

# HCR 6

Measure Title:

COMMEMORATING THE TWENTIETH ANNIVERSARY OF PUBLIC LAW 103-150, RECOGNIZING THE PROGRESS MADE TOWARDS RECONCILIATION AND NATIVE HAWAIIAN SELF-GOVERNANCE AND SELF-DETERMINATION, REAFFIRMING THE STATE'S COMMITMENT TO RECONCILIATION WITH NATIVE HAWAIIANS FOR HISTORICAL INJUSTICES, URGING THE FEDERAL GOVERNMENT TO ADVANCE RECONCILIATION EFFORTS WITH NATIVE HAWAIIANS, AND SUPPORTING EFFORTS TO FURTHER THE SELF-DETERMINATION AND SOVEREIGNTY OF NATIVE HAWAIIANS.

Report Title:

OHA Package; Apology Resolution; Commemoration

Description:

Companion:

Package: OHA

Current Referral: THA/PSM/JDL

Introducer(s): SOUKI (Introduced by request of another party)

<a href="#">Sort by Date</a>		Status Text
1/18/2013	H	To be offered.
1/18/2013	H	Offered
2/1/2013	H	Referred to OMH, JUD, referral sheet 12
2/9/2013	H	Resolution scheduled to be heard by OMH on Wednesday, 02-13-13 10:50AM in conference room 325.
2/13/2013	H	The committees on OMH recommend that the measure be PASSED, UNAMENDED. The votes were as follows: 5 Ayes: Representative(s) Hanohano, Cullen, Evans, Lowen, Fale; Ayes with reservations: none; Noes: none; and 3 Excused: Representative(s) Coffman, Kawakami, C. Lee.
3/12/2013	H	Reported from OMH (Stand. Com. Rep. No. 929), recommending referral to JUD.
3/12/2013	H	Report adopted; referred to the committee(s) on JUD with none voting aye with reservations; none voting no (0) and Representative(s) Say, Tokioka excused (2).
3/19/2013	H	Resolution scheduled to be heard by JUD on Friday, 03-22-13 2:00PM in conference room 325.
3/21/2013	H	This measure has been deleted from the meeting scheduled on Friday 03-22-13 2:00PM in conference room 325.
3/21/2013	H	Resolution scheduled to be heard by JUD on Thursday, 03-28-13 2:00PM in conference room 325.
3/28/2013	H	The committees on JUD recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 7 Ayes: Representative(s) Rhoads, Har, Brower, Tsuji, Wooley, McDermott, Thielen; Ayes with reservations: none; Noes: none; and 6 Excused: Representative(s) Belatti, Cabanilla, Carroll, Ito, Kawakami, C. Lee.
4/5/2013	H	Reported from JUD (Stand. Com. Rep. No. 1483) as amended in HD 1, recommending adoption.
4/5/2013	H	Adopted as amended in HD 1 with none voting aye with reservations; none voting no (0) and Representative(s) Say, Tokioka excused (2).

4/5/2013	H	Transmitted to Senate.
4/9/2013	S	Received from House (Hse. Com. No. 460).
4/9/2013	S	Referred to THA/PSM/JDL.
4/16/2013	S	The committee(s) on THA/PSM/JDL has scheduled a public hearing on 04-19-13 2:45PM in conference room 312.

## TESTIMONY LIST

	<b>OFFICE OF HAWAIIAN AFFAIRS</b>	SUPPORT
Anne Lopex	<b>ATTORNEY GENERAL</b>	SUPPORT
Davis Price	<b>HAWAIIAN AFFAIRS CAUCUS OF DEMOCRATIC PARTY</b>	SUPPORT
Hardy Spoehr	<b>PAPA OLA LOKAHI</b>	SUPPORT
Soulee Stroud	<b>ASS HAW CIVIC CLUBS</b>	SUPPORT
Amy Sojot		SUPPORT
Ani Martirosian		SUPPORT
Aulii George		SUPPORT
Ben Shafer		SUPPORT
Bianca Isaki		SUPPORT
Cinzia Olter		SUPPORT
Everett Ohta		SUPPORT
Hokuloa Choy		SUPPORT
Jared Dmello		SUPPORT
Jasmine King		SUPPORT
Jeannine Johnson		SUPPORT
Joe Kuhio Lewis		SUPPORT
Johnathan Leland		SUPPORT
Kamaile Maldonado		SUPPORT
Kevin Chang		SUPPORT
Kim Holmes		SUPPORT
Luke Sarvis		SUPPORT
Pamela Williams		SUPPORT
Travis Dudoit		SUPPORT
Travis Tokuyama		SUPPORT
Wayne Tanaka		SUPPORT
Lela Hubbard	<b>NA KOA IKAIKA</b>	OPPOSE
Ken Conklin		OPPOSE
Bill Brown		OPPOSE



## HCR6 HD1

# COMMEMORATING THE TWENTIETH ANNIVERSARY OF PUBLIC LAW 103-150, RECOGNIZING THE PROGRESS MADE TOWARDS RECONCILIATION AND NATIVE HAWAIIAN SELF-GOVERNANCE AND SELF-DETERMINATION, REAFFIRMING THE STATE'S COMMITMENT TO RECONCILIATION WITH NATIVE HAWAIIANS FOR HISTORICAL INJUSTICES, URGING THE FEDERAL GOVERNMENT TO ADVANCE RECONCILIATION EFFORTS WITH NATIVE HAWAIIANS, AND SUPPORTING EFFORTS TO FURTHER THE SELF-DETERMINATION AND SOVEREIGNTY OF NATIVE HAWAIIANS

Senate Committees on Tourism and Hawaiian Affairs  
Public Safety, Intergovernmental and Military Affairs and  
Judiciary and Labor

April 19, 2013

2:45 p.m.

Room 312

The Office of Hawaiian Affairs (OHA) strongly **SUPPORTS** HCR6 HD1, which is a house concurrent resolution in OHA's 2013 legislative package. This resolution commemorates the twentieth anniversary of the 1993 Apology Resolution, reflects upon the steps taken towards lasting reconciliation with the Native Hawaiian people, and reaffirms the commitment of the state towards achieving such reconciliation for the betterment of Native Hawaiians and **all** who live in Hawai'i.

Twenty years ago, in a rare act of self-criticism, the federal government unequivocally recognized the ongoing harms resulting from its role in the colonization and illegal overthrow of the Kingdom of Hawai'i and expressed a clear commitment to a process of reconciliation with the Native Hawaiian people. The State of Hawai'i did the same through its 1993 enactment of Act 354.

