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Unity, Equality, Aloha for all



To: SENATE COMMITTEE ON HAWAIIAN AFFAIRS

For hearing Tuesday, February 27, 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: 2/21/2024 9:06:35 PM

Testimony for HWN on 2/27/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|----------------------|--------------|--------------------|-------------------|
| Shana Wailana Kukila | Individual | Support | Remotely Via Zoom |

Comments:

Re: SB541 Relating to Hawaiian Affairs

Position: Support

Aloha Chair and Committee Members,

My testimony is in support of the intent of this bill, however, I don't agree that it should not be a state holiday. It should, because it was an important, pivotal date in our history that should be duly observing in solemnity and quite remorse for what took place, similar to Pearl Harbor is to us today. The Hawaiian people deserve to mourn our Queen and our country in just the same manner, if not more so. We need our government leaders and our community to honor that. This day is far more important here in Hawai'i than some other holidays we observe. One important holiday, however, is Kamehameha Day.

On this day, the State of Hawai'i celebrates Kamehameha the Great, the first ali'i of the Kingdom of Hawai'i, with a state holiday in June of every year. It is a commemoration of one of our greatest leaders, and rightly so.

In the same way, Hawai'i should also commemorate its last reigning ali'i, as a solemn reminder of the loss she endured by the actions of the United States and others, and to remember the suffering of the Hawaiian people as their beloved ali'i was imprisoned and their beloved nation taken captive. Our people still live with the effects of this loss today in deep and profound ways. We still are not reconciled to our status of a Kingdom, so a holiday will be an opportunity for the State to reconcile in some small way.

We must also name the bill more appropriately, including in the title using the phrase, "Onipa'a," which is the Queen's proclamation to her people to "never cease to act because you fear you may fail."

It is also the name of the march we do each year to mourn this loss and to uplift the memory of our all our ali'i, particularly Queen Lili'uokalani.

My great-great grandmother and her mother signed the Kū'ē Petition in 1895, and this is still a living document that serves as proof that our people stood firmly behind their Queen. Many are still signing it today, in solidarity and support for our Queen.

I also propose lighting an eternal flame on the 'Iolani Palace grounds similar to the one at other memorials. It could be a continual reminder for the Hawaiian people of the light we all carry moving forward. It can be fueled by kukui nut oil for cost savings and cultural respects.

So in closing, I ask you to please let the voices of our ancestors ring out in this legislation, and may the memory and the light of our beloved Queen Lili'uokalani never be dimmed or put out.

‘oni.pa‘a

vs. Fixed, immovable, motionless, steadfast, established, firm, resolute, determined

- Hawaiian Dictionary: Pukui & Elbert 1986

Please consider this testimony.

Mahalo,

Shana Kukila

Hilo, Hawai'i

SB-541-SD-1

Submitted on: 2/23/2024 8:51:30 AM

Testimony for HWN on 2/27/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|-------------------|
| Keoni Shizuma | Individual | Oppose | Remotely Via Zoom |

Comments:

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

I stand in opposition of SB541_SD1 as it is written.

While I do recognize that Section 1 of this bill explains the reasoning for acknowledging reconciliation efforts, I believe the term “Reconciliation Day” implies that reconciliation has happened and is something worth celebrating. Most folks who only hear of the term "Reconciliation Day" will not assume that efforts were initiated and are ongoing, but instead we are celebrating them being completed. As a Native Hawaiian, I do not believe reconciliation has happened and take offense to the idea that we are celebrating reconciliation.

I do feel that the day should honor the illegal overthrow of the Kingdom of Hawaii, and thus, we should call this day “Illegal Overthrow Day” or “Kingdom of Hawaii Day,” but definitely NOT “Reconciliation Day.”

Mahalo nui loa for your time and consideration.

Keoni Shizuma

SB-541-SD-1

Submitted on: 2/21/2024 3:42:04 PM

Testimony for HWN on 2/27/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------------------|---------------------|---------------------------|------------------------|
| Lu Ann Mahiki Lankford-Faborito | Individual | Support | Written Testimony Only |

Comments:

strongly support

SB-541-SD-1

Submitted on: 2/21/2024 4:03:03 PM

Testimony for HWN on 2/27/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Leah Gouker | Individual | Support | Written Testimony Only |

Comments:

The Apology Law " Congress expresses its commitment to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii, in order to provide a proper foundation for reconciliation between the United States and the Native Hawaiian people". Our State Legislature must be held to this mandate to strive for Reconciliation. The implications of the US crimes in Hawaii are far-reaching and devastating, and there is much, much, much more to come even remotely close to any sense of justice or state of pono. January 17 has already been a recognized day of remembrance since 1993. Official recognition is extremely overdue.

SB-541-SD-1

Submitted on: 2/21/2024 6:18:05 PM

Testimony for HWN on 2/27/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|------------------------|---------------------|---------------------------|---------------------------|
| Julia Estigoy-Kahoonei | Individual | Support | Written Testimony Only |

Comments:

It's important to keep the true history of Hawai'i in the forefront so I support this bill to name Jan 17 Reconciliation Day

SB-541-SD-1

Submitted on: 2/23/2024 9:58:36 AM

Testimony for HWN on 2/27/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Regina Gregory | Individual | Support | Written Testimony Only |

Comments:

This could use more language on "advancing those initial efforts made towards reconciliation."

SB-541-SD-1

Submitted on: 2/23/2024 11:38:49 PM

Testimony for HWN on 2/27/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| M. Leilani DeMello | Individual | Support | Written Testimony Only |

Comments:

Aloha,

Kāko‘o piha au i kēia pila. I support this bill.

Mahalo,

M. Leilani DeMello

‘Ōla‘a, Puna, Hawai‘i

LATE

February 26, 2024

Aloha members of the Senate Committee on Hawaiian Affairs,

My Name is Jaylin Kanani Afi'a, I am a voter and resident of the Ewa district, as well as a student at UH Mānoa's Thompson School of Social Work and Public Health. I write this testimony in support of bill SB541 SD1 , establishing January 17th of each year as Reconciliation Day, to commemorate the memory of Queen Liliuokalani and the illegal overthrow of the Kingdom of Hawai'i.

I represent myself as a Native Hawaiian woman who felt disconnected from my cultural heritage in my younger years. As a child, I felt very limited with learning Native Hawaiian history, practices, and concepts. This was primarily due to being exposed and taught limited times about the historical events that took place in the Kingdom of Hawai'i and it's people. Much of my understanding and connection of my cultural identity came with my education at the university level.

My experience is not uncommon as many Native Hawaiians feel a disconnect to their cultural identity due to the conformity of Western systems. Brigham Young University explains in their article that Native Hawaiians struggle with the survival of Native Hawaiian culture today and that it has affected the population physically and emotionally. The loss of identity and culture for Native Hawaiians were caused by Western influence and the halt of cultural practices such as language speaking, healing practices, and stewardship of land and sea¹.

There has been slow, but progressive revitalization of Native Hawaiian culture since the illegal overthrow of the Kingdom of Hawai'i on January 17, 1893. By passing bill SB541 SD1 , will be one step closer for the Native Hawaiian community to be acknowledged in the homelands. As well as, applying more education on the history, as the Reconciliation Day will provide more public knowledge to all residents of the state of Hawai'i, rather than only within the Native Hawaiian community. This bill can strengthen cultural identity as the Native Hawaiian community will have more representation of the traumatic events that occurred in their homelands.

Mahalo 'Oukou,

Jaylin Kanani Afi'a
91-1185 Kupipi Pl. Ewa Beach, HI 96706

¹ Osorio, E. K. K. (2023, July 31). *Struggle for hawaiian cultural survival*. Ballard Brief. <https://ballardbrief.byu.edu/issue-briefs/struggle-for-hawaiian-cultural-survival>

