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Unity, Equality, Aloha for all



To: HOUSE COMMITTEE ON CULTURE, ARTS, & INTERNATIONAL AFFAIRS

For hearing Wednesday, March 13, 2024

Re: SB 541, SD1

RELATING TO HAWAIIAN AFFAIRS. Establishes January 17 of each year as Reconciliation Day, to commemorate the memory of Queen Liliuokalani and the illegal overthrow of the Kingdom of Hawaii, provided that this day is not and shall not be construed to be a state holiday. (SD1)

TESTIMONY IN OPPOSITION TO ONE-SIDED APPROACH TO "RECONCILIATION"

This bill proposes to establish January 17 as an annual day of observance to be called "Reconciliation Day." The date of January 17 is obviously focused on the year 1893 when the Hawaiian revolution, led by an armed militia comprised entirely of Hawaii subjects/citizens and local business-owners, overthrew the monarchy.

Unfortunately the twisted concept of "reconciliation" embedded in this bill demands the repudiation of every step in the history of Hawaii's political

status beginning with the revolution and Provisional Government, leading to a Constitutional convention and establishment of the internationally recognized Republic of Hawaii, then the mutually-agreed annexation of Hawaii as a territory of the United States and then to full-fledged statehood.

Indeed, the Republic of Hawaii was internationally recognized in a far more powerful way than the Kingdom had been. In 2023 the Hawaii legislature adopted SB731 proclaiming November 28 as Ka La Ku'oko'a, a day of observance commemorating the historical date in 1843 when a low-level diplomat from Britain and a low-level diplomat from France signed a declaration agreeing that Hawaii had a stable government and pledging to each other that neither nation would try to take over Hawaii. Their declaration was addressed only to each other but not to Hawaii; and there were only two copies, in side-by-side English and French -- one copy for each signer with no copy for Hawaii. But in the Fall of 1894, after the Republic of Hawaii had been established; Emperors, Kings, Queens, and Presidents of at least 19 nations on 4 continents personally signed letters in 11 languages addressed to President Dole recognizing the Republic as Hawaii's rightful successor government. Perhaps the most politically significant letter was signed by Britain's Queen Victoria -- significant because of her close personal relationships with Queen Emma, Queen Kapi'olani, Queen Lili'uokalani, and Princess Ka'iulani. Photos of those 19 letters and accompanying diplomatic documents can be seen at <https://historymystery.kenconklin.org/recognition-of-the-republic-of-hawaii/>

The nasty language of repudiation in this bill includes the phrase "inconsistent with the principles of justice, self-determination, and international law" despite the fact that political revolutions overthrowing monarchies and dictatorships have been happening for centuries throughout the world and are regarded as perfectly consistent with the principles of justice, self-determination, and international law: including revolutions in France, China, Russia, Cuba, numerous South American nations -- and most notably the American revolution that succeeded only because of massive amounts of guns, ammunition, ships and soldiers from France. This bill deplores "the illegal overthrow of the Kingdom of Hawaii"; but of course every revolution is "illegal". The political leaders and oligarchs on the losing side of a revolution always regard it as a "historical injustice" and some might feel it necessary to go into exile; for example some of the British loyalists in the American revolution.

The language of repudiation in this bill also cites the U.S. apology resolution of 1993. But note that the 162 U.S. peacekeepers landed to protect American lives and property did not fire a shot, did not give the revolutionaries any arms or ammunition or food, did not patrol the streets or take over any buildings, unlike the massive French assistance to the American revolution which everyone regards as legitimate. See the 808-page transcript of the Morgan Report: testimony under oath in the U.S. Senate Committee on Foreign Affairs in February 1894 at <https://morganreport.org>

The apology resolution itself has been repudiated. See a detailed monograph by esteemed Constitutional lawyer Bruce Fein: "Hawaii Divided Against Itself Cannot Stand." <https://www.angelfire.com/hi5/bigfiles3/AkakaHawaiiDividedFeinJune2005.pdf>

with a detailed summary printed in the Congressional Record on Flag Day June 14, 2005 <https://www.govinfo.gov/content/pkg/CREC-2005-06-14/pdf/CREC-2005-06-14-pt1-PgS6471.pdf#page=1>