As many acknowledged at the time, the process of seeking reconciliation and justice is not simple or easily established. Over the twenty years since the passage of the Apology Resolution, many new issues, considerations, and debates have arisen regarding the proper means to address the ongoing historical harms and challenges impacting Native Hawaiians, as they strive to restore and maintain their culture, cultural values, and self-determination. Today, the path towards lasting reconciliation continues to be a long and uncertain one.

However, as recognized in this resolution, many significant steps forward have also been taken over these past twenty years, and the state of Hawai'i has continually expressed its support for reconciliation and Native Hawaiian self-determination through legislation, testimony by government leaders, the investment of state funds, and judicial

decisions by its highest court. This year, 2013, marks an important opportunity to no'ono'ono, or reflect, on the progress made since the federal government's passage of the Apology Resolution. While much work remains to be done, reflecting upon the progress made thus far is necessary to ensure that the state's underlying commitment towards justice and reconciliation remains alive in our social consciousness, and in our social conscience.

This resolution reiterates the findings of the 1993 Apology Resolution, recognizes the steps forward that have been made in the last twenty years, and expresses the legislature's ongoing support and commitment to achieving a substantive and lasting reconciliation with the Native Hawaiian people. Therefore, OHA strongly urges the Committees to **PASS** HCR6 HD1.

Mahalo for the opportunity to testify on this important matter.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-SEVENTH LEGISLATURE, 2013**

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**ON THE FOLLOWING MEASURE:**

H.C.R. NO. 6, H.D. 1, COMMEMORATING THE TWENTIETH ANNIVERSARY OF PUBLIC LAW 103-50, RECOGNIZING THE PROGRESS MADE TOWARDS RECONCILIATION AND NATIVE HAWAIIAN SELF-GOVERNANCE AND SELF-DETERMINATION, REAFFIRMING THE STATE'S COMMITMENT TO RECONCILIATION WITH NATIVE HAWAIIANS FOR HISTORICAL INJUSTICES, URGING THE FEDERAL GOVERNMENT TO ADVANCE RECONCILIATION EFFORTS WITH NATIVE HAWAIIANS, AND SUPPORTING EFFORTS TO FURTHER THE SELF-DETERMINATION AND SOVEREIGNTY OF NATIVE HAWAIIANS.

**BEFORE THE:**

SENATE COMMITTEES ON TOURISM AND HAWAIIAN AFFAIRS, ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS, AND ON JUDICIARY AND LABOR

**DATE:** Friday, April 19, 2013 **TIME:** 2:45 p.m.

**LOCATION:** State Capitol, Room 312

**TESTIFIER(S):** David M. Louie, Attorney General, or  
Charleen M. Aina, Deputy Attorney General

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Chairs Galuteria, Espero, and Hee and Members of the Committees:

The Department of the Attorney General supports adoption of a resolution such as H.C.R. No. 6 that commemorates the twentieth Anniversary of Congress' passage of the Apology Resolution, reaffirms the State's commitment to reconciling past injustices and securing self-governance and self-determination for Native Hawaiians, and urges the Federal Government to advance those efforts as well.

To make the resolution as compelling as it needs to be, we urge the Committees to ensure that the resolution's recitals are complete and accurate. Towards that end, the following recitals should be revised as follows: (1) the tenth recital (page 2, lines 30-36) - delete the reference to the interim appropriation included in Act 329, Session Laws of Hawaii 1997, because it was made to facilitate efforts to draft legislation to establish what portion of which ceded lands receipts the Office of Hawaiian Affairs received; (2) the eleventh recital (page 2, lines 38-42) - delete the reference to the United States Solicitor General, and change "confirming the trust responsibility of the United States" to "which formally initiated the federal government's efforts to reconcile past injustices, and recognize and establish a government-to-government relationship with the Native Hawaiian people," because the former provision is incorrect and the

latter overstates what the report says; (3) the twelfth recital (page 3, lines 1-5) - change “special trust relationship” to “special relationship” because “special relationship” is the term Congress used throughout both federal laws to describe the federal government’s relationship with Native Hawaiians; and (4) the fourteenth recital (page 3, lines 14-19) - include the complete citation for, and to quote, rather than paraphrase, all of what the Hawaii Supreme Court said in Office of Hawaiian Affairs v. HCDCH, 117 Hawai`i 174, 195, 177 P.3d 884, 905 (2008), rev’d and remanded to, 556 U.S. 163 (2009), about holding ceded lands, because the United States Supreme Court reversed the Hawaii Supreme Court’s decision to the extent that it attributed a requirement that the State hold ceded lands until “the unrelinquished claims of the native Hawaiians have been resolved” to federal law, 556 U.S. 163, 176 (“the state supreme court incorrectly base[d its] decision on federal law”).

Inasmuch as this resolution is directed to the President, the Speaker of the United States House of Representatives, the President of the United States Senate, and the Chief Justice of the United States Supreme Court, it is critical that we not overstate the bases for urging them to join in our continued efforts to reconcile with and secure self-determination, self-governance, and federal recognition for Native Hawaiians.

Thank you for the opportunity to testify on this resolution.

# HAWAIIAN AFFAIRS CAUCUS

## DEMOCRATIC PARTY OF HAWAII

1050 ALA MOANA BLVD D-2150, HONOLULU, HI 96814

### LEGISLATIVE TESTIMONY

SENATE COMMITTEES ON THA, PSM, AND JDL

HEARING: RM.312 04/19/2013 2:45 PM

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The Hawaiian Affairs Caucus **supports** HCR 6 that commemorates the 20<sup>th</sup> anniversary of the 1993 Apology Resolution. This resolution is a reaffirmation of the State's continued commitment to reconciliation for the betterment of Native Hawaiians.

Mahalo for the opportunity to testify.

ʻO ia ihola nō me ke aloha.

Davis Price  
Legislative Committee Chair

**HCR6**

Submitted on: 4/17/2013

Testimony for THA/PSM/JDL on Apr 19, 2013 14:45PM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Hardy Spoehr	Papa Ola Lokahi	Support	No

Comments: Papa Ola LOKahi (Native Hawaiian Health Board) strongly supports this measure and asks further that the President of the United States issue an Executive Order to all his departments to develop consultation policies with Native Hawaiians in accordance with reconciliation as required in P.L. 103-150.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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## **Association of Hawaiian Civic Clubs**

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

SENATE COMMITTEES ON TOURISM & HAWAIIAN AFFAIRS,  
PUBLIC SAFETY, INTERGOVERNMENTAL AND  
MILITARY AFFAIRS and JUDICIARY AND LABOR

**HCR 6 HD1 (HSCR1483) COMMEMORATING THE TWENTIETH  
ANNIVERSARY OF PUBLIC LAW 103-150, RECOGNIZING THE  
PROGRESS MADE TOWARDS RECONCILIATION AND NATIVE  
HAWAIIAN SELF-GOVERNANCE AND SELF-DETERMINATION,  
REAFFIRMING THE STATE'S COMMITMENT TO RECONCILIATION  
WITH NATIVE HAWAIIANS FOR HISTORICAL INJUSTICES,  
URGING THE FEDERAL GOVERNMENT TO ADVANCE  
RECONCILIATION EFFORTS WITH NATIVE HAWAIIANS, AND  
SUPPORTING EFFORTS TO FURTHER THE SELF-DETERMINATION  
AND SOVEREIGNTY OF NATIVE HAWAIIANS**

Friday, April 19, 2013; 2:45 pm; Room 312

Aloha Chairman Galuteria, Chairman Espero and Chairman Hee of the joint Senate committee hearing on HCR 6, HD1. I am Soulee Stroud, president of the Association of Hawaiian Civic Clubs testifying in support of this resolution.

The title of this Concurrent Resolution says a great deal and while we commemorate this twentieth anniversary, we also know it is probably not enough to ever compensate for a nation lost. There has been progress regarding reconciliation, self governance and self determination, but the evidence is overwhelming.

We continue to hope that the State will be more forthcoming in its commitment to Native Hawaiians for the injustices, and certainly do more in terms of urging the Federal Government to stop stalling recognition of the Native Hawaiian peoples as a political entity.

At this time, if you would allow us, we would also like to recognize that this year is the thirtieth anniversary of the Federal Native Hawaiian Study Commission and two Reports that also brought to light the injustices of the overthrow. Initiated by Republican President Ronald Reagan, the effort was strongly supported by Democratic Senator Daniel Inouye.

Chaired by veteran Hawaiian Civic Club member Kinau Boyd Kamalii, with members Winona Beamer and Roger Betts, the Commission held long public meetings for weeks throughout Hawaii, recording the pain and hurt of the Hawaiian people often past the midnight hours. The findings of the Report were undermined by the Congress, who found it too factual to believe. The Commission was not to be denied and published a Minority Report to tell the Hawaiian side of the story.

Justice is the issue here, and while the Apology Bill, the Native Hawaiian Study Commission Reports, From Mauka to Makai and other such reports are all powerful tools in bringing facts of the Overthrow of the Kingdom to life, the expectations are not yet fulfilled. Much has been done, but there is more work ahead and as a people, we shall persevere.

Thank you for the opportunity to testify.

Contact: [jalna.keala2@hawaiiantel.net](mailto:jalna.keala2@hawaiiantel.net)

COMMITTEE ON TOURISM AND HAWAIIAN AFFAIRS

Senator Brickwood Galuteria, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY  
AFFAIRS

Senator Will Espero, Chair  
Senator Rosalyn H. Baker, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair

Friday, April 19, 2013  
2:45 p.m.  
Conference Room 312  
State Capitol  
415 South Beretania Street

**RE:** HCR 6 COMMEMORATING THE TWENTIETH ANNIVERSARY OF PUBLIC LAW 103-150, RECOGNIZING THE PROGRESS MADE TOWARDS RECONCILIATION AND NATIVE HAWAIIAN SELF-GOVERNANCE AND SELF-DETERMINATION, REAFFIRMING THE STATE'S COMMITMENT TO RECONCILIATION WITH NATIVE HAWAIIANS FOR HISTORICAL INJUSTICES, URGING THE FEDERAL GOVERNMENT TO ADVANCE RECONCILIATION EFFORTS WITH NATIVE HAWAIIANS, AND SUPPORTING EFFORTS TO FURTHER THE SELF-DETERMINATION AND SOVEREIGNTY OF NATIVE HAWAIIANS.

**Position:** In Support

Dear Members of the Committee on Tourism and Hawaiian Affairs, the Committee on Public Safety, Intergovernmental and Military Affairs, and the Committee on Judiciary and Labor:

I am writing to testify **in support** of HCR 6.

Please reaffirm the state's commitment to provide substantive justice for the overthrow of the Hawaiian Kingdom, and to address the ramifications it has carried to today, particularly for the Native Hawaiian people, but also for all others who call our islands home. *Justice in Hawai'i will never be achieved without justice for the Hawaiian people, and the Hawaiian nation.*

All who live in and love Hawai'i as their home should support this measure. To truly move Hawai'i towards a brighter and more enlightened future, Hawai'i must acknowledge and address the injustices of its past. This resolution ensures that Hawai'i acknowledges our past, and keeps alive a vision that seeks to address the ongoing harms to the lands, culture, and self-determination of the Native Hawaiian people resulting from the overthrow of the Hawaiian Kingdom.

Thank you for the opportunity to testify in support of HCR 6.

Amy Sojot  
Mililani, HI

**HCR6**

Submitted on: 4/18/2013

Testimony for THA/PSM/JDL on Apr 19, 2013 14:45PM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ani Martirosian	Individual	Support	No

Comments: I urge you to strongly support this resolution.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**HCR6**

Submitted on: 4/18/2013

Testimony for THA/PSM/JDL on Apr 19, 2013 14:45PM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Aulii George	Individual	Support	No

Comments:

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**HCR6**

Submitted on: 4/16/2013

Testimony for THA/PSM/JDL on Apr 19, 2013 14:45PM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ben Shafer	Individual	Support	No

Comments:

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**HCR6**

Submitted on: 4/17/2013

Testimony for THA/PSM/JDL on Apr 19, 2013 14:45PM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bianca Isaki	Individual	Support	No

Comments:

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**HCR6**

Submitted on: 4/18/2013

Testimony for THA/PSM/JDL on Apr 19, 2013 14:45PM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cinzia Olter	Individual	Support	No

Comments:

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**HCR6**

Submitted on: 4/18/2013

Testimony for THA/PSM/JDL on Apr 19, 2013 14:45PM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Everett Ohta	Individual	Support	No

Comments: Welina mai kākou e nā Kōmike, 'O wau 'o kekahi haumāna o ka Papa 'Ōlelo Makuahine. 'O kēia ko'u ha'i mana'o e kāko'o i ka HCR6. E hō'oiā'i'o a kāko'o au i kēia pila no ka mea ho'omaopopo 'o ia i nā mea hewa o ka wā ma mua. A hiki iā mākou ke holomua i ka ho'opololei i nā mea kūpono 'ole a ho'āla i ko mākou lāhui. No laila, ke ho'opai nei au e 'āpono i ka HCR6 i ke kāko'o o ka lāhui a me ko kākou holomua 'ana. Mahalo.

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'Apelila 18, 2013

Welina mai kākou e nā Kōmike,

'O wau 'o kekahi haumāna o ka Papa 'Ōlelo Makuahine.

