



SB1 SD2
**RELATING TO STATE RECOGNITION OF THE NATIVE HAWAIIAN PEOPLE,
THEIR LANDS, ENTITLEMENTS, HEALTH, EDUCATION, WELFARE, HERITAGE,
AND CULTURE**
House Committee on Hawaiian Affairs

March 16, 2011

8:30 a.m.

Room 329

The Office of Hawaiian Affairs (OHA) offers the following comments on SB1 SD2, 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 SD2, so as to be able to continue to offer constructive suggestions as this legislative session proceeds. We look forward to continuing to communicate with our beneficiaries, legislators and other public officials, our advisors, and others about how best to approach state and federal recognition.

We appreciate 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.

During deliberations concerning the SD 2, we encourage careful consideration of the definition of "qualified Native Hawaiian," how individuals will indicate that they are qualified Native Hawaiians, and how independent the interim council will be. If the bill is enacted, its language regarding these matters will have far-reaching legal and policy consequences.

Mahalo for the opportunity to testify.

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

TESTIMONY OF ALAPAKI NAHALE-A, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE HOUSE COMMITTEE ON HAWAIIAN AFFAIRS

**SB 1 SD 2, RELATING TO STATE RECOGNITION OF THE NATIVE HAWAIIAN
PEOPLE, THEIR LANDS, ENTITLEMENTS, HEALTH, EDUCATION, WELFARE,
HERITAGE, AND CULTURE.**

March 16, 2011

Aloha Chair Hanohano, Vice-chair Lee and Members of the Committee:

The Department of Hawaiian Home Lands (DHHL) supports the purpose and intent of SB 1 SD 2 which provides for the recognition of Native Hawaiians as the indigenous people of Hawaii and establishes a process for the reorganization and recognition of a Native Hawaiian Governing Entity.

DHHL has supported the various versions of the Native Hawaiian Government Reorganization Act that have been vetted in the U.S. Congress since 2000. The premise for DHHL supporting this federal legislation was achieving federal recognition to protect the Hawaiian Home Lands trust from 14th Amendment legal challenges and to advance Native Hawaiian self-governance and self-determination. We do support state recognition of a Native Hawaiian entity as an intermediate step for Native Hawaiians to ultimately achieve federal recognition, however, our department must further study this measure and engage in consultation with our beneficiaries to fully understand its impact to

DHHL Testimony on SB 1 SD 2
House Committee HAW
March 16, 2011
Page 2

our trust and its legal implications. Thank you for the opportunity
to testify.



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

TESTIMONY BY
PRESIDENT SOULEE STROUD

**IN SUPPORT OF SB 1, SD2 (SSCR764)
Relating to State Recognition of the Native Hawaiian People, their
Lands, Entitlements, Health, Education, Welfare, Heritage, and
Culture.**

Before the House Committee on Hawaiian Affairs
and Committee on Culture & the Arts
March 16 , 2011; 8:30 am; Room 329

Aloha Madam Chair Faye Hanohano and Madam Chair Jessica Wooley and members of the Joint Committees on Hawaiian Affairs and Culture and the Arts. I am Soulee Stroud, President of the Association of Hawaiian Civic Clubs here today to testify in support of SB1,SD2 .

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 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.

This Legislature has before it, three bills that intend to deal with the issue of State recognition of the Native peoples of Hawai'i nei. Of the three bills that are circulating, SB1 SD2 is by far, the most comprehensive, thorough, and substantive bill. We support SB1 SD2.

SB 1 SD2 intends to provide a process for the reorganization of a first nation government by Native Hawaiians, a purpose that is missing in HB 1627 HD2. Further, SB1 SD2 provides for the appointment of interim council members of Native Hawaiian organizations that were established in April of 1865 or December of 1918 who remain currently active as a Native

Hawaiian organization. This provision is lacking in SB 1520 SD2. Both provisions are critical to the success of the reorganization of the Native Hawaiian government.

