



SB406 SD2 HD1
RELATING TO TRAINING
House Committee on Finance

March 27, 2013

4:45 p.m.

Room 308

The Office of Hawaiian Affairs (OHA) strongly **SUPPORTS** SB406 SD2 HD1, which is a bill in OHA's 2013 Legislative Package. This bill would require certain board and commission members to attend a Native Hawaiian Law training course developed or approved by OHA. SB406 SD2 HD1 represents an opportunity for OHA to work with the State of Hawai'i to empower these members with information so that they can make decisions that are consistent with the state's fiduciary obligations to the Native Hawaiian people.

A training course in Native Hawaiian law for relevant board and commission members is **necessary to honor the trust obligation and responsibility owed by the State of Hawai'i to the Native Hawaiian people**. The boards and commissions listed in SB406 SD2 HD1 administer resources and programs that directly impact Native Hawaiian traditional and customary rights, natural and cultural resources, and the public trust. As state entities, these boards and commissions have a duty to protect and preserve Native Hawaiian rights and to administer the public trust in the interest of the state's beneficiaries, including Native Hawaiians.

Given the broad range of expertise and experience of the individuals selected to serve on these state councils, boards, and commissions, many members of these key policy-making entities do not possess knowledge of the unique rights and responsibilities that relate to the Native Hawaiian community. Despite their affirmative duties, the board and commission members are not provided with any related training. Unfortunately, this has likely contributed to expensive and unnecessary litigation as well as distrust by the Native Hawaiian community. The training course would be a significant step towards addressing these problems.

OHA partnered to conduct the first Native Hawaiian Law Training Course on January 12, 2013. At least one member from each board and commission listed in SB406 SD2 HD1 RSVP'd along with members of other boards and commission and associated staff members. In total, over 100 individuals RSVP'd for the course. The **attendees overwhelmingly indicated that after the course that they have a better understanding of the State's legal responsibilities, Hawai'i's political history, and Native Hawaiian traditional and customary practices**.

As the constitutionally established body responsible for protecting and promoting the rights of Native Hawaiians, **OHA is the appropriate agency to create and administer a**

Native Hawaiian Law training course. In creating OHA, the people of Hawai‘i specifically recognized their obligations pursuant to the “public trust which includes among other responsibilities, betterment of conditions for” Native Hawaiians. HRS § 10-1(a). OHA’s kuleana to serve as the agency responsible for the 1) performance, development, and coordination of programs and activities relating to Native Hawaiians, as well as 2) the assessment of policies and practices of other agencies impacting Native Hawaiians, is clearly consistent with SB406 SD2 HD1. Moreover, requiring relevant board and commission members to attend is also consistent with HRS § 10-1(b), which requires state agencies that “provid[e] services and programs which affect” Native Hawaiians “to cooperate with and assist wherever possible the office of Hawaiian affairs.”

Finally, in anticipation of questions by this committee, OHA would like to clarify that **it is not OHA’s intention for the State to incur expenses related to the development or the administration of the proposed training course. Nor is it OHA’s intention for the general fund budget to be impacted.**

OHA strongly urges this committee **PASS** SB406 SD2 HD1. Mahalo nui loa for the opportunity to testify.



Association of Hawaiian Civic Clubs

P. O. Box 1135
Honolulu, Hawai`i 96807

HOUSE COMMITTEE ON FINANCE

SENATE BILL 406, SD2, HD1(HSCR1138) RELATING TO TRAINING

Wednesday, March 27, 2013; 4:45pm; Room 308

Aloha Madame Chair Luke, Vice Chairs Nishimoto and Johanson and members of the House Committee on Finance. I am Soulee Stroud president of the Association of Hawaiian Civic Clubs(AHCC) here to support SB406SD2HD1 Relating to Training.

The Board of Directors of the Association of Hawaiian Civic Clubs met in the quarterly meeting on January 19, 2013 and among other business discussed the legislative package introduced by the Office of Hawaiian Affairs(OHA). The Board agreed that the type of training proposed by OHA could be helpful to certain state and county councils, boards, commissions and authorities as named in the bill.

We suggest, however, that the list of mandated organizations in section 10-A of the bill be kept somewhat flexible to enable the inclusion of currently unidentified entities as they are created by the legislature and/or counties.

Thank you for the opportunity to testify.

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Unity, Equality, Aloha for All

To: House Committee on Finance
From: Kenneth R. Conklin, Ph.D.

Re: SB406, SD2, HD1
RELATING TO TRAINING.

Requires OHA to establish, design, and administer a training course in native Hawaiian and Hawaiian rights and requires specified members of boards, councils, and commissions to take the course.

Date: March 25, 2013 for Hearing Wednesday March 27

TESTIMONY IN OPPOSITION

There are many reasons for opposing this bill. In this testimony I will focus on two reasons.

1. The bill places one state agency, OHA, in a position of authority over other state agencies by requiring employees to pass a course whose purpose is to brainwash them with the political views of OHA.
2. The bill would require government employees to learn about, and give deference to, the ancient Hawaiian religion as the justification for various state laws and practices regarding water rights for taro, protection of ancient burials, etc. This would be an establishment of religion contrary to the First Amendment of the

U.S. Constitution; and it would also force employees who have no Hawaiian blood to kow-tow to a religion which portrays people who do have Hawaiian blood as possessing an inherent God-given right to rule these islands.

1. This bill authorizes OHA to exercise power over all or most state agencies.

It elevates OHA to a position of superiority over other agencies of the State of Hawaii, by forcing employees of those agencies to place themselves under the authority of OHA, where OHA will determine the contents of the courses they are required to take, and OHA will be the sole judge of whether those employees have learned the subject matter and have shown proper deference to the political views of OHA. This bill forces government employees to submit to political indoctrination -- brainwashing -- in the views of OHA, many of which are highly controversial, morally reprehensible, and probably unconstitutional.

For example, OHA has certain views regarding who owns the ceded lands and whether the state has a right to sell parcels of ceded lands. The Hawaii Supreme Court made a 5-0 decision upholding OHA's views. But on appeal, the U.S. Supreme Court ruled 9-0 that OHA's views are wrong. Can we expect OHA to teach correct information about who owns the ceded lands and whether the state can sell them?

For example, OHA has certain views about the Hawaiian revolution of 1893 that overthrew the monarchy, and points to the Blount Report of 1893 and the U.S. apology resolution of 1993 to bolster OHA's views. But those views are controversial, and are disproved by the Morgan Report issued by the U.S. Senate in 1894 <http://morganreport.org>

and by the majority report of the Native Hawaiians Study Commission issued by a joint Senate/House commission in 1983.

<http://tinyurl.com/3havdu>

Can we expect OHA to provide both sides of this controversy, or will OHA brainwash state employees by teaching only the views OHA endorses?

2. This bill requires government employees to learn about "traditional and customary rights" of Native Hawaiians to ensure that in carrying out their duties, the employees will give respect and deference to Native Hawaiian beliefs and cultural values. For example, we might expect employees to be trained regarding sacred places, the reasons why taro patches are given special guarantees of access to water, the reasons why ancient burials must not be disturbed, etc.

Those topics, and many others, are based in the ancient Hawaiian religion, which has a creation legend which today's sovereignty activists (incorrectly) describe as portraying Native Hawaiians (and only Native Hawaiians) as genealogically the children of the gods and the brothers to these islands in a way nobody ever can be who lacks a drop of native blood.

The Hawaiian religion is the only one to be given special deference under the terms of this bill; thus this bill would be an establishment of religion. Under terms of this legislation, government money will be used to indoctrinate government employees with a religious belief. Furthermore, the way that belief is likely to be taught can best be described as religious fascism because it justifies giving governmental authority over land-use decisions to a particular racial group.

In 1819, the year before the American missionaries came to Hawaii, the sovereign King Liholiho Kamehameha II, with his regent stepmother Queen Ka'ahumanu, and with Kahuna Nui (High Priest) Hewahewa, exercised sovereignty on behalf of all native Hawaiians to abolish the ancient religion, and ordered the destruction of the heiaus and burning of idols. Today's ethnic Hawaiians disrespect the decision of their ali'is and ancestors by trying to resurrect the ancient religion for political purposes. By seeking to elevate that ancient religion above all other religions, they disrespect the right to freedom of religion possessed by all Americans. This committee should not disrespect the multiracial, multicultural people of Hawaii by passing this bill.

SB406

Submitted on: 3/25/2013

Testimony for FIN on Mar 27, 2013 16:45PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|-------------------------------------|---------------------------|---------------------------|
| Shane Nelsen | Kuakini Hawaiian Civic Club of Kona | Support | No |

Comments: Aloha Chair Luke and Committee members on Finance, Mahalo for giving the opportunity to testify. As a Native Hawaiian Organization, we STRONGLY support SB406; Relating to Training. Many Commissions, Boards, and Councils serve for the greater "At-Large" Community. However, these commissions, etc. also affect Native Hawaiian Rights, that of which is mandated in our State's Constitution. We urge that the committee on Finance to support this measure. Mahalo for the opportunity to testify. Na'u no, Shane Nelsen President

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SB406

Submitted on: 3/25/2013

Testimony for FIN on Mar 27, 2013 16:45PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Bianca Isaki | Individual | Support | No |

Comments: I support providing more training for key persons in administrative agencies, particularly those most likely to become decisionmakers on issues concerning Native Hawaiian traditional and customary rights and land use. Having better training and educated officials will achieve better results for all parties and likely preempt the need for litigation and contested cases. Sincerely, Bianca Isaki

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Submitted on: 3/25/2013

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| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Godfrey Palacat | Individual | Support | No |

Comments: Supporting Bill SB406

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Submitted on: 3/25/2013

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| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| junedale palacat | Individual | Support | No |

Comments: strongly supporting SB406

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SB406

Submitted on: 3/25/2013

Testimony for FIN on Mar 27, 2013 16:45PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Lea Palacat | Individual | Support | No |

Comments: supporting this bill SB406

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