

# DEPOSITORY

## HAWAIIAN NATIVE CLAIMS SETTLEMENT ACT PART 1

75602244a

### HEARINGS BEFORE THE SUBCOMMITTEE ON INDIAN AFFAIRS OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS HOUSE OF REPRESENTATIVES

NINETY-FOURTH CONGRESS

FIRST SESSION

ON

**H.R. 1944**

TO PROVIDE FOR THE SETTLEMENT OF HISTORIC CLAIMS  
OF THE HAWAIIAN NATIVES, AND FOR OTHER PURPOSES

HEARINGS HELD IN HONOLULU, HAWAII, FEB. 11, 1975; LIHUE,  
KAUAI, HAWAII, FEB. 12, 1975; KAHULUI, MAUI, HAWAII,  
FEB. 13, 1975; MOLOKAI, HAWAII, FEB. 13, 1975; HILO, HAWAII,  
FEB. 14, 1975; AND KONA, HAWAII, FEB. 14, 1975

**Serial No. 94-2**

Printed for the use of the  
Committee on Interior and Insular Affairs

LIBRARY

CAMDEN, N. J. 08102

GOVERNMENT DOCUMENTS



1859447

U.S. GOVERNMENT PRINTING OFFICE

51-749 O

WASHINGTON : 1975

1 4. In 8/14: 94-2/pt. 1

## COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

### HOUSE OF REPRESENTATIVES

JAMES A. HALEY, Florida, *Chairman*

ROY A. TAYLOR, North Carolina  
HAROLD T. JOHNSON, California  
MORRIS K. UDALL, Arizona  
PHILLIP BURTON, California  
ROBERT W. KASTENMEIER, Wisconsin  
PATSY T. MINK, Hawaii  
LLOYD MEEDS, Washington  
ABRAHAM KAZEN, Jr., Texas  
ROBERT G. STEPHENS, Jr., Georgia  
JOSEPH P. VIGORITO, Pennsylvania  
JOHN MELCHER, Montana  
TENORONCALIO, Wyoming  
JONATHAN B. BINGHAM, New York  
JOHN F. SEIBERLING, Ohio  
HAROLD RUNNELS, New Mexico  
ANTONIO BORJA WON PAT, Guam  
RON de LUGO, Virgin Islands  
BOB ECKHARDT, Texas  
GOODLOE E. BYRON, Maryland  
JAIME BENITEZ, Puerto Rico  
JIM SANTINI, Nevada  
PAUL E. TSONGAS, Massachusetts  
ALLAN T. HOWE, Utah  
JAMES WEAVER, Oregon  
BOB CARR, Michigan  
GEORGE MILLER, California  
THEODORE M. (TED) RISENHOOVER,  
Oklahoma  
WRIGHT PATMAN, Texas

JOE SKUBITZ, Kansas, *Ranking Minority Member*

SAM STEIGER, Arizona  
DON H. CLAUSEN, California  
PHILIP E. RUPPE, Michigan  
MANUEL LUJAN, Jr., New Mexico  
KEITH G. SEBELIUS, Kansas  
ALAN STEELMAN, Texas  
WILLIAM M. KETCHUM, California  
DON YOUNG, Alaska  
ROBERT E. BAUMAN, Maryland  
STEVEN D. SYMMS, Idaho  
JAMES P. (JIM) JOHNSON, Colorado  
ROBERT J. LAGOMARSINO, California  
VIRGINIA SMITH, Nebraska

CHARLES CONKLIN, *Staff Director*  
LEE McELVAIN, *General Counsel*  
MICHAEL C. MARDEN, *Minority Counsel*

---

### SUBCOMMITTEE ON INDIAN AFFAIRS

LLOYD MEEDS, Washington, *Chairman*

JOHN MELCHER, Montana  
THEODORE M. RISENHOOVER, Oklahoma  
ROBERT G. STEPHENS, Jr., Georgia  
ROY A. TAYLOR, North Carolina

FRANK DUCHENEAUX, *Consultant*  
MICHAEL D. JACKSON, *Minority Consultant*

NOTE.—The first listed minority member is counterpart to the subcommittee chairman.

# CONTENTS

	Page
Hearings held—	
February 11, 1975:	
Morning session.....	1
Afternoon session.....	77
February 12, 1975:	
Morning session.....	145
February 13, 1975:	
Morning session.....	175
Afternoon session.....	203
February 14, 1975:	
Morning session.....	241
Evening session.....	291
Appendix.....	319
Text of H.R. 1944.....	2
Statements:	
Agard, John.....	142
Ahana, Mary.....	157
Ahuna, Eleanor.....	263
Aiona, Rev. Darrow, instructor, Leeward Community College.....	97
Apple, Russell, Pacific Historian of the National Park Service.....	77
Ariyoshi, Hon. George, Governor, State of Hawaii.....	51
Ashford, Clinton R.....	134
Beamer, Billie, chairperson, Hawaiian Homes Commission.....	62
Carpenter, Councilman Dante.....	249
Char, William W.....	231
Ching, Marvin.....	201
Chun, Col. Arthur B.....	302
Coffman, Thomas.....	102
Cooper, Alma, Congress of Hawaiian People.....	64
Danuser, Maile.....	124
DeCaires, Elizabeth.....	115
De Fries, Auntie Emma.....	300
DeMello, Richard.....	129
Edsman, Eric.....	300
Elkin, Paul.....	198
Esterman, Phillip.....	226
Evans, Blossom.....	270
Fernandez, Arthur, on behalf of Mayor Peter F. Cravalhu.....	185
Finberg, Vera.....	156
Flores, Lynn.....	299
Fong, Hon. Hiram, a U.S. Senator from the State of Hawaii.....	20
Freitas, Robert.....	123
George, Levi.....	119
Hao, Louis.....	219
Harada, Rev. David, minister of the Kilohana United Methodist Church.....	89
Hauanio, Peter.....	274
Hederman, Wattie.....	301
Ho, Don.....	101
Hoe, Raymond.....	170
Hoke, Arthur, Jr., director of the ALOHA Association.....	52
Holt, John.....	73
Hookano, Murray.....	173
Hoopii, Richard K., Sr.....	181
Hoopii, Walter.....	189

## IV

Statements—Continued	Page
Kaai, Sam	195
Kaapu, Kekoa, vice president of ALOHA	31
Kahanamoku, Louis Kooliko	306
Kai, Herbert	280
Kalipi, William	221
Kanahele, Clinton	323
Kawahara, Councilman William, Council of County of Hawaii	297
Kealamakia, Annum	294
Keau, Charles	192
Kekoanui, Henry	201
Kelley, Mrs. Marian	82
Keohuloa, William	307
Kimmel, Rev. James	237
Kinney, Arthur Kailua	159
Kunimura, Hon. Tony, Hawaii State Representative	149
Al Lagunero	202
Lai, Councilwoman Merle	253
Lardizabal, Al, representing Mayor Malapit, county of Kauai	149
Lee, Kwai Wah	271
Levin, Councilman Andrew	256
Lindsay, Robert	310
Link, Carole	273
Loa, Maui, Chief of the Hou Hawaiians	132
Loy, Elizabeth Lee	282
Makahilahila, William	90
Makaio, Elaine	113
Malo, William, member, Maui Chapter, ALOHA Association	188
Matayoshi, Mayor Herbert, County of Hawaii	246
Matsunaga, Hon. Spark, a Representative in Congress from the State of Hawaii	18, 148, 178, 204, 245, 293
Maxwell, Charles, president, ALOHA Association	28, 205
Meeds, Hon. Lloyd, a Representative in Congress from the State of Washington	145, 176, 203, 243, 292
Meinecke, William	258
Mennick, Johnson	118
Michaels, Ken, president, Kona Chamber of Commerce	298
Mink, Hon. Patsy T., a Representative in Congress from the State of Hawaii	18, 147, 177, 204, 244, 293
Molina, Councilman Manuel, Maui County Council	179
Morganstein, Dr. Maury, department of oceanography, associate director, State Ferromanganese Program	324
Biography	325
Naluai, Luka	108
Namakelua, Auntie Alice	323
Napeahi, Abbe	284
Napoleon, Judy	224
Nathaniel, Ann	277
Ne, Harriett	213
Nishimoto, Naiwi	171
Osorio, Elroy	288
Papalimu, Joseph	267
Pechter, Sandra	199
Peters, Representative Henry, 21st District of Oahu, Hawaii	120
Peters, Sam	228
Pijanaia, Ilima	283
Polikapu, Cecilia	289
Puhi, Kalai	218
Pule, Sarah	282
Raymond, Sarah	168
Reuben, Winona	126
Rice, Louisa K., founder of the ALOHA Movement	22
Rose, Charles Leslie, Jr.	295
Ross, Peggy	137
Roy, David	312
Saiki, Donna	286
Santos, Representative Velma McWayne, member, Eighth State Legislature of Hawaii	94



Statements—Continued	Page
Sharpless, Richard, corporation counsel, city and county of Honolulu.....	23
Sherwood, Zeili.....	216
Shioji, Robert, representing Councilman Frank De Luz.....	257
Solomon, Malama.....	275
Sood, Dr. Satya.....	269
Sterling, Leon K.....	316
Swain, Donna Leong.....	287
Tassil, Joe.....	308
Topolinski, John.....	103
Unea, Mary Mae.....	285
Uu, Ernest.....	206
Vasconcellas, Kekumunui.....	324
Victor, Walter.....	271
Waipa, Richard.....	260
Wallace, William, Jr.....	210
Wasson, Dawn Kahala.....	105
Waters, William, district superintendent, department of education.....	261
Watland, Lorita K.....	95
White, Vernon.....	157
Willocks, Anna.....	265
Wong, Walter.....	112
Yallup, Bill, chairman, Legislative Committee, Yakima Indian Nation.....	116
Zenger, Alice.....	155
<b>Letters:</b>	
Cleveland, President Grover, to the Senate and House of Representatives, dated December 18, 1893 (plus other documents).....	32
Hindman, Dennis M., attorney and counselor at law, Bellingham, Wash., to Hon. Lloyd Meeds, dated February 4, 1975.....	322
Lang, Roger, president, Alaska Federation of Natives, Inc., to Hon. Lloyd Meeds, dated February 5, 1975 (plus resolution).....	320
Poepoe, Andrew K., house republican leader, the Eighth Legislature of the State of Hawaii, to Hon. Lloyd Meeds, dated February 18, 1975.....	321
Roy, David K., Jr., Kailua, Kona, to Indian Affairs Subcommittee, dated March 3, 1975.....	314
Sharpless, Richard K., corporation counsel, city and county of Honolulu, to Hon. Lloyd Meeds, dated February 11, 1975 (plus enclosure)— Real property net assessed valuations for each county, 1974-82 (plus tables):	24
Growth in real property net assessed valuation (table).....	25
Agricultural land use class as of July 1 (table).....	25
Real property assessed valuations for tax rate purposes (table).....	26
Resolution—Determining the real property tax rate for the city and county of Honolulu for the fiscal year July 1, 1974, to June 30, 1975.....	26
Takane, George M., clerk, House of Representatives, State of Hawaii, to Hon. Lloyd Meeds, dated March 6, 1975 (plus resolution).....	319
Yamane, Earl, Waimea, Kauai, Hawaii, to Hon. Lloyd Meeds, dated February 21, 1975.....	322
<b>Additional information:</b>	
Alaska Federation of Natives, Inc., convention resolution No. 74-10, dated November 7, 1974.....	320
City and county of Honolulu, resolution No. 17.....	122
Council of the county of Hawaii, Hilo, resolution No. 343, dated February 5, 1975, plus discussion on the adoption of the resolution.....	122, 250
Council of the county of Kauai, resolution No. 34, dated February 18, 1975.....	154, 159
Council of the County of Maui, resolution dated February 7, 1975.....	179
Hawaiian Civic Clubs Association, resolution No. 12, adopted February 1, 1975.....	321
House of Representatives of the Eighth Legislature of the State of Hawaii, 1975, resolution concurred by senate.....	121
House of Representatives of the Eighth Legislature of the State of Hawaii, resolution No. 320.....	319
Statistics furnished by Mayor Cravalho, county of Maui, plus proclamation.....	187



# HAWAIIAN NATIVE CLAIMS SETTLEMENT ACT—PART I

TUESDAY, FEBRUARY 11, 1975

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON INDIAN AFFAIRS OF THE  
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,  
*Honolulu, Hawaii.*

The subcommittee met, pursuant to notice, at 9 a.m., at the State Capitol Auditorium, Honolulu, Hawaii, Hon. Lloyd Meeds (chairman of the subcommittee) presiding.

Chairman MEEDS. We will commence this morning's hearings with a prayer by Reverend Akaka.

Reverend AKAKA. May I ask you all to please stand.

[Whereupon a prayer in Hawaiian was offered by Reverend Akaka.]

Reverend AKAKA. Blessed is the Nation whose God is the Lord. The people here have chosen to be His inheritors. God, Our Father, who gave our people this and a life that is one with the land we thank Thee that the time of dispossession and of near extinction as a people is passed. And, that through this Nation, under Thee, whose allegiance is to justice for all, and especially for the dispossessed and powerless, we now look forward to restoration as a people with a name and identity, with a life, and a land, and a future. Bless the chairman, Representative Lloyd Meeds, all members of this House Interior and Insular Affairs Subcommittee and the special members of the House committee, our beloved Spark Matsunaga and Patsy Mink. Bless all who will offer testimony. Let the spirit of aloha no longer be a one way street with our aboriginal people doing the giving and others receiving. But let our history now come into proper balance, and what is rightfully ours as aboriginal Hawaiians be restored. Enter into and guide our deliberations as we dedicate ourselves to high purposes and goals, for our native Hawaiian people and for our Nation. Now that the dignity and the glory of the Lord our God be upon us, for thine is the kingdom and the power and the glory forever. Amen.

Chairman MEEDS. Thank you very much, Reverend Akaka. The Subcommittee on Indian Affairs of the full Committee on Interior and Insular Affairs, U.S. House of Representatives will be in session for the purpose of hearing testimony and evidence on bill H.R. 1944. Without objection, a copy of the bill will be made a part of the record at this point. A copy of the report of the Department will be made a part of the record when received.

[Copy of H.R. 1944 follows:]

94<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1944

## IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 1975

Mr. MATSUNAGA (for himself and Mrs. MINK) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

## A BILL

To provide for the settlement of historic claims of the Hawaiian Natives, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
 2        *tives of the United States of America in Congress assembled,*  
 3        That this Act may be cited as the "Hawaiian Native Claims  
 4        Settlement Act."

5

### DECLARATIONS

6

SEC. 2. Congress finds and declares that—

7

(a) it is necessary that a fair and just settlement

8

now be made of all claims by Natives and Native groups

9

of Hawaii, which claims are based on the lawless,

10

fraudulent, and forceful acts of agents of the United

11

States, by which acts the lawful and sovereign govern-

1       ment of the Kingdom of Hawaii was overthrown,  
2       dominion and domain over the people and lands of Ha-  
3       wahi was ultimately assumed by the United States, and  
4       thus the independence and sovereignty of the Hawaiian  
5       people as a collective social, political, and economic en-  
6       tity was permanently terminated;

7           (b) the settlement should be accomplished rapidly,  
8       with finality and certainty, without litigation, in con-  
9       formity with the existing economic and social needs of  
10      Hawaiian Natives, with maximum participation by  
11      Hawaiian Natives in decisions affecting their rights and  
12      property, and without creating a wardship or trustee-  
13      ship on the part of the United States Government; and

14           (c) all claims against the United States, the State of  
15      Hawaii, and all other persons, that are based on acts of  
16      agents, agencies, or instrumentalities of the United States  
17      which contributed to the overthrow of the government of  
18      the Kingdom of Hawaii and enabled the United States  
19      to establish dominion and domain over the people and  
20      lands of Hawaii, including all claims of aboriginal right,  
21      title, use, or occupancy of land or water areas in Hawaii,  
22      or that are based on any statute or treaty of the United  
23      States relating to annexation of Hawaii by the United  
24      States, or that are based on the laws of any other nation,

1 including any such claims that are pending before any  
2 Federal or State tribunal, are hereby extinguished.

3 DEFINITIONS

4 SEC. 3. As used in this Act the term—

5 (a) "Hawaiian Native" means a citizen of the  
6 United States possessed of the blood of ancestors who  
7 were living on the Hawaiian Islands prior to 1778;

8 (b) "Hawaiian Islands" mean the territory now  
9 included in the State of Hawaii;

10 (c) "Secretary" means the Secretary of the In-  
11 terior;

12 (d) "Minor" means a person under the age of  
13 eighteen years;

14 (e) "the corporation" means the Hawaiian Native  
15 Corporation established by section 6 of this Act;

16 (f) "ALOHA" means the A.L.O.H.A. Associa-  
17 tion, Incorporated, its successors and assigns;

18 (g) "person" means and includes an individual,  
19 firm, corporation, association, partnership, or other legal  
20 entity; and

21 (h) "he" and "his" mean and include he, she,  
22 they, and it, and his, hers, their, and its.

23 HAWAIIAN NATIVE ROLL

24 SEC. 4. The Secretary shall prepare a roll of Hawaiian  
25 Natives within two years of the date of this Act and shall

1 maintain such roll thereafter by eliminating the names of  
2 deceased Natives and by adding the names of after born  
3 Natives and with the approval of the board of directors of  
4 the corporation, of other persons previously omitted subse-  
5 quently shown to qualify. The right to participate in the  
6 benefits of this Act shall belong to the living Hawaiian Na-  
7 tives listed on the roll from time to time and shall not be  
8 transferable inter vivos or upon death. In the absence of a  
9 sufficient genealogy to establish that an applicant for enroll-  
10 ment is a Hawaiian Native, he may nevertheless be en-  
11 rolled, if he is generally acknowledged by Hawaiian Natives  
12 acquainted with him to be a Hawaiian Native.

13 **HAWAIIAN NATIVE FUND**

14 **SEC. 5.** (a) There is established in the Treasury of the  
15 United States the Hawaiian Native Fund into which the  
16 following shall be deposited:

17 (1) \$1,000,000,000 from the general fund of the  
18 Treasury, hereby authorized to be appropriated as  
19 follows:

20 (A) \$100,000,000 during the fiscal year in  
21 which this Act becomes effective; and

22 (B) \$100,000,000 during each of the next  
23 nine fiscal years following.

24 (2) Interest at the rate of 5 per centum per annum,  
25 hereby authorized to be appropriated, on any amount

1 authorized to be appropriated under section 5 (a) (1)  
2 of this Act that is not deposited in the fund within six  
3 months after the end of the fiscal year in which due.

4 (b) Such fund shall be a trust fund and money on de-  
5 posit therein shall earn interest and be invested and ad-  
6 ministered by the Secretary in the same manner as trust funds  
7 of Indian tribes.

8 (c) Upon completion of the organization of the corpora-  
9 tion, and the election of a board of directors by the members,  
10 all money in the fund from time to time shall be held subject  
11 to, and distributed to such corporation in accordance with,  
12 the orders of the board of directors.

13 HAWAIIAN NATIVE CORPORATION

14 SEC. 6. (a) There is hereby established a body corpo-  
15 rate named the Hawaiian Native Corporation, whose prin-  
16 cipal place of business shall be located in the State of Hawaii.  
17 The corporation shall not be an instrumentality of the United  
18 States. The members of the corporation shall be the Hawaiian  
19 Natives listed on the Hawaiian Native roll from time to time.

20 (b) Within two and a half years from the date of this  
21 Act, the Secretary shall issue a certificate of membership in  
22 the corporation to each Hawaiian Native listed on the roll  
23 as of the date of issue. Thereafter, he shall issue such a cer-  
24 tificate to each Native added to the roll.



1 (c) Certificates of minors shall be issued in accordance  
2 with the Hawaii Gifts to Minors Act.

3 (d) Certificates issued pursuant to this section, and  
4 rights and benefits appertaining thereto, shall not be sold,  
5 assigned, hypothecated, subject to liens or executions, or  
6 otherwise alienated. Upon the death of a member, his cer-  
7 tificate shall be canceled, but any benefits accrued to the  
8 time of his death shall be distributed in his name to his rep-  
9 resentatives.

10 (e) The purposes of the corporation are to receive and  
11 administer the benefits provided by this Act for the Hawaiian  
12 Natives, and to engage in any and all enterprises, businesses,  
13 undertakings, and activities that the board of directors deems  
14 promotive of their interests and welfare, whether or not  
15 directed to the making of monetary profits.

