to wit:

-New States may be admitted by the Congress into this Union; but no new States shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

Creation of another State or Tribe; The State of Hawaii is not authorized by the U.S. Constitution to create another State or Indian Tribe, and it is not authorized to incorporate or admit a foreign Nation into the Union of the United States of America. Objection is made against the proposed Bill upon the grounds that the Bill is extra-Constitutional and is not within the limited powers of the State.

These are absolute prohibitions imposed against the several States. Every good faith effort should be made to ensure that the fundamental law and principles upon which it is founded upon are at the forefront of any political action.

It makes no sense for this committee and any other to address this matter when the constitution defines what the state can do and what it cant. Therefore this bill and others like it should be opposed.

Mahalo Kealii Makekau