'O kēia ko'u ha'i mana'o e kāko'o i ka HCR6. E hō'ōia'ī'o a kāko'o au i kēia pila no ka mea ho'omaopopo 'o ia i nā mea hewa o ka wā ma mua. A hiki iā mākou ke holomua i ka ho'opololei i nā mea kūpono 'ole a ho'āla i ko mākou lāhui.

No laila, ke ho'opai nei au e 'āpono i ka HCR6 i ke kāko'o o ka lāhui a me ko kākou holomua 'ana.

Mahalo.

Hokuola Choy

**HCR6**

Submitted on: 4/18/2013

Testimony for THA/PSM/JDL on Apr 19, 2013 14:45PM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jared Dmello	Individual	Support	No

Comments:

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**HCR6**

Submitted on: 4/18/2013

Testimony for THA/PSM/JDL on Apr 19, 2013 14:45PM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
jasmine king	Individual	Support	No

Comments: i strongly support this initiative.

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**HCR6**

Submitted on: 4/16/2013

Testimony for THA/PSM/JDL on Apr 19, 2013 14:45PM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeannine Johnson	Individual	Support	No

Comments: In order for Hawaiians to reclaim their heritage, culture, and identity, they must be allowed to control their own destiny. The Akaka Bill is a step toward Native Hawaiians not just surviving but thriving in their own homeland. Ke Akua pū me kākou, i pono ke ea o ka 'āina. (May God be with us always that the life of the land will be pono).

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**HCR6**

Submitted on: 4/18/2013

Testimony for THA/PSM/JDL on Apr 19, 2013 14:45PM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joe Kuhio Lewis	Individual	Support	No

Comments: Please support this reso. Mahalo!

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**HCR6**

Submitted on: 4/17/2013

Testimony for THA/PSM/JDL on Apr 19, 2013 14:45PM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
jonathan leland	Individual	Support	No

Comments:

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**HCR6**

Submitted on: 4/18/2013

Testimony for THA/PSM/JDL on Apr 19, 2013 14:45PM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kamaile Maldonado	Individual	Support	No

Comments: I write in STRONG SUPPORT of this measure which would reaffirm the state's commitment to providing meaningful justice for the overthrow of the Hawaiian Kingdom, and to address the ramifications it has ca. This resolution helps to ensure that the historic losses, ramifications, and ongoing responsibilities of the state as a direct result of the 1893 overthrow remain in our social consciousness, and in our social conscience. Justice in Hawai'i can never be fully achieved without justice for the Hawaiian people, and the Hawaiian nation. Please support the ongoing struggle for justice and reconciliation in Hawai'i and PASS HCR 6. Mahalo for the opportunity to testify on this important measure.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Submitted on: 4/17/2013

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kevin Chang	Individual	Support	No

Comments:

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Testimony for THA/PSM/JDL on Apr 19, 2013 14:45PM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kim Holmes	Individual	Support	No

Comments:

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**HCR6**

Submitted on: 4/18/2013

Testimony for THA/PSM/JDL on Apr 19, 2013 14:45PM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Luke Sarvis	Individual	Support	No

Comments:

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**HCR6**

Submitted on: 4/16/2013

Testimony for THA/PSM/JDL on Apr 19, 2013 14:45PM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pamela Williams	Individual	Support	No

Comments: Strong support and long overdue

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**HCR6**

Submitted on: 4/18/2013

Testimony for THA/PSM/JDL on Apr 19, 2013 14:45PM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Travis Dudoit	Individual	Support	No

Comments:

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April 18, 2013

In the past twenty years, progress has continued to be made in pursuit of Native Hawaiian identity, self-determination, and sovereignty. However, the struggle never has, and likely never will be an easy one, and important issues and concerns continue to be healthily but vigorously debated with respect to the best way forward. As we prepare ourselves to continue the movement, we should therefore take a moment to reflect upon the shared vision of all those who support justice and a sovereign Hawaiian government for Hawai'i, and to reconfirm the long-held commitment of the state of Hawai'i to promote reconciliation and Native Hawaiian self-determination for the benefit of all the people of these islands.

This resolution helps to ensure that the historic losses, ramifications, and ongoing responsibilities of the state as a direct result of the 1893 overthrow remain in our social consciousness, and in our social conscience. Please support the ongoing struggle for justice and reconciliation in Hawai'i nei!

Please reaffirm the state's commitment to provide substantive justice for the overthrow of the Hawaiian Kingdom, and to address the ramifications it has carried to today, particularly for the Native Hawaiian people, but also for all others who call our islands home. Justice in Hawai'i will never be achieved without justice for the Hawaiian people, and the Hawaiian nation.

All who live in and love Hawai'i as their home should support this measure. To truly move Hawai'i towards a brighter and more enlightened future, Hawai'i must acknowledge and address the injustices of its past. This resolution ensures that Hawai'i acknowledges our past, and keeps alive a vision that seeks to address the ongoing harms to the lands, culture, and self-determination of the Native Hawaiian people resulting from the overthrow of the Hawaiian Kingdom.

E ola mau na keiki papa a me ka lāhui o Hawai'i (Long live the native born and the nation of Hawai'i).

Ola ka lāhui o Hawai'i (The nation of Hawai'i lives on).

Kāko`o au i ka lāhui Hawai'i (I support the Hawaiian nation).

Sincerely,

Travis Tokuyama

**HCR6**

Submitted on: 4/16/2013

Testimony for THA/PSM/JDL on Apr 19, 2013 14:45PM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Wayne Tanaka	Individual	Support	No

Comments: Mahalo nui loa for the opportunity to stand in strong SUPPORT of HCR6 HD1. To truly move Hawai'i towards a brighter future, Hawai'i must acknowledge and address the injustices of its past. Accordingly, this resolution ensures that Hawai'i acknowledges our past, reflects upon our ongoing struggle towards justice, and keeps alive a vision that seeks to address the ongoing harms to the lands, culture, and self-determination of the Native Hawaiian people. Please support this important resolution, made even more significant by the twentieth anniversary of the original federal Apology Resolution this year. Thank you very much, Wayne Tanaka, Pauoa, Hawai'i 96813

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Where are the intellectual Hawaiians who are permitting the alii to lead the makaainana off the cliff? Olelo is once again being spoken by our young people, but they lack the political education to realize that choices are available. The deliberate paucity of stimulating conversations on the creation of the true Hawaiian nation has permitted nationhood to be equated with the United States classifying us as an indigenous Hawaiian tribe. Is there no one that hears the drums at night or sees the ancient warriors on their paths who proclaim that we Hawaiians are more and deserve more? Our young people olelo Hawaii but they lack the tools to know that they have been given no political choices.

This is a lament , a kanikau , for the passing of our true nation. We can read of our political expression in the Hawaiian newspapers that once were so prevalent. We can be soothed by the sweet new mele that surround us. We can thrill to the pounding of the pahu drums as the halau tell our stories. As our land is being polluted and more and more Hawaiian land is owned by others, why are so few aware and battling?

But who is teaching that we own the lands here and should be compensated with more that pilau polluted acreage on the ocean? We own the resources and should be developing geothermal wells ourselves and not a Maori corporation with token Hawaiians, if the modern technology is safe. The charter and immersion schools our children attend are treated as third-rate institutions that scramble and pay rent on inadequate facilities. The DOE does not treat these public schools equally with the acceptable public system.

The Hawaii Senate has passed legislation that recognizes Hawaiians as indigenous peoples who, if they have signed up with any OHA registry or the KAMEHAMEHA SCHOOLS REGISTRY OR KAU INOA WHICH VERIFIED HAWAIIAN KOKO, THEN WE ARE FORCED TO JOIN Kanaiolowalu, the latest registry to boost its numbers: only 9000 people enrolled in a year at a cost of 1.8million dollars. AND KANAIOLOWALU WANTS TWO MILLION DOLLARS MORE!

Can the Legislature dictate the parameters of nationhood? Black's Law states that residents have the right to decide how they will be governed. But Kana'iolowalu, Act 195, 2011 Session, registers who are non-residents under the guise of taking a census which is problematic as the roll is supposed to be the list of those eligible to create the nation. Hawaiians on the continent expect to be included . They should not be. If they want to help, they should come home. The Democratic Party Convention of May 2012 understood that concept.

Several major nationhood campaigns excited the community, but OHA refused to fund the final educational campaigns. Hawaiians have been left hanging for years. Building a nation takes time, dedication and sacrifice, but OHA has left us with confusion, biased information and the lack of open forums for free discussion of ideas. The legislature could help us by telling OHA to speak the truth and present all sides of the issues. A thorough audit of OHA must be conducted to insure that monies spent benefit native Hawaiians. Can all activities be proved to be vital and valuable to native Hawaiians? Moreover we need the tools to create a government, a strong economic base and a vital, healthy, educated I community. We have faith that you will help us do what is pono.

Center for Hawaiian Sovereignty Studies  
46-255 Kahuhipa St. Suite 1205 Kane'ohe, HI 96744  
Tel/Fax (808) 247-7942  
Kenneth R. Conklin, Ph.D. Executive Director  
e-mail Ken\_Conklin@yahoo.com



Unity, Equality, Aloha for All

To: Senate Committees THA/PSM/JDL  
From: Kenneth R. Conklin, Ph.D.  
Re: HCR6, HD1 commemorating 20th anniversary of U.S. apology resolution  
Date: April 16, 2013 for hearing April 19

TESTIMONY IN OPPOSITION AND PROPOSED AMENDMENT IN THE NATURE OF A  
SUBSTITUTE

To convey my reasons for opposing this resolution, I am providing below a proposed amendment to HCR6 in the nature of a substitute (a process sometimes called "gut and replace"). Each "whereas" clause contains one or two footnotes providing extensive documentation to prove what is asserted.

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Whereas the U.S. apology resolution (USAR) PL 103-150 incorrectly apologizes solely to Native Hawaiians for the U.S. role in overthrowing the monarchy in the Hawaiian revolution of 1893, but any apology (if owed at all) should be directed to all the multiracial population of Hawaii in 1893; and whereas the apology should especially include the large numbers of Caucasians who were native-born or naturalized subjects of the Kingdom, many of whom served as judges, members of the legislature, and were a majority of department heads, teachers and officers of the government; and whereas the racially exclusive apology creates divisiveness because it causes ethnic Hawaiians to believe they are entitled to racially exclusive ownership of Hawaii and racially exclusive government handouts [n#1]; and

Whereas USAR is filled with twisted half-truths and outright falsehoods about the history of Hawaii and especially the Hawaiian revolution of 1893 [n#2]; and

Whereas Senator Inouye assured his colleagues during the floor debate in 1993, that USAR would never be used to justify a demand for secession, [n#3] yet numerous Hawaiian sovereignty groups have been using it that way for 20 years [n#4]; and

Whereas Senator Inouye assured his colleagues during the floor debate in 1993, that USAR would never be used to justify demands for restitution in the form of special race-based government handouts; [n#5] yet USAR has been cited in the "findings" preambles of every major bill introduced by Senators Inouye and Akaka to provide federal recognition to Native Hawaiians as an Indian tribe, and to provide special race-based programs in housing, healthcare, education, etc. [n#6]; and

Whereas USAR has prompted many ethnic Hawaiians to clog the courts with bogus assertions that the federal and state governments are illegal in Hawaii and hence lack jurisdiction over them to enforce requirements for vehicle registrations and driver licenses [n#7]; and

Whereas activists have used USAR to insist the U.S. flag must not fly over 'Iolani Palace, to justify ethnic Hawaiian takeovers of the Palace, and to oppose government regulations for use of Palace grounds [n#8]; and

Whereas USAR has been used in two different campaigns a decade apart by a Hawaiian sovereignty activist in collaboration with realtors to perpetrate a scam by asserting that the "illegal overthrow of the monarchy" means that deeds to private property are not valid unless re-certified by the activist acting as an agent of the Hawaiian kingdom, and clients are charged around \$2,000 for a bogus title search, and bogus documents are filed with the Bureau of Conveyances placing a cloud on valid deeds, and ignorant clients are persuaded to stop paying mortgages on the theory that the mortgages are not valid, and title insurance companies are sued to pay the clients when mortgages are foreclosed [n#9]; and

Whereas USAR caused local and federal courts to be tied up for a decade in a ceded lands lawsuit filed by OHA and several individual ethnic Hawaiians where the USAR was the primary focus of attention, and a 5-0 decision by the Hawaii Supreme Court was overturned by a 9-0 decision of the U.S. Supreme Court [n#10]; and

Whereas the U.S. Senate Committee on Foreign Affairs held two months of hearings in 1894 with testimony under oath and cross-examination regarding the U.S. role in the Hawaiian revolution of 1893 and concluded that U.S. peacekeepers had neither caused nor assisted the revolution; and whereas a joint House/Senate Native Hawaiians Study Commission reached the same conclusion in 1983 following two years of public hearings and extensive commentaries by experts[n#11]; and

Whereas the people of Hawaii are disgusted by the gross abuse of the U.S. apology resolution to attack the sovereignty of the State of Hawaii and to disrupt the unity and equality of our people [n#12];

Now therefore BE IT RESOLVED by the House of Representatives of the Twenty-seventh Legislature of the State of Hawaii, Regular Session of 2013, the Senate concurring, that the Legislature hereby expresses its desire that PL103-150, commonly known as the apology resolution, be rescinded; and

BE IT FURTHER RESOLVED that we ask both of Hawaii's U.S. Senators and all their colleagues, and both of Hawaii's Members of Congress and all their colleagues, to introduce and actively support appropriate legislation to rescind PL103-150; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Chief Justice of the Supreme Court of the United States, the Chief Justice of the Supreme Court of Hawaii, the Governor of the State of Hawaii, and the Chairperson of the Board of Trustees of the Office of Hawaiian Affairs.

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Footnotes:

n#1: See the Native Hawaiian Databook Census of 1890 [Kingdom] and Census of 1896 [Republic] yielding figures of 45% of the population in 1890 and 36% in 1896 being either full or part Native Hawaiian; and see Jonathan Osorio's book "Dismembering Lahui" for lists of who were members of the Kingdom legislature in various years

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n#2: There have been two excellent refutations of numerous assertions contained in USAR.

2(a): Hawaii Divided Against Itself Cannot Stand (Essay by Constitutional lawyer Bruce Fein, as printed In the Congressional Record of June 14, 15, and 16 of 2005 by unanimous consent, by request of Senator Kyl)

<http://www.angelfire.com/hi5/bigfiles3/AkakaFeinCongRec061405.html>

The section printed in the Congressional Record on June 14, 2005 is entirely devoted to a point by point refutation of the apology resolution.

<http://www.gpo.gov:80/fdsys/pkg/CREC-2005-06-14/pdf/CREC-2005-06-14-pt1-PgS6471.pdf#page=1>

2(b): Thurston Twigg-Smith, "Hawaiian Sovereignty: Do the Facts Matter?" (Honolulu, HI: Goodale Publishing, 1998) Chapter 10 "The Congressional Apology: A Travesty" Download entire book here: <http://tinyurl.com/6osxwp>

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n#3: Full text of the 60 minute Senate floor debate on USAR can be found at

<http://www.hawaii-nation.org/congrec-senate.html>

During the debate Senator Gorton (R, WA) discussed the ethnic cleansing then underway in Bosnia and how the Serbs were fueled by a grievance over events from 900 years ago. Senator Gorton said "I know that the two Senators from Hawaii do not agree with the radicals who wish independence as a result, but the logical consequences of this resolution would be independence." Senator Inouye replied "To suggest that this resolution is the first step toward declaring independence for the State of Hawaii is a painful distortion of the intent of the authors. ... this is a very simple resolution. It was authored by my friend from Hawaii because he loves America. ..." Later Senator Inouye added "the suggestion that this resolution was the first step toward declaring independence or seceding from the United States is at best a very painful distortion of our intent. ... No, no, this is not seceding or independence. We fought for statehood long enough and we cherish it and we

want to stay there. I can assure you, I do not wish to leave this place. ... As I tried to convince my colleagues, this is a simple resolution of apology, to recognize the facts as they were 100 years ago. ... It is a simple apology."

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n#4: Numerous Hawaiian sovereignty groups have been using the USAR for 20 years as a justification for demanding secession. They describe the USAR as an admission against interest -- a confession of a crime under international law for which the proper restitution would be U.S. withdrawal from Hawaii with payment of billions of dollars in restitution. To find such assertions, put into the Google search engine the words Hawaiian apology along with the name of any one of the following sovereignty activists or groups: Kekuni Blaisdell, Ka Pakaukau, Poka Laenui [an alias of Hayden Burgess], [David] Keanu Sai, Aloha Quest, Scott Crawford, Charles Kauluwehi Maxwell, Bumpy Kanahale, Nation of Hawaii, Henry Noa, Reinstated Hawaiian government.

The apology resolution of 1993 continued to be a major source of fuel for the fires of secession even 12 years later in 2005, as shown by the following photos. August 6, 2005, a rally by about 15,000 ethnic Hawaiians protested a decision by the 9th Circuit Court of Appeals that Kamehameha Schools' racially exclusionary admissions policy is illegal. Here are Hawaiian independence activists' signs at the Palace rally proclaiming that USAR places the U.S. on record as acknowledging that ethnic Hawaiians never gave up their inherent sovereignty or their national lands.

<http://www.angelfire.com/hi5/bigfiles3/KamCiteApolKanakNeverGaveUp.jpg>  
and

<http://www.angelfire.com/hi5/bigfiles3/KamCiteApologyInhrntSovrnty.jpg>

See also "The Akaka Bill And Secession" at

<http://www.angelfire.com/hi2/hawaiiansovereignty/AkakaSecession.html>

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n#5: During the floor debate on the USAR, Senator Inouye assured his colleagues that the apology resolution would not be used to support demands for reparations or for special race-based benefit programs. Senator Gorton asked, "What are the appropriate consequences of passing this resolution? Are they any form of special status under which persons of Native Hawaiian descent will be given rights or privileges or reparations or land or money

communally that are unavailable to other citizens of Hawaii?" Senator Inouye replied, "As I tried to convince my colleagues, this is a simple resolution of apology, to recognize the facts as they were 100 years ago. As to the matter of the status of Native Hawaiians, as my colleague from Washington knows, from the time of statehood we have been in this debate. Are Native Hawaiians Native Americans? This resolution has nothing to do with that." Senator Gorton responded, "this Senator wants to sincerely thank the senior Senator from Hawaii for that answer and accepts it as such. This Senator believes the Senator from Hawaii has said this resolution is unrelated to -- it neither advances nor detracts from -- any kind of special treatment for Native Hawaiians. ... This Senator feels, unfortunately, that the consequences of the portions of this resolution after the whereas clauses do in fact provide a basis -- perhaps even a legal basis -- for some kind of demand for special treatment or for the return of lands. It is for that reason, for that reason which this Senator believes to be very divisive within our society, that the Senator regretfully opposes the resolution ... "

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n#6: Senator Inouye gave assurance to his colleagues that the USAR was merely a simple apology and would not be used to demand special race-based government handouts. But USAR has been cited in the "findings" preambles of major bills introduced by Senators Inouye and Akaka to provide federal recognition to Native Hawaiians as an Indian tribe, and to provide special race-based programs in housing, healthcare, education, etc. On August 16, 2005 former Senators Slade Gorton (R, WA) and Hank Brown (R, CO) jointly authored a commentary in the Wall Street Journal expressing opposition to the Akaka bill and complaining bitterly that Senator Inouye had lied to them during the Senate debate on USAR in 1993. They wrote: "The Akaka Bill's justification rests substantially on a 1993 Apology Resolution passed by Congress and signed by President Clinton when we were members of the Senate representing the states of Washington and Colorado. (We voted against it.) The Resolution is cited by the Akaka Bill in three places to establish the proposition that the U.S. perpetrated legal or moral wrongs against Native Hawaiians that justify the race-based government the legislation would erect. These citations are a betrayal of the word given to us -- and to the Senate -- in the debate over the Apology Resolution. We specifically inquired of its proponents whether the Apology would be employed to seek "special status under which persons of Native Hawaiian descent will be given rights or privileges or reparations or land or money

communally that are unavailable to other citizens of Hawaii." We were promised on the floor of the Senate by Daniel Inouye, the senior senator from Hawaii and a personage of impeccable integrity, that, "As to the matter of the status of Native Hawaiians . . . [t]his resolution has nothing to do with that. . . . I can assure my colleague of that." The Akaka Bill repudiates that promise of Sen. Inouye. It invokes the Apology Resolution to justify granting persons of Native Hawaiian descent -- even in minuscule proportion -- political and economic rights and land denied to other citizens of Hawaii. We were unambiguously told that would not be done." The article is available at <http://online.wsj.com/article/0,,SB112415838738514082,00.html?mod=opinion%5Fmain%5Fcommentaries>

But the Akaka bill is not the only piece of major legislation that relies on the USAR for its justification. The Hawaii legislature concurrent resolution HCR6 and SCR2, commemorating USAR, cites other legislation that relies on the apology resolution: "in 2000 and 2002, the United States Congress passed Public Law 106—568, the Hawaiian Homelands Homeownership Act, and Public Law 108—110, the reenacted Native Hawaiian Education Act, confirming the special trust relationship between the federal government and the Native Hawaiian people." HLCR also cites the 2008 Hawaii Supreme Court decision on the ceded lands which relied on the apology resolution (not mentioning that it was overruled by the U.S. Supreme Court). HLCR also points out that Act 195, Session Laws of Hawaii 2011, establishing a state-recognized tribe, relies on USAR.

Although HLCR does not mention it, another example of federal legislation that relies on USAR is the bill to reauthorize the Native Hawaiian healthcare system, Papa Ola Lokahi, which was S.1929 in the 107th Congress and S.66 in the 112th Congress (never came to the floor in 2011-2012). In the 112th Congress version S.66, "Findings" 12-16 come directly from the USAR, and Finding 16 names PL103-150 explicitly. See <http://www.angelfire.com/big09/S66NatHawHealthBadBill.html>

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n#7: There have been numerous cases where ethnic Hawaiians have gone to court to make a political point and harass the court by citing the USAR to assert lack of jurisdiction when they were given traffic tickets for driving without vehicle registrations or without driver licenses issued by the State of Hawaii. Perhaps the most famous such case was Lance Larsen vs. Keanu

Sai which those two men took all the way to the Permanent Court of Arbitration at The Hague.

The splashy website created at the direction of Keanu Sai containing all the details is at

<http://www.alohaquest.com/>

Documents presented by Larsen and Sai are at

<http://www.alohaquest.com/arbitration/index.htm>

A satirical commentary by sovereignty opponent Ken Conklin, entitled "Fraudulent Hague Arbitration -- The Use of "the International Court at the Hague" for a Propaganda Circus" is at

<http://www.angelfire.com/hi2/hawaiiansovereignty/fraudhague.html>

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n#8: Since 1968 the U.S. flag has been allowed to fly on 'Iolani Palace only one time, following the terrorist attack of September 11, 2001 on the World Trade Center in New York. Flying the U.S. flag on the Palace caused an uproar from Hawaiian sovereignty activists, and a countervailing uproar from patriotic Americans. See section 3 of "Strong Allegiance to American Flag in Hawaii Following September 11, 2001" at

<http://www.angelfire.com/hi2/hawaiiansovereignty/hawpatriotpost911.html>

There have been numerous invasions and takeovers of Iolani Palace and its grounds by Hawaiian sovereignty activists who often cite USAR as their justification for asserting jurisdiction. Here are webpages documenting four such events in August 2006, August 2007, and April and August of 2008:

Hawaii Statehood Day 2006 -- Celebration at Old Territorial Capitol Building (Iolani Palace) Disrupted by Hawaiian Ethnic Nationalist Wannabe-Terrorists  
<http://www.angelfire.com/planet/bigfiles40/statehoodday2006.html>

Hawaii Statehood Day August 17, 2007 -- Holiday hijacked by Hawaiian sovereignty activists for celebration of 125th anniversary of Iolani Palace; Zero celebration of Statehood.

<http://www.angelfire.com/planet/big60/StatehoodDay2007.html>

Insurrection (not mere protest) attempted at Iolani Palace on April 30, 2008, by so-called Hawaiian Kingdom Government

<http://www.angelfire.com/planet/big60/Insurrection043008.html>

Hawaii King Akahi Nui -- His alleged coronation at Iolani Palace in 1998 and his violent takeover of Palace grounds and break-in of the building on Friday, August 15, 2008.

<http://www.angelfire.com/bigfiles90/PalaceAkahiNui081508.html>

In response the management of the Palace, together with the Department of Land and Natural Resources, created proposed new rules for Iolani Palace and grounds which prompted Ken Conklin to write testimony. See

<http://www.angelfire.com/bigfiles90/DLNRpalacerulestestimony081508.htm>

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n#9:

(9a): During the 1990s sovereignty activist David Keanu Sai filed a series of documents with the Bureau of Conveyances whereby he claims to have established himself as regent pro-tempore of the Hawaiian kingdom. He then collaborated with a Honolulu realtor to solicit fees totaling more than \$600,000 from hundreds of clients to create bogus title searches and file new warranty deeds at the Bureau which used Mr. Sai's authority as regent to condone property transfers done after the overthrow of the monarchy and to re-certify the validity of the deeds. In at least one case a Native Hawaiian client whose house was foreclosed for failure to pay the mortgage relied on Mr. Sai's theories to re-occupy the house after it had been bought by new owners, resulting in a felony conviction for Mr. Sai and the realtor and the client. See a very large compilation of published news reports and commentaries tracking the "Perfect Title" scam at <http://www.angelfire.com/hi2/hawaiiansovereignty/fraudperfecttitle.html>

9(b): During the past several years a similar scam has been unfolding where Mr. Sai, now possessing a Ph.D. in Political Science, has collaborated with a realtor on Hawaii Island to do the same scam except this time to demand money from title insurance companies when homes are foreclosed. On February 11, 2011 the Home Equity Theft Reporter blog reported: <http://homeequitytheft-cases-articles.blogspot.com/2011/02/illegal-overthrow-of-hawaiian-kingdom.html>

"In Honolulu, Hawaii, KITV-TV Channel 4 reports:

A legal argument based on the overthrow of the Hawaiian Kingdom, used

unsuccessfully to fight foreclosures in the 1990s, is now being used once again, even though the man who promoted the theory 15 years ago was convicted of a felony.

David Keanu Sai is back in the public eye 11 years after being put on probation after telling people that they could walk away from mortgages because of the way the Kingdom of Hawaii was overthrown. Hundreds of people fighting foreclosure have invested in that claim again -- partly because Sai now has a University of Hawaii doctoral degree to back his argument.

Kale Gumapac, founder of Laulima LLC and Hawaiian Alliance LLC, advertises on Craigslist that he has a way to stop the foreclosure process. "It doesn't put the banks in trouble and it doesn't put the borrower in trouble," Gumapac said. "And it's worked. That's what I am trying to tell the Legislature."

Gumapac said he has about 300 paying customers he is helping attack the title of their properties. "They can only foreclose if the title is clear," he said. The title attack is based on research by Windward Community College lecturer David Keanu Sai. He argues that the overthrow of Queen Liliuokalani and the violation of executive agreements between the Queen and the U.S. government mean that all land title issued in Hawaii since 1893 are illegal and mortgages null and void.

9(c): In 2011 Keanu Sai, Kyle Gumapac, and other sovereignty activists, with the connivance of Representative Mele Carroll of Hawaii Island, introduced a resolution in the House Committee on Hawaiian Affairs to gain publicity for their bogus historical claims and to recruit clients for their realty scam. The resolution actually passed the Committee on Hawaiian Affairs, thus demonstrating how far out of bounds that committee has become and how much time is being wasted in the legislature because of reliance on the U.S. apology resolution. Fortunately the resolution died when the Committee on Judiciary refused to hold a hearing on it. For details, including text of the resolution, 75 pages of testimony, and the actions of Rep. Carroll, see "HCR107 in the Hawaii legislature of 2011 -- A resolution establishing a joint legislative investigating committee to investigate the status of two executive agreements entered into in 1893 between United States President Grover Cleveland and Queen Liliuokalani of the Hawaiian Kingdom, called the Liliuokalani assignment and the agreement of restoration." at <http://www.angelfire.com/big09/HCR107HawLegisl2011.html>

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n#10: For about ten years, 2000 through 2009, a lawsuit worked its way through the courts. The lawsuit was based on the assertion that the U.S. apology resolution puts Congress on record that the ceded lands were illegally stolen from native Hawaiians, and then illegally transferred to the U.S. in the illegal 1898 annexation, and then back to the State of Hawaii in the 1959 statehood act. And because those land transfers were illegal, therefore the State of Hawaii should be prohibited from selling any parcel of ceded lands until such time as the state and federal governments reach a settlement with Native Hawaiians. On January 31, 2008 the Supreme Court of the State of Hawaii ruled 5-0 in favor of plaintiffs, based on the USAR. But on appeal the U.S. Supreme Court ruled 9-0 on March 31, 2009 to overturn that decision on the grounds that USAR has no power to deprive the State of its ownership of the ceded lands which were conveyed to Hawaii in fee simple absolute at Statehood in 1959. A very large webpage provides text of all major decisions throughout the history of the case, accompanied by news reports, commentaries, amicus briefs and oral arguments before the U.S. Supreme Court. See <http://bigfiles90.angelfire.com/CededNoSell.html>

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n#11:

11(a) See the 808-page Morgan Report, which is the official report of the U.S. Senate Committee on Foreign Relations, whose chairman was Senator John T. Morgan, Democrat of Alabama. Senate Report 227 of the 53rd Congress, second session, was dated February 26, 1894. It was an investigation into the events surrounding the Hawaiian Revolution of 1893, and the alleged role of U.S. peacekeepers in the overthrow of Queen Liliuokalani. It includes testimony under oath in open session with severe cross-examination, and special reports by experts about the history of Hawaii and its people, culture, economy, and strategic location. The entire report, plus summaries and commentaries, is at <http://morganreport.org>

11(b) The Native Hawaiians Study Commission was created by the Congress of the United States on December 22, 1980 (Title III of Public Law 96-565).

The purpose of the Commission was to "conduct a study of the culture, needs and concerns of the Native Hawaiians." The Commission published and released to the public a Draft Report of Findings on September 23, 1982. Following a 120-day period of public comment, a final report was written and submitted on June 23, 1983 to the U.S. Senate Committee on Energy and Natural Resources and to the U.S. House of Representatives Committee on Interior and Insular Affairs. The entire majority report is available at [http://wiki.grassrootinstitute.org/mediawiki/index.php?title=Native\\_Hawaiians\\_Study\\_Commission\\_Report](http://wiki.grassrootinstitute.org/mediawiki/index.php?title=Native_Hawaiians_Study_Commission_Report)

11(c) Does the U.S. owe reparations to Native Hawaiians for the overthrow of the Hawaiian monarchy in 1893? Does the U.S. owe Native Hawaiians special treatment, group rights, or political sovereignty on account of anything that happened in the past, or on account of current economic or social afflictions? See a short summary of the conclusions of the Morgan Report and the Native Hawaiians Study Commission report including excerpts which refute the U.S. apology resolution.  
<http://www.angelfire.com/hi5/bigfiles3/USOwesNatHawns.html>

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n#12:

12(a): To understand the full dimensions of the threat to Hawaii caused by the apology resolution fueling both the Hawaiian independence movement and the quest for federal recognition of a phony Indian tribe through the Akaka bill, see the 302 page book "Hawaiian Apartheid: Racial Separatism and Ethnic Nationalism in the Aloha State" at <http://tinyurl.com/2a9fqa>

12(b): To learn more about the importance of unity, equality, and aloha for all (which the USAR undermines), see a statement of fundamental principles at <http://tinyurl.com/2c49g>

**HCR6**

Submitted on: 4/16/2013

Testimony for THA/PSM/JDL on Apr 19, 2013 14:45PM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bill Brown	Individual	Oppose	No

Comments: Ku'e Once again, the public law of 103-150 is for TITLE 3 Native Hawaiians and not the indigenous native Hawaiians (TITLE 2) in the islands and recognized by the federal mandate of Hawaiian Homes Commission Act of 1921. So this celebration would recognize part of the HHCA and not the whole mandate. Furthermore this commemoration recognizes in concert the egregious Kana'iowalu that is the attempt duplication of our federal mandate.....A'OLE!! BILL BROWN MEMBER OF AUPUNI O HAWAII

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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