

clee1 - Lina

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 20, 2012 9:50 PM
To: HAWtestimony
Cc: deborahn@oha.org
Subject: Testimony for HR68 on 3/21/2012 9:00:00 AM
Attachments: HR 68 HCR 96 Hawaiian Nationals 3 21 12 HAW.pdf

LATE TESTIMONY

Testimony for HAW 3/21/2012 9:00:00 AM HR68

Conference room: 329
Testifier position: Comments Only
Testifier will be present: No
Submitted by: Office of Hawaiian Affairs
Organization: Office of Hawaiian Affairs
E-mail: deborahn@oha.org
Submitted on: 3/20/2012

Comments:



HR 68 / HCR 96
House Committee on Hawaiian Affairs

March 21, 2012

9:00 a.m.

Room 329

The Office of Hawaiian Affairs (OHA) offers the following comments on HR 68 and HCR 96, which would:

- Formally recognize “Hawaiian Nationals” (defined in HR 68 / HCR 96 to include lineal descendants of Hawaiian Kingdom subjects, anyone born in the Hawaiian Islands, or anyone naturalized through a formal process) as the authentic heirs, beneficiaries, and body politic of the continuing Hawaiian Kingdom;
- Formally recognize the right of Hawaiian Nationals to organize and restore their national government in the Hawaiian Islands; and
- Commit the State to encouraging the courts and law enforcement agencies in the State to cease, among other things, prosecution of Hawaiian Nationals.

The Native Hawaiian community generally agrees that the Hawaiian people’s claims to inherent sovereignty have never been relinquished. The Native Hawaiian community also generally agrees that repatriation of that unrelinquished inherent sovereignty is just and overdue.

The community has not yet, however, arrived at a general consensus regarding the best way to repatriate its unrelinquished inherent sovereignty. Specifically, the community has not yet reached a consensus about whether it should seek formal acknowledgment of its inherent sovereignty through state, federal or international legal mechanisms, or some combination of the three.

When this Legislature passed Act 195 in 2011, it formally recognized the Native Hawaiian people as the only indigenous, aboriginal, maoli people of Hawai’i and established a Native Hawaiian Roll Commission responsible for preparing a roll of qualified Native Hawaiians who will be eligible to participate in the process of reorganizing a government for purposes of self-governance.

Consistent with Act 195, subsequent decisions about how to reorganize the government and whether to obtain state, federal and/or international recognition of the reorganized government will be made by the convened enrolled members and advanced through additional action.

LATE TESTIMONY

HR 68 and HCR 96 basically urge the State to recognize the independent status of the continuing Hawaiian Kingdom under international law and to cease criminal prosecution of Hawaiian Nationals under state law because of that independence. Assuming the existence of international political and legal rights to continued self-governance based on the persistence of the Hawaiian Kingdom, fundamental questions must first be answered, including, but not limited to: who properly holds these rights, whether the proper holders of these rights believe that the immediate exercise of full international independence is most conducive to a thriving lāhui, who will govern the independent nation, and according to what standards and norms will the nation be governed.

OHA believes that the lāhui should be given the opportunity to come together to discuss these fundamental questions about who the lāhui is and what its collective destiny should be. It is our hope that the Act 195 enrollment process culminates in a productive convention where lāhui members with differing beliefs and opinions can unite to move forward with self-determination and self-governance. OHA is committed to facilitating and supporting this important dialogue to the best of its ability.

Mahalo for the opportunity to testify on this important issue.

cleel - Lina

From: Poka Laenui [plaenui@hawaiianperspectives.org]
Sent: Tuesday, March 20, 2012 5:40 PM
To: HAWtestimony
Subject: Testimony for Hearing, House Committee on Haw. Affairs, Wed., Conf. Room 329, 9:00 A.M., H.R. 68 & HCR 96
Attachments: On Hawaiian Nationality, HR 68, HCR 96 2012 Leg.doc

LATE TESTIMONY

Testimony for Hearing, House Committee on Haw. Affairs, Wed., Conf. Room 329, 9:00 A.M., H.R. 68 & HCR 96

Please find attached my testimony. I do intend to be present to give this testimony.

COMMITTEE ON HAWAIIAN AFFAIRS

Rep. Faye P. Hanohano, Chair

Rep. Chris Lee, Vice Chair

Wednesday, March 21, 2012; 9: 00 a.m., Conf. Room 329, State Capitol

TESTIMONY IN SUPPORT OF H.R. NO. 68 & HCR NO. 96

**RECOGNIZING HAWAIIAN NATIONALS AS A POPULATION RESIDING
LAWFULLY IN THE HAWAIIAN ISLANDS**

“Everyone has a right to a nationality. No one shall be arbitrarily deprived of their nationality nor denied the right to change their nationality.”

Article 15, United Nations Declaration of Human Rights, adopted 1948.

Aloha Kakou:

Mahalo for this opportunity to address this committee on such an important resolution.

Human rights is not a set of rights to be supported depending upon one’s national allegiance, political views, or personal interests. Human Rights are a matter of moral principal, standardized for people of all nations, states, political beliefs; a matter which surpasses one’s sense of loyalty and allegiance to one or another country. The Human right to one’s nationality is a fundamental pillar of the body of human rights and fundamental freedoms, and it is no accident that it has been included in the work of Eleanor Roosevelt’s committee assigned to writing the Declaration. The Universal Declaration of Human Rights was subsequently adopted by all members of the General Assembly of the United Nations and is regarded as a central part of the Bill of Human Rights in International law.

For too long, the current rulers of the Hawaii political and educational community have sidestepped, sliced and diced Hawaiian history, or simply avoided the question of Hawaiian nationality, often choosing to treat one’s nationality more as one’s ethnic background, one’s culture, or one’s “race”. When asked “what is your nationality?”, one’s usual response is to answer by naming one’s racial ancestry, misplacing the concept of nationality.

We have twisted the definition of Hawaiian as limited only to one’s racial or ethnic ancestry, and removed it from the category of nationality. In doing so, we have forced people to assume U.S. nationality, although there are no historical markers to

legitimize such an arbitrary reassignment of Hawaiian nationality to U.S. nationality. In allowing this practice to continue, we allow the continued violation of Human Rights and are thereby guilty of an international violation.

This resolution is a fresh start at taking an honest look at Hawaii's history and attempting to correct this historical wrong as to how we should be treating Hawaiian nationals. It brings another layer to the discussion of addressing the historical wrong, resulting in the national trauma which persists in our society today. It will raise challenging issues of how to accord a proper place, a space in our community, by which the Hawaiian nationals, not only the native Hawaiians from an indigenous perspective, but the descendants of the Hawaiian nation defined by their nationality, are to be accorded in the present society.

The issues will be tough, the questions plentiful, the resolutions uncertain. But those are not appropriate considerations for the mere avoidance of such fundamental questions which rightfully must be addressed as a matter of Human Rights.

I salute the supporters of this resolution who are apparently motivated by principles rather than interests, in addressing this very important matter in Hawaii for today and for our future.

Aloha a hui hou,

Poka Laenui, Hawaiian

clee1 - Lina

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 20, 2012 11:05 PM
To: HAWtestimony
Cc: Nakahiliprdctns@aol.com
Subject: Testimony for HR68 on 3/21/2012 9:00:00 AM

LATE TESTIMONY

Testimony for HAW 3/21/2012 9:00:00 AM HR68

Conference room: 329
Testifier position: Support
Testifier will be present: No
Submitted by: Palani Vaughan, Jr.
Organization: Individual
E-mail: Nakahiliprdctns@aol.com
Submitted on: 3/20/2012

Comments:

I, submit this testimony as a 50% blooded Hawaiian, whose kupuna ancestors resided on nearly every island of our Hawaiian Pae'aina, as Hawaiian National Citizens of the Sovereign Kingdom of Hawai'i and urge members of this House Committee and the members of the House of Representatives to support this resolution giving recognition to the existence of Hawaiian Nationals still in residence in Hawai'i.

Mahalo piha, Chair Hanohano for the opportunity to be heard on this important matter,

Palani Vaughan, Jr.

cleef - Lina

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 20, 2012 10:03 PM
To: HAWtestimony
Cc: jrkeoneakapu@gmail.com
Subject: Testimony for HR68 on 3/21/2012 9:00:00 AM

LATE TESTIMONY

Testimony for HAW 3/21/2012 9:00:00 AM HR68

Conference room: 329
Testifier position: Support
Testifier will be present: No
Submitted by: J.R. Keoneakapu
Organization: Individual
E-mail: jrkeoneakapu@gmail.com
Submitted on: 3/20/2012

Comments:

THE STATE OF HAWAII HAS AN OBLIGATION TO ACKNOWLEDGE THE LEGAL POLITICAL STANDING OF HAWAIIAN NATIONALS.

cleel - Lina

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 21, 2012 2:08 AM
To: HAWtestimony
Cc: kaiokauai@gmail.com
Subject: Testimony for HR68 on 3/21/2012 9:00:00 AM

LATE TESTIMONY

Testimony for HAW 3/21/2012 9:00:00 AM HR68

Conference room: 329
Testifier position: Support
Testifier will be present: No
Submitted by: Kaiopua Fyfe
Organization: Individual
E-mail: kaiokauai@gmail.com
Submitted on: 3/21/2012

Comments:

Please accept this brief TESTIMONY IN STRONG SUPPORT of HR 68, Recognizing Hawaiian Nationals as a Population Residing Lawfully in the Hawaiian Islands.

I STRONGLY SUPPORT the intent and content of HR 68 as-written.

Kaiopua Fyfe
PO Box 3870
Lihue, Kauai 96766
808-652-1977
kaiokauai@gmail.com

HOUSE OF REPRESENTATIVES
TWENTY-SIXTH LEGISLATURE, 2012
STATE OF HAWAII

H.R. NO. 68

HOUSE RESOLUTION

LATE TESTIMONY

RECOGNIZING HAWAIIAN NATIONALS AS A POPULATION RESIDING LAWFULLY IN THE HAWAIIAN ISLANDS.

WHEREAS, in 2011, the Legislature enacted Act 195, Session Laws of Hawaii 2011, recognizing Native Hawaiians as the indigenous people of Hawaii; and

WHEREAS, the State has on numerous occasions, and in official documents and statutes, including Act 195, Session Laws of Hawaii 2011, affirmed that beginning in 1893, the United States violated the sovereignty of the Hawaiian Kingdom when it colluded with insurgents to usurp the government of the Hawaiian Kingdom; and

WHEREAS, international law clearly confirms that the sovereignty of the Hawaiian Kingdom was never relinquished or extinguished and that the Hawaiian Kingdom is "in continuity"; and

WHEREAS, international law prohibits the coercive assignment or altering of a person's nationality and citizenship to a foreign state without the explicit free, prior, and informed consent of the person; and

WHEREAS, in section 19 of the Admission Act, the United States Congress affirmed that the Admission Act itself does not confer or terminate or otherwise change the nationality status of Hawaiians; and

WHEREAS, a sizeable part of the population of the Hawaiian Islands identify themselves as Hawaiian Nationals and lawfully reserve and assert their right to claim nationality (citizenship or subject-ship) in the Hawaiian Kingdom, a nation in continuity; and

WHEREAS, the rights to Hawaiian Nationality are conferred by natural birth and customary law and practice, whether lineally descended from Hawaiian Nationals, by birth within the physical boundaries of the Hawaiian Islands, or by a formal process of naturalization; and

WHEREAS, pursuant to Hawaiian Kingdom laws, international treaties and conventions, the Law of Nations, and all other standards relating to nationality, Hawaiian Nationals are citizens of the Hawaiian Kingdom, residing in their own country, the Hawaiian Islands, and are not citizens of the United States or "residents" of the "State of Hawaii"; and

WHEREAS, in addition, the term "Hawaiian National" is not synonymous with the term "Native Hawaiian", which was coined by the United States Congress to narrowly define Hawaiians according to aboriginal blood quantum; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-sixth Legislature of the State of Hawaii, Regular Session of 2012, that Hawaiian Nationals are hereby recognized as an authentic population residing lawfully in the Hawaiian Islands; and

BE IT FURTHER RESOLVED that Hawaiian Nationals are recognized as the authentic heirs, beneficiaries, and body politic of the Hawaiian Kingdom, a nation in continuity; and

BE IT FURTHER RESOLVED that the State commits to uphold the laws regarding nationality-based discrimination, and to encourage the courts and law enforcement agencies in the State to cease all nationality-based harassment and prosecution of Hawaiian Nationals; and

BE IT FURTHER RESOLVED that Hawaiian Nationals, as an authentic body politic, have the right to organize and restore their national government of, by, and for the people of the Hawaiian Kingdom;

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Governor, the Attorney General, the Chief Justice, the Chiefs of Police of the respective counties, and the Attorneys of each county.

OFFERED BY *[Signature]*

HAWAII MOTORIST CERTIFICATE

HA 056152675

DOB 08/28/1944

Hgt	Wgt	Hair	Eyes	Sex
5'11"	155lb	Brown	Hazel	M
Issued	Exp	Class	Restr	Exam
12/05/04	3	none	n/a	08/29

Age: Ke Aloha o 'Io pu
950 Wilder Ave. #1701
Maui, Oahu, Hawaiian Kingdom

HOUSE OF REPRESENTATIVES
TWENTY-SIXTH LEGISLATURE, 2012
STATE OF HAWAII

H.R. NO. 68

LATE TESTIMONY

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WHEREAS, in section 19 of the Admission Act, the United States Congress affirmed that the Admission Act itself does not confer or terminate or otherwise change the nationality status of Hawaiians; and

WHEREAS, a sizeable part of the population of the Hawaiian Islands identify themselves as Hawaiian Nationals and lawfully reserve and assert their right to claim nationality (citizenship or subject-ship) in the Hawaiian Kingdom, a nation in continuity; and

WHEREAS, the rights to Hawaiian Nationality are conferred by natural birth and customary law and practice, whether lineally descended from Hawaiian Nationals, by birth within the physical boundaries of the Hawaiian Islands, or by a formal process of naturalization; and

WHEREAS, pursuant to Hawaiian Kingdom laws, international treaties and conventions, the Law of Nations, and all other standards relating to nationality, Hawaiian Nationals are citizens of the Hawaiian Kingdom, residing in their own country, the Hawaiian Islands, and are not citizens of the United States or "residents" of the "State of Hawaii"; and

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BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Governor, the Attorney General, the Chief Justice, the Chiefs of Police of the respective counties, and the Prosecuting Attorneys of each county.

OFFERED BY: