



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2020**

ON THE FOLLOWING MEASURE:

S.B. NO. 42, S.D. 1, RELATING TO HAWAIIAN AFFAIRS.

BEFORE THE:

SENATE COMMITTEE ON HAWAIIAN AFFAIRS

DATE: Tuesday, February 11, 2020 **TIME:** 1:16 p.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Clare E. Connors, Attorney General, or
Craig Iha, Deputy Attorney General

Chair Shimabukuro and Members of the Committee:

The Department of the Attorney General opposes this bill.

The Attorney General is mandated to investigate alleged violations of civil, administrative, or criminal laws when directed by the Governor, or when the Attorney General determines that an investigation would be in the public interest. See section 28-2.5, Hawaii Revised Statutes (HRS). This bill seeks to limit the Attorney General's investigatory authority regarding "a person [who] is exercising rights by nonviolent civil disobedience that are protected and granted under the Constitution or state constitution," except for investigations of alleged crimes supported by probable cause. See S.B. 42, S.D. 1, page 2, line 12, to page 3, line 2.

The Bill is Contrary to the Public Interest Because Illegal Conduct is not Protected by the Constitution

Restricting the Attorney General's ability to investigate potential illegal activity in connection with acts of nonviolent protest or civil disobedience does not protect constitutional rights of free speech and assembly. This is because the First Amendment guarantees the right to engage in protected speech, not illegal conduct. "Civil disobedience" is by definition an illegal act. See Black's Law Dictionary ("A deliberate but nonviolent act of lawbreaking to call attention to a particular law or set of laws believed by the actor to be of questionable legitimacy or morality."); see also *United States v. Griefen*, 200 F.3d 1256, 1265 (9th Cir. 2000) (protesters can "take their case

to the public, to the newspapers, to their legislators, and even to the onsite loggers and road construction works—they just could not do so in the path of tractors and earth movers”); *United States v. O’Nan*, 452 Fed. App’x. 280, 282 (4th Cir. 2011) (“O’Nan was prosecuted not for exercising her free speech rights, but for interfering with the use of a Forest Service Road”); *United States v. Scranton*, 25 F. Supp. 2d 1131, 1133 (D. Idaho 1997) (“The Defendant does not possess a particular constitutional right to block traffic.”).

Further, if the subject of an investigation by the Attorney General believes that his or her constitutional rights are being violated, that person is entitled to seek redress in the courts. Preemptively barring the Attorney General from investigating potential illegal conduct creates no additional rights for subjects of an investigation but sets a dangerous precedent by giving the green light to violate the law without fear of enforcement or prosecution.

The Bill Unnecessarily Restricts the Attorney General’s Ability to Protect Charitable Assets and to Police Charitable Solicitations in the State

The Attorney General is mandated to represent the public interest in the protection of charitable assets regardless of the form in which they are held. See section 28-5.2, HRS. Therefore, regardless of whether the charitable assets are held by a charitable nonprofit corporation or held in a charitable trust, the Attorney General is authorized to take legal action to prevent or remedy the misapplication, diversion, or waste of those charitable assets, or a breach of fiduciary or other legal duty in the governance, management, or administration of those charitable assets. See *id.* The Attorney General also protects charitable assets, and the donors of those assets, by policing fraudulent charitable solicitations. All public benefit corporations or other charitable organizations that solicit donations in the State must register with the Department of the Attorney General, unless exempted from such registration. See section 467B-2.1, HRS. Persons soliciting donations in the State must refrain from engaging in the prohibited acts set forth in chapter 467B, HRS, or they face civil and criminal penalties. See sections 467B-9, 467B-9.7, and 467B-10.

Here, the proposed measure conflicts with the Attorney General's mandate to represent the public interest in the protection of charitable assets. An organization's illegal protest activities should not shield it from investigations of potential violations of laws aimed at protecting charitable assets and the donors of those assets.

Constitutional Concerns with the Bill

The title of this bill is, "Relating to Hawaiian Affairs". The operative portion of the bill on page 2, line 15, to page 3, line 2, however, does not relate to Hawaiian affairs, but instead broadly prohibits the Attorney General from conducting certain investigations regarding persons engaged in "nonviolent civil disobedience". The bill therefore violates the subject-title requirement of article III, section 14 of the Hawai'i Constitution, which limits each bill to "but one subject, which shall be expressed in its title". When the contents of a bill exceed its title, the bill violates the Hawai'i Constitution and is void. *Schwab v. Ariyoshi*, 56 Haw. 25, 30 (1977) (analyzing subject-title requirement formerly numbered as article III, section 15).

The bill also undermines the authority and independence of the Executive Branch and therefore violates the separation of powers doctrine. "Hawaii's government is one in which the sovereign power is divided and allocated among three co-equal branches. The doctrine provides that a department may not exercise powers not so constitutionally granted, which from their essential nature, do not fall within its division of governmental functions, unless such powers are properly incidental to the performance by it of its own appropriate functions." *Hawaii Insurers Council v. Lingle*, 120 Hawai'i 51, 69-70 (2008) (citations and internal quotes omitted). The Hawai'i Constitution places responsibility for enforcing state law squarely within the Executive Branch. See article V, section 6 ("The governor shall be responsible for the faithful execution of the laws."); see also *Morrison v. Olson*, 487 U.S. 654, 706 (1988) ("Governmental investigation and prosecution of crimes is a quintessentially executive function."). Thus, although the Legislature can enact laws making certain activities illegal, it should not dictate to the Executive Branch how those laws are enforced.

For the foregoing reasons, we respectfully request that this bill be held in committee.



**Senate Committee on Hawaiian Affairs
Chair, Maile Shimabukuro
Vice-Chair, Kaiali'i Kahele
Tuesday, February 11, 2020**

Dear Chair Shimabukuro, Vice-Chair Kahele and members of the Hawaiian Affairs Committee:

The Hawai'i Alliance of Nonprofit Organizations (HANO) would like to provide comments on SB 42, SD 1. HANO is a statewide, sector-wide professional association of nonprofits. Our mission is to unite and strengthen the nonprofit sector as a collective force to improve the quality of life in Hawai'i. Charitable nonprofit organizations provide essential services to every community across the state, critical services that every one of us relies on.

SB 42, SD 1 amends HRS Section 28-2.5 subsection (a) to prohibit the Attorney General from investigating nonprofit organizations for exercising their constitutional right to free speech and assembly or practicing native Hawaiian traditional and customary rights expressly protected under Article XII, Section 7 of the state constitution, unless that investigation is of an alleged crime directly connected to the person's exercise of protected rights and preceded by the allegation of the criminal act supported by probable cause.

The Hawai'i Attorney General's recent investigation into a nonprofit environmental group KAHEA, and their donors, raises significant questions about the strident use of government regulatory power as an immediate and reactionary tool to gain access to financial information of a private entity. It was unfortunate that KAHEA failed to file its 990 tax forms with the AG in 2017 —although it had done so in the past and its 990 forms are publicly available on the Internet. HANO encourages all qualifying nonprofits to file annually. This failure on KAHEA's part resulted in a subpoena of its bank records, a seemingly extreme reaction by the AG, as this was information that it normally would not seek for this kind of oversight, and an action not equally applied to all nonprofits that it regulates. The Attorney General has other, less intrusive, statutory remedies for this late regulatory filing that were not used. The inconsistency in treatment and the timing of the investigation suggest that the AG is using its regulatory role to essentially target, muzzle, immobilize and intimidate perceived opponents to government initiatives like the TMT.

For many years, the nonprofit community in Hawai'i has worked alongside the AG to safeguard Hawaii's charitable assets to foster an environment under which both charities and their regulator maintain a healthy nonprofit ecosystem. This cooperative effort has helped Hawaii's nonprofit community to be better stewards of their charitable assets. **Recent actions by the AG, however, threaten that ecosystem by casting doubt and mistrust regarding this office's intentions and whether this office is able to be fair and impartial in its regulatory role.**

HANO Testimony, p. 2
SB 42, SD 1
Senate Hawaiian Affairs Committee
February 11, 2020

Nonprofits have a long-standing history of exercising their right to free speech and assembly in acts of nonviolent, civil disobedience. Much of our social progress in this country has been hard won employing this method of advocacy for our missions. We can remember that movements like women's rights and desegregation were achieved by groups exercising their civil liberties.

This is not a statement for or against the TMT. Regardless of how one feels about the TMT, or KAHEA, or all nonprofits for that matter, we should all be VERY concerned that a state entity is using the auspices of its office to overtly control a situation in which it has a direct stake.

To create greater transparency and a sense of impartiality at the Tax and Charities Division of the Attorney General's office, we encourage their proactive education of the public about policies, deadlines and penalties regarding annual filings for nonprofits, including the violations and conditions under which the AG could subpoena bank records.

HANO would be happy to partner with the Attorney General's Tax and Charities Division to provide joint training to nonprofits to ensure their complete understanding of their compliance requirements.

Mahalo for the opportunity to provide testimony.

Lisa Maruyama
President and CEO



Testimony of KAHEA: The Hawaiian-Environmental Alliance to the Senate Committee on Hawaiian Affairs in support of S.B. 42, S.D.1 proposed

February 4, 2020, 1:19 p.m.
Conference Room 016

Aloha e Senators,

Thank you for hearing this bill. KAHEA: The Hawaiian-Environmental Alliance strongly supports proposed S.B.42, S.D.1 as a timely and unfortunately necessary intervention into the attorney general's overreach into nonprofit organizations.

KAHEA has been a Hawai'i nonprofit corporation since 2000 when Hawaiian cultural practitioners and environmental advocates came together to organize around growing concern over threats to Hawai'i's most ecologically important and culturally sacred places. Today, KAHEA is an effective, thousands-strong organization that works to improve the quality of life for Hawai'i and its communities.

In November 2019, the attorney general served a subpoena on First Hawaiian Bank for all of KAHEA's financial records going back to 2017. The pretext was a late transmittal of KAHEA's IRS forms, which are anyway available online, which even the judge reviewing our motion to quash found to be nothing to "get excited about."

But what SB 42 squarely addresses is the kind of government overreach that is the primary intent of the AG's subpoena. The AG states that it's investigating "illegal activity" consisting in "blocking a road." Yet, "blocking the road" hugely understates what the Kia'i Mauna movement is.

It is, amongst other things, the organization of thousands of people, led by Hawaiians and Hawaiian cultural practitioners, around the protection of Mauna Kea. And I want to pause here to admire the level of organization needed to communicate, house, book-keep, shop, order, plan, clothe, feed, transport, clean, educate, and inspire multitudes across Hawai'i and internationally.

KAHEA can claim responsibility for but one small part of that. For instance, we paid for a giant rice cooker, that was requested by a kia'i, shopped for and transported by another kia'i, and used to make food for the many who are teaching, dancing, caretaking, and cleaning lua at Pu'uhuluhulu. To focus on the solicitation and disbursement of funds misses the larger landscape of self-reliance and self-determination organized by the purpose of protecting Mauna Kea.

The kupuna who stood on Mauna Kea Access Road did not do so because they got free meals and a tent. Opposition to putting the TMT on Mauna Kea is growing out of peoples' awareness of land use, history, and frankly, bad public administration - and also hopes for a different future. As a nonprofit corporation, KAHEA seeks to raise this kind of awareness and forward community organization around these hopes.

PROTECTING

NATIVE HAWAIIAN

CUSTOMARY & TRADITIONAL

RIGHTS AND OUR FRAGILE

ENVIRONMENT

Mailing Address
P.O. Box 37368
Honolulu, HI 96837

toll-free phone/fax
877.585.2432

www.KAHEA.org
kahea-alliance@hawaii.rr.com

KAHEA: the Hawaiian-Environmental Alliance is a non-profit 501(c)3 working to protect the unique natural and cultural resources of the Hawaiian islands. KAHEA translates to English as "the call."

Yet, we cannot participate in these actions while being subjected to a government scrutiny that has as its aim shutting down the same Kia'i Mauna movement we support. The actions, trust, and relationships that get built by and through community organization are the ways that our freedom of assembly, free speech, and Hawaiian traditional and customary rights are realized in a deeply material and resilient way. These are the practices and freedoms that SB42 would protect from government intrusions.

We note the American Civil Liberties Union and the Hawai'i Alliance of Nonprofit Organizations have taken firm stances against the AG's subpoena and investigation for reasons that align with SB42.

Please pass SB42, SD1 as proposed. Mahalo for considering our testimony.

Me ke aloha,

Bianca Isaki, Board Secretary
KAHEA: The Hawaiian Environmental Alliance



Pono Hawai'i Initiative

Josh Frost - President • Patrick Shea - Treasurer • Kristin Hamada
Nelson Ho • Summer Starr

Tuesday, February 4, 2020

Relating to Hawaiian Affairs
Testifying in Support

Aloha Chair and members of the committee,

The Pono Hawai'i Initiative (PHI) **supports SB42 Proposed SD1 Relating to Hawaiian Affairs**, which prohibits the Attorney General from investigating a nonprofit organization for exercising their constitutional right to free speech and assembly or practicing native Hawaiian traditional and customary rights expressed under the constitution.

Free speech and assembly extend to nonprofit organizations, whether that speech is against a government program or a private entity. Protecting and preserving constitutional rights should be of utmost importance. The state should not be able to retaliate against nonprofit organizations (or individuals) who exercise their right to free speech and assembly for the purpose of non-violent civil disobedience.

For all these reasons, we urge you to move this bill forward.

Mahalo for the opportunity,
Gary Hooser
Executive Director
Pono Hawai'i Initiative

SB-42

Submitted on: 2/2/2020 7:18:45 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael L Inouye	Testifying for Democratic Socialists of Honolulu	Support	No

Comments:

The Democratic Socialists of Honolulu supports SB42 and agrees with the bill's authors that constitutionally protected rights to free speech and assembly extends to nonprofit organizations. The attorney general should not abuse their power by using investigations as an intimidation tactic against individuals and organizations that disagree with the political positions of the state.



BEFORE THE SENATE COMMITTEE ON HAWAIIAN AFFAIRS

February 4, 2020

Senate Bill 42 SD1

Relating to the Attorney General

Aloha Chair Shimabukuro, Vice Chair Kahele, and Members of the Committee,

Ka Lāhui Hawai‘i Political Action Committee (KPAC) **STRONGLY SUPPORTS** of Senate Bill 42 SD1 which to prohibits the attorney general from investigating nonprofit organizations for exercising their constitutional right to free speech and assembly, protecting constitutional grants of rights, and/or traditional and customary Kanaka Maoli cultural rights.

This proposed Senate Bill 42 SD1 is timely. Under this administration many efforts have been made to criminalize the peaceful protectors of Mauna Kea who have been occupying Pu‘u Huluhulu and the Mauna Kea Access road since July of 2019. The attorney general is abusing her power and authority by targeting nonprofits and other organizations that have given support for the welfare, health and safety for the protectors of Mauna Kea. Penalizing nonprofits and organizations for caring for our community who are exercising their constitutionally protected right to assemble and free speech and basic human right (which are encoded in international law) to protect cultural, religious, and spiritual practices, and access to sacred sites is oppressive and unjust. Furthermore, the members of our community who are protecting Mauna Kea are our neighbors, tax paying citizens, members of our clubs, and/or registered to vote.

The targeting of the supporters of the protectors of Mauna Kea is an attempt by the state to not only criminalize the protectors and supporters of Mauna Kea but to also discourage future support that has sustained an organized, unified and peaceful movement for over 6 months.

We urge you to stop this unjustified investigation by the attorney general and this administration which violates the rights of the protectors and supporters of Mauna Kea. Requesting items like the ATM transactions footage of the KAHEA (the Hawaiian Environmental Alliance) takes the Ige administration to an embarrassingly new low of racist tactics that target mainly Kanaka Maoli and Kanaka Maoli allies who support Mauna Kea, a mountain that is sacred to the Native people of this land.

Respectfully submitted,

M. Healani Sonoda-Pale
Chair, KPAC

LATE

SB-42

Submitted on: 2/3/2020 7:41:55 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeri Di Pietro	Testifying for Hawai`i SEED	Support	No

Comments:

Aloha Senate Hawaiian Affairs Committee,

My name is Jeri Di Pietro and I volunteer with GMO Free Kaua`i and Hawai`i SEED. I live in Koloa, on Kaua`i. Mahalo for taking my written testimony today.

Please do not allow State Attorney General Claire Connors subpoena power to be used against KAHEA: The Hawaiian Environmental Alliance. KAHEA is a long standing, decade old watchdog group that looks out for the environment and the Hawaiian community at large. They continually look out for our rights of freedom of peaceful assembly, free speech, and Hawaiian cultural rights.

KAHEA worked diligently in 2006 to insure that the University of Hawai`i revoked the three patents on three varieties of taro. With the urging and community education, the UH abandoned the controversial taro patents. No one should own Haloa, nor make huli be bought from the UH for each subsequent planting. This is how important environmental and cultural groups like KAHEA are.

They continue to work for the protection of Mauna Kea, and provide health and safety to the Kupuna and the Kia`i. It is in Kapu Aloha that community opposition against TMT is being expressed.

Please support SB42, SD1.

Mahalo nui loa,

Jeri Di Pietro



Hawai'i

LATE

Committee: Committee on Hawaiian Affairs
Hearing Date/Time: Tuesday, February 11, 2020, 1:16 p.m.
Place: Conference Room 016
Re: *Testimony of the ACLU of Hawai'i in support of S.B. 42, S.D. 1, Relating to Hawaiian Affairs*

Dear Chair Shimabukuro, Vice Chair Kahele, and Committee Members:

The American Civil Liberties of Hawai'i (ACLU of Hawai'i) writes **in support of** S.B. 42, S.D. 1, which prohibits the attorney general from investigating nonprofit organizations for exercising their constitutional right to free speech and assembly or practicing native Hawaiian traditional and customary rights.

The ACLU of Hawai'i has serious concerns that the Department of the Attorney General is abusing its regulatory power over non-profit organizations by investigating KAHEA for supporting the Mauna Kea demonstrations. In the ACLU's view, targeting nonprofit groups and investigating them for their advocacy and political affiliation violates the First Amendment and Article I, Section 4 of the Hawai'i Constitution. The investigation against KAHEA follows a worrying trend of subpoenas issued to the Office of Hawaiian Affairs and Hawaiian Airlines also for their support of these same demonstrations.

To be clear, the ACLU does not take a position on the Thirty Meter Telescope — but this is about the First Amendment rights of all organizations to engage in political advocacy without fear that the government will use its regulatory power to penalize them for doing so. Whether you are in favor of or against the Thirty Meter Telescope, the AG's heavy-handed actions have a chilling effect on everyone's rights. There are acceptable ways for the Department of the Attorney General to investigate organizations that abuse their non-profit status or that break the law, but here the Department does not have evidence KAHEA has done either. Using the Attorney General's oversight to penalize advocacy groups for their "support" of the Mauna Kea demonstrations is not only wrong, it is unconstitutional.

For the above reasons, the ACLU of Hawai'i requests that the Committee pass S.B. 42, S.D. 1. Thank you for the opportunity to testify.

American Civil Liberties Union of Hawai'i
P.O. Box 3410
Honolulu, Hawai'i 96801
T: 808.522-5900
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E: office@acluhawaii.org
www.acluhawaii.org

Sincerely,

Mandy Fernandes
Policy Director
ACLU of Hawai'i

The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for over 50 years.

LATE

SB-42

Submitted on: 2/3/2020 3:26:20 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Malia Makanani	Testifying for KAHEA	Support	No

Comments:

Aloha, my name is Malia Haleakala Makanani and I oppose the development TMT atop our ancestral lands on Mauna Kea on Hawai'i Aina. We need to protect our wahipana, sacred Aina. How fortunate we have been blessed with life in the middle of the Ocean. How fortunate we have been blessed with elemental resources (wind, water, new earth, fire) in the middle of the Ocean. How fortunate we have been blessed to have a history of our own (Polynesian ancestors, wayfinders,navigators, Warriors, Kings and Queens, gatherers, farmers, skilled practitioners) that our Hawai'i state survives off of (economic crisis, called Hospitality industry) this exploitation to foreigners not of Hawai'i. How fortunate we have been blessed to be born and raised in Hawai'i, to educate all individuals the next generation of no Oiwī o kanaka Maoli. We cannot afford to cause damage to our Aina or people. We must Malama Aina, Aloha Aina. We must recognize this as an emergency in Hawai'i our Community is in crisis to maintain our spiritual, cultural, generational connection to our Hawaiian Race and our Hawa'i'i home to our Hawai'i people. We must listen to our Kupuna, Mo'olelo, Olelo Noeau, our Kaiaulu. This is Kuleana, my Kuleana, your Kuleana, Our Kuleana, or we will be left with nothing and that is not an option!



Chair Maile Shimabukuro
Vice Chair Kaiali‘i Kahele

Senate Committee on Hawaiian Affairs

Tuesday, February 11, 2020
1:16 PM

TESTIMONY IN STRONG SUPPORT OF SB42 SD1 RELATING TO HAWAIIAN AFFAIRS

Aloha Chair Shimabukuro, Vice Chair Kahele, Members of the Senate Committee on Hawaiian Affairs,

My name is Jun Shin. I am a Sophomore at the University of Hawai‘i at Mānoa. I currently serve as the Environmental Justice Action Committee Chair for the Young Progressives Demanding Action (YPDA). YPDA advocates for public policies that reflect the values of young people throughout the State of Hawai‘i. YPDA is in **Strong Support** of **SB42 SD1**, Relating to Hawaiian Affairs.

YPDA stands with KAHEA: The Hawaiian-Environmental Alliance, a nonprofit that is affected by the Attorney General’s growing overreach into organizations supporting the Kia‘i’s efforts on Mauna Kea, which also includes the Office of Hawaiian Affairs and even Hawaiian Airlines. KAHEA’s constitutional rights under both the U.S. and State constitution to be politically engaged without fear of government reprisal is currently under threat.¹ YPDA’s 21 member board voted overwhelming in December of 2018 to stand with the protectors of Mauna Kea and to lend our support to the Hawaiian community as it continues to deal with the trauma of colonization, and we intend to do so in whatever way we can. We stand with KAHEA.

This overreach by the AG both sets a really bad legal precedent for current and future disagreements groups , and is a continuation of attacks on the growing self-reliance and organizing taking place on Mauna Kea. As KAHEA put eloquently in their own written comments on this measure, “The kupuna who stood on Mauna Kea Access Road did not do so because they got free meals and a tent. Opposition to putting the TMT on Mauna Kea is growing out of peoples’ awareness of land use,

history, and frankly, bad public administration - and also hopes for a different future.” This cannot be emphasized enough.

Both young and old are realizing that business as usual is no longer the way to protect our natural resources and Hawaiian traditional and customary rights for future generations to utilize and enjoy. This needs to be understood by our leaders and policymakers. This bill would allow for community organizations like KAHEA to continue to be a part of this work on the frontlines of protecting these resources without fear of being targeted deliberately for civil disobedience. Young Progressives Demanding Action is in **Strong Support** of **SB42 SD1**. Please pass this bill through your committee.

Mahalo for the opportunity to testify,

Jun Shin,
Environmental Justice Action Committee Chair
Young Progressives Demanding Action (YPDA)
P.O. Box 11105
Honolulu, HI 96828
Cell: 808-255-6663
Email: junshinbusiness729@gmail.com
CC: action@ypdahawaii.org

¹<https://acluhi.org/2020/01/31/aclu-of-hawaii-expresses-first-amendment-concerns-over-subpoenas-against-kahea>



Pono Hawai'i Initiative

Josh Frost - President • Patrick Shea - Treasurer • Kristin Hamada
Nelson Ho • Summer Starr

Tuesday, February 11, 2020

Relating to Hawaiian Affairs
Testifying in Support

Aloha Chair and members of the committee,

The Pono Hawai'i Initiative (PHI) **supports SB42 SD1 Relating to Hawaiian Affairs**, which prohibits the Attorney General from investigating a nonprofit organization for exercising their constitutional right to free speech and assembly or practicing native Hawaiian traditional and customary rights expressed under the constitution.

Free speech and assembly extend to nonprofit organizations, whether that speech is against a government program or a private entity. Protecting and preserving constitutional rights should be of utmost importance. The state should not be able to retaliate against nonprofit organizations (or individuals) who exercise their right to free speech and assembly for the purpose of non-violent civil disobedience.

For all these reasons, we urge you to move this bill forward.

Mahalo for the opportunity,
Gary Hooser
Executive Director
Pono Hawai'i Initiative

Kūpuna for the Mo'opuna
committed to the well-being of Hawai'i for the next generations to come
kupuna4moopuna@gmail.com

Committee on Hawaiian Affairs
Senator Maile S. L. Shimabukuro, Chair
Senator Kaiali'i Kahele, Vice Chair

Date: February 11, 2020 Time: 1:16pm Location: Room 016

SB42 SD1 Relating to Hawaiian Affairs – **STRONG SUPPORT**

PROTECT OUR BASIC FREEDOMS!

Aloha Senators,

We, Kūpuna for the Mo'opuna, a concerned group of kūpuna Hawaiian homestead farmers from Pana'ewa, Hawai'i, committed to the well-being of Hawai'i for the next generations to come, **submit this testimony in STRONG SUPPORT of SB42 SD1.**

SB42 SD1 protects our basic constitutional rights by prohibiting the state attorney general from harassing nonprofits. After failed attempts by the state to intimidate Hawaiian Airlines and the Office of Hawaiian Affairs by demanding personal and financial information regarding the Mauna Kea movement, comes now again the state – its third try - this time harassing its latest target, the small nonprofit KAHEA.

Please pass SB42 SD1 in order to protect our basic freedoms! At stake are our right to free speech and our right to peaceably assemble. Also at stake is our right to practice Hawaiian traditions and customs as guaranteed in article XII, section 7 of the Hawai'i state constitution.

Please support and pass SB42 SD1.

Mahalo.

LATE

SB-42-SD-1

Submitted on: 2/10/2020 9:18:40 PM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kealoha Pisciotta	Testifying for Mauna Kea Anaina Hou and Kai Palaoa	Support	No

Comments:

Mauna Kea Anaina Hou and Kai Palaoa are deeply troubled that the Department of the Attorney General may be abusing its regulatory power over non-profit organizations by investigating KAHEA for supporting the Mauna Kea demonstrations. Targeting nonprofit groups and investigating them for their advocacy and political affiliation potentially violates the First Amendment and Article I, Section 4 of the Hawai'i Constitution. Furthermore, because the Mauna Kea demonstrations are deeply rooted in Hawaiian cultural and religious beliefs we feel that Hawaiians, as a group, are being unfairly targeted by the Attorney General's actions.

The right to protest is a long-standing protection afforded by the United States and Hawai'i State constitutions. Holding demonstrations constitute a fundamental pillar of civic society and engender a healthy democracy. They enable all people to individually and collectively express dissent and seek to influence and strengthen government's policymaking and governing practices. The Hawai'i State and United States governments ought to fulfil their obligation to respect and facilitate the enjoyment of the right to protest and demonstrate without discrimination or retaliation of any kind, and to avoid unlawful, unjustified or unnecessary restrictions.

Mauna Kea Anaina Hou and Kai Palaoa supports the First Amendment rights of all organizations to engage in protests and demonstrations without fear that the government will use its regulatory power to penalize them for doing so.

Aloha and Mahalo for your consideration,

Kealoha Pisciotta, President of Mauna Kea Anaina Hou and Founder of Kai Palaoa (a marine protection group)

KA LĀHUI HAWAI'I

KOMIKE KALAI'ĀINA

BEFORE THE SENATE COMMITTEE ON HAWAIIAN AFFAIRS

February 11, 2020

Senate Bill 42 SD1
Relating to the Attorney General

LATE

Aloha Chair Shimabukuro, Vice Chair Kahele, and Members of the Committee,

Ka Lāhui Hawai'i Political Action Committee (KPAC) STRONGLY SUPPORTS Senate Bill 42 SD1 which prohibits the attorney general from investigating nonprofit organizations for exercising their constitutional right to free speech and assembly, protecting constitutional grants of rights, and/or traditional and customary Kanaka Maoli cultural rights.

This Senate Bill 42 SD1 is timely. Under this administration many efforts have been made to criminalize the peaceful protectors of Mauna Kea who have been occupying Pu'u Huluhulu and the Mauna Kea Access road since July of 2019. The attorney general is abusing her power and authority by targeting nonprofits and other organizations that have given support for the welfare, health and safety for the protectors of Mauna Kea. Penalizing nonprofits and organizations for caring for our community who are exercising their constitutionally protected right to assemble and free speech and basic human right (which are encoded in international law) to protect cultural, religious, and spiritual practices, and access to sacred sites is oppressive and unjust. Furthermore, the members of our community who are protecting Mauna Kea are our neighbors, tax paying citizens, members of our clubs, and/or registered to vote.

The targeting of the supporters of the protectors of Mauna Kea is an attempt by the state to not only criminalize the protectors and supporters of Mauna Kea but to also discourage future support that has sustained an organized, unified and peaceful movement for over 6 months.

We urge you to stop this unjustified investigation by the attorney general and this administration which violates the rights of the protectors and supporters of Mauna Kea. Requesting items like the ATM transactions footage of the KAHEA (the Hawaiian Environmental Alliance) takes the Ige administration to an embarrassingly new low of racist tactics that target mainly Kanaka Maoli and Kanaka Maoli allies who support Mauna Kea, a mountain that is sacred to the Native people of this land.

Respectfully submitted,

M. Healani Sonoda-Pale
Chair, Ka Lāhui Hawai'i - Komike Kalai'āina

SB-42

Submitted on: 2/2/2020 4:25:34 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Tada	Individual	Support	Yes

Comments:

I strongly support this bill. Kanaka Maoli have every right to protest against any and all places they hold sacred, and are trying to protect.

SB-42

Submitted on: 2/1/2020 4:19:24 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl	Individual	Support	Yes

Comments:

The Attorney General with the Governor's backing has overstepped. Plain and simple the legislature must actively protect the citizens of their constituencies' first amendment rights.

SB-42

Submitted on: 2/3/2020 12:23:32 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Steven Thomas	Individual	Support	Yes

Comments:

Enough is enough!!

The AG's subpoena power needs to be curtailed. This is a personal vendetta against the Hawaiian community that reeks of David Ige. As Kanaka we have been awakened and have begun to engage our government leaders and policy makers.

We will NOT stand idly by while the system continues to produce HEWA! If we have to bring PONO back ourselves, then so it shall be!

I STRONGLY OPPOSE SB42 SD1

Aloha!

SB-42-SD-1

Submitted on: 2/7/2020 10:38:58 PM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Samuel Wilder King II	Individual	Oppose	Yes

Comments:

I am writing in strong opposition to this bill.

Nonprofit organizations enjoy tax exempt status because they provide a benefit to our community. If they are breaking the law they have violated that trust and should be investigated. Claiming that lawlessness is in fact "civil disobedience" is in the eye of the beholder, making this law almost impossible to enforce. The only nobility in civil disobedience is in accepting the consequences of one's actions. In the instant case, tax exempt non-profit organizations have been backing the Mauna Kea protesters. These protests have involved the use of force in the form of a blockade of a public road. This is an act of violence, and these non-profits are not government entities imbued by the governed with the right to use such force. Moreover, the Mauna Kea protests have involved a campaign of bullying, intimidation, lies and deceit, using Russian Internet Troll-style tactics. I have described this in more detail here:

<https://www.westhawaii.com/2019/08/13/opinion/my-turn-threats-effective-at-silencing-pro-tmt-hawaiians/>

<https://www.imuatmt.org/safehouse-statements-oha/>

<https://www.staradvertiser.com/2019/10/27/editorial/island-voices/delays-in-clearing-tmt-protesters-pose-risks-to-stability-security/>

<https://www.civilbeat.org/2019/11/exactly-who-are-the-protesters-of-the-tmt/>

This bill would give carte blanche to political organizations to sow chaos in our communities. We saw the slippery slope caused by the failure to enforce the law and arrest the Mauna Kea protesters happen in real time, culminating in a telephone pole being cut down with a chainsaw to prevent a renewable energy project from moving forward. The enforcement costs at Mauna Kea alone are over \$15,000,000. Instead of providing further protection for these anarchists, the legislature should be conducting its own investigations and recouping money from the donations these non-profits have received to back the Mauna Kea protests, so that taxpayers are no longer on the hook for their block party.

The preamble is also ridiculous. Nonprofits engaging in illegal blockades of public roads should feel intimidated by the Attorney General. I want my Attorney General to be enforcing the law and investigating groups engaged in highly coordinated illegal activity. The protesters have weaponized social media and caused millions of dollars in damages to Hawaii's people. We deserve to know how these entities are spending their tax-free money, and we should be getting \$15,000,000 back.

SB-42-SD-1

Submitted on: 2/10/2020 6:28:32 AM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bal Patterson	Individual	Support	Yes

Comments:

Chair Maile Shimabukuro
Vice Chair Kai Kahele

Senate Committee on Hawaiian Affairs

Tuesday, February 11, 2020
1:16 p.m.

Relating to Hawaii Affairs
Testimony in STRONG SUPPORT of SB42, SD1

Aloha Chair Shimabukuro, Vice Chair Kahele, and members of the committee,

My name is Bal Patterson and I am a taxpaying Hawaii resident and registered voter. I STRONGLY SUPPORT proposed SB42, SD1 Relating to Hawaiian Affairs, that prohibits the Attorney General from investigating a non-profit organization for exercising their first amendment constitution right to free speech and assembly, protecting constitutional grants of rights, and /or or traditional and customary Kanaka Maoli cultural rights.

I support this bill because the Attorney General's actions with regard to Kahea, a non-profit organization, show a troubling and potent pattern of official retaliatory policy that is ongoing and pervasive. This legislation is necessary to protect the first amendment rights of a non-profit from abuse of power, intimidation, government intrusion and retaliation by the Attorney General in her attempt to criminalize those who take a peaceful stand to protect Mauna Kea. It is unacceptable that non-profits and other organizations who have given support for the welfare, health and safety the protectors of Mauna Kea are being targeted by the Attorney General through the use of investigations as an intimidation tactic because they disagree with the political positions of the state.

Historically, non-profit organizations have been key supporters of civil rights activists such as Dr. Martin Luther King Jr. who have engaged in civil disobedience. The constitutionally protected right of free speech and assembly extend to non-profit

organizations, even when that speech is against a government program, private entity, or a private entity supported by the government. The state should not be allowed to go on fishing expeditions in order to retaliate against non-profits, organizations or individuals who exercise their right to free speech and assembly for the purpose of non-violent civil disobedience.

Non-profits and individuals should be free to exercise their civil rights without fear of being deliberately targeted for civil disobedience, and without fear of government reprisal. Therefore, I strongly urge you to move this bill forward.

Respectfully submitted,
Bal Patterson

SB-42-SD-1

Submitted on: 2/10/2020 11:18:59 AM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael J DeWeert	Individual	Oppose	Yes

Comments:

I am writing in strong opposition to SB 42.

Approving this bill will open the flood gates to all kinds of mischief. Nonprofit status is conferred on many types of organizations, such as the National Rifle Association, that have strong political agendas that may not align with the good of our State and society as a whole. By granting nonprofit status, these groups are being subsidized by the taxpayers, and the taxpayers have a right to know who is funding illegal activities done in the names of these groups.

We wouldn't tolerate a blockade of the Department of Health by a group of anti-vaxxers, or a shutdown of the Department of Education by a group of climate-change deniers, but these are exactly the kinds of actions this bill would enable.

Don't enable groups to hide behind non-profit status to fund thuggish, bullying, and illegal tactics to get their way. Please reject SB 42!

Aloha and Regards,

Michael J DeWeert

45-343 Mahalani Street
Kaneohe, HI 96744

SB-42-SD-1

Submitted on: 2/7/2020 2:57:17 PM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Collins	Individual	Support	No

Comments:

I am writing to express my full support for this measure, when Hawaiian's speak up we all benefit. I would like to add that I have personally visited some of the events organized around Mauna Kea and every time I left with new knowledge, new music, and free homemade food. Simply put: the attorney general is wasting time & money and embarrassing himself, his family & collaborators.

SB-42

Submitted on: 2/1/2020 6:59:02 AM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Individual	Support	No

Comments:

SB-42

Submitted on: 2/1/2020 5:02:53 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments:

Weird... no discription of bill on the testimony page.

So... I support SB 42 IF this (below) is what it actually says:

SB42, SD1 would make the AG's subpoena illegal.

Hearing February 4, 2020, 1:19 p.m.; Conference Room 016.

SECTION 1. The legislature finds that private nonprofit organizations sometimes oppose governmental programs, practices, and policies and are sometimes investigated by the attorney general to insure compliance with business regulations and tax exemptions. The investigation can be intimidating and could be deemed to be retaliatory when the nonprofit engages in nonviolent civil disobedience against a government program, practice, or policy.

The legislature further finds that the constitutional right to free speech and assembly extends to nonprofit organizations and that nonprofit organizations should not be penalized for expressing their opinions, including engaging in nonviolent civil disobedience activity. The legislature further finds that non-profits may also promote constitutionally established rights regarding traditional Hawaiian customs and practices. These rights established by article XII, section 7 of the state constitution are no less worthy of protection and preservation as the rights to free speech and to assemble for the purpose of non-violent civil disobedience.

Accordingly, the purpose of this Act is to prohibit the attorney general from investigating nonprofit organizations for exercising their constitutional right to free speech and assembly or protecting constitutional grants of rights, such as the traditional and customary Hawaiian cultural rights expressly protected under article XII, section 7 of the state constitution, with exceptions.

SECTION 2. Section 28-2.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The attorney general shall investigate alleged violations of the law when directed to do so by the governor, or when the attorney general determines that an investigation would be in the public interest[.]; provided that no investigation shall be conducted in connection with and under circumstances during a period of time in which it is clear that the person is exercising rights by nonviolent civil disobedience that are protected and granted under the Constitution or state constitution, unless the investigation is of an alleged crime as described in the criminal laws of the State directly connected with the person's exercise of protected rights and preceded by the allegation of the criminal act supported by probable cause."

SB-42

Submitted on: 2/1/2020 10:14:20 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Koohan Paik	Individual	Support	No

Comments:

This bill is calling for is simply to not be harrassed by the government, and to allow for non-profits to exercise their first amendment right to free speech during a period of nonviolent protest. I cannot think of a law more worthy of being passed.

SB-42

Submitted on: 2/1/2020 10:14:38 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ana Kahoopii	Individual	Support	No

Comments:

Thank you for hearing this bill. As one of the kupuna arrested on the Mauna on July 17th, 2019 my ohana and I strongly support S.B.42, S.D.1 as a timely and regrettably unavoidable intervention into the attorney general's overreach into nonprofit organizations which are a critical pillar of our community.

KAHEA has been a Hawai'i nonprofit corporation since 2000 and has partnered with the state in many instances to serve the needs of our residents. The track record of KAHEA has been impeccable for 20 years.

The AG's primary intent is to attack KAHEA's support of the Mauna Kea protectors. This is clearly an abuse of executive power being conducted by the attorney generals office that SB 42 justly addresses. In its subpoena, the AG states it is investigating "illegal activity" primarily "blocking a road." it's common knowledge that the DLNR had blocked the road on July 15th, 2019, the arrests of kupuna were conducted on July 17, 2019. The road was already blocked by the DLNR and the DLNR blockade continued until December 26th, 2019 at which time kupuna also moved off the road per the request of Hawaii county Mayor Kim.

Also note that to date there have been no convictions, claims of alleged "illegal activity" have not been litigated and there has been no legal determination of any illegal activity.

The actions of Attorney General Clare Connors seeks to destroy the trust, and sever relationships that are built through community organizations like KAHEA while infringing on our freedom of assembly, free speech, and Hawaiian traditional and customary rights. These are the practices and freedoms that SB42 would protect from government encroachment.

Please note the American Civil Liberties Union and the Hawai'i Alliance of Nonprofit Organizations have weighed in against the AG's subpoena and investigation supporting the intention of SB42.

Please pass SB42, SD1 as submitted. Malama Pono.

Nawahine-Kaho'opi'i Ohana

SB-42

Submitted on: 2/2/2020 4:41:57 AM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bridgit Bales	Individual	Support	No

Comments:

I Strongly support this Bill.

SB-42

Submitted on: 2/2/2020 7:59:40 AM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Pamela M Williams	Individual	Support	No

Comments:

As a registered voter, I strongly support this Bill. Native Hawaiians exercising their First Amendment Rights on Native Hawaiian Lands should not be subject to this type of harrassment by the AGs office.

Pamela M Williams, BSW

SB-42

Submitted on: 2/2/2020 9:36:40 AM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lori Halemano	Individual	Support	No

Comments:

Aloha Senators and Decision Makers,

I strongly support SB42, SD1 and respectfully request that you consider passing this bill(s).

The Attorney General should not have the authority to investigate, subpoena, harass or prevent any non-profit organization from supporting Hawaiians who are practicing their cultural, religious and traditional gatherings. Doing so, would be in direct violation of their Constitutional Rights.

Thank you for your consideration in supporting SB42, SD1.

Mahalo,

Lori Halemano

SB-42

Submitted on: 2/2/2020 11:15:10 AM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joy McLeod	Individual	Support	No

Comments:

We need SB42 to stop the AG from investigating non profits like Kahea for exercising their constitutional rights to free speech & assembly or practicing native Hawaiian traditional & customary rights expressly protected under article XII, section 7 of the state constitution, with exceptions. Please stop the madness!

SB-42

Submitted on: 2/2/2020 1:21:39 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Roxane Stewart	Individual	Support	No

Comments:

SB-42

Submitted on: 2/2/2020 5:19:40 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Teri L Skillman	Individual	Support	No

Comments:

I stand in **support** of SB42 to prohibit the Attorney General from investigating non-profit organizations for exercising their constitutional right to free speech and assembly or practicing native Hawaiian traditional and customary rights expressly protected under article XII, section 7 of the state constitution.

I believe that the AG has overstepped her authority for the oversight of non-profits in the state. Monitoring compliance for tax purposes is a different issue and must be kept separate.

SB-42

Submitted on: 2/2/2020 5:38:49 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nathan Partridge	Individual	Support	No

Comments:

I support the proposed limitations on the Attorney General to misuse taxpayer money by investigating registered non-profits like KAHEA: The Hawaiian Environmental Alliance. The subpoena of KAHEA's financial records constitutes harassment for no reason other than the exercising by this group of its constitutional rights of free speech, assembly, and the practice of protected Hawaiian traditional and customary rights. This subpoena is an attempt to sap time and resources from this group, which is an unacceptable impediment to the aforementioned rights of groups and individuals.

SB-42

Submitted on: 2/2/2020 6:52:22 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
maelani Lee	Individual	Support	No

Comments:

I'm in support because I believe the Attorney General should not pick on a non-profit when it has a right to the first amendment.

SB-42

Submitted on: 2/2/2020 7:03:55 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
E. Kalani Flores	Individual	Support	No

Comments:

We SUPPORT this bill! Based upon the current actions of the AG's office, this bill is needed to protect the rights of organizations and individuals when the government oversteps its powers to target such organizations and associated individuals to curtail their constitutional rights. These are the same type of tactics that was used by the government to target and attack organizations and individuals during the civil rights movement.

SB-42

Submitted on: 2/2/2020 7:04:09 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rhonda	Individual	Support	No

Comments:

SB-42

Submitted on: 2/2/2020 7:47:03 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Gordon B. Lindsey	Individual	Support	No

Comments:

In support of our right to free speech, our rights of freedom of assembly, and Hawaiian traditional and customary rights. I am in support of SB42, SD1

SB-42

Submitted on: 2/2/2020 9:02:47 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Williamina Peters-Wong	Individual	Support	No

Comments:

I support this bill. The Attorney General is overreaching by subpoenaing KAHEA, a non-profit corporation. The AG should concentrate on all the corruption with its State Employees and its departments.

SB-42

Submitted on: 2/2/2020 9:44:30 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
kenneth kudo	Individual	Oppose	No

Comments:

I oppose. Of course the attorney general's office has to make sure that all non profits in the state of Hawaii comply with requirements. This is just a bleed on taxpayer's money to allow OHA and native Hawaiians continued unpoliced funding which history has shown to be in mandatory monitoring.

SB-42

Submitted on: 2/2/2020 9:45:00 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaylene Sheldon	Individual	Support	No

Comments:

Aloha nā• kā• kou!

My name is Kaylene Kauwila Sheldon and I am a registered voter. I support Senate Bill 42 for several reasons:

1. SB42 will prohibit the Attorney General from investigating non-profit organizations for exercising their constitutional right to free speech and assembly or practicing native Hawaiian traditional and customary rights expressly protected under article XII, section 7 of the state constitution, with exceptions.

2. KAHEA a non profit organization is now being unfairly targeted by the attorney general. It seems like the attorney general is trying to discriminate and criminalize a strong supporter of Hawaiian rights. It is also very racists. KAHEA has over 20 years of experience and a impeccable reputation for protecting sacred sites. Their mission statement states :

“KAHEA is a community-based organization working to improve the quality of life for Hawai`i's people and future generations through the revitalization and protection of Hawai`i's unique natural and cultural resources. We advocate for the proper stewardship of our resources and for social responsibility by promoting cultural understanding and environmental justice.”

3. KĀHEA revolves around issues that impact Hawaii such as sacred summits, ocean protection, environmental justice, land and cultural rights, and functioning food systems. While Native Hawaiians were the highest in statistics for health problems, homelessness, incarceration...KĀHEA made the most courageous attempts to impact human lives in sustaining the revitalization of forestation and marine life. Their accomplishments and actions impacts the lives of Nā• kanaka 'ĀŪiwi Hawai'i.