16 (f) The corporation shall have all rights, powers, privi-  
17 leges, and immunities usually possessed by business for profit  
18 corporations and by charitable institutions. Without limita-  
19 tion of the foregoing, the corporation shall have the following  
20 specific rights, powers, privileges, and immunities—

21 (1) to adopt and amend bylaws providing for the  
22 structure and governance of the corporation: *Provided,*  
23 That for a period of twenty years from the date of this  
24 Act, such bylaws and amendments shall be subject to the  
25 approval of the Secretary;

1           (2) to adopt a corporate seal, which shall be judi-  
2           cially recognized;

3           (3) to sue and be sued in its corporate name;

4           (4) to engage in businesses and activities for profit  
5           and, without restriction, to pay dividends and make other  
6           distributions of money and property to members out of  
7           capital and earnings;

8           (5) to acquire, own, hold, manage, invest, hypothecate, and dispose of property, and interests therein, of  
9           every kind and description, real, personal, and mixed,  
10          tangible, and intangible;

11          (6) to provide professional and technical assistance  
12          to members and to groups and organizations in which  
13          members have substantial interests;

14          (7) to finance and conduct programs, and to aid  
15          others in financing and conducting programs, for the  
16          purposes, without limitation, of providing housing, edu-  
17          cation, and relief from distress to members and their  
18          families, and of promoting the economic and social ad-  
19          vancement of members and their families and of groups  
20          and organizations in which members have substantial  
21          interests;

22          (8) to engage generally in programs and activities  
23          designed to enhance the health, wealth, welfare, and  
24          education of members and their families;  
25

1           (9) to be deemed a charitable, tax exempt, institu-  
2           tion for the purpose of receiving donations of money and  
3           property from others;

4           (10) to be deemed a public instrumentality and  
5           body politic for the purpose of qualifying under acts of  
6           Congress authorizing loans, grants in aid, or other  
7           assistance to qualified entities for the purpose of carry-  
8           ing out various projects and programs, including, with-  
9           out limitation, housing, education, health, and economic  
10          development;

11          (11) to be exempt for a period of twenty years  
12          from the date of this Act from the payment of any and  
13          all local, State, and Federal taxes;

14          (12) to make distributions of money and property  
15          to members exempt from any and all forms of taxation  
16          until the total of such distributions equals the amount  
17          authorized to be appropriated by section 5(a) (1) of  
18          this Act, after which members shall be subject to tax on  
19          distributions to the same extent as would the sharehold-  
20          ers of any business corporation receiving distributions of  
21          like kinds;

22          (13) to be exempt for a period of twenty years  
23          from the date of this Act from all local, State, and Fed-  
24          eral laws regulating corporations: *Provided*, That the  
25          Secretary shall require the corporation to include in its

1 bylaws such provisions for audits, reports, proxy solici-  
2 tations, and other disclosures and controls as he deems  
3 necessary to inform and protect members, and others  
4 interested in the corporation; and

5 (14) to assume and discharge, in accordance with  
6 section 8 of this Act, all fair and reasonable unpaid  
7 obligations incurred by ALOHA, under lawful written  
8 contracts with third persons for the purposes of prepar-  
9 ing, presenting, or advocating or securing the enactment  
10 of legislation to settle the historic claims of, the Ha-  
11 waiian Natives, including, without limitation, loans and  
12 advances of money, or other things of value, and fees  
13 and expenses of attorneys, and other consultants.

14 (g) The management of the corporation shall be  
15 vested in a board of directors. Except for the initial board,  
16 which shall be constituted as provided in section 6(h) of  
17 this Act, the number, terms, qualifications, and method of  
18 election of directors by the members shall be as prescribed  
19 in the bylaws of the corporation.

20 (h) The initial board shall consist of seventeen direc-  
21 tors.

22 (1) At the time he first issues certificates of member-  
23 ship under section 6(b) of this Act, the Secretary shall call  
24 for the election of the initial board. Any member, except a  
25 minor, who shall submit to the Secretary a written nomina-

1 tion signed by not less than one hundred adult members  
2 shall be a candidate for director. The Secretary shall prepare  
3 a ballot including the names of all persons so nominated.

4 (2) Such ballot shall be supplied each member, except  
5 a minor member for whom no custodian has been designated  
6 under the Hawaii Gifts to Minors Act, who shall be entitled  
7 to seventeen votes, which he may distribute, as he sees fit, in  
8 whole votes, among any one or more of the candidates on  
9 the ballot, not to exceed seventeen.

10 (3) Candidates shall be declared elected in the follow-  
11 ing order:

12 (A) The candidate, if any, who is a resident of  
13 the island of Hawaii, who receives more votes than any  
14 other candidate, if any, who are also residents of the  
15 island of Hawaii.

16 (B) The candidate, if any, who is a resident of  
17 Maui, who receives more votes than any other candi-  
18 dates, if any, who are also residents of Maui.

19 (C) The candidate, if any, who is a resident of  
20 Lanai, who receives more votes than any other candi-  
21 dates, if any, who are also residents of Lanai.

22 (D) The candidate, if any, who is a resident of  
23 Molokai, who receives more votes than any other can-  
24 didates, if any, who are also residents of Molokai.

25 (E) The candidate, if any, who is a resident of

1 Oahu, who receives more votes than any other candi-  
2 dates, if any, who are also residents of Oahu.

3 (F) The candidate, if any, who is a resident of  
4 Kauai, who receives more votes than any other candi-  
5 dates, if any, who are also residents of Kauai.

6 (G) The candidate, if any, who is not a resident  
7 of the State of Hawaii, who receives more votes than  
8 any other candidates, if any, who are also not residents  
9 of the State of Hawaii.

10 (H) The remaining candidates receiving the most  
11 votes, without regard to residence, in number necessary,  
12 with those elected pursuant to paragraphs (A) through  
13 (G) above, to equal seventeen.

14 (i) The members of the initial board shall serve for a  
15 term of one year and until their successors are elected and  
16 qualified.

17 (j) (1) The initial board shall prepare and adopt by-  
18 laws subject to approval of the Secretary.

19 (2) Such bylaws, among other things, shall—

20 (A) designate an office and agent of the corpora-  
21 tion for the receipt of process and other legal purposes;

22 (B) provide for the composition and election of  
23 the board of directors subsequent to the initial board; and

24 (C) designate and prescribe the duties of the offi-

1 cers of the corporation, who shall be elected by the  
2 board and serve at its pleasure.

3 **SURPLUS LANDS**

4 **SEC. 7.** Any provision of law to the contrary notwith-  
5 standing, the Administrator of the General Services Adminis-  
6 tration is hereby directed to give to the corporation the first  
7 and prior right to acquire any Federal lands located within  
8 the State of Hawaii which have been determined by the  
9 administrator, in accordance with law, to be "surplus" and  
10 not required for the needs and the discharge of the responsi-  
11 bilities of all Federal agencies. If the corporation elects to  
12 exercise its right to acquire any surplus Federal lands, the  
13 administrator shall convey such surplus Federal lands to the  
14 corporation unconditionally and without compensation  
15 therefor.

16 **OBLIGATIONS INCURRED BY ALOHA**

17 **SEC. 8. (a)** Within six months of the date of this Act,  
18 any person that claims that ALOHA is indebted to him on an  
19 unpaid written contractual obligation incurred by ALOHA  
20 for the purposes of preparing, presenting, or advocating or  
21 securing the enactment of, legislation to settle the historic  
22 claims of the Hawaiian Natives, shall present his claim,  
23 together with appropriate documentation to ALOHA and the  
24 corporation. In consultation with ALOHA, the corporation

1 shall review and prepare a schedule of all such claims, noting  
2 thereon which claims, if any, it questions or disputes, in  
3 whole or in part, together with the reasons therefor, which  
4 schedule, together with copies of the claims and supporting  
5 documents supplied by the claimants, it shall submit to the  
6 Secretary within nine months of the date of this Act. Claims  
7 not questioned or disputed by the corporation, to which the  
8 Secretary takes no exception within one year from the date  
9 of this Act, shall thereafter be due and payable by the cor-  
10 poration. In the event the corporation, the claimant, and the  
11 Secretary, cannot agree on the settlement of a claim ques-  
12 tioned or disputed by the corporation, or to which the Secre-  
13 tary has taken an exception, the same may, upon the appli-  
14 cation of either the corporation, the claimant or the Secretary,  
15 be determined by arbitration under chapter 658 of the  
16 Hawaii Revised Statutes.

17

#### REPORTS TO CONGRESS

18 SEC. 9. During a period of twenty years from the date  
19 of this Act, the Secretary shall prepare and submit reports  
20 annually to Congress on the state of the Hawaiian Natives  
21 and the execution and effects of this Act. During the session  
22 of Congress next convened after the end of such period, the  
23 Secretary shall submit, through the President, a final report  
24 on the state of the Hawaiian Natives, which shall include a



1 summary of actions taken and results achieved under this  
 2 Act, together with such recommendations to Congress as he  
 3 deems appropriate.

#### 4 APPROPRIATIONS

5 SEC. 10. There are authorized to be appropriated such  
 6 sums as may be necessary to carry out the provisions and  
 7 purposes of this Act.

#### 8 REGULATIONS

9 SEC. 11. The Secretary is authorized to issue and publish  
 10 such regulations as may be necessary to carry out the pro-  
 11 visions and purposes of this Act.

#### 12 MISCELLANEOUS

13 SEC. 12. (a) No provision of this Act shall derogate  
 14 from or diminish any right, privilege, or obligation of Ha-  
 15 waiian Natives as citizens of the United States, or of the  
 16 State of Hawaii, or relieve, replace, or diminish any obli-  
 17 gation of the United States or of the State of Hawaii to  
 18 protect and promote the rights and welfare of Hawaiian  
 19 Natives as citizens of the United States or of Hawaii;

20 (b) No provision of this Act shall be construed to  
 21 constitute a jurisdictional act to confer jurisdiction to sue,  
 22 nor to grant implied consent to Hawaiian Natives to sue the  
 23 United States or any of its officers with respect to the claims  
 24 extinguished by the operation of this Act. ,

## 1 SUPREMACY AND SEPARABILITY

2 SEC. 13. In the event of conflict between this Act and  
3 any other Acts of Congress or other laws, the provisions of  
4 this Act shall control. If any provision of this Act is authori-  
5 tatively determined to be invalid on its face or as applied,  
6 such holding shall not be deemed to invalidate or affect  
7 any other provisions of this Act.

H.R. 1944 is sponsored by Representative Spark Matsunaga and Representative Patsy Mink, both of whom are with us today. Patsy is a member of the House Committee on Interior and Insular Affairs. We have adopted Spark for the purposes of these hearings, and I would like at the outset to indicate to both of them my very sincere appreciation on behalf of the entire subcommittee for their hospitality, and, indeed, to the people of the entire State of Hawaii for their graciousness and charm. It is a real pleasure to be here and to be conducting these hearings.

We begin the hearings today in Honolulu and will in subsequent days conduct hearings on Kauai, Maui, Molokai, and, finally, the Big Island of Hawaii.

This is a busy schedule for the next 5 days, but a schedule which should provide for us information and enlightenment upon which we as a subcommittee can ascertain the obligation, if any, of the U.S. Government as a result of the overthrow of the Hawaiian monarchy in 1893.

I think it is beyond cavil that the agents of the U.S. Government were very deeply involved in that overthrow and a subsequent annexation of Hawaii to the United States. The crucial question as I see it is not the involvement of the United States in that nefarious business, which I say is beyond cavil, but whether by various means recompense has not at least already been made available for persons of Hawaiian ancestry to take advantage of thus far; it appears that various means were taken by those who proposed and enacted the Hawaiian Homestead Act of 1920 and others to right the wrong perpetrated in 1893.

In any event, there are many things that will be the subject matter of our hearings on the bill H.R. 1944, which provides, very quickly, \$1 billion in compensation for that unlawful taking. It establishes an Hawaiian native corporation for the management and disbursement of those funds. It provides a prior right to that corporation for the purposes of obtaining land surplus to the needs of the Federal Government and makes other provisions and definitions.

So, we begin the first step of many required to ultimately determine this matter. This is the same subcommittee, which after 3 years of hearings and legislative activities, produced the Alaskan Native land claims. While there are some similarities, there are many distinctions. I think it would be an oversimplification to conclude that passage of that legislation assures the passage of H.R. 1944. But it is not wrong to conclude that this subcommittee will deal fairly and honorably and upon a finding of an unfulfilled obligation will, if I might paraphrase President Cleveland, not fail to vindicate the honor and sense of justice of the U.S. Government by an earnest effort to make all possible reparations.

This will be a long hearing. We have, I think, 36 witnesses by latest count. That, I am sure, could change from moment to moment. Recalling the old adage that the mind can absorb no more than the backside can endure [laughter], may I urge all of you, who are witnesses in this hearing to keep your statements short.

If you have prepared statements, please submit them for the record and summarize them as quickly as possible. But we will be

here all night if it is necessary, to get the testimony that you think is necessary to support your claim. That is what we are here for and we intend to conduct these hearings so everyone is heard and everyone is heard on those important matters relevant to this legislation.

I would like at this point to call upon a member of the subcommittee and my colleague in the House to see if she has an opening statement. Mrs. Mink.

**STATEMENT OF HON. PATSY T. MINK, REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF HAWAII**

Representative MINK. Thank you very much, Mr. Chairman. I would like to ask your consent, Mr. Chairman, to revise and extend my remarks for the record, but in order to allow everyone the opportunity to fully express their views and their opinions and their sentiments with regard to the bill, I will limit my opening statement merely to indicate my very, very great pleasure at being able to welcome you here to Hawaii, Mr. Meeds, knowing of your very warm and sympathetic support of this legislation.

When representatives of the ALOHA Association came to Washington, D.C., last fall, you indicated at that time very promptly your interest in coming to Hawaii to open the hearings. So, I am very, very delighted that this recess gave us an opportunity to come here to begin the process of legislative consideration of this most urgent and most important bill for the native Hawaiians.

It is a very, very long process. I hope that you will have the endurance and perseverance to see this out. There will be many difficult days, much argument, debate and discussion. As this is the very beginning of the process, what is really needed is an open opportunity for all parties to have an input. What I am hopeful will happen after the 4 days is that we will be able to take back a record for the members of the Committee on Interior and Insular Affairs of the House, of which I am a member, and with this record be able to begin discussions on the subcommittee level and then the full committee level.

It is a complicated history, which I know you will present and unfold and which will more than justify your claim, but we are here to begin this process in Hawaii and, hopefully, will be able to take back a very strong, united recommendation and support for this legislation.

I thank you again, Mr. Meeds, for your presence and I know that all of the people who are here and who will be participating in the hearings on all of the islands join me in extending to you our warmest and deepest Aloha. Thank you. [Applause.]

Chairman MEEDS. Thank you. Now from our ex officio Member, Spark Matsunaga. Do you have an opening statement?

**STATEMENT OF HON. SPARK MATSUNAGA, REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF HAWAII**

Representative MATSUNAGA. I do, Mr. Chairman. I wish to thank you first of all for conducting these hearings on H.R. 1944 here in

Hawaii and for permitting me to participate in these hearings as an ad hoc member of your subcommittee. The interested and concerned people of Hawaii are especially grateful, I am sure, for without your presence in this State, most of them, due to financial limitations could never appear to testify before your subcommittee.

It is my fervent hope that after you have heard the various witnesses, you will conclude that the native Hawaiians do indeed have a legitimate and justifiable claim against the U.S. Government.

Mr. Chairman, H.R. 1944 bears the names of Congresswoman Mink and myself as cosponsors of the measure, but the bill belongs in a larger sense to the ALOHA Association, whose members worked so hard to develop the legislation in the first place for the benefit of all native Hawaiians. I can well remember the long and sometimes painful process which yielded the language incorporated in the bill which is the subject of these hearings.

Mr. Chairman, in the course of these hearings, you will no doubt learn many interesting things about Hawaii. For example, Hawaii is the only American jurisdiction, which has lived through four different political systems. It was a kingdom ruled by kings and queens until 1894. It was an independent republic for 4 years. It was then annexed to the United States as an incorporated territory, and remained so until 1959, when it was finally admitted into the Union as its 50th State.

You will learn, too, that Hawaii is the only place in the United States, where you can visit a genuine palace, which used to serve as the home of kings and queens. With the coming of the non-Hawaiians to these islands in the 19th century, there also came strange customs of land use and ownership.

Instead of regarding the land in the Hawaiian way as the "sacred hearth of the Gods," the newcomers considered land something to be owned by individual human beings. The native Hawaiians would never fully appreciate this foreign view, and therefore never fully benefited from the land distribution system, which took place in the mid-19th century.

The so-called revolution of 1893 was another non-Hawaiian activity, which the Hawaiians never fully understood. The overthrow of the then reigning monarch, Queen Liliuokalani, and the negotiated treaty of annexation with the United States was later condemned by then-President Grover Cleveland, as a conspiracy between the non-Hawaiians and the U.S. Minister to Hawaii. H.R. 1944, the Hawaiian Native Claims Act is intended to right a grievous wrong perpetrated on the Hawaiian people, and history sadly records that the U.S. Government was a party to such wrong doing.

Mr. Chairman, it is my hope that these hearings will reveal the basic inequities involved and lead the subcommittee to accept the proposal of H.R. 1944 to compensate the native Hawaiians for the wrong done them.

Mr. Chairman, I thank you again for coming to Hawaii to hold these hearings.

Chairman MEEDS. Thank you very much, Spark. It is my understanding that at this time we are going to be favored by a song. May I, at the outset, ask your indulgence in my mispronunciation

of names. If I do mispronounce your name or the name of songs or places, I hope you will bear with me and just give me an opportunity to be here a little longer. I will catch on.

We are being favored by a song by Genoa Keawe.

Mr. MAXWELL. Mr. Chairman, I would like to inform you that this song "Kaulana Na Pua" was written in 1893 after the annexation of the Hawaiian Islands, and the song consists of the feeling of the people at that time.

(Kaulana Na Pua sung and danced by Genoa Keawe)

Famous are the children of Hawaii,  
 Ever loyal to their land.  
 When the evil hearted messenger comes with  
 his document greeting of extortion.  
 Hawaii, land of keawe pastures,  
 Piilani of Maui comes to help.  
 Mano Kalaniko of Kauai lends support,  
 And so do the sands of Kakui Ewa.  
 We will not affix our signature to the paper  
 of the enemy.  
 With the sale of native civil rights,  
 We do not value the government's sum of money.  
 Enough for us is the stone, the majestic food  
 of our land.  
 We banned Queen Liliuokalani who was the rightful  
 ruler of this land to tell the story, the story  
 of the native Hawaiian people who love their land.  
 We support Liliuokalani, who is the rightful ruler  
 of this land to tell the story, the story of the  
 people, who love this land of Hawaii Nei.

[Applause.]

Chairman MEEDS. Thank you very much. That was beautiful both in form and in meaning. This legislation is also being sponsored in identical bills on the Senate side by both of your Senators. I have just been told it has not been introduced yet. I am sure it will be, but it has been supported in the past by both of your Senators, one of whom is here today and will be our first witness.

We are delighted to have you Senator Hiram Fong. Welcome to the committee. [Applause.]

#### STATEMENT OF HON. HIRAM FONG, U.S. SENATOR FROM THE STATE OF HAWAII

Senator FONG. Mr. Chairman and my distinguished colleagues from Hawaii and the U.S. Congress, I am very happy the House of Representatives gave you a recess so you could be here. As you know, the Senate canceled its recess, but I thought that the claim of the Hawaiian people is so just and so fair and so reasonable that I had to come home and give my support to their claim. So, I would like first to welcome you, Mr. Chairman, and your subcommittee to Hawaii, to our Nation's beautiful island State and to extend to you on behalf of myself and the people of Hawaii our warmest aloha.

I hope after you have completed your hearings here you will find time to linger a while longer to enjoy the beauty and warmth of this land and our people. I am pleased to be here today at what I believe is the first of a series of historic hearings to be held by

committees of the Senate and House of the U.S. Congress on the matter of settlement of the Hawaiian native claims.

For the past year I have been working with representatives of the native Hawaiian organizations for the purpose of preparing the necessary legislation for introduction into the U.S. Senate, setting forth the claims of the Hawaiian natives and proposals for the redress of wrongs committed by the United States against the Hawaiian natives.

Last June, members of my staff worked 16- and 18-hour days in Washington with representatives of the organization known as ALOHA and with their lawyers in an effort to meet a June 27, 1974, deadline that they had set for the introduction of a bill in the Senate on the Hawaiian native claims. After great effort, the seventh draft was finally arrived at agreeable to the ALOHA representatives, their attorneys, and myself. I believe the seventh draft of the proposed bill was an excellent approach, and I agreed to introduce that proposed Hawaiian native claims bill in the Senate on June 27, 1974. I made the necessary arrangements for the introduction of that bill.

However, in the late afternoon of the 26th of June, I was advised by the group's leader that they had met with Senator Henry Jackson, Chairman of the Senate Interior and Insular Affairs Committee in Senator Inouye's office and at that meeting, Senator Jackson had promised to hold hearings on Hawaiian native claims in Hawaii after the November election, and he advised them not to have a bill introduced in the Senate until after the hearing.

Because Senator Jackson is the committee chairman, the ALOHA group decided to take his advice and requested that I not introduce the bill as planned. In deference to their desires, I did not introduce the bill we had all worked so hard to prepare. I was also informed that a much earlier and different version of the bill was to be introduced in the House.

On June 27, 1974, I informed my colleagues in the Senate that at the request of the ALOHA group, I would not be introducing the bill as planned. On that occasion, I informed my colleagues as follows, and I read, "With the approach taken in the seventh draft yesterday, I want to say I fully support the effort of the Hawaiian people. I am convinced just compensation must be paid by the United States Government to the Native Hawaiians for the illegal acts of the agents of the United States in the 1890s in calling in the Armed Forces of the United States Government to assist in the overthrow of the sovereign government of Hawaii and the taking of native Hawaiian lands. Their cause is just and the request is fair. I urge all of Hawaii and this great Nation to join in supporting the righting of these wrongs."

The complete text of my remarks can be found in the Congressional Record of June 27, 1974 on pages S-11625 and S-11626. My office is in the process of making a detailed analysis of the Hawaiian native claims. So, I can say that the first result of that analysis confirms and strengthens the views which I have just expressed.

Mr. Chairman, it is not my purpose today to analyze the Hawaiian Native Claims Settlement bill, H.R. 1944, which is pending before your subcommittee. I defer to the many witnesses, who will appear

before you. I shall note very carefully the testimony presented to your subcommittee here in Hawaii in preparation for the hearings to be held next month in Honolulu and in Kona by the Senate Committee on Interior and Insular Affairs.

May I just conclude by saying that there will appear before this subcommittee in the course of these hearings many who are descendants of that great and noble race who first inhabited these islands. They were a gracious, generous, warm hearted people, who welcomed the stranger to their land. The stranger brought with him a civilization and attitude difficult to comprehend and diseases that ravaged and decimated the people until finally that noble race, which once stood tall and proud in all of these islands, became like strangers in their home land. Those beautiful people have given far more than they have received.

So, Mr. Chairman, I ask that you give heed to the native Hawaiians, Americans all, as they come from the far reaches of Hawaii Nei, from Niihau to Ka'u to testify before you. Listen with open heart and with open mind to what they are saying for their cause is just, their request is fair. Mahalo and aloha. (Applause.)

Chairman MEEDS. Thank you very much, Senator Fong.

Our next witness is the founder of the ALOHA movement, Louisa K. Rice who is, I understand, a very dynamic person. Welcome before the Committee, Louisa. We are looking forward to your testimony.

#### **STATEMENT OF LOUISA K. RICE, FOUNDER OF THE ALOHA MOVEMENT**

Ms. RICE. Thank you, your honor. Honorable Chairman, Honorable Patsy Mink, Sparky Matsunaga, fellow Hawaiians and friends, who are gathered here and who are at home. I would like to extend my warmest Aloha to everyone in the room. At this time, if I may, I would like to express our thanks and appreciation, Mr. Chairman, for taking the time and the interest to acknowledge our claim here in Hawaii.

This is indeed a pleasure. I must admit at this time that if the fire did not destroy my car, I do not think I would have prompted this movement at all. So, this here, Mr. Chairman, is an indication that reparations is definitely due to the Hawaiian people. Aloha symbolizes love, which emanates from the Hawaiian people and this name symbolizes our movement.

So, when we make our approach in Congress we will come not in a malicious manner, but in the very intelligent and loving compassionate manner, because we are citizens of the United States, and we do want to acknowledge ourselves as such.

Summarizing why I feel this claim is just and to quote you, Mr. Chairman, you said this morning that you are here to present a fair and honorable hearing and this is exactly what our late Queen Liliuokalani was trying to do for fifteen years.

So, to me, this is a very climactic moment, because this is the ultimate that we have been working for, that Congress will at last acknowledge the claim of the late Queen Liliuokalani for she had been promised that she will receive a fair and honorable, just hear-



ing from our great Congress of the United States. And to make things short, Mr. Chairman, if I may, I would like to submit the rest of my comments in a written statement .

Chairman MEEDS. Without objection, your written statement will be made a part of the record at this point.

Ms. RICE. Thank you, sir.

[Ed. note: Ms. Rice written statement was never received.]

Chairman MEEDS. Thank you. [Applause.]

I might suggest for those of you who are standing in the back, there are some seats down in the front, if you would like to come down and claim them.

Our next witness is Mr. Richard Sharpless, Corporation Counsel for the city and county of Honolulu, who is appearing on behalf of your Mayor, Frank Fasi.

Mr. Sharpless, please proceed.

### STATEMENT OF RICHARD SHARPLESS, CORPORATION COUNSEL, CITY AND COUNTY OF HONOLULU

MR. SHARPLESS. For the record, Richard K. Sharpless, Corporation Counsel, City and County of Honolulu, rumored to become managing director a second time, substituting for Mayor Frank F. Fasi and reading the remarks, which he has prepared and which he would have given this morning.

Mr. Chairman and members of the Committee on Interior and Insular Affairs:

I am here today to urge—and I remind you that these words are the words of Mayor Fasi—“I am here today to urge serious and sympathetic consideration of the issues which House Bill 1944, the Hawaiian Natives Claims Settlement bill, addresses. I regard this proposed legislation as a meaningful opportunity for the United States of America to discharge its moral obligation to the descendants of the native inhabitants of the Hawaiian Islands who were deprived of ancient rights through the actions of the United States of America and its official agents.

I think that right now is not too soon for our great nation to give Hawaiians the same consideration which has been afforded the Indian nations and the Alaska Eskimos.

Unlike many who have argued for House Bill 15666 on the basis of interpretations of historical fact and alleged fact, I do not wish “to get lost in yesterday.”

I am not particularly concerned about technical and legal arguments pro and con concerning Hawaii’s land title system—termed the Great Mahele—which today stands back of every fee simple land title in the State of Hawaii.

I am not particularly concerned about the potential interest that every subject of the Kingdom of Hawaii held in crown and state land at the time the monarchy was overthrown.

I am not particularly concerned that subjects of the Kingdom of Hawaii may have suffered various types of intangible damage by the overthrown monarchy, or that the exchange of Hawaii citizenship for United States citizenship may have represented a loss in status.

I am not concerned about yesterday. I am concerned about today.

I am deeply concerned that persons of native Hawaiian descent comprise a large, identifiable component in the State of Hawaii's hard-core poverty problems.

I hasten to add that there are many, many citizens of native Hawaiian descent who are fully as successful, affluent, and influential, as the members of any other ethnic group in the State. Furthermore, persons of native Hawaiian descent are not the only identifiable ethnic group in the State's hard-core poverty picture.

However, the Hawaiians have a special claim on our attention. These islands are their native land. The native lands of other ethnic groups are elsewhere. The fact that a number of Hawaiians have failed to keep pace with the progress and prosperity of their native land is regrettable. That some have fallen into the hard-core poverty cycle is tragic.

The social costs connected with hard-core poverty are tremendous, ranging from the loss of these persons' potential contribution of effort and talent down to the dollar cost of maintaining welfare programs, police forces and prisons.

As Mayor of the city and county of Honolulu, and through a deep involvement in our Model Cities programs and other programs aimed at reducing and, hopefully, ending the poverty cycle, I am well aware that many of our Hawaiian and part-Hawaiian friends need all the help they can get.

With the right help in such areas as education, economic opportunity, housing, medical care, and the preservation of native Hawaiian culture, I am convinced that a great potential for productive activity will be released.

Eventually, the return to the United States of America resulting from the right sort of help will be worth many times its cost.

I repeat, now is not too soon to help these worthy people by making an appropriate restitution to them for their lost kingdom.

Thank you. [Applause.]

Chairman MEEDS. Just a moment, I have a question. Could you obtain for the record the valuation of property upon which the City of Honolulu sits?

Mr. SHARPLESS. Yes.

Chairman MEEDS. Without objection, that information will be entered into the record at this point, when you send it to me. Thank you.

Mr. SHARPLESS. Will do.

[The information follows:]

DEPARTMENT OF THE CORPORATION COUNSEL,  
CITY AND COUNTY OF HONOLULU,  
*Honolulu, Hawaii, February 11, 1975.*

Hon. LLOYD MEEDS,  
*U.S. House of Representatives,*  
*Washington, D.C.*

SIR: In response to your question this morning concerning the assessed valuation of property in the City and County of Honolulu, herewith:

(1) Photocopy of State of Hawaii, Department of Taxation, Real Property Net Assessed Valuations for Each County, 1974-1982 (Tax Research and Planning, December, 1974); and

(2) Resolution No. 226, Council, City and County of Honolulu, entitled Determining the Real Property Tax Rate for the City and County of Honolulu for the Fiscal Year July 1, 1974 to June 30, 1975.

Sincerely,

RICHARD K. SHARPLESS,  
Corporation Counsel.

Enclosure.

#### REAL PROPERTY NET ASSESSED VALUATIONS FOR EACH COUNTY, 1974-82

Although the October 1973 estimates of net assessed real property valuations for tax rate purposes for the fiscal year 1974-75 were revised in June, the actual values as of July 1, 1974 exceeded these estimates by an overall average of 4.9%. The closest results were for the County of Maui where the actual exceeded the estimate by 2.8%. This was followed by the City and County of Honolulu with an average of 4.3% and the County of Hawaii with 5.4%. In contrast, the actual net assessed value for the County of Kauai exceeded the estimate by more than 20.5%.

Despite sharp increases over July 1, 1973, the net assessed real property values have not kept pace with spiraling market values as reflected in real estate sales. The increases in land and improvement values for assessment purposes over the preceding year are shown in the following tabulation for each county:

#### GROWTH IN REAL PROPERTY NET ASSESSED VALUATION

[In millions of dollars]

	July 1, 1974		July 1, 1973	Increase	
	Net for tax purposes	Gross total exemptions		Amount	Percent
City and county of Honolulu.....	\$6,372.7	7,735.6	\$5,304.3	\$1,068.4	20.1
Land.....	3,365.0	3,716.2	2,939.0	426.0	14.5
Improvement.....	3,007.7	4,019.4	2,365.3	642.4	27.2
County of Maui.....	693.9		510.0	183.9	36.1
Land.....	419.7		312.9	106.8	34.1
Improvement.....	274.2		197.1	77.1	39.1
County of Hawaii.....	900.3		734.2	166.1	22.6
Land.....	602.4		508.0	94.4	18.6
Improvement.....	297.9		226.2	71.7	31.7
County of Kauai.....	349.5		259.1	90.4	34.9
Land.....	228.5		169.2	59.3	35.0
Improvement.....	121.0		89.9	31.1	34.6
Statewide.....	8,316.4		6,807.6	1,508.8	22.2
Land.....	4,615.6		3,929.1	686.5	17.5
Improvement.....	3,700.8		2,878.5	822.3	28.6

Note.—Tax Research and Planning, December 1974.

Dedications of agricultural lands in 1974 under the provisions of Act 175, Session Laws of Hawaii 1973, totaled 360,625 acres as compared to 59,700 acres dedicated during the preceding ten years. Nevertheless, the overall assessor's net taxable valuations (before adjustments for appeals) for the agricultural class showed gains in each taxation district over July 1, 1973. The two-year comparison is shown in the tabulation below:

#### AGRICULTURAL LAND USE CLASS AS OF JULY 1

[In thousands of dollars]

	Assessor's net taxable values			
	1974	1973	Difference	Percent
City and county of Honolulu.....	\$80,454	\$76,011	\$4,443	5.8
County of Maui.....	73,140	67,023	6,117	9.1
County of Hawaii.....	266,121	225,516	40,605	18.0
County of Kauai.....	37,312	33,429	3,883	11.6
Total.....	457,027	401,979	55,048	13.7

Last year's minimum tax of \$25 was revised downward to \$7 in the 1974 legislative session.<sup>1</sup> A year ago, 41,199 parcels were affected by the \$25 minimum which resulted in an average tax increase of \$16.06 for this group. This year, under the new \$7 minimum, the total number of parcels affected dropped to 19,350 for an average of \$580 above the old one-dollar minimum. The difference in the impact of the \$25 and \$7 minimum tax amounts is shown in the following tabulation:

	Number of parcels affected by minimum		
	\$7	\$25	Difference
City and county of Honolulu.....	3,642	5,375	-1,733
County of Maui.....	5,303	7,356	2,053
County of Hawaii.....	8,856	26,022	-17,166
County of Kauai.....	1,549	2,446	-897
<b>Total.....</b>	<b>19,350</b>	<b>41,199</b>	<b>-21,849</b>

The projections through 1981-82 have been revised upwards to reflect the continued inflationary pressures as shown in the following tabulation:

REAL PROPERTY ASSESSED VALUATIONS FOR TAX RATE PURPOSES

(In millions of dollars)

	Total	City and county of Honolulu	Maui	Hawaii	Kauai
Actual 1973-74.....	\$6,807.6	\$5,304.3	\$510.0	\$734.2	\$259.1
Actual 1974-75.....	8,316.4	6,372.7	693.9	900.3	349.5
Estimated 1975-76.....	10,012.1	7,648.0	884.7	1,044.3	435.1
Estimated 1976-77.....	11,413.9	8,718.7	1,017.4	1,190.5	487.3
Estimated 1977-78.....	13,012.3	9,939.3	1,170.0	1,357.2	545.8
Estimated 1978-79.....	14,834.8	11,330.8	1,345.5	1,547.2	611.3
Estimated 1979-80.....	16,912.9	12,917.2	1,547.3	1,763.8	684.6
Estimated 1980-81.....	19,282.5	14,725.6	1,779.4	2,010.7	766.8
Estimated 1981-82.....	21,984.6	16,787.2	2,046.4	2,292.2	858.8

RESOLUTION—DETERMINING THE REAL PROPERTY TAX RATE FOR THE CITY AND COUNTY OF HONOLULU FOR THE FISCAL YEAR JULY 1, 1974 TO JUNE 30, 1975

Whereas, Section 248-2 of the Hawaii Revised Statutes, as amended, provides that the Council of the City and County of Honolulu shall determine the tax rates for buildings and for all other real property, exclusive of buildings, for each class of property established in accordance with subsection 246-10(d), Hawaii Revised Statutes, as amended; and

Whereas, under said Section 246-10(d), as amended, the following classes are established as general classes for purposes of real property taxation:

CATEGORY I

- (a) Improved residential.
- (b) Agricultural.
- (c) Conservation.

CATEGORY II

- (d) Unimproved residential.
- (e) Hotel and apartment.

CATEGORY III

- (f) Commercial.

<sup>1</sup> Act 132, Session Laws of Hawaii 1974.

## CATEGORY IV

## (g) Industrial.

Whereas, Section 248-2, Hawaii Revised Statutes, as amended, provides for the assessment and levying of real property taxes on a fiscal year basis beginning July 1 of each calendar year and ending June 30 of the following calendar year; and

Whereas, the Council has taken as a basis for calculating the real property tax rate for the City and County of Honolulu the following schedule of aggregate values of real property for the various general classes in the City and County of Honolulu assessable for tax purposes as of July 1, 1974, certified and furnished by the State Director of Taxation on October 4, 1974, as follows:

	Valuation for tax rate purposes	
	Building	Land
Class (a).....	\$987,232,051	\$1,834,366,665
Class (b).....	23,137,781	79,378,429
Class (c).....	2,085,579	12,732,972
Class (d).....	5,151,303	113,560,622
Class (e).....	1,027,610,236	514,221,256
Class (f).....	715,800,518	441,134,529
Class (g).....	246,713,654	369,605,003
Total.....	3,007,731,127	3,364,999,476

Total Value of Net Taxable Real Property : \$6,372,730,603 ; and

Whereas, the amounts to be raised from real property taxes for the fiscal year July 1, 1974 to June 30, 1975 is the sum of \$97,949,536 now, therefore, be it

*Resolved* by the Council of the City and County of Honolulu that the following schedule of rates be, and are hereby determined as the respective rates at which real property in the various general classes in the City and County of Honolulu shall be taxed per \$1,000 of assessed value for the fiscal year July 1, 1974 to June 30, 1975 :

Category I:	Tax rate per \$1,000— net taxable real property
Class (a).....	\$15.37
Class (b).....	15.37
Class (c).....	15.37

	Tax rate per \$1,000 net taxable buildings	Tax rate per \$1,000 net taxable lands
Category II:		
Class (d).....	\$10.91	\$15.57
Class (e).....	13.45	19.21
Category III:		
Class (f).....	13.21	18.87
Category IV:		
Class (g).....	12.23	17.47

BE IT FURTHER RESOLVED that a certified copy of this Resolution be transmitted by the City Clerk to the State Director of Taxation as required by law.

Introduced by : \_\_\_\_\_, Councilman.

Date of introduction : October 8, 1974 ; Honolulu, Hawaii.

Approved as to form and legality : \_\_\_\_\_, Deputy Corporation Counsel.

Chairman MEEDS. Any questions at this point?

[There were none.]

Chairman MEEDS. Thank you very much, sir. Please give your Mayor our regards.

We are now going to have a panel of members of the Aloha Association. The President Charles Maxwell—and I hope you will come up to the table up here and have seats—President Charles Maxwell, Kekoa Kaapu, and Arthur Hoke.

Pardon me for fouling up your names.

Please proceed in the order in which you wish to.

**STATEMENT OF ALOHA ASSOCIATION, CHARLES MAXWELL,  
PRESIDENT**

Mr. MAXWELL. Honorable Chairman Lloyd Meeds, Representative Sparky Matsunaga and Representative Patsy T. Mink, Aloha nui loa kakou!

My name is Charles Kauluwehi Maxwell and I am the President of the ALOHA Association, the Aboriginal Land of the Hawaiian Ancestry Incorporated. I would like to welcome you on behalf of the members of the ALOHA Association.

First of all, I would like to tell the members of this committee something about the ALOHA Association. It was founded in 1972 by Louisa K. Rice, who spoke earlier. First there were only a handful of members, who joined, because the Hawaiian natives felt that the United States of America is such a powerful Government and they would not listen to the native Hawaiians, who claimed their kingdom was lost over 80 years ago.

The native Hawaiians were made aware of the Alaskan Native Claims Bill and that the Alaskan natives were successful in their claims. The membership and interest in the ALOHA Association began to increase and the native Hawaiians started to investigate the basis of the claim, which they found to be true. Today, the ALOHA Association has a membership of 30,000 card carrying members. The mission of ALOHA is to get legislation to justly and fairly compensate the Hawaiian natives for what the United States of America took from them. Prior to the introduction of the first bill last June, the ALOHA Association held hearings on each major island to consult with the native Hawaiians on the form of legislation that should be introduced.

The ALOHA Association cooperated and continuously consulted with the native organizations, some of which are The Congress of the Hawaiian People, The Hawaiian Civic Club, The Home Rule Movement, The Friends of Kamehameha, The Hawaiians, and many other supportive—many others. Supportive statements and editorials have been made in major newspapers throughout the State of Hawaii, and these are being submitted for the record.

On our ALOHA Board of Directors sit people from all of the major islands and from most of the other Hawaiian organizations. ALOHA, by general consent and understanding of the Hawaiian native people, is the organization commissioned by them to pursue the settlement of their claim against the United States of America.

It is history that at one time, the aboriginal natives of Hawaii owned, lived on, and possessed the chain of islands known as the Hawaiian Islands.

In 1795, Kamehameha the Great, unified the islands. In 1848 Kamehameha III divided the land between the chiefs, himself and the government, which is known today as the Great Mahele. Be-

cause of this act, land could be purchased for the first time in the history of Hawaii. The majority of the native population did not understand the Mahele. The early concept of the land was that it was sacred. It was the hearth of the gods, the abiding resting place of ancestry. From the land, many things came that were used by everyone for sustenance. No individual owned a specific portion of the land, the land was owned by the gods.

In 1874, David Kalakaua began his reign. It was shortly after that this Reciprocity Treaty came about, and land in Hawaii started to go out of Hawaiian hands.

America and England were the major powers at this time and the prominent citizens who came from these countries were the king's advisors and cabinet leaders.

After the death of King Kalakaua in 1891, Queen Liliuokalani ruled Hawaii Nei. Her brief reign was troubled. She felt very strongly that her people, the natives of Hawaii, were being forgotten and pushed aside in the greedy quest for land, money and prosperity, but she was powerless to stop this trend because of the "bayonet constitution" she inherited, the one that was forced upon her brother King Kalakaua.

The leaders of the business community feared that if Liliuokalani were to rule as she saw fit, they would lose control of the economic life of the Hawaiian Islands. By then there were many foreigners who had acquired large landholdings and had a significant personal stake in Hawaii's future.

On January 17, 1893, Liliuokalani was overthrown by an instantly produced provisional government that was strongly assisted by military forces of the United States, under the direction of the U.S. Minister, John L. Stevens. The result of this overthrow was the wrongful seizure of land belonging to the Hawaiian people.

The troops of the U.S.S. *Boston* were positioned in front of the palace where their guns were pointed at the Queen and her people within. The Queen was then forced to abdicate, and to prevent bloodshed she surrendered to the superior forces.

Liliuokalani first made appeals to President Benjamin Harrison to restore her government. The appeals went unnoticed, as he had sent a message to the Senate to ratify the Treaty of Annexation with the provisional government. Another appeal was made by Liliuokalani to President-Elect Grover Cleveland. His first act as President of the United States was to withdraw the Annexation Treaty. The second was to investigate the role of the United States in effecting the overthrow of the Queen. James H. Blount was named Commissioner to explore, in great detail, the interference of the American John L. Stevenson, in acts leading to the creation of the provisional government and the destruction of the Hawaiian sovereignty.

