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UNITED STATES COMMISSION ON CIVIL RIGHTS
HAWAII STATE ADVISORY COMMITTEE
SUBCOMMITTEE OPEN SESSION

SEPTEMBER 13, 2007, 12:30 P.M.

NATIVE HAWAII GOVERNMENT
REORGANIZATION ACT OF 2007

State Office Building
Conference Rooms A, B & C
75 Aupuni Street
Hilo, Hawaii 96720

BEFORE: Sandra J. Gran, CSR No. 424
Registered Professional Reporter

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SUBCOMMITTEE MEMBERS:

- Amefil "Amy" R. Agbayani
- Robert R. Alm
- Daphne E. Barbee-Wooten
- Jennifer A. Benck
- William H. Burgess
- Michelle Nalani Fujimori
- James I. Kuroiwa, Jr.
- Thomas J. MacDonald

COMMISSION STAFF:

- Barbara De La Viez
- Derek Horne
- Angelica Trevino

SPEAKERS:

- Kihei Soci Niheu
- William Kuamoo
- Moanikeala Akaka
- Dwight Vicente
- Mary Cabatbat
- Burt Kauhi-Manukahaipai
- Hanalei Fergerstrom
- JoAnn "Lei" Kalamau
- Kelii W. Ioane, Jr.
- Trustee Robert K. Lindsey, Jr.
- JoJo Tanimoto
- Albert Kahiwhiwaokalani Haa
- Puna Lerma
- Erma K. Yamada
- Kalei Victor
- Thomas Anthony
- Ronald Fujiyoshi
- Curtis Naramatsu
- Samuel Kaleleiki
- Emmily Nagole
- Patrick Kahawaiola'a
- Marie Okutsu
- Tammy Harp
- Issac Harp
- Cherish Harp
- William Nelson
- Jerry Kahana Mauhili
- Kupuna Elizabeth "Maile" Akimseu

12:34:14 1

P R O C E E D I N G S :

12:34:14 2

MEMBER FUJIMORI: Good afternoon, everyone.

12:34:16 3

This meeting of the Subcommittee Committee of the Hawaii

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State Advisory Committee to the US Commission on Civil Rights

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shall come to order.

12:34:20 6

For the benefit of those in the audience, I

12:34:23 7

shall introduce my colleagues and myself. First, my name is

12:34:28 8

Michelle Nalani Fujimori and I am the vice chairwoman of the

12:34:30 9

advisory committee.

12:34:31 10

The members of the committee, I will ask if

12:34:33 11

they will introduce themselves starting on the right.

12:34:34 12

MEMBER KUROIWA: I'm Jimmy Kuroiwa.

12:34:36 13

MEMBER BENCK: Jennifer Benck.

12:34:38 14

MEMBER BURGESS: Bill Burgess.

12:34:40 15

MEMBER MacDONALD: Tom MacDonald.

12:34:41 16

MEMBER FUJIMORI: Also present are Barbara

12:34:42 17

De La Viez, Derek Horne and Angie Trevino, providing support

12:34:49 18

from the US Commission on Civil Rights.

12:34:50 19

This US Commission on Civil Rights is an

12:34:51 20

independent, bipartisan agency of the federal government

12:34:55 21

charged with studying discrimination or denial of equal

12:34:56 22

protection of the laws because of race, color, religion, sex,

12:35:01 23

age, disability or national origin or in the administration

12:35:04 24

of justice.

12:35:06 25

In each of the 50 states an advisory

12:35:08 1 committee to the commission has been established and they are
12:35:11 2 made up of responsible persons who serve without compensation
12:35:16 3 to advise the commission on relevant information concerning
12:35:19 4 the respective state.

12:35:20 5 Today we are here to conduct an open session
12:35:22 6 for the purpose of gathering viewpoints from the public on
12:35:25 7 the proposed legislation currently pending before Congress,
12:35:29 8 the Native Hawaiian Government Reorganization Act of 2007,
12:35:31 9 also known as the Akaka Bill. Passage of the proposed
12:35:36 10 legislation could have far-reaching implications for citizens
12:35:40 11 and residents of Hawaii. The information gathered from this
12:35:43 12 meeting will be used by the Hawaii State Advisory Committee
12:35:46 13 in any future deliberations on the Akaka Bill. As most
12:35:50 14 residents of Hawaii are aware, there is significant
12:35:54 15 controversy surrounding the proposed legislation.

12:35:56 16 In order to gather as much input as possible
12:35:59 17 about this topic, the members of the advisory committee have
12:36:03 18 conducted two briefings; the first on August 20th -- I'm
12:36:06 19 sorry, three briefings; the first on August 20th, another on
12:36:10 20 September 5th and yesterday on September 12th in Honolulu.
12:36:14 21 We have held open session in our August meeting, August 20th
12:36:18 22 meeting, and another open session meeting on Maui on August
12:36:21 23 22nd. So this is our fourth session and we will have one
12:36:26 24 more tomorrow on Kauai.

12:36:29 25 For those who have friends on Kauai, friends

12:36:31 1 and family members, on Friday we'll meet from 1:00 to 5:00
12:36:35 2 p.m. at the Kauai Community College Performing Arts Center,
12:36:37 3 located at 3-1901 Kaunaulii Highway, Lihue, Hawaii. Members
12:36:44 4 of the public wishing to make a statement at any of the open
12:36:45 5 sessions may sign up upon attendance.

12:36:47 6 At the outset I want to remind everyone
12:36:50 7 present of the ground rules. This is a public meeting open
12:36:53 8 to the media and the general public. The time allotted for
12:36:57 9 each open session speaker is five minutes. We will strictly
12:37:00 10 adhere to this time limit so that as many participants as
12:37:04 11 possible may speak. If asked to conclude your comments,
12:37:08 12 please be courteous of those who are waiting to speak.

12:37:12 13 Today we will be going through the first ten
12:37:14 14 speakers that are signed up to speak. At the end of that
12:37:16 15 period we will then ask the committee whether or not they
12:37:17 16 have questions for any of those speakers, and then we will
12:37:19 17 continue with the next ten people that are signed up to
12:37:22 18 speak, so please be patient with our process. We think this
12:37:25 19 may work best so that our committee members may address any
12:37:28 20 of the speakers with any questions that they may have.

12:37:31 21 Though some of the statements made today may
12:37:33 22 be controversy, we welcome all point of views. However, we
12:37:37 23 want to assure that all speakers do not defame or degrade any
12:37:42 24 person or any organization. A transcript will be kept as
12:37:44 25 part of these proceedings and as such when you come to speak,

12:37:48 1 please state your name and spell it for the stenographer. As
12:37:53 2 the vice chair I reserve the privilege to cut short any
12:37:58 3 statements that defame, degrade or do not pertain to the
12:38:03 4 issue at hand. I urge all persons making presentations to be
12:38:03 5 judicious in their statements.

12:38:04 6 The advisory committee does appreciate the
12:38:06 7 willingness of all participants to share their views and
12:38:10 8 experiences with this committee. Thank you.

12:38:12 9 With that, we will start with our first
12:38:15 10 speaker, which is Kihei Soci Niheu.

12:38:26 11 MR. NIHEU: (Rearranging podium.) I don't
12:38:27 12 want to face my back to our people.

12:38:30 13 (Statement in Hawaiian.)

12:39:20 14 Before I start my statement, I'd just like to
12:39:23 15 say that, once again, the committee doesn't provide a
12:39:27 16 Hawaiian interpreter, so, you know, that's a violation of our
12:39:33 17 civil rights. Just want to make sure that the thing is noted
12:39:36 18 for the record. And as one of my kupunas, Kekuni Blaisdell,
12:39:44 19 pointed that out in the hearing on Oahu.

12:39:48 20 First of all, I am on the Executive Board of
12:39:51 21 the Nuclear Free and Independent Pacific Movement, Region 6,
12:39:58 22 (Hawaiian - Kapai Aina o Hawaii, Amai Rapanui). We have a
12:40:01 23 main office in Summa City. And we support those movements
12:40:06 24 that deal with anti-nuclear independence and environmental
12:40:12 25 issues. We have worked in struggles in (Kimua Lasai), in

12:40:19 1 Tahiti and (Akaialoha), West Papua and other areas in the
12:40:27 2 Philippines as well as Japan.

12:40:29 3 And, basically, our mission is to ensure that
12:40:37 4 the people of the Pacific have a right to freely determine
12:40:43 5 their political future from the oppressors whether it be the
12:40:47 6 Australian government, the New Zealand government, the Japan
12:40:51 7 government, the French government and even the Chinese
12:40:55 8 government. They all claim that they do not have indigenous
12:40:59 9 people's in their region. As well as, of course, the biggest
12:41:05 10 crook in the whole world, the United States of America and
12:41:07 11 its government.

12:41:08 12 I'd just like to point out other similar
12:41:14 13 attempts by occupiers to reduce the rights of the first
12:41:19 14 people of that particular land. For example, the British
12:41:25 15 government claimed Terra Nullius when they went to Australia
12:41:29 16 and said because there's no people there, said that belongs
12:41:33 17 to Britain. They claimed it. When, in fact, we all know
12:41:36 18 that the aboriginals have a history of 50,000 years of
12:41:42 19 recorded history.

12:41:43 20 Then on to (Akaialoha), the Land of the Long
12:41:50 21 White Cloud, commonly known as New Zealand. They had a
12:41:54 22 treaty with the natives, with the chiefs of that island, and
12:41:58 23 it's called Tiriti o Waitangi, the Waitangi Treaty of 1842.
12:42:03 24 And the same thing again. The government of Britain promised
12:42:08 25 the Maori people there land, rights to the seas, right to

12:42:14 1 gather wood, (no ka mea), (no ka mea). Same as what United
12:42:20 2 States has promised the peoples of Hawaii and where, in fact,
12:42:26 3 they don't do it.

12:42:28 4 Same thing with the French government and
12:42:33 5 Kanaki. Kanaki, they have this thing called the Matignon
12:42:41 6 Accord, and one of the basic fallacies there is that they're
12:42:45 7 allowing non-Kanaki to vote in the election. Same here with
12:42:50 8 the statehood. They allowed non-indigenous peoples in the
12:42:58 9 voting. They open it up to all, even the military. So
12:43:01 10 that's what it was. It's entirely against the rights of the
12:43:08 11 first people there.

12:43:10 12 But we must go further back in time, going
12:43:13 13 back to the Treaty of Annexation. And other people will talk
12:43:18 14 about the Treaty of Annexation and all the -- The Treaty of
12:43:25 15 Annexation is illegal, by all means. The Organic Act is
12:43:33 16 illegal. Other people will talk about that. And, of course,
12:43:36 17 the statehood act is illegal.

12:43:38 18 So with that in mind, what is the Akaka Bill?
12:43:43 19 In itself it's illegal.

12:43:44 20 MEMBER FUJIMORI: Mr. Niheu, I need you to,
12:43:47 21 I'm sorry, to speed up your testimony just a little bit,
12:43:50 22 please.

12:43:52 23 MR. NIHEU: Well, the Akaka Bill is illegal
12:43:57 24 because it represents the wishes of an agent of the United
12:44:00 25 States of America and agents have no authority over our

12:44:05 1 people.

12:44:05 2 UNIDENTIFIED SPEAKER: We cannot hear. Can
12:44:10 3 you turn the microphone on?

12:44:11 4 MR. NIHEU: The Office of Hawaiian Affairs is
12:44:21 5 illegal in itself because it's mandated by the occupiers or
12:44:28 6 its agents. So they had no basis in which to say that they
12:44:33 7 speak for our people. If they did, then they would have at
12:44:37 8 least made some kind of an attempt to talk to all peoples of
12:44:41 9 all islands regarding the Akaka Bill, but we all know they
12:44:46 10 didn't do that. So, once again, you have an instrument by
12:44:51 11 the occupiers which is highly illegal and does not represent
12:44:55 12 the wishes of Na Kanaka Maoli (Hawaiian).

12:45:00 13 In closing, I'd just like to say a settler is
12:45:05 14 a settler is a settler. Wherever settlers go, they wreak
12:45:13 15 havoc, they wreak destruction among the first people there.
12:45:16 16 It doesn't matter what race you are, you're a settler. And
12:45:20 17 this is what has happened here in Hawaii. The settlers came,
12:45:25 18 our people gave and gave and gave and the settlers took and
12:45:28 19 took and took starting with the first organized immigration
12:45:32 20 of settlers, the (Hawaiian - Apakai). And we know what their
12:45:36 21 financial status is in Hawaii. And the Japanese, Koreans,
12:45:42 22 everybody, they came here and they were -- our people gave
12:45:45 23 and gave and gave until we could give no more. Now we have
12:45:50 24 nothing except our dignity and our right to freely determine
12:45:56 25 our political destiny.

12:45:58 1 MEMBER FUJIMORI: Mr. Niheu, I'm going to
12:45:59 2 need you to wrap up so we can get to other testifiers as
12:46:02 3 well.

12:46:02 4 MR. NIHEU: Okay. Well, in closing, I'd like
12:46:06 5 to say that I don't recognize the authority of the Civil
12:46:11 6 Rights Commission because what it states is not civil rights,
12:46:14 7 but the human rights.

12:46:14 8 And as I look, I only see like seven.
12:46:17 9 Where's the other seven or other ten? My understanding is
12:46:21 10 supposed to be 17 people on the board. What's going on? So
12:46:25 11 once again, your commission has failed in its duty to come
12:46:30 12 and listen to the people of the neighbor islands. They can
12:46:34 13 listen -- They can give speakers on Oahu all the time they
12:46:38 14 want, 25 minutes apiece or whatever, like -- Oh, they had 75
12:46:45 15 minutes. That's not fair. There's no justice. And justice
12:46:50 16 delayed is justice denied.

12:46:52 17 MEMBER FUJIMORI: Thank you, Mr. Niheu.

12:46:55 18 William Kuamoo.

12:47:02 19 Before you start, Mr. Kuamoo, I would like
12:47:06 20 our two other committee members to introduce themselves very
12:47:10 21 quickly.

12:47:11 22 MEMBER AGBAYANI: My name is Amy Agbayani.

12:47:18 23 MR. NIHEU: Oh, I'd just want to add one
12:47:20 24 thing, yeah, one last thing. I am not the crime. I am the
12:47:25 25 evidence.

12:47:26 1 MEMBER FUJIMORI: Thank you, Mr. Niheu.

12:47:29 2 MR. NIHEU: I've been here 28 times.

12:47:32 3 MEMBER FUJIMORI: Thank you, Mr. Niheu.

12:47:32 4 MR. NIHEU: I just want to point that out. I

12:47:34 5 forgot to mention that in the record.

12:47:37 6 MEMBER FUJIMORI: Okay. Thank you, Mr.

7 Niheu.

8 MR. NIHEU: You're welcome. Any time.

9 MEMBER FUJIMORI: Mr. Kuamoo.

12:47:39 10 And, I'm sorry, this is Robbie Alm on the end

12:47:43 11 on the right. We can't get the microphone that far down.

12:47:45 12 MR. KUAMOO: Aloha. I am (Hawaiian - Kailewa

12:47:49 13 Pukalani) appointed by my elders with the best (Hawaiian -

12:47:52 14 Howakua) to represent my family's name, the name of

12:47:55 15 Kamehameha, who changed his name to Kahana. The Probate of

12:48:03 16 Honoapo 1876 provides information on the family of Kamehameha

12:48:07 17 III. It is a hidden message designed to protect the family.

12:48:16 18 (Hawaiian - Kuu or Kaona shore.) 1. Kamehameha changed his

12:48:16 19 name to S. Kahana. 2. His interest, now Kahana, went to his

12:48:22 20 son, Kaia. This is the king's will. All lands belong to the

12:48:26 21 family. The king gave out allodial title to his chiefs.

12:48:30 22 Upon their death, the land returns back to the family, who is

12:48:33 23 the government of the monarchy. Only blood could own land.

12:48:39 24 Resolution cannot resolve with the State of

12:48:42 25 Hawaii. Injustice was done to my family. The State of

12:48:46 1 Hawaii stole my family's identity and along with it they
12:48:51 2 transferred and sold lands that did not belong to them. They
12:48:54 3 misused and altered my king's law to benefit the foreigners.
12:48:59 4 The State of Hawaii exploited my family, my people, my
12:49:03 5 culture and my -- for personal gains. They have indentured
12:49:09 6 imprisoned, threatened, displaced, suppressed my family.

12:49:13 7 If the federal government intends to resolve
12:49:16 8 this horrific crime committed, they must address the family
12:49:21 9 of Kamehameha III, who introduced the law and the original
12:49:26 10 Mehele.

12:49:26 11 Signed by Albert Kawailo Kalani, Jr. My name
12:49:33 12 is William James Mitchell Kuamoo, Sr., and we are the great,
12:49:36 13 great, great grandson of Kamehameha III.

12:49:39 14 Tutu Maia made two books, volume one 1845,
12:49:44 15 the second book was "The Mehele." On the first book it says,
12:49:49 16 "The House of Nobles," that all belongs on the Mehele, who
12:49:54 17 was the chiefs that controlled tract of lands on top here.
12:49:58 18 And the second book is made in the Bureau of Conveyance by
12:50:02 19 the chiefs, which is all the Kanaka Maoli, which we are
12:50:08 20 having problems with this thing right now in court.

12:50:11 21 And as I say, grandpa's model was for
12:50:15 22 (Hawaiian - Maokaoa oka aina kapuna). The State of Hawaii
12:50:18 23 carries this model, but do they hold the same meaning? Our
12:50:23 24 meaning today is when the seas return back to the land, then
12:50:28 25 everything is righteousness.

12:50:30 1 We ask you for your time and thank you.

12:50:32 2 MEMBER FUJIMORI: Thank you, Mr. Kuamoo.

12:50:35 3 William Como.

12:50:37 4 MR. KUAMOO: K-U-A-M-O-O.

12:50:40 5 MEMBER FUJIMORI: Oh, they had -- I

12:50:41 6 apologize. I apologize. They had K-O-A-M-O-O on my list.

7 MR. KUAMOO: No problem.

12:50:48 8 MEMBER FUJIMORI: Kuamoo.

12:50:48 9 Next I have William Como.

12:50:51 10 I will skip to Moanikeala Akaka.

12:50:57 11 MS. AKAKA: One two, three, four, five, six,

12:51:10 12 seven, eight. Eight out of 17. Is that right? You're not

12:51:13 13 one. Okay. Seven out of 17. Okay. Seven out of 17, which

12:51:20 14 means that ten of these Civil Rights Commissioners did not

12:51:23 15 even give us the decency of showing up for this hearing.

12:51:28 16 Pretty good, huh? And they're Civil Rights Commissioners.

12:51:32 17 You know, it's unfortunate because this Civil Rights

12:51:36 18 Commission is becoming more and more of a joke in this

12:51:39 19 country.

12:51:39 20 Almost 40 years ago -- My name is Moanikeala

12:51:46 21 Akaka. I was a trustee for the Office of Hawaiian Affairs

12:51:49 22 for 12 years. Almost 40 years ago a handful of us started

12:51:55 23 the Native Hawaiian Movement For Justice in Kalama Valley on

12:51:59 24 Oahu. I'm 63 years old and I have devoted most of my adult

12:52:05 25 life to social justice and enabling civil rights for my

12:52:09 1 Native Hawaiian Kanaka Maoli people for the theft of our
12:52:15 2 Hawaiian nation. This has nothing to do with race. It has
12:52:19 3 nothing to do with the color of my skin. This is a political
12:52:23 4 issue for the theft -- I repeat -- the theft of our Hawaiian
12:52:28 5 nation.

12:52:29 6 Since it appears as though this group has
12:52:36 7 been stacked up against us and most of you that have been
12:52:39 8 appointed have tried to dismantle any sort of justice for our
12:52:49 9 Hawaiian people for the theft of our Hawaiian nation. This
12:52:57 10 fact cannot be denied, this theft I'm referring to. Again,
12:53:04 11 it has nothing to do with race or the color of my brown skin,
12:53:08 12 Mr. Burgess.

12:53:11 13 And this fact cannot be denied. And this
12:53:16 14 commission is supposed to be fact-finding, so the fact of the
12:53:22 15 theft of our Hawaiian nation cannot be denied by the
12:53:26 16 so-called Civil Rights Commission. The truth is the truth.
12:53:31 17 On some of these things you can't be ostrich and bury the
12:53:37 18 truth and the facts of history and say they don't even exist
12:53:41 19 and then call it our skin color. Ha. What a joke.

12:53:46 20 We're quite aware of the fact that the decks
12:53:49 21 have been stacked by appointees that have as their -- as
12:53:57 22 their goal the dismantling of Hawaiian programs and any kind
12:54:03 23 of justice that our people deserve. They have names like
12:54:08 24 Aloha For All. When they name "all," but we Kanaka Maoli,
12:54:15 25 whose country has been stolen. And have shown the disdain,

12:54:25 1 tragically so, for justice for our people by just trying to
12:54:33 2 dismantle programs, the mere crumbs that we have received for
12:54:39 3 the theft of our Hawaiian nation as well as dismantling
12:54:46 4 affirmative action and rights for other minorities.

12:54:50 5 Why, this Civil Rights Commission is becoming
12:54:54 6 a sham under the Bush administration. If it really be a true
12:55:00 7 Civil Rights Commission, they would disband themselves out of
12:55:06 8 clear conscience. Not white makes right, as they're
12:55:12 9 attempting to do, and the hell with even any consideration
12:55:18 10 for having some parody for the theft of our Hawaiian nation,
12:55:25 11 Mr. Burgess.

12:55:26 12 This issue has nothing to do with race. It
12:55:32 13 has nothing to do with skin color. This is a political
12:55:36 14 issue, an issue that anyone that knows our history knows that
12:55:45 15 there are grave injustice that has been done by this country.
12:55:51 16 We had Grover Cleveland, president, who was outraged in his
12:55:58 17 personal Princeton papers at the injustice that had been done
12:56:01 18 to the Hawaiian people and the Hawaiian nation. We have
12:56:03 19 President Cleveland. We have President Clinton recently that
12:56:07 20 has apologized for the theft of our Hawaiian nation. Yet all
12:56:11 21 of a sudden we have this Bush administration of so-called no
12:56:22 22 conscience for civil rights and yet they say they are for
12:56:28 23 civil rights. This commission should be disbanded.

12:56:32 24 MEMBER FUJIMORI: Ms. Akaka, I'm going to
12:56:34 25 have to ask you to wrap up your testimony, please.

12:56:37 1 MS. AKAKA: The 14th -- Many of these
12:56:39 2 commissioners talk about the 14th Amendment and equal
12:56:43 3 protection and it's used -- they use that as an excuse. What
12:56:47 4 about the equal protection for we Kanaka Maoli who had our
12:56:51 5 country stolen by your country? What about our equal
12:56:55 6 protection?

12:57:02 7 You know, I was born on the 4th of July and
12:57:09 8 what this Civil Rights Commission has come to stand for, you
12:57:13 9 know, is -- is not what America or what we teach our children
12:57:22 10 things it's supposed to stand for, things like justice and
12:57:25 11 fairness and fair play.

12:57:27 12 This commission should be disbanded because
12:57:32 13 it is not a true Civil Rights Commission. You're rolling
12:57:36 14 this country back decades. People have stood up and counted,
12:57:42 15 they have suffered, they have been arrested for civil rights,
12:57:47 16 affirmative action, women's rights, and now this Civil --
12:57:52 17 this Civil Rights Commission is a farce. In all clear
12:57:57 18 conscience, you should disband until we can get another
12:58:02 19 president in here, another administration in here that really
12:58:06 20 knows the meaning of true civil rights and that will begin to
12:58:10 21 look at the Hawaiian situation so that my people can begin to
12:58:15 22 live in dignity in their own home land, because it's getting
12:58:20 23 worse and worse. And this commission is the epitome of it
12:58:26 24 all. Civil Rights, you're not fooling us.

12:58:31 25 MEMBER FUJIMORI: Thank you, Ms. Akaka. I

12:58:33 1 need you to stop.

12:58:34 2 MS. AKAKA: You're a joke and it's very, very
12:58:36 3 sad. Like I said, I was born on the 4th of July and you make
12:58:39 4 me ashamed.

12:58:41 5 MEMBER FUJIMORI: Thank you, Ms. Akaka.
12:58:43 6 Dwight Vicente, please.

12:58:48 7 MR. VICENTE: Good afternoon. My name is
12:58:52 8 Dwight Vicente. I'm going to point out some -- what I
12:58:56 9 consider to be facts.

12:58:57 10 UNIDENTIFIED SPEAKER: Use the mike so we can
12:58:58 11 hear you.

12:58:59 12 MR. VICENTE: If you was to look at Hawaii's
12:59:02 13 history, you're going to find that the United States had the
12:59:05 14 missionaries come over and they infiltrated the government,
12:59:08 15 which is a violation of their oath of allegiance to the
12:59:12 16 United States, their respective states, which were only 13
12:59:15 17 then. And in 1887 they secured the right to vote by paying
12:59:22 18 taxes.

12:59:23 19 So what did the queen do on January 13, 1983?
12:59:29 20 She abolished taxes when she signed into law the lottery bill
12:59:34 21 known as the Louisiana Lottery to get rid of the voters, to
12:59:37 22 take control of the kingdom again. And that's what most
12:59:40 23 people have no clue about what she did. And it's in Blount's
12:59:46 24 report and the UH Manoa Campus sociology class did a thesis
12:59:51 25 on that.

12:59:51 1 And that was the cause of the overthrow four
12:59:54 2 days later on the 17th of January where the United States
12:59:57 3 Navy with their illegal land forces attached to the navy
13:00:00 4 ships overthrew the monarchy. And 'til today they're still
13:00:05 5 here. And they later created a provisional government which
13:00:09 6 had no laws of naturalization, self-proclaimed. They later
13:00:15 7 created the Republic of Hawaii. Here again, no laws of
13:00:18 8 naturalization, self-proclaimed again. Unknown by treaties.
13:00:24 9 The treaties that they went under were under the kingdom in
13:00:29 10 1887, which was to expire in 1898. And when it came the
13:00:33 11 expiration date, they said, Oh, we cannot do anything because
13:00:37 12 we cannot sign treaties. So they gave it to the United
13:00:40 13 States as if they could. And it's ambiguous. They said they
13:00:44 14 gave the Hawaiian Islands to the United States, not the
13:00:46 15 Hawaiian Kingdom, not the republic, not the provisional.
13:00:50 16 Everything is ambiguous. They had no authority. Here again,
13:00:54 17 the American citizens, they belong to one of the 13 states,
13:00:58 18 the respective states.

13:01:00 19 Then what they did was they used the
13:01:03 20 Northwest Ordinance of 1787, which is a scam going over 200
13:01:11 21 years. That's where you get your 37 incorporated states.
13:01:19 22 They're not states, they're corporations. And you're going
13:01:19 23 to find they have no nationals, again, no laws of
13:01:19 24 naturalization, no lands. It's all make believe. So when
13:01:22 25 you look at the United States today, it remains 13 states.

13:01:26 1 That's where you get the Dread Scott case from, is the
13:01:30 2 Northwest Ordinance.

13:01:32 3 So whenever you talk about the Indians,
13:01:34 4 there's only the Indians in the 13 states, not the ones
13:01:38 5 outside. Hawaiians are not included because they're
13:01:41 6 considered a kingdom. And being that treaties end in 1898,
13:01:45 7 if you don't have Hawaiian, you cannot be here. You have no
13:01:48 8 right to be here and no right to complain. So if there's any
13:01:52 9 complaints, it shouldn't be from non-Hawaiians. It should be
13:01:56 10 only from Hawaiians.

13:01:57 11 And the other point is that United States is
13:02:01 12 still trying to assume jurisdiction. They tried every trick
13:02:04 13 in the book. They tried to annex Hawaii. It never worked.
13:02:08 14 They wrote the Organic Act. It never worked. They tried to
13:02:12 15 admit Hawaii into the union. It never worked. Now they're
13:02:16 16 trying the Akaka Bill. It's still not going to work because
13:02:18 17 you still have no jurisdiction. The Northwest Ordinance is
13:02:22 18 internal. It is questionable whether it has force and effect
13:02:26 19 of law, although it is published in the federal code in
13:02:29 20 between the Articles of Federation and the US Constitution.
13:02:33 21 Thomas Jefferson is one of the authors of that ordinance.
13:02:37 22 And it should be questioned whether it should be published
13:02:40 23 because it's a scam. It caused a lot of people not only here
13:02:44 24 in Hawaii, but elsewhere to suffer. It has far-reaching
13:02:49 25 effect, negative effect.

13:02:51 1 They wrote Japan's constitution after World
13:02:57 2 War II, which is illegal. They took over Germany, Korea.
13:03:01 3 They tried Vietnam. Now they're in the Middle East. So it's
13:03:05 4 all questionable, what the United States is doing. An
13:03:08 5 internal document cannot extend beyond the 10-mile square,
13:03:10 6 which is Washington, DC. So it's something to think about.

13:03:14 7 So my statement is under protest. I reserve
13:03:17 8 all my rights. Thank you.

13:03:20 9 (Applause.)

13:03:20 10 MEMBER FUJIMORI: Thank you, Mr. Vicente.

13:03:23 11 I want to remind all speakers not to make
13:03:27 12 personal remarks towards committee members and would also
13:03:28 13 remind the committee members not to make personal remarks
13:03:32 14 towards speakers when you do have questions for them.

13:03:34 15 Now I would like to call up Mary Cabatbat.

13:03:39 16 MS. CABATBAT: I came to testify about the
13:03:52 17 Akaka Bill. I came to testify about the Akaka Bill and my
13:03:58 18 feelings on why I feel it is not worthy of support.

13:04:03 19 First, I'd like to say that I'm a resident of
13:04:06 20 the state of Hawaii and -- for 37 years now. And my three
13:04:09 21 children were born and raised here and they currently reside
13:04:12 22 in the islands. Three of my five grandchildren are of
13:04:16 23 Hawaiian descent.

13:04:17 24 In scrutinizing the Akaka Bill, I hope
13:04:20 25 everyone concerned will ask themselves these questions:

13:04:23 1 Number one: Does this bill promote unity or
13:04:27 2 cause division?

13:04:28 3 Number two: Does this bill promote equality
13:04:32 4 for all races?

13:04:32 5 And number three: Will this bill, if it
13:04:35 6 becomes law, empower our children and the Hawaiian race or
13:04:40 7 stigmatize them?

13:04:42 8 The definition of stigma, according to the
13:04:44 9 "Webster's Dictionary" is a mark of disgrace, a stain.

13:04:48 10 In studying the Akaka Bill, I have found it
13:04:51 11 to be a bill that causes division rather than unity among
13:04:55 12 people of different races. I find it to be very
13:04:58 13 discriminatory in that it seeks to elevate one race over
13:05:02 14 another, causing segregation, reinforcing stereotypes of
13:05:07 15 prejudice which under the law are currently prohibited and
13:05:10 16 further causing a mark of disgrace or a stain which would
13:05:14 17 stigmatize the Hawaiian people and forever set them at odds
13:05:19 18 with the spirit of aloha, which is a gift bestowed on them by
13:05:23 19 their creator and one they have shared with us for decades.

13:05:26 20 The Akaka Bill will promote strife and stigma
13:05:29 21 upon the Hawaiian people, and for these reasons it must be
13:05:32 22 opposed.

13:05:33 23 (Applause.)

13:05:36 24 MEMBER FUJIMORI: Thank you, Ms. Cabatbat.

13:05:39 25 I apologize if I mispronounce your name, but

13:05:42 1 I'll have to get the spelling correct on this. But Burt
13:05:48 2 Kauhi-Manukahaipai. I apologize. Again, I can't read the
13:05:51 3 handwriting.

13:06:17 4 MR. KAUHI: Please bear with me. I'd like to
13:06:19 5 open up with a prayer before I begin my testimony on behalf
13:06:23 6 of the plight of the Hawaiian people.

13:06:24 7 (Statement in Hawaiian.)

13:07:12 8 (Blowing shell.)

13:07:36 9 Aloha. My name is Burt Kauhi. My spiritual
13:07:58 10 Hawaiian name is Manukahaipai: Manu meaning bird, kahi
13:08:02 11 meaning supernatural lizard, pai means to excite, arouse and
13:08:06 12 courage. I'm a (Hawaiian - Piako) Kanaka Maoli. I come on
13:08:11 13 behalf of my ancestors from Pu'ukohola Heiau. I pose the
13:08:15 14 prayer. My prayer and my identity has been violated today
13:08:20 15 because of your pride. The United States government of
13:08:28 16 Hawaii, your pride. State of Hawaii, your pride. This is
13:08:34 17 why I'm here, because of your pride.

13:08:43 18 The word "dictated" that both of you panels
13:08:48 19 been using -- You have been dictated this process since 1991
13:08:54 20 when you guys began the process of creating the 1993 Apology
13:09:00 21 Bill and Act 359. The word "sovereignty" belongs to only the
13:09:12 22 plight of the Hawaiian people. The 1993 Apology Bill and Act
13:09:19 23 359 belongs only to the plight of the Hawaiian people and not
13:09:25 24 to the State of Hawaii and not to the State Office of
13:09:30 25 Hawaiian Home Affairs and not to Hawaiian Homelands and not

13:09:36 1 to the Hawaiian Civic Club and all those who support it.

13:09:40 2 I repeat. The 1993 Apology Bill and Act 359,
13:09:49 3 the word "sovereignty" belongs to only the plight of the
13:09:54 4 Hawaiian people. You guys are violated our rights 'til
13:09:59 5 today. Our religious ceremony and my national identity is
13:10:05 6 one. My prayer protects my political leaders.

13:10:25 7 When the State of Hawaii used the word
13:10:30 8 "appointed" and "guaranteed," they have no business, no
13:10:38 9 authority. By guaranteeing four seats, their guaranteeing
13:10:55 10 four seats was to the State Office of Hawaiian Home Affairs,
13:10:59 11 a guaranteed seat to the Hawaiian Homelands Commission Act,
13:11:03 12 also, and a guaranteed seat to Hawaiian Civic Club and a
13:11:08 13 guaranteed seat to Kalahui of Hawaii. Kalahui of Hawaii,
13:11:15 14 which means the Hawaiian nation, would pull out and be
13:11:18 15 vigilant with the 1993 Apology Bill and Act 359. All we did
13:11:24 16 is to educate, but not just educate, but educate the truth
13:11:28 17 behind this whole thing.

13:11:38 18 The word was knowing. From the beginning
13:11:47 19 America and the State of Hawaii knowing what they was doing
13:11:52 20 to the plight of the Hawaiian people. Then the word becomes
13:11:59 21 dictated, not controlling.

13:12:17 22 It was an honor to just be vigilant onipaa.
13:12:24 23 On behalf of the plight of Hawaiian people, it has been an
13:12:27 24 honor to just be vigilant and onipaa with the 1993 Apology
13:12:34 25 Bill and Act 359. Because of you guys coming in in

13:12:39 1 1990 Apology Bill by attacking into the Apology Bill and
13:12:49 2 using the word "publicize," that was your pride getting
13:13:02 3 involved and you began a conspiracy, began a conspiracy
13:13:11 4 obstruction to justice.

13:13:12 5 Would someone here who would like to support
13:13:16 6 me in pressing charges against all of you for treason, for
13:13:21 7 hate crimes, for genocides?

13:13:35 8 The message, (Hawaiian - aloha kai akua),
13:13:43 9 oiseu Christo, the plight of the Hawaiian people with being
13:13:47 10 vigilant with the 1993 Apology Bill and Act 359 and we are
13:13:52 11 hungry for (Hawaiian - aloha kai akua), oiseu Christo.

13:13:58 12 (Hawaiian Chant.)

13:14:06 13 We have only aloha here and we forgive each
13:14:09 14 and every one of you.