4. During my college years at the University Of Hawaii at Manoa, Hawaiian gathering rights were being threatened. Many hula practitioners as I can recall fought for these rights to gather. The outcome of this cultural threat brought the birth of KĀHEA. I appreciate KĀHEA very much for having integrity and courage. KAHEA was able to identify the systematic loss of species, sensitive shorelines, and unique cultural sites, and increasing threats to public health, rights and access--and they called for change. They've done what the State Of Hawaii & what the Department Of Land And Natural Resources has failed to achieve which is to live up to the motto "Ua mau ke 'ea o ka

'aina I ka pono." KAHEA, the organization they founded, continues in this call to action. Their core mission reflects the principle "ho'okahi no ka 'Ā• ina a me na kĀ• naka," the land and the people are one. KĀ€HEA has made a strong influence toward nĀ• kanaka in being "pili" to sacred lands, native species, and traditional cultural traditions. If you truly care for Hawaii and value human life and you call this place your home then please support KAHEA and other Hawaiian non-profits from being mistreated by the attorney general. Why is it a crime to support people that practice freedom of speech or peaceful protests? Please support SB42. Opposing it is a violation of the first amendment. Thank you for your time.

Mahalo nĀ• ,

Kaylene Kauwila Sheldon

SB-42

Submitted on: 2/2/2020 11:04:25 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Clarence Ching	Individual	Support	No

Comments:

I support Senate Bill 42 because:it will, among other things, prohibit the Attorney General from illegally restricting non-profit organizations (on behalf of their memers) of exercising constitutionally-protected rights of free speech and assembly or practicing native Hawaiian traditional and customary rights expressly protected under article XII, section 7 of the Hawaii State Constitution.

SB-42

Submitted on: 2/3/2020 3:59:37 AM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Azuma Chrupalyk	Individual	Support	No

Comments:

SB-42

Submitted on: 2/3/2020 8:54:29 AM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
mary drayer	Individual	Support	No

Comments:

i am a donor to Kahea. org - and am fully aware of what my donation will be used for - Support of Mauna Kea Kia'i. It is not the governments job to legislate my choice of who to support.

SB-42

Submitted on: 2/3/2020 9:07:10 AM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Phillip	Individual	Support	No

Comments:

I am in support of SB42, SD1.

Respectfully,

Barbara Phillip

SB-42

Submitted on: 2/3/2020 9:54:36 AM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lauralee Baoy	Individual	Support	No

Comments:

I support SB 42. I agree that the Attorney General should not have the right to investigate non-profit groups during a time when rights of nonviolent civil disedience are being engaged unless an alleged crime has occurred supported by probable cause.

SB-42

Submitted on: 2/3/2020 10:28:23 AM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melia Leslie	Individual	Support	No

Comments:

I am a constituent of Hawaii and this is absolutely shameful! What a waste of tax payer money. I support SB42!

SB-42

Submitted on: 2/3/2020 10:36:18 AM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Emmaline Padeken	Individual	Support	No

Comments:

What the State of Hawaii Attorney General's office is trying to do in subpoenaing records, ATM video surveillance, etc of the non-profit KAHEA: The Hawaiian Environmental Alliance is an overreach of that office and an intimidation tactic. This cannot be allowed. Please pass SB42, SD1 as proposed.

SB-42

Submitted on: 2/3/2020 12:09:33 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
M. Llanes	Individual	Support	No

Comments:

Please support SB42 to protect non-profit organizations exercising their constitutional right to free speech and assembly or practicing native Hawaiian traditional and customary rights expressly protected under article XII, section 7 of the state constitution, with exceptions. The unlawful actions of the current acting Attorney General have been shameful and an embarrassment.

Mahalo for reading my testimony.

Aloha,

MeleLani Llanes

active registered voter, Makakilo

SB-42

Submitted on: 2/3/2020 12:12:36 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Blake WATson	Individual	Support	No

Comments:

Aloha Honorable Senate,

The Hawaii Attorney General's recent move to investigate a non-profit that supports organized freedom of speech claims is unconstitutional, and as such this legislation before you should be supported to affirm that reality.

Thanks so much,

Blake Watson

SB-42

Submitted on: 2/3/2020 12:13:52 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
ChristopherMcCullough	Individual	Support	No

Comments:

SB-42

Submitted on: 2/3/2020 12:28:16 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jessica Mitchell	Individual	Support	No

Comments:

SB-42

Submitted on: 2/3/2020 12:55:00 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sheadon Freitas	Individual	Support	No

Comments:

SB-42

Submitted on: 2/3/2020 1:00:29 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brexson Kamano	Individual	Support	No

Comments:

SB-42

Submitted on: 2/3/2020 1:44:06 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tiana Laranio	Individual	Support	No

Comments:

SB-42

Submitted on: 2/3/2020 1:51:55 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
pahnelopi mckenzie	Individual	Support	No

Comments:

It is so sad to see the state try the sabotaging activities on an organization that's goal is protecting the people and land of Hawaii. In the situation, the of the world no Attorney General or anyone should be trying to act with illegal false powers. I am in support of legal protection for privacy to be maintained as stated by law

SB-42

Submitted on: 2/3/2020 2:05:50 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Katy Benjamin	Individual	Support	No

Comments:

I am writing in support of SB42. I feel strongly that our AG is abusing her power, which is clearly in favor of development, even as thousands of people at home and abroad stand with Kanaka Maoli. The time and energy being put into harassing the nonprofit KAHEA, could be spent on any number of pressing matters of public safety, like drug treatment needs, figuring out why nearly 7,000 people are newly homeless in a year that the Gov said he'd "eradicate homelessness," or the thousands of beneficiaries who are living and dying on the waitlist for their land in Hawaiian Homes.

Please vote in support of SB42, and protect the altruistic members of KAHEA from bullying.

Kathryn Benjamin

Hilo, HI

SB-42

Submitted on: 2/3/2020 3:13:40 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ashley Gutierrez	Individual	Support	No

Comments:

I support this bill because it should be illegal to subpoena financial records for native organizations who are practicing their native rights. KAHEA: The Hawaiian Environmental Allinace helps protect the health and safety of Kupuna and Kiai who are 100% in the right to be protecting the land from desecration. The state and federal government is not helping the native people, they cater to foreigners and not their own people. Federal and State government officials are bullies trying to repress and cause more trauma with the native people. By letting the Attorney General subpoena financial records of natives causes further distrust between natives and government officials.

ATTORNEY GENERAL IS ADDING TO THE FURTHER DISTRUST AND HISTORIC TRAUMA BETWEEN THE NATIVES AND GOVERNMENT INSREAD OF HELPING THE NATIVES FIX THEIR PROBLEMS. SUBPOENA THE ATTORNEY GENERAL!

I support this bill

SB-42

Submitted on: 2/3/2020 3:13:56 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Thayne Currie	Individual	Oppose	No

Comments:

I strongly oppose this bill. Organizations like KAHEA and others are not just simply "expressing their opinion". Rather, they fund blocking access to a public highway. They should not be given special treatment. The law should be fairly applied to everyone.

LATE

SB-42

Submitted on: 2/3/2020 3:48:53 PM
Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rozalyn Teixeira	Individual	Support	No

Comments:

Sorry. I couldn't forward. Please cut and paste into state website
February 3, 2020

Aloha Senators

I strongly support SB42 and SD1 and respectfully ask that you consider passing this bill(s).

The Attorney General should not have the right to investigate, subpoena, and harass any non-profit organization that supports Hawaiians who are practicing their traditional, cultural, religious rights and gatherings.

To allow this would be a direct violation of our Constitutional rights.
Thank you for your consideration and support.

Mahalo,
Rozalyn K. Teixeira Kalawai'a

LATE

SB-42

Submitted on: 2/3/2020 3:50:01 PM
Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
KATHERINE ROSEGUO	Individual	Oppose	No

Comments:

Opposed because of course the Attorney General should have the power to examine evidence. Nonprofits are not above the law.

LATE

SB-42

Submitted on: 2/3/2020 3:50:16 PM
Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Takasugi	Individual	Oppose	No

Comments:

I strongly oppose this measure.

LATE

SB-42

Submitted on: 2/3/2020 3:50:52 PM
Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melanie Park	Individual	Support	No

Comments:

I am writing in support of SB 42 prohibiting the Attorney General from investigating non-profit organizations for exercising their consitutional right to free speech and practicing native Hawaiian traditional and customary rights expressly protected under article XII, section 7 of the state constitution, with exceptions.

This is a a slippery slope that the AG is trying to navigate. Without any actual facts of a criminal nature to be found it appears that the AG is attempting to go on a fishing expedition in its attempts to silence the kia'i on Mauna Kea and the tremendous work that the KAHEA organization has done for the Hawaiian Community. We must continue to protect our rights as Kanaka Maoli as well as be able to participate in non-violent disobedience.

Mahalo nui,

Melanie Park RN

LATE

SB-42

Submitted on: 2/3/2020 4:08:37 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Robin Kaye	Individual	Support	No

Comments:

LATE

SB-42

Submitted on: 2/3/2020 4:17:11 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jason	Individual	Oppose	No

Comments:

Dear Senate Hawaiian Affairs Committee,

I am submitting testimony opposing SB42. This bill hampers the attorney generals' ability to pursue and investigate possible wrongdoing, and if passed will encourage those who commit financial crimes to continue brazenly skirt the law. No matter what anyone thinks, Hawaii is a state within the United States, and as such everyone is required to obey the law. No one is above the law, and certainly no particular group is above the law. This is regardless to how anyone or group has felt they have been unfairly treated in the past. You, as part of the Hawaii Legislature, are bound to serve all of your constituents equally, not to serve the interests of only one group. As your constituent I ask that you legislate without regard to ethnicity or to the demands of any one group, but rather for the common good of our democracy.

Respectfully yours, Jason

LATE

SB-42

Submitted on: 2/3/2020 4:17:49 PM
Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Henry boothe	Individual	Support	No

Comments:

I strongly support prohibiting the attorney general from investigating nonprofit organizations for exercising their constitutional right to free speech and assembly or practicing native Hawaiian traditional and customary rights expressly protected under article XII, section 7 of the state constitution.

Such investigations are not only infringing on both federal and state constitutional laws, it fringes on Article 11.1 and Article 12.1 of the **UN** declaration on the Rights of Indigenous Peoples and Article 14 of the **American** Declaration on The Rights of Indigenous Peoples to practise, revitalize, protect and develop past present and future manifestations of their culture. I do not support my tax dollars being used to break these constitutional laws and declared promises. This nation is based on the freedom of the people and we must uphold this standard. Thank you. Henry Boothe

LATE

SB-42

Submitted on: 2/3/2020 4:20:42 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cara Kimura	Individual	Oppose	No

Comments:

I strongly oppose SB42.

The bill, as written, sets a dangerous precedence by trying to limit the scope by which the attorney general can investigate possible misuse of funds by a non-profit organization. Regardless of the actions engaged by a non-profit organization in the name of civil disobedience or protest, it should not be above the law or immune from investigations by the legal authority governing non-profit organizations -- in our government, the attorney general has governance over these organizations. Just because organizations may find this process "intimidating" is not due cause to tie the AG's hands from their duty to perform due diligence on behalf of ALL the people of Hawaii.

LATE

SB-42

Submitted on: 2/3/2020 4:23:09 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nanea Lo	Individual	Support	No

Comments:

Hello,

My name is Nanea Lo and I'm a lifelong resident of Hawai'i on O'ahu and a kã• naka maoli (Native Hawaiian). I'm in strong support of SB42, SD1. I am in strong SUPPORT of this bill. I believe that we should stop the State Attorney General's misuse of her subpoena power to suppress community opposition to the TMT. Attorney General Clare E. Connors is targeting non-profit KAHEA: The Hawaiian Environmental Alliance and her actions are wasting my tax-payer money. This is anti-hawaiian and unconstitutional.

Please support this bill.

me ke aloha 'Ä• ina,

LATE

SB-42

Submitted on: 2/3/2020 4:23:16 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Carmie Spellman	Individual	Support	No

Comments:

Honorable Legislators:

I urge you to move this SB42 SD1 forward as the Right to the Freedom of Speech must be honored. The United States Constitution First Amendment is the Right to the Freedom of Speech: Amendment 1 Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. I support this SB42SD1!

Respectfully,

Carmie Spellman

LATE

SB-42

Submitted on: 2/3/2020 4:54:07 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Fern Anuene Holland	Individual	Support	No

Comments:

This is an abuse of power, please support this bill.

LATE

SB-42

Submitted on: 2/3/2020 5:01:33 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
L.J. Remillard	Individual	Oppose	No

Comments:

I strongly oppose SB42.

Corporations are not people and therefore should not have the same rights that people do.

Giving corporations the same rights as people grants them the power to use their greater financial and political influence to oppress the rights of citizens.

SB-42

Submitted on: 2/3/2020 5:02:46 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Jazzmin Cabanilla	Individual	Support	No

Comments:

LATE

SB-42

Submitted on: 2/3/2020 5:26:58 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Veronica Ohara	Individual	Oppose	No

Comments:

I am Kanaka Maoli and I submit testimony in opposition to SB42. This Bill SB42 is an effort to restrict criminal investigation into KAHEA, their taxes and claim to be a non-profit organization. The Legislature of the State of Hawaii cannot in good conscience restrict an investigation to a group that is well known for the illegal blockade of Maunakea Access Road, a blockade that has cost the good citizens of this state over \$15 million dollars, and the costs will continue to rise. KAHEA has a strong affiliation with the Sierra Club and an easy Google search brings up proof their donations come from questionable sources with obvious connection to Russian money laundering and off shore tax haven funds. KAHEA accuses TMT and the astronomy community of being corrupt rich outsiders but the sources for their funds are more than questionable, they are in fact reprehensible. KAHEA ignores the CCH and HSC in regard to TMT, and urges more protest, circulates disinformation, their actions have polarized our communities. It's time to bring an end to this burden on the people of Hawaii. KAHEA should be audited and if they are found guilty there should be consequences.

LATE

SB-42

Submitted on: 2/3/2020 5:29:14 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lani Minihan	Individual	Support	No

Comments:

The AG targeting Hawaiian Non-Profit organizations needs to STOP. It is Anti-Hawaiian and Unconstitutional.

LATE

SB-42

Submitted on: 2/3/2020 5:29:26 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Murphy	Individual	Support	No

Comments:

LATE

SB-42

Submitted on: 2/3/2020 5:30:12 PM
Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Whispering Wind	Individual	Support	No

Comments:

LATE

SB-42

Submitted on: 2/3/2020 6:25:50 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tom Lodge	Individual	Oppose	No

Comments:

LATE

SB-42

Submitted on: 2/3/2020 6:42:50 PM
Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
lauryn rego	Individual	Support	No

Comments:

LATE

SB-42

Submitted on: 2/3/2020 7:17:38 PM
Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joni Kamiya	Individual	Oppose	No

Comments:

I strongly oppose this bill that is intended to alter law to protect an organization that may be acting illegally. These very groups proclaim that they are "pono" so if they truly are following the law, there should be no problem with complying with the law. The precedent that this will set will be problematic for public disclosure of tax free entities. The public has the right to know what these organizations are doing in the State of Hawaii while granted charity status like any other group.

SB-42

Submitted on: 2/3/2020 7:21:45 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joanna Maile Pokipala	Individual	Support	No

Comments:

I support SB42

SB-42

Submitted on: 2/3/2020 7:54:28 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sharde	Individual	Support	No

Comments:

SB-42

Submitted on: 2/3/2020 8:12:46 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Sandell	Individual	Oppose	No

Comments:

The gist of this measure is that nonprofits with nonviolent programs that oppose the government, can be researched as to their compliance with tax exemptions and business regulations. Could that feel retaliatory or intimidating? Sure. Is that sufficient reason to say such research should not be conducted? No. If you're responsibly running a nonprofit, or any business for that matter, you should have all your ducks in a row on taxes and compliance. If you don't, then the bad is on you, not on agencies that are authorized to examine your books. This measure is bogus.

SB-42

Submitted on: 2/3/2020 8:49:41 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Annette Reyes	Individual	Oppose	No

Comments:

I oppose this because non-profits should not be able to fund illegal activities. It is against the law and if they choose to do so then they should deal with the consequences just like every other non-profit. Why would a non-profit need a bill to stop the Attorney General from looking into their records? Non-profits are supposed to be transparent. What are they hiding if people are willing to go to these great lengths to hide their financial information? I oppose allowing non-profits to skirt the law. I oppose this bill.

SB-42

Submitted on: 2/3/2020 9:25:46 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kenneth Wagner	Individual	Oppose	No

Comments:

As a resident of Hawaii and part- Native Hawaiian, I strongly oppose this bill. This piece of legislation is an attempt to prevent the investigation of nonprofits when they are practicing civil disobedience under the guise of freedom of speech. This bill has a specific target, Attorney General Clare Connors and a specific beneficiary, KAHEA.

This measure's intention is to protect KAHEA, a supporter of the protestors who were illegally obstructing the Mauna Kea Access Road for over 5 months and intend to again obstruct the road if the Thirty Meter Telescope attempts to begin construction.

The protestors engagement in civil disobedience is not directed against a government program, practice, or policy. This defiance is directed towards the Thirty Meter Telescope International Observatory, another nonprofit. A nonprofit cannot participate in illegal civil disobedience and continue to retain their 501(c)(3) status.

Finally, building of the Thirty Meter Telescope will not impinge on Native Hawaiian rights concerning free speech or cultural practices. An open Mauna Kea Access road will give Native Hawaiians the freedom to exercise their religious or spiritual traditions.

Kenneth Wagner, Honolulu

SB-42

Submitted on: 2/4/2020 6:41:18 AM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Regina	Individual	Support	No

Comments:

The attorney General is only trying to use her authority to bully the people who are in opposition destruction of Hawaiian lands. I am in full support of this bill, any person in position of attorney general should not be allowed to use his/her authority to benefit personal concerns.

SB-42

Submitted on: 2/4/2020 7:16:45 AM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Deron Akiona	Individual	Support	No

Comments:

Please stop the criminalization of peaceful legal protest in Hawaii! The current actions by the AG is targeted harrassment of our citizens. ENOUGH

SB-42

Submitted on: 2/4/2020 8:49:37 AM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Toni L. Martin	Individual	Support	No

Comments:

Many people forget, WE the TRUE LAHUI of HAWAI'I are continuing OUR CULTURAL PRACTICES which has been passed down thru generations from OUR ANCESTORS. People forget, WE the KANAKA like many other cultures have right to PROTECT what is rightfully OURS. This is OUR HOME, OUR HAWAI'I.

People forget, to many people HAWAI'I is a vacation destination but for us KANAKA, HAWAI'I is our HALE. Many indigenous cultures have come to HAWAI'I setting a footprint which cannot be erased, why? Because people of higher authority only see what the eye can see and forget to look pass what has become of a negative impact.

WE stand in support of KÄ€HEA as well as many Hawaiian nonprofit organizations. Why?! Because THEY, WE, I can continue to be PONO in a way of no judgement.

Think about this, how would you feel if someone of a certain authority decided to take or destroy your motherland because they disagree with your cultural beliefs or practices? Wouldn't you disagree or would you not.

WE as KANAKA are steadfast of OUR KIA'I, of our 'Ä€INA, of our LÄ€HUI, etc. why? Because our KUPUNA HAWAI'I is who WE ARE

Higher authority need to study the words of our CREST "UA MAU KE EA O KA 'Ä€INA I KA PONO" there is much meaning behind every breathe and word spoken. Maybe then will you understand your purpose of a certain position, to protect not to take or investigate. Your suspicion is based off of peers not criminal actions. There is no illegal morality to be sanctioned by.

SB-42

Submitted on: 2/4/2020 10:06:27 AM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alexander K.D. McNicoll	Individual	Support	No

Comments:

SB-42

Submitted on: 2/4/2020 8:56:58 AM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Debra Koonohiokala Norenberg	Individual	Support	No

Comments:

My husband and I both STRONGLY support SB42, SD1. Further, we strongly believe that any attempt to utilize any laws whatsoever to silence or "squash" peaceful citizens gathered to object or protest provably inappropriate government endeavors is not only illegal, it is a malicious attempt at tyranny which is a heinous concept here in these islands.

Last but not least, let my husband and I remind all present that the so called state of Hawaii can not prove their jurisdiction here in these islands without the use of a gun so the so called state of Hawaii is currently acting out falsely with no competent jurisdiction. Many, including my husband and I, believe wholeheartedly that jurisdiction in these islands belongs in the hands of those who can prove their jurisdiction without resorting to guns and violence and by relying entirely on the truth, the whole truth, thank you very much.

Sincerely,

Debra K Norenberg, Ali'i and Husband Myron C Norenberg, American

SB-42

Submitted on: 2/4/2020 1:30:46 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sage-Lee Medeiros-Garcia	Individual	Support	No

Comments:

To the Committee of Hawaiian Affairs:

I, Sage-Lee Medeiros-Garcia, support Senate Bill 42.

SB-42

Submitted on: 2/4/2020 2:02:36 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kahealani	Individual	Support	No

Comments:

SB-42

Submitted on: 2/4/2020 2:33:28 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew Crouch	Individual	Oppose	No

Comments:

This bill is completely unreasonable. All non profit organizations are required to maintain and submit financial forms for very good reasons - they have a responsibility to the public! Approving this bill means that some people are above the law. It is discrimination in its ugliest and worse form, and mocks the legislature and dignity of the state of hawaii.

SB-42

Submitted on: 2/4/2020 5:23:02 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kula Raquedan	Individual	Support	No

Comments:

It is with an uneasy heart to see in recent months, the abuse of power used on a peaceful and non-violent protest by the Attorney Generals office was extremely HEWA LOA! To subpoena OHA, Hawaiian Airlines, and First Hawaiian Bank against Kahea Inc was out of line. It looked targeted. So with this Bill:

Prohibits the attorney general from investigating nonprofit organizations for exercising their constitutional right to free speech and assembly or practicing native Hawaiian traditional and customary rights expressly protected under article XII, section 7 of the state constitution, with exceptions. (Proposed SDI)

... is a Bill I happily support.

SB-42

Submitted on: 2/4/2020 10:07:11 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Evern Williams	Individual	Support	No

Comments:

Protect Hawaiian rights and pass SB 42, SD1. Kahea should not be harassed and intimidated by the government. Do not allow the Attorney General to do this.

SB-42

Submitted on: 2/4/2020 10:45:57 PM

Testimony for HWN on 2/4/2020 1:19:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Phaethon Keeney	Individual	Support	No

Comments:

Please SUPPORT SB42, we must challenge the systemic bias (racism) at the root of current myriad examples of abuses of power against peaceful civil disobedience protecting Hawai'i's natural resources.

Mahalo,

Phaethon Keeney

Honoka'a Hawai'i

shimabukuro2 - Richard

From: Sen. Maile Shimabukuro
Sent: Friday, February 7, 2020 9:44 AM
To: nawahine kahoopii
Cc: shimabukuro2 - Richard
Subject: Re: SB42 support

Mahalo for your testimony, I am cc-ing my Committee Clerk.

Aloha 🌺,

Senator Maile Shimabukuro
District 21
(Kalaeloa, Honokai Hale, Ko Olina, Nanakuli, Ma`ili, Wai`anae, Makaha, Makua)
State Capitol, Room 222
[415 South Beretania Street](#)
[Honolulu, HI 96813](#)
[808-586-7793](#) phone
[808-586-7797](#) facsimile
maileshimabukuro@yahoo.com
Facebook: [Like Me](#)
Twitter: [@SenMaile](#)
Blog: <http://21maile.com>
Sent from my iPhone

On Feb 6, 2020, at 4:16 PM, nawahine kahoopii <savehawaiidogs@gmail.com> wrote:

Ana Nawahine-Kaho'opi'i
PO Box 2714
Kamuela, HI 96743

Thank you for hearing this bill. As one of the kupuna arrested on the Mauna on July 17th 2019 my ohana and I strongly support S.B.42, S.D.1 as a timely and regrettably unavoidable intervention into the attorney general's overreach into nonprofit organizations which are a critical pillar of our community.

KAHEA has been a Hawai'i nonprofit corporation since 2000 and has partnered with the state in many instances to serve the needs of our residents. The track record of KAHEA has been impeccable for 20 years.

The AG's primary intent is to attack KAHEA's support of the Mauna Kea protectors. This is clearly an abuse of executive power being conducted by the attorney generals office that SB 42 justly addresses. In its subpoena, the AG states it is investigating "illegal activity" primarily "blocking a road." it's common knowledge that the DLNR had blocked the road on July 15th 2019, the arrests of kupuna were conducted on July 17, 2019. The road was already blocked by the DLNR and the DLNR blockade continued until December 26th 2019 at which time kupuna also moved off the road per the request of Hawaii county Mayor Kim.

Also note that to date there have been no convictions, claims of alleged "illegal activity" have not been litigated and there has been no legal determination of any illegal activity.

The actions of Attorney General Clare Connors seeks to destroy the trust, and sever relationships that are built through community organizations like KAHEA while infringing on our freedom of assembly, free speech, and Hawaiian traditional and customary rights. These are the practices and freedoms that SB42 would protect from government encroachment.

Please note the American Civil Liberties Union and the Hawai'i Alliance of Nonprofit Organizations have weighed in against the AG's subpoena and investigation supporting the intention of SB42.

Please pass SB42, SD1 as submitted. Malama Pono.

Nawahine-Kaho'opi'i Ohana

shimabukuro2 - Richard

From: Sen. Maile Shimabukuro
Sent: Friday, February 7, 2020 9:42 AM
To: Ericka Badua
Cc: shimabukuro2 - Richard
Subject: Re: SB42

Mahalo for your testimony, I am cc-ing my Committee Clerk.

Aloha 🌺,

Senator Maile Shimabukuro
District 21
(Kalaeloa, Honokai Hale, Ko Olina, Nanakuli, Ma`ili, Wai`anae, Makaha, Makua)
State Capitol, Room 222
[415 South Beretania Street](#)
[Honolulu, HI 96813](#)
[808-586-7793](#) phone
[808-586-7797](#) facsimile
maileshimabukuro@yahoo.com
Facebook: [Like Me](#)
Twitter: [@SenMaile](#)
Blog: <http://21maile.com>
Sent from my iPhone

On Feb 7, 2020, at 9:39 AM, Ericka Badua <elikawika@icloud.com> wrote:

Dear Senator Shimabukuro,

On behalf of myself and fellow 'ohana Kia'i 'o ka Mauna, we support SB42. We think the AG's actions against KAHEA in the recent weeks and months, have been nothing but harassment against us, Kia'i, who stand in KAPUALOHA, and take the initiative to protect the very thing that makes us who we are. Stewards of this land. We find that her misuse of power, is in total disregard of what an AG stands for, and her harassment of KAHEA, who is a non-profit organization, will not be allowed. It is illegal! To subpoena KAHEA's financial records are a violation of their rights. To my understanding, the meaning and function of a nonprofit organization, is in the name itself, a nonprofit organization.

Nonprofit organization. ... **Nonprofits** are tax-exempt or charitable, **meaning they do not** pay income tax on the money that they receive for their **organization**. They can operate in religious, scientific, research, or educational settings. **Nonprofits** often make money, but what they **do** with the money they make, separates them from for-**profit** businesses. ... In other words, any **profit** a nonprofit makes can't be returned to investors in the form of **profits** or dividends. Instead, the money is used to grow the organization and further support its mission. **Examples of nonprofit organizations** include hospitals, universities, national charities, churches, and foundations. A **nonprofit** must serve the public in some way, whether through the offering of goods, services, or a combination of the two. They provide a way for people to work together for the common good, transforming shared beliefs and hopes into action. They give shape to our boldest dreams, highest ideals, and noblest causes, charitable nonprofits feed, heal, shelter, educate, inspire, enlighten, and nurture people of every age, gender, race, and

socioeconomic status, from coast to coast, border to border, and beyond. They foster civic engagement and leadership, drive economic growth, and strengthen the fabric of our communities. Every single day. Section 501(c)(3) of the tax code refers to “public charities” (also known as charitable nonprofits) and “private foundations.” The tax code considers “churches and religious organizations” (which the IRS defines to include mosques, synagogues, temples, and other houses of worship) to be “public charities.” KAHEA hasn't profited from donations made to it's organization. In turn, all donations have been used to help support the organization and what it stands for.

KAHEA is about Hawai`i. About a healthy environment and thriving cultural traditions for Ka Pae `Āina. In the face of increasing assaults to Hawai`i's land, ocean, water, native species, culture, and way of life, we are charting a different course.

KAHEA is about people. Because empowered people engaged in collective action is what leads to lasting and meaningful change. KAHEA is a thousands-strong alliance of cultural practitioners, environmental advocates, teachers, scientists, resource experts, community leaders, clergy, union members, doctors, health professionals, social workers, students, and concerned individuals around the world, reaching across class, age, income, race and gender.



Together, we are saying "YES!" to our right to a healthy environment and our right to traditional and customary cultural practice. We're saying "YES!" to improving human health, promoting peace and justice, and reclaiming our sovereignty over what's on our plates. Everyday, we're at work in Hawai`i communities, empowering public voices speaking for true change. We're working to secure and uphold protections for Hawai'i's most ecologically important and culturally sacred places and species, and addressing critical issues within our communities and 'ahupua'a (geographic and cultural demarcation from the uppermost land to the outer reef).

At the heart of our mission is a deep belief in the power of community and collective action. The future of our `āina and our unique island way of life, is a counting on an engaged, empowered and informed public to speak up!

We are a 501(c)3 non-profit, locally-grown, and Hawaiian led. We have an office and small staff in Honolulu, just blocks away from the State Capitol and `Iolani Palace.

KAHEA is an acronym for Ka (the) Hawaiian-Environmental Alliance. Kāhea translates from Hawaiian as "the call."

Mahalo for your time,

Aloha`Āina, Aloha kekahi i kekahi, Me kealoha no ko Hawai'i Pae 'Āina mau a mau.

'O wau Elika Leimomi ko'u inoa. No 'āina lei ali'i 'o Ka'auhuhu; Kohala'akau;Moku o Keawe Hawai'i mai 'au.

Sent from my iPhone

Sent from my iPhone

shimabukuro2 - Richard

From: Sen. Maile Shimabukuro
Sent: Friday, February 7, 2020 1:09 PM
To: 'Sylvia Dolena'
Cc: shimabukuro2 - Richard
Subject: RE: SUPPORT SB42 SD1

Mahalo for your testimony, I am cc-ing my Committee Clerk.

From: Sylvia Dolena <sylviadolena@gmail.com>
Sent: Friday, February 7, 2020 1:08 PM
To: Sen. Maile Shimabukuro <senshimabukuro@capitol.hawaii.gov>; Sen. Kaiali'i Kahele <senkkahele@capitol.hawaii.gov>; Sen. Les Ihara, Jr. <senihara@capitol.hawaii.gov>; Sen. Jarrett Keohokalole <senkeohokalole@capitol.hawaii.gov>; Sen. Kurt Fevella <senfevella@capitol.hawaii.gov>
Subject: SUPPORT SB42 SD1

I support this bill because it will protect our basic civil rights.
I cannot fathom the lengths the AG is going in order to persecute and prosecute these Protectors.
Beyond the Mauna and whether you support TMT or not, our basic civil rights must be protected and defended.
No agency of our government has the right to erode our constitutional rights.

Mahalo,
Sylvia Dolena
Pele Lani Farm LLC
Island of Hawaii

SB-42-SD-1

Submitted on: 2/7/2020 6:26:42 PM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Justin Keliipaakaua	Individual	Support	No

Comments:

SB-42-SD-1

Submitted on: 2/7/2020 6:59:38 PM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Donna Grabow	Individual	Support	No

Comments:

I oppose this measure because it creates a superficial, state sponsored "reconciliation" process.

Any true process of reconciliation should start with an **apology** by the Governor and his administration, to the Mauna Kea Kia`i and community

HCR37 is much better, because it supports a state reconciliation process between the Kanaka Maoli people, and State of Hawaii by establishing of so-called "Blue Ribbon Reconciliation Commission."

TO: Members of the Senate Committee on Hawaiian Affairs

FROM: Natalie Iwasa, CPA, CFE
808-395-3233

HEARING: 1:16 p.m. Tuesday, February 11, 2020

SUBJECT: SB42, SD1, Restrictions on Attorney General Investigations - **OPPOSED**

Aloha Chair and Committee Members,

SB42 would prohibit the attorney general (AG) from investigating a nonprofit in certain situations.

Nonprofit organizations are accorded many benefits in exchange for their exempt status. In exchange for those benefits, nonprofits are highly regulated.

When the legislature established the Tax & Charities Division of the AG's office, it recognized there were concerns related to compliance with respect to some charitable nonprofit organizations. That division offers the public a form of assurance that nonprofits will be held accountable for noncompliance with our laws. This bill, however, would prohibit the AG from holding nonprofit organizations accountable. That is bad policy and the reason I oppose it.

Please vote "no" on SB42, SD1.

SB-42-SD-1

Submitted on: 2/7/2020 10:00:18 PM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Gordon B. Lindsey	Individual	Support	No

Comments:

In support of SB42

SB-42-SD-1

Submitted on: 2/8/2020 8:31:39 AM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Cadiz	Individual	Oppose	No

Comments:

SB-42-SD-1

Submitted on: 2/8/2020 8:53:27 AM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Henry Vincent III	Individual	Oppose	No

Comments:

I am writing in strong opposition to SB 42.

Nonprofit organizations enjoy tax exempt status because they provide a benefit to our community. If they are breaking the law they have violated that trust and should be investigated. Claiming that lawlessness is in fact "civil disobedience" is in the eye of the beholder, making this law almost impossible to enforce.

The preamble is also ridiculous. Nonprofits engaging in illegal blockades of public roads should feel intimidated by the Attorney General. I want my Attorney General to be enforcing the law and investigating groups engaged in highly coordinated illegal activity. The protesters have weaponized social media and caused millions of dollars in damages to Hawaii's people. We deserve to know how these entities are spending their tax-free money, and we should be getting \$15,000,000 back.

Please support the rule of law and vote in OPPOSITION to this bill.

Mahalo for your time.

Henry Vincent III

SB-42-SD-1

Submitted on: 2/8/2020 9:33:23 AM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Regina Gregory	Individual	Support	No

Comments:

SB-42-SD-1

Submitted on: 2/8/2020 10:10:56 AM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
penny levin	Individual	Support	No

Comments:

Many of you are too young to remember McCarthyism, a period of undignified and gross political oppression in the U.S. The AGs office and those influencing the AG's decision to pursue Kahea for supporting peaceful protest and free speech is nothing short of that same trajectory.

I urge you to protect the fundamental right, nay duty, to speak up when things are wrong in this nation.

SB-42-SD-1

Submitted on: 2/8/2020 11:28:37 AM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Gerald W Mayfield	Individual	Oppose	No

Comments:

I highly object to the SB42 SD1 as it supports illegal activity currently and possibly in the future by allowing a non-profit, tax free organization to solicit monies to support illegal activities in a secret manner. The attorney general should be able to investigate any suspicious activity occurring against the law in any non-profit tax free organization. Currently, and in the recent past, the illegal activity is blockade of public road on the island of Hawaii.

SB-42-SD-1

Submitted on: 2/8/2020 11:51:44 AM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
John Tsukayama	Individual	Oppose	No

Comments:

To the Committee:

I strongly oppose the limitations upon the government to carry out its mandated duty of investigating possible civil and criminal misfeasance and malfeasance by those involved in non-profit organizations. As written, the bill places a special barrier between the Attorney General and a very specific set of possible offenders. The text states a limitation that the investigation cannot be undertaken *“unless the investigation is of an alleged crime as described in the criminal laws of the State directly connected with the person's exercise of protected rights and preceded by the allegation of the criminal act supported by probable cause.”*

This is bad law for two reasons. First, the investigation appears to be allowable only if the acts are prohibited by the criminal laws of the state. There are many non-criminal offenses that a non-profit can engage in that are fully within the purview of the Attorney General to investigate. Twenty years ago I spent two years of my life actively assisting in the investigation of the actions of trustees of the Kamehameha Schools/Bishop Estate. At that time there were numerous civil and criminal issues under investigation. Ultimately, it was the CIVIL matters that led to the removal of the trustees by the probate court, in part because of the successful investigation by the Attorney General. The language of the bill would prevent any such remedial investigation by the state, leaving such actions to the beneficiaries or co-trustees of such organizations. Only the state had the wherewithal to challenge the enormous economic and political power of that board of trustees. This work was widely hailed as the salvation of an important Hawaiian institution. This bill will shackle the Attorney General from doing the public's work with respect for ALL non-profits.

The second reason that this is bad law is that imposes a standard never before set for criminal INVESTIGATION upon a law enforcement agency. Namely, no investigation may occur unless preceded by an allegation supported by **probable cause**. Probable cause is the proper standard for **charging** a defendant for a crime. The investigation is the vehicle for establishing that probable cause exists. This bill creates the impossible circumstance that an investigation cannot begin until the results of an investigation are already in hand. This is nonsensical. The draft must either be a mistake because the drafters did not realize the consequence of the words, or, it is a cynical attempt to offer

criminal immunity from investigation and charging to a specific group of possible offenders.

I fully support citizen exercise of the rights of assembly and petition; however, persons involved in actions of civil disobedience should not thereby be excluded from all other possible scrutiny of their actions. I have reservations about the State's actions with respect to Kahea; however, making bad law that would prevent the Attorney General from carrying out the next major "Broken Trust" type investigation. This would be short-sighted and cause possibly irreparable harm.

I urge the committee to withdraw the amendment language that will allow these disastrous outcomes.

John K. Tsukayama, PhD

Certified Fraud Examiner

SB-42-SD-1

Submitted on: 2/8/2020 1:18:15 PM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Peterson	Individual	Oppose	No

Comments:

I oppose the illegal protest to stop the telescope.

If they are violating the laws of the state, then they need to be arrested.

The protest have delayed a \$1 billion dollar project and as a Construction worker who needs a job,I for sure oppose the above on grounds of job creation, this would help the Construction industry if those protests were ended..

Defending a out-dated so-called Sacred ground arguement is typical Trumpism. The Kapu was to prevent Hawaiian commoners from accessing the mountain tops. Only the Kings and priests had total access and were selfishly imposing the kapu, on the common Hawaiins for access.

Access was only available to all during festivals.

Death was the penalty for violation of the Kapu. So much for Sacred ground?!!

SB-42-SD-1

Submitted on: 2/8/2020 1:27:08 PM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
maelani Lee	Individual	Support	No

Comments:

SB-42-SD-1

Submitted on: 2/8/2020 6:10:46 PM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cheryl Ernst	Individual	Oppose	No

Comments:

As a member and director of a non-profit organization supporting STEM scholars in higher education, I have always been scrupulously careful to observe the long-standing legal requirement to separate my personal political beliefs from public advocacy on behalf of the organization and its mission. I believe other organizations should do likewise, and I believe it is the obligation of the attorney general to investigate organizations that abuse their non-profit status to promote political causes.

I admire those whose convictions are strong enough to warrant civil disobedience. However, I do not believe tax-exempt charitable and non-profit organizations should fund such efforts, nor should they be exempt from investigations into whether they have violated the public trust by doing so.

Please do not be swayed into supporting this bill by pressure from groups that, while loud and highly visible, do not, in my opinion, represent the will of they majroity of Hawaii residents.

Thank you.

SB-42-SD-1

Submitted on: 2/8/2020 7:07:52 PM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
R Laree McGuire	Individual	Oppose	No

Comments:

SB-42-SD-1

Submitted on: 2/9/2020 1:53:51 AM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
muhtadia rice	Individual	Support	No

Comments:

Relating to Hawaiian Affairs Testifying in Support

I support SB42 Proposed SD1 Relating to Hawaiian Affairs to ensure the ability for all people to exercise their constitutional right to free speech and assembly, especially practicing native Hawaiian traditional and customary rights expressed under the constitution. Protecting and preserving constitutional rights should be of utmost importance. I urge you to move this bill forward so that State retaliation against nonprofit organizations (or individuals) who exercise their right to free speech and assembly won't happen in Hawaii.

SB-42-SD-1

Submitted on: 2/9/2020 8:22:54 AM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
kenneth kudo	Individual	Oppose	No

Comments:

I oppose this bill. Hawaiian protests are heightened today and will continue to cost Hawaii millions upon millions of dollars. All efforts must be made to discourage its popularity by native Hawaiians who have found a success niche using civil disobedience as the tool. OHA has funded the Mauna Kea protests in approximately \$100,000.00 and that needs an accounting, for example. The attorney general can only effectively monitor this activity while or during the time it is happening or in close proximity. Non-profits are the staple of OHA's qualifying recipients. The attorney general's office's duty is to regulate non-profits. The Mauna Kea protest was successful only because of native Hawaiian separatists already infiltrated into our government inventing laws in their favor which will soon divide and destroy Hawaii. Throw this bill out.

SB-42-SD-1

Submitted on: 2/9/2020 11:01:22 AM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeffrey Hill	Individual	Oppose	No

Comments:

Sirs, I am a long time resident of the Big Island. Our way of life has been disrupted by illegal protests. Laws are there for a good reason and law enforcement, including the attorney general, should enforce them vigorously. Please do not legitimize law breakers.

Respectfully submitted, Jeffrey Hill, Kailua Kona

SB-42-SD-1

Submitted on: 2/9/2020 11:27:50 AM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Ellis	Individual	Oppose	No

Comments:

I believe any nonprofit organization including native Hawaiian organization cannot be exempt from investigation by the attorney general. Oversight is needed to assure laws have not been broken. Please do not pass this bill.

SB-42-SD-1

Submitted on: 2/9/2020 11:56:55 AM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kamalani Keliikuli	Individual	Support	No

Comments:

SB-42-SD-1

Submitted on: 2/9/2020 1:28:35 PM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Pamela M Williams	Individual	Support	No

Comments:

As a registered voter, I strongly support SB42 SD1.

Mahalo,

Pamela M Williams, BSW

SB-42-SD-1

Submitted on: 2/9/2020 1:39:15 PM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nanea Lo	Individual	Support	No

Comments:

Hello,

My name is Nanea Lo. I am a kanak maoli (Native Hawaiian) and a lifelong resident of Hawai'i on O'ahu. I am writing in to say that I support this bill. I believe that Prince Jonah Kalaniana'ole should be displayed in and on all buildings of Hawaiian Homelands. Also we should have the authority as decendants of this trust to have the right of free speach practicing native Hawaiian traditional and customary rights expressly protected under article XII, section 7 of the state constitution, with exceptions.

Please support this bill.

me ke aloha 'Ä• ina,

Nanea Lo

SB-42-SD-1

Submitted on: 2/9/2020 2:10:56 PM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Anuheia	Individual	Support	No

Comments:

I Anuheia Drummondo support SB43 SD1 because for too long the Hawaii subjects has been looked down upon from the state and military. The protectors of the land have been seen as law breakers and people "out of place". I wouldn't see an attorney general fairly investigating native organizations, but I can see them falsy accusing organizations of criminal charges. I feel like the attorney general wants to investigate these organizations like criminals because they're not supporting their agenda, and all these organizations are doing is helping out the aboriginals and natives of Hawaii. We the people of Hawaii are following the agenda that our ancestors has left behind for us; trying to preserve what's left of the land the best we can. I encourage this bill SB42 SD1 to be passed in favor of the Hawaii subjects. Mahalo!

SB-42-SD-1

Submitted on: 2/9/2020 5:48:07 PM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Noe Noe Wong-Wilson	Individual	Support	No

Comments:

I support this bill which curbs the attorney general's powers to subpoena documents related to a non-profit entity in the State of Hawai'i simply because that entity does not support the policy and actions of government. The current actions of the attorney general to subpoena documents relating to donors and expenditures of KAHEA, a non-profit 501c3 whose purpose is to support social justice and environmental reform is beyond her jurisdiction and serves only to harrass the efforts of the organization and put a chilling effect on those citizens who choose to contribute to this or other similar organizations. Many unjust laws and government programs were overturned because of efforts by citizens and organizations like KAHEA to stand up and resist government. Any effort to strengthen this bill to ensure that a citizen or person's, including KAHEA's activities are legal until proven guilty in a proper legal process should be protected. It is incredulous that the highest legal office/officer of the State of Hawai'i has to be reminded about this.

Please pass this bill out of committee.

Mahalo nui.

SB-42-SD-1

Submitted on: 2/9/2020 6:43:57 PM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tara Rojas	Individual	Support	No

Comments:

I support this bill as the Attorney General needs to be kept in check and to avoid overstepping her role into herself committing illegal and unjust actions. The campaigns that are taught to the children/public on "NO BULLYING", "NO HARASSMENT", and "NO MEANS NO" -- is also applicable especially to lawmakers and those in positions of power.

SB-42-SD-1

Submitted on: 2/9/2020 7:06:52 PM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Virginia Hinshaw	Individual	Oppose	No

Comments:

This bill should not be supported. Nonprofit organizations should not be exempt from meeting legal requirements.

SB-42-SD-1

Submitted on: 2/9/2020 10:54:19 PM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Urasaki	Individual	Oppose	No

Comments:

SB-42-SD-1

Submitted on: 2/10/2020 1:06:48 AM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Ward	Individual	Support	No

Comments:

The Attorney General is attempting to ensnare a large group of donors, supporters, attorneys, UH faculty, students and staff, and many other law-abiding citizens who are conducting civil assistance. She claims that unlawful activity has taken place, but has no justification for the claim. This is harrassment, and is itself unlawful. Please pass this bill!

Sincerely, Deborah Ward

SB-42-SD-1

Submitted on: 2/10/2020 6:35:56 AM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Regina	Individual	Support	No

Comments:

I support this bill!!! The actions of the Attorney General is wrong and for personal gain.
NO MORE!!!

SB-42-SD-1

Submitted on: 2/10/2020 7:46:12 AM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sue S Canda	Individual	Support	No

Comments:

KHAEA has been helping to provide for the health and safety of the Kupuna and Kia'i on Maunakea since attempts were made to begin of TMT construction. KAHEA supports our rights of freedom of assembly, free speech and Hawaiian traditional and customary rights are important in SUSTAINING the struggle to protect Maunakea. I strongly oppose the AG targeting KAHEA because it's anti-Hawaiian and unconstitutional.

SB-42-SD-1

Submitted on: 2/10/2020 8:00:07 AM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Suncere Cruz	Individual	Support	No

Comments:

SB-42-SD-1

Submitted on: 2/10/2020 9:03:28 AM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Peggy McArdle	Individual	Support	No

Comments:

Aloha. I support this measure. Stop the harassment. Mahalo.

shimabukuro2 - Richard

From: Sen. Maile Shimabukuro
Sent: Sunday, February 9, 2020 6:35 AM
To: Alexander Tanji
Cc: shimabukuro2 - Richard
Subject: Re: SB42

Mahalo for your testimony, I am cc-ing my Committee Clerk.

Aloha 🌺,

Senator Maile Shimabukuro
District 21
(Kalaeloa, Honokai Hale, Ko Olina, Nanakuli, Ma`ili, Wai`anae, Makaha, Makua)
State Capitol, Room 222
[415 South Beretania Street](#)
[Honolulu, HI 96813](#)
[808-586-7793](#) phone
[808-586-7797](#) facsimile
maileshimabukuro@yahoo.com
Facebook: [Like Me](#)
Twitter: [@SenMaile](#)
Blog: <http://21maile.com>
Sent from my iPhone

On Feb 8, 2020, at 9:45 AM, Alexander Tanji <alextanji@gmail.com> wrote:

no pass SB42. if the AG ca't investigate nonprofits who will have the authority to do do? this totally lacks common sense. aloha

shimabukuro2 - Richard

From: Sen. Maile Shimabukuro
Sent: Sunday, February 9, 2020 6:50 AM
To: Alvah T. Strickland
Cc: shimabukuro2 - Richard
Subject: Re: Please kill SB 42

Mahalo for your testimony, I am cc-ing my Committee Clerk.

Aloha 🌺,

Senator Maile Shimabukuro
District 21
(Kalaeloa, Honokai Hale, Ko Olina, Nanakuli, Ma`ili, Wai`anae, Makaha, Makua)
State Capitol, Room 222
[415 South Beretania Street](#)
[Honolulu, HI 96813](#)
[808-586-7793](#) phone
[808-586-7797](#) facsimile
maileshimabukuro@yahoo.com
Facebook: [Like Me](#)
Twitter: [@SenMaile](#)
Blog: <http://21maile.com>
Sent from my iPhone

On Feb 8, 2020, at 5:34 PM, Alvah T. Strickland <atoms61@gmail.com> wrote:

We have enough lawlessness in the state of Hawaii.

Sincerely,

Tom Strickland

shimabukuro2 - Richard

From: Sen. Maile Shimabukuro
Sent: Monday, February 10, 2020 9:02 AM
To: Carol AndOr Lon Hocker
Cc: shimabukuro2 - Richard
Subject: Re: SB 42

Mahalo for your testimony, I am cc-ing my Committee Clerk.

Aloha 🌺,

Senator Maile Shimabukuro
District 21
(Kalaeloa, Honokai Hale, Ko Olina, Nanakuli, Ma`ili, Wai`anae, Makaha, Makua)
State Capitol, Room 222
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[Honolulu, HI 96813](#)
[808-586-7793](#) phone
[808-586-7797](#) facsimile
maileshimabukuro@yahoo.com
Facebook: [Like Me](#)
Twitter: [@SenMaile](#)
Blog: <http://21maile.com>
Sent from my iPhone

On Feb 10, 2020, at 6:48 AM, Carol AndOr Lon Hocker <carolandlon@gmail.com> wrote:

I strongly oppose SB 42.

Normally the law allows two outcomes: Legal and illegal. Recently it has become popular to have a third option: illegal but ignored. This option is the first step toward anarchy.

It is a path toward favoritism. Where whether something is right or wrong depends on who does it. We cannot follow this path.

It seems to me that you SB 42 says that a non-profit can do doesn't have to worry about what is legal or illegal. This is an incredibly short sighted concept. It means that if you want to do something illegal, just form a non-profit!

I pray that your have the wisdom not to follow this path.

Mahalo,
Lon Hocker

shimabukuro2 - Richard

From: Sen. Maile Shimabukuro
Sent: Sunday, February 9, 2020 8:59 PM
To: charles simeona
Cc: shimabukuro2 - Richard
Subject: Re: Writing in support of SB 42, SD1

Mahalo for your testimony, I am cc-ing my Committee Clerk.

Aloha 🌺,

Senator Maile Shimabukuro
District 21
(Kalaeloa, Honokai Hale, Ko Olina, Nanakuli, Ma`ili, Wai`anae, Makaha, Makua)
State Capitol, Room 222
[415 South Beretania Street](#)
[Honolulu, HI 96813](#)
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maileshimabukuro@yahoo.com
Facebook: [Like Me](#)
Twitter: [@SenMaile](#)
Blog: <http://21maile.com>
Sent from my iPhone

On Feb 9, 2020, at 12:39 PM, charles simeona <csimeona2000@gmail.com> wrote:

Dear Senates of the Hawaiian Affairs Committee,

I strongly support bill 42, SD1, prohibiting the attorney general from investigating non profit organizations such as KAHEA for exercising their first constitutional amendment right to free speech and assembly; their 4th amendment protections from unreasonable searches and seizures; their right to practice native Hawaiian traditional and customary rights expressly protected under article XII, section 7 of the state constitution; Articles 11.1 and 12.1 of the UN Declaration on The Rights of Indigenous Peoples; and Article 14 of the American Declaration on The Rights of Indigenous Peoples to practise, revitalize, protect, and develop past, present and future manifestations of their culture.

I do not support state tax monies being used to break these constitutional laws and protections of civil and human rights. Thank you, Charles Simeona

shimabukuro2 - Richard

From: Sen. Maile Shimabukuro
Sent: Sunday, February 9, 2020 6:52 AM
To: Joe Caimi
Cc: shimabukuro2 - Richard
Subject: Re: Let's start using common sense

Mahalo for your testimony, I am cc-ing my Committee Clerk.

Aloha 🌺,

Senator Maile Shimabukuro
District 21
(Kalaeloa, Honokai Hale, Ko Olina, Nanakuli, Ma`ili, Wai`anae, Makaha, Makua)
State Capitol, Room 222
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maileshimabukuro@yahoo.com
Facebook: [Like Me](#)
Twitter: [@SenMaile](#)
Blog: <http://21maile.com>
Sent from my iPhone

On Feb 8, 2020, at 10:05 AM, Joe Caimi <joe.caimi@gmail.com> wrote:

A bill will be heard this coming Tuesday that will attempt to prohibit the State Attorney General from investigating non-profit organizations engaged in "civil disobedience." Isn't it about time we start using common sense instead of political shibai to run our government. This \$15,000,000 already spent could have helped educate the young people we so badly need for the future. Please do not restrict the Attorney General from looking into this. Our country is at a critical turning point. Lets not have Hawaii be a contributor to the downturn. Aloha

shimabukuro2 - Richard

From: Sen. Maile Shimabukuro
Sent: Sunday, February 9, 2020 6:51 AM
To: Dick & Carol Gilsdorf
Cc: shimabukuro2 - Richard
Subject: Re: SB42 SD1

Mahalo for your testimony, I am cc-ing my Committee Clerk.

Aloha 🌺,

Senator Maile Shimabukuro
District 21
(Kalaeloa, Honokai Hale, Ko Olina, Nanakuli, Ma`ili, Wai`anae, Makaha, Makua)
State Capitol, Room 222
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maileshimabukuro@yahoo.com
Facebook: [Like Me](#)
Twitter: [@SenMaile](#)
Blog: <http://21maile.com>
Sent from my iPhone

On Feb 8, 2020, at 1:34 PM, Dick & Carol Gilsdorf <caroldic123@gmail.com> wrote:

Dear Senator

We are asking you to vote against SB42 SD1 because it attempts to prohibit the Attorney General from investigating non-profit organizations engaged in "civil disobedience." This is undoubtedly a bill being pushed by protesters against the TMT, whose tax exempt non-profit organizations have been collecting donations, giving out tax write-offs, and using the money to finance an illegal blockade which has cost the state over \$15,000,000. All this to stop a telescope that will provide millions of dollars in scholarships and STEM education to Hawaii's keiki, enhance and amplify the U of H Astronomy program, create jobs and expand the local economy and tourism, as well as expand the bank of knowledge in astronomy for all mankind. Hawaii's Mauna Kea has been selected as the **best location in the world** to place this scientific telescope. Please consider these facts and vote **no** on this bill. Thank you

Richard & Carol Gilsdorf

SB-42-SD-1

Submitted on: 2/10/2020 1:45:43 PM

Testimony for HWN on 2/11/2020 1:16:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Sydney laukea	Individual	Support	No

Comments:

LATE

SB-42-SD-1

Submitted on: 2/10/2020 2:16:48 PM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
clare Ioprinzi	Individual	Support	No

Comments:

not only is this unconstitutional but a great disrespect to our mauna kea, and all of us who support and protect her.

Date: Monday, February 10, 2020

Time: 2:56 pm



To: Senate Committee on Hawaiian Affairs

Re: Support for SB42.SD1 Relating to Hawaiian Affairs

Arratsalde on,

My name is Michelle Lee Brown, I am Euskaldun (Basque), my ancestral waters are Bidart, the Plage D'Erretegia area in Lapurdi, which France has renamed 'Labourd'. I am a PhD candidate in the Political Science Department at UH Mānoa, I am also currently an Eastman Fellow at Dartmouth College. I address you to state my unequivocal support – as a guest on this 'āina – for SB42 SD1. The Attorney General's abuse of power in investigating 3 organizations – specifically using public funds and resources to intimidate and discourage the constitutionally protected rights of free speech and assembly - needs to stop. OHA, Hawaiian Airlines, now KAHEA – who will be next? For what purpose does the AG need to leverage legal subpoenas to try and get people's personal information donating their miles, donating their hard-earned money to causes they believe in? These questions I am posing are somewhat reflexive – it is clear an ongoing abuse of power is happening; SB42 SD1 is designed to help curtail it.

Please approve SB42 SD1; abusing legal rights for the benefit of corporations and/or private interests needs to end. This may seem a broad claim for me to make, but when the AG subpoenas donor information (using the pretext of delayed/missing tax documents) it is clear that an unsavory pattern is emerging. Moreover, this is gaining regional, national and international attention: HANO, the ACLU, and Nonprofit

Quarterly have all issued statements against the ongoing abuses of power; international support networks and media channels are also aware of and reporting on these actions. The world is watching, people from around the globe are paying attention. Please do what is pono and stop further abuses of the AG position for financial and corporate gain.

Eskerrick asko for your time and attention,

Michelle Lee Brown

Mbrown74@hawaii.edu

LATE

SB-42-SD-1

Submitted on: 2/10/2020 3:29:59 PM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Kitchens	Individual	Oppose	No

Comments:

LATE

SB-42-SD-1

Submitted on: 2/10/2020 5:45:11 PM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nedi McKnight	Individual	Support	No

Comments:

Gentlepersons,

Please support SB42. The people must be allowed to do the right thing.

Best,

Nedi McKnight

Pa'auilo

LATE

SB-42-SD-1

Submitted on: 2/10/2020 6:05:07 PM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Roxane Stewart	Individual	Support	No

Comments:

LATE

SB-42-SD-1

Submitted on: 2/10/2020 6:59:00 PM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Matt	Individual	Oppose	No

Comments:

I am in opposition to this. A non-profit, an entity that is exempt from paying income taxes should not be party to promoting unlawful activities which is what is being politically correctly called civil disobedience.

If a group trying to stop abortions had blocked roads and caused millions of dollars of law enforcement overtime they would have been yanked off the street and arrested in a heartbeat, however hiding under various disguises other groups have been allowed to waste taxpayer dollars and make Hawaii a laughingstock of a place to do business and there is a justified public purpose in reviewing what these tax deductible contributions were used for.

Please put a stop to this civil disobedience nonsense by allowing the AG to make reasonable inquiry to seeing the books and records or else ask the IRS to get involved with an audit.

Thank you.

LATE

SB-42-SD-1

Submitted on: 2/10/2020 9:23:10 PM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
keomailani von gogh	Individual	Support	No

Comments:

Aloha, SUPPORT SB42

AG is being vengeful. This is a matter of freedom of speech. There have been no laws broken.

Mahalo for your time.

Keomailani Von Gogh

LATE

SB-42-SD-1

Submitted on: 2/10/2020 9:43:54 PM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Shaeralee-Tiare Manosa	Individual	Support	No

Comments:

Aloha! My name is Shaeralee Manosa and I Support Senate Bill 42 because the intent of The State of Hawaii's Attorney General is obviously aimed at Kanaka Maoli and their stance against further desecration of Maunakea. As a Government official, Clare E. Connors is attempting to use her position to interfere with a conflict between the community of Kanaka Maoli and The private group behind the building of TMT. Furthermore, Kanaka Maoli have continued to pay for the very taxes that were used by The State of Hawaii to hire law enforcement officers to protect the private combined entities of TMT, who does not pay taxes for the hiring of our law enforcement. I believe that The State of Hawaii, Clare E. Connors should not be allowed to use personal and private information from KAHEA in order to cause an imbalance and unfairness in the Maunakea conflict. To allow Clare E Connors access to personal information, means that our own government does not respect its community members privacy. It would also mean that our government is supporting a foreign entity that is not their responsibility. I speak for myself and my Ohana. Mahalo!

LATE

SB-42-SD-1

Submitted on: 2/10/2020 10:02:34 PM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bronson Kainoa Kiyoshi Azama	Individual	Support	No

Comments:

Aloha,

My name is Bronson Azama and I would like to voice my support regarding SB 42 SD1. The actions the Attorney General (AG) is committing against the non-profit KAHEA; which is known for their support of the non-violent demonstrations to protect Mauna Kea; the AG's actions are wrong. This is not only an issue for Kanaka Maoli [Native Hawaiians] but for all Na Po'e 'o Hawai'i [People of Hawai'i], should we allow this form of retaliation to be conducted by the government we would see all forms of demonstration or civil disobedience against the government punished. The use of non-profits against government in times of social injustice is not new to Hawai'i's history and nor should it end. According to the illegally occupier of these islands, the United States of America, its citizens are allowed to conduct such behavior through civil liberties. However, what the AG is doing violates those very liberties.

I ask that this bill be supported not only for those protect Mauna A Wakea, but as a statement to all people of Hawai'i that we have the ability to challenge the government in cases of violated rights [referring to numerous illegalities of the constuction of the Thirty-Meter Telescope]. Should the government continue to surpass its boundaries of allowing people the right to assemble, than this government is no worse than the numerous other governments it criticizes across the world.

Again please support this bill as it echoes the importance of civic engagement, and the protection of our rights.

Mahalo,

Bronson Azama

LATE

SB-42-SD-1

Submitted on: 2/10/2020 11:07:25 PM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Goodman	Individual	Oppose	No

Comments:

Thank you for the opportunity to testify. I'm testifying as an individual, and not as a Member of the Partners in Care Advocacy Committee. I normally don't testify on matters not related to homelessness. I feel compelled to make SB42 an exception.

I'm strongly opposed to this bill; It's written with the best of intentions but will have terrible unintended consequences.

Laws are presumably enacted to protect our individual rights from the excesses of others, including those pursuing a noble cause. Moreover, anyone pursuing any cause believes their cause is noble. Civil disobedience is often not civil. Zealous protesters convinced of their righteousness, frequently interfere with the lives and livelihoods of others, including the right to build a legally authorized telescope. What happens if I decide to shut down traffic on the H-1 to draw attention to the issue of global warming (a noble cause if there ever was one)? Should groups opposed to the rail have the right to chain themselves to bulldozers? Should a Native Hawaiian group who's for TMT have the right to block the cars of Native Hawaiian's who want to protest TMT? This bill is unconstitutional because it cannot be a constitutional right to violate the constitutional rights of other people.

LATE

SB-42-SD-1

Submitted on: 2/11/2020 12:41:51 AM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sharlene Chun Lum	Individual	Support	No

Comments:

I am a Native Hawaiian taxpayer and a voter for more nearly 50 years. I was appalled to see the Attorney General using her powers to go after non-profits that may not share the same views as the Governor.

I support the work of KAHEA for the good work they do for the land and the people.

I strongly support SB42 and agree with the bill's authors that constitutionally protected rights to free speech and assembly extends to nonprofit organizations. The attorney general should not abuse her power by using investigations as an intimidation tactic against individuals and organizations that disagree with the political positions of the state.

There are more pressing concerns that she should be covering, not wasting our tax payers' dollar. Her office has asked for more funding for staff. Her office needs to set priorities for what really needs attention in our islands, not trying to stop legitimate nonprofit organizations doing good for the people.

Please pass SB42, SD1.

Mahalo,

Shar Chun-Lum

SB-42-SD-1

Submitted on: 2/11/2020 1:22:25 AM

Testimony for HWN on 2/11/2020 1:16:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Gerard Silva	Individual	Oppose	No

Comments:

To allow Terroist to get away with breaking the Law is just plan Stuped.

We must Stop the Law Brakers and put an End to this Disgrace in Hawaii!

If the Government can not handle this then it will be up to the Peolpe of Hawaii to take over and put and End to this. Lookes like we need a Change in the House and Senate November is right around the Corner.

Time to Stop the TERROIST!!!

LATE

SB-42-SD-1

Submitted on: 2/11/2020 2:18:50 AM
Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Leimomi Khan	Individual	Support	No

Comments:

I am in fully support of SB42, SD1 for the reasons articulated in the testimony given by the Hawaii Alliance of Nonprofit Organizations. While I respect the mission of the Attorney General, I feel deeply troubled that it may be abusing its regulatory power by investigating KAHEA for supporting the Mauna Kea demonstrations. Targeting nonprofit groups and investigating them for their advocacy and political affiliation potentially violates the First Amendment and Article I, Section 4 of the Hawai'i Constitution. Furthermore, because the Mauna Kea demonstrations are deeply rooted in Hawaiian cultural and religious beliefs I feel that Hawaiians, as a group, are being unfairly targeted by the Attorney General's actions.

LATE

shimabukuro2 - Richard

From: Sen. Maile Shimabukuro
Sent: Monday, February 10, 2020 4:33 PM
To: DAN FOX
Cc: shimabukuro2 - Richard
Subject: Re: Investigating non-profits

Mahalo for your testimony, I am cc-ing my Committee Clerk.

Aloha 🌺,

Senator Maile Shimabukuro
District 21
(Kalaeloa, Honokai Hale, Ko Olina, Nanakuli, Ma`ili, Wai`anae, Makaha, Makua)
State Capitol, Room 222
[415 South Beretania Street](#)
[Honolulu, HI 96813](#)
[808-586-7793](#) phone
[808-586-7797](#) facsimile
maileshimabukuro@yahoo.com
Facebook: [Like Me](#)
Twitter: [@SenMaile](#)
Blog: <http://21maile.com>
Sent from my iPhone

On Feb 10, 2020, at 11:46 AM, DAN FOX <danfoxceps@hotmail.com> wrote:

Corruption is corruption and should always be investigated regardless of the company's legal status. Of course half of our elected representatives are corrupt as everyone knows.

Dan Fox-Aregger
Voter

shimabukuro2 - Richard

LATE

From: Sen. Maile Shimabukuro
Sent: Monday, February 10, 2020 4:31 PM
To: Jennifer Kau'i Young
Cc: shimabukuro2 - Richard
Subject: Re: Support SB42.

Mahalo for your testimony, I am cc-ing my Committee Clerk.

Aloha 🌺,

Senator Maile Shimabukuro
District 21
(Kalaeloa, Honokai Hale, Ko Olina, Nanakuli, Ma`ili, Wai`anae, Makaha, Makua)
State Capitol, Room 222
[415 South Beretania Street](#)
[Honolulu, HI 96813](#)
[808-586-7793](#) phone
[808-586-7797](#) facsimile
maileshimabukuro@yahoo.com
Facebook: [Like Me](#)
Twitter: [@SenMaile](#)
Blog: <http://21maile.com>
Sent from my iPhone

On Feb 10, 2020, at 4:25 PM, Jennifer Kau'i Young <losalioj@hawaii.edu> wrote:

Aloha mai kakou:

The state's subpoena of KAHEA's finances should be unlawful. The right to protest is a democratic right that enables the existence of democracy. The right of the people to challenge government action is a democratic right that enables the existence of democracy.

What the Attorney General is trying to do via the subpoena is a violation of our democratic rights, and is a vile tactic of intimidation against the work of KAHEA, its supporters, and the community KAHEA supports. If the AG is so concerned with lawlessness, her own actions should also be subject to scrutiny, too. If she's so concerned with the misappropriation of funds, I can't help but wonder if she applies the same lens to other State projects, such as the failing rail and the continuous money loss involved with that abysmal venture.

Do your part to support your people and democracy. Support SB42 and make the AG's overt attacks on Native Hawaiians and Native Hawaiian causes unlawful.

Me ka 'oia'i'o,
Jennifer Kau'i Young

shimabukuro2 - Richard

LATE

From: Leslie Agorastos <leslie.agorastos@gmail.com>
Sent: Monday, February 10, 2020 7:23 PM
To: Sen. Maile Shimabukuro
Cc: shimabukuro2 - Richard
Subject: Re: Bill SB 42

Thank you, Maile.

Aloha,
Leslie

Sent from my iPad

On Feb 10, 2020, at 4:32 PM, Sen. Maile Shimabukuro <senshimabukuro@capitol.hawaii.gov> wrote:

Mahalo for your testimony, I am cc-ing my Committee Clerk.

Aloha ,

Senator Maile Shimabukuro
District 21
(Kalaeloa, Honokai Hale, Ko Olina, Nanakuli, Ma`ili, Wai`anae, Makaha, Makua)
State Capitol, Room 222
[415 South Beretania Street](#)
[Honolulu, HI 96813](#)
[808-586-7793](tel:808-586-7793) phone
[808-586-7797](tel:808-586-7797) facsimile
maileshimabukuro@yahoo.com
Facebook: [Like Me](#)
Twitter: [@SenMaile](#)
Blog: <http://21maile.com>
Sent from my iPhone

On Feb 10, 2020, at 2:50 PM, Leslie Agorastos <leslie.agorastos@gmail.com> wrote:

Dear Senators,

Please do not pass this bill. I love Hawaii and I love Hawaiians, but this movement to stop TMT is insane. TMT is a huge benefit to our state.

The stars are how our Hawaiians found Hawaii. The skies have been a blessing and this project will help Hawaiians with fabulous future jobs. I don't believe the footprint of the telescope will hurt Maunakea. Please, please help TMT move forward.

Aloha,
Leslie

shimabukuro2 - Richard

LATE

From: Sen. Maile Shimabukuro
Sent: Tuesday, February 11, 2020 5:39 AM
To: cshles@aol.com
Cc: shimabukuro2 - Richard
Subject: Re: Senate Bill SB 42

Mahalo for your testimony, I am cc-ing my Committee Clerk.

Aloha 🌺,

Senator Maile Shimabukuro
District 21
(Kalaeloa, Honokai Hale, Ko Olina, Nanakuli, Ma`ili, Wai`anae, Makaha, Makua)
State Capitol, Room 222
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maileshimabukuro@yahoo.com
Facebook: [Like Me](#)
Twitter: [@SenMaile](#)
Blog: <http://21maile.com>
Sent from my iPhone

On Feb 10, 2020, at 7:16 PM, "cshles@aol.com" <cshles@aol.com> wrote:

To: Members of The Senate Hawaiian Affairs Committee

Senators, I am submitting this testimony in opposition to Bill SB 42. As members of this important committee, you, individually and collectively as committee members, must have the political and moral courage to defeat this bill. To prohibit the State Attorney General's Office from investigating "Non-Profit" organizations engaged in "Civil Disobedience", when there may be evidence of wrong doing by the "Non Profits", defeats the purpose of accountability concerning the activities that these organizations are engaged in.

Mahalo,

Leslie R. Hong

shimabukuro2 - Richard

LATE

From: Sen. Maile Shimabukuro
Sent: Monday, February 10, 2020 4:34 PM
To: Stuart Uesato
Cc: shimabukuro2 - Richard
Subject: Re: SB 42

Hi Stu! Mahalo for your testimony, I am cc-ing my Committee Clerk.

Aloha 🌺,

Senator Maile Shimabukuro
District 21
(Kalaeloa, Honokai Hale, Ko Olina, Nanakuli, Ma`ili, Wai`anae, Makaha, Makua)
State Capitol, Room 222
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maileshimabukuro@yahoo.com
Facebook: [Like Me](#)
Twitter: [@SenMaile](#)
Blog: <http://21maile.com>
Sent from my iPhone

On Feb 10, 2020, at 11:17 AM, Stuart Uesato <stuesato@gmail.com> wrote:

Hi Maile,

Sorry for being so informal not addressing you as Senator.

As much as I support Native Hawaiians, I am opposed to SB 42. Why should non-profit organizations not be immune from investigation? This is akin to our President saying that he cannot be investigated because he is the president.

Not an easy situation!

--

Stu Uesato

If you want to go fast, go alone.
If you want to go far, go together.
African Proverb from
The Good Lie

LATE

SB-42-SD-1

Submitted on: 2/11/2020 1:31:02 PM

Testimony for HWN on 2/11/2020 1:16:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kalena Blakemore	Individual	Support	No

Comments:

SB-42-SD-1

Submitted on: 2/11/2020 1:44:40 PM

Testimony for HWN on 2/11/2020 1:16:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Fabiola Escobar	Individual	Oppose	No

Comments:

Honorable Chair Shimabukuro and Members of the Committee:

I respectfully opposed this bill because for the following reasons:

1. The proposed bill will obstruct the enforcement of laws, investigation process and administration of justice by entities mandate by law to do so, like the case of the Department of Justice. Also, it will obstruct the administration of justice and the guarantees that our system should offer to any citizen impacted by wrongdoings and crimes related or perceived related to the activities of non—profits. Opening the door for **obstruction of justice and impunity**. A clear precedent are cases like **Charlottesville** in which law enforcement agencies and Department of Justice would be prevented by a bill like this to execute their lawfully mandated duties.
2. It is a violation of the Article III of the Unite States Constitution. Section 2. Which establish no exceptions in the applicability of the law.

Quote: " 1: *The judicial Power shall extend to **all Cases, in Law and Equity**, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State; —between Citizens of different States, —between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.*" Unquote.

1. It will waive guarantees established in our constitution and different levels of legislation enacted to protect the civil and human rights of our citizens who may be exposed the the threat of impunity and to oppose the activities of the organizations covered under this bill.
2. There are already controls and check and balances mechanisms implemented to protect the lawful activities of non—profits organizations and their operations like the once managed through the civil rights offices across the country and the office of the inspector general, hence the implementation of this bill is not necessary.

The guarantees in our constitution must be applied and interpret for the protection of ALL citizens in an equal and inclusive matter, just the proposal of a bill that will impair the rights of our citizens represents a threat to our humans, constitutional and civil rights. For this reason, I prayerfully request that this bill be held in committee.

LATE

I would take out most of the underlined other language and replace it with what I drafted below. The language that is currently being proposed would still allow the AG to do what she's doing. I can explain better or more in person or over the phone.

“provided that no investigation shall be conducted in connection with and under circumstances during a period of time in which it is clear that the Attorney General’s goals are conflicted with Native Hawaiian Rights protected by Article XII Section 7 of the Hawai‘i Constitution and persons are exercising rights by nonviolent civil disobedience that are protected and granted under the Constitution or state constitution.”

Bruce Lum
99-546 Iwaiwa Street
Aiea, Hawaii 96701

February 11, 2020

SENATE COMMITTEE ON HAWAIIAN AFFAIRS
THE 30TH LEGISLATURE
REGULAR SESSION OF 2020

RE: In strong support of SB42 SD1

Aloha kākou Chair Shimabukuro, Vice-Chair Kahele and committee members,

My name is Bruce Lum, I am from Hanalei and now reside in Aiea, O'ahu. I am Hawaiian, a great grandfather, a registered voter, a homeowner, and a taxpayer.

I strongly support BILL SB42 SD1, because I am appalled and offended by the state attorney general and executive branch for their extreme and insistent aggression towards native Hawaiians and non-profits sympathetic to the condition and beliefs of the indigenous people of *Hawai'i nei*.

The attorney general and the executive are in egregious contempt of the oath of office they took to protect the rights afforded to the citizens of Hawai'i under the US and Hawai'i State Constitutions.

I am saddened that we have to resort to SB42 SD1 to stop this meretricious hoax and adamant insistence, by the state attorney general and executive. They want us to believe that their act of desperate harassment and haranguing of Hawaiians and their *na hoaloha is pono* and justified.

I strongly urge this honorable committee to demonstrate for all what *pono* is by adopting SB42 SD1. Mahalo for your kind attention and allowing testimony and healthy discord.

Mahalo for your kind attention,

-Bruce Lum-

shimabukuro2 - Richard

LATE

From: Sen. Maile Shimabukuro
Sent: Tuesday, February 11, 2020 8:50 AM
To: Sarah Howard
Cc: shimabukuro2 - Richard
Subject: SB42 & Re: End the harassment of Kahea

Mahalo for your testimony, I am cc-ing my Committee Clerk.

Aloha 🌺,

Senator Maile Shimabukuro
District 21
(Kalaeloa, Honokai Hale, Ko Olina, Nanakuli, Ma`ili, Wai`anae, Makaha, Makua)
State Capitol, Room 222
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Facebook: [Like Me](#)
Twitter: [@SenMaile](#)
Blog: <http://21maile.com>
Sent from my iPhone

On Feb 11, 2020, at 6:43 AM, Sarah Howard <sarahkhoward@gmail.com> wrote:

To Whom It May Concern:

I recently learned that the State AG served the First Hawaiian Bank with a subpoena for three years of Kahea's bank records. It has become apparent that this inquiry is related to Kahea's support of the kia'i mauna currently holding space at the bottom of the Mauna Kea Access Road.

While I support the protection of our state's charitable resources, I disagree with the idea that a legitimate nonprofit organization's participation in nonviolent protest, assisting those that are, or free expression, should be grounds for investigation. The targeting of organizations expressing opposition — and in particular, to government — is undemocratic and erodes our civil society.

Thank you.
Sincerely,
Sarah Howard
Syracuse, NY