Blount ordered the American flag taken down and the Hawaiian flag raised. He also ordered the troops to return to the U.S.S. *Boston*. In investigating the events surrounding the overthrow of Liliuokalani, Mr. Blount's sworn statement related that:

Troops from the U.S.S. *Boston* were not landed to protect the American life and property, but to aid in overthrowing the existing government. The native Hawaiians believed that if they attempted to regain the government for Liliuokalani, they would encounter the Armed Forces of the United States.

All of Blount's findings were printed in two volumes under the auspices of the Department of State.

In a letter to President Cleveland, Secretary of State Gresham advised the President that Hawaii should be returned to the Hawaiian people. President Cleveland sent a message to President Sanford B. Dole, of the provisional government, to return the rule of Hawaii to Liliuokalani. Dole replied that he and his ministers did not recognize the right of the President to interfere in the domestic affairs of Hawaii.

On January 6, 1895, an unsuccessful attempt was made to restore the monarchy. Liliuokalani was arrested on January 16, 1895, and accused of attempting to overthrow the provisional government. She was kept in her own palace as a prisoner. The Holy Bible was her only inspiration. She was not allowed to see any friends or read any newspapers while in prison. She found out that all her followers, some 400, were also sent to prison.

While in prison she was forced to give up all claims to the throne, for if she did not, her followers would be executed.

After her trial on February 1, 1895, Queen Liliuokalani was charged with treason and sentenced to 5 years of hard labor and a \$5,000 fine. Prince Kuhio was also sent to prison for his part in this, but was later released.

The sentence for Liliuokalani was never carried out. Its sole purpose was to terrorize the native people and humiliate the Queen.

Liliuokalani served a term of 8 months. During this time she occupied herself by writing songs and working on translations of Hawaiian manuscripts. Some of these songs found their way to Chicago where they were published. Aloha Oe' (Farewell to Thee) and the Queen's Prayer, which she wrote for her niece, Princess Kaiulani, are very famous today.

After her release, the Queen traveled to the United States, and when President McKinley was elected, she sent an official protest to the State Department. President McKinley, upon entering office, sent the treaty to the Senate for ratification. Her appeals to the President and the Senate of the United States, stated that:

I, Liliuokalani of Hawaii, do hereby call upon the President of that nation to whom alone I yielded my property and authority to withdraw said treaty (ceding said island) from further consideration. I ask the honorable Senate of the United States to decline to ratify said treaty and I implore the people of this great and good nation, from whom my ancestors learned the Christian religion, to sustain their representatives in such acts of justice and equity as may be in accord with the principles of their fathers, to Him who judgeth righteously. I commit my cause.

On July 6, 1898, the resolution to annex Hawaii to the United States as a territory was carried in the Senate. It took 5 years of constant pressure on the part of big business in Hawaii and the Spanish-American War to convince the United States that they should accept Hawaii as a territory.

In 1917, Hawaii lost a great woman and Queen. Liliuokalani died at her cherished home, historic Washington Place. Her plants, trees and flowers live on today.

The Hawaiian race had taken a great loss. The foreign influence had dwindled our numbers by the thousands and the people's lands



had been taken from them against their will and illegally without permission.

Today, many of us are among the landless people of Hawaii. Today, we are faced with two cultures, the Hawaiian culture and Western culture. The Hawaiian people's culture consisted of friendliness and open-heartedness to strangers from foreign lands.

Greed and plunder was the Western man's way of living and Hawaii with its kind people was fair game for these great pioneers from America, England and France.

Today, we are faced with the same plight that our ancestors suffered, except the pioneers are from many different countries. Again, the Hawaiian natives are being pushed aside and their values are being ignored.

Ladies and gentlemen, on this honored committee, find out what is really happening in paradise and you will see that there is trouble in paradise. Our culture, which we love so much, is being taken away from us by progress. We, as native Hawaiian people, are pleading with you and we are not asking for free hand-outs. We are asking you to return our land which is rightfully ours, and what you cannot return, pay us for it.

Our heritage and life style are being seriously affected by the laws of the United States of America. Access to our ocean is being blocked, our mountains are barricaded with fences and signs—where will we get our native foods and plants that we are so accustomed to?

Do we have to break the law to exercise our aboriginal right? Our civil rights were denied by a country that maintains freedom, yet 80 years have passed and this brown cloud still remains on the United States of America and its people.

I think that America can regain some of its self respect, in the eyes of other nations if the Hawaiian Native Claim Bill is passed and all aboriginal rights are restored to the native Hawaiian people of Hawaii.

Mahalo a nui loa—me ka aloha punehana. [Applause.]

Chairman MEEDS. Thank you very much, Charles. Kekoa?

Mr. KEKOA KAAPU. Thank you very much, Chairman Meeds and members of the subcommittee.

Chairman MEEDS. I see you have a very long statement here. Would you care to summarize it?

Mr. KAAPU. I would be very happy to, thank you.

Chairman MEEDS. Without objection, your prepared statement will be made a part of the record.

#### STATEMENT OF KEKOA KAAPU, VICE PRESIDENT OF ALOHA

Mr. KAAPU. My name is Kekoa Kaapu. I am the Vice President of ALOHA. We are today to consider legislation to settle what is without question the greatest unrectified wrong ever committed.

My presentation will consist of the bases upon which the Hawaiian Native Claims Bill is based.

Chairman MEEDS. If you feel more comfortable reading your statement—

Mr. KAAPU. It was planned that way, Mr. Chairman.

Chairman MEEDS OK. Go ahead. I understand how this happens. Having been a witness myself, I know that if you come prepared with a statement, you tend to depend upon it. If the Chairman suddenly says, "please summarize." You're kind of at a loss. Please proceed with your statement.

Mr. KAAPU. Thank you, Mr. Chairman. I think many would like to know the basis also.

Chairman MEEDS. As I view it, this may be the most important testimony in the entire proceedings.

Mr. KAAPU. Because others will discuss the provisions of the bill, I propose to discuss the basis for the settlement the Hawaiian Natives Claims are seeking; to outline the nature of the unredressed wrongs done us by the United States that the legislation is designed to remedy.

In 1893, as the result of a conspiracy supported by the Resident Minister of the United States accredited to the Constitutional Native Government of Hawaii, that Government was overthrown by a willful band of nonnative residents of Hawaii backed by the Armed Forces of the United States.

The facts that the overthrow of the constitutional native government of Hawaii was wholly unjustified and unlawful, and that it could not have been accomplished but for the connivance of the Resident Minister of the United States and the intervention of its Armed Forces, are eloquently deraigned in the message that President Cleveland sent to the Congress on December 18, 1893.

At this point, I would submit President Cleveland's message, and certain other documents he forwarded to the Congress with it, for the record, and urge them upon the attention of the members of the committee.

Mr. MEEDS. Without objection the material will be made a part of the record at this point.

[The material follows:]

PRESIDENT CLEVELAND MESSAGE TO THE SENATE SUBMITTING BLOUNT REPORT

To the Senate and House of Representatives:

In my recent annual message to the Congress I briefly referred to our relations with Hawaii and expressed the intention of transmitting further information on the subject when additional advices permitted.

Though I am not able now to report a definite change in the actual situation, I am convinced that the difficulties lately created both here and in Hawaii and now standing in the way of a solution through Executive action of the problem presented, render it proper, and expedient, that the matter should be referred to the broader authority and discretion of Congress, with a full explanation of the endeavor thus far made to deal with the emergency and a statement of the considerations which have governed my action.

I suppose that right and justice should determine the path to be followed in treating this subject. If national honesty is to be disregarded and a desire for territorial extension, or dissatisfaction with a form of government not our own, ought to regulate our conduct, I have entirely misapprehended the mission and character of our Government and the behavior which the conscience of our people demands of their public servants.

When the present Administration entered upon its duties the Senate had under consideration a treaty providing for the annexation of the Hawaiian Islands to the territory of the United States. Surely under our Constitution and laws the enlargement of our limits is a manifestation of the highest

attribute of sovereignty, and if entered upon as an Executive act, all things relating to the transaction should be clear and free from suspicion. Additional importance attached to this particular treaty of annexation, because it contemplated a departure from unbroken American tradition in providing for the addition to our territory of islands of the sea more than two thousand miles removed from our nearest coast.

These considerations might not of themselves call for interference with the completion of a treaty entered upon by a previous Administration. But it appeared from the documents accompanying the treaty when submitted to the Senate, that the ownership of Hawaii was tendered to us by a provisional government set up to succeed the constitutional ruler of the islands, who had been dethroned, and it did not appear that such provisional government had the sanction of either popular revolution or suffrage. Two other remarkable features of the transaction naturally attracted attention. One was the extraordinary haste—not to say precipitancy—characterizing all the transactions connected with the treaty. It appeared that a so-called Committee of Safety, ostensibly the source of the revolt against the constitutional Government of Hawaii, was organized on Saturday, the 14th day of January; that on Monday, the 16th, the United States forces were landed at Honolulu from a naval vessel lying in its harbor; that on the 17th the scheme of a provisional government was perfected, and a proclamation naming its officers was on the same day prepared and read at the Government building; that immediately thereupon the United States Minister recognized the provisional government thus created; that two days afterwards, on the 19th day of January, commissioners representing such government sailed for this country in a steamer especially chartered for the occasion, arriving in San Francisco on the 28th day of January, and in Washington on the 3d day of February; that on the next day they had their first interview with the Secretary of State, and another on the 11th, when the treaty of annexation was practically agreed upon, and that on the 14th it was formally concluded and on the 15th transmitted to the Senate. Thus between the initiation of the scheme for a provisional government in Hawaii on the 14th day of January and the submission to the Senate of the treaty of annexation concluded with such government, the entire interval was thirty-two days, fifteen of which were spent by the Hawaiian Commissioners in their journey to Washington.

In the next place, upon the face of the papers submitted with the treaty, it clearly appeared that there was open and undetermined an issue of fact of the most vital importance. The message of the President accompanying the treaty declared that "the overthrow of the monarchy was not in any way promoted by this Government," and in a letter to the President from the Secretary of State, also submitted to the Senate with the treaty, the following passage occurs: "At the time the provisional government took possession of the Government buildings no troops or officers of the United States were present or took any part whatever in the proceedings. No public recognition was accorded to the provisional government by the United States Minister until after the Queen's abdication and when they were in effective possession of the Government buildings, the archives, the treasury, the barracks, the police station, and all the potential machinery of the Government." But a protest also accompanied said treaty, signed by the Queen and her ministers at the time she made way for the provisional government, which explicitly stated that she yielded to the superior force of the United States, whose Minister had caused United States troops to be landed at Honolulu and declared that he would support such provisional government.

The truth or falsity of this protest was surely of the first importance. If true, nothing but the concealment of its truth could induce our Government to negotiate with the semblance of a government thus created, nor could a treaty resulting from the acts stated in the protest have been knowingly deemed worthy of consideration by the Senate. Yet the truth or falsity of the protest had not been investigated.

I conceived it to be my duty therefore to withdraw the treaty from the Senate for examination, and meanwhile to cause an accurate, full, and impartial investigation to be made of the facts attending the subversion of the constitutional Government of Hawaii, and the installment in its place of the provisional government. I selected for the work of investigation the Hon.

James H. Blount, of Georgia, whose service of eighteen years as a member of the House of Representatives, and whose experience as chairman of the Committee of Foreign Affairs in that body, and his consequent familiarity with international topics, joined with his high character and honorable reputation, seemed to render him peculiarly fitted for the duties entrusted to him. His report detailing his action under the instructions given to him and the conclusions derived from his investigation accompany this message.

These conclusions do not rest for their acceptance entirely upon Mr. Blount's honesty and ability as a man, nor upon his acumen and impartiality as an investigator. They are accompanied by the evidence upon which they are based, which evidence is also herewith transmitted, and from which it seems to me no other deductions could possibly be reached than those arrived at by the Commissioner.

The report with its accompanying proofs, and such other evidence as is now before the Congress or is herewith submitted, justifies in my opinion the statement that when the President was led to submit the treaty to the Senate with the declaration that "the overthrow of the monarchy was not in any way promoted by this Government", and when the Senate was induced to receive and discuss it on that basis, both President and Senate were misled.

The attempt will not be made in this communication to touch upon all the facts which throw light upon the progress and consummation of this scheme of annexation. A very brief and imperfect reference to the facts and evidence at hand will exhibit its character and the incidents in which it had its birth.

It is unnecessary to set forth the reasons which in January, 1893, led a considerable proportion of American and other foreign merchants and traders residing at Honolulu to favor the annexation of Hawaii to the United States. It is sufficient to note the fact and to observe that the project was one which was zealously promoted by the Minister representing the United States in that country. He evidently had an ardent desire that it should become a fact accomplished by his agency and during his ministry, and was not inconveniently scrupulous as to the means employed to that end. On the 19th day of November, 1892, nearly two months before the first overt act tending towards the subversion of the Hawaiian Government and the attempted transfer of Hawaiian territory to the United States, he addressed a long letter to the Secretary of State in which the case for annexation was elaborately argued, on moral, political, and economical grounds. He refers to the loss to the Hawaiian sugar interests from the operation of the McKinley bill, and the tendency to still further depreciation of sugar property unless some positive measure of relief is granted. He strongly inveighs against the existing Hawaiian Government and emphatically declares for annexation. He says: "In truth the monarchy here is an absurd anachronism. It has nothing on which it logically or legitimately stands. The feudal basis on which it once stood no longer existing, the monarchy now is only an impediment to good government—an obstruction to the prosperity and progress of the islands."

He further says: "As a crown colony of Great Britain or a Territory of the United States the government modifications could be made readily and good administration of the law secured. Destiny and the vast future interests of the United States in the Pacific clearly indicate who at no distant day must be responsible for the government of these islands. Under a territorial government they could be as easily governed as any of the existing Territories of the United States."

\* \* \* "Hawaii has reached the parting of the ways. She must now take the road which leads to Asia, or the other which outlets her in America, gives her an American civilization, and binds her to the care of American destiny." He also declares: "One of two courses seems to me absolutely necessary to be followed, either bold and vigorous measures for annexation or a 'customs union,' an ocean cable from the Californian coast to Honolulu, Pearl Harbor perpetually ceded to the United States, with an implied but not expressly stipulated American protectorate over the islands. I believe the former to be the better, that which will prove much the more advantageous to the islands, and the cheapest and least embarrassing in the end to the United States. If it was wise for the United States through Secretary Marcy thirty-eight years ago to offer to expend \$100,000 to secure a treaty of annexation, it certainly can not be chimerical or unwise to expend \$100,000 to secure annexation in the near future. To-day the United States has five times

the wealth she possessed in 1854, and the reasons now existing for annexation are much stronger than they were then. I can not refrain from expressing the opinion with emphasis that the golden hour is near at hand."

These declarations certainly show a disposition and condition of mind, which may be usefully recalled when interpreting the significance of the Minister's ceded acts or when considering the probabilities of such conduct on his part as may not be admitted.

In this view it seems proper to also quote from a letter written by the Minister to the Secretary of State on the 8th day of March, 1892, nearly a year prior to the first step taken toward annexation. After stating the possibility that the existing Government of Hawaii might be overturned by an orderly and peaceful revolution, Minister Stevens writes as follows: "Ordinarily in like circumstances the rule seems to be to limit the landing and movement of United States forces in foreign waters and dominion exclusively to the protection of the United States legation and of the lives and property of American citizens. But as the relations of the United States to Hawaii are exceptional, and in former years the United States officials here took somewhat exceptional action in circumstances of disorder, I desire to know how far the present Minister and naval commander may deviate from established international rules and precedents in the contingencies indicated in the first part of this dispatch."

To a minister of this temper full of zeal for annexation there seemed to arise in January, 1893, the precise opportunity for which he was watchfully waiting—an opportunity which by timely "deviation from established international rules and precedents" might be improved to successfully accomplish the great object in view; and we are quite prepared for the exultant enthusiasm with which in a letter to the State Department dated February 1, 1893, he declares: "The Hawaiian pear is now fully ripe and this is the golden hour for the United States to pluck it."

As a further illustration of the activity of this diplomatic representative, attention is called to the fact that on the day the above letter was written, apparently unable longer to restrain his ardor, he issued a proclamation whereby "in the name of the United States" he assumed the protection of the Hawaiian Islands and declared that said action was "taken pending and subject to negotiations at Washington." Of course this assumption of a protectorate was promptly disavowed by our Government, but the American flag remained over the Government building at Honolulu and the forces remained on guard until April, and after Mr. Blount's arrival on the scene, when both were removed.

A brief statement of the occurrences that led to the subversion of the constitutional Government of Hawaii in the interests of annexation to the United States will exhibit the true complexion of that transaction.

On Saturday, January 14, 1893, the Queen of Hawaii, who had been contemplating the proclamation of a new constitution, had, in deference to the wishes and remonstrances of her cabinet, renounced the project for the present at least. Taking this relinquished purpose as a basis of action, citizens of Honolulu numbering from fifty to one hundred, mostly resident aliens met in a private office and selected a so-called Committee of Safety, composed of thirteen persons, seven of whom were foreign subjects, and consisted of five Americans, one Englishman, and one German. This committee, though its designs were not revealed, had in view nothing less than annexation to the United States, and between Saturday, the 14th, and the following Monday, the 16th of January—though exactly what action was taken may not be clearly disclosed—they were certainly in communication with the United States Minister. On Monday morning the Queen and her cabinet made public proclamation, with a notice which was specially served upon the representatives of all foreign governments, that any changes in the constitution would be sought only in the methods provided by that instrument. Nevertheless, at the call and under the auspices of the Committee of Safety, a mass meeting of citizens was held on that day to protest against the Queen's alleged illegal and unlawful proceedings and purposes. Even at this meeting the Committee of Safety continued to disguise their real purpose and contented themselves with procuring the passage of a resolution denouncing the Queen and empowering the committee to devise ways and means "to secure the permanent maintenance of law and order and the protection of life, liberty, and property

in Hawaii." This meeting adjourned between three and four o'clock in the afternoon. On the same day, and immediately after such adjournment, the committee, unwilling to take further steps without the cooperation of the United States Minister, addressed him a note representing that the public safety was menaced and that lives and property were in danger, and concluded as follows: "We are unable to protect ourselves without aid, and therefore pray for the protection of the United States forces." Whatever may be thought of the other contents of this note, the absolute truth of this latter statement is incontestable. When the note was written and delivered, the committee, so far as it appears, had neither a man nor a gun at their command, and after its delivery they became so panic-stricken at their position that they sent some of their number to interview the Minister and request him not to land the United States forces till the next morning. But he replied that the troops had been ordered, and whether the committee were ready or not the landing should take place. And so it happened that on the 16th day of January, 1893, between four and five o'clock in the afternoon, a detachment of marines from the United States steamer *Boston*, with two pieces of artillery, landed at Honolulu. The men, upwards of 160 in all, were supplied with double cartridge belts filled with ammunition and with haversacks and canteens, and were accompanied by a hospital corps with stretchers and medical supplies. This military demonstration upon the soil of Honolulu was of itself an act of war, unless made either with the consent of the Government of Hawaii or for the *bona fide* purpose of protecting the imperilled lives and property of citizens of the United States. But there is no pretense of any such consent on the part of the Government of the Queen, which at that time was undisputed and was both the *de facto* and the *de jure* government. In point of fact the existing government instead of requesting the presence of an armed force protested against it. There is as little basis for the pretense that such forces were landed for the security of American life and property. If so, they would have been stationed in the vicinity of such property and so as to protect it, instead of at a distance and so as to command the Hawaiian Government building and palace. Admiral Skerrett, the officer in command of our naval force on the Pacific station, has frankly stated that in his opinion the location of the troops was inadvisable if they were landed for the protection of American citizens whose residences and places of business, as well as the legation and consulate, were in a distant part of the city, but the location selected was a wise one if the forces were landed for the purpose of supporting the provisional government. If any peril to life and property calling for any such martial array had existed, Great Britain and other foreign powers interested would not have been behind the United States in activity to protect their citizens. But they made no sign in that direction. When these armed men were landed the city of Honolulu was in its customary orderly and peaceful condition. There was no symptom of riot or disturbance in any quarter. Men, women, and children were about the streets as usual, and nothing varied the ordinary routine or disturbed the ordinary tranquillity, except the landing of the *Boston's* marines and their march through the town to the quarters assigned them. Indeed, the fact that after having called for the landing of the United States forces on the plea of danger to life and property the Committee of Safety themselves requested the Minister to postpone action, exposed the untruthfulness of their representations of present peril to life and property. The peril they saw was an anticipation growing out of guilty intentions on their part and something which, though not then existing, they knew would certainly follow their attempt to overthrow the Government of the Queen without the aid of the United States forces.

Thus it appears that Hawaii was taken possession of by the United States forces without the consent or wish of the government of the islands, or of anybody else so far as shown, except the United States Minister.

Therefore the military occupation of Honolulu by the United States on the day mentioned was wholly without justification, either as an occupation by consent or as an occupation necessitated by dangers threatening American life and property. It must be accounted for in some other way and on some other ground, and its real motive and purpose are neither obscure nor far to seek.

The United States forces being now on the scene and favorably stationed, the committee proceeded to carry out their original scheme. They met the

next morning, Tuesday, the 17th, perfected the plan of temporary government, and fixed upon its principal officers, ten of whom were drawn from the thirteen members of the Committee of Safety. Between one and two o'clock, by squads and by different routes to avoid notice, and having first taken the precaution of ascertaining whether there was any one there to oppose them, they proceeded to the Government building to proclaim the new government. No sign of opposition was manifest, and thereupon an American citizen began to read the proclamation from the steps of the Government building almost entirely without auditors. It is said that before the reading was finished quite a concourse of persons, variously estimated at from 50 to 100, some armed and some unarmed, gathered about the committee to give them aid and confidence. This statement is not important, since the one controlling factor in the whole affair was unquestionably the United States marines, who, drawn up under arms and with artillery in readiness only seventy-six yards distant, dominated the situation.

The provisional government thus proclaimed was by the terms of the proclamation "to exist until terms of union with the United States had been negotiated and agreed upon". The United States Minister, pursuant to prior agreement, recognized this government within an hour after the reading of the proclamation, and before five o'clock, in answer to an inquiry on behalf of the Queen and her cabinet, announced that he had done so.

When our Minister recognized the provisional government the only basis upon which it rested was the fact that the Committee of Safety had in the manner above stated declared it to exist. It was neither a government *de facto* nor *de jure*. That it was not in such possession of the Government property and agencies as entitled it to recognition is conclusively proved by a note found in the files of the Legation at Honolulu, addressed by the declared head of the provisional government to Minister Stevens, dated January 17, 1893, in which he acknowledges with expressions of appreciation the Minister's recognition of the provisional government, and states that it is not yet in the possession of the station house (the place where a large number of the Queen's troops were quartered), though the same had been demanded of the Queen's officers in charge. Nevertheless, this wrongful recognition by our Minister placed the Government of the Queen in a position of most perilous perplexity. On the one hand she had possession of the palace, of the barracks, and of the police station, and had at her command at least five hundred fully armed men and several pieces of artillery. Indeed, the whole military force of her kingdom was on her side and at her disposal, while the Committee of Safety, by actual search, had discovered that there were but very few arms in Honolulu that were not in the service of the Government. In this state of things if the Queen could have dealt with the insurgents alone her course would have been plain and the result unmistakable. But the United States had allied itself with her enemies, had recognized them as the true Government of Hawaii, and had put her and her adherents in the position of opposition against lawful authority. She knew that she could not withstand the power of the United States, but she believed that she might safely trust to its justice. Accordingly, some hours after the recognition of the provisional government by the United States Minister, the palace, the barracks, and the police station, with all the military resources of the country, were delivered up by the Queen upon the representation made to her that her cause would thereafter be reviewed at Washington, and while protesting that she surrendered to the superior force of the United States, whose Minister had caused United States troops to be landed at Honolulu and declared that he would support the provisional government, and that she yielded her authority to prevent collision of armed forces and loss of life and only until such time as the United State, upon the facts being presented to it, should undo the action of its representative and reinstate her in the authority she claimed as the constitutional sovereign of the Hawaiian Islands.

This protest was delivered to the chief of the provisional government, who endorsed thereon his acknowledgment of its receipt. The terms of the protest were read without dissent by those assuming to constitute the provisional government, who were certainly charged with the knowledge that the Queen instead of finally abandoning her power had appealed to the justice of the United States for reinstatement in her authority; and yet the provisional government with this unanswered protest in its hand hastened to negotiate

with the United States for the permanent banishment of the Queen from power and for a sale of her kingdom.

Our country was in danger of occupying the position of having actually set up a temporary government on foreign soil for the purpose of acquiring through that agency territory which we had wrongfully put in its possession. The control of both sides of a bargain acquired in such a manner is called by a familiar and unpleasant name when found in private transactions. We are not without a precedent showing how scrupulously we avoided such accusations in former days. After the people of Texas had declared their independence of Mexico they resolved that on the acknowledgment of their independence by the United States they would seek admission into the Union. Several months after the battle of San Jacinto, by which Texan independence was practically assured and established, President Jackson declined to recognize it, alleging as one of his reasons that in the circumstances it became us "to beware of a too early movement, as it might subject us, however unjustly, to the imputation of seeking to establish the claim of our neighbors to a territory with a view to its subsequent acquisition by ourselves". This is in marked contrast with the hasty recognition of a government openly and concededly set up for the purpose of tendering to us territorial annexation.

I believe that a candid and thorough examination of the facts will force the conviction that the provisional government owes its existence to an armed invasion by the United States. Fair-minded people with the evidence before them will hardly claim that the Hawaiian Government was overthrown by the people of the islands or that the provisional government had ever existed with their consent. I do not understand that any member of this government claims that the people would uphold it by their suffrages if they were allowed to vote on the question.

While naturally sympathizing with every effort to establish a republican form of government, it has been the settled policy of the United States to concede to people of foreign countries the same freedom and independence in the management of their domestic affairs that we have always claimed for ourselves; and it has been our practice to recognize revolutionary governments as soon as it became apparent that they were supported by the people. For illustration of this rule I need only to refer to the revolution in Brazil in 1889, when our Minister was instructed to recognize the Republic "so soon as a majority of the people of Brazil should have signified their assent to its establishment and maintenance"; to the revolution in Chile in 1891, when our Minister was directed to recognize the new government "if it was accepted by the people"; and to the revolution in Venezuela in 1892, when our recognition was accorded on condition that the new government was "fully established, in possession of the power of the nation, and accepted by the people."

As I apprehend the situation, we are brought face to face with the following conditions:

The lawful Government of Hawaii was overthrown without the drawing of a sword or the firing of a shot by a process every step of which, it may safely be asserted, is directly traceable to and dependent for its success upon the agency of the United States acting through its diplomatic and naval representatives.

But for the notorious predilections of the United States Minister for annexation, the Committee of Safety, which should be called the Committee of Annexation, would never have existed.

But for the landing of the United States forces upon false pretexts respecting the danger to life and property the committee would never have exposed themselves to the pains and penalties of treason by undertaking the subversion of the Queen's Government.

But for the presence of the United States forces in the immediate vicinity and in position to afford all needed protection and support the committee would not have proclaimed the provisional government from the steps of the Government building.

And finally, but for the lawless occupation of Honolulu under false pretexts by the United States forces, and but for Minister Stevens's recognition of the provisional government when the United States forces were its sole



support and constituted its only military strength, the Queen and her Government would never have yielded to the provisional government, even for a time and for the sole purpose of submitting her case to the enlightened justice of the United States.

Believing, therefore, that the United States could not, under the circumstances disclosed, annex the islands without justly incurring the imputation of acquiring them by unjustifiable methods, I shall not again submit the treaty of annexation to the Senate for its consideration, and in the instructions to Minister Willis, a copy of which accompanies this message, I have directed him to so inform the provisional government.

But in the present instance our duty does not, in my opinion, end with refusing to consummate this questionable transaction. It has been the boast of our Government that it seeks to do justice in all things without regard to the strength or weakness of those with whom it deals. I mistake the American people if they favor the odious doctrine that there is no such thing as international morality, that there is one law for a strong nation and another for a weak one, and that even by indirection a strong power may with impunity despoil a weak one of its territory.

By an act of war, committed with the participation of a diplomatic representative of the United States and without authority of Congress, the Government of a friendly but feeble and confiding people has been overthrown. A substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people requires we should endeavor to repair. The provisional government has not assumed a republican or other constitutional form, but has remained a mere executive council or oligarchy, set up without the assent of the people. It has not sought to find a permanent basis of popular support and has given no evidence of an intention to do so. Indeed, the representatives of that government assert that the people of Hawaii are unfit for popular government and frankly avow that they can be best ruled by arbitrary or despotic power.

The law of nations is founded upon reason and justice, and the rules of conduct governing individual relations between citizens or subjects of a civilized state are equally applicable as between enlightened nations. The considerations that international law is without a court for its enforcement, and that obedience to its commands practically depends upon good faith, instead of upon the mandate of a superior tribunal, only give additional sanction to the law itself and brand any deliberate infraction of it not merely as a wrong but as a disgrace. A man of true honor protects the unwritten word which binds his conscience more scrupulously, if possible, than he does the bond a breach of which subjects him to legal liabilities; and the United States in aiming to maintain itself as one of the most enlightened of nations would do its citizens gross injustice if it applied to its international relations any other than a high standard of honor and morality. On that ground the United States can not properly be put in the position of countenancing a wrong after its commission any more than in that of consenting to it in advance. On that ground it can not allow itself to refuse to redress an injury inflicted through an abuse of power by officers clothed with its authority and wearing its uniform; and on the same ground, if a feeble but friendly state is in danger of being robbed of its independence and its sovereignty by a misuse of the name and power of the United States, the United States can not fail to vindicate its honor and its sense of justice by an earnest effort to make all possible reparation.

These principles apply to the present case with irresistible force when the special conditions of the Queen's surrender of her sovereignty are recalled. She surrendered not to the provisional government, but to the United States. She surrendered not absolutely and permanently, but temporarily and conditionally until such time as the facts could be considered by the United States. Furthermore, the provisional government acquiesced in her surrender in that manner and on those terms, not only by tacit consent, but through the positive acts of some members of that government who urged her peaceable submission, not merely to avoid bloodshed, but because she could place implicit reliance upon the justice of the United States, and that the whole subject would be finally considered at Washington.

I have not, however, overlooked an incident of this unfortunate affair which remains to be mentioned. The members of the provisional government and their supporters, though not entitled to extreme sympathy, have been led to their present predicament of revolt against the Government of the Queen by the indefensible encouragement and assistance of our diplomatic representative. This fact may entitle them to claim that in our effort to rectify the wrong committed some regard should be had for their safety. This sentiment is strongly seconded by my anxiety to do nothing which would invite either harsh retaliation on the part of the Queen or violence and bloodshed in any quarter. In the belief that the Queen, as well as her enemies, would be willing to adopt such a course as would meet these conditions, and in view of the fact that both the Queen and the provisional government had at one time apparently acquiesced in a reference of the entire case to the United States Government, and considering the further fact that in any event the provisional government by its own declared limitation was only "to exist until terms of union with the United States of America have been negotiated and agreed upon," I hoped that after the assurance to the members of that government that such union could not be consummated I might compass a peaceful adjustment of the difficulty.

Actuated by these desires and purposes, and not unmindful of the inherent perplexities of the situation nor of the limitations upon my power, I instructed Minister Willis to advise the Queen and her supporters of my desire to aid in the restoration of the status existing before the lawless landing of the United States forces at Honolulu on the 16th of January last, if such restoration could be effected upon terms providing for clemency as well as justice to all parties concerned. The conditions suggested, as the instructions show, contemplate a general amnesty to those concerned in setting up the provisional government and a recognition of all its *bona fide* acts and obligations. In short, they require that the past should be buried, and that the restored Government should reassume its authority as if its continuity had not been interrupted. These conditions have not proved acceptable to the Queen, and though she has been informed that they will be insisted upon, and that, unless acceded to, the efforts of the President to aid in the restoration of her Government will cease, I have not thus far learned that she is willing to yield them her acquiescence. The check which my plans have thus encountered has prevented their presentation to the members of the provisional government, while unfortunate public misrepresentations of the situation and exaggerated statements of the sentiments of our people have obviously injured the prospects of successful Executive mediation.

I therefore submit this communication with its accompanying exhibits, embracing Mr. Blount's report, the evidence and statements taken by him at Honolulu, the instructions given to both Mr. Blount and Minister Willis, and correspondence connected with the affair in hand.

In commending this subject to the extended powers and wide discretion of the Congress, I desire to add the assurance that I shall be much gratified to cooperate in any legislative plan which may be devised for the solution of the problem before us which is consistent with American honor, integrity, and morality.

GROVER CLEVELAND.

EXECUTIVE MANSION,  
Washington, December 18, 1893.

DEPARTMENT OF STATE,  
Washington, October 18, 1893.

The PRESIDENT:

The full and impartial reports submitted by the Hon. James H. Blount, your special commissioner to the Hawaiian Islands, established the following facts:

Queen Liliuokalani announced her intention on Saturday, January 14, 1893, to proclaim a new constitution, but the opposition of her ministers and others induced her to speedily change her purpose and make public announcement of that fact.

At a meeting in Honolulu, late on the afternoon of that day, a so-called committee of public safety, consisting of thirteen men, being all or nearly

all who were present, was appointed "to consider the situation and devise ways and means for the maintenance of the public peace and the protection of life and property," and at a meeting of this committee on the 15th, or the forenoon of the 16th of January, it was resolved amongst other things that a provisional government be created "to exist until terms of union with the United States of America have been negotiated and agreed upon." At a mass meeting which assembled at 2 p.m. on the last-named day, the Queen and her supporters were condemned and denounced, and the committee was continued and all its acts approved.

Later the same afternoon the committee addressed a letter to John I. Stevens, the American minister at Honolulu, stating that the lives and property of the people were in peril and appealing to him and the United States forces at his command for assistance. This communication concluded "we are unable to protect ourselves without aid, and therefore hope for the protection of the United States forces." On receipt of this letter Mr. Stevens requested Capt. Wiltse, commander of the U.S.S. *Boston*, to land a force "for the protection of the United States legation, United States consulate, and to secure the safety of American life and property." The well armed troops, accompanied by two gatling guns, were promptly landed and marched through the quiet streets of Honolulu to a public hall, previously secured by Mr. Stevens for their accommodation. This hall was just across the street from the Government building, and in plain view of the Queen's palace. The reason for thus locating the military will presently appear. The governor of the Island immediately addressed to Mr. Stevens a communication protesting against the act as an unwarranted invasion of Hawaiian soil and reminding him that the proper authorities had never denied permission to the naval forces of the United States to land for drill or any other proper purpose.

About the same time the Queen's minister of foreign affairs sent a note to Mr. Stevens asking why the troops had been landed and informing him that the proper authorities were able and willing to afford full protection to the American legation and all American interests in Honolulu. Only evasive replies were sent to these communications.

While there were no manifestations of excitement or alarm in the city, and the people were ignorant of the contemplated movement, the committee entered the Government building, after first ascertaining that it was unguarded, and read a proclamation declaring that the existing Government was overthrown and a Provisional Government established in its place, "to exist until terms of union with the United States of America have been negotiated and agreed upon." No audience was present when the proclamation was read, but during the reading 40 or 50 men, some of them indifferently armed, entered the room. The executive and advisory councils mentioned in the proclamation at once addressed a communication to Mr. Stevens, informing him that the monarchy had been abrogated and a provisional government established. This communication concluded:

"Such Provisional Government has been proclaimed, is now in possession of the Government departmental buildings, the archives, and the treasury, and is in control of the city. We hereby request that you will, on behalf of the United States, recognize it as the existing *de facto* Government of the Hawaiian Islands and afford to it the moral support of your Government, and, if necessary, the support of American troops to assist in preserving the public peace."

On receipt of this communication, Mr. Stevens immediately recognized the new Government, and, in a letter addressed to Sanford B. Dole, its President, informed him that he had done so. Mr. Dole replied:

"GOVERNMENT BUILDING,  
Honolulu, January 17, 1893.

"SIR: I acknowledge receipt of your valued communication of this day, recognizing the Hawaiian Provisional Government, and express deep appreciation of the same.

"We have conferred with the ministers of the late Government, and have made demand upon the marshal to surrender the station house. We are not actually yet in possession of the station house, but as night is approaching and our force may be insufficient to maintain order, we request the immediate support of the United States forces, and would request that the commander

of the United States forces take command of our military forces, so that they may act together for the protection of the city.

"Respectfully yours,

SANFORD B. DOLE,  
*Chairman Executive Council.*

"His Excellency JOHN L. STEVENS,  
*United States Minister Resident.*

*Note of Mr. Stevens at the end of the above communication.*

The above request not complied with.

STEVENS."

The station house was occupied by a well-armed force, under the command of a resolute capable, officer. The same afternoon the Queen, her ministers; representatives of the Provisional Government, and others held a conference at the palace. Refusing to recognize the new authority or surrender to it, she was informed that the Provisional Government had the support of the American minister, and, if necessary, would be maintained by the military force of the United States then present; that any demonstration on her part would precipitate a conflict with that force; that she could not, with hope of success, engage in war with the United States, and that resistance would result in a useless sacrifice of life. Mr. Damon, one of the chief leaders of the movement, and afterwards vice-president of the Provisional Government, informed the Queen that she could surrender under protest and her case would be considered later at Washington. Believing that, under the circumstances, submission was a duty, and that her case would be fairly considered by the President of the United States, the Queen finally yielded and sent to the Provisional Government the paper, which reads:

"I, Liliuokalani, by the grace of God and under the constitution of the Hawaiian Kingdom, Queen, do hereby solemnly protest against any and all acts done against myself and the constitutional Government of the Hawaiian Kingdom by certain persons claiming to have established a Provisional Government of and for this Kingdom.

"That I yield to the superior force of the United States of America, whose minister plenipotentiary, his excellency John L. Stevens, has caused United States troops to be landed at Honolulu and declared that he would support the Provisional Government.

"Now, to avoid any collision of armed forces and perhaps the loss of life, I do, under this protest, and impelled by said force, yield my authority until such time as the Government of the United States shall, upon the facts being presented to it, undo the action of its representative and reinsate me and the authority which I claim as the constitutional sovereign of the Hawaiian Islands."

When this paper was prepared at the conclusion of the conference, and signed by the Queen and her ministers, a number of persons, including one or more representatives of the Provisional Government, who were still present and understood its contents, by their silence, at least, acquiesced in its statements, and, when it was carried to President Dole, he indorsed upon it, "Received from the hands of the late cabinet this 17th day of January, 1893," without challenging the truth of any of its assertions. Indeed, it was not claimed on the 17th day of January, or for some time thereafter, by any of the designated officers of the Provisional Government or any annexationist that the Queen surrendered otherwise than as stated in her protest.

In his dispatch to Mr. Foster of January 18, describing the so-called revolution, Mr. Stevens says:

"The committee of public safety forthwith took possession of the Government building, archives, and treasury, and installed the Provisional Government at the head of the respective departments. This being an accomplished fact, I promptly recognized the Provisional Government as the *de facto* government of the Hawaiian Islands."

In Secretary Foster's communication of February 15 to the President, laying before him the treaty of annexation, with the view to obtaining the advice and consent of the Senate thereto, he says:

"At the time the Provisional Government took possession of the Government building no troops or officers of the United States were present or took any

part whatever in the proceedings. No public recognition was accorded to the Provisional Government by the United States minister until after the Queen's abdication, and when they were in effective possession of the Government building, the archives, the treasury, the barracks, the police station, and all the potential machinery of the Government."

Similar language is found in an official letter addressed to Secretary Foster on February 3 by the special commissioners sent to Washington by the Provisional Government to negotiate a treaty of annexation.

These statements are utterly at variance with the evidence, documentary and oral, contained in Mr. Blount's reports. They are contradicted by declarations and letters of President Dole and other annexationists and by Mr. Stevens's own verbal admissions to Mr. Blount. The Provisional Government was recognized when it had little other than a paper existence, and when the legitimate government was in full possession and control of the palace, the barracks, and the police station. Mr. Stevens's well-known hostility and the threatening presence of the force landed from the *Boston* was all that could then have excited serious apprehension in the minds of the Queen, her officers, and loyal supporters.

It is fair to say that Secretary Foster's statements were based upon information which he had received from Mr. Stevens and the special commissioners, but I am unable to see that they were deceived. The troops were landed, not to protect American life and property, but to aid in overthrowing the existing government. Their very presence implied coercive measures against it.

In a statement given to Mr. Blount, by Admiral Skerrett, the ranking naval officer at Honolulu, he says:

"If the troops were landed simply to protect American citizens and interests, they were badly stationed in Arion Hall, but if the intention was to aid the Provisional Government they were wisely stationed."

This hall was so situated that the troops in it easily commanded the Government building, and the proclamation was read under the protection of American guns. At an early stage of the movement, if not at the beginning, Mr. Stevens promised the annexationists that as soon as they obtained possession of the Government building and there read a proclamation of the character above referred to, he would at once recognize them as a *de facto* government, and support them by landing a force from our war ship then in the harbor, and he kept that promise. This assurance was the inspiration of the movement, and without it the annexationists would not have exposed themselves to the consequences of failure. They relied upon no military force of their own, for they had none worthy of the name. The Provisional Government was established by the action of the American minister and the presence of the troops landed from the *Boston*, and its continued existence is due to the belief of the Hawaiians that if they made an effort to overthrow it, they would encounter the armed forces of the United States.

The earnest appeals to the American minister for military protection by the officers of that Government, after it had been recognized, show the utter absurdity of the claim that it was established by a successful revolution of the people of the Islands. Those appeals were a confession by the men who made them of their weakness and timidity. Courageous men, conscious of their strength and the justice of their cause, do not thus act. It is not now claimed that a majority of the people, having the right to vote under the constitution of 1887, ever favored the existing authority or annexation to this or any other country. They earnestly desire that the government of their choice shall be restored and its independence respected.

Mr. Blount states that while at Honolulu he did not meet a single annexationist who expressed willingness to submit the question to a vote of the people, nor did he talk with one on that subject who did not insist that if the Islands were annexed suffrage should be so restricted as to give complete control to foreigners or whites. Representative annexationists have repeatedly made similar statements to the undersigned.

The Government of Hawaii surrendered its authority under a threat of war, until such time only as the Government of the United States, upon the facts being presented to it, should reinstate the constitutional sovereign, and the Provisional Government was created "to exist until terms of union with

the United States of America have been negotiated and agreed upon." A careful consideration of the facts will, I think, convince you that the treaty which was withdrawn from the Senate for further consideration should not be resubmitted for its action thereon.

Should not the great wrong done to a feeble but independent State by an abuse of the authority of the United States be undone by restoring the legitimate government? Anything short of that will not, I respectfully submit, satisfy the demands of justice.

Can the United States consistently insist that other nations shall respect the independence of Hawaii while not respecting it themselves? Our Government was the first to recognize the independence of the Islands and it should be the last to acquire sovereignty over them by force and fraud.

Respectfully submitted.

W. Q. GRESHAM.

[Confidential]

Mr. Gresham to Mr. Willis.

[No. 4.]

DEPARTMENT OF STATE,  
Washington, October 18, 1893.

SIR: Supplementing the general instructions which you have received with regard to your official duties, it is necessary to communicate to you, in confidence, special instructions for your guidance in so far as concerns the relation of the Government of the United States towards the *de facto* Government of the Hawaiian Islands.

The President deemed it his duty to withdraw from the Senate the treaty of annexation which has been signed by the Secretary of State and the agents of the Provisional Government, and to dispatch a trusted representative to Hawaii to impartially investigate the causes of the so-called revolution and ascertain and report the true situation in those Islands. This information was needed the better to enable the President to discharge a delicate and important public duty.

The instructions given to Mr. Blount, of which you are furnished with a copy, point out a line of conduct to be observed by him in his official and personal relations on the Islands, by which you will be guided so far as they are applicable and not inconsistent with what is herein contained.

It remains to acquaint you with the President's conclusions upon the facts embodied in Mr. Blount's reports and to direct your course in accordance therewith.

The Provisional Government was not established by the Hawaiian people, or with their consent or acquiescence, nor has it since existed with their consent. The Queen refused to surrender her powers to the Provisional Government until convinced that the minister of the United States had recognized it as the *de facto* authority, and would support and defend it with the military force of the United States, and that resistance would precipitate a bloody conflict with that force. She was advised and assured by her ministers and by leaders of the movement for the overthrow of her government, that if she surrendered under protest her case would afterwards be fairly considered by the President of the United States. The Queen finally wisely yielded to the armed forces of the United States then quartered in Honolulu, relying upon the good faith and honor of the President, when informed of what had occurred, to undo the action of the minister and reinstate her and the authority which she claimed as the constitutional sovereign of the Hawaiian Islands.

After a patient examination of Mr. Blount's reports the President is satisfied that the movement against the Queen, if not instigated, was encouraged and supported by the representative of this Government at Honolulu; that he promised in advance to aid her enemies in an effort to overthrow the Hawaiian Government and set up by force a new government in its place; and that he kept this promise by causing a detachment of troops to be landed from the *Boston* on the 16th of January, and by recognizing the Provisional Government the next day when it was too feeble to defend itself and the constitutional government was able to successfully maintain its authority against any threatening force other than that of the United States already landed.

The President has therefore determined that he will not send back to the Senate for its action thereon the treaty which he withdrew from that body for further consideration on the 9th day of March last.

On your arrival at Honolulu you will take advantage of an early opportunity to inform the Queen of this determination, making known to her the President's sincere regret that the reprehensible conduct of the American minister and the unauthorized presence on land of a military force of the United States obliged her to surrender her sovereignty, for the time being, and rely on the justice of this Government to undo the flagrant wrong.

You will, however, at the same time inform the Queen that, when reinstated, the President expects that she will pursue a magnanimous course by granting full amnesty to all who participated in the movement against her, including persons who are, or have been, officially or otherwise, connected with the Provisional Government, depriving them of no right or privilege which they enjoyed before the so-called revolution. All obligations created by the Provisional Government in due course of administration should be assumed.

Having secured the Queen's agreement to pursue this wise and humane policy, which it is believed you will speedily obtain, you will then advise the executive of the Provisional Government and his ministers of the President's determination of the question which their action and that of the Queen devolved upon him, and that they are expected to promptly relinquish to her her constitutional authority.

Should the Queen decline to pursue the liberal course suggested, or should the Provisional Government refuse to abide by the President's decision, you will report the facts and await further directions.

In carrying out these general instructions you will be guided largely by your own good judgment in dealing with the delicate situation.

I am, sir, your obedient servant,

W. Q. GRESHAM.

---

*Mr. Gresham to Mr. Willis.*

[Telegram sent through dispatch agent at San Francisco]

DEPARTMENT OF STATE,  
Washington, November 24, 1893.

The brevity and uncertainty of your telegrams are embarrassing. You will insist upon amnesty and recognition of obligations of the Provisional Government as essential conditions of restoration. All interests will be promoted by prompt action.

W. Q. GRESHAM.

---

*Mr. Gresham to Mr. Willis.*

[Telegram]

DEPARTMENT OF STATE,  
Washington, December 3, 1893.

Your dispatch, which was answered by steamer on the 25th of November, seems to call for additional instructions.

Should the Queen refuse assent to the written conditions, you will at once inform her that the President will cease interposition in her behalf, and that while he deems it his duty to endeavor to restore to the sovereign the constitutional government of the islands, his further efforts in that direction will depend upon the Queen's unqualified agreement that all obligations created by the Provisional Government in a proper course of administration shall be assumed and upon such pledges by her as will prevent the adoption of any measures of proscription or punishment for what has been done in the past by those setting up or supporting the Provisional Government. The President feels that by our original interference and what followed we have incurred responsibilities to the whole Hawaiian community, and it would not be just to put one party at the mercy of the other.

Should the Queen ask whether if she accedes to conditions active steps will be taken by the United States to effect her restoration or to maintain

her authority thereafter, you will say that the President can not use force without the authority of Congress.

Should the Queen accept conditions and the Provisional Government refuse to surrender, you will be governed by previous instructions. If the Provisional Government asks whether the United States will hold the Queen to fulfillment of stipulated conditions, you will say, the President, acting under dictates of honor and duty as he has done in endeavoring to effect restoration, will do all in his constitutional power to cause observance of the conditions he has imposed.

GRESHAM.

MR. KAAPU. The natives of Hawaii are fortunate, at least in a small way, that the wrongs perpetrated against us by the United States, for which we are now seeking redress, were so thoroughly investigated and documented at the highest levels of the Government within a short time of their commission.

I respectfully submit that no one can come away from reading these documents other than convinced that the United States is responsible for the commission of egregious wrongs against the native people of Hawaii.

President Cleveland said:

\* \* \* the United States, in aiming to maintain itself as one of the most enlightened of nations, would do its citizens gross injustice if it applied to its international relations any other than a high standard of honor and morality. On that ground the United States cannot properly be put in the position of countenancing a wrong after its commission any more than in that of consenting to it in advance. On that ground it cannot allow itself to refuse to redress an injury inflicted through an abuse of power by officers clothed with its authority and wearing its uniform; and on the same ground, if a feeble but friendly state is in danger of being robbed of its independence and its sovereignty by a misuse of the name and power of the United States, the United States can not fail to vindicate its honor and its sense of justice by an earnest effort to make all possible reparation.

We recognize that it is much too late to rectify the wrongs of 1893 by giving what was our country back to the Hawaiian natives, as President Cleveland then proposed to do. But it is not too late for the United States to vindicate its honor and sense of justice by making reparations. Indeed, that is the precise purpose of the legislation we are proposing and you are considering here today.

As the result of the wrongs done us by the United States in 1893, the natives of Hawaii were injured in two principal ways, or, to put it differently, we suffered two principal losses.

First, we lost our country. We lost our sovereignty and dominion over the lands that are now comprised by the State of Hawaii, aggregating about 4 million acres. Prior to 1893, we Hawaiian natives had a nation of our own; a modern nation organized and governed by ourselves under a written constitution; a nation that was recognized as a full-fledged member of the family of civilized nations. Our government was aboriginal in the sense that it was organized and operated by a people, the natives of Hawaii, who were the original discoverers of these islands. It was not aboriginal in any sense of being primitive or uncivilized.

Second, as a people, we lost our common title to the approximately 2.2 million acres of land that, in 1893, composed the public domain of the native Hawaiian Nation. Roughly speaking, these 2.2 million acres were composed of about three-fifths of so-called government



lands and about two-fifths of so-called crown lands. Under our domestic law, the lands in both categories were ultimately held for the benefit of the native people. As of 1893, the remainder of the land of Hawaii, about 1.8 million acres, had passed into private fee ownership in accordance with the domestic laws of Hawaii.

In the sense that, prior to 1893, the title to the approximately 2.2 million acres was in the common ownership of the people who were the original discoverers and possessors of the soil, it might be said that the title of the Hawaiian Natives to these lands was aboriginal. But again, "aboriginal" in this context should not be taken to connote that our common title to these lands was primitive or unsophisticated in character. It was a title created and vested by the domestic law of a sovereign nation, recognized as a member of the family of civilized nations.

After the overthrow of the native Hawaiian Government in 1893, the insurgent Provisional Government and its spawn, the so-called Republic of Hawaii, arrogated title to these lands unto themselves thereby effectively extinguished the common title of the Hawaiian native people thereto.

Ultimately, except perhaps for some dispositions made by the Provisional Government between 1893 and 1898, the United States succeeded to title to these lands upon its annexation of the Hawaiian Islands in 1898. In 1959, incident to according statehood to Hawaii, the United States granted about 1.6 million acres of these same lands to the State of Hawaii. The United States still retains title to about 400,000 acres.

Essentially all of the 2 million acres of land in Hawaii in public ownership today, State and Federal, is part of the 2.2 million acres expropriated from the Hawaiian native people at the time of the overthrow of our indigenous government in 1893.

Thus, you can see that the historic claims of the Hawaiian natives are based on two principal wrongs or injuries:

First, the taking from us of our nationhood and country or, to put it another way, the taking from us of dominion and sovereignty over the lands that are now comprised by the State of Hawaii; and second, the taking from us of our common title to approximately 2.2 million acres of land.

Tersely, we refer to these two primary elements of our case as: (1) Our claim for loss of dominion; and (2) our claim for loss of domain.

The first is novel. The second, though it has novel aspects, is more conventional, in that it can be analogized roughly to the land claims of other native groups that have been acknowledged and settled by the United States in the past.

In the course of its history and development as a Nation, the United States has confronted three major groups of aboriginal peoples:

- (1) The Indians in the contiguous 48 States;
- (2) The Indians, Eskimos, and Aleuts in the 49th State, referred to collectively as the Alaska Natives; and
- (3) The Hawaiian natives, ethnically the Polynesian people who first discovered and occupied the Hawaiian Islands, probably at least 300 years before the conquest of England by William.

Traditionally, as the United States extended its dominion over new territory, it conceived that it thereby extinguished any external sovereignty of whatever native peoples were in possession of the land and reserved unto itself the exclusive power to treat with such peoples to acquire their lands.

From the beginning of the voyages that discovered the Western Hemisphere and, eventually, the Islands of the Pacific to the view of Europeans, it was established as a principal of international law that discovery and occupation of new territory by agents and colonizers of the European powers should be without prejudice to the possessory rights of whatever aboriginal peoples were already there. Discovery and occupation by agents of a European nation were supposed only to accord that nation an exclusive right to acquire the soil from its aboriginal possessors by just and honorable means. Otherwise, aboriginal peoples were supposed to be left undisturbed in their possession of the land and in their exercise of self-government.

In short, the extension of dominion by a civilized nation over territory occupied by aboriginal peoples was deemed to extinguish their powers of external sovereignty, powers they never actually possessed within the contemplation of the community of civilized nations, but not to affect their property rights or their internal powers of self-government.

One of the first things Congress did in 1789 (1 Stat. 50), immediately after the establishment of the United States under the Constitution, was to reenact the Northwest Ordinance of 1787, which in part stipulated:

ART. 3 \* \* \* The utmost good faith shall always be observed towards the Indians; their land and property shall never be taken from them without their consent; and in their property, rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

Generally, the incidents under international law and custom of the relationship that was supposed to obtain between a colonizing European power and aboriginal peoples in the New World are comprehensively expounded by Chief Justice Marshall in the famous case of *Worcester v. Georgia* 6 Pet. 515, decided in 1832.

A principal difference between the situation of the Hawaiian natives, and that of the other native groups the United States encountered during the course of its westward expansion and the working out of its "Manifest Destiny," is that, at the time the United States committed the wrongs on which the claims of the Hawaiian natives are based, the latter were no longer in a primitive state. Between 1778, the year of first European contact with the Hawaiian natives, and 1893, when our native government was overthrown, we had evolved into a modern nation recognized as a member of the so-called civilized international community.

No other aboriginal group impacted by the United States during the course of its development had such status. No other aboriginal group wronged by the United States was recognized as an autonomous, sovereign nation within the community of nations at the time it was wronged.

This explains why our claim for loss of dominion and sovereignty over the Hawaiian Islands is novel. No other native group whose claims the United States has dealt with was ever conceived as possessing such attributes under international law and practice.

The Hawaiian natives are the only group of aboriginal people from whom the United States took a country and an independent and sovereign nationhood, recognized by international law and the community of civilized nations.

To demonstrate that dominion and sovereignty over the Hawaiian Islands had great value wholly apart from domain, I put you this case: suppose, in 1893, instead of being under the dominion of the Hawaiian native Government, the Hawaiian Islands had been under the dominion of a European sovereign, under whose domestic laws every acre of land on the islands previously had been conveyed into private ownership. In such case, a second nation acquiring dominion over the Hawaiian Islands by purchase from such European sovereign would not have stood to gain an acre of domain in the bargain. Parenthetically, by acquiring dominion, the purchasing nation, of course, would have acquired the power of eminent domain over all lands of the islands, a power which, prior to the overthrow of our native government in 1893, the natives of Hawaii possessed over the approximately 1.8 million acres then in private ownership.

I put this case to demonstrate what, I submit, is obvious: that, even though it did not stand to add an acre to its public domain by such acquisition, given the strategic location of the Hawaiian Islands and the great interest of the international community in the Pacific at the time, that any one of a number of nations, including the United States, would have been willing in 1893 to pay, and to pay dearly, for dominion alone over the Hawaiian Islands.

I respectfully submit that it is self-evident that the dominion over the Hawaiian Islands that the United States took from the Hawaiian natives in 1893, and formally converted to itself by annexation of the islands in 1898, was a possession of incalculable value, wholly apart from domain, for which the Hawaiian natives have never been compensated.

The second major element of our case is the claim for loss of domain; for the uncompensated taking of about 2.2 million acres of land to which the Hawaiian natives held title in common prior to the overthrow of our indigenous government in 1893.

I mentioned earlier that this claim is more conventional than our claim for loss of dominion in that, to an extent, it can be analogized to the land claims of other native groups that Congress has settled or made provision to settle in the past.

As noted, the title of the Hawaiian natives to these lands was aboriginal in the sense that it was a title held in common by the people who were the original discoverers and settlers of the Hawaiian Islands. But the term "aboriginal title" in American Indian law is properly used to describe the simple right of continuing use and occupancy that was supposed to be accorded aboriginal peoples in territories over which a civilized nation was asserting a new dominion. It is a primitive kind of title, which, although not supposed to be disturbed by a civilized nation asserting a new sover-

cignty without payment of compensation, is not accorded status in American law as "property" within the meaning of the fifth amendment. Hence, it is held that the extinguishment of aboriginal title, and the means employed, are matters strictly within the province of the political branches of the Federal Government, and that such title may be taken without subjecting the United States to a constitutional obligation to render just compensation.

Of course, Indian tribes whose aboriginal lands were taken without compensation, or without adequate compensation, were ultimately provided judicial forums by special jurisdictional acts, and generally, by the Indian Claims Commission Act, where they could present claims and receive compensation for takings of aboriginal title. But these remedies were accorded by acts of Congress, not by mandate of the Constitution.

There is another principal species of Indian title familiar to American law. It is commonly referred to as "recognized title."

Recognized title, unlike aboriginal title, is held to constitute property within the meaning of the fifth amendment, and, accordingly, cannot be taken by the United States without subjecting it to a constitutional obligation to render just compensation.

Most frequently, perhaps, recognized title was established by treaties by which Indian tribes ceded parts of their aboriginal lands to the United States and reserved other parts for their permanent use. As to the parts reserved, such treaties are commonly held to have converted the tribes' aboriginal title into recognized title. More strongly, a formal title granted to a native group under the domestic law of a prior civilized sovereign constitutes recognized title.

The common title to the approximately 2.2 million acres of Crown and Government lands that the Hawaiian natives held prior to 1893 was not of primitive character. It was a formal title established according to the constitution and laws, and evidenced by solemn conveyances, duly recorded, of the government of the native Hawaiian nation, which, as stated, was a fully recognized member of the community of nations.

Accordingly, the tenure of the Hawaiian natives in these lands, prior to their taking, was equivalent, at least, to recognized title, and clearly would have constituted property within the meaning of the fifth amendment had it been the possession of an Indian tribe within the territory of the United States.

As stated, in the case of a taking of recognized title, as distinguished from aboriginal title, from a native group, it is established that the Constitution requires the United States to pay just compensation. It is further established that just compensation under the Constitution requires the payment not only of the full and fair value of the property taken, but also of interest on such amount from the time of taking to the time of payment.

It has now been over 82 years since the United States caused the taking from the Hawaiian native people of title, at least as dignified as recognized title, to more than half of the total lands of the Hawaiian Islands.

In outline, these are the legal bases of our two principal claims for the wrongful and uncompensated takings by the United States

from the Hawaiian natives, first, of dominion and sovereignty over the whole of the Hawaiian Islands, and, second, of title and domain over more than half of the total lands of the Hawaiian Islands.

One need look no further than the reports of the contemporaneous investigations conducted by the executive branch of the Federal Government to be satisfied that the takings of our dominion and domain were wholly without honor, fairness or justness, and in clear violation of both international law and the domestic law of the United States.

And, on behalf of the Hawaiian natives, I respectfully submit there can be no reasonable doubt that the value of the dominion and domain taken, measured by the standard of just compensation, greatly exceeds the monetary and other benefits that would be provided by the settlement legislation we seek.

Thank you very much. [Applause.]

Chairman MEEDS. With your permission, gentlemen, the Governor has arrived. We will hear from him for a brief statement. Is that satisfactory with you? Governor Ariyoshi, we are delighted to have you here and your presence clearly indicates the significance, which is placed upon this problem by the State of Hawaii. Welcome, sir.

#### STATEMENT OF HON. GEORGE ARIYOSHI, GOVERNOR, STATE OF HAWAII

Governor ARIYOSHI. Mr. Chairman, members of the committee, it is a real pleasure for me to welcome you here on behalf of the people of our State.

The Hawaiian Native Claims Settlement bill is a measure asking for restitution based on a chapter of Hawaii's history, which is not a proud one. I am not here to give you any detailed testimony on the case for this legislation, but there will be others, who will be testifying and explaining in more detail the specific reasons for support of the measure.

Let me merely lay the setting. In ancient Hawaii, land holding was on a local basis supervised by district administrators of the King called Konahikis. The Hawaiian kingdom's first written constitution in 1840 declared that lands were not the private property of the King, but belonged to the chiefs and the people in common. The King as their head had stewardship of landed properties. The concept of individual, private ownership of land was an alien one to Hawaiian culture. It was one that foreigners champion and it only took root after the grand Mahele or land division in 1849, which marked the end of the feudal system.

The following year, a fee simple title system was designed under which foreigners were permitted to acquire land. The mechanism to carry out this design was a land commission award—rather, a land commission to award land titles. Unfortunately, a great many Hawaiian people today never received title to their land. Many of them failed to understand the importance of the new law and they failed to file claims at all.

Westerners, on the other hand, did appreciate its importance, since this was a contribution of their culture and they pursued the acquisition of land claims aggressively.

At the time of annexation, there was no provision for reservation lands as for American Indians in the western territories. Mr. Chairman and members of the committee, this is really a thumbnail sketch of a setting under which some of the land ownership in our State took place. I know that the others will be giving you a great deal more testimony here.

I am here to welcome you and your committee here to Hawaii and to indicate our support for this measure. [Applause.]

Chairman MEEDS. Thank you very much, Governor.

FROM THE FLOOR. What about the poor Hawaiian boys who are locked in jail and surrounded by National Guardsmen. This is—

Chairman MEEDS. Now this is a hearing of a committee of the U.S. Congress. We hope to hear from everyone, who wants to be heard, but we will do so in a civil fashion. The Chair will not tolerate that type of breach of decorum. I am sorry, Governor. We are delighted to welcome you before the committee. We thank you for your testimony.

Governor ARIYOSHI. Thank you very much. [Applause.]

Chairman MEEDS. Will the panel please continue. Arthur Hoke?

