



**TESTIMONY OF THE STATE ATTORNEY GENERAL
TWENTY-FIFTH LEGISLATURE, 2009**

ON THE FOLLOWING MEASURE:

H.B. NO. 1667, RELATING TO CEDED LANDS.

BEFORE THE:

HOUSE COMMITTEE ON HAWAIIAN AFFAIRS

DATE: Wednesday, February 4, 2009 **TIME:** 9:00 AM

LOCATION: State Capitol, Room 329

TESTIFIER(S): Mark J. Bennett, Attorney General

Chair Carroll and Members of the Committee:

The Department of Attorney General opposes this bill.

This bill amends chapter 171, Hawaii Revised Statutes, to permanently bar the Board of Land and Natural Resources from selling, exchanging, or otherwise alienating ceded lands.

We oppose this bill on both legal and policy grounds.

As to legal issues, the bill raises the potential for additional federal court lawsuits against the State by persons opposed to government programs that provide benefits to Native Hawaiians. Such lawsuits have been and continue to be filed. New lawsuits might claim, for example, that this legislation violates the Admission Act, which establishes a trust whose provisions and obligations are interpreted under federal common law, because a reasonable trustee would never foreclose in advance selling or exchanging land, no matter how favorable the circumstances, no matter how much the sale or exchange would advance the purposes of the Admission Act's public trust, and no matter how much the sale or exchange would benefit the trust's beneficiaries, particularly for the reasons specified or implied by the bill.

New lawsuits might also challenge the legislation as violating the Fourteenth Amendment to the United States Constitution. Were this

legislation to be enacted, such challenges might well not be subject to the procedural bars regarding, for example, standing and joining the United States as a party, that previous challenges have faced.

Similar issues could be raised with respect to the Hawaii State Constitution.

We also believe that it makes sense as a policy matter for the State to retain flexibility as to the use and management of its land. It is impossible to say in advance that beneficial opportunities for sales or exchanges cannot arise. Office of Hawaiian Affairs v. Housing and Community Development Corporation of Hawaii itself arose from the Legislature's specific direction to sell ceded land to implement the Admission Act's third purpose: developing "home ownership on as widespread a basis as possible," a purpose also embodied in Hawaii's Constitution, Article XI, section 10: "The public lands shall be used for the development of farm and home ownership on as widespread a basis as possible, in accordance with procedures and limitations prescribed by law."

We believe the Legislature should also consider a structural revision to the bill to provide an exemption for the sale or exchange of remnants, such as by adding the following language to each of the sections this bill adds to the Hawaii Revised Statutes: "The provisions of this section shall not apply to the sale (or exchange, as appropriate) of remnants, as that term is defined in section 171-52, or portions thereof."

We therefore respectfully ask the Committee to hold this bill.

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the House Committee on
HAWAIIAN AFFAIRS**

**Wednesday, February 4, 2009
9:00 AM
State Capitol, Conference Room 329**

**In consideration of
HOUSE BILL 1667
RELATING TO CEDED LANDS**

House Bill 1667 proposes to prohibit the Board of Land and Natural Resources from selling, exchanging, or otherwise alienating ceded lands in the public land trust. The Department of Land and Natural Resources defers to the Department of the Attorney General with regard to providing specific comments on this measure.

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



Na Koa Ikaika o Ka Lahui Hawaii
c/o 400 Hualani Street, Bldg 10, Suite 194 ♦ Hilo, HI 96720
(808) 961-2888 phone ♦ (808) 935-8854 fax ♦ gibson@ilhawaii.net
Mililani B. Trask, Convener



TESTIMONY RELATING TO:

1. HB 1600 Relating to HAWAIIANS (SUPPORT)
2. HB 1667 relating to CEDED LANDS (OPPOSE)
3. HB 1805 relating to LANDS CONTROLLED BY THE STATE (OPPOSE)
4. HB 1841 relating to THE PUBLIC LAND TRUST (SUPPORT)

Hearing: Wednesday, Feb. 4th 2009

Time: 9:00am

Place: C.R. #329

#1. HB 1600 Re: Hawaiians: IN SUPPORT

This measure is a simple bill that makes clear that the indigenous people of the islands are Hawaiians. I support this measure because it states what many people take for granted. In addition there are those who believe that a Hawaiian is anyone born or living in the islands. This is not the case. We need this clarification because it will ensure that legislation intended to impact issues and needs of Hawaii's indigenous peoples would be understood.

#2 & #3 HB 1667 & HB 1805: IN OPPOSITION

These measures are intended to place a moratorium on the sale of ceded lands but fail to do so because they are too narrow. The ceded lands are held by several State agencies, including the Dept. of Transportation, and the DOE as well as OHA. Also, these bills do not get to the heart of the problem, there is no accurate inventory of the trust lands and this has led to confusion and bickering between and among Agencies and the State Executive.

#4 HB 1841:

I strongly support this measure because it imposes a moratorium for a reason and gets to the heart of the problem. The Ceded Lands Trust, by law (the Admissions Act) was created for two beneficiaries, the public and the native Hawaiian. The fighting that the State has endured stems from the simple fact that the State has no ceded land trust inventory, consequently it has not been able to "segregate" or divide the trust so that native Hawaiians can have some land and the public can have some land. This measure achieves that goal.

Mililani B. Trask

HPACH

919 4th Street
Pearl City, Hawaii 96782

February 4, 2009

Representative Mele Carroll, Chair
Representative Maile S. L. Shimabukuro, Vice Chair
And Committee Members on Hawaiian Affairs
House of Representatives, 2009 Legislature Session
State of Hawaii

Subject: HB 1667, Relating To Ceded Lands, SUPPORT

ALOHA Kakou,

My name is Richard Pomaikaiokalani Kinney. On January 17, 1993 after reading Public Law 103-150 I renounced my citizenship to the United States. I come here today as a Hawaiian Nationalist of the Hawaiian Kingdom. I strongly support the restoration of the Hawaiian Kingdom government that was invaded and occupied thru an Act of War on January 16, 1893 with the involvement of the diplomatic and military forces of the United States.

As Sovereign of the Hawaiian Political Action Council of Hawaii, I strongly SUPPORT the intent and passage of HB 1667, Relating To Ceded Lands.

On January 16, 1893 armed naval forces of the United States thru an Act of War invaded and occupied the sovereign Hawaiian Kingdom nation. All acts that followed January 16, 1893 are illegal.

Since the invasion and occupation of the sovereign Hawaiian nation on January 16, 1893, the military forces of the United States have never left the Hawaiian nation. In fact, today the United States has continued to increase its military occupation of sovereign Hawaiian lands.

Public Law 103-150 is more than just a symbolic apology, it is an admission of guilt. Admission that a great wrong has been done to the Native Hawaiian people. That Great Wrong continues till this day as I stand before this committee and give my testimony.

Since the passage of Public Law 103-150 Native Hawaiians should be evicted from sovereign Hawaiian lands. Sovereign Hawaiian lands that Native Hawaiians have never relinquished their claims or inherent sovereignty as a people or over their national lands to the United States

HPACH

919 4th Street
Pearl City, Hawaii 96782

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HB 1667

either through their monarchy or through a plebiscite or referendum.

Based on the findings in Public Law 103-150, HPACH Strongly Supports the passage of HB 1667. Mahalo Nui for allowing me to give testimony on this important Bill.

Attachment: 1993 Renouncement Document

ALOHA KUU AINA HAWAII

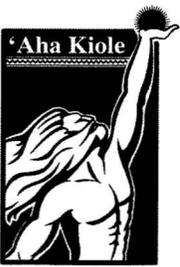


Richard Pomaikaiokalani Kinney, SOVEREIGN

Hawaiian Political Action Council of Hawaii

87-168 Maaloa Street, Waianae, Hawaii, 96792

Email: HIAHAWAII@aol.com



TESTIMONY OF
AHA KIOLE ADVISORY COMMITTEE

IN SUPPORT OF
HB 1667

House Committee on Hawaiian Affairs
Conference Room 329, 9:00 a.m.

February 4, 2008

Aloha Chair Carroll and Members of the Committee:

The Aha Kiole Advisory Committee (AKAC) was created through Act 212 in Legislative Session 2007 to create a system of best practices based upon the indigenous resource management practices of traditional moku (regional) boundaries that acknowledges the natural contours of land and the specific resources located within those areas, and the methodology necessary to sustain those resources and the community.

Since its inception in 2007, the AKAC has strived to restore the Aha Moku System, an ancient proven system of traditional land and ocean resource management used universally in Hawaii prior to the 9th century A.D. This restored system is to aide government in its goal of ecosystem sustainability in Hawaii today.

Just as the protection of natural and cultural resources are the inherited responsibility of the Hawaiian people, the ceded lands and Public Land Trust are the inherited responsibility of the State of Hawaii to hold in trust for its people. Holding in trust does not mean selling, exchanging, or otherwise alienating the ceded lands from the State responsibility.

The mission statement of the Department of Land and Natural Resources (DLNR) is to “enhance, protect, conserve and manage Hawaii’s unique and limited natural, cultural and historic resources held in public trust for current and future generations of visitors and the people of Hawaii Nei.” The Board of Land and Natural Resources (BLNR) is obligated to uphold DLNR’s mandates. It’s efforts to sell Public Trust lands is in direct opposition to its own mission statement.

It is critical that the Public Lands Trust and the ceded lands be kept integral for the residents of Hawaii now and for future generations. The responsibility for the ceded lands and Public Land Trust rests with Hawaii State Government. The Native Hawaiian beneficiaries have maintained and protected Hawaii’s resources through traditional resource methodology for generations on lands defined by geography, including the Public Lands Trust.

The Aha Kiole Advisory Committee representing the islands of Hawaii, Maui, Molokai, Lanai, Kahoolawe, Oahu, Kauai and Niihau are in support of HB 1667 as stated. Thank you for your consideration in hearing this testimony and we urge passage of this bill.

Respectfully,



Vanda Hanakahi, Moloka'i, Chair



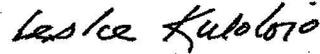
Timothy Bailey, Maui



Hugh Lovell, Hawai'i



Sharon Pomroy, Kaua'i



Leslie Kuloloio, Kahoolawe, Vice-Chair



Winifred Basques, Lana'i



Charles Kapua, O'ahu



Jean Ilei Beniamina, Ni'ihau



JAPANESE AMERICAN CITIZENS LEAGUE

HONOLULU CHAPTER

P.O. BOX 1291, HONOLULU, HAWAII 96807

PHONE: 523-8464

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Clayton Ikei
William Kaneko
Colbert Matsumoto
Alan Murakami

HB 1667: Relating to Ceded Lands Testimony in Support

Hearing: Wednesday, February 4, 2009 at 9:00 a.m. in Conf. Rm 329

To: The Honorable Mele Carroll, Chair
The Honorable Maile S.L. Shimabukuro, Vice Chair
Members of the Committee on Hawaiian Affairs

The JACL Hawai'i, Honolulu Chapter strongly supports HB 1667, prohibiting the Board of Land and Natural Resources from selling, exchanging, or otherwise alienating ceded lands in the public land trust.

Founded in 1929, the Japanese American Citizens League is the nation's oldest and largest Asian Pacific American Civil Rights organization made up of over 20,000 members. Locally, we are a strong civil rights organization committed to the protection of civil and human rights of all. The Honolulu chapter is a staunch supporter of the human and civil rights of Native Hawaiians, including their right to self-determination. We have been, and are, alarmed by the erosion of Native Hawaiian rights.

We were among the many groups supporting the 1993 Apology Bill, which acknowledged the illegal overthrow of the Kingdom of Hawai'i on January 17, 1993. The Apology Bill also acknowledged that 1.8 million acres of crown, government and public lands in the Kingdom of Hawai'i was ceded without the consent of or compensation to the Native Hawaiian people or their sovereign government. Native Hawaiians are the indigenous people of Hawai'i.

We recognize that while Japanese Americans have received redress and reparations for the injustice of the evacuation and internment, Native Hawaiians have received only an apology for the denial of their sovereign rights and the deprivations they have suffered. The JACL National Council adopted a resolution supporting reparations for Native Hawaiians at its 1984 Convention in Honolulu. Recently, JACL National, who represents all JACL chapters nationwide, filed a joint amicus brief on January 29, 2008, along with other national civil rights organizations supporting protection of the ceded lands.

We feel that the State should not be able to unilaterally sell, exchange or alienate the ceded lands because the Native Hawaiians alone remain as beneficiaries of such lands. Therefore, we urge your support of HB 1667.

Sincerely,

Shawn L.M. Benton
President, JACL Hawai'i, Honolulu Chapter
Japanese American Citizens League

Kupu‘āina Coalition
www.stopsellingcededlands.com

February 2, 2009

Hawai‘i State House of Representatives
Committee on Hawaiian Affairs
State Capitol
415 South Beretania Street

Aloha Chair Representative Mele Carroll, Vice Chair Representative Maile Shimabukuro, and Representatives Au Belatti, Bertram, Brower, Mizuno, Nishimoto, Yamane, and Ward,

Kupu‘āina Coalition would like to express our strong support for H.B. 1667.

On January 31, 2008, in a **unanimous** decision, the Hawai‘i Supreme Court, in *The Office of Hawaiian Affairs v. Housing and Community Development Corporation of Hawai‘i* ("OHA v. HCDCH"), ruled that the State of Hawai‘i can not sell Hawai‘i's "ceded" lands until the unrelinquished rights of Native Hawaiians are resolved.

Despite the fact that Hawai‘i's highest court resolved a completely local issue the Lingle Administration appealed this case to the U.S. Supreme Court. Such a decision threatens to divest Native Hawaiians of our unrelinquished claims to land and opens the door to future litigation.

As we saw in *Rice v. Cayetano*, the U.S. Supreme Court does not understand our history and the unique laws created by the people of Hawai‘i to address the historical injustices of the Native Hawaiian people. The U.S. Supreme Court's misunderstandings could cripple reconciliation efforts, and lay the foundation for dismantling all Native Hawaiian programs.

We applaud this committee for moving quickly to support a moratorium and confirm the decision of the Hawai‘i Supreme Court, the Court most familiar with Hawai‘i's unique laws and policies. H.B. 1667 is consistent with the State's policy and commitment to reconciliation with the Native Hawaiian people.

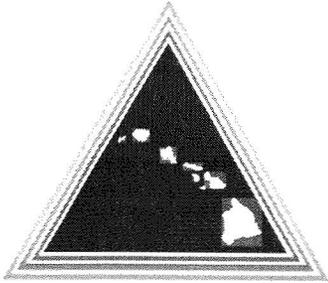
The Hawai‘i State Legislature should feel comforted in knowing that the result of H.B. 1667 would benefit all of Hawai‘i's people, including our non-Hawaiian ‘ohana. It would serve all of us well to understand what comprises the Public Land Trust. The state currently does not have a complete inventory of "ceded" lands and as a fiduciary would be furthering its own responsibilities by understanding the trust corpus before allowing the sale of land.

The people of Hawai‘i, particularly the Native Hawaiian people, have a special connection with the ‘āina (land). We endeavor to protect these lands and H.B. 1667 would help provide that additional protection.

Mahalo Nui,

Kupu‘āina Coalition, Jocelyn Doane, Derek Kauano, Davis Price

**Sovereign Councils
of the**



**Hawaiian Homelands
Assembly**

89-188 Farrington Highway
Wai'anae, Hawai'i 96792
Phone & Fax: (808) 668-0441

Kamaki Kanahale
Chair
O'ahu

Leah K. Pereira
Vice-Chair
Kaua'i

M. Kammy Purdy
Secretary
Moloka'i

M. Kanani Kapuniai
Treasurer
Hawai'i

Richard Soo
Executive Director

February 3, 2009

**To: Rep. Mele Carroll, Chair
Rep. Maile S.L. Shimabukuro, Vice Chair & Members of the
Committee on Hawaiian Affairs**

**From: Kali Watson
Chairman of Statewide Economic Development Committee
SCHHA
Honolulu, Hawaii 96792**

**Re: Hearing on HB -1677 Relating to Ceded Lands
February 4, 2009 at 9:00am
Conference Room 329, State Capitol**

TESTIMONY IN SUPPORT

Dear Chair Carroll, Vice Chair Shimabukuro and Members:

Thank you for the opportunity to provide testimony in support to HB 1677-relating to ceded lands. This bill prohibits the board of land and natural resources from selling, exchanging, or otherwise alienating ceded lands in the public land trust. The bill basically places a moratorium on ceded lands.