13:14:14 15 Where is your backup plan to this Akaka Bill
13:14:18 16 you know is dead? Where is the backup plan? I'm asking all
13:14:22 17 of you. There's also another plan that's being put together.
13:14:29 18 And all we ask for here be the plight of the Hawaiian people
13:14:34 19 fairly. Sit down with my leaders and let us talk about Act
13:14:40 20 359 and the 1993 Apology Bill humbly. Let us come to the
13:14:47 21 table and resolve this peacefully, nonviolent, nonviolent
13:14:57 22 with what we say and disarmament. Why? Because of the
13:15:00 23 United States of America's pride.

13:15:06 24 One word I leave with all of you, America and
13:15:10 25 the State of Hawaii, the most popular word, "integrity." Not

13:15:19 1 one of you can uphold it. And on behalf of my kupuna, I
13:15:27 2 think (Claire Akakalea), they call her, who was retired from
13:15:32 3 the State Attorney General's Office, I have a (Hawaiian). As
13:15:36 4 my mama said, "Son, do the work you need to do."

13:15:42 5 On behalf of the plight of the Hawaiian
13:15:44 6 people, we have only aloha for each and every one of you.
13:15:49 7 All nationality, we have only aloha and we love all of you.

13:15:55 8 Please forgive me if I offended anyone.
13:16:06 9 (Hawaiian - aloha kai akua), oiseu Christo.

13:16:07 10 MEMBER FUJIMORI: Thank you.

13:16:08 11 MR. KAUIHI: (Statement in Hawaiian.) Aloha.

13:16:21 12 MEMBER FUJIMORI: Hanalei Fergerstrom,
13:16:24 13 please.

13:16:25 14 MR. FERGERSTROM: Pardon me. I need to -- I
13:16:32 15 don't like to face my back, also. If you allow me just a
13:16:36 16 little bit.

13:16:37 17 Just for information sake, I have asked
13:16:42 18 permission to record my own testimony so I can follow up with
13:16:45 19 written testimony.

13:16:46 20 Aloha mai. Aloha ohana.

13:16:51 21 UNIDENTIFIED SPEAKER: Move the mike a little
13:16:52 22 bit.

13:16:52 23 MR. FERGERSTROM: Is that better?

13:16:54 24 UNIDENTIFIED SPEAKER: Yeah.

13:16:54 25 MR. FERGERSTROM: Aloha again. Aloha. My

13:16:57 1 name is Hanalei Fergerstrom. I'm with the Temple of Lono.
13:17:06 2 We're ancient religious practitioners.

13:17:07 3 This Civil Rights Commission meeting today is
13:17:11 4 in regards to the Akaka Bill and I would like to address that
13:17:13 5 directly by giving examples. First of all, I'm an avid
13:17:18 6 opponent of the Akaka Bill. I have been for a long time.
13:17:22 7 I've even been incarcerated for such.

13:17:27 8 I'm having a little bit of trouble composing
13:17:33 9 myself. Excuse me.

13:17:37 10 The Akaka Bill violates our civil rights in
13:17:42 11 many, many different ways. One of the ways that we could
13:17:46 12 understand is through what is known as the Sandoval case,
13:17:49 13 which had to do with the putting together of the Navaho Tribe
13:17:53 14 where the courts clearly stated that it was not to be the
13:17:57 15 intent -- it was not to be the intent of Congress to
13:18:01 16 arbitrarily amass a group of people and arbitrarily call them
13:18:07 17 a tribe, which is exactly what the Akaka Bill is attempting
13:18:10 18 to do, to gather our people together and arbitrarily call us
13:18:13 19 a tribe.

13:18:14 20 This process that is being used is not new in
13:18:21 21 history. It actually follows with the Dawes Act, which
13:18:25 22 amassed the Indians together. The attempts that this Akaka
13:18:31 23 Bill does has been following the exact same formula that the
13:18:36 24 Dawes Act did. The intended result will end up be an Indian
13:18:43 25 Land Severability Act, which is also what Hawaiian Homes

13:18:45 1 does, which is another reason why they want to amass us
13:18:46 2 together so that they can divide the land up in small
13:18:50 3 sections so we no longer have what would be known under
13:18:51 4 Indian law as reservations. And, of course, anything that's
13:18:54 5 not claimed becomes the private property of the United
13:18:59 6 States.

13:18:59 7 I have been a victim of civil rights
13:19:04 8 violations for 14 years now in court. I have recently been
13:19:11 9 jailed for a year for the so-called crime of driving without
13:19:17 10 a license, where I spent a year in jail for. It was largely
13:19:22 11 in part of my avid -- I'm an advocate for the Hawaiian
13:19:30 12 Kingdom. Recognizing that we do not have a court system in
13:19:37 13 place under our own kingdom, which we should, although it's
13:19:40 14 not allowed under this present government, we have to deal
13:19:43 15 with the situation as it is. And so I have taken a long time
13:19:49 16 and patience to try to walk my way through the criminal
13:19:53 17 justice system to bring these matters forth. And every time
13:19:56 18 I do, I just keep getting slapped and slapped and slapped.

13:19:59 19 And by that I mean it took me nine and a half
13:20:02 20 years, literally, once a month for nine and a half years in a
13:20:06 21 courtroom to get a trial by jury. Now, that right off the
13:20:10 22 bat is a civil rights violation. It should not take anybody
13:20:14 23 nine and a half years to get a trial by jury, especially when
13:20:18 24 it's a constitutional guarantee. When I even got the trial
25 by jury, once the judge realized that I was prepared for

13:20:24 1 this, he basically shut me down and sentenced me anyway.

13:20:27 2 During my incarceration my son had a heart
13:20:30 3 attack and just recently passed, all things that I was not
13:20:38 4 able to address through the legal process. I was denied
13:20:44 5 access to the law library so I had no manner of defense for
13:20:49 6 myself. I had to be very patient as I watched my only child
13:20:59 7 die.

13:21:03 8 Excuse me. I didn't mean to get so
13:21:08 9 emotional.

13:21:09 10 This abuse of civil rights continues even to
13:21:17 11 this day. Several weeks ago as a priest of the Temple of
13:21:21 12 Lono, we did an exercise at Ahuena Heiau in Kona, which is a
13:21:26 13 Lono heiau, a Lono temple, of which the members of the Temple
13:21:32 14 of Lono took their stance on the temple itself. There is
13:21:37 15 many, many underlying problems there, and one of the problems
13:21:40 16 is the assumption that the State owns the land of my temple.
13:21:45 17 Now, I believe under the United States law there's a thing
13:21:50 18 known as separation of church and state. I would truly like
13:21:53 19 to see a formal argument or a compelling government interest
13:21:59 20 that allows them to dictate how my church is to be and who
13:22:04 21 owns it. And it should not be in the course of -- I mean, it
13:22:10 22 baffles anybody who really looks at it that the assumption is
13:22:14 23 made that the temple (sic) can own or control my temple.

13:22:18 24 This matter is coming before the courts, but
13:22:24 25 it's important that this Civil Rights Commission bring this

13:22:28 1 information to the United States Civil Rights Commission if
13:22:33 2 truly are you gonna -- you are truly gonna function in the
13:22:38 3 capacity that you've been appointed.

13:22:39 4 I would be happy to speak to anybody about
13:22:54 5 these violations and my repeatedly being beaten to death and
13:22:59 6 incarcerated for my attempts to utilize the civil rights that
13:23:03 7 are supposedly available to me that I have not been able to
13:23:07 8 find yet in the 13 years in court that I have been. I have a
13:23:14 9 very large documented history of these violations which I
13:23:18 10 believe can be of very much use to you folks in making a
13:23:23 11 correct presentation to the United States Civil Rights
13:23:25 12 Commission.

13:23:27 13 My name, again, is Hanalei Fergerstrom. My
13:23:31 14 last name is F-E-R-G-E-R-S-T-R-O-M. My phone number is
13:23:39 15 965-6184. And I would be happy to talk to anybody to forward
13:23:43 16 this through.

13:23:44 17 I'm a little bit at large here because I've
13:23:46 18 only got five minutes and I have 13 years of history to give
13:23:50 19 to you and it's very difficult to do so, but in consideration
13:23:54 20 of everybody else here, I'll end my testimony at this time.
13:23:59 21 Thank you very much.

13:24:00 22 MEMBER FUJIMORI: Thank you, Mr. Fergerstrom.
13:24:02 23 JoAnn Lei Kalamau.

13:24:08 24 MS. KALAMAU: Good afternoon and thank you so
13:24:18 25 much for coming to our island. I'm a Native Hawaiian and my

13:24:23 1 name is JoAnn Lei Aloha Kalamau, but my family name is Della
13:24:31 2 Cruz. And in our household, discussions like this came on a
13:24:37 3 lot at the family. And my mom passed away this March 15th
13:24:44 4 and her name was Linda Della Cruz and she was the past OHA
13:24:49 5 trustee for this island.

13:24:51 6 What's the matter?

13:24:52 7 MEMBER FUJIMORI: Can you get closer to the
13:24:54 8 microphone? They're trying to --

13:24:57 9 MS. KALAMAU: Oh, yes. I'm really trying to
13:24:59 10 kiss this thing, you know.

13:25:01 11 MEMBER FUJIMORI: Sorry.

13:25:01 12 MS. KALAMAU: Well, I want to make sure you
13:25:03 13 folks feel welcome after all this traveling and people
13:25:06 14 talking to you folks and attack and the tone of voice, yeah.
13:25:11 15 I don't want to be like that. But I want to congratulate all
13:25:16 16 the previous speakers that came before me, because their
13:25:21 17 information is very important for you folks to take back.

13:25:24 18 Now, my talk is mainly on three points. The
13:25:26 19 first one is that my support for the Kau Inoa to help gather
13:25:32 20 the Native Hawaiian people.

13:25:34 21 And the second point is the word "cheating"
13:25:40 22 comes to me. When mom handed me the Akaka Bill to read on
13:25:45 23 one occasion when she flew home to rest from her job at OHA,
13:25:50 24 so I took the Akaka Bill and I read it. And I can only
13:25:55 25 relate to you the feeling that I have in me that I remember

13:26:00 1 very well, and this is the Hawaiian people will have to do
13:26:06 2 something like this. And I practiced this at home so I can
13:26:11 3 show you what I feel, and it's like this: Oh, okay. I'll do
13:26:18 4 whatever you say, Akaka Bill. Our US government on your side
13:26:22 5 of the table, you want this, this, this and this and the
13:26:26 6 Native Hawaiian people have to bow down to you.

13:26:30 7 And, guess what, my support is for the Akaka
13:26:34 8 Bill only because if you see the bucket, the support I have
13:26:40 9 is way down on the bucket because the Akaka Bill oppresses
13:26:47 10 us. Whatever we want on this side of the table is like,
13:26:54 11 Forget you. The United States government want that on that
13:26:59 12 side of the table to treat us as if we are always in bondage.
13:27:06 13 Okay?

13:27:07 14 Now, that's part of our own fault because I
13:27:10 15 want to go to the part where I'm a member of the Church of
13:27:19 16 Jesus Christ of Latter Day Saints. And our nickname, they
13:27:20 17 call us, is Mormons. We're not the Reorganized Church of
13:27:24 18 Jesus Christ. I'm speaking on my ownself, though. Now, I've
13:27:29 19 been studying the doctrines of the church and I have come to
13:27:32 20 learn this: Hawaii was given to the Hawaiians because of
13:27:38 21 obedience. At the time the Lord let Hawaii be for the
13:27:45 22 Hawaiians, the people then must have been so obedient to the
13:27:53 23 laws of God that we even received our own lands. But today,
13:27:58 24 because of disobedience to God's laws, we lost and we're
13:28:05 25 about to lose everything even with the efforts of bringing a

13:28:12 1 law into creation.

13:28:15 2 So on the second point is cheating. What --

13:28:20 3 Did I say the first point? The first point was Kau Inoa.

13:28:24 4 And I was for it, support it because there -- that's a way of

13:28:28 5 really gathering the Native Hawaiians to sign up to try to

13:28:34 6 form this new law, Akaka Bill, okay, for us. That's how I'm

13:28:40 7 understanding that. Okay?

13:28:41 8 Number two is the word "cheating." I feel

13:28:45 9 cheated with the Akaka Bill.

13:28:47 10 And number three is the law of the land. And

13:28:52 11 I want to read you a scripture I found from our church. This

13:28:56 12 is what it says. It's found in the scriptures called

13:29:04 13 Doctrine Covenant, Section 58, Verse 21. Okay. Listen now,

13:29:10 14 this is my third point, the law of the land. All right. It

13:29:14 15 says, Verse 21, "Let no man break the laws of the land."

13:29:20 16 That means the State of Hawaii or governments, okay? "For he

13:29:24 17 that keepth the laws of God hath no need to break the laws of

13:29:31 18 the land." How easy is that? And Verse 22, "Wherefore, be

13:29:37 19 subject to the powers that be that until he reigns whose

13:29:44 20 right it is to reign and subdues all enemies under his feet."

13:29:49 21 Okay. So we'll have to listen to the United

13:29:54 22 States government until Jesus Christ comes back. Now, we

13:29:58 23 don't know when that is. All right? So that's the second

13:30:01 24 point about what I'm learning in church and it's four

13:30:07 25 principles that I think will bring us back to conformity to

13:30:13 1 God, and then the blessings will come.

13:30:18 2 One, have faith in God. Two, repent of your
13:30:23 3 sins. So that brings me to the part of saying to you and
13:30:27 4 everybody, family, friends right now, forgive me right now.
13:30:32 5 I repent if I did anything to any of you. And if I owe you
13:30:38 6 money, meet me outside and all of that. So that I can stand
13:30:42 7 clean in asking that you folks do the right thing and obey
13:30:47 8 the laws of the land. Help us receive justice not only for
13:30:55 9 one side of that table when the time comes.

13:30:59 10 In the name of Jesus Christ, amen. Thank
13:31:02 11 you.

13:31:02 12 AUDIENCE: Amen.

13:31:04 13 MEMBER FUJIMORI: Thank you, Ms. Kalamau.

13:31:07 14 Kelii Ioane.

13:31:15 15 (Applause.)

13:31:15 16 MR. IOANE: Aloha. No. I don't know yet.

13:31:23 17 I'm not sure. Let me take that back. The one thing I've
13:31:27 18 been learned by watching Americans, be careful.

13:31:30 19 Okay. I'm going to speak on five points.

13:31:36 20 The first point is the earth, you know the earth. The reason
13:31:46 21 Africa, the people black, because the environment made them
13:31:50 22 black so they can be best use of the land in Africa. The
13:31:55 23 reason the white people is from Europe is because over there
13:32:01 24 cold and so the makers of all the people made them white so
13:32:06 25 that they can camouflage good in the snow. But, anyway, the

13:32:12 1 great gods in their wisdom then put the brown people in
13:32:17 2 Polynesian. That is by architectural design that's greater
13:32:22 3 than the nuclear bomb.

13:32:24 4 Okay. Now I'm going to be a little
13:32:26 5 historical on the civil rights issue, because the civil
13:32:31 6 rights was first started with slaves and slave owners. I
13:32:37 7 never think they was talking about Geronimo. Was mostly
13:32:41 8 Africans and Europeans, the civil rights in the plantation
13:32:45 9 times.

13:32:45 10 Now, when you go back to the earthly
13:32:48 11 migrations of the human race, on the North American
13:32:52 12 continent, as you see, there was an influx of Atlantic
13:33:00 13 migration ships that came from the Atlantic Ocean. These
13:33:04 14 people then land in Jamestown, but they never like carry
13:33:10 15 their baggage so they brought some Africans with them to
13:33:14 16 carry their baggage to get off the Mayflower. So these are
13:33:17 17 all Atlantic migration peoples.

13:33:20 18 But the point of this migration is the land
13:33:23 19 was in use from Pacific migration peoples. When the
13:33:29 20 migratory peoples of the Pacific came across the Pacific
13:33:33 21 Ocean -- You know who the Kennewick man? You heard of that
13:33:37 22 guy? National Geographic. They're not dumb, heh? Is
13:33:42 23 National Geographic people stupid? Well, anyway, they claim
13:33:46 24 that the Polynesians was in the continent of North America,
13:33:50 25 but when this Pacific migration (Hawaiian - Kawalua) came

13:33:56 1 over the ocean and land on the North American continent,
13:34:01 2 there was nobody from the Atlantic seaboard because the
13:34:05 3 Pacific migration ships was there.

13:34:07 4 I talking slow for you.

13:34:10 5 First, Pacific migration people were there
13:34:15 6 first, occupying, using that land by the great architectural
13:34:21 7 designs will.

13:34:23 8 Now, my second part is about civil rights.
13:34:27 9 When the African had to carry the white peoples' luggage off
13:34:32 10 of the Mayflower, after time went by, they had enough. You
13:34:37 11 know, they had enough. So Malcolm X, Hewie Newton, Michael
13:34:43 12 Jackson, Angela Davis, all of these Africans said, Can you
13:34:48 13 read between the lines? And they would fight the white slave
13:34:52 14 owner.

13:34:52 15 And to a certain degree that's where I
13:34:55 16 believe that Thurgood Marshall and all that schooling down
13:34:59 17 there in the Cotton Belt had gave birth to the civil rights
13:35:02 18 which you here are for, basically started out with the slave
13:35:08 19 owner and the slave. Okay?

13:35:10 20 Now, when I look at -- Here's another -- This
13:35:14 21 is the third -- My hand stop with Vietnam. Now here's my
13:35:20 22 other third point: The conspiracy to commit fraud. Now,
13:35:25 23 when you look on the supreme court at the Washington of
13:35:31 24 Deceitful in Washington, DC, everybody on that supreme court
13:35:35 25 is either a slave or a slave owner. Now, whether that was by

13:35:40 1 design, I don't know, because the issue here is not
13:35:45 2 necessarily civil rights, but who owned the land upon which
13:35:49 3 you stand.

13:35:50 4 Now, if I was fighting, say, him, just pick
13:35:54 5 him out of the blue, I was fighting him for the land and I
13:35:58 6 went all the way through the judicial system and finally I
13:36:02 7 get to Washington of Deceitful and I ask to them, You know,
13:36:07 8 all of you people from the Atlantic migration are trespassing
13:36:12 9 because somebody was here from the Pacific migration first.
13:36:17 10 What would they do? Say, Yes, we did steal. You're right,
13:36:23 11 Skippy, we are evil. You win. Bam, the gavel goes down.
13:36:27 12 The supreme court says, Shoots, we are trespassing. The
13:36:31 13 United States government through force -- Because rape is
13:36:35 14 never consensual -- by force had took them away. And finally
13:36:39 15 I get to fight for my rights in the supreme court. That
13:36:41 16 makes everybody there on the supreme court trespassers
13:36:46 17 because they all came over on the Atlantic seaboard.

13:36:51 18 Toot the horn there when I got one minute
13:36:53 19 left.

13:36:54 20 MEMBER FUJIMORI: Actually, you ran out of
13:36:55 21 time a little while ago. Sorry.

13:36:57 22 MR. IOANE: Okay, okay, okay. One more
13:36:58 23 thing, last thing to say, there's a similarity between George
13:37:02 24 Bush and George Custer. They both underestimated the
13:37:06 25 resentfulness and the anger of the colored people. Thank

13:37:11 1 you.

13:37:11 2 MEMBER FUJIMORI: Thank you, Mr. Ioane.

13:37:13 3 (Applause.)

13:37:13 4 MEMBER FUJIMORI: Robert Lindsey.

13:37:18 5 I do want to remind any of the speakers that
13:37:20 6 just spoke, if you could still hang around for just a little
13:37:24 7 while. Our committee -- After Mr. Lindsey, I'll be checking
13:37:28 8 with the committee to see if they have any questions for the
13:37:30 9 first ten speakers, if you're available to answer any
13:37:33 10 questions.

13:37:34 11 MR. LINDSEY: Aloha, Vice Chair and Members
13:37:37 12 of the Commission and aloha to our family in the audience
13:37:41 13 this afternoon. I am Robert Kamaile Lindsey, Jr, OHA
13:37:47 14 trustee, Hawaii island. And I'm here to testify in support
13:37:52 15 of NHGRA. The Akaka Bill reaffirms the special political and
13:38:00 16 legal relationship between the United States and the
13:38:03 17 indigenous aboriginal Native Hawaiian people.

13:38:06 18 MEMBER FUJIMORI: Mr. Lindsey, could you get
13:38:07 19 closer to the microphone so that the back of the room can
13:38:11 20 hear as well? I'm sorry.

13:38:12 21 MR. LINDSEY: The Akaka Bill is about
13:38:14 22 fairness in US policy, protection of Native Hawaiian culture
13:38:19 23 and existing programs, and justice. More than 500 American
13:38:24 24 Indian and Alaska native groups are recognized. And NHGRA
13:38:31 25 extends the special legal and political relationship to

13:38:35 1 Native Hawaiians. This legislation is consistent with the US
13:38:42 2 Constitution, more than 150 federal measures enacted since
13:38:47 3 1910 and the Hawaii State Constitution.

13:38:52 4 The historical facts of the role of the
13:38:55 5 United States in the illegal overthrow of our government in
13:38:58 6 1893 are accurately documented in US Public Law 103-150, the
13:39:08 7 Apology Resolution. As evidenced by the anti-annexation pule
13:39:15 8 petitions filed with the US, the vast majority of Native
13:39:21 9 Hawaiians opposed the 1898 annexation of Hawaii. Upon
13:39:26 10 enactment of the Akaka Bill, reconciliation in OHA's view
13:39:32 11 will be possible.

13:39:34 12 NHGRA protects Native Hawaiian rights, trust,
13:39:39 13 assets and programs and will protect and preserve Native
13:39:45 14 Hawaiian culture. Although these programs target the
13:39:49 15 Hawaiian community, it benefits all who call Hawaii home.
13:39:55 16 Perpetuation of distinct living cultures requires
13:40:01 17 self-determination, and that is necessary for the Native
13:40:05 18 Hawaiian culture as well. Reaffirmation of the special legal
13:40:10 19 and political relationship between the United States and the
13:40:15 20 Native Hawaiian people is needed. Native Hawaiians with
13:40:20 21 their unique culture, values, history, assets and
13:40:26 22 institutions can best determine and implement solutions to
13:40:31 23 solve problems specific to us.

13:40:34 24 Thanks for this opportunity to testify.

13:40:38 25 MEMBER FUJIMORI: Thank you, Trustee Lindsey.

13:40:42 1 I'm going to ask the committee members as I
13:40:45 2 run through the names of the first ten speakers if they have
13:40:47 3 any questions for them.

13:40:49 4 Kihei Soci Niheu. William Kuamoo. Any
13:40:55 5 questions for him? Okay. Moanikeala Akaka. Any questions?

13:41:01 6 Ms. Akaka, if you could come forward, Ms.
13:41:07 7 Agbayani has a question for you.

13:41:11 8 MEMBER AGBAYANI: Thank you for your
13:41:12 9 testimony. I just wanted to know, were there -- You know
13:41:15 10 about -- a lot about civil rights issues. Are there other
13:41:19 11 issues that you think -- unrelated to the Akaka Bill, civil
13:41:27 12 rights issues that are problems here in the island of Hawaii
13:41:30 13 that we should be concerned with?

13:41:33 14 MS. AKAKA: Well, the same problems you have
13:41:37 15 on all the other islands you have here, too, relating to our
13:41:42 16 Hawaiian civil rights. You know, I just feel that what with
13:41:51 17 the tone of this body plus the ones that aren't here, that,
13:41:57 18 you know -- I hate to say we're wasting our time, but, you
13:42:02 19 know, in all -- in all honesty, you know, the majority of
13:42:06 20 you, from what I gather, don't stand for civil rights. You
13:42:10 21 may stand for white makes right, but you don't stand for
13:42:14 22 minority indigenous people, affirmative action, women's civil
13:42:20 23 rights.

13:42:22 24 I've been on the front lines for -- as I
13:42:24 25 said, for almost 40 years and, you know, what this commission

13:42:29 1 is doing at this point is a sham, you know, and it's an
13:42:34 2 embarrassment for anyone that has worked for civil rights,
13:42:40 3 that has -- you know, that takes the word -- you know, takes
13:42:44 4 the institution seriously.

13:42:49 5 And, you know, I don't know why you folks
13:42:52 6 just don't move to dissolve yourself until after Bush gets
13:42:56 7 out of office so maybe we can start all over again. Because
13:42:59 8 you've been setting back what civil rights means. And I'm
13:43:03 9 saying in the name of Martin Luther King, in the name of
13:43:07 10 everyone that stands for balancing things out, you know. You
13:43:13 11 know, it's despicable, what this body has become. And I
13:43:19 12 don't know how you folks can sleep at night, to be honest
13:43:22 13 with you. It's shameful.

13:43:25 14 MEMBER AGBAYANI: Thank you.

13:43:27 15 MS. AKAKA: I mean, when I hear that nine out
13:43:28 16 of the 17 are -- have been involved in suing us so that
13:43:31 17 there's no Hawaiian justice, have been involved in
13:43:35 18 dismantling Hawaiian programs; it's tragic.

13:43:38 19 MEMBER FUJIMORI: Thank you, Ms. Akaka.

13:43:40 20 MS. AKAKA: Thank you.

13:43:41 21 MEMBER FUJIMORI: Mr. Burgess.

13:43:41 22 Ms. Akaka.

23 MS. AKAKA: Yes.

13:43:43 24 MEMBER FUJIMORI: I'm sorry. Mr. Burgess has
13:43:45 25 a question for you.

13:43:46 1 MS. AKAKA: Oh, this should be interesting.
13:43:50 2 Mr. Burgess with his wife who doesn't know if she's a
13:43:53 3 Hawaiian or Filipino, Chinese or whatever.

13:43:53 4 MEMBER FUJIMORI: Ms. Akaka, please refrain
13:43:56 5 from making personal statement against Mr. Burgess.

13:43:59 6 MS. AKAKA: No, it's not. What he's done to
13:44:02 7 our people is dastardly.

13:44:05 8 MEMBER BURGESS: We're here to hear views
13:44:07 9 about the Akaka Bill. I didn't hear that from you and I
13:44:11 10 wonder if you would be kind enough to tell us, do you
13:44:15 11 support --

13:44:15 12 MS. AKAKA: My name is Akaka.

13:44:17 13 MEMBER BURGESS: Do you support --

14 MS. AKAKA: That is my name.

13:44:18 15 MEMBER BURGESS: Do you support or oppose the
13:44:20 16 Akaka Bill?

13:44:20 17 MS. AKAKA: This body should not be dealing
13:44:23 18 with the Akaka Bill. This body should be dealing with
13:44:25 19 Hawaiian civil rights. The 40 years that I have been working
13:44:27 20 for justice for my people -- There was no Akaka Bill until a
13:44:30 21 few years ago. And all of a sudden the Akaka Bill is the
13:44:33 22 focus of the Civil Rights Commission. Civil rights. That's
13:44:36 23 a joke. The Akaka Bill shouldn't even be a part of this
13:44:41 24 body's consideration.

13:44:44 25 Civil rights for the Hawaiian people, the

13:44:47 1 theft our nation. Not the color of my skin and saying it's
13:44:51 2 racial that we want justice. That's what the issue is. The
13:44:56 3 theft of our nation. And the Akaka Bill --

13:45:00 4 You know, don't say I don't understand,
13:45:04 5 whoever you are.

13:45:06 6 You know, U.S. Senator Inouye, our senior US
13:45:12 7 Senator, said several years ago to the "Star-Bulletin" that
13:45:15 8 what with the justice department's watering down the Akaka
13:45:22 9 Bill -- The Akaka Bill that has only been here once in the
13:45:26 10 past, what, seven years since it was introduced. You know,
13:45:30 11 it's pretty -- pretty sad. What Senator Inouye said in the
13:45:39 12 "Honolulu Advertiser" is that the justice department has
13:45:42 13 watered down the Akaka Bill so much that it is worthless.
13:45:45 14 And those are the words of our senior US Senator.

13:45:50 15 You know, I'm for justice for our people,
13:45:54 16 but, unfortunately, the Akaka Bill -- And you know how I feel
13:45:58 17 saying that? My name is Akaka. But the Akaka Bill is
13:46:02 18 worthless. Like US Senator Dan Inouye said to the
13:46:06 19 "Star-Bulletin" a year or two ago, two years possibly, when
13:46:10 20 the justice department watered the Akaka Bill down. So I
13:46:16 21 don't know why so many people are trying to back up the Akaka
13:46:20 22 Bill. Our senior senator admitted it's worthless.

13:46:23 23 MEMBER FUJIMORI: Thank you, Ms. Akaka.

13:46:26 24 MS. AKAKA: Does that answer your question?

13:46:28 25 But I am for the civil rights of my people and that's what

13:46:32 1 you should be dealing with.

13:46:33 2 MEMBER FUJIMORI: Thank you, Ms. Akaka.

3 MS. AKAKA: Thank you.

13:46:35 4 MEMBER FUJIMORI: Any other questions?

13:46:36 5 (Applause.)

13:46:36 6 MEMBER FUJIMORI: Does the committee have any

13:46:38 7 questions for Dwight Vicente? Mary Cabatbat. Burt Kauhi.

13:46:49 8 Hanalei Fergerstrom. JoAnn Lei Kalamau. Kelii Ioane.

13:46:57 9 Trustee Lindsey.

13:46:59 10 Okay. As we move on to our next group of

13:47:02 11 speakers, I please do ask the audience to -- if you could,

13:47:06 12 please make your remarks only about the Akaka Bill. That's

13:47:10 13 what we are here -- what we are here to do today.

13:47:12 14 We'll be going on to our next group of

13:47:15 15 speakers. We will be going on to our next group of speakers

13:47:20 16 starting with JoJo Takitoto.

13:47:24 17 MS. TANIMOTO: Are you saying me?

13:47:38 18 MEMBER FUJIMORI: Takimoto.

13:47:40 19 MS. TANIMOTO: Tanimoto? I never know you

13:47:43 20 was calling me.

13:47:44 21 MEMBER FUJIMORI: I know. I'm sorry.

13:47:47 22 MS. TANIMOTO: Aloha. I want to thank all of

13:47:53 23 the members from this council that took the time to come to

13:47:57 24 this important meeting in Hilo. I came from Kawahae on the

13:48:02 25 West Hawaii side. I thought it was important --

13:48:04 1 MEMBER FUJIMORI: Could you get closer to the
13:48:05 2 microphone, please?

13:48:06 3 MS. TANIMOTO: I thought it was important
13:48:08 4 enough that I should come from the West Hawaii side of this
13:48:09 5 island. And I'm disappointed that all of the members of this
13:48:13 6 council is not here.

13:48:14 7 My name is Jojo Tanimoto.

13:48:18 8 MEMBER FUJIMORI: Thank you.

13:48:18 9 MS. TANIMOTO: And I am representing my
13:48:20 10 family. I support the Akaka Bill. What I don't understand
13:48:27 11 is why the civil liberties is interested in the Akaka Bill,
13:48:34 12 because it has nothing to do with race. The Akaka Bill is
13:48:38 13 for justice -- injustice to the Hawaiian people. We
13:48:47 14 Hawaiians are equal as any other US citizen already. The
13:48:54 15 Apology Bill admits that the federal government recognizes
13:48:59 16 that injustice. So we are looking for the reconciliation of
13:49:06 17 that hurtful action of the overthrow of the Hawaiian Kingdom.

13:49:10 18 The Akaka Bill, as I understand the bill,
13:49:18 19 will allow Hawaiians to heal from that injustice. It
13:49:25 20 provides us -- It gives us this provision in the Akaka Bill:
13:49:30 21 It allows us self-determination as to how to heal and what is
13:49:39 22 best for the Hawaiian people. And that is what I understand
13:49:41 23 the Akaka Bill to be. And so I ask this council to
13:49:47 24 acknowledge the federal direction for justice for the
13:49:53 25 Hawaiian people's healing.

13:49:56 1

Thank you very much.

13:49:58 2

MEMBER FUJIMORI: Thank you, Ms. Tanimoto.

13:50:04 3

Next we have Albert Kahiwhiwaokalani Haa.

13:50:13 4

MR. HAA: Aloha. My name is Albert

13:50:36 5

Kahiwhiwaokalani Haa. I am a great, great, great grandson

13:50:39 6

of Kamehameha III.

13:50:41 7

I oppose the Akaka Bill because the wrong act

13:50:45 8

that was done was done to my immediate family. The only way

13:50:53 9

America can resolve this problem is to deal directly with my

13:50:58 10

family. My extended family, the other Hawaiian people, is my

13:51:05 11

family's responsibility to take care of. It's not the State

13:51:11 12

of Hawaii's business, but it occurred.

13:51:16 13

And if you ask about civil rights being

13:51:19 14

violated, in the 1820s when Kamehameha III was still here,

13:51:25 15

they were taking slaves out of Hutchinson Sugar Company,

13:51:32 16

taking my people, indentured like slaves, to Oregon, Alaska

13:51:37 17

and used them as fishermen and weakened my whole society,

13:51:44 18

suppressed all the Hawaiian people to the point where my tutu

13:51:49 19

went into hiding. He told everybody that he had died and he

13:51:53 20

changed his name to Hoolapa. After -- What hoolapa means, it

13:52:01 21

means to rise up as in a volcano. He played dead. He went

13:52:08 22

dormant. He returned in 1876 to contest sale of lands at

13:52:15 23

Honoapo. What honoapo really means is a circle of high

13:52:22 24

priests engaged in a taboo ceremony. This ceremony was the

13:52:28 25

creation of this hidden koana. This hidden koana was made to

13:52:35 1 protect the lives of my family.

13:52:38 2 Right now I'm exposing my family to the
13:52:45 3 threats of America. I was appointed by the elders in my
13:52:53 4 family to stand up for my inoa, my name. What I'm saying is
13:52:59 5 nothing can be done between America and the United States --
13:53:05 6 I mean, the State of Hawaii and -- can be done with the
13:53:09 7 Hawaiian people themselves. The crime was done with the
13:53:15 8 monarchy when they hurt my family.

13:53:20 9 The gods are not happy and I believe this is
13:53:24 10 America's opportunity to redeem themselves in God's eyes. I
13:53:33 11 hope we can work it out. That's all I have to say.

13:53:38 12 MEMBER FUJIMORI: Thank you, Mr. Haa.

13:53:41 13 Puna Lerma.

13:53:48 14 MR. LERMA: I send greetings to the President
13:53:59 15 of the United States, as you all here are an abomination of
13:54:06 16 an evil offspring of those who tried the illegal corporate
13:54:12 17 acquisition of our country of Hawaii.

13:54:14 18 And I'm honored to be in the presence of
13:54:18 19 those families from Kau who did in riddles and prophesy
13:54:23 20 forecall the day when Jezebel, the Jewish harlot, would
13:54:30 21 appear in the king's house in Honolulu and St. Donatus
13:54:34 22 prophesied this, that the evil instrument of King Ahab, 1
13:54:38 23 Kings 21, would befall the children of that land-grabbing
13:54:45 24 evil deed that's been done not only in Hawaii, but has been
13:54:52 25 done in the name of God by a people who sing Christmas songs

13:54:56 1 to the King of Kings when the US Constitution destroys
13:55:00 2 kingdoms.

13:55:01 3 Therefore, our people are basically in a
13:55:06 4 sacred covenant to the Divine God. And in brilliance of our
13:55:12 5 ancient history, which I asked Dr. Sahaovus to come to help
13:55:17 6 because "Kauai Business News," one of the oldest carbon-dated
13:55:22 7 sites was the year 75 in Koholina, totally obliterated, but
13:55:28 8 big hoopla over the bird bones 5 million years old. Reported
13:55:35 9 in 1820 and '50 in Oahu while the missionaries were digging
13:55:39 10 water wells, found under layers of loam and coral two to
13:55:45 11 three feet of cinder, black cinder in Oahu, and under that
13:55:50 12 six feet of coral and within that six feet of coral are iwi
13:55:55 13 akua.

13:55:55 14 And, again, archaeologists and the
13:56:01 15 Genographic Project are seeing the history of a righteous
13:56:04 16 people within the movement of humanity within the last 20,000
13:56:08 17 years. And primary focus is being done in the ancient area
13:56:12 18 of the Pacific. And so within the Genographic Project, over
13:56:18 19 200,000 years of movement for the maternal side, which is
13:56:22 20 circular in nature in bacterium, the mother's side, 26
13:56:27 21 variations. On the father's side, 39. And so racist is no
13:56:32 22 longer a hatred thing to me. It's just a clue to you guys to
13:56:38 23 race to the courts to file first.

13:56:40 24 And, therefore, on the genographic level to
13:56:45 25 extricate your genes for hatred and avarice -- For here in

13:56:50 1 Hawaii, our constitution of 1840 is our covenant with God the
13:56:55 2 Creator, separate from the Jews. We are older than them.
13:57:00 3 And much of the teachings come from them, much of your law
13:57:04 4 comes from them, but your practice of the law is an
13:57:09 5 abomination.

13:57:09 6 Curtis Wright vs. United States 1938 is that
13:57:13 7 you're dealing here, Mr. President, with this abomination,
13:57:17 8 this group, is illegal because the foreign affairs on the
13:57:20 9 external level is to be by government to government. And,
13:57:24 10 therefore, Congress and the Senate is bound not to interact
13:57:29 11 with the external affairs, although while it might be viewed
13:57:35 12 as being internal affairs is unconstitutional; larger,
13:57:38 13 broader powers are granted to the president and the president
13:57:42 14 alone.

13:57:43 15 And, therefore, without active treaties with
13:57:45 16 our country of the Hawaiian Islands, I protest this sham, I
13:57:49 17 protest your occupation of our country and just the mental
13:57:57 18 duress that you're continually laying on our people. And,
13:58:04 19 therefore, as prophesied, the islands of Hawaii is the most
13:58:10 20 important government in human history at this time. And it
13:58:13 21 is because while you might incorporate names of Aloha For
13:58:17 22 All, our Queen Lunalilo said these people make and break
13:58:25 23 legislative committees, but don't take care of the welfare of
13:58:27 24 our country, which is wholistic up and down.

13:58:30 25 And, therefore, that fragile responsibility

13:58:32 1 on the external level for plenary membership to the family of
13:58:38 2 nations, the United States sovereignty will be placed asunder
13:58:44 3 and by your own hatred and greed. And, therefore, by the
13:58:48 4 nature and origin of sovereignty, the country of Hawaii acted
13:58:54 5 independently with concomitant powers. This State of Hawaii,
13:58:58 6 if you read the constitution, has no authority and ancient
13:59:01 7 power. It is a sham. You're a bastard child of the failed
13:59:05 8 corporate takeover.

13:59:06 9 And in closing, that's why the 1787 Northwest
13:59:10 10 Ordinance, your power is acting in unity. And that comes
13:59:14 11 from the United Kingdom laws, which is -- Britain is a Jewish
13:59:20 12 word for the United Tribes of Israeli of which the
13:59:23 13 Genographic Project will show that we are the children of
13:59:26 14 aloha from which love is -- comes from. And the concept of
13:59:31 15 time and tide comes from poto in the European language, which
13:59:36 16 is kai, the motion and observation of the celestial skies.

13:59:39 17 And in closing, I protest this. I protest
13:59:42 18 you and -- for living in Hawaii and -- We are trained that to
13:59:48 19 give (Hawaiian - malahini), the hale kipa for the weary
13:59:53 20 traveller. And our kupuna said that you were kicked out of
13:59:58 21 Garden of Eden in pursuit of happiness. Well, it's not here
14:00:02 22 for you, so please move on. We are the protectors of the
14:00:04 23 tree of life. You know it by the old name of Garden of Eden.
14:00:07 24 You were kicked out. The first thing you did was create laws
14:00:08 25 for the homicide and the hatred. We are the protectors by

14:00:13 1 covenant, by divine God proved throughout time.

14:00:16 2 And from Mauna Kea, you look into the sky,
14:00:17 3 the big bang 13.5 billion years, you have to times it by two,
14:00:22 4 27 billion years. You look for your mother and your origin,
14:00:26 5 look to your mother. We move to the future because our
14:00:36 6 foundation is stable and it is divine. And this is what the
14:00:36 7 world needs to know now. That it's all right to declare our
14:00:37 8 rights by God and not by bills.

14:00:41 9 MEMBER FUJIMORI: Thank you. Thank you, Mr.
14:00:44 10 Lerma.

14:00:44 11 MR. LERMA: Aloha to our people. Thank you
14:00:46 12 so much.

14:00:47 13 (Applause.)

14:00:52 14 MEMBER FUJIMORI: Does the court reporter
14:00:52 15 need a break or -- Okay. We're going to take a ten-minute
14:00:56 16 break for the court reporter.

14:01:00 17 (Pause in Proceedings: 2:00-2:14)

14:13:51 18 MEMBER FUJIMORI: I just want to remind
14:13:58 19 everyone present of the ground rules. This is a public
14:14:00 20 meeting open to the media and the general public.

14:14:03 21 UNIDENTIFIED SPEAKER: Hello.

14:14:04 22 MEMBER FUJIMORI: Hello. The time allotted
14:14:06 23 for each open session speaker is five minutes. We will
14:14:10 24 strictly adhere to the time limit so that as many
14:14:13 25 participants as possible may speak. If you are ask to

14:14:16 1 conclude your comments, please be courteous of those who are
14:14:18 2 waiting to speak.

14:14:19 3 Although some of the views -- Although some
14:14:21 4 of the statements may be tend to be controversial, we welcome
14:14:24 5 all point of views. However, we want to make sure that all
14:14:26 6 speakers do not defame or degrade any person or any
14:14:30 7 organization. A transcript will be kept as part of these
14:14:33 8 proceedings. As the vice chair, I reserve the privilege to
14:14:36 9 cut short any statements that defame, degrade or do not
14:14:41 10 pertain to the issue at hand. I urge all persons to make
14:14:42 11 presentations to be judicious in their statements. The
14:14:44 12 advisory committee does appreciate the willingness of all
14:14:47 13 participants to share their views and expenses with this
14:14:51 14 committee.

14:14:51 15 With that, I'm going to start with the next
14:14:53 16 speaker on the list, which is Kalei Victor.

14:15:03 17 Is there a Kalei Victor in the room? Is
14:15:08 18 there a Kalei Victor in the hallway?

14:15:10 19 UNIDENTIFIED SPEAKER: They went out to
14:15:12 20 check.

14:15:13 21 MEMBER FUJIMORI: Thank you.

14:15:25 22 I'm going to go on to the next speaker, which
14:15:28 23 is Thomas Anthony, and we'll come back to Kalei Victor. So
14:15:33 24 is Thomas Anthony in the room? Outside? Could somebody call
14:15:38 25 them? We're going to get started.

14:15:43 1 UNIDENTIFIED SPEAKER: Go to the next one.

14:15:46 2 MEMBER FUJIMORI: I have Erma Yamada.

14:15:50 3 UNIDENTIFIED SPEAKER: Irma, you're up.

14:15:53 4 MS. YAMADA: Oh, me? I'm up?

14:15:56 5 MEMBER FUJIMORI: Okay.

14:15:57 6 MS. YAMADA: Good afternoon. My name is Erma

14:16:03 7 Yamada. And the reason why I'm up here really is just to

14:16:09 8 question you. When I came up, there were about seven people

14:16:16 9 in the parking lot and somebody said up here is full and they

14:16:19 10 all left. Now, I'm -- I asked the girl outside, Why is it

14:16:23 11 that you folks are holding a meeting in a room this small for

14:16:27 12 the Hawaiian people to get feedbacks? Why couldn't it be

14:16:32 13 held in a bigger area like, say, down Kekaha at the community

14:16:38 14 center or the gym where you can -- you get more people than

14:16:42 15 these, than, you know, up here? Why must it be held here and

14:16:47 16 then not enough parking, too? Down there, you got all the

14:16:51 17 parking you want.

14:16:53 18 UNIDENTIFIED SPEAKER: Free.

14:16:54 19 MS. YAMADA: Well, yeah, but -- Okay.

14:16:56 20 Another thing is civil rights, my grandfather

14:17:05 21 says you work for whatever you want, for whatever you get.

14:17:08 22 Don't expect anything free. Now, I'm up here because I

14:17:13 23 honestly feel that the US government has stolen enough from

14:17:18 24 the Hawaiian people, especially the way I've grown up. The

14:17:23 25 Hawaiian people when the white people -- White people, white,

14:17:26 1 I don't like using that because my grandfather is also white.
14:17:29 2 But when the people came here, the Hawaiian people opened
14:17:32 3 their arms, their homes, their iceboxes. Of course, they
14:17:35 4 never had any. They fed everybody. They took care of
14:17:38 5 everybody. And these people found that the Hawaiian people
14:17:41 6 were really, in essence, stupid. They were very giving, so
14:17:46 7 they were stupid and they could be taken time and time again,
14:17:50 8 and they were.

14:17:51 9 Because I had to help a couple -- not a
14:17:53 10 couple, but a man to get back his place that two boys stole
14:17:57 11 from him and put him outside in a tent about a mile from his
14:18:03 12 home. And the reason is he did not know how to read nor
14:18:08 13 write and they had him sign a paper that turned everything
14:18:11 14 over to them until he got ahold of me. And those two boys
14:18:17 15 are in jail now. Hopefully, they stay there for the rest of
14:18:20 16 their life just for doing what they did.

14:18:22 17 But civil rights, how do you -- how do you --
14:18:29 18 Maybe I'm supposed to say something, but I got questions in
14:18:32 19 my mind for you. How do you go about judging or figuring how
14:18:36 20 you going to judge us as far as civil rights are concerned
14:18:40 21 after we tell you what we feel, how we feel, why we feel, and
14:18:45 22 what's happened to us or what is happening to us?

14:18:48 23 Almost everything that's concerning Hawaiian,
14:18:53 24 Hawaiian group or Hawaiian association or whatever, is
14:18:56 25 controlled by the government, by people that I don't really

14:19:00 1 trust, however. Okay? Some of them, I don't trust them, and
14:19:06 2 they are the heads of certain Hawaiian organizations. Where
14:19:10 3 it got to the point, and I'm sorry to say, that us Hawaiians
14:19:13 4 are stupid because we let them take over and take what we
14:19:17 5 have. We allowed them to do that because we say, Yeah, okay.
14:19:24 6 And they tell us, Well, you do this and you do that, then
14:19:26 7 you're going to get this and you're going to get that. We
14:19:30 8 say okay and we follow even if goes for them to go after the
14:19:33 9 Hawaiian themselves. Because it happened to me, that's why.

14:19:37 10 I'm saying everything, I'm telling you
14:19:38 11 everything that happened to me. And I don't agree with the
14:19:43 12 civil rights thing. Okay? I don't. Because I grew up with
14:19:49 13 all the different nationalities that we had on this island
14:19:53 14 already in an estate: Japanese, Filipino, Koreans,
14:19:58 15 Taiwanese. You name 'em, we had them all. We all grew up
14:20:03 16 together in a camp, sugar cane camp, okay, a lot of them.
14:20:08 17 And we grew up together, we got mad at each, we fought, but
14:20:13 18 we went back again like anything else.

14:20:15 19 And nobody is like it is now, you're black,
14:20:19 20 you're white. Who cares? Who cares about the color of the
14:20:21 21 skin? It's the person themselves. The skin has nothing to
14:20:25 22 do, but that's the way this world is today because that's
14:20:28 23 what it's coming up, the color of your skin, your ethnic.
14:20:31 24 Come on, you people, you're not Filipino, you're not
14:20:35 25 Japanese, you're not Korean, you're not haole, you're not

14:20:38 1 whatever. Okay? Haole is because there's a lot of different
14:20:42 2 whites. It's not necessarily only one.

14:20:43 3 But the Civil Rights Commission in Hawaii, I
14:20:50 4 can't see it. I don't agree with it. Thank you.

14:20:54 5 MEMBER FUJIMORI: Thank you, Ms. Yamada.
14:20:57 6 Kalei Victor.

14:21:04 7 MR. VICTOR: Aloha. First of all, I don't
14:21:13 8 think this room is big enough for the Hawaiian people. It's
14:21:19 9 common sense, yeah, common sense. You going to get only
14:21:25 10 little bit of people speak for all the Hawaiians. All the
14:21:29 11 Hawaiians is more than this room. And why is it that it
14:21:36 12 wasn't out in the newspapers except today? Hello? So I
14:21:44 13 oppose this legislation. Aloha.

14:21:47 14 MEMBER FUJIMORI: Thank you, Mr. Victor.
14:21:50 15 Thomas Anthony.

14:21:56 16 MR. ANTHONY: Hi. My name is Thomas Anthony.
14:22:03 17 You already know that.

18 UNIDENTIFIED SPEAKER: Can't hear.

14:22:06 19 MR. ANTHONY: My name is Thomas Anthony.
14:22:08 20 Little dry mouth. I was talking to a friend outside.

14:22:10 21 I'm here representing Manoku. I noticed on
14:22:16 22 the form that I filled out to testify today that I'm limited
14:22:19 23 to testimony on the 2000 version -- 2007 version of the
14:22:24 24 Native Hawaiian Government Reorganization Act. I hope I got
14:22:28 25 that right. I have no idea what that act is or what it says.

14:22:32 1 The 2007 version has never been made available, so I'm flat
14:22:37 2 out of comments. But I would like to say that any version of
14:22:40 3 any bill that proposes any type of racist nonsense that I
14:22:46 4 have seen the previous versions establish, I am opposed to.
14:22:49 5 Thank you.

14:22:50 6 MEMBER FUJIMORI: Thank you, Mr. Anthony.
14:22:53 7 Curtis Narimatsu.

14:22:56 8 I'm sorry, Mr. Anthony. Do you have another
14:22:59 9 comment?

14:23:00 10 MR. ANTHONY: No, I was -- I thought you had
14:23:02 11 some questions.

14:23:03 12 MEMBER FUJIMORI: Oh, no. I just said thank
14:23:05 13 you.

14:23:05 14 Curtis Narimatsu.

14:23:10 15 UNIDENTIFIED SPEAKER: He left.

14:23:10 16 MEMBER FUJIMORI: Are there any other people
14:23:12 17 in the audience that wish to testify at this time? Are you
14:23:15 18 signed up outside?

14:23:16 19 UNIDENTIFIED SPEAKER: They erased the names
20 of that signed up.

14:23:18 21 MEMBER FUJIMORI: Oh, okay. There's two
14:23:18 22 people in the room. Let me find out from the staff members
14:23:22 23 that are supporting the committee.

14:23:24 24 We have two people that said that they signed
14:23:31 25 up to be speakers, but they did -- but they weren't on the

14:23:36 1 list.

14:23:37 2 UNIDENTIFIED SPEAKER: Three from my family.

14:23:39 3 MEMBER FUJIMORI: Oh, three from your family.

14:23:41 4 Barbara.

14:23:42 5 UNIDENTIFIED SPEAKER: Was there a separate

14:23:44 6 sheet to sign up to testify?

14:23:46 7 MS. DE LA VIEZ: Yes, there are.

14:23:47 8 UNIDENTIFIED SPEAKER: That wasn't made

14:23:49 9 available to us.

14:23:50 10 MEMBER FUJIMORI: Can I have you maybe step

14:23:53 11 outside and sign the sheet? I apologize for this. There's

14:23:57 12 another gentleman in the back that said that he signed up,

14:24:01 13 too.

14:24:01 14 UNIDENTIFIED SPEAKER: Yeah. Have him come

14:24:07 15 up. He is next.

14:24:09 16 THE REPORTER: Have him spell his name for

14:24:10 17 the record, please.

14:24:13 18 MEMBER FUJIMORI: Pastor, could you please

14:24:16 19 state your name and spell it for the record, please.

14:24:18 20 MR. FUJIYOSHI: My name is Ronald Fujiyoshi,

14:24:24 21 F-U-J-I-Y-O-S-H-I. I am a licensed lay pastor of the Ola'a

14:24:34 22 First Hawaiian Church in Kurtistown and I sit on the Justice

14:24:39 23 and Witness Ministry Board -- the Justice and Witness

14:24:43 24 Ministry Board of the United Church of Christ.

14:24:45 25 I was one of the architects of the resolution

14:24:50 1 that went up to our national senate that called on the United
14:24:57 2 Church of Christ to apologize for the involvement in the
14:25:05 3 overthrow. And our President Paul Sherry came to Hawaii and
14:25:10 4 offered an apology to the Hawaiian people. It is also noted
14:25:15 5 about this apology in the so-called Apology Bill that
14:25:21 6 President Clinton signed.

14:25:24 7 I -- My ancestors came from Japan before 1898
14:25:30 8 to Maui, where they were working on the Puunene Sugar
14:25:35 9 Plantation. Although I am not a Native Hawaiian, I am a
14:25:40 10 Japanese, I want to express my opposition to the Akaka Bill.
14:25:47 11 And I think there are people like me in the church who
14:25:52 12 also -- who are not Hawaiian who also oppose The Akaka Bill
14:25:57 13 because we believe it does not really provide justice to the
14:26:02 14 Native Hawaiians.

14:26:03 15 My study of the old testament, there are
14:26:09 16 66 -- more than 66 passages which talks about justice and
14:26:13 17 righteousness together. Righteousness is the Hawaiian word
14:26:18 18 for pono. And I think that Christians and others are
14:26:23 19 obligated to do real justice. I think in the old testament
14:26:29 20 we had a year of jubilee and one of the commandments of the
14:26:35 21 year of jubilee is to return the land to the original owner
14:26:39 22 so that the land is not owned by humans, but by God and we
14:26:43 23 are called to be stewards of the land. And the attempt for
14:26:47 24 the Jewish nation to approximate justice was to give the land
14:26:52 25 back to the original owner every 50 years.

14:26:56 1 So I believe that I have gone with the --
14:27:00 2 been privileged to go with the delegation to the permanent
14:27:05 3 court of arbitration in The Hague and sat in on the hearings
14:27:11 4 there, and I'm convinced that the only way the Hawaiians are
14:27:15 5 to get justice is that there -- they be tried under
14:27:20 6 international law, not under American law.

14:27:24 7 I think civil rights assumes, as Skippy
14:27:29 8 (Owanatuk) said, that it talks about a -- civil rights means
14:27:33 9 to try and bring minorities up to the standard of the
14:27:38 10 majority. And in this case we're talking about a stand about
14:27:44 11 white Angelo-Saxon Protestant. And I think justice is based
14:27:51 12 on human rights, which means it has to be dealt with on
14:27:54 13 worldwide level that talks about what is just for everybody.

14:27:58 14 And so I think American law is incapable in
14:28:01 15 this case of providing justice for Native Hawaiians because
14:28:05 16 for me justice means you have to return the land to its
14:28:10 17 original state at the time of the overthrow, which means
14:28:14 18 returning to the Kingdom of Hawaii. And anything less, I
14:28:18 19 think, would be unjust. Thank you.

14:28:22 20 (Applause.)

14:28:24 21 MEMBER FUJIMORI: Thank you, Pastor
14:28:28 22 Fujiyoshi.

14:28:29 23 Since we are waiting for the paperwork to get
14:28:31 24 finished outside, I'm going to go through the list of
14:28:34 25 speakers that we've had previously and ask the committee

14:28:35 1 members if they have any questions of them.

14:28:41 2 Let me actually just go through this list
14:28:45 3 really quickly and then I'll get to Mr. Naramatsu. JoJo
14:28:50 4 Tanimoto, any questions for her? Any questions for Albert
14:28:58 5 Kahiwhiwaokalani Haa? Any questions for Puna Lerma? Kalei
14:29:02 6 Victor? Thomas Anthony? Erma Yamada? Pastor Fujiyoshi?

14:29:07 7 Okay. I'll now call Curtis Naramatsu,
14:29:12 8 please.

14:29:12 9 MR. NARAMATSU: Thank you. Curtis Naramatsu.
14:29:13 10 I was born and raised in Wainaku, a sleepy plantation village
14:29:18 11 one mile north of Hilo. My father, Toshi Naramatsu, was born
14:29:22 12 and raised in Wainaku. And my father is a 442nd veteran,
14:29:26 13 World War II silver star recipient.

14:29:28 14 I speak for the unspoken, the KIA's, the
14:29:32 15 killed in action among the so call Americans of Japanese
14:29:35 16 ancestry in World War II. Do you know that of the fighting
14:29:38 17 soldiers from the Hawaiian Islands in World War II, although
14:29:41 18 the AJA's comprise 25 percent of the overall population in
14:29:46 19 the Hawaiian Islands, 60 percent of the fighting soldiers in
14:29:51 20 World War II were AJA. 80 percent of the casualties in World
14:29:55 21 War II were AJA. So I'm here to speak for the unspoken.

14:29:58 22 These boys that survived and came home,
14:30:00 23 including Dan Inouye, did not come home to be second-class
14:30:07 24 citizens. So I kindly ask this committee to make sure that
14:30:10 25 we have self-worth, we have-self esteem as a people, not as a

14:30:15 1 race.

14:30:16 2 Basically, that's it. Thank you very much.

14:30:17 3 (Applause.)

14:30:19 4 MEMBER FUJIMORI: Thank you, Mr. Naramatsu.

14:30:22 5 Emmily Nagole.

6 MR. KALELEIKI: Do you have Sam Kaleleiki? I

7 registered before.

8 MEMBER FUJIMORI: I don't have the list right

9 now. I apologize for that.

10 UNIDENTIFIED SPEAKER: How come you come

14:30:34 11 before me?

14:30:34 12 MR. KALELEIKI: No, no. I sign up before

14:31:04 13 you. I just checking.

14:31:06 14 MS. NAGOLE: No, no. (Hawaiian.) Come. You

14:31:14 15 the kapuna.

14:31:14 16 MR. KALELEIKI: Thank you. I only come

17 12:30.

14:31:18 18 Aloha, Koko.

19 AUDIENCE: Aloha.

14:31:21 20 MR. KALELEIKI: My name is Sam Kaeleiki.

14:31:23 21 How many of you sitting on the board American

14:31:27 22 citizens? Please raise your hand. Please, be honest.

14:31:29 23 Please raise your hand. American citizens?

14:31:32 24 MEMBER FUJIMORI: I'm sorry, we really --

14:31:36 25 MR. KALELEIKI: I need to present my

14:31:37 1 presentation honestly.

14:31:39 2 MEMBER FUJIMORI: Present your presentation
14:31:42 3 honestly. Please.

14:31:43 4 MR. KALELEIKI: How many of you know what the
14:31:45 5 Anglo-Franco Proclamation is? Don't know? Okay. The
14:31:55 6 Anglo-Franco Proclamation is when the Queen of France --
14:32:00 7 Queen of England and King of France recognized Kamehameha III
14:32:04 8 as an independent country. That's in 1843. 1843. Look at
14:32:14 9 this picture that's in front of us. What is this? What is
14:32:23 10 this?

14:32:23 11 You talking about Akaka Bill. Find the
14:32:28 12 Kanaka Bill. Why ask about American citizens? The Akaka
14:32:33 13 Bill is made up by Americans. Americans cannot speak for
14:32:38 14 kanakas. Look for the Kanaka Bill. It tells you this bill
14:32:43 15 is made up of kanakas.

14:32:47 16 When we presented that at the legislature,
14:32:50 17 the reinstated lawful Hawaiian government's legislature,
14:32:56 18 somebody said, "Oh, Uncle, then we got to go to Washington,
14:33:00 19 DC to present this."

14:33:00 20 I said, "There is no kanaka in Washington,
14:33:04 21 DC. They're all here. The Akaka Bill goes to Washington,
14:33:08 22 DC."

14:33:09 23 So you're here because you're getting paid.
14:33:13 24 We're here because we love our country. That's why we're
14:33:17 25 here. We aloha our aina. You're here because you're getting

14:33:22 1 paid. That's why you're here. You're here for the top --
14:33:26 2 the Jeffersons and Jacksons. We're here because we love our
14:33:33 3 aina. And we know who we are, we know where we come from.
14:33:36 4 You, evidently, are confused.

14:33:39 5 And for those who accept the Akaka Bill, I
14:33:45 6 feel so sorry for you. You're not only confused, you're
14:33:49 7 totally confused, because the Akaka Bill is the same thing
14:33:54 8 that we're going through right now in the state, only given
14:33:58 9 different names and different titles. Where in the world do
14:34:03 10 you go to the Secretary of the Interior of the United States
14:34:09 11 to get something passed here in the archipelago? Where in
14:34:15 12 the world will you go to the President of United States of
14:34:19 13 America to build or do something here?

14:34:24 14 My brothers and sisters, wake up. This Kau
14:34:33 15 Inoa is another camouflage to get you to sign your kau inoa,
14:34:40 16 your kau inoa, your signature. This is what they don't have.

14:34:45 17 Who is here? Who the lawyer here? Any
14:34:47 18 lawyers? Tacit consent, can anyone tell me what tacit
14:34:55 19 consent is? I'll tell you. Tacit concept is that you -- on
14:35:02 20 and on and on and you don't do anything about it and United
14:35:06 21 States can occupy it just like that legally. Legally. I'm
14:35:11 22 talking law, people, law. When you don't do anything, after
14:35:17 23 they say, "We're sorry. We are so very sorry. We illegally
14:35:23 24 overthrew you." If I'm the judge, I say to you, "Guilty or
14:35:28 25 not guilty?" Oh, we illegally overthrew you.

14:35:32 1 This meeting here is a dog-and-pony show.
14:35:36 2 Why couldn't we go in a bigger place? Hey, April? Erma?
14:35:41 3 Out in the parking lot when I arrived here, that parking lot
14:35:45 4 was full of Hawaiians. I think we had a seat for every
14:35:48 5 Hawaiian here, we'd probably have 'em. But you, all of you
14:35:53 6 has been thrown to the dogs. You're a sacrifice. You're a
14:35:58 7 lamb. You've been sacrificed by your government. We went
14:36:02 8 into Iraq for what? Not for weapons of mass destruction.
14:36:05 9 For oil. The same thing America came here.

14:36:09 10 So anyone's got a question for me? That's
14:36:16 11 all I got.

14:36:17 12 MEMBER FUJIMORI: Thank you, sir.

14:36:19 13 (Applause.)

14:36:21 14 MEMBER FUJIMORI: Ms. Nagole.

14:36:26 15 MS. NAGOLE: (Reciting Hawaiian names.) I
14:38:10 16 just -- That's my grandparents, my parents and his -- my
14:38:15 17 father and his sibling and my parents and us children and me
14:38:19 18 and my children. And that's the way I carry my voice from.

14:38:24 19 My name is Emmily Nagole. I'm the county
14:38:29 20 council lady of Puna. And so, you know, I don't know
14:38:33 21 whether -- I mean, I don't think I'm here as the county
14:38:36 22 council lady. I'm here as Emily, the individual.

14:38:40 23 I was born and raised -- born Pahoia, raised
14:38:44 24 in Opihikao. You know, I'm going to be 51 this year and I've
14:38:50 25 watched my people suffer for years, yeah. As a child growing

14:38:54 1 up, I see all the struggles our people have to go through.
14:38:57 2 And there are time in our lives where we couldn't talk about
14:39:02 3 some of these issues that affected our people, you know,
14:39:04 4 because nobody wanted to talk about it. You hide under the
14:39:08 5 covers and talk about it.

14:39:10 6 And now that I'm a council lady, yeah, Akua
14:39:14 7 has brought me to the level where now I'm making decisions
14:39:18 8 for my community and my district and my island. And I keep
14:39:24 9 hearing the people talk. Right now I think, you know, the
14:39:29 10 Akaka Bill -- You know what? I don't like only some of the
14:39:34 11 package. I like the whole package, yeah. I cannot just tell
14:39:38 12 my people, "Hey, a little bit. We'll throw some crumbs to
14:39:42 13 you and you'll be fine." I don't know. My heart say no, we
14:39:47 14 need to take care of the whole, the whole pilikia, yeah. So
14:39:53 15 whatever happen, when happen to our people, our --

14:39:55 16 That's why when I tried my genealogy because
14:39:59 17 my ancestors and stuff, my grandparents, my parents, you
14:40:03 18 know, my siblings, you know, they -- My siblings -- You know,
14:40:06 19 I have to speak for the generation before me. They must be
14:40:09 20 so proud, "Emmily, we see you here. You're actually standing
14:40:13 21 up in the gap for us to say something that we couldn't have
14:40:18 22 said, yeah, way back when."

14:40:19 23 And I just wanted to say, you know, that -- I
14:40:22 24 just want to thank you for listening, paying attention. I'm
14:40:25 25 a council lady. When I sit there and people come and talk

14:40:29 1 before us, I pay attention, I listen to what they're saying,
14:40:33 2 I'm full-fledged paying attention. And thank you for
14:40:36 3 listening because, you know what, it's so important, yeah.
14:40:40 4 And give our aloha to the -- you know, our people up yonder
14:40:47 5 and -- And, you know, the thing is, I come in with aloha
14:40:51 6 because I have a connection with Akua and the thing is, you
14:40:56 7 know, I no like (Hawaiian - haninio) our people anymore.
14:41:01 8 That means take advantage of. Mahalo nui loa. Aloha.

14:41:07 9 MEMBER FUJIMORI: Thank you, Councilwoman
14:41:11 10 Nagole.

14:41:11 11 Patrick Kahawaiola'a.

14:41:21 12 MR. KAHAWAIOLA'A: My name is Patrick
14:41:21 13 Kahawaiola'a, K-A-H-A-W-A-I-O-L-A okina A.

14:41:28 14 I would like also to thank all of you for
14:41:31 15 coming by. And maybe I hearing your frustration and in your
14:41:35 16 ground rules -- I hear in your ground rules that you may have
14:41:38 17 some frustration and maybe being yelled at.

14:41:41 18 First of all, I would go like most of our
14:41:44 19 Native Hawaiians did or the Hawaiians did was to protest the
14:41:47 20 fact or in this case I would like to object that the venue
14:41:50 21 that we in is so small that 40 guys my size no can fit.
14:41:57 22 Okay? So that, first, is probably a discriminatory act on
14:42:05 23 the part of the Hawaii State Advisory Committee. It's not --
14:42:12 24 And I do say that with all honesty because I believe if you
14:42:17 25 here to talk about civil rights --

14:42:18 1 And I think in your ground rules, Madam Vice
14:42:21 2 Chair, you mentioned that the Native Hawaiian Reorganization
14:42:25 3 Government -- Native Hawaiian Government -- you know, Akaka
14:42:29 4 Bill was to get the -- from the citizens and the residents of
14:42:33 5 Hawaii, I guess, get testimony. But in that citizens and the
14:42:38 6 residents of Hawaii get one more person that you've missed.
14:42:42 7 The State Constitution addressed that person. It says, The
14:42:45 8 State of Hawaii and its people," which I believe that's the
14:42:48 9 citizens and the people of -- the residents will uphold the
14:42:52 10 Hawaiian race. So I just happen to be that third guy. Okay?
14:42:57 11 That comes from the State Constitution.

14:43:00 12 The problems that we have here in the
14:43:03 13 discriminatory actions, I believe -- And my status is this:
14:43:08 14 I am a product of a homestead. I was born and raised on
14:43:14 15 Aina o Pūlapūla, Keaukaha. I am a homesteader. My status is
14:43:19 16 United States citizen under the Hawaiian Home Commission Act.
14:43:23 17 It could be confusing to some of you up here who have maybe a
14:43:27 18 law degree, I don't know who has, but I am a United States
14:43:30 19 citizen under the Hawaiian Home Commission Act. And I say
14:43:33 20 that because in 1920 Congress disciplinary powers created a
14:43:40 21 race-based act. It says I need to be 50 percent of the
14:43:44 22 blood.

14:43:44 23 I see some of you shaking your head. It's
14:43:47 24 been there for 82 years. Challenge that. Challenge the
14:43:50 25 Hawaiian Homes Commission Act, if it's race-based. But it

14:43:57 1 is. I'm not a product of that. Everyone sitting on this
14:44:02 2 panel, everybody sitting out here had no choice in who your
14:44:06 3 parents were. None of you had a choice in who your parents
14:44:10 4 were. I was fortunate, two Hawaiians got together, made me.
14:44:16 5 I qualified under United States congressional act, a statute
14:44:21 6 that said you need to be one half the blood of the race
14:44:26 7 inhabiting the islands prior to 1778. That's a statute.
14:44:32 8 That's a federal law.

14:44:36 9 Hawaiians didn't want to be divisive with the
14:44:39 10 50 percent. And Prince John Kuhio was the individual who had
14:44:46 11 no voting. He couldn't vote in 1920. He was a territorial
14:44:52 12 congressman, had no vote, but yet was able to have that
14:44:55 13 passed. Not because that's what he wanted. The history I
14:44:57 14 get from my kupunas tell me that we were to be just Hawaiian
14:45:03 15 you could have had -- been part of the Hawaiian Home
14:45:06 16 Commission Act. But the point, you know, excuse me,
14:45:10 17 haoles -- It's not a derogatory term. It's a Hawaiian term
14:45:13 18 means you have no breasts. That's all. It doesn't mean that
14:45:15 19 you somebody different. We spoke Hawaiian when they came
14:45:19 20 here.

14:45:20 21 So what I am again trying to tell you, if
14:45:23 22 there's a discriminatory race, then look at the
14:45:26 23 discriminatory things that the Hawaiian Home Commission Act
14:45:30 24 may do, may be part of. But I will challenge any of you
14:45:35 25 sitting here, you've tried, you've tried to do it, it can't

14:45:39 1 be done. It won't be done because that was the payback for
14:45:44 2 the overthrow. That was the pay back for the overthrow, the
14:45:49 3 illegal overthrow, I might say, the discriminatory act of the
14:45:53 4 United States doing that.

14:45:55 5 Please do not question the patriotism of
14:45:58 6 Native Hawaiians sitting here today. Many of them served,
14:46:02 7 many of them served along with Mr. Naramatsu's people, those
14:46:08 8 that have died in the World War II. I served in Vietnam at
14:46:16 9 the time when the draft was there. I volunteered. Stupid,
14:46:19 10 do admit it, but I volunteered because I thought I had an
14:46:23 11 obligation. However, it didn't happen.

14:46:26 12 So I just would want this body to take back
14:46:29 13 with you, if you're looking at discriminatory acts, seeing
14:46:33 14 why the Akaka Bill is no good, first you need to look at why
14:46:37 15 and how the impacts of Article 1, Section 10 of the United
14:46:40 16 States Constitution and American federalism, we'll attach the
14:46:44 17 act, how would the use of Hawaiian Homelands as the land base
14:46:50 18 for the Akaka Bill affect the Akaka Bill? Because that's
14:46:53 19 what they say they're going to do.

14:46:55 20 And I would leave you with this: The Akaka
14:46:59 21 Bill is fundamentally flawed. Okay? At the hearing in 1999
14:47:03 22 I was up in objection to it. I am still objecting to it.
14:47:06 23 And the reasons are it is not -- it is not race-based.
14:47:12 24 Congress has that power. If Congress wanted to, they would
14:47:15 25 have created a race-based as they did in 1920.

14:47:18 1 So I thank you for allowing the opportunity
14:47:18 2 to raise those questions to you, but the next time so that
14:47:22 3 you do not get into fault of being discriminatory, find a
14:47:26 4 bigger place and give us enough advance notice to come to
14:47:30 5 Hilo. Thank you.

14:47:31 6 (Applause.)

14:47:32 7 MEMBER FUJIMORI: Thank you, Mr.

14:47:34 8 Kahawaiola'a.

14:47:35 9 Next we have Marie Okutsu.

14:47:41 10 MS. OKUTSU: Aloha to everyone. I am Marie
14:47:48 11 Okutsu and I am referred to as Hapa. Half of my family is
14:47:55 12 from the islands. I am half Japanese and half Italian. I do
14:48:02 13 not support the Akaka Bill. I, when I was watching the TV
14:48:09 14 the other night, was watching a Hawaiian woman speak about
14:48:14 15 the land that she was born and raised in and she spoke about
14:48:19 16 her Hawaiian name and was proud to say, This is the Hawaiian
14:48:25 17 name that I own as a Hawaiian. And I say -- I respected that
14:48:32 18 ad and I say to each and every one of you that Hawaiians, the
14:48:40 19 Native Hawaiians, where do they go? What land do they go to?
14:48:46 20 What land is called their own?

14:48:50 21 I am Hapa, I have another land that I can go
14:48:53 22 back to, but the local Hawaiians, all of the local Hawaiians,
14:48:59 23 what land do they have to go back to? Thank you for
14:49:03 24 listening.

14:49:04 25 (Applause.)

14:49:08 1 MEMBER FUJIMORI: Thank you, Ms. Okutsu.
14:49:10 2 Tammy Harper. Tammy Harp, I'm sorry.
14:49:15 3 MS. HARP: Aloha. My name is Tammy Harp.
14:49:24 4 I'm just here today to say that I oppose the Akaka Bill. And
14:49:28 5 I support a lot of what the -- our fellow people have been
14:49:33 6 saying and what my husband will be saying, also.
14:49:37 7 Anyway, my time here today, I just wanted to
14:49:40 8 say that the foundation of true reconciliation to me is that
14:49:46 9 the -- that the redress of Lili'uokalani to her former status
14:49:54 10 as queen should still be met even if she's not here. On
14:49:58 11 November 11, 1917, she had passed away still waiting for the
14:50:02 12 United States to redress her. And, you know, even if she's
14:50:08 13 gone, it doesn't mean that it cannot still happen.
14:50:11 14 Also, too, one of our plights is the -- is
14:50:17 15 water. I don't know how, you know, this would play into all
14:50:21 16 this, but I need to say this to you folks being that civil
14:50:25 17 rights and stuff. We have been squeezed out of our lois in
14:50:30 18 the valleys of the mountains of our islands because of
14:50:36 19 businessmen who foresaw the chance to capitalize on sugar and
14:50:44 20 pineapples from where I'm from, which is Lahaina on the
14:50:49 21 island of Maui. My tutu folks all have to come out from the
14:50:55 22 valleys and move down to the shoreline because they diverted
14:50:59 23 the waters where they were feeding the terraces of loi on the
14:51:08 24 kalo. There are still terraces up there in many of our
14:51:12 25 valleys on many of our islands that are growing everything

14:51:18 1 else but taro, our main staple of life.

14:51:21 2 We've been degraded, suppressed, oppressed
14:51:24 3 depressed, repressed. Whatever press you want, we've been it
14:51:27 4 and we still are. We've been deprived. We've been made
14:51:33 5 shamed to be a Hawaiian while growing up. And not knowing
14:51:41 6 about civil rights back then, our parents felt that and our
14:51:44 7 tutus felt no sense to go to meetings is because they already
14:51:50 8 had a plan of what they're going to do and just was a matter
14:51:54 9 of procedure that the electoral will come up and express all
14:52:00 10 your whatever whatevers and not even listen because it turns
14:52:05 11 around that it comes back against you.

14:52:07 12 So that a lot of our people didn't care to go
14:52:10 13 to meetings because they felt that it's a lost cause, they
14:52:15 14 wouldn't be heard, wouldn't be taken into consideration. And
14:52:19 15 so it was stuck in a hole. Like people say crabs in a
14:52:25 16 bucket, but for me, I would say was in a hole because we
14:52:30 17 never catch crabs in buckets, we caught them by hand and put
14:52:35 18 'em in a bag.

14:52:36 19 But, anyway, I just wanted to thank you folks
14:52:39 20 for coming and I hope you folks can find some way that the
14:52:44 21 queen -- in order to have true reconciliation, that she be
14:52:48 22 redressed even if she's gone. That's my manao. Mahalo.

14:52:54 23 (Applause.)

14:52:56 24 MEMBER FUJIMORI: Thank you, Ms. Harp.

14:52:57 25 Issac Harp.

14:53:01 1 MR. HARP: Hello. Thank you for coming here
14:53:05 2 today. My name is Issac Harp. I'm here to oppose the Akaka
14:53:12 3 Bill as a purely racist measure. The issue is not that a
14:53:16 4 race was overthrown, it's that a nation was overthrown. And
14:53:21 5 that nation that was overthrown, the Hawaiian Kingdom,
14:53:25 6 consists of not only Kanaka Maoli Hawaii citizens, but also
14:53:29 7 citizens of almost every race we have here in the islands
14:53:33 8 today.

14:53:33 9 So it's a raced-based issue and I think it
14:53:36 10 should be thrown in the garbage can. It's been on the table
14:53:39 11 for many years now and I don't know when the deadline for
14:53:42 12 this continuous effort will come, but I think we need to just
14:53:46 13 toss this out and start all over and go back to the original
14:53:51 14 apology resolution, US Public Law 103-150, which admitted to
14:53:57 15 some of the wrongs, the unlawful act the United States
14:54:00 16 committed against the Hawaiian Kingdom and in the end it
14:54:04 17 calls for reconciliation. I think we need to start with
14:54:08 18 reconciliation before anything else.

14:54:10 19 And there was some discussion or some
14:54:12 20 testimony on the Hawaiian Homes Act, Hawaiian Homes
14:54:16 21 Commission Act, and that is one race-based issue that I
14:54:20 22 cannot oppose because of the wrongs that were committed
14:54:26 23 against the Native Hawaiian people, the Kanaka Maoli Hawaii.
14:54:30 24 The population of that race of people were dying much like
14:54:33 25 endangered species today, we have the Hawaiian monk seal is

14:54:38 1 dying so it gets some special treatment because it is a dying
14:54:41 2 species. So I support that.

14:54:42 3 And we need to get back to the
14:54:46 4 reconciliation, and that reconciliation cannot include only
14:54:51 5 Kanaka Maoli Hawaii, but it must include descendents of all
14:54:57 6 Hawaii nationals regardless of race. Let's take this out of
14:55:01 7 a race-based arena and do it the right way. So Hawaii is
14:55:05 8 known as, I guess, the melting pot of the world and
14:55:10 9 continuing on this race-based platform I think is the wrong
14:55:13 10 picture to send to the rest of the world.

14:55:16 11 And I think the first thing we need to do as
14:55:19 12 far as reconciliation is for the United States to withdraw
14:55:22 13 from Hawaii beginning with the military continuing to pollute
14:55:26 14 the land. Even after apologizing in 1993 continued the
14:55:31 15 military build up here. It's kind of a two-faced thing.
14:55:34 16 You're saying you're sorry, but you continue with the insult,
14:55:37 17 United States. I'm not addressing members of this panel as
14:55:40 18 this being your fault, but the fault of the United States
14:55:42 19 federal government.

14:55:43 20 So I hope that we can move to a true
14:55:48 21 reconciliation process. And this Akaka Bill -- From what I
14:55:54 22 understood from past versions, I haven't seen the most recent
14:56:00 23 version, but it allows the so-called Native Hawaiian
14:56:03 24 governing entity to draft up the constitution and then the
14:56:06 25 interior secretary gets to amend the constitution to what the

14:56:12 1 interior secretary sees fit. What nation in this world allow
14:56:19 2 another nation to amend their constitution? It's totally
14:56:23 3 ridiculous, I would have to say. Thank you.

14:56:24 4 (Applause.)

14:56:24 5 MEMBER FUJIMORI: Thank you, Mr. Harp.

14:56:28 6 Cherish Harp.

14:56:30 7 MS. HARP: Sorry, I'm a bit short.

14:56:35 8 Aloha. My name is Cherish. I am the only
14:56:39 9 girl of Issac and Tammy Harp.

14:56:43 10 I oppose the Akaka Bill because I am a Kanaka
14:56:47 11 Maoli, but I am also a Native American. But Hawaiians are
14:56:52 12 not native Americans, no. We don't belong to yours.

14:57:04 13 (Crying.) I'm sorry, I never used to this. My friends and
14:57:12 14 people I have met, they -- they're actually signing up for
14:57:17 15 Kau Inoa, but they're only signing up for the shirt. They
14:57:22 16 don't know what's behind the shirt.

14:57:25 17 I try to tell them, you know, it's something
14:57:27 18 else.

14:57:28 19 They say, "So what? It's the shirt we want."

14:57:31 20 I'm, "Okay, so when you grow up and you read
14:57:33 21 what you write on that paper and you guys recognize what you
14:57:37 22 guys did, going to be all your fault because you guys never
14:57:40 23 read the paper first."

14:57:41 24 So I oppose this because the Hawaiians, we
14:57:47 25 suffer, you know. I've been going to meetings since I was a

14:57:52 1 baby and I just tired. I tired talk. (Crying.) Thank you.

14:58:04 2 (Applause.)

14:58:06 3 MEMBER FUJIMORI: Thank you, Ms. Harp.

14:58:08 4 MS. HARP: I just wanted to clarify that she

14:58:10 5 said she's Native American is because she is of Cherokee

14:58:14 6 descent.

14:58:15 7 MEMBER FUJIMORI: Okay. Thank you.

14:58:16 8 Mr. William Nelson.

14:58:20 9 MR. NELSON: Aloha. My name is Dr. William

14:58:27 10 H. Nelson. I work at University of Hawaii at Hilo in

14:58:31 11 Hawaiian studies, but I'm not coming on behalf of the

14:58:35 12 university. I'm also on the board of the Aha Punana Leo, the

14:58:38 13 Hawaiian language preschool. I'm not coming on their behalf.

14:58:42 14 I'm coming as my own individual.

14:58:44 15 I'm not coming to either make a stand against

14:58:49 16 or for the Akaka Bill, either. I just want to provide some

14:58:53 17 information that is relevant to the Akaka Bill relating to

14:58:58 18 whether Hawaiians have assimilated to other peoples. I think

14:59:02 19 it was very interesting sitting here and listening to all the

14:59:05 20 people come forward and talk about the -- their kupaa behind

14:59:10 21 the Hawaiian Kingdom.

14:59:12 22 And when I first moved to Hilo in 1970 I met

14:59:16 23 many of their grandparents and other people here working very

14:59:20 24 hard to preserve the Hawaiian language in spite of it being

14:59:23 25 illegal to use in the school before. The grandparents tried

14:59:28 1 very hard, made many efforts in the legislature to get
14:59:31 2 support. Churches were using Hawaiian. There was much, much
14:59:34 3 effort among the Hawaiian people to maintain their cultural.

14:59:37 4 And there have been some statements that
14:59:40 5 Hawaiians have not, that they have assimilated. And because
14:59:43 6 of our work in the Hawaiian language revitalization we have
14:59:47 7 had many, many visits from American Indian groups. I have
14:59:51 8 also gone to many tribal groups to help them out. And the
14:59:53 9 Hawaiians are the leaders in the United States among the
14:59:56 10 indigenous people in working to preserve their language and
14:59:59 11 culture. That more children learning the Hawaiian language,
15:00:03 12 the indigenous language here in Hawaii than any tribe in the
15:00:07 13 United States. So I think that's important to know.

15:00:10 14 I also think much of the -- Another thing
15:00:14 15 about cultural values, I think Hawaiian people have kept a
15:00:18 16 lot of cultural values. I heard people talk against this
15:00:22 17 bill based on -- I shouldn't -- Well, I won't mention any.
15:00:26 18 Mrs. Yamada saying, aloha, everybody and all, whatever race
15:00:32 19 you are. I think that's Hawaiian value of aloha to everyone.

15:00:35 20 And it's been mentioned, the statement about
15:00:39 21 Japanese in the Hawaiian Kingdom. People spoke Asian
15:00:43 22 languages. Asians could be citizens. And then when the
15:00:46 23 United States came in, there were restrictions on Japanese
15:00:50 24 becoming citizens that were not applied to other people. So
15:00:53 25 I can understand that kind of worry and also agree that when

15:01:01 1 it comes down to it, the United States government has to
15:01:04 2 decide what they're going to do with these people that
15:01:06 3 they've incorporated into the government. It's happened.
15:01:10 4 The Congress is going to make the decision.

15:01:12 5 I think it's very unfair to ask the Hawaiian
15:01:16 6 community to say, yes, I support, because I know for
15:01:21 7 generations, as I've been talking about, it wasn't right and
15:01:27 8 not going to sign the paper and the songs and everything like
15:01:31 9 that.

15:01:31 10 So basically what I want to say is from my
15:01:33 11 perspective, being a professor of Hawaiian studies, Hawaiian
15:01:38 12 communities worked really hard to maintain their language and
15:01:41 13 culture in spite of things that have not been really
15:01:44 14 supportive of it, laws and things of that nature. So that's
15:01:48 15 my basic testimony. Mahalo.

15:01:52 16 (Applause.)

15:01:53 17 MEMBER FUJIMORI: Thank you, Dr. Nelson.

15:01:55 18 Jerry Kahana Mauhili.

15:02:06 19 MR. MAUHILI: Aloha, panel, but also aloha to
15:02:18 20 the audience that have come to testify. I feel strongly in
15:02:25 21 oppose the Akaka Bill for what it has in its entirety right
15:02:29 22 now. I was a leader and am a leader representing the
15:02:37 23 pineapple farmers. In the year 2000 we seen the Akaka Bill
15:02:41 24 approach the legislative body with many pages, many pages of
15:02:45 25 concerns and of vital information. And today it's been

15:02:49 1 watered down, as it was referred to, and it's not what we
15:02:57 2 feel we can accept.

15:03:01 3 We have always been told by our kupunas to
15:03:08 4 (Hawaiian). Well, we are where we are at today because of
15:03:12 5 that phrase. And it's the young leaders such as myself that
15:03:16 6 have grown a little weary, a little older, that we look at
15:03:22 7 our younger generations and hope that they can come out to
15:03:26 8 the meetings and understand a little bit better.

15:03:28 9 I will say this, that I read about this
15:03:32 10 informational type of committee coming in and it was
15:03:36 11 September 10th. I was prepared to make that time to come,
15:03:41 12 then it got changed. Then in one day's notice it's today.
15:03:47 13 So a lot of people don't understand what and why. And I got
15:03:52 14 to say, this space and place is a bit small. And I don't
15:03:58 15 even see the full panel of 17 people in front of me that
15:04:02 16 might hear my voice, but I did come because it was important
15:04:07 17 for me to come.

15:04:10 18 And what I feel is when we talk about race,
15:04:15 19 as the speakers prior, I am a third-generation Hawaiian Homes
15:04:19 20 recipient with leased lands. And it seems like the mineral
15:04:26 21 rights, everything that is important to us is being
15:04:29 22 controlled by the State of Hawaii. And we get banned by
15:04:35 23 doing certain things that we feel will be sustainable for our
15:04:40 24 livelihood, and this is very deterrent on our existence
15:04:44 25 today.

15:04:44 1 We talk about language. I was never taught
15:04:47 2 Hawaiian language because it was important to speak English,
15:04:52 3 but I know aloha. Aloha having all of its meanings. And I
15:04:58 4 know how to say thank you. And even as I leave, I'm going to
15:05:05 5 say aloha because of respect.

15:05:10 6 I have heard in the meetings that we've had
15:05:13 7 and as leaders went to, the CNHA conferences, other peoples
15:05:21 8 that have been Native Americans, Native American Indians,
15:05:25 9 they all say, "Be careful what you sign for."

15:05:28 10 "Oh, you can amend the problem. You can
15:05:30 11 amend the situation."

15:05:33 12 I don't believe once you sign a contract you
15:05:36 13 can amend it the next day. So we will pick and choose what
15:05:40 14 we feel is important to us. And I want you folks to
15:05:44 15 understand, we are for recognition. We have been recognized,
15:05:49 16 but at the same time we have been put aside for somebody
15:05:53 17 else's profit, capitalism in its fullest degree. Mahalo.

15:06:06 18 (Applause.)

15:06:08 19 MEMBER FUJIMORI: Thank you.

15:06:09 20 Is there anybody else here who had registered
15:06:13 21 to speak? I'm at the end of our list. One more person in
15:06:16 22 the back. Can somebody help her up? And I'll find out from
15:06:22 23 them when they come back why she wasn't on the list.

15:07:26 24 Maybe she can sit down.

15:07:57 25 Thank you both for your help, assisting.

15:08:01 1 Ms. Elizabeth Akimseu.

15:08:01 2 MS. AKIMSEU: Akimseu. If you cannot
15:08:10 3 remember, but I remember I come see you.

15:08:13 4 MEMBER FUJIMORI: Okay. Kupuna Elizabeth
15:08:20 5 Maile Akimseu. We'll provide your written testimony to the
15:08:23 6 transcriber as well. Thank you.

15:08:34 7 MS. AKIMSEU: I speak for my Big Island
15:08:40 8 kupuna, for the island of Hawaii. And there's many
15:08:46 9 representatives from each district. All of them are not able
15:08:51 10 to come because of age and health. I'm similar to them, but
15:09:02 11 this contraption takes me all over.

15:09:05 12 This is our spokesperson for our kupuna, Okua
15:09:11 13 Kaakai, and he has been such a wonderful inspiration to so
15:09:18 14 many of us kupuna.

15:09:20 15 As my report says here, because we went
15:09:25 16 through the Akaka Bill, State of Hawaii, Community of Hawaii,
15:09:33 17 "S147, the Native Hawaiian Government Reorganization Act of
15:09:42 18 2005."

15:09:43 19 "Honorable Members."

15:09:45 20 I saw Kupuna Johnson's name on the panel and
15:09:49 21 I notice she's not here. I send my aloha to her. And mahalo
15:09:56 22 for you coming.

15:09:58 23 "Aloha. Thank you for this most important
15:10:02 24 opportunity to address this longstanding matter of the Akaka
15:10:06 25 Bill. Last year we kupunas submitted a bill for

15:10:12 1 consideration as an attachment or stand alone to this bill.
15:10:16 2 It was provided to the Office of Hawaiian Affairs (see
15:10:20 3 attached), and you should have a copy of it. Our bill and
15:10:24 4 our voice should have had the equal opportunity to have been
15:10:28 5 heard. Both the federal and state should have provided the
15:10:33 6 appropriate representatives to review the merits of the Akaka
15:10:38 7 Bill with us as we are the Queen's living trustees who
15:10:43 8 protect these islands and whom the people come to as citizen
15:10:48 9 volunteer activists. This is an important matter that is
15:10:53 10 limited to our islands and the nation's American Indians and
15:10:58 11 comes through the United States Constitution Article 1,
15:11:03 12 Section 8, 'To regulate and commerce with foreign nations,
15:11:10 13 and among the several states, and with the Indian tribes.'
15:11:16 14 "I do not pretend to be an all out authority
15:11:21 15 on governmental activity, but to have cut us kupunas out on
15:11:27 16 this most important matter from the beginning was a mistake
15:11:32 17 that continues to repeat itself over and over. Our lands
15:11:36 18 have been used for the reasons other than for the best
15:11:40 19 outcome of the Native Hawaiians -- or kupuna, I forgot to
15:11:44 20 put. Our lands have been used for reasons other than the
15:11:49 21 best outcome of the Native Hawaiians, by large numbers our
15:11:53 22 Native Hawaiians have ventured off the islands to find utopia
15:11:57 23 and tranquility elsewhere. Our schools until recently were
15:12:01 24 of lower class compared to mainland education. Our
15:12:04 25 employment ability was held down to that of common field

15:12:08 1 workers. Our medical benefits are none existent, are of such
15:12:13 2 useless scale it would not cover the healing process. Our
15:12:17 3 land and shelter buying cost are in many cases out of our
15:12:21 4 ability.

15:12:22 5 "Sincerely, Elizabeth Maile Akimseu, Kupuna."

15:12:29 6 And then you can see the attachment on the
15:12:32 7 back that tells you what we tried to do.

15:12:41 8 "Aloha, Honorable Representatives, here is
15:12:46 9 Kupuna Elizabeth Maile Akimseu's Legislation Plan and
15:12:46 10 statement.

15:12:46 11 "When recognizing the disagreement of Native
15:12:50 12 Hawaiian issues coming under the American Indian legislation.
15:12:53 13 The United States Constitution Article 1, Section 8 in part
15:12:57 14 reads: 'To regulate commerce with foreign nations and among
15:12:59 15 the several states and with the Indian tribes.'

15:13:03 16 "United States Government, Bureau of Indian
15:13:08 17 Affairs. Committee identification is specific to: Committee
15:13:11 18 on Aleuts Affairs, Committee on Eskimos Affairs, Committee on
15:13:16 19 Indians Affairs, Committee on Native Hawaiian Affairs.

15:13:19 20 "Thus the US government's committee's board
15:13:24 21 which is chosen for their specific indigenous knowledge, and
15:13:28 22 would be identified by committee: Name and on stationery,
15:13:31 23 electronic titling, identification cards and et cetera. This
15:13:35 24 resolution sounds simple and appropriate.

15:13:37 25 "A. Reinstate the Akaka Bill, revised with

15:13:42 1 Department of Hawaiian Affairs and State of Hawaii community
15:13:43 2 wide support. Revision given State of Hawaii for comments
15:13:44 3 and changes, then sent directly to the US Congress Akaka Bill
15:13:47 4 for consideration. Kupuna Akimseu does not understand why
15:13:53 5 the State of Hawaii would have to legislate a revision to an
15:13:57 6 existing US Congress bill.

15:13:59 7 "B. Comments and changes of State of Hawaii
15:14:02 8 Legislature and governor.

15:14:04 9 "C. To the US Congress.

15:14:06 10 "1. Kupunas and community leaders, steering
15:14:10 11 and presentation committee.

15:14:12 12 "2. Legal representation, qualified to
15:14:14 13 lecture and answer questions.

15:14:16 14 "3. Political representation, qualified to
15:14:18 15 guide, lecture and answer questions."

15:14:25 16 And the statement on the back reads:

15:14:27 17 "Why did the American Indians and others gain
15:14:30 18 while the Native Hawaiian declined? The Native Hawaiian has
15:14:35 19 missed out on many beneficial programs that started as long
15:14:39 20 ago as 1976 in what is known as 302 Contacting and other
15:14:44 21 programs. To be entitled for these federal programs this
15:14:48 22 Akaka Bill is most important, but that is not readily
15:14:51 23 understood by our people. Without a bill we cannot get
15:14:54 24 federal recognition for meaningful long-term development.
15:14:58 25 Our federal elected officials before 1976 never informed us

15:15:03 1 of the true importance of needing a bill, and the 302
15:15:07 2 contracting of 1976 went to the American Indians, Aleuts and
15:15:13 3 Eskimos.
15:15:13 4 "Means and Strategy. The First Continental
15:15:17 5 Congress met in Philadelphia on September 5th, 1774 and it
15:15:23 6 had made provisions for the American Indians in Article 1.
15:15:26 7 Why did it not -- Why did not the elected officials by 1976
15:15:32 8 provide for the Native Hawaiian community? Formally by
15:15:35 9 earlier bill legislation, and working on the Jones Act and
15:15:40 10 federal 302 Contracting prospective entitlements to our
15:15:43 11 society as a whole, it would have made a big difference. How
15:15:47 12 much has Hawaii had to offer, but lost? Certainly, those
15:15:51 13 earlier changes would have benefited and altered the shape of
15:15:57 14 Hawaii in industrial and farming power.

15:16:01 15 "We Hawaiians are more than entertainers and
15:16:06 16 waiters. We have diversified in technology and the
15:16:12 17 professions. With proper leadership and assistance, our
15:16:20 18 nation, Hawaiian nation can rebuild and be a benefit to the
15:16:24 19 nation and world.

15:16:29 20 "For Kupuna Elizabeth Maile Akimseu."

15:16:32 21 My hanai brother, William F. Hackmeister, 84
15:16:39 22 Uhaloa Place, Hilo, Hawaii."

15:16:42 23 I meet with my kupunas every day. And many
15:16:52 24 of them have passed on. I remain to be their voice with my
15:17:03 25 boy, who helps me. We go to Honolulu and we go to the

15:17:10 1 legislature to make our presentations and I go on a
15:17:17 2 wheelchair on the bus. We don't take no car. We are on
15:17:26 3 fixed income, but I go 'cause I feel it's important. And I
15:17:36 4 hear many voices of my kupunas right here in this building
15:17:42 5 today. They do not support the Akaka Bill.

15:17:45 6 And for my statement, may you look at it
15:17:50 7 wisely and consider our plight. I know you all love Hawaii,
15:17:59 8 which is why you're here. And we talk about the things that
15:18:05 9 are happening. My children have all been raised to be
15:18:13 10 Americans. And when I became involved with the Hawaii
15:18:20 11 government that is -- with Mahalani Sing in Honolulu, 210
15:18:29 12 Ewalani Place, we saw so many things in the bill that we had
15:18:33 13 to challenge many times.

15:18:39 14 We come from this land, from our kupuna. I
15:18:45 15 was raised as a youngster to be seen and not heard, but when
15:18:53 16 I decide to have a family, marrying a Chinese guy who likes
15:19:00 17 kids, he didn't think four was enough. He wanted three times
15:19:05 18 four, which was 12, and that's the amount of children I have.
15:19:13 19 And so I speak for them and for my kupuna.

15:19:19 20 MEMBER FUJIMORI: Thank you, Kupuna Akimseu.

15:19:24 21 MS. AKIMSEU: Thank you very much. But like
15:19:26 22 the voice of the other people, please find a place that's big
15:19:30 23 enough so that all our kupuna can come. And to meet in a
15:19:34 24 place like this, they get very slighted. And I cry with
15:19:40 25 them. I try to explain to them. Remember, they're people,

15:19:46 1 you are people and I am. And we are Hawaiians and we know
15:19:51 2 who we are. We know who we are. I'm an heir of my
15:20:02 3 (Hawaiian). So thank you. All of you, thank you very much.
15:20:04 4 Mahalo.

15:20:05 5 (Applause.)

15:20:07 6 MEMBER FUJIMORI: Thank you.

15:20:08 7 Is there anyone else in this room that signed
15:20:12 8 up and wants to present any testimony? Okay. With that, I'm
15:20:18 9 going to go through the list of the last few speakers to see
15:20:22 10 if the committee has any questions if they're still in the
15:20:25 11 room. For Curtis Naramatsu. Sam Kaleleiki. Emmily Nagole.
15:20:36 12 Patrick Kahawaiola'a.

15:20:40 13 MEMBER BURGESS: I have a question for him.

15:20:42 14 MEMBER FUJIMORI: Mr. Kahawaiola'a, are you
15:20:45 15 still in the room?

15:20:46 16 I think he might have left. Sorry.

15:20:48 17 Do you know if Mr. Kahawaiola'a --

15:20:51 18 UNIDENTIFIED SPEAKER: I'll look for him.

15:20:53 19 MEMBER FUJIMORI: Thank you.

15:20:57 20 I'm going to continue down the list and come
15:20:59 21 back. Marie Okutsu, any questions for her? For Tammy Harp?
15:21:05 22 Issac Harp? Cherish Harp? William Nelson? Jerry Kahana
15:21:16 23 Mauhili?

15:21:16 24 MEMBER BURGESS: Yeah, I have a question for
15:21:18 25 him, too.

15:21:19 1 MEMBER FUJIMORI: Okay. Is Jerry Mauhili --

15:21:21 2 MR. BROWN: I can speak for Mr. Kahawaiola'a.

15:21:25 3 I am with the same organization as he is. Question?

15:21:29 4 MEMBER FUJIMORI: I'm sorry, what is your
5 name?

15:21:31 6 MR. BROWN: My name is Sampson Brown. I'm
15:21:33 7 with Aupuni o Hawaii, the same organization as Mr.
15:21:39 8 Kahawaiola'a is.

15:21:39 9 MEMBER FUJIMORI: Okay. I'll see if the
15:21:40 10 question is something you can answer.

15:21:42 11 MEMBER BURGESS: Okay. Mr. Kahawaiola'a said
15:21:50 12 that the Hawaiian Homes Commission Act, which was enacted by
15:21:55 13 Congress in 1921 was -- he said it's race-based.

15:21:59 14 MR. BROWN: Yes, it is.

15:22:01 15 MEMBER BURGESS: And he's right, it is
15:22:04 16 race-based and you can't deny it.

15:22:05 17 MR. BROWN: It is.

15:22:06 18 MEMBER BURGESS: And, also, the other
15:22:13 19 gentleman, I'm sorry, I didn't get his name, but it was
15:22:16 20 Jerry, the young -- young guy, said he was a spokesman for
15:22:20 21 the third-generation Hawaiian homesteader.

15:22:23 22 MR. BROWN: Yes.

15:22:24 23 MEMBER BURGESS: He mentioned something
15:22:26 24 related to what Mr. Kahawaiola'a had said and that was he
15:22:31 25 said that he's worried that he's a third-generation

15:22:34 1 homesteader and that he feels the State controls the mineral
15:22:38 2 rights and so forth. And --

15:22:41 3 MR. BROWN: Yes, they do.

15:22:42 4 MEMBER BURGESS: Yeah. So --

15:22:43 5 MR. BROWN: But they're not authorized under
15:22:45 6 the Hawaiian Home Commission Act.

15:22:48 7 MEMBER BURGESS: Okay. And that's the --
15:22:49 8 what my question is. And in addition to that, the State -- I
15:22:57 9 don't know if everybody knows it, but the State reserves the
15:23:01 10 right to withdraw the land under every Hawaiian Homestead
15:23:07 11 lease. So not only the mineral rights, but there is that
15:23:13 12 reservation as well when the State ever wants to do it.

15:23:19 13 But my question is to him and to you and to
15:23:21 14 the other homesteaders: Wouldn't it be better if the land
15:23:31 15 was made available to each homesteader in fee simple so that
15:23:38 16 they wouldn't have to go hat in hand to the State or to the
15:23:44 17 Hawaiian Homes Commission, but they would own their own land
15:23:49 18 and be able to do with it as they wished?

15:23:53 19 MR. BROWN: No. This Hawaiian Homes
15:23:58 20 Commission Act was created by Congress for the Native
15:24:01 21 Hawaiians, see, with a 99-year lease on each.

15:24:08 22 MEMBER BURGESS: Right.

15:24:08 23 MR. BROWN: And this is the statutory law.
15:24:11 24 This was made by Congress. It is embedded in the State
15:24:16 25 Constitution. Why it is, I don't know. This is an

15:24:19 1 unconstitutional statute. The Hawaiian Home Commission Act
15:24:24 2 is an unconstitutional statute. It's made only for the
15:24:28 3 Hawaiians with 50 percent or less blood -- 50 percent or
15:24:32 4 more, I'm sorry. And this was so the lands being reserved
15:24:39 5 for them. And if you want to change that, you got to go to
15:24:46 6 Congress to change that. If you want to create --

15:24:49 7 According to the Hawaiian Home Commission Act
15:24:51 8 and the Hawaii State Admission Act, the encumbrance allowed
15:24:57 9 to be on Hawaii Homelands, you got to have the consent of
15:25:03 10 Congress to do that and the State of Hawaii did not do that.
15:25:08 11 They overthrew the Hawaiian Home Commission Act in the year
15:25:12 12 1963, made themselves commissioners to control the Hawaiian
15:25:20 13 Homelands.

15:25:20 14 And I have the statutory law, the book, the
15:25:25 15 1920 legislation. I have the book which shows you the
15:25:30 16 Hawaiian Home Commission Act. I have the Admission Act all
15:25:34 17 here. I think my friend, Patrick Kahawaiola'a gave it to you
15:25:41 18 guys outside.

15:25:42 19 MEMBER FUJIMORI: One follow-up question, Mr.
15:25:45 20 Burgess.

15:25:47 21 MEMBER BURGESS: Yeah, thanks. My question
15:25:54 22 is: I agree with what you said, it is unconstitutional, but
15:26:00 23 I think it could be changed by a court. And if it were
15:26:05 24 changed, thrown out by the court except with the provision
15:26:12 25 that every homesteader would be entitled to acquire the fee

15:26:18 1 simple interest in his lot, wouldn't that be better than the
15:26:24 2 present system where Hawaiian Homesteaders are dependent on
15:26:29 3 the largess of bureaucrats?

15:26:33 4 MR. BROWN: No. I think --

15:26:35 5 MEMBER BURGESS: To own the fee simple
15:26:38 6 interest in their lots.

15:26:39 7 MR. BROWN: No, I don't. Fee simple you
15:26:42 8 would have to pay tax; right?

15:26:44 9 MEMBER BURGESS: Right.

15:26:45 10 MR. BROWN: If not fee simple, what? We're
15:26:48 11 not in the Bureau of Conveyance, so how can we pay taxes if
15:26:57 12 we're not in the Bureau of Conveyance?

15:26:59 13 MEMBER FUJIMORI: Okay. Thank you.

15:27:01 14 Any other questions? Okay. Thank you very
15:27:03 15 much.

15:27:06 16 UNIDENTIFIED SPEAKER: Can I say something?

15:27:08 17 MEMBER FUJIMORI: I'm sorry, actually, you
15:27:10 18 cannot from the audience.

15:27:11 19 I know there's some questions for Mr.
15:27:15 20 Mauhili. Mr. Burgess.

15:27:17 21 MEMBER BURGESS: Well, I think you heard
15:27:19 22 that. Sort of the same question that you had raised or
15:27:21 23 similar to what Mr. Kahawaiola'a had raised, also, and that
15:27:27 24 was, you know, rather than -- You, I think, raised the
15:27:30 25 question as a younger leader, you raised the question of the

15:27:36 1 fact that the State controlled the mineral rights. And my
15:27:39 2 question is wouldn't it be better for Native Hawaiians, the
15:27:44 3 50 percent or more Native Hawaiians, to own the fee simple
15:27:49 4 interest in their lots, if it could be done? And I think it
15:27:53 5 could be done.

15:27:55 6 MR. MAUHILI: I've heard your question. At
15:27:58 7 this point in time I feel that all of the merits that come
15:28:02 8 with Hawaiian Homelands and recipients that have received
15:28:10 9 these lands should be held at a different meeting. And I
15:28:12 10 understand what your question was; however, I feel that when
15:28:15 11 we do talk about discrimination and race base, it was
15:28:20 12 Congress that formulated this topic. And if the civil rights
15:28:26 13 that we're talking about today are here to address the
15:28:30 14 Hawaiians' needs and as well as the other people that
15:28:36 15 encompass our lands, I think it really comes down to the
15:28:40 16 right or the wrong being addressed and then we go forward to
15:28:45 17 use the word "healing" and we can come up with different
15:28:50 18 perspectives and ideas in relation to your question. But I'm
15:28:54 19 not prepared to discuss that at this point.

15:28:57 20 However, I'd like to say that as Hawaiians we
15:29:00 21 have been open to every race that have come in. And I'd like
15:29:06 22 that to be very clear to this panel that talk about civil
15:29:10 23 rights, to the audience that may have questions. But, in
15:29:14 24 reality, I would like for all the people that have not come
15:29:18 25 to realize the truth, and that is we do have our rights. And

15:29:23 1 I'd like for that to be expressed with me being here and
15:29:28 2 other generations that are following. That we will stand
15:29:32 3 fast to what we believe is right. Mahalo.

15:29:35 4 MEMBER FUJIMORI: With that, can I entertain
15:29:39 5 a motion for the committee to close this meeting?

15:29:43 6 MEMBER KUROIWA: So move.

15:29:44 7 MEMBER BURGESS: Second.

15:29:46 8 MEMBER FUJIMORI: All those in favor?

9 Aye.

15:29:47 10 MEMBER FUJIMORI: With that, we now close the
15:29:49 11 Subcommittee of the Hawaii State Advisory Commission to the
15:29:53 12 US Commission on Civil Rights. Thank you all for coming.

13 (The proceedings were adjourned at 3:30 p.m.)
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C E R T I F I C A T E

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STATE OF HAWAII)
) SS.
CITY AND COUNTY OF MAUI)

I, Sandra J. Gran, Certified Shorthand Reporter for the State of Hawaii, hereby certify that the proceedings were taken down by me in machine shorthand and was thereafter reduced to typewritten form under my supervision; that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

I further certify that I am not attorney for any of the parties hereto, nor in any way concerned with the cause.

DATED this 2nd day of October, 2007, in Maui, Hawaii.

Sandra J. Gran

Sandra J. Gran
Hawaii CSR 424
Notary Public for Hawaii
My Commission Expires: 5/14/08