On January 31, 2008 the Hawaii Supreme Court ruled unanimously, 5-0, that the State of Hawaii is forbidden to sell any parcel of the ceded lands, because of the 1993 apology resolution. But on March 31, 2009 the U.S. Supreme Court unanimously, 9-0, overruled the Hawaii Supreme Court specifically focusing on and repudiating the apology resolution. See the Supreme Court's decision in HAWAII ET AL. v. OFFICE OF HAWAIIAN AFFAIRS ET AL. at <http://www.supremecourt.gov/opinions/08pdf/07-1372.pdf>

Here are some quotes: "This is not the kind of language Congress uses to create substantive rights, especially rights enforceable against the cosovereign States. ... First, such "whereas" clauses cannot bear the weight that the lower court placed on them. ... Second, even if the clauses had some legal effect, they did not restructure Hawaii's rights and obligations, as the lower court found. ... Third, because the resolution would raise grave constitutional concerns if it purported to "cloud" Hawaii's title to its sovereign lands more than three decades after the State's admission to the Union ... the Court refuses to read the nonsubstantive "whereas" clauses to create such a "cloud" retroactively"

See also webpage "U.S. apology resolution 20th anniversary -- A resolution was introduced in the Hawaii legislature to commemorate the 20th anniversary of the U.S. apology resolution; and testimony was offered to the Hawaii legislature in the form of a substitute resolution explaining that the apology resolution is filled with falsehoods, has produced bad consequences, and should be repealed." at <https://www.angelfire.com/big09/ApologyReso20thAnniv.html>

RECONCILIATION CAN ONLY BECOME A REALITY IF OPPOSING VIEWS ARE BROUGHT TOGETHER IN A SPIRIT OF MUTUAL RESPECT AND ALOHA -- NOT A ONE-SIDED DEMAND TO REVERSE THE COURSE OF HISTORY, BLAME AND SHAME ONE OR MORE ETHNIC GROUPS, AND ESTABLISH RACIAL SUPREMACY IN LAND OWNERSHIP AND GOVERNMENTAL POWER.

The fundamental principles leading to reconciliation in Hawaii must include unity and equality.

Unity means that Hawaii must remain unified with the United States -- secession, or independent nationhood, must be rejected. Unity means that the lands and people of Hawaii must not be divided along racial/ethnic lines, such as by creating a phony Hawaiian tribe.

Equality means that all humans are equal in the eyes of God. We must not allow one racial group to demand political power based on religious fascism: the claim that they are children of the gods and brothers/sisters to the land in a way nobody else ever can be who lacks a drop of the magic blood. See webpage "Hawaiian religious fascism. A twisted version of a beautiful creation legend provides the theological basis for a claim that ethnic Hawaiians are entitled to racial supremacy in the governance and cultural life of the Hawaiian islands." <https://www.angelfire.com/big11a/HawnReligFascism.html>

Equality means that government must treat all citizens equally regardless of race; therefore we must not allow racial entitlement programs where people must prove they have a drop of the magic blood in order to receive land, housing, money, schooling, or other benefits funded by taxpayer dollars.

The concept of "reconciliation" embedded in this bill violates both unity and equality. The hateful language of repudiation in this bill, cited earlier in this testimony, shows that this bill fosters divisiveness by demanding one-sided "reconciliation" as a weapon of hate, and is contrary to the principles of unity and equality.

SB-541-SD-1

Submitted on: 3/9/2024 5:50:05 PM

Testimony for CAI on 3/13/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Keoni Shizuma	Individual	Oppose	Written Testimony Only

Comments:

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

While I support the intention of this bill, I stand in opposition of SB541_SD1_Proposed as it is written and suggest one amendment.

My only disagreement with this bill is calling January 17th as “Reconciliation Day.” Being a Native Hawaiian, “Reconciliation Day” implies that reconciliation has happened and is something worth celebrating. I most definitely do not feel reconciliation has happened or is happening, thus I feel insulted and disregarded for this monumental day to be called “Reconciliation Day.”

The one amendment I do suggest is that January 17th be called “Illegal Overthrow Day” or “Kingdom of Hawaii Day,” in order to honor the important historical events of the day.

Mahalo nui loa for your time and consideration.

Keoni Shizuma