#### STATEMENT OF ARTHUR HOKE, JR., DIRECTOR OF THE ALOHA ASSOCIATION

Mr. HOKE. Thank you, Mr. Chairman.

Hon. Chairman Meeds, Congressman Matsunaga, Congresswoman Mink, I am Arthur Hoke, Jr., a director of the ALOHA Association. My comments today are addressed at specific portions of H.R. 1944, the Hawaiian native claims settlement bill.

In its efforts to design the legislation, ALOHA conducted meetings with the Hawaiian people on all of the islands except Niihau.

The results of those meetings and the many meetings the board of directors of ALOHA held, gave birth to a conceptual model for this bill. These concepts were reduced to legal language and introduced in the closing days of the 93d Congress as H.R. 15666.

Upon the opening of the 94th Congress, the identical legislation was again introduced and has been designated as H.R. 1944, the matter you are here to conduct hearings on.

During the period between its introduction in the 93d Congress and these hearings, ALOHA conducted additional meetings with Hawaiians and Hawaiian organizations. During these meetings, concern was expressed about some of the provisions of H.R. 1944. In the very near future, ALOHA will introduce appropriate changes to the areas of concern, and I feel certain that many of the witnesses scheduled to testify before you in these hearings on each of the islands throughout the State will address these specific concerns.

My mission here today is to offer an explanation, in general, of the conceptual ideas within the proposed legislation. First, let me address the definition of a Hawaiian native.

The bill indicates that a "native Hawaiian" is any person that is a descendant of those aboriginal people who discovered and occupied the area that is known today as the State of Hawaii prior to 1778.

This particular definition was chosen for several reasons; namely, it proposes to exclude from the benefits of this legislation all individuals that do not possess aboriginal blood. A similar definition appears within the Hawaiian Homes Act of 1920, but ours specifically lacks a quantum of blood requirement.

We understand that Congress in its wisdom is usually against a broad, all encompassing definition such as H.R. 1944 provides, but we feel that the case of the Hawaiian people requires new approaches, and special consideration because of our distinct cultural style.

The Hawaiian people were never one to exclude, but usually included everyone in our "ohana" or—family—system of life and this is still vividly apparent today in our world renowned "aloha spirit."

Hawaiian families readily accepted other children into their family folds and this is typified through the Hawaiian "hanai" system which is really a form of adoption.

Further, the Hawaiian people have intermarried to the point where Dr. Oswalk Bushnell, a retired professor of the University of Hawaii, has predicted "that by the year 2025, pureblooded Hawaiians will be extinct." A mere 50 years from now.

The thrust of ALOHA's proposed bill is to create an entity that will last until time itself ends. Looking into the future, if we place a specific blood quantum into the law, the effect of perpetuity will be lost, for soon there would exist a corporation created by Congress that would not have any owners or beneficiaries.

We ask that Congress in its great wisdom understand our Hawaiian cultural system and grant this unique provision.

Questions have come up regarding how we propose to identify these "Hawaiians" we have defined so broadly. First, the Hawaiian Homes Act of 1920 has already established a mechanism for identifying those Hawaiians that qualify for benefits, and we feel sure that these records can go a long way toward helping to identify some of our Hawaiian peoples. It should also provide a means to establish through geneologies, blood relationships to families that presently occupy Hawaiian home lands or have, in the history of the program occupied these lands.

Further, the Kamehameha schools, in its admissions requirements asks that candidates for admission indicate through scientific records their geneological history. These records also exist as a resource.

The Mormon Church possess very good geneological records, and since many of our Hawaiian families are Mormons, this too offers yet another resource for identification purposes.

The bill also creates, as part of the overall benefits, a "Hawaiian Native Corporation" with many special privileges, and much thought went into that proposal as well.

Here we find many of our cultural differences from other ethnic groups combined with business concepts in a distinctly unique fashion. We ask that this corporation be constructed so it may truly last into perpetuity. As new Hawaiians are born, they too will share in the benefits of this legislation for the Hawaiian Native Corporation must issue a "certificate of membership to each newly born "native Hawaiian."

In this unique approach to a business entity, we propose to establish, in effect, a huge family that all Hawaiians, wherever they may be, belong to. The proposed corporation will be an economic asset to the State of Hawaii, for besides offering benefits directly to the Hawaiians, it may also initiate and support programs in any area in which the Hawaiian people have a substantial interest.

Finally, the bill addresses the issue of lands with an approach that is extremely realistic. The amount of Federal lands within the State are minimal, approximately 400,000 acres, and the bulk of this area is in the national park system. Because there is no great quantity of lands under Federal control, that are in the "public domain," the bill merely asks that the Hawaiian Native Corporation be given the "first right of refusal," when the presently occupied and used Federal lands become surplus.

This provision I am sure, will receive the direct attention of many of the persons that testify before these and subsequent hearings, for land is really the basis of our Hawaiian culture. I will not belabor this point now, for I am sure that the historical information and evidence we shall see presented here today can explain our Hawaiian culture and its relationship to the land far better than I.

May I humbly ask that you grant a fair and just settlement to our Hawaiian people, and in doing so, give deep thought and consideration to our distinctly different cultural way of life.

Thank you, Mr. Chairman. [Applause.]

Chairman MEEDS. Thank you very much, Arthur. I think we should spend a little time with this panel asking some questions.

As I understand it, your concept of dominion is the right to rule and domain is possession of the land, is that the concept?

Mr. KAAPU. Well, dominion does convey the right of eminent domain and that is the underlying ownership, which was referred to by the Governor in the statement that was embodied in the Constitution of 1840, that all the lands from one end of the islands to the other belonged to the Chiefs and the people in common. That is dominion and the right to rule.

Chairman MEEDS. Are you aware of any instance in which dominion has been compensated for?

Mr. KAAPU. Well, I think that the Louisiana Purchase was a purchase of dominion from—the purchase of Alaska from Russia was a purchase of dominion.

Chairman MEEDS. Correct.

Mr. KAAPU. There are—where the sovereignty over the section of land, whether it be a Nation or not—I don't know of any Nation being—offhand, being purchased—

Chairman MEEDS. By any other Nation than the United States?

Mr. KAAPU. Not in a friendly way.

Chairman MEEDS. In the purchase of the State of Alaska, the fact that the Government of the United States was purchasing dominion was rather clearly set forth, was it not? And the rights, the aboriginal rights, to the land of the Natives was also set forth in the original treaty between Russia and the United States?

Mr. KAAPU. Yes.

Chairman MEEDS. That was not done with Hawaii, was it?



Mr. KAAPU. It was not.

Chairman MEEDS. And, in each separate document dealing with the State of Alaska, what was then the Territory of Alaska, and now the State of Alaska, the aboriginal rights of the Natives were mentioned and while there was no settlement in these early documents, at least, conceptually, that domain of the Alaskan Natives was recognized?

Mr. KAAPU. I think maybe the distinctions we are making is that in the case of Alaska, the aboriginal rights, aboriginal title was recognized and remained unaffected. Sovereignty was imposed by Russia over the area and that was sold for \$7 million or whatever the cost was and in the organic act saying the Congress reserved the right to legislate the manner in which the Natives of Alaska would acquire title was set forth. In our case, the military action took place causing sovereignty to go first to the intermediary and then ultimately to the United States and then later the transfer of domain over the common lands that were owned by the people were transferred without compensation. This makes the case a little different, although the organic act in Hawaii does say that Congress—that the laws that relate to the lands were, in effect, at the time of annexation—shall continue, in effect, until Congress will otherwise legislate.

The one thing is they recognize all the unusual laws relating to land and property, water rights, and this sort of thing—they were recognized in the organic act. The one thing that was not properly recognized in our estimation was that title, not aboriginal title, but recognized title, if you will, that the Hawaiian people in common had for their public land. The King and the Mahele did say that these lands are set aside to my people to have and hold forever. The discussions that were undertaken later in court cases established that the King was concerned that a foreign power might take control of the Government apparatus and in doing so take the land from the people, so he vested the title directly in the people.

Chairman MEEDS. What did the United States assume, when it took Puerto Rico from Spain? Dominion and/or domain or simply dominion?

Mr. KAAPU. It took dominion.

Chairman MEEDS. No domain?

Mr. KAAPU. No domain, as far as I know.

Chairman MEEDS. Then the United States, under your rationale would be subject to a claim for any domain, which it has asserted in Puerto Rico?

Mr. KAAPU. They didn't take it from an aboriginal people in that case. They took it from another civilized Nation. In Hawaii's case, it was taken from an aboriginal people. From their country, from them. In the case of Puerto Rico, that was in the possession of Spain at the time and like in the case of Alaska, except for the compensation made to Russia, the dominion passed without taking it from the Native people.

Chairman MEEDS. Are you saying, then, that domain also passed in the case of Puerto Rico?

Mr. KAAPU. Domain passed from Spain.

Chairman MEEDS. From Spain to the United States?

Mr. KAAPU. From Spain to the United States. Not from the native people.

Chairman MEEDS. And because Spain never compensated for aboriginal title, then the United States has therefore no obligation?

Mr. KAAPU. Spain never compensated for aboriginal title and I don't know whether the natives of Puerto Rico ever lost domain over land that they had occupied. I am not familiar with the internal—

Chairman MEEDS. And yet the Louisiana Purchase, which was from France, which under your rationale should claim domain, we paid for domain—inadequately, albeit—but with amazing regularity to the Indians in the West and Southwest, which were included in that area.

Mr. KAAPU. I believe the situation is distinctive in the case of Hawaii. It was not exactly as in the Louisiana Purchase, where the natives and the Indians continued in their occupancy and use, although not treated particularly well. They did never have title, recognized title, at that time, or title in the sense as we understand fee title today. They had aboriginal title, which was right of use and occupancy. That they continue to have. I don't believe payment, which was made later to any of them was for taking of recognized title in the sense as we understand it.

Chairman MEEDS. Your basic concept, however, was that this was an unlawful taking?

Mr. KAAPU. It was.

Chairman MEEDS. And as such, a taking, which should be compensated for under the fifth amendment of the U.S. Constitution?

Mr. KAAPU. I think the problem here is that the taking was accomplished sometime ago and the due process was not observed. So, now we are stating that this should have been the case, had the United States acted honorably at the time. But since it did not, we are seeking redress legislatively for the damages caused.

Chairman MEEDS. I must say this is a novel concept and certainly it will bear our attention. I have a question also of you, Mr. Hoke.

I am personally troubled by the open-endedness, so to speak, of your concept of not requiring a blood quantum, not only from the standpoint that it is completely open ended, but also from the standpoint of identification. You explained in saying that there would be a diminution to nothingness, ultimately, if you did require some blood quantum. On the other hand, while that may be true, the reverse of not requiring it is also true. That is to say, absolute infinity. If we accept that concept, I think the people involved must be prepared to recognize that—assume the bill passed and the money was made available—the group which is to be served by that funding goes off into infinity unless we have ZPG or something like that.

Mr. HOKE. Not truly so. If, for example, we have to impose the same quantum requirements that the Alaska bill has, 25 percent, it would eliminate people living today that were descendants of the very same Hawaiian people as those, who possessed greater than 25 percent.

Chairman MEEDS. Pardon me just one minute. It is my understanding that people cannot hear in the back, is that correct?

All right. Could we close all but one of the doors on each side. Can you hear me plainly now? Would you all pull the mikes up closer, please and talk—move it over. Please go ahead.

Mr. HOKE. As I was explaining, if we were to impose the same blood quantum as shown in the Alaskan bill, 25 percent aboriginal blood, today, if the bill were passed, it would exclude the same Hawaiian people that descended from the same people that were there in 1893 that were governed by Queen Liliuokalani. In our Hawaiianess, we feel this is unfair to exclude our own people. [Applause.]

Chairman MEEDS. On the other hand, the Alaskan Native claims bill, if it did accept one-quarter blood quantum, excluded all those below that and yet it brought some ability to manage the problem—but I am interested in your concept. Let's go to the question of identification, though. Do you think that the records of the Mormon Church and the other instruments, which you have set forth will be sufficient weight to identify who are entitled or must there be some kind of mechanism set up within the bill to provide for identification?

Mr. HOKE. I feel that there should be a mechanism in the bill to stipulate precisely what kind of requirement will be needed. The information that I was trying to give was just that these areas can be used as a resource to help the identification process.

Chairman MEEDS. Do you think the corporation itself, assuming it were established, should be involved in the determination of who is eligible?

Mr. HOKE. We are asking in the concept of our bill, that this responsibility be delegated to the Secretary of the Interior. In those cases that are questionable, that he cannot clearly decide, whether the persons qualifies or not, then these cases be referred back to a commission of Hawaiian peoples to make the final judgment with, of course, the avenue of recourse through the courts.

Chairman MEEDS. Fine. Thank you. One final question. Kekoa, assuming everything you say is correct, assuming there should be compensation for dominion and domain, was it not the purpose of the Homestead Act and the Hawaiian Homes Commission, to do precisely that? Wasn't that the reason it was founded and did it not attempt to do so again, albeit inadequately, did it not attempt to do so?

Mr. KAAPU. I personally don't believe so. We have a very fine research paper done for ourselves on that. While I was listening to testimony earlier, I thought that perhaps we should submit this to you. I hope that we may do so and if you will hold open the hearing process for a while—

Chairman MEEDS. I would very much appreciate it. Without objection, it will be made a part of the record at this point.

Mr. KAAPU. The gist of this was that the act not only did not propose to settle these losses, but failed to accomplish the purposes adequately, for which it was set forth and the premises on which, perhaps, the act was based in its final form were wrong. There are those who said that the act was perpetrated as a fraud. There is also considerable evidence in that, but I don't think it was in the intent of the Congress to do so, but the effect of it has had so little

permanent benefit to the Hawaiians in the magnitude that is felt to be fair that—

Chairman MEEDS. Of course, if we follow your analogy of the unlawful taking and of the aboriginal title, which I intend to, then don't you have the Hawaiian Homes Commission much the same position that the Indian Claims Commission is in the remainder of the United States today with the exception of Alaska and Hawaii, which were not included in that?

Mr. KAAPU. I don't believe so.

Chairman MEEDS. Well, that has been the function of the Indian Claims Commission, to settle what was considered to be inadequate compensation and that function, apparently, was also carried out by the homes commission.

Mr. KAAPU. The homes commission was simply to provide land, which the Hawaiians could lease, which they had no equity in at all, which passed from their hands and should they die and their children not have sufficient quantum of blood, a very traumatic thing for those families, which those Hawaiians faced. There was no settlement—there was an intent that this homesteading activity letting the Hawaiians farm the land again and the land given them was the worst land—it was land—specified land, which was not otherwise used. And that land which wasn't used, was land which was no good. This was the problem. It neither rehabilitated nor did it settle anything.

Chairman MEEDS. It was an attempt at restitution, however, was it not?

Mr. KAAPU. Those that were involved in the testimony—this is why the research paper was very interesting to us—felt that it was better than nothing, but rather poor. It was all they could get at the time. It might help and they hoped that it would. That was the feeling of those involved.

Could I have counsel respond, Mr. Chairman, to this portion?

Chairman MEEDS. Would you identify yourself, please.

Mr. ALLAN. My name is Richmond F. Allan. I am legal counsel for ALOHA. There is absolutely no analogy between the Indian Claims Commission and the Hawaiian Homes Commission. The Indian Claims Commission was created as a forum, where Natives could bring their ancient, historic claims against the United States for hearing and if meritorious, were awarded settlement. The Hawaiian Native Homes Commission was just a device to make some land available for the use of Hawaiian native people.

As a matter of fact, it provided initially for how many acres? Two hundred thousand acres. So, even if that act had been realized to its full extent, you certainly can't compensate people for the taking of 2.2 or 2½ million acres by giving them the use of one-tenth of that. That would be like saying that we compensated the tribes with which we treated in 1855 as the Yakima Nation by giving them the Yakima Reservation.

Chairman MEEDS. That is exactly what we did, I might say. [Applause.]

Mr. ALLAN. But we also gave them the right to go before the Indian Claims Commission and claim for the inadequacy of the

compensation that they were paid for the lands that they ceded at that time and they recovered.

Chairman MEEBES. And that was the function of the latter. It was the function of the Indian Claims Commission?

Mr. ALLAN. That is true.

Chairman MEEBES. Mrs. Mink, do you have any questions?

Representative MINK. I have one point that I think needs to be clarified for the record.

Since the chairman raised the issue of the quantum qualification for receipt of benefits under this proposed legislation, addressing my question, really, in a rhetorical form for the record, to any of the three that would like to respond, isn't it true that the bill provides that when the corporation is established and the directors are elected by those qualified to vote, that the principal purpose of the corporation, being the recipient of the moneys, is to determine programs and projects and items of such general nature, that the issue of specific blood qualifications most likely will not be an item of contention. Am I wrong in reading the general thrust of the bill or am I correct in making that observation?

Mr. HOKE. As I understand your comments, I believe your interpretation is the same as ours. All that we propose in the bill is some very broad guidelines of what kinds of things this corporation can enter into.

Representative MINK. So that in the direction given to the corporation, as I read the language of the bill, you are talking about broad programs to improve the economic and social advancement of the Hawaiian people in terms of education and the other kinds of programs. What you do not want to become involved in is a strict requirement in the law, which will exclude certain of the children of the people that you want to serve, and that this is the reason why you have eliminated the percentage requirement in that legislation, is that correct?

Mr. HOKE. Precisely.

Representative MINK. Thank you very much. [Applause.]

Chairman MEEBES. Mr. Matsunaga?

Representative MATSUNAGA. Thank you, Mr. Chairman. I must say that in the dozen years I have spent in Congress listening to testimony from various witnesses from throughout the United States, the three representatives of ALOHA today would measure up to an excellent rating. You would be given grade A. [Applause.]

I wish you would hold the applause, because, you know, we are taking time away from future witnesses. Maybe clap, clap [indicating] two claps would be sufficient. [Laughter.]

As you can see, the extreme difficulty of this bill was going to be the definition of a native Hawaiian. I would suggest at this time that the ALOHA Association go back into a pow wow-session and then come forth with a statement, which will be so clear that you are united in the definition of a native Hawaiian. I think this is one of the questions we who represent you in Congress must be prepared to answer.

I must say that another question we will probably be faced with is the theory, which you have proposed, Kekoa, of dominion and

domain. I think the question will arise as to what status, really, the native people of Hawaii had under the so-called Republic of Hawaii and what transpired or what was transferred from the Republic to the United States by the annexation of the then Republic, prior to becoming a State or territory and what, if any, the legal consequences of the Kingdom becoming a Republic prior to annexation has on the theory of dominion and domain.

I leave that with you for future discussion.

Chairman MEEDS. I do have one further question. Kekoa probably you could answer it. I might not like the answer, but we probably should get an answer from you. You disclaim in the bill any trust relationship. Yet, in one of the sections of the bill you establish a trust relationship with the funds. I think that is understandable. There has to be some kind of trust relationship for the management of funds.

In the last section it provides for the transfer of surplus property. Now, is it your position that that property should be taken into trust or should it be taken in fee simple title in the corporation?

Mr. KAAPU. When the bill was being proposed, worked on at first, this question hadn't been addressed, the question had not been addressed very specifically. When we were in Washington, we did get into some very heavy discussions over that very fact, that it was not properly considered. I think the feeling that we emerged with, and this may be what the future versions will reflect as we submit our revised thinking, is that for practical reasons, the lands, if they are held in trust, may not permit the proper use employment of them, but there was a strong feeling that we did not want to alienate, again, any land that we should be fortunate to receive back. This is a very difficult thing to deal with. Perhaps Arthur can address himself to that, since he has been going over the revised bill.

Mr. HOKE. As I perceive the problem, if we were to receive the the quantity of land and not be able to make adequate use of it, then the receipt of the land would really not be a benefit, but then again if we were to receive the land and then dispose of it so that we end up not having the land, we again have no benefit from it. In which particular fashion we should address that in the legislation; we haven't found the solution that we wanted to achieve. The flexibility to use the land to its best advantage and yet to retain it forever.

Chairman MEEDS. I think Mrs. Mink has one more question.

Representative MINK. I think that your final response there suggests another question, which is whether the ALOHA Association has been able to come up with a definite position as to the relationship of the native corporation that is going to be established in its working with the Hawaiian Homes Commission, and whether the lands, should there be any conveyances to the native corporation, as the chairman posed the question, could very well be managed by the Hawaiian Homes Commission in some sort of a joint relationship, or whether it should be that the land should remain in the native corporation.

Mr. HOKE. The intent is that these lands be under the control of the Hawaiian Native Corporation. The ALOHA Board has taken

the stand that we don't want to take anything away from the Hawaiians that they presently have. What we want to do is get something that they don't have and give it to them. In my estimation it would be meaningless to take the Hawaiian homes program out of one pocket and put it in the other pocket. [Applause.]

Representative MINN. No, I wasn't asking that. My question was, if you got additional lands from the Federal Government under the provision which says you have first option to any Federal lands that are returned to the State, that these lands would be given to the native corporation for their use and benefit. You are not quite decided as to what status that land tenure is. My question is, has there been any consideration given to the possibility of those lands being turned over to the Hawaiian Homes Commission for management, or is there being discounted any possibility of working the two together so that the needs of the Hawaiian homesteaders, which are very great, can also be met in conjunction with whatever purposes you might find to be legitimate under these goals and purposes of this native corporation?

The possibility of these two being worked together is really my question.

Mr. HOKE. If I might answer that question in a very general fashion, we feel that within the purposes designed for the corporation, that it would be able to—for example, if the Hawaiian Homes Department can't come up with money, it would be able to furnish money for housing and land development. We on the ALOHA Board did not intend to dictate what this corporation has to do, but only to put some outside limitations so that it couldn't go too far beyond the scope. As far as merging it with the management program by the Hawaiian Homes Land Department, I believe that the general feeling of the board is no. [Applause.]

Mr. ALLAN. I believe that one of the principal difficulties being encountered now in the case of land, which is presently subject to the jurisdiction of the Hawaiian Homes Commission is that because of constraints in the law, it is not being, in many cases, put now to the highest and best use for the benefit of the native people. For example, I have seen it suggested that the way the Hawaiian Homes Commission Act is written, it is impossible now to erect multifamily units on some of this land. So, while at the same time that has been identified as the highest and best present use of the land, so it would be certainly impossible to take the surplus Federal lands as the natives should become entitled to in the future into that same category and automatically place them under constraints that they are not even—that are not working well with respect to the land, which they now apply.

Representative MINN. I have one followup comment, and this relates to a question that has been posed by many homesteaders in their correspondence with me concerning the bill, and that is that in the bill nothing would be done with regard to the existence and continuation of the Hawaiian Homes Commission, which would continue as it exists and that, of course, efforts would be made independently to improve it, to enhance it, to make it possible for the homesteaders to get a greater benefit from that program.

There is no intention in this legislative program to in any way diminish their right, title and claim, and efforts to improvements of their condition. Is that correct?

Mr. MAXWELL. Mr. Chairman, may I respond to this? That is exactly true, Patsy.

Mr. HOKE. You found the words to explain what we have been stumbling over.

Chairman MEEDS. You seem to have gotten unanimous consent for that. Gentlemen, thank you very much. I have to echo Spark's words and say that your testimony has been excellent. Thank you. [Applause.]

It is my understanding that Mrs. Billie Beamer, who is the chairperson of the Hawaiian Homes Commission, is in the audience today. I would like to have her come forward, if she would. [Applause.]

Mrs. Beamer, could you just respond to some questions that have been raised by the members of the committee insofar as telling us the history of the Hawaiian Homes Commission, what it has accomplished, what you feel to be the purpose of the Hawaiian Homes Commission and how you think it is functioning. That is a rather tall order in 2 minutes.

Mrs. BEAMER. Two minutes?

Chairman Meeds, Representative Mink, Representative Matsunaga—

Chairman MEEDS. Could we close those doors back there so that we can hear what the witnesses are saying? There is a lot of noise out in the hall. Pardon me for interrupting.

### STATEMENT OF BILLIE BEAMER, CHAIRPERSON, HAWAIIAN HOMES COMMISSION

Mrs. BEAMER. I listened this morning with no intent to be here at the stand and some thoughts were mulling through my mind and I vanished and made a short statement. Very short and brief, that I would like to read to you and then I will give you a profile of the department.

The Hawaiian Home Lands Department is delegated with the responsibility to administer 200,000 acres of land designated for the Hawaiian people by the Congress of the United States in 1920. Whatever the quality, whatever the acreage that has somehow vanished from the inventory, we today have 189,000 acres of land.

The purpose of the act was to permit a people encroached upon the opportunity to return to their legal heritage. Twenty thousand acres was to be disbursed every 5 years. Today, 53 years after the initial award, 100 percent of the land should have been awarded. Rather, only 20 percent of the land has been awarded to the beneficiaries. Thousands of legal heirs await the opportunity to inherit their due. Why the retarded pace is finances, sir. Stipulations of the act demand financial assistance by a limited funding pattern, established a ceiling of only \$5 million to be derived from 30 percent of the cane revenues. This was to support or purported to be a magnanimous gesture to return the people to their land.



While the Federal Government acknowledged the obligation and moral responsibility, the Federal Government in these 53 years has failed to contribute one single cent to guarantee the success and fulfillment of this proposal and act. Our State legislators and all of the people of Hawaii, instead, have repeatedly come to the fore to assist and support a limping program.

Perhaps in retrospect your deliberations concerning the ALOHA proposal may include a search of your conscience, of the Federal Government, to make restitution to the people of Hawaii to return them to their land. To give you a profile, as you recognize from the response of the audience, that this is less than a popular department.

Because the department has had to be self-sufficient and self-supporting. Of the 189,000 acres that we received—and it was not Federal land, but State land given back to the people of Hawaii—40,000 acres of that, sir, is marginal land that cannot be used.

From above the 20 percent line to the tops of the mountain peaks. These lands serve a social purpose for all of Hawaii and yet is in the inventory of the Home lands. In 53 years, 20 percent of the land has been awarded to Hawaiians. That is 41,000 acres. One hundred and eight thousand acres is leased out in a commercial lease. We need this money in the department to support ourselves. This is our administrative fund. Now it has been less than successful in the years. We get an average of \$7 per acre. That is revenue for the 108,000 acres. We have 2,000 awards—2,200 awards that have been made for 13,000 people on the land.

We have at the present time 4,500 people waiting to get on and they have waited for 25 years. The land offers the Hawaiian no leverage. He cannot use it as collateral. He has legal squatter's rights on this land. We were to have been schoolteachers, social workers. We have created instead a colony of Hawaiian homesteads throughout the islands. We put them in a cloister and we put them on a reservation.

We have had little money to run the program. We have not permitted him to emerge. We have perpetuated this ingrowth of Hawaiians instead of putting them out and assisting them economically, because all the moneys in the world for education are not going to do any good unless that person can see economic opportunities around him in his environment. And, we have put him out in the boondocks. We have put homes on that were less than standard. Some condemned homes that we moved from the city and moved them out. We put them on marginal lands and on this island, 93 percent of the land that we have is not used by homesteaders.

On Kauai, 93 percent; on Maui, 99 percent; on Hawaii, it is 82 percent; on Molokai, on the other hand, 9 percent of the island is not used. But on Molokai, we do not have water. We do not have sufficient water. That land can only raise pineapples and the pineapple plantations are moving out, because they have tried everything.

We have other options, but we do not have transportation in order to bring the product back to Honolulu. There is great responsibility

on the part of the people of Hawaii, on the part of the commission to find more creative funding patterns and ways to assist the Hawaiians. There is great need to amend the act, to permit the Hawaiians to get more leverage from it. The restrictions are unrealistic that a person can qualify, who is 50 percent Hawaiian and yet he has a child, who is one-quarter Hawaiian and that child cannot be a legal heir to that land.

So, we must transfer it to someone else. Obviously, we need to take a hard look at it. Our legislators and our Hawaiian people are sensitive. They say if we touch the act, then we are going to threaten it. I cannot believe that what was a magnanimous gesture would be taken away from the people, when you acknowledge that the act has failed to do what it purported to do in the beginning.

Today 95 percent of the lands we have given out is for farming and ranching purposes and unrealistic lots that a person cannot derive a livelihood from the size of that lot. Five percent is designated for home use. Yet, 1 percent of all the land that we have is designated for urban use. So, we have a need for housing, which is 90 percent of our demand and 1 percent or 2,000 acres is designated urban. Where do we put these people in homes as is demanded? You need to do a lot of soul searching and review the act and with the assistance of our Representatives in Congress, we do not intend to encroach upon the demands or the requests of ALOHA, but within this department, there are dire needs, sir. [Applause.]

Chairman MEEDS. Thank you. It sounds to me as if there is a very popular administrator on a very unpopular bureau. [Laughter.]

Would you do us the favor, Mrs. Beamer, of submitting to the committee your suggestions for amendments to the Hawaiian Homestead Act?

Mrs. BEAMER. We would be very pleased.

Chairman MEEDS. If you need any support, I will order you to do it. [Laughter.]

Mrs. BEAMER. Fine, I accept. [Applause.]

[Ed. note: Mrs. Beamer's suggestions for amendments had not arrived when the hearings were printed. Will be placed in Subcommittee file when received.]

Chairman MEEDS. Is that better? Thank you very much.

Our next witness is Mrs. Alma Cooper of the Congress of Hawaiian People. Welcome before the committee, Mrs. Cooper. Please proceed as you wish.

#### STATEMENT OF ALMA COOPER, CONGRESS OF HAWAIIAN PEOPLE

Mrs. COOPER. Honorable Chairman Lloyd Meeds, Representative Patsy Mink, and Representative Spark Matsunaga, Aloha.

This word, Aloha, conveys interesting and significant relationships to the events of past and present in this land of Hawaii. Prior to the arrival of the foreigner in 1778—and would you correct the error on your paper, please—it is 1778—aloha was a lifestyle of sharing of the produce, home, and hospitality with one another, their aliis and their gods. When the foreigner arrived, aloha, was extended to embrace the strangers. Hogs, vegetables, water, salt, and enter-

tainment were mounted unto his ships. In exchange the Hawaiians were given trinkets, a nail or two, a mirror, and diseases. Nearly 200 years later and on this day, ALOHA is the Aboriginal Lands of Hawaiian Ancestry, the organization responsible for the Hawaiian Native Claims Settlement Act and for this public hearing.

The Congress of the Hawaiian People of which I, Alma Kaima Cooper, am the State president, is an organization with three primary goals. They are:

1. To determine and protect the aboriginal rights of the Hawaiian native.

2. To perpetuate and protect our traditional and historical culture, places, and sites.

3. To develop the programs for the uplift of the Hawaiian native in education, housing, economics, and society.

The philosophy of the Congress of the Hawaiian people is embraced in our commitment to our goals; our openness to hold ourselves accountable for our decisions and actions; and our pledge that our efforts shall always dignify the lives of our ancestors, shall answer the needs of the present, and shall provide for greater opportunities for a more equitable and fulfilling life for our descendants.

It is from this position then, that as president of the Congress of the Hawaiian people that I wish to approach the Hawaiian Native Claims Settlement Act.

In the act, section 2(a) establishes the reason for the native claims. In some deep sense, all of us who speak at all of the hearings this week must meditate upon the days and months that led up to the final end of the Hawaiian nation. And we must remind ourselves that we, as a people, are finally being heard. Where our ancestors, Queen Liliuokalani and the native Hawaiians were deprived of their civil rights, were disenfranchised, and were forced to dissolve the Hawaiian nation because of the "lawless, fraudulent, and forceful acts of agents of the United States \* \* \*," they will finally be heard through each of us.

If we were to follow the expressed wishes and undisputed facts associated with the Queen and her people in 1893 and thereafter, we would need to ask for the return of the Hawaiian government and a Hawaiian nation at this public hearing. The only authentic restitution would be for the return of a nation lost to revolutionists aided and supported by the U.S. naval forces and representatives. However, this is not one of the options. But I do not believe we should lose sight of this fact in our discussion of the act for we must measure the options at our disposal against the irretrievable loss of our Hawaiian nation. And we must ask for each provision in this act, "Is the provision fair and just?" "Does the provision propose the format most likely to assure a successful venture for perpetuity?" "How does a provision relate to provisions in other laws and acts?" It is from this base of questions that I wish to address the provisions in the Native Hawaiian Claims Settlement Act.

Refer to "Declarations." section 2(c), lines 19-24, page 2 and lines 1-2, page 3—"including all claims of aboriginal rights, title, use, or occupancy of land or water areas in Hawaii—are hereby

extinguished." This provision is contrary to justice. First, a Hawaiian nation is irretrievably lost. Now, a Hawaiian birthright must be extinguished. The Congress of the Hawaiian People can not support a bill that includes this provision. We strongly recommend its deletion.

Refer to "Hawaiian Native Fund," section 5: We ask, "Is \$1 billion a fair and just compensation for the loss of a nation?" Perhaps the irretrievable loss of the Hawaiian nation can be more justly compensated by \$1.5 billion or \$2 billion or more. How does anyone decide the worth of a lost nation in terms of monetary compensation?

Refer to "Hawaiian Native Fund," section 5(2)(b) lines 4-7 on page 5: We do not know how trust funds of Indian tribes are administered. For this reason, we have our reservations about this provision.

Refer to "Hawaiian Native Corporation," section 6(e) lines 14 and 15 on page 6. " \* \* \* the board of directors deems promotive of their interests and welfare, whether or not directed to the making of monetary profits." We recommend the deletion of the words "whether or not directed to making of monetary profits." This can be an excuse for poor management.

Refer to "Hawaiian Native Corporation," section 6(f)(4) lines 4 to 7 on page 7. " \* \* \* and make other distributions of money and property to members out of capital and earnings." We recommend the deletion of the words, "out of capital."

Refer to "Hawaiian Native Corporation," section 6(6) lines 12-14 on page 7. " \* \* \* to provide professional and technical assistance—in which members have substantial interests;" This is a very broad prerogative and can have the effect of building up a high overhead. We recommend the deletion of section 6(6) lines 12-14.

Refer to "Hawaiian Native Corporation," section 6(7) lines 15-22 on page 7. " \* \* \* to finance and conduct programs—of groups and organizations in which members have substantial interests;" The terminology is too general and will cause the corporation problems later on. The three areas of greatest need for the Hawaiian people are in education, housing, and economic development. We recommend the revision of section 6(7) to address itself to the primary need areas of the Hawaiian people. This corporation can not be all things to all people.

Refer to "Hawaiian Native Corporation," section 6(8) lines 23-25 on page 7. " \* \* \* to engage generally in program—and education of members and their families;" We recommend the deletion of this provision. It is redundant. Again, this corporation can not be all things to all people.

Refer to "Hawaiian Native Corporation," section 6(14) lines 5-13 on page 9. We recommend that a maximum amount be set for this paragraph as stated leaves the option wide open so everybody and his brother can submit their expenses. And although these expenses will have to be approved, this provision can lead to too many hard feelings and can cause this venture to start off on a wrong footing. Furthermore, I can distinctly remember the attorney, Mr. Udall, pledge that he would not include his fees as a provision in the native claims bill to Congress. He claimed he would submit his

fees in a separate bill to Congress. We recommend that the lawyers follow their earlier pledge to the Hawaiian people and in addition, we recommend that maximum amounts be stated in this paragraph.

Refer to "Hawaiian Native Corporation," section 6(h) lines 20-21 on page 9. We recommend the deletion of 17 directors to read "5 or 7 directors." We feel that 17 persons on a board is too large a number. The cost to maintain a 17 member board would be too great.

Refer to "Hawaiian Native Corporation," section 6(1) and through paragraph (H) lines 22-25 on page 9, and lines 1-25 on page 10, and lines 1-13 on page 11. We recommend that these paragraphs be deleted. We further recommend that in the interest of all native Hawaiians for all generations that only the best qualified Hawaiian persons would serve as members of the board of directors. The proposed procedure as stated in the act is inherent in popular votes and popularity. This procedure can not assure the Hawaiian Native Corporation of having highly qualified Hawaiian persons on the board. We recommend that a group of five Federal judges or the State supreme court justices receive applications, interview candidates, and select the members of the board of directors. Every adult person in the Hawaiian Native Corporation can apply for the position of director.

Refer to "Surplus Lands," section 7: The Congress of the Hawaiian People recommends that this heading be retitled to read "Lands," for in addition to surplus lands, we strongly recommend all of the historical, cultural, and religious sites and places of our ancestors now held by the Federal Government in Hawaii be given back to the Hawaiian natives within twelve months of the date of this act. Let me repeat earlier statements I have made. The option to get back the Hawaiian Kingdom is the only real restitution in this case. However, since this is not an option, the Hawaiian natives should get back particular lands such as all the historical, cultural, and religious sites and places.

The Congress of the Hawaiian People further recommends that a paragraph titled, "Mineral Rights," be included in the act. This paragraph would read that all mineral rights, including geothermal, energy, water, and other minerals be assigned to the native Hawaiian people.

In fair reparation for an irretrievably lost Hawaiian nation, the Congress of the Hawaiian People, believes the additional provisions of land and mineral rights should be included in the act.

Refer to "Obligations Incurred by ALOHA," section 8(a), lines 17 to 24 on page 12 and lines 1 to 16 on page 13. We have some reservations about lines 17 to 24 on page 12. We feel a maximum amount should be set for like an earlier paragraph, although provisions for assessing all requests will be made, it is clear that bad feelings will arise.

Refer to "Supremacy and Separability," section 13. The Congress of the Hawaiian People recommends that this paragraph be further studied to tend to the questions and relationships that relate to the Hawaiian Homes Act. We further recommend that the Hawaiian public be carefully appraised of the consequences of this paragraph.

The Congress of the Hawaiian people reserves further comment on this paragraph other than stating that we lack adequate facts to support it.

In summary, on behalf of the officers and members of the Congress of the Hawaiian people, I want to emphasize that the following three general areas must be addressed:

1. Whereas the waiver of general claims by native Hawaiian groups for reparations for the U.S. role in the overthrow of the monarchy and in the establishment of the provisional government, the Republic of Hawaii, and the annexation of Hawaii, must be carefully assessed in terms of what constitutes "fair and just" restitution, we want to make it perfectly clear that we shall not surrender our specific claims constituted upon our rights as descendants of the aboriginal persons who resided in these islands, our ancestors. We shall always reserve our rights to claim mineral rights, including geothermal energy, water, and other such rights; fishing and konohiki rights, and all other specific aboriginal rights.

2. The Hawaiian Native Corporation, its proposed structure, its administration and management outlines, its services and programs, and the like, bears interesting similarities to many social services structures and programs that have not been successful. The Congress of the Hawaiian People strongly recommends that a review of these similar types of programs be appraised for the purpose of learning how fundamental causes for failure need not be repeated in a Native Hawaiian Claims Settlement Act.

3. A thorough study of the Native Hawaiian Claims Settlement Act and its affect upon the Hawaiian Homes Act must be made and clearly stated for public information. The Hawaiian people must be informed of the findings and the information must be disseminated in short-term educational programs for our intelligent and comprehensive understanding of the facts.

Chairman Meeds, Representative Mink, and Representative Matsunaga, Mahola a nui loa for this opportunity to present my testimony to you. In the final analysis, the Congress and President of the United States will be writing their definition for ALOHA. What will ALOHA be for the loss of our Hawaiian nation. Thank you. [Applause.]

Chairman MEEDS. Thank you, Mrs. Cooper. I think your testimony is very good. It is very helpful. You and your organization have obviously studied the legislation very carefully. We appreciate your suggestions with regard to improvements of it, but I am troubled with page 6 where you say that you shall not surrender specific claims upon rights as descendants of the aboriginal persons. Let's assume that we accept as valid, the concept of recompense for aboriginal rights. What then is the payment for, if it is not for the extinguishment of those rights?

Mrs. COOPER. The payment is for the fraudulent participation in the overthrow of the monarchy and the loss of a nation, a government, and a situation in which the native Hawaiian people lost their civil rights and liberties to vote for the government that would then be their choice. It is my opinion that this is what reparation should be for. It should not be—and if we waive the general rights that

relate directly to this case, as I have described it, then perhaps there is equity in that. But it should not, Chairman Meeds, cause me as a descendant of the aboriginal people to have to surrender or waive my specific rights and make claims for the specified kinds of aboriginal rights that are not a part of the cause for reparation. This would be the rights that I have listed.

Chairman MEEDS. I am sympathetic with what you are saying, but I think we would have a very difficult time passing through the U.S. Congress a bill that paid for the taking of something, when it appears that you haven't taken all of it. That is to say, if you retain something, it has not all been taken. I think we would have a very difficult time this way.

Mrs. COOPER. Perhaps what should be addressed is what would be totally included as—in a restitution to the Hawaiian people. For example, perhaps, in the act that you define, in that the Hawaiian people would have all rights to their mineral rights, all the fishing rights and all their konahiki rights and list all of these rights that would include all of our claims for aboriginal rights. When they are carefully defined and with the agreement of all, then perhaps extinguishment thereafter can take place.

Chairman MEEDS. When you set out the exceptions, I can accept that because then at least there would be open dealing. If you don't do that, then you are doing in effect what the U.S. Government did to you originally, which was not good. I think we all agree with that.

Mrs. COOPER. True.

Representative MINK. Yes. I have a point of clarification, Alma. As I understand your position, your argument is that the justification for this bill is the wrongful taking by the United States of such lands and claims and rights that the Federal Government took upon the annexation of these lands to the United States. But what you are arguing is that in the process of making restitution and reparations for his wrongful taking, do not extinguish the other basic rights that have been enjoyed by the native Hawaiians, whether or not they have been totally perfected or not. These should be retained. All the bill seeks to do is to repair the losses that have been suffered, but in no way should there be a diminution of the native Hawaiian claims in all of these other areas, and I don't believe that the bill does this.

Mrs. COOPER. We interpret it as doing just that. That it does.

Representative MINK. Could you point to the language in the bill, because if it does that, then I think it has committed a very grievous mistake and I would be in total agreement with your point of view.

Mrs. COOPER. