



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

ON THE FOLLOWING MEASURE:

H.B. NO. 1805, RELATING TO LANDS CONTROLLED BY THE STATE.

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.

The purpose of the bill is to prohibit certain sales in fee simple and exchanges of lands in the public trust. The prohibition remains in effect "until the claims of the native Hawaiian people to the public land trust lands have been resolved or until the legislature finds that the State no longer supports reconciliation between the State and the native Hawaiian people."

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 the bill to be adopted, 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 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 1805
RELATING TO LANDS CONTROLLED BY THE STATE**

House Bill 1805 proposes to prohibit the disposition in fee simple of ceded lands. 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

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 1805, Relating To Lands Controlled By The State, 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 1805 with an amendment.

The Joint Resolution of Annexation approved on July 7, 1898 unlawfully annexed the Hawaiian Islands to the United States. I say unlawfully because Joint Resolutions are used to bring into the union of the United States new States. The Joint Resolution of the Annexation of the Hawaiian Island brought Hawaii into the union as a new Territory, not as a new State.

By the laws of the United States new territories can only be brought into the union thru Treaties. Treaties that are the Supreme Law of the United States. Treaties with the Hawaiian Kingdom that were violated with the passage of the Joint Resolution of Annexation of the Hawaiian Islands.

After the passage of the Joint Resolution of Annexation of Hawaii, there was no vote by Native Hawaiians and the general public of the Hawaiian Kingdom. Another unlawful act that makes the Joint Resolution of Annexation of the Hawaiian Islands, a complete illegal act.

HB 1805 needs to be amended to included all sovereign Hawaiian lands. HB 1805 does not include sovereign Hawaiian lands that were administrated under the Territory of Hawaii from 1900 to 1959. The

HPACH

919 4th Street
Pearl City, Hawaii 96782

Page 2
February 4, 2009
HB 1805

Territory of Hawaii administrated most of the sovereign Hawaiian lands after 1900.

In 1959 when Hawaii became a State, all of the sovereign Hawaiian lands that were under the administration of the Territory of Hawaii were automatically transferred to the administration of the government of the State of Hawaii.

Under the Hawaii Admission Act, the sovereign Hawaiian lands administrated by the Territory of Hawaii are classified as 5 (a) lands.

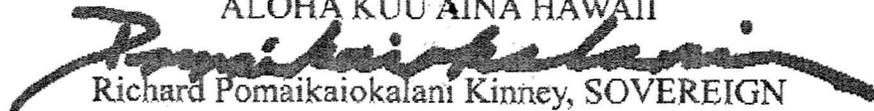
HPACH supports a complete Moratorium on all sovereign Hawaiian lands. 5 (a) lands are sovereign Hawaiian lands that the Native Hawaiian people have never relinquished their claims or inherent sovereignty as a people to the United States either through their monarchy or through a plebiscite or referendum.

Public Law 103-150 is more then just a symbolic apology. It is the law and it's about time that this Legislature understands and obeys the law.

Once more HPACH Supports the passage of HB 1805. 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



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.

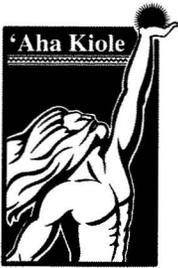
#2 & #3 HB 1667 & HB 1805: IN OPPOSITION

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



TESTIMONY OF
AHA KIOLE ADVISORY COMMITTEE

IN SUPPORT OF
HB 1805

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 from their ancestors, 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.

HB 1805 supports the intent of the Native Hawaiian community – no sale in fee-simple of ceded lands; no exchange of lands in the Public Land Trust for private land!

The Aha Kiole Advisory Committee representing the islands of Hawaii, Maui, Molokai, Lanai, Kahoolawe, Oahu, Kauai and Niihau are in support of HB 1805 as stated. Thank you for your consideration in hearing this testimony and we urge passage of this bill.

Respectfully,

Vanda Hanakahi, Moloka'i, Chair

Leslie Kuloloio, Kahoolawe, Vice-Chair

Timothy Bailey, Maui



Hugh Lovell, Hawai'i



Sharon Pomroy, Kaua'i

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

Working For A Greater America

Board Members

Shawn L.M. Benton
President

David Forman
Vice President

Michael Murata
Treasurer

Sean Ibara
Secretary

Susan Arnett
Alphonso Braggs
Liann Y. Ebesugawa
Cathy Lowenberg
Sonyei Matsuura
Trisha Nakamura
Karen Nakasone
Marcia Sakamoto-Wong
Yoshie Tanabe

Legal Counsel
Benjamin Kudo

Advisory Council
Allicyn Hikida-Tasaka
Clayton Ikei
William Kaneko
Colbert Matsumoto
Alan Murakami

HB 1805: Relating to Lands Controlled by the State 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 1805, relating to lands controlled by the State of Hawai'i.

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. HB 1805 continues to recognize that the State of Hawai'i has an obligation to the Native Hawaiians to recognize past injustice and accept responsibility for repairing such harm. Therefore, we urge your support of HB 1805.

Sincerely,

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



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.

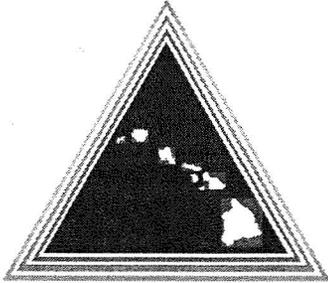
The true history the Hawaiian nation is finally emerging, including the fact that Hawai'i had 145 trade agreements with nations across the globe. The Hawaiian Islands were known as the Switzerland of the Pacific for our neutrality. The Apology Bill finally acknowledged the illegal overthrow of the Hawaiian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

**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 HBs-902 & 1805 Relating to Lands Controlled by the
State
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 902 and 1805-relating to ceded lands. These bills prohibit the disposition in fee simple of ceded lands. The bills basically place a moratorium on ceded lands. If these bills should become law, they will force 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 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 these measures, HB 902 and 1805.

Sincerely,
Kali Watson

Kali Watson
Chairman of Economic Development

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

Hearing: Wednesday, February 4, 2009 at 9 am in Conference Room 329

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.

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).

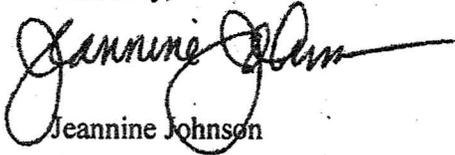
COMMITTEE ON HAWAIIAN AFFAIRS

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 2:54 PM
To: HAWtestimony
Subject: HB1805; HAW; 2/4/09; 9AM; Rm 329

Importance: High

HB1805, Relating to Lands Controlled by the State
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 Native 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!!

Lingle 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.

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 2:41 PM
To: HAWtestimony
Cc: omcreations@riseup.net
Subject: Testimony for HB1805 on 2/4/2009 9:00:00 AM

Testimony for HAW 2/4/2009 9:00:00 AM HB1805

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.

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

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 1805 Relating to Lands Controlled by the State**

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

I write you to ask for your support of HB 1805 Relating to Lands Controlled by the State. This bill prohibits the disposition in fee simple of Ceded Lands.

I thank you in advance for your consideration. I urge you to please vote in support of HB 1805.

Sincerely,

Tanya Lee

Rep. Maile Shimabukuro

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 03, 2009 8:09 AM
To: HAWtestimony
Cc: glen.venezio@gmail.com
Subject: Testimony for HB1805 on 2/4/2009 9:00:00 AM

Testimony for HAW 2/4/2009 9:00:00 AM HB1805

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 8:01 AM
To: HAWtestimony
Cc: ppchawaii@yahoo.com
Subject: Testimony for HB1805 on 2/4/2009 9:00:00 AM

Testimony for HAW 2/4/2009 9:00:00 AM HB1805

Conference room: 329
Testifier position: support
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:

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

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 HB1805 on 2/4/2009 9:00:00 AM

Testimony for HAW 2/4/2009 9:00:00 AM HB1805

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.

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: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 03, 2009 10:18 AM
To: HAWtestimony
Cc: weg@wisperhawaii.com
Subject: Testimony for HB1805 on 2/4/2009 9:00:00 AM

Testimony for HAW 2/4/2009 9:00:00 AM HB1805

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:

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

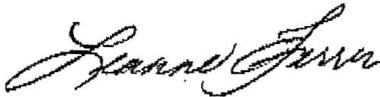
Re: **Testimony in support of HB 1805 Relating to Lands Controlled by the State**

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

I write you to ask for your support of HB 1805 Relating to Lands Controlled by the State. This bill prohibits the disposition in fee simple of ceded lands.

I thank you in advance for your consideration. I urge you to please vote in support of HB 1805.

Sincerely,



PACIFIC ISLANDERS IN COMMUNICATIONS



Leanne K. Ferrer
Program Manager

1221 Kapi'olani Blvd. Suite 6A4
Honolulu HI 96814

T 808 591 0039
F 808 591 1114
lferr@piccom.org
www.piccom.org

February 4, 2009

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

From: DWIGHT VICTOR

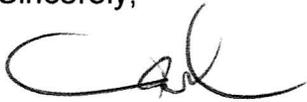
Re: **Testimony in support of HB 1805 Relating to Lands Controlled by the State**

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

I write you to ask for your support of HB 1805 Relating to Lands Controlled by the State. This bill prohibits the disposition in fee simple of ceded lands.

I thank you in advance for your consideration. I urge you to please vote in support of HB 1805.

Sincerely,



DWIGHT VICTOR

COACH ORDER OF KAMOHAMENA I

MOKU O KAPUAWA

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 1805 Relating to Lands Controlled by the State**

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

I write you to ask for your support of HB 1805 Relating to Lands Controlled by the State. This bill prohibits the disposition in fee simple of ceded lands.

I thank you in advance for your consideration. I urge you to please vote in support of HB 1805.

Sincerely,

Keoni K. Agard
Royal Order of Kamehameha
716 KEOHUA DR KAILUA HI 96734

February 4, 2009

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

From: Roland P Ahuna Sr

Re: **Testimony in support of HB 1805 Relating to Lands Controlled by the State**

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

I write you to ask for your support of HB 1805 Relating to Lands Controlled by the State. This bill prohibits the disposition in fee simple of ceded lands.

I thank you in advance for your consideration. I urge you to please vote in support of HB 1805.

Sincerely, Roland P Ahuna Sr Room # 6

P.O. Box 548

Maneoa HI 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 1805 Relating to Lands Controlled by the State**

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

I write you to ask for your support of HB 1805 Relating to Lands Controlled by the State. This bill prohibits the disposition in fee simple of ceded lands.

I thank you in advance for your consideration. I urge you to please vote in support of HB 1805.

Sincerely,



ROYAL ORDER OF KAMEHAMEHA II

February 4, 2009

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

From: Liveson Victor

Re: **Testimony in support of HB 1805 Relating to Lands Controlled by the State**

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

I write you to ask for your support of HB 1805 Relating to Lands Controlled by the State. This bill prohibits the disposition in fee simple of ceded lands.

I thank you in advance for your consideration. I urge you to please vote in support of HB 1805.

Sincerely,



Royal Order of Kamehameha, Moku Kapuniwa
ulakoa@hawaii.zp.com

February 4, 2009

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

From: Mack Kalalutia

Re: **Testimony in support of HB 1805 Relating to Lands Controlled by the State**

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

I write you to ask for your support of HB 1805 Relating to Lands Controlled by the State. This bill prohibits the disposition in fee simple of ceded lands.

I thank you in advance for your consideration. I urge you to please vote in support of HB 1805.

Sincerely,


Royal Order of Kamehameha I
Chapter VI

mack.kalalutia@doh.hawaii.gov

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 1805 Relating to Lands Controlled by the State**

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

I write you to ask for your support of HB 1805 Relating to Lands Controlled by the State. This bill prohibits the disposition in fee simple of ceded lands.

I thank you in advance for your consideration. I urge you to please vote in support of HB 1805.

Sincerely,

 MILTON ANDERSON, ROYAL ORDER OF KAMEHAMEHA I
P.O. Box 1636
KANEHOHE, HI 96744

February 4, 2009

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

From: Jesse K. Makainai JR

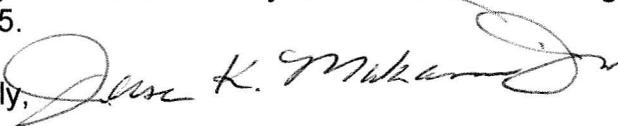
Re: **Testimony in support of HB 1805 Relating to Lands Controlled by the State**

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

I write you to ask for your support of HB 1805 Relating to Lands Controlled by the State. This bill prohibits the disposition in fee simple of ceded lands.

I thank you in advance for your consideration. I urge you to please vote in support of HB 1805.

Sincerely,



ROOKI

February 4, 2009

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

From: Raymond C. Ely Piliāian

Royal ORDER OF Kamehameha

Re: Raymond C. Ely Piliāian
Testimony in support of HB 1805 Relating to Lands Controlled by the State

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

I write you to ask for your support of HB 1805 Relating to Lands Controlled by the State. This bill prohibits the disposition in fee simple of ceded lands.

I thank you in advance for your consideration. I urge you to please vote in support of HB 1805.

Sincerely,

Raymond C. Ely Piliāian

NINIA @ HAWAII . RR . COM

February 4, 2009

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

From: Arthur "Rocky" Neale

Re: **Testimony in support of HB 1805 Relating to Lands Controlled by the State**

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

I write you to ask for your support of HB 1805 Relating to Lands Controlled by the State. This bill prohibits the disposition in fee simple of ceded lands.

I thank you in advance for your consideration. I urge you to please vote in support of HB 1805.

Sincerely,

Arthur "Rocky" Neale

Royal Order of Kamehameha I
84-961 Lahaione St.
Wainana, 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 1805 Relating to Lands Controlled by the State**

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

I write you to ask for your support of HB 1805 Relating to Lands Controlled by the State. This bill prohibits the disposition in fee simple of ceded lands.

I thank you in advance for your consideration. I urge you to please vote in support of HB 1805.

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" which is underlined in the "From:" field.

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 1805 Relating to Lands Controlled by the State**

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

I write you to ask for your support of HB 1805 Relating to Lands Controlled by the State. This bill prohibits the disposition in fee simple of ceded lands.

I thank you in advance for your consideration. I urge you to please vote in support of HB 1805.

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. Kekona, KAAAWA, HI.

Re: **Testimony in support of HB 1805 Relating to Lands Controlled by the State**

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

I write you to ask for your support of HB 1805 Relating to Lands Controlled by the State. This bill prohibits the disposition in fee simple of ceded lands.

I thank you in advance for your consideration. I urge you to please vote in support of HB 1805.

Sincerely,



Royal Order of Kamehameha I
KUHIO CHAPTER DT