A critical aspect of state recognition of a Native Government involves the establishment of a process for recognition and reorganization. SB 1 SD2 provides for 1) a substantive description of the history of the Native Hawaiian peoples political and legal relationship with the State of Hawaii, the federal acknowledgment of the wrongs done to the Native peoples, as well as the International endorsement of the rights of Indigenous peoples. It provides further for 2) a process to develop a Native Hawaiian roll to certify qualified Native Hawaiians to participate in the organization of the Native Hawaiian governing entity. It provides for 3) an interim council to organize a convention of qualified Native Hawaiians to organize themselves. And finally, provides for funding to carry out the purposes of this legislation.

We do note that the bill is flawed with an effective date of July 1, 2050, however, we note also that this is often done by the Legislature to continue dialogue among the members of both chambers.

In addition to the processes described and provided for in SB1 SD2, the language acknowledging the appointment of members to the interim council who come from NHOs established in 1865 and 1918 acknowledge the value of continuing the unbroken leadership of our Ali'i through the creation of these NHOs and the stability and legitimacy they have provided by continuing the kuleana of leadership of the Ali'i utilizing the democratic principles inherited by our current democratic system of governance.

Therefore, in consideration of the bills before you and as you contemplate your positions on the issue of state recognition as well as evaluate all legislation dealing with this subject matter, we would suggest to you that the provisions of SB1 SD2 are the most thoughtful and responsive and request that you use the language in this bill as the starting point for your conference committee deliberations.

Thank you for your consideration of our testimony in support of SB 1 SD2 .

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

clee2 - Matt

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 12, 2011 3:12 PM
To: HAWtestimony
Cc: Ken_Conklin@yahoo.com
Subject: Testimony for SB1 on 3/16/2011 8:30:00 AM

Testimony for HAW 3/16/2011 8:30:00 AM SB1

Conference room: 329
Testifier position: oppose
Testifier will be present: No
Submitted by: Kenneth R. Conklin, Ph.D.
Organization: Individual
Address:
Phone:
E-mail: Ken_Conklin@yahoo.com
Submitted on: 3/12/2011

Comments:
Testimony in opposition to SB1

I take note of the slogan appearing at the top of the hearing notice for this bill:

"He lā hou, e ho'oulu lāhui"
A new day, building a nation

That's quite prejudicial, isn't it? Will this committee give serious consideration to testimony opposing the entire concept that the State of Hawaii should build a new nation for ethnic Hawaiians?

We already have a nation. It's called The United States of America. Any member of this committee who votes to demolish our nation, or rip it apart, in order to create a new nation is not only guilty of violating the Oath Of Office which you all took "to support and defend the Constitution of the United States" but also guilty of treason.

One practical difficulty with this bill is that it will spend Hawaii taxpayer dollars for the benefit of people who are not citizens of Hawaii, and who might never have even been present in Hawaii.

A person could be living anywhere in the world -- might be a citizen of Russia or Zimbabwe -- might have been born and raised there, by parents who were born and raised there. But if he has 1/512 Hawaiian native blood quantum, and wants to sign up for the phony new "nation", then my tax dollars will be used to recruit and enroll him. And you're going to tax my pension to get money for this? Shame on you!

Now here are some fundamental arguments against the whole concept of creating an Akaka tribe.

SB1520 is fundamentally the same as the federal Hawaiian Government Reorganization bill, also known as the Akaka bill; except that instead of having the federal government recognize the Akaka tribe, this bill would have only the State of Hawaii recognizing that tribe.

The clear purpose of the bill is to authorize the creation of an entity with governmental powers, but restricted to people who have at least one drop of Hawaiian native blood.

That racist concept is unconstitutional under the equal protection clause of the 14th Amendment of the U.S. Constitution. Since all legislators have taken an oath to support and defend the U.S. Constitution, any legislator who votes in favor of this bill has thereby violated that oath and must resign from office.

The concept of this bill also violates the first sentence of the first Constitution of the Kingdom of Hawaii, sometimes called the "kokokahi" (one blood) sentence, which proclaimed "Ua hana mai ke Akua i na lahuikanaka a pau i ke koko hookahi, e noho like lakou ma ka honua nei me ke kuikahi, a me ka pomaikai." In English, it can be translated into modern usage as follows: "God has made of one blood all races of people to dwell upon this Earth in unity and blessedness." What a beautiful and eloquently expressed concept! SB1520 is an ugly and disgusting violation of that kokokahi sentence.

King Kamehameha III wrote the kokokahi sentence as the first sentence of his Declaration of Rights in 1839, which was then incorporated in its entirety to become the preamble of the Constitution of 1840. In making that proclamation the King exercised sovereignty and self-determination on behalf of his native people, and on behalf of all people of all races who were subjects and residents of his Kingdom.

Today's Hawaiians are ethically bound to respect the wisdom of their ancestors. They are also legally and morally bound to respect the full partnership between natives and non-natives which enabled the Kingdom to be established and to thrive. All subjects of the Kingdom were fully equal under Kingdom laws, regardless of race, including voting rights and property rights. When partners work together in full equality to create and sustain a business or nation, it is morally and legally wrong for one partner to toss out or set aside or segregate other partners.

A zealous minority within the ethnic Hawaiian minority demands racial separatism. Should we allow that? Will you legislators be accomplices to such evil?

Consider the historical struggle for identity within the African-American community. Elijah Muhammad's Nation of Islam, and the early Malcolm X, advocated racial separatism and portrayed the white man as a devil. Some radicals called for setting aside several southern states for a Nation of New Africa. Fortunately Martin Luther King used Gandhi's spiritual tool of non-violence to appeal to people's inner goodness, which led to full integration. After his pilgrimage to Mecca Malcolm X understood the universal brotherhood of people of all races, but was gunned down by the separatists when he tried to persuade them to pursue integration.

In Hawaii we see a similar struggle now unfolding. Some demagogues use racial grievances to stir up hatred, and leaders use victimhood statistics to build wealthy and powerful institutions on the backs of needy people who end up getting very little help.

The Akaka bill, and SB1520, would empower the demagogues and racial separatists. These bills are supported primarily by large, wealthy institutions; not by the actual people they claim to represent. Institutions like the \$400 Million Office of Hawaiian Affairs, and the \$9 Billion Kamehameha Schools, seek to entrench their political power. They want an exemption from the 14th Amendment requirement that all persons be given the equal protection of the laws regardless of race.

But Hawaiians are voting with their feet against the Akaka bill. After seven years and untold millions of dollars in state government money for advertising (and free T-shirts!), fewer than one-fourth of those eligible have signed up for the Kau Inoa racial registry likely to be used as a membership roll for the Akaka tribe. Sadly, if either the Akaka bill or SB1520 passes then the separatists will be able to create their tribe even though the majority of ethnic Hawaiians oppose the idea. And 80% of Hawaii's people, having no native blood, will see our beautiful Hawaii carved up without even asking us.

Do the racial separatists have a right to go off in a corner and create their own private club for members only? Perhaps. But should the rest of us give them our encouragement and our resources to enable them to do that? Absolutely not.

Here are two phrases filled with falsehoods which are contained in this bill which are also found in the apology resolution and many other pieces of "Native Hawaiian" legislation: "Native Hawaiians are the indigenous, native people of the Hawaiian archipelago that is now part of the United States and the State of Hawaii and are a distinctly native community." and "Native Hawaiians have continued to maintain their separate identity as a single, distinctly native political community through cultural, social, and political institutions and to give expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency."

The word "indigenous" is a political buzzword, not a defining characteristic of ethnic Hawaiians. We are all indigenous people of this Earth. Ethnic Hawaiians do not live a subsistence lifestyle in the remote reaches of the Amazon River basin or the Australian Outback; they are no different from everyone else.

Regarding "their separate identity as a single, distinctly native political community": George S. Kanahale, *The New Hawaiians*, 29 *Social Process in Hawaii* 21 (1982) disagrees. "These are the modern Hawaiians, a vastly different people from their ancient progenitors. Two centuries of enormous, almost cataclysmic change imposed from within and without have altered their conditions, outlooks, attitudes, and values. Although some traditional practices and beliefs have been retained, even these have been modified. In general, today's Hawaiians have little familiarity with the ancient culture. Not only are present-day Hawaiians a different people, they are also a very heterogeneous and amorphous group. While their ancestors once may have been unified politically, religiously, socially, and culturally, contemporary Hawaiians are highly differentiated in religion, education, occupation, politics, and even their claims to Hawaiian identity. Few commonalities bind them although there is a continuous quest to find and develop stronger ties."

It's time for this legislature to stop encouraging racial separatism. It's time to stand up in support of unity and equality. Just say no to SB1520 and all other bills motivated by the same mentality.

Please read my 302-page book "Hawaiian Apartheid: Racial Separatism and Ethnic Nationalism in the Aloha State." 27 copies are available in the Hawaii Public Library system, and portions of it can be read on a webpage where the book can also be purchased: <http://tinyurl.com/2a9fqqa>



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Founder/Legislative Director

**TESTIMONY ON SENATE BILL 1, SENATE DRAFT 2, RELATING TO THE STATE RECOGNITION OF THE
NATIVE HAWAIIAN PEOPLE, THEIR LANDS, ENTITLEMENTS, HEALTH, EDUCATION, WELFARE,
HERITAGE, AND CULTURE**

**House Committee on Hawaiian Affairs
Hon. Faye P. Hanohano, Chair
Hon. Chris Lee, Vice Chair**

**Wednesday, March 16, 2011, 8:30 AM
State Capitol, Conference Room 329**

Honorable Chair Hanohano and committee members:

I am Kris Coffield, legislative liaison for the Imua Alliance, a nonpartisan political advocacy organization that currently boasts over 60 local members. On behalf of our members, we offer this testimony in support of SB 1, SD2, with suggested amendments.

One of the most conspicuous and shameful gaps in Hawaii state law is the lack of any statute defining Native Hawaiians as the official, and only, indigenous people of our island home. This measure would *finally* rectify that discrepancy, while simultaneously setting forth a process for reorganization and recognition of a Native Hawaiian governing structure. The merits of such a move have been argued by Hawaiian scholars and indigenous activists in so complete and competent a manner as to leave scarcely anything to say. American colonialism, epitomized by the illicit overthrow of the Hawaiian monarchy, in 1893, and consummated in the ensuing annexation of the islands, in 1898, left the Hawaiian people dispossessed, disenfranchised, and marginalized. Over time, that dispossession has been manifested in economic and social strife, as Native Hawaiians suffer disproportionate rates of incarceration, poverty, alcoholism, heart disease, and illness, when compared to the general population. According to the U.S. Department of Health and Human Services, for example, Native Hawaiians and Pacific Islanders are 30 percent more likely to be diagnosed with cancer than non-Hispanic Caucasians, and are 5.7 times more likely to die from diabetes. With regard to education, approximately 10 percent of Native Hawaiians attain a college degree, compared with 27 percent of Caucasians. Undoubtedly, myriad socioeconomic factors play a role in the continued struggles of the Hawaiian community. In a very real sense, however, all of those factors can be located in the theft of land and suppression of culture that was perpetrated by the federal government. Thus, at this point, the need for recognition of Native Hawaiian rights and a process for self-determination should be paramount and self-evident.

Nonetheless, SB 1, SD2 can be strengthened to maximize inclusivity and reflect the general communal will of Native Hawaiians throughout the archipelago. As currently drafted, SB 1, SD2 includes no provision requiring the roll commission, either before or after the completion of the roll of qualified Native Hawaiians, to convoke meetings on each island, or even in each county, for the purposes of seeking input on roll creation, codification, and maintenance, and, later, development of criteria for service on and structure of an interim council. At the very least, section § -5(a) should be amended to include language instructing the roll commission to hold no less than five meetings, one in each county, prefaced by no less than 48 hours notice, for the purpose of obtaining feedback on the structure of the interim council, criteria for service on the council, and potential candidates. To comport with this requirement, section § -5(a) should be further amended by eliminating the number of council members, right now stated as nine. Instead, the roll commission should be compelled to provide a report to the State Legislature, prior to the commencement of the 2012 regular session, updating their progress and stating their findings and suggestions with regard to the Hawaiian community's preferences about council structure and membership. At that time, lawmakers may take whatever action necessary to authorize the commission's proposal. Section § -5(b) of SB 1, SD2 should, therefore, be deleted, while section § -6 may remain intact, since the dissolution of the commission would still be predicated upon council formation. A more modest version of the preceding idea would be to preserve the nine-member council, but require the commission to organize meetings on each island, or in each county, to solicit comments solely on qualifications for potential council members and/or the candidates themselves.

Even if the aforementioned amendment is not adopted, the Imua Alliance fully supports passage of SB 1, SD2, which provides a path forward from one of our nation's most egregious sins. Mahalo for the opportunity to testify in support of this bill.

Sincerely,
Kris Coffield
Legislative Director
IMUAlliance

clee2 - Matt

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 15, 2011 1:41 PM
To: HAWtestimony
Cc: inunyabus@gmail.com
Subject: Testimony for SB1 on 3/16/2011 8:30:00 AM

Testimony for HAW 3/16/2011 8:30:00 AM SB1

Conference room: 329
Testifier position: oppose
Testifier will be present: No
Submitted by: e.dunbar
Organization: Individual
Address:
Phone:
E-mail: inunyabus@gmail.com
Submitted on: 3/15/2011

Comments:
Recognize ACT 359 for Self-Determination.

You are a state, an entity, you have NO authority or jurisdiction for recognition of a people
Kill this before the state embarrasses itself.



Aha Kiole Advisory Committee

TESTIMONY IN SUPPORT OF SB 1 SD 2
RELATING TO NATIVE HAWAIIANS

Submitted to: Committee of Hawaiian Affairs and Committee on Culture & the Arts

Hearing Date: March 16, 2011, 8:30 a.m., Room 329

Aloha Chair Hanohano, Chair Wooley and the Members of the Committees of Hawaiian Affairs and Culture & the Arts,

My name is Sharon Pomroy. I am the Kiole of Kaua'i and on behalf of the Aha Kiole Advisory Committee (AKAC) I offer the following testimony.

Thank you for the opportunity to testify in support of S.B. 1, SD 2, the bill that relates to the State recognition of the Native Hawaiian people.

While the AKAC supports State Recognition of Native Hawaiians, and for the most part we can support the definitions and duties of the Native Hawaiian roll commission as described in SD2, we ask that clarification be made on the definition of the proposed Interim Council.

The Aha Kiole Advisory Committee (AKAC) is comprised of Native Hawaiian natural and cultural resource practitioners – experts in traditional resource methodology handed down from generation to generation. These are Native Hawaiians who have never lost or stopped engaging in Hawaiian traditional ways of protecting and sustaining their 'aina, water and ocean resources. They are the caretakers of the Hawaiian culture who have never stopped living and depending upon their culture. These are the moku and ahupua'a practitioners, the Maka'ainana who are the members of the forty-three traditional moku in the State. However, their "organization" is in their 'ohana and community. These are grass-root Hawaiians who have not become part of a western structure of organization with constitutions and by-laws. These are the people who make up the Aha Moku System – the very ones for whom state recognition is focused upon. Because they have never "joined" or become part of a group does not mean they are not organized. They must be eligible to be a part of the proposed Interim council. Many wise kupuna are part of this group.

Another point to consider is in looking ahead to the organization of a Native Hawaiian convention, it is logical to acknowledge the fact that Hawaii is made up of eight distinctly different islands that are characterized by unique characteristics within the Hawaiian people who reside on each island and who are recognized to have different dialects, geography and diverse

natural and cultural resources. So while we are all identified as indigenous Native Hawaiians, we are all not similar in how we practice our culture. These differences are part of the strength of the Kanaka Maoli. It is important to retain the individuality and unique characteristics of the different islands and this must be reflected in the make-up of a Native Hawaiian convention.

S.B. 1, SD 2 provides the recognition by the State of Hawaii, long overdue of the Native Hawaiian people. It is critical that this recognition includes the means and methods that will further assist with self governance. Too often government loses sight of how important the knowledge and skills of Native Hawaiians in their own land are; or, how traditional cultural practices are enmeshed in Hawaiians of today. State recognition would correct that oversight.

We urge you to support the passage of S.B. 1, SD 2 that calls for the recognition of Native Hawaiians by the State of Hawaii.

Mahalo nui loa,

Sharon Pomroy, Kiolo, Mano O Kalanipo (Island of Kaua'i)

Aha Kiolo Advisory Committee

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