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**STATE OF HAWAII**  
**DEPARTMENT OF HAWAIIAN HOME LANDS**

*Ka 'Oihana 'Āina Ho'opulapula Hawai'i*

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TESTIMONY OF KALI WATSON, CHAIRMAN  
HAWAIIAN HOMES COMMISSION  
BEFORE THE HOUSE COMMITTEE ON FINANCE  
HEARING ON MARCH 28, 2024 AT 2:00PM IN CR 308

**SB 2640, SD 2, HD 1, RELATING TO THE HAWAIIAN HOMES COMMISSION ACT**

March 28, 2024

Aloha Chair Yamashita, Vice Chair Kitagawa, and Members of the Committee:

The Department of Hawaiian Home Lands (DHHL) submits comments on this bill which 1) amends the Hawaiian Homes Commission Act to authorize DHHL to provide cash awards to beneficiaries on the waiting list in lieu of a lease; 2) amends the Hawaiian Home Loan Fund to allow for the use of cash award payments; 3) requires DHHL to remove those beneficiaries from the waiting list; and 4) specifies that beneficiaries who accept a cash reward shall lose their right to return to the waiting list, but remain entitled to other rights provided by the Hawaiian Homes Commission Act – effective 7/1/3000. This bill is also subject to review by the Secretary of the United States Department of the Interior and approval by the United States Congress.

The purpose of the Hawaiian Homes Commission Act, 1920, as amended (HHCA) is to return native Hawaiians to the land while encouraging beneficiaries to become self-sufficient homesteaders on leased parcels of trust land through residential, agricultural, and pastoral lots pursuant to section 207 of the HHCA – not to provide cash awards in lieu of a lease award. Furthermore, the DHHL waiting list is not part of the HHCA. Rather, section 222 of the HHCA requires that DHHL adopt administrative rules as are necessary for the efficient execution of the functions vested in DHHL by this Act. Thus, the DHHL waiting list exists and operates by way of administrative rule.

Thank you for your consideration of our testimony.

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Unity, Equality, Aloha for all



To: HOUSE COMMITTEE ON FINANCE

For hearing Thursday, March 28, 2024

Re: SB 2640, SD2, HD1 RELATING TO THE HAWAIIAN HOMES COMMISSION ACT. Amends the Hawaiian Homes Commission Act to authorize the Department of Hawaiian Home Lands to provide cash awards to beneficiaries on the waiting list in lieu of a lease. Amends the Hawaiian Home Loan Fund to be allow for the use of cash award payments. Requires the Department of Hawaiian Home Lands to remove those beneficiaries from the waiting list. Specifies that beneficiaries who accept a cash reward shall lose their right to return to the waiting list, but remain entitled to other rights provided by the Hawaiian Homes Commission Act. Effective 7/1/3000. (HD1)

TESTIMONY IN OPPOSITION

The slogan most frequently heard about the purpose of the Hawaiian Homelands is "to put Hawaiians back on the land." We might ask: Where else would they be? If they are not on the land, then are they up in the air? Some might say that people who have been waiting for a lease for decades are indeed up in the air about their future, including thousands who have gone so high in the air they are now in heaven! (they "died on the waitlist") The concept of "putting Hawaiians on the land" is clearly a metaphor related to engaging in the occupation of farming, it is not simply a way of identifying the fact that gravity makes everything on Earth rest upon the ground.

This bill's description says "Amends the Hawaiian Homes Commission Act to authorize the Department of Hawaiian Home Lands to provide cash awards to beneficiaries on the waitlist in lieu of a lease. Requires the Department of Hawaiian Home Lands to remove those beneficiaries from the waitlist."

But HHCA (the Hawaiian Homes Commission Act) had a very clear purpose which was NOT to provide housing -- its purpose was to provide LAND which people could lease longterm for farming of vegetables or animals, and where they might also build a farmhouse for their families. The purpose of HHCA was especially NOT to provide money as a bribe for people to give up their spot on a waitlist for a lease on farmland. Indeed, the recent settlement of the class-action lawsuit *Kalima v. State of Hawaii* should be regarded as the already-completed payment of a bribe such that anyone who accepted such a payment has thereby waived any legal demand or moral claim for alleged damages arising from past or future time on the waitlist.

State of Hawaii Department of Hawaiian Homelands prominently displays on its website a page devoted to Prince Jonah Kūhiō Kalanianaʻole, Delegate to Congress for the Territory of Hawaii, who introduced the bill that became the Hawaiian Homes Commission Act of 1920.

<https://dhhl.hawaii.gov/kuhio/>

The webpage begins with the following description of the purpose of HHCA (Webpage retrieved on March 8, 2024):

"Through its passage, the United States set aside approximately 200,000 acres of land to establish a permanent homeland for native Hawaiians, who were identified as a "landless and dying" people as the result of disease, intermarriage, and loss of lands. After extensive investigation and survey on the part of various organizations organized to rehabilitate the Hawaiian race, it was found that the only method in which to rehabilitate the race was to place them back upon the soil," Kūhiō wrote to U.S. Senators before the passage of the Act. The Hawaiian Homes Commission Act intended to return native Hawaiians to the land while encouraging them to become self-sufficient homesteaders on the leased parcels of trust land." By the way, Native Hawaiians are clearly no longer a dying race facing extinction as portrayed in HHCA: following decades of devastating depopulation under the Kingdom, the population of Native Hawaiians increased tenfold during the first century of U.S. sovereignty, from fewer than 40,000 in Census 1900 to more than 400,000 in Census 2000; and then further exploding to 527,000 in Census 2010, then 780,000 in Census 2020, and simple extrapolation would indicate now more than 850,000.

Notice that the purpose of HHCA was NOT to provide houses or apartments, roads, water pipes, electricity, or other conveniences of urban life -- the clearly-stated purpose, repeated several times, was to provide LAND for native Hawaiians "to place them back upon the soil ... to return native Hawaiians to the land while encouraging them to become self-sufficient homesteaders on the leased parcels of trust land." It was envisioned that the leaseholders would become farmers, growing vegetables, cattle, chickens, etc. to feed their own families or to barter or sell to be self-sufficient.

But most leaseholders under the Department of Hawaiian Homelands live in urban-style houses on tiny parcels of land with hundreds of

neighbors living so close nearby they can see and hear each other at all hours. They grow more ornamental bushes and flowers than vegetables. They have pet dogs but no cows or pigs. This urban use of "homestead" lands got started in the very first "Hawaiian homeland" of Papakolea on a hill overlooking Honolulu, and continues in the more recently developed nearby "Kalawahine" hillside area on steeply-sloping streets with closely-packed upscale houses owned by native Hawaiians who are business owners, police detectives and fire captains. The houses on leased land in the middle-class Waimanalo Hawaiian homestead look exactly the same as the houses across the street owned in fee simple by people with no native blood, while native and non-native children mingle in their classrooms at the state-run Blanche Pope Elementary School; and the Department of Hawaiian Homelands decided to build a rental apartment-building nearby, across the street from the public beach (no farm animals allowed in those apartments!).

Prince Kuhio's Hawaiian Homes Commission Act has been twisted far out of line from his intention of rehabilitating a dying race by putting Hawaiians back on the land. This bribery bill would add insult to injury. It also is a slap in the face to the kind-hearted legislators who in 2022-2023 already sent an extra \$600 Million to the Department of Hawaiian Homelands in their misguided desire to provide funding for urban-style development of lands intended for farming.

This bill further expands the growth of a line of legislation that rips money away from the needs of the 95% of Hawaii's people who lack the 50% native blood quantum needed to qualify for the list of bribe-eligible people.

Section 1, sentence 3 of this bill explicitly says "the purpose of this Act is to shorten the waitlist" by paying a bribe to anyone who removes his name. But in recent years this committee has forwarded legislation asking Congress to approve lowering the blood quantum requirement for issuance of a HHCA lease from 1/2 all the way down to 1/32, which is for all practical purposes the same as a "one-drop" rule. According to recent Census data there are now about 700,000 people

in the U.S. who identify themselves as being "Native Hawaiian" and could thereby be added to the waitlist for a DHHL lease. Combining the current bill to bribe people for removing themselves from the waitlist, together with the previous bills to lower the blood quantum to one drop and thereby hugely increase the size of the waitlist, looks very much like a scam. Sell the scam to the public and its legislature by claiming to reduce the waitlist, while actually increasing it vastly, thereby setting the stage for the next round of Kalima v. State of Hawaii whose settlement could very well bankrupt the State. The committee members conspiring in this scam deserve a "lifetime achievement" award if they succeed.

**SB-2640-HD-1**

Submitted on: 3/25/2024 7:17:03 PM

Testimony for FIN on 3/28/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lynette Cruz	Malama Makua	Support	Written Testimony Only

Comments:

Malama Makua strongly supports this bill. People are dying on the list. They should have the option to choose a settlement.

**SB-2640-HD-1**

Submitted on: 3/27/2024 5:23:50 PM

Testimony for FIN on 3/28/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nancy Jones	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Yamashita, Vice Chair Kitagawa and Finance Committee Members:

I submit this testimony in SUPPORT of SB2640, SD2, HD1 – which would amend the Hawaiian Homes Commission Act to authorize the Department of Hawaiian Home Lands (DHHL) to provide cash awards to beneficiaries to purchase a residential lot outside of DHHL’s trust lands, or to pay the beneficiary's existing mortgage note or rent, in lieu of awarding the beneficiary a lease.

The DHHL “Wait List” totaled approximately 27,000 beneficiaries in 1995 – and that figure has NEVER decreased. With waitlisted beneficiaries now numbering in excess of 29,000 waiting for residential, agricultural or pastoral leases to be made available, the current method of awarding beneficiaries remains untenable. In addition, the DHHL’s limited land holdings also make 29,000-plus land awards impractical. However, this bill, once passed, would effectively give Waitlisted beneficiaries more finance and housing options – and hopefully shrink the ever-expanding “Wait List.” As my family and I have ALWAYS maintained, providing housing options for our Native Hawaiian community makes sense not only from a humanitarian standpoint and to partially rectify the injustices committed against Hawaiians, but also frees up housing options for other segments of Hawai`i’s population. This bill IS consistent with Prince Kuhio's vision of the Hawaiian Homes Commission Act as it would provide beneficiaries with land from cash awards via either buying a home, or by paying existing mortgage or rent. Further, even if beneficiaries must surrender their right to remain on the Wait List if accepting any cash awards, they would still remain entitled to other DHHL benefits.

For these key reasons and in the interest of reducing Hawai`i’s DHHL waiting list AND our state’s houseless population, we urge your Committee to please pass SB2640, SD2, HD1 and allow it to move forward during this Session.

Mahalo for this opportunity to present this testimony supporting SB2640, SD2, HD1.

Nancy A. Jones

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**SB-2640-HD-1**

Submitted on: 3/27/2024 5:30:11 PM

Testimony for FIN on 3/28/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Zeb Jones	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Yamashita, Vice Chair Kitagawa and Finance Committee Members:

I am submitting this testimony SUPPORTING SB2640, SD2, HD1 – which would amend the Hawaiian Homes Commission Act to authorize the Department of Hawaiian Home Lands (DHHL) to provide beneficiaries with cash awards to purchase a residential lot outside of DHHL’s trust lands, or to pay the beneficiary's existing mortgage note or rent, in lieu of awarding beneficiaries actual leases. . Due to the DHHL’s limited land holdings, awarding 29,000-plus land awards is impractical.

As far back as 1995, the DHHL “Wait List” totaled approximately 27,000 beneficiaries – and that figure has NEVER decreased. With waitlisted beneficiaries now numbering in excess of 29,000 waiting for residential, agricultural or pastoral leases to be made available, the current method of awarding beneficiaries remains untenable. However, this bill, once passed, would effectively give Waitlisted beneficiaries more finance and housing options – and hopefully shrink the ever-expanding “Wait List.” As my family and I have ALWAYS maintained, providing housing options for our Native Hawaiian community makes sense not only from a humanitarian standpoint and to partially rectify the injustices committed against Hawaiians, but also frees up housing options for other segments of Hawai`i’s population. Consistent with Prince Kuhio's vision of the Hawaiian Homes Commission Act, this bill – once passed – will provide beneficiaries with cash awards via either buying a home, or by paying existing mortgage or rent. Further, even if beneficiaries must surrender their right to remain on the Wait List if accepting any cash awards, they would still remain entitled to other DHHL benefits.

For these key reasons and in order to reduce Hawai`i’s DHHL waiting list AND our state’s houseless population, we urge your Committee to please pass SB2640, SD2, HD1 and allow it to move forward during this Session.

Mahalo for this opportunity to present this testimony in support of SB2640, SD2, HD1.

Zebuel “Zeb” C. Jones

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