If this bill should become law, it forces the State to carry out its fiduciary responsibilities to all the people of Hawaii, but especially to its indigenous Hawaiian people. The SCHHA supports the obvious intent to place the State in the position of addressing and resolving the theft of lands from the Hawaiian people. If these "Ceded Lands" were lost forever through sales and transfers, then any settlement would be meaningless and empty for it is the "aina" or land that truly makes a nation whole and righteous.

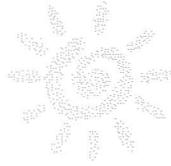
The Sovereign Councils of the Hawaiian Homelands Assembly, formerly the State Council of Hawaiian Homestead Associations was founded more than 20 years ago to unite homestead communities and to advocate for the beneficiaries of the Hawaiian Homes Commission Act of 1921. The SCHHA is the oldest statewide advocacy organization representing the interests of more than 30,000 beneficiaries and families residing in the communities of the Hawaiian Home Land Trust. Its mission is to promote the self determination of native Hawaiians and the well being of homestead communities. DHHL lands are part of the ceded lands inventory.

I urge you to please pass this measure, HB 1667.

Sincerely,

Kali Watson

Kali Watson
Chairman of Economic Development



LIFE OF THE LAND

76 North King Street, Suite 203

Honolulu, Hawai`i 96817

Phone: 533-3454; E: kat.lifeoftheland@gmail.com

COMMITTEE ON HAWAIIAN AFFAIRS

Rep. Mele Carroll, Chair

Rep. Maile Shimabukuro, Vice Chair

Wednesday, February 4, 2009

9:00 AM

Room 329

STRONG SUPPORT

HB 1667, HB 1085, HB 1841 – Prohibits Sale of Seized, Not Ceded Lands

HAWTestimony@capitol.hawaii.gov

Aloha Chair Carroll, Vice Chair Shimaburkuro and Members of the Committee!

My name is Kat Brady and I am the Assistant Executive Director of Life of the Land, Hawai`i's own energy, environmental and community action group advocating for the people and `aina for almost four decades. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation.

- HB 1667 prohibits the Board of Land and Natural Resources from selling, exchanging, or otherwise alienating 'ceded' lands in the public trust.
- HB 1805 prohibits the disposition in fee simple of 'ceded' lands.
- HB 1841 prohibits the sale, exchange or other permanent transfer of lands in the public lands trust to a private entity. It requires the Department of Land and Natural Resources to make an inventory of lands in the public lands trust and appropriates funds for this inventory to be matched by the Office of Hawaiian Affairs.

Life of the Land stands in STRONG SUPPORT of these bills and the Kanaka Maoli. We are saddened that this administration has decided to take this case to the U.S. Supreme Court, levying yet another insult upon the Hawaiian community who have suffered so many injustices already.

We emphasize 'seized', not 'ceded' because of the circumstances of the overthrow of Queen Lili`uokalani. When the guns of U.S. Marines were aimed at `Iolani Palace to threaten the Queen, it's impossible to believe that the lands were given freely. That would be saying that individuals who commit the offense of robbery, were just given the property they stole at gunpoint.

What more can be taken from the Kanaka Maoli? The connection between the `aina and the Kanaka Maoli is indelible, and begs the question: Why would the Governor and the Attorney General, who profess to support the native people of this land, try to pave the way for another loss of culture? It boggles the mind.

At the Hawaiian Caucus meeting, AG Bennett said that when becoming Hawai'i's Attorney General, he took an oath to uphold all Hawai'i laws and the Hawai'i State Constitution. He was then asked, "If the Legislature enacted a law for a moratorium on the sale of 'ceded' lands, would he drop the case? He emphatically stated, "NO!" So, there you have it.

The true history the Hawaiian nation is finally emerging, including the fact that Hawai'i had 145 trade agreements with nations across the globe. The Hawaiian Islands were known as the Switzerland of the Pacific for our neutrality. The Apology Bill finally acknowledged the illegal overthrow of the Hawaiian monarchy by the United States.

Don't let this hewa stand.

Please pass a prohibition on the sale or exchange of seized land – the birthright of every Kanaka Maoli.

Mahalo for this opportunity to testify in STRONG SUPPORT of Kanaka Maoli!

JEANNINE JOHNSON

5648 Pia Street, Honolulu, Hawai'i 96821

Phone: 373-2874 (h) / 537-7261 (w)

February 1, 2009

COMMITTEE ON HAWAIIAN AFFAIRS

Rep. Mele Carroll, Chair

Rep. Maile S.L. Shimabukuro, Vice Chair

<u>Hearing:</u>	Wednesday, February 4, 2009 at 9 am in Conference Room 329
<u>HB 1660</u>	RELATING TO HAWAIIANS. Recognizes Hawaiians as the indigenous people of Hawaii.
<u>HB 1667</u>	RELATING TO CEDED LANDS. Prohibits the board of land and natural resources from selling, exchanging, or otherwise alienating ceded lands in the public land trust.
<u>HB 1805</u>	RELATING TO LANDS CONTROLLED BY THE STATE. Prohibits the disposition in fee simple of ceded lands.
<u>HB 1841</u>	RELATING TO THE PUBLIC LANDS TRUST. Prohibits the sale, exchange or other permanent transfer of lands in the public lands trust to a private entity; requires the Department of Land and Natural Resources to make an inventory of lands in the public lands trust; appropriates funds for the inventory, to be matched by the Office of Hawaiian Affairs.

Aloha Chair Carroll, Vice Chair Shimabukuro and Honorable Committee Members,

I strongly support each of the above bills. The fact that the State of Hawai'i does not already have an inventory of the Public Trust Lands it is holding in trust is a breach of its fiduciary duty to Kānaka maoli:

The current status of the Crown Lands, as simply part of the Public Lands Trust, ignores the significance of these lands to Native Hawaiians and their strong claim to them.

...

The State of Hawai'i's role as trustee of the Public Lands Trust for the benefit of Native Hawaiians is spelled out in Hawai'i's Constitution and was explained by the District Court in its Rice decisions. The Hawai'i Supreme Court has stated that "Article XII, Section 4 [of the Hawai'i State Constitution] imposes a fiduciary duty on Hawai'i's officials to hold ceded lands in accordance with the Section 5(f) trust provisions, and the citizens of the state must have a means to enforce compliance. **The State as trustee of the Public Land Trust is held to the same strict standards applicable to private trustees, and "the beneficiaries of this trust should not be left powerless to prevent the State from allegedly neglecting its obligations."** "Who Owns The Crown Lands of Hawai'i?" by Jon M. Van Dyke (emphasis added).

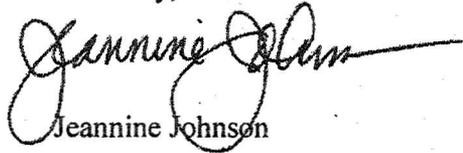
COMMITTEE ON HAWAIIAN AFFAIRS

February 1, 2009

Page 2

I humbly request your support of each of these important bills. Mahalo for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeannine Johnson", with a long horizontal flourish extending to the right.

Jeannine Johnson

cc: Sen. Sam Slom
Rep. Lyla Berg
Rep. Barbara Marumoto

Rep. Maile Shimabukuro

From: Joel Fischer [jfischer@hawaii.edu]
Sent: Saturday, January 31, 2009 2:50 PM
To: HAWtestimony
Subject: HB1667; HAW; Wed, 2/4/09; 9AM; Rm 329

Importance: High

HB1667, Relating to Ceded Lands
HAW; Chair, Rep Carroll

PLEASE PASS THIS BILL!

What Lingle and Bennett are trying to do to Native land is scandalous!

HEWA!!!

trying to cell ceded lands, especially after the Sate Supreme court decision, is like driving a dagger into the heart of Hative Hawaiian people. This is not, however, only an issue for Native people. It is an issue for all of us who support the rights and claims of the Kanaka Maoli, and who support human rights for all.

Lingle and Bennett know nothing about the history of these lands if they truly think they have the rights to them. When lands are stolen from a people, and then returned with restrictions, those people and their supporters are not bound by those restrictions. Ceded lands? NO! They are **stolen** lands!!

Linge and Bennett actually assert that the Native people have a MORAL claim to those lands. If lingle and her gang act in opposite ways to that which is moral, then their behaviors are hewa, i.e., immoral.

Please save the stolen lands and return them to the people.

Thank you.

Aloha, joel

Dr. Joel Fischer, ACSW
President, 19-3, Democratic Party

Professor
University of Hawai'i, School of Social Work
Henke Hall
Honolulu, HI 96822

"It is reasonable that everyone who asks justice should DO justice."
Thomas Jefferson

"There comes a time when one must take a position that is neither safe, nor politic, nor popular, but one must take it because one's conscience tells one that it is right."
Dr. Martin Luther King, Jr.

"Never, never, never quit."
Winston Churchill

Rep. Maile Shimabukuro

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2009 2:40 PM
To: HAWtestimony
Cc: omcreations@riseup.net
Subject: Testimony for HB1667 on 2/4/2009 9:00:00 AM

Testimony for HAW 2/4/2009 9:00:00 AM HB1667

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Robert Kinslow
Organization: Individual
Address:
Phone:
E-mail: omcreations@riseup.net
Submitted on: 2/2/2009

Comments:

As a taxpayer, and property owner, I support allowing Kanaka maoli to recover their lands. I support making amends and remediating their claims. I do not support the state of Hawaii transferring title to lands to which they DO NOT have title. The kingdom of Hawaii is still in existence. Respect our host ancestors. Those who we benefit from the political system which gives us roads, schools and harbors must pay allegiance and remedy wrongs done to our host ancestors and their progeny. I support a moratorium on the sale of "ceded" lands until the unrelinquished claims of Native Hawaiians are resolved. Let us inspire our children by our right actions. Let our generation make choices that affirm Kanaka claims to this aina.

Rep. Maile Shimabukuro

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2009 4:01 PM
To: HAWtestimony
Cc: nellieod@yahoo.com
Subject: Testimony for HB1667 on 2/4/2009 9:00:00 AM

Testimony for HAW 2/4/2009 9:00:00 AM HB1667

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Erin O'Donnell
Organization: Individual
Address: P.O. Box 437333 Kamuela, HI
Phone: 808 2823984
E-mail: nellieod@yahoo.com
Submitted on: 2/2/2009

Comments:

As a constituent of Hawai'i, I am asking all Hawai'i lawmakers to support this bill. It is well known that the rights of Native Hawaiians need to be resolved before any further action taken on the ceded lands. This bill needs to be passed to send a message to Governor Lingle and Attorney General Mark Bennett letting them know their actions do not reflect the desires of their constituents, their actions are a blatant disregard for the desires of their constituents. Please support this bill, it is the right action to be taken at this time.

720 Mahi'ai Street, Apt. E
Honolulu, Hawai'i 96826-5635
February 3, 2009

The Honorable Representative Mele Carroll
State House Committee on Hawaiian Affairs
Hawai'i State Capitol
415 South Beretania Street
Honolulu, Hawai'i 96813

Dear Representative Carroll,

Please accept my testimony **in support of HB 1667**, prohibiting sale of "ceded" lands.

Although I am haole, not Hawaiian, I find it extremely offensive that the Governor's office is trying to sell these lands. The claims of Native Hawaiians to these lands must first be resolved. It is unethical for the government to try to sell these lands. The Hawai'i State Supreme Court's ruling is pono.

I wholeheartedly support Native Hawaiians in their pursuit of a fair and just settlement of this issue. The "ceded" lands must not be sold until the Native Hawaiian claims to these lands have been resolved.

I strongly urge your committee to vote in favor of this bill.

Mahalo!

Sincerely,

Eileen Cain
Honolulu

February 4 2009

To: Representative Mele Carroll, Chair
Representative Maile Shimabukuro, Vice Chair
House Hawaiian Affairs Committee

From: Tanya Lee

Re: **Testimony in support of HB 1667 Relating to Ceded Lands**

Dear Chair Carroll, Vice Chair Shimabukuro and Members of the House
Hawaiian Affairs Committee:

I write you to ask for your support of HB 1667 Relating to Ceded Lands. This bill
Prohibits the Board of Land & Natural Resources from selling, exchanging, or
otherwise alienating ceded lands in the public trust.

I thank you in advance for your consideration. I urge you to please vote in
support of HB 1667.

Sincerely,

Tanya Lee

Rep. Maile Shimabukuro

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 03, 2009 8:08 AM
To: HAWtestimony
Cc: glen.venezio@gmail.com
Subject: Testimony for HB1667 on 2/4/2009 9:00:00 AM

Testimony for HAW 2/4/2009 9:00:00 AM HB1667

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Glen Venezia
Organization: Individual
Address: San Juan, Puerto Rico
Phone:
E-mail: glen.venezio@gmail.com
Submitted on: 2/3/2009

Comments:

TO HAWAI'I'S LEGISLATORS:

I am writing you from halfway around the world away from Hawai'i, from the US territory of Puerto Rico, to say that I strongly support a moratorium on the sale of ceded lands, and hope that all legislators in Hawai'i do all they can to ensure that a moratorium is passed. This is the only "pono" option for the Hawai'ian people. The world is watching you--- this issue is of interest to many people outside of Hawai'i, as evidenced by not only receiving my testimony from all the way in Puerto Rico, but also by seeing the international media coverage that this issue has received. For those of us like myself watching and waiting from far away to see what will happen, we know that the only way you can properly serve the people of Hawai'i, is to pass such a moratorium to ensure that all land claims will ultimately be resolved before anything else can occur there. The people of Hawai'i deserve nothing less. Thank you for your attention, and please see below an excerpt of an email that I sent to the office of Governor Lingle in late December.

Sincerely yours,

(Mr.) Glen Venezia
a friend of the Kanaka Maoli/Hawai'ian people San Juan, Puerto Rico

Excerpt from an email that I sent to the office of Governor Lingle when she announced that she was appealing the ceded lands issue to the US Supreme Court:

(this letter was emailed to Governor Lingle, with copies to the Hawaiian State Senators and Representatives on Dec. 31, 2008. After receiving a reply the same day from the Governor's Communications Chief, Lois Hamaguchi, who sent me a copy of the Governor's Statement on the Ceded Lands, I wrote back again. I also received a very positive reply from Senator Suzanne Chun Oakland, who was kind enough to reply and say that she and many others feel the same way as I do.)

Governor Lingle,

Many people all over the world disagree strongly with what you are doing regarding the ceded lands. The ceded lands case should be withdrawn, you are creating a mess for the Hawai'ian people who have been suffering for so long under bad policies, and now your case continues the assault even further. Thank you for listening, this issue is not limited to your "state", many people from all over the world outside of Hawai'i, including myself, are very interested to see what you are doing in terms of the ceded lands, and so far what you are doing is clearly WRONG all the way around. I hope and pray that you will realize the mess you are making for Hawai'ian people, and withdraw the ceded lands case in the US Supreme Court. One rarely sees the colonizer doing the right thing for the colonized in today's modern world, but why would you want to be yet another "colonizer" making bad decisions that will continue the bad legacy of relations with Hawai'ian people?? Please do the right thing in this new year of 2009.

Thank you kindly for your attention and time, and much peace and happiness to you and your family in the New Year!

Sincerely yours,
(Mr.) Glen Venezia
San Juan, Puerto Rico

--

Rep. Maile Shimabukuro

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 03, 2009 7:59 AM
To: HAWtestimony
Cc: ppchawaii@yahoo.com
Subject: Testimony for HB1667 on 2/4/2009 9:00:00 AM

Testimony for HAW 2/4/2009 9:00:00 AM HB1667

Conference room: 329
Testifier position:
Testifier will be present: No
Submitted by: Judith A. Mick
Organization: Individual
Address: 1132 Ilikala Place Kailua, Hawaii
Phone: 808-254-3357
E-mail: ppchawaii@yahoo.com
Submitted on: 2/3/2009

Comments:

Concerning HB 1667:

It is imperative that DLNR be prohibited from jeopardizing the status of Hawaiian ceded lands by selling or exchanging any of that property. The indigenous people have unsettled claims that must be addressed first. We owe them that respect and the time to deal with their concerns. Thank you for your consideration. Aloha, Judy Mick

My name is Alyssa Murphy and I reside on the island of Oahu, and I have lived in the Moiliili area for the past two years. I work in the website production industry. I have a Bachelor's Degree in Education from American University, in Washington D.C. I am not of Native Hawaiian ancestry.

I have lived in various parts of the world and am convinced that the Hawaiian islands are perhaps among the most, if not "the most", special places on this Earth. I was born in Pennsylvania, but moved to Tokyo, Japan shortly after my birth and I lived there for 18 years. I enrolled at American University for college. After finishing college, I accepted a job opportunity in Hawaii. A few years later, I moved to the island of Saipan. Prior to my return to Hawaii in 2006, I lived in San Francisco.

Last month, I attended an informational session and I am convinced that the ceded lands should not be sold until the unrelinquished claims of Native Hawaiians are resolved. The event I attended featured a number of notable speakers that included:

- former Governor **John Waihee**,
- Attorney General **Mark Bennett**,
- Senator **Clayton Hee**,
- attorney **Bill Meheula**.

The event was a rare opportunity to hear two opposing attorneys discuss their perspectives on the case, in equal time, and have the audience ask questions shortly after. The complete video of the event can be watched at <http://tinyurl.com/dx9rpe>.

Although I may not have lived here in Hawaii for as long as most of the legislators who will vote on the proposed moratorium bills, I have taken opportunities to learn about Hawaii's unique history and various cultures. The event I mentioned above provided Mark Bennett an opportunity to refute arguments made by Bill Meheula. Although Mr. Bennett articulated his arguments well, it was clear to me and many others in attendance, he could not, and did not, explain why the Lingle Administration's actions are just.

At that same event, Mark Bennett stated that the Hawaii Supreme Court's decision has had an impact on the states' fiscal situation, more specifically, the state's bonds. However, I found that a News Release that pre-dates Mr. Bennetts bonds comments by a mere few weeks actually says differently. "The three top bond rating firms have reaffirmed Hawai'i's bond ratings, which are at their highest level in State history," said Governor Lingle as reported in the release. The release is available at <http://tinyurl.com/ac2uew>. Reasonable people will assume from this News Release that the state's fiscal situation is actually good or unaffected the Hawaii Supreme Court's decision.

Lastly, this past Sunday, I took the opportunity to go hiking. While I can't be sure that the location I hiked is on ceded lands, considering that the ceded lands in dispute consists of 1.2 million acres, it seems likely that there are other similar areas to where I hiked. During my hike, I was reminded as to how special this place is. This place is special because of its unique history. We have to keep it special. One way to do that is

to support & pass House Bill 1667 and work towards restoring justice. In a delicate place such as Hawaii, where land and other natural resources are limited, we have to make good on our obligations not just to the environment, but to the community of which much was taken from.

Alyssa Murphy
Moiliili, Oahu.
alyssam@gmail.com

Dear Members of the House Committee on Hawaiian Affairs,

My name is Derek Kauanoë and I am a 2008 graduate of the William S. Richardson School of Law at the University of Hawaii. I graduated with a specialized certificate in Native Hawaiian Law. I am not yet licensed to practice law but, based on my education and experiences with the law, I must urge each of you to pass House Bill 1667.

MORATORIUM LEGISLATION IS IMPORTANT TO OUR STATE AND FURTHERS RECONCILIATION EFFORTS WITH NATIVE HAWAIIANS.

Passage of legislation like House Bill 1667 is both necessary and important to the future of our great state. Our state government has previously committed itself to the reconciliation process with Native Hawaiians. The Hawaii Attorney General, the Hawaii Supreme Court, and the Office of Hawaiian Affairs have all agreed that the political-legislative process is the appropriate process for dealing with Native Hawaiian claims to the “ceded” lands.¹

LEGISLATIVE ACTS TOWARDS RECONCILIATION.

The Hawaii State legislature, through a number of acts, has committed itself to a reconciliation process with the Native Hawaiian community. These acts include:

- **Act 340** passed in 1993, and affirmed that the “State shall transfer management and control of the island and its waters to the sovereign native Hawaiian entity upon its recognition by the United States and the State of Hawaii.”
- **Act 354** also passed in 1993 and it pledged “continued support to the native community by taking steps to promote the restoration of the rights and dignity of native Hawaiians.”
- **Act 359** also passed in 1993, and concluded that the United States annexed Hawaii as a territory in 1898 without the consent of or compensation of the Native Hawaiian people or their sovereign government. In addition the Act also recognized that Native Hawaiians “were denied the mechanism for expression of their inherent sovereignty through self-government and self-determination, their lands, and their ocean resources.”
- **Act 329** passed in 1997, the Act established an interim revenue amount due to the Office of Hawaiian Affairs. The Act also required the Department of Land and Natural Resources to complete an inventory of the public land trust.

Passage of House Bill 1667 will further the legislature’s commitment to addressing historical wrongs, never corrected, by ensuring that the very lands taken without the consent of, or compensation to, the Native Hawaiian people or their government will not be sold.

THE LEGISLATIVE PROCESS IS APPROPRIATE FOR DEALING WITH “CEDED” LANDS ISSUES.

Statements made by different and independent parties show that legislative action is the agreed upon process for dealing with Native Hawaiian claims.

¹ The “ceded” lands are the Crown and government lands of the Hawaiian Kingdom. In 1893 the Hawaiian Kingdom was illegally overthrown by a few traitors who sought to transfer possession and control of the islands to the United States. These traitors called themselves the Provisional Government. In 1893, President Grover Cleveland acknowledged the illegality of the actions of the United States by one of its agents. President Cleveland called this an “act of war” and called for the restoration of the Hawaiian monarchy. After its unsuccessful attempt to transfer Hawaii to the United States, the Provisional Government changed its name to the Republic of Hawaii for the purpose of shedding its appearance as an oligarchy. In 1898, through a questionable process even by U.S law, the Republic of Hawaii purported to transfer the Hawaiian Islands to the United States.

In 1993, the 103rd Congress recognized and acknowledged important facts surrounding the illegal overthrow, namely that lands were taken without compensation to or the compensation of the Native Hawaiian people or their lawful and sovereign government.

- “We believed, and continue to believe, that the claims that Native Hawaiians have should be addressed through the legislative process— through the Legislature and the Congress . . . but not in the courts.”²
- “[T]he OHA plaintiffs admit that the ‘ultimate resolution of the [n]ative Hawaiian claims must be through the political processes,’ and it is actively engaged in these processes.”³
- “We conclude that the plaintiffs have established that injunctive relief is proper pending final resolution of native Hawaiian claims through the political process.”⁴

Two disputing parties, (the Hawaii Attorney General & the Office of Hawaiian Affairs) and an independent judiciary, the Hawaii Supreme Court, agree that the legislative process is appropriate for dealing with these issues.

A DECISION TO NOT PASS MORATORIUM LEGISLATION, PROTECTING THE CEDED LANDS, IS LIKELY TO STIFLE RECONCILIATION WITH NATIVE HAWAIIANS BECAUSE RESOLVING LAND CLAIMS IS CRUCIAL TO THE RECONCILIATION PROCESS.

The Lingle Administration has previously been supportive of the Native Hawaiian community and committed itself to settling the ceded lands issue, “here at home in Hawaii I will continue to work with you and with the Hawaiian community to **resolve the ceded lands issue once and for all.**”⁵ The Lingle Administration has also lobbied Congress to pass the Akaka Bill.⁶

Hawaiian Homes Commission chairman Micah Kane, while lobbying Congress, explained why federal recognition is necessary, and was quoted as saying, “these troubling and unsettled issues relate to property title, ceded-land claims and rights to natural resources” and that “without federal recognition of Native Hawaiians, the state of Hawaii will spend thousands of unnecessary man-hours and millions of taxpayer dollars defending and clarifying Native Hawaiian rights.” In her own advocacy, the Star-Bulletin quoted Governor Lingle as stating that the Akaka bill “is vital to the continued character of our state, and it is vital to providing parity and consistency in federal policy for all native peoples in America”.⁷

The Lingle Administration has put the state in an untenable position in the State of Hawaii v. Office of Hawaiian Affairs case now pending at the United States Supreme Court. The Hawaii Supreme Court placed a moratorium on the sale of ceded lands until Native Hawaiian land claims are resolved. The Lingle Administration's stance on this case is untenable because, at its core, it is at odds with the administration's previous and current support of Native Hawaiian federal recognition.

² Honolulu Advertiser: Lands Focus of Rally, Gordon Pang, Page 31A, November 23, 2008.

³ Office of Hawaiian Affairs v. Housing and Community Development Corporation of Hawaii, 117 Haw. 174, 209 (2008).

⁴ Id. at 217.

⁵ Honolulu Star-Bulletin: State of the State Address, Governor Linda Lingle, January 21, 2003. Emphasis added. Available online at <http://archives.starbulletin.com/2003/01/22/news/index1.html>

⁶ Contrary to popular belief, the Akaka Bill does not grant federal recognition to the Native Hawaiian people. Instead, the bill only provides a process for pursuing federal recognition.

⁷ Honolulu Star-Bulletin: Inouye: Gov Key to Akaka bill; The Senator says Lingle will be instrumental in getting the Hawaiian rights bill approved. Richard Borreca, February 25, 2003. Available online at <http://archives.starbulletin.com/2003/02/25/news/index1.html>

RESOLVING LAND CLAIMS WITH NATIVE GROUPS IS NOT UNCOMMON IN OTHER STATES.

It is common in the United States, for native groups pursuing federal recognition, to resolve land claims with state governments. Selling ceded lands, before resolving native claims to those lands, conflicts with the Lingle administration's support of Native Hawaiian federal recognition because Native Hawaiians will be at a great disadvantage with less land available to resolve claims. Remember that in 2003, Micah Kane told U.S. Senators that federal recognition was important to ceded land claims and for clarifying Native Hawaiian rights. What we have here are inconsistent policies regarding very important issues affecting our island home.

Supreme Court Justice Clarence Thomas once described Federal Indian Law as schizophrenic because of the stark inconsistencies within that area of law. Here in Hawaii, where our communities are so interconnected both physically and culturally we cannot afford schizophrenic policies and contradictory decision-making.

Reconciliation efforts with the Native Hawaiian community will be stifled if our state legislature does not act to protect the "ceded" lands from being sold before the unrelinquished claims of Native Hawaiians are resolved.

THE HAWAII LEGISLATURE IS IN A UNIQUE POSITION TO TIP THE BALANCE OF POWER TOWARDS JUSTICE AND EQUITY.

In its January 31, 2008, landmark ruling, the Hawaii Supreme Court stated, *[t]he continued diminishment of the public lands trust means that any land sold or transferred to third parties will be lost and, thus, unavailable for settlement purposes. As such, native Hawaiians would be placed in an unfair and disadvantaged position inasmuch as they may, ultimately, be forced to accept less-than-desirable settlement terms and make concessions that they would not have otherwise made had certain ceded lands, for example, been kept in the public lands trust.*⁸

By appealing to the United States Supreme Court, with the intent of having our Hawaii Supreme Court's decision overturned, the Lingle Administration shows its disagreement with the decision of our state's highest court. As a result, we have two of the three branches of government in disagreement. Our legislature, as a third branch of government, is well-poised to ensure that justice and righteousness continue in the pursuit of reconciliation.

Groups and organizations often seek justice through the legal system. We must now rely on our legislature to solidify that just ruling. We need you to support and pass a moratorium, House Bill 1667, on the sale of ceded lands until the unrelinquished claims of Native Hawaiians are resolved.

⁸ Office of Hawaiian Affairs v. Housing and Community Development Corporation of Hawaii, 117 Haw. 174, 216 (2008). Emphasis added.

Testimony for HAW 2/4/2009 9:00:00 AM HB1667

Conference room: 329

Testifier position: support

Testifier will be present: No

Submitted by: Laulani Teale

Organization: YWCA of the University of Hawai'i

Address:

Phone: 256-6637

E-mail: laulani@gmail.com

Submitted on: 2/2/2009

Comments:

Aloha Kakou,

I support a moratorium on the sale of ceded lands because it is the right thing to do. E

Malama Pono,

Laulani Teale

Rep. Maile Shimabukuro

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2009 10:40 PM
To: HAWtestimony
Cc: jstodgel@hawaii.edu
Subject: Testimony for HB1667 on 2/4/2009 9:00:00 AM

Testimony for HAW 2/4/2009 9:00:00 AM HB1667

Conference room: 329
Testifier position: [REDACTED]
Testifier will be present: No
Submitted by: Joseph S Stodgel
Organization: Individual
Address: 2644 Oahu Ave Honolulu, HI
Phone:
E-mail: jstodgel@hawaii.edu
Submitted on: 2/2/2009

Comments:
I strongly oppose the selling of 'ceded' lands.

Rep. Maile Shimabukuro

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2009 10:34 PM
To: HAWtestimony
Cc: ileana@hawaii.edu
Subject: Testimony for HB1667 on 2/4/2009 9:00:00 AM

Testimony for HAW 2/4/2009 9:00:00 AM HB1667

Conference room: 329
Testifier position: support
Testifier will be present: Yes
Submitted by: Ileana Haunani Ruelas
Organization: Individual
Address: 87-137 Kelikipi St. Waianae, HI 96792
Phone: 808.342.8490
E-mail: ileana@hawaii.edu
Submitted on: 2/2/2009

Comments:

Auwe. The attempt of the BLNR to use ceded lands is hewa, it is wrong. I support this bill.

Rep. Maile Shimabukuro

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2009 8:45 PM
To: HAWtestimony
Cc: geesey@hawaii.edu
Subject: Testimony for HB1667 on 2/4/2009 9:00:00 AM

Testimony for HAW 2/4/2009 9:00:00 AM HB1667

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Yvonne Geesey
Organization: Individual
Address: PO Box 62245 HI
Phone: (808) 227-9361
E-mail: geesey@hawaii.edu
Submitted on: 2/2/2009

Comments:

I am in support of a full moratorium on any action regarding the "ceded" lands.

2330 Ainaola Drive
Hilo, Hawai`i 96720

Hawai`i State Legislature
415 South Beretania Street
Honolulu, Hawai`i 96813

February 2, 2009

Dear Honorable Representatives,

Aloha kakou. My name is Brennan Takayama, and I was born and raised in Hilo on Hawai`i island and currently am living in Honolulu. I am a former Hawai`i State Board of Education member (2001-2002) and Hawai`i State Student Council member (2000-2002). I am a graduate of Stanford University (BA, 2006, MA in Education, 2007) and currently am working in educational research and as a minister with a Christian organization at the University of Hawai`i at Manoa, although I am writing in my personal capacity and not as a representative of any organization of which I am affiliated. I am writing to request your support of House Bills 1667 and 1805 that prohibit the sale of "ceded"/seized lands.

I appeal to you on a sense of justice and aloha. I myself am not Native Hawaiian, although my family has been in Hawai`i for several generations. Growing up in Hawai`i, I learned that a common value that many of us share is standing for what is right even when doing so is inconvenient. I am half-Japanese and half-Chinese and recognize the struggles my predecessors had to face in Hawai`i and in the United States. I also realize the injustices of which people like me have committed upon others, particularly the indigenous people of Hawai`i – Native Hawaiians. We have remained silent on the iniquities inflicted upon our Native brothers and sisters and have upheld a system that denies them the basics of honor, dignity, and respect. I do not need to share with you the legal basis for preserving land that was taken from the Hawaiian government; many others have probably already shared such information with you. It is not convenient for me to stand for a cause that does not necessarily benefit me or "my people," but justice knows no boundaries. Injustice anywhere is a threat to justice everywhere.

I humbly request of you: please, do what is right. As a public servant myself I know that we are often faced with many difficult decisions. Though issues may be complicated, we often know what is right when we listen to our gut and heart. Please do what is right and support House Bills 1667 and 1805.

Mahalo a nui loa for your time. Please feel free to contact me with any questions.

Me ka ha`aha`a,

Brennan Takayama
Cell: 808-292-1692
Email: brenkeke@stanfordalumni.org

Rep. Maile Shimabukuro

From: BHelemano@aol.com
Sent: Monday, February 02, 2009 8:13 PM
To: HAWtestimony
Subject: Aloha

e Aloha mai.

I want to take this time to ask you to please support the non-sale of ceded lands. I think that justice will prevail by the non-sale of our ancestral lands.....

mahalo nui loa

e malama pono kakou i ka 'aian makua nei.....kahu,B.Kauihimalaihi Helemano

[Great Deals on Dell Laptops. Starting at \\$499.](#)

Rep. Maile Shimabukuro

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 03, 2009 10:14 AM
To: HAWtestimony
Cc: weg@wisperhawaii.com
Subject: Testimony for HB1667 on 2/4/2009 9:00:00 AM

Testimony for HAW 2/4/2009 9:00:00 AM HB1667

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: William E Garcia Jr.
Organization: Individual
Address:
Phone:
E-mail: weg@wisperhawaii.com
Submitted on: 2/3/2009

Comments:

State House Committee on Hawaiian Affairs
RE: House Bills 1667 and 1805

Aloha Honorable Chairperson,

My name is Deborah Bear Barbour. I come from the Oglala, Lakota tribe in Pine Ridge, South Dakota and the Ponca tribe in Nebraska. I also have been honored and blessed to have grown up in Hawaii. I would like to support this legislation to stop the State of Hawaii from doing any negotiations with land that has questionable ownership. It would be wise for our State to act slowly on this issue.

In my personal examination and studies of the United States dealings with indigenous people the U.S. has acted rashly and under pressure from roots of greed. I believe that this is a great, if not golden opportunity to walk the way of Aloha. Our state motto is "*Ua Mau Ke Ea O Ka Aina I Ka Pono*" – *The life of the land is perpetuated in righteousness.*

I urge you leaders of this beautiful state to make this the first step to righteousness; to begin to make things pono. I believe that we in Hawaii can take up this challenge. It will take very hard work to do this reconciliation. It will take leaders who are servants. It will take sacrifice and understanding.

Where else but in Hawaii the place of true aloha could and should this process start in the United States?!

I who come from "turtle island" (mainland) have high hopes that this will begin the process of reconciliation for all indigenous people in the United States. We need to bring Life back to our nation.

"Ua Mau Ke Ea O Ka Aina I Ka Pono"

Aloha, Pilamiye ~ Mitakuye Oyasin, Waste Win,e

Deborah Bear Barbour

HOUSE OF REPRESENTATIVES
THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2009

COMMITTEE ON HAWAIIAN AFFAIRS
Rep. Mele Carroll, Chair
Rep. Maile S.L. Shimabukuro, Vice Chair

Rep. Della Au Belatti Rep. Scott Y. Nishimoto
Rep. Joe Bertram, III Rep. Ryan I. Yamane
Rep. Tom Brower Rep. Gene Ward
Rep. John M. Mizuno

NOTICE OF HEARING

DATE: Wednesday, February 4, 2009
TIME: 9:00 am
PLACE: State Capitol / Conference Room 329
415 South Beretania Street

ALOHA, MY NAME IS LEONA M. KALIMA

I SUPPORT THE FOLLOWING HOUSE BILLS:

HB 1660

-RELATING TO HAWAIIANS.

Recognizes Hawaiians as the indigenous people of Hawaii.

HB 1667

-RELATING TO CEDED LANDS.

Prohibits the board of land and natural resources from selling, exchanging, or otherwise alienating ceded lands in the public land trust.

HB 1805

-RELATING TO LANDS CONTROLLED BY THE STATE.

Prohibits the disposition in fee simple of ceded lands.

HB 1841

-RELATING TO THE PUBLIC LANDS TRUST.

Prohibits the sale, exchange or other permanent transfer of lands in the public lands trust to a private entity; requires the Department of Land and Natural Resources to make an inventory of lands in the public lands trust; appropriates funds for the inventory, to be matched by the Office of Hawaiian Affairs.

EMAIL: For comments less than 5 pages in length, transmit to HAWtestimony@capitol.hawaii.gov

February 4, 2009

To: Representative Mele Carroll, Chair
Representative Maile Shimabukuro, Vice Chair
House Hawaiian Affairs Committee

From: Leanne Ferrer

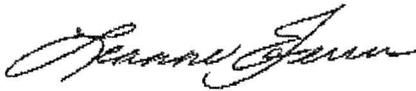
Re: Testimony in support of HB 1667 Relating to Ceded Lands

Dear Chair Carroll, Vice Chair Shimabukuro and Members of the House Hawaiian Affairs Committee:

I write you to ask for your support of HB 1667 Relating to Ceded Lands. This bill prohibits the Board of Land & Natural Resources from selling, exchanging, or otherwise alienating ceded lands in the public land trust.

I thank you in advance for your consideration. I urge you to please vote in support of HB 1667.

Sincerely,



PACIFIC ISLANDERS IN COMMUNICATIONS



Leanne K. Ferrer
Program Manager

1221 Kapi'olani Blvd. Suite 5A-4
Honolulu HI 96814

T 808 591 0059
F 808 591 1114
lferrer@piccom.org
www.piccom.org

TESTIMONY IN SUPPORT OF
HOUSE BILL 1667
RELATING TO CEDED LANDS

Honorable Chairwoman Representative Mele Carroll and Vice Chairwoman Maile Shimabukuro and Committee Members of the Hawaii Affairs Committee, Aloha!

Please accept this testimony in support of House Bill 1667 relating to ceded lands being presented before the Hawaiian Affairs Committee of the House of Representatives in the Hawaii State Legislature 2009 session.

I realize there are other versions of resolutions house and senate bills entitled by other worthy Native and non-Native Hawaiians with the same thoughts and opinions supporting such a “moratorium” on the issues relating to lands ceded resulting from the overthrow of the Hawaiian Kingdom, annexation and eventual statehood to the United States. During each event the ultimate issue of self-governance by the indigenous peoples remains on the forefront for discussion and decision making.

I ask for the support of the Hawaiian Affairs Committee leadership and its committee members to vote in favor of House Bill 1667.

Yours truly,

Paul P. Richards

Paul P. Richards

February 4, 2009

To: Representative Mele Carroll, Chair
Representative Maile Shimabukuro, Vice Chair
House Hawaiian Affairs Committee

From: DWIGHT VICTOR

Re: **Testimony in support of HB 1667 Relating to Ceded Lands**

Dear Chair Carroll, Vice Chair Shimabukuro and Members of the House Hawaiian Affairs Committee:

I write you to ask for your support of HB 1667 Relating to Ceded Lands. This bill prohibits the Board of Land & Natural Resources from selling, exchanging, or otherwise alienating ceded lands in the public land trust.

I thank you in advance for your consideration. I urge you to please vote in support of HB 1667.

Sincerely,



DWIGHT VICTOR

ROYAL ORDER OF KAMEHAMEHA I

MOKU TO KAPUAIWA

February 4, 2009

To: Representative Mele Carroll, Chair
Representative Maile Shimabukuro, Vice Chair
House Hawaiian Affairs Committee

From: KEONI K. AGARD

Re: **Testimony in support of HB 1667 Relating to Ceded Lands**

Dear Chair Carroll, Vice Chair Shimabukuro and Members of the House Hawaiian Affairs Committee:

I write you to ask for your support of HB 1667 Relating to Ceded Lands. This bill prohibits the Board of Land & Natural Resources from selling, exchanging, or otherwise alienating ceded lands in the public land trust.

I thank you in advance for your consideration. I urge you to please vote in support of HB 1667.

Sincerely,

Keoni K. Agard
Royal Order of Kamehameha
116 KEOLE DR, KAIKUA HI 96734

February 4, 2009

To: Representative Mele Carroll, Chair
Representative Maile Shimabukuro, Vice Chair
House Hawaiian Affairs Committee

From: Roland Pakumana Sr

Re: **Testimony in support of HB 1667 Relating to Ceded Lands**

Dear Chair Carroll, Vice Chair Shimabukuro and Members of the House Hawaiian Affairs Committee:

I write you to ask for your support of HB 1667 Relating to Ceded Lands. This bill prohibits the Board of Land & Natural Resources from selling, exchanging, or otherwise alienating ceded lands in the public land trust.

I thank you in advance for your consideration. I urge you to please vote in support of HB 1667.

Sincerely,

Roland Pakumana Sr Rook #6
P.O. Box 548
Hanehue Ai 96744

February 4, 2009

To: Representative Mele Carroll, Chair
Representative Maile Shimabukuro, Vice Chair
House Hawaiian Affairs Committee

From: Arthur W. K. Aiu

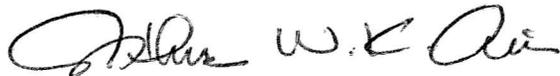
Re: **Testimony in support of HB 1667 Relating to Ceded Lands**

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I thank you in advance for your consideration. I urge you to please vote in support of HB 1667.

Sincerely,



ROYAL ORDER OF KAMEHAMEHA I

February 4, 2009

To: Representative Mele Carroll, Chair
Representative Maile Shimabukuro, Vice Chair
House Hawaiian Affairs Committee

From: Lincoln Victoria

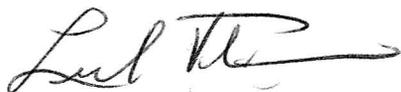
Re: **Testimony in support of HB 1667 Relating to Ceded Lands**

Dear Chair Carroll, Vice Chair Shimabukuro and Members of the House Hawaiian Affairs Committee:

I write you to ask for your support of HB 1667 Relating to Ceded Lands. This bill prohibits the Board of Land & Natural Resources from selling, exchanging, or otherwise alienating ceded lands in the public land trust.

I thank you in advance for your consideration. I urge you to please vote in support of HB 1667.

Sincerely,



Royal Order of Kamehameha, Moku Kapuniwa
ulukou@hawaii.rr.com

February 4, 2009

To: Representative Mele Carroll, Chair
Representative Maile Shimabukuro, Vice Chair
House Hawaiian Affairs Committee

From: MILTON ANDERSON

Re: **Testimony in support of HB 1667 Relating to Ceded Lands**

Dear Chair Carroll, Vice Chair Shimabukuro and Members of the House Hawaiian Affairs Committee:

I write you to ask for your support of HB 1667 Relating to Ceded Lands. This bill prohibits the Board of Land & Natural Resources from selling, exchanging, or otherwise alienating ceded lands in the public land trust.

I thank you in advance for your consideration. I urge you to please vote in support of HB 1667.

Sincerely,

 MILTON ANDERSON, ROYAL ORDER OF KAMEHAMEHA
P.O. BOX 1636
KANEOHE, HI 96744

February 4, 2009

To: Representative Mele Carroll, Chair
Representative Maile Shimabukuro, Vice Chair
House Hawaiian Affairs Committee

From: Michael Kalaniki

Re: **Testimony in support of HB 1667 Relating to Ceded Lands**

Dear Chair Carroll, Vice Chair Shimabukuro and Members of the House Hawaiian Affairs Committee:

I write you to ask for your support of HB 1667 Relating to Ceded Lands. This bill prohibits the Board of Land & Natural Resources from selling, exchanging, or otherwise alienating ceded lands in the public land trust.

I thank you in advance for your consideration. I urge you to please vote in support of HB 1667.

Sincerely,



Royal Order of Kamehameha I
Chapter VI

Michael.Kalaniki@doh.hawaii.gov

February 4, 2009

To: Representative Mele Carroll, Chair
Representative Maile Shimabukuro, Vice Chair
House Hawaiian Affairs Committee

From: Jesse K. Makainai JR

Re: **Testimony in support of HB 1667 Relating to Ceded Lands**

Dear Chair Carroll, Vice Chair Shimabukuro and Members of the House Hawaiian Affairs Committee:

I write you to ask for your support of HB 1667 Relating to Ceded Lands. This bill prohibits the Board of Land & Natural Resources from selling, exchanging, or otherwise alienating ceded lands in the public land trust.

I thank you in advance for your consideration. I urge you to please vote in support of HB 1667.

Sincerely,



ROOK I

February 4, 2009

To: Representative Mele Carroll, Chair
Representative Maile Shimabukuro, Vice Chair
House Hawaiian Affairs Committee

From:

Raymond C Elsey Pilikaian
Raymond C Elsey Pilikaian

Re: **Testimony in support of HB 1667 Relating to Ceded Lands**

Dear Chair Carroll, Vice Chair Shimabukuro and Members of the House Hawaiian Affairs Committee:

I write you to ask for your support of HB 1667 Relating to Ceded Lands. This bill prohibits the Board of Land & Natural Resources from selling, exchanging, or otherwise alienating ceded lands in the public land trust.

I thank you in advance for your consideration. I urge you to please vote in support of HB 1667.

Sincerely,

Raymond C Elsey Pilikaian

NINIA @ HAWAII.PR.COM

February 4, 2009

To: Representative Mele Carroll, Chair
Representative Maile Shimabukuro, Vice Chair
House Hawaiian Affairs Committee

From: Rothwell "Rocky" Nazo

Re: **Testimony in support of HB 1667 Relating to Ceded Lands**

Dear Chair Carroll, Vice Chair Shimabukuro and Members of the House Hawaiian Affairs Committee:

I write you to ask for your support of HB 1667 Relating to Ceded Lands. This bill prohibits the Board of Land & Natural Resources from selling, exchanging, or otherwise alienating ceded lands in the public land trust.

I thank you in advance for your consideration. I urge you to please vote in support of HB 1667.

Sincerely,

Rothwell "Rocky" Nazo
Royal Order of Kamehameha I
84-961 Lahaina St.
Waianae, Hi. 96792

February 4, 2009

To: Representative Mele Carroll, Chair
Representative Maile Shimabukuro, Vice Chair
House Hawaiian Affairs Committee

From: JOHN L LOW

Re: **Testimony in support of HB 1667 Relating to Ceded Lands**

Dear Chair Carroll, Vice Chair Shimabukuro and Members of the House Hawaiian Affairs Committee:

I write you to ask for your support of HB 1667 Relating to Ceded Lands. This bill prohibits the Board of Land & Natural Resources from selling, exchanging, or otherwise alienating ceded lands in the public land trust.

I thank you in advance for your consideration. I urge you to please vote in support of HB 1667.

Sincerely,

A handwritten signature in cursive script that reads "John L Low". The signature is written in black ink and is positioned below the typed name "John L Low".

February 4, 2009

To: Representative Mele Carroll, Chair
Representative Maile Shimabukuro, Vice Chair
House Hawaiian Affairs Committee

From: Edward L. Akana

Re: **Testimony in support of HB 1667 Relating to Ceded Lands**

Dear Chair Carroll, Vice Chair Shimabukuro and Members of the House Hawaiian Affairs Committee:

I write you to ask for your support of HB 1667 Relating to Ceded Lands. This bill prohibits the Board of Land & Natural Resources from selling, exchanging, or otherwise alienating ceded lands in the public land trust.

I thank you in advance for your consideration. I urge you to please vote in support of HB 1667.

Sincerely, *Edward L. Akana*

Royal Order of Kamehameha I

February 4, 2009

To: Representative Mele Carroll, Chair
Representative Maile Shimabukuro, Vice Chair
House Hawaiian Affairs Committee

From: Douglas K. Kelona, KAAAWA, HI

Re: **Testimony in support of HB 1667 Relating to Ceded Lands**

Dear Chair Carroll, Vice Chair Shimabukuro and Members of the House Hawaiian Affairs Committee:

I write you to ask for your support of HB 1667 Relating to Ceded Lands. This bill prohibits the Board of Land & Natural Resources from selling, exchanging, or otherwise alienating ceded lands in the public land trust.

I thank you in advance for your consideration. I urge you to please vote in support of HB 1667.

Sincerely,



KOHA OROKA OF KAMOHAMOHAI I
KUIHO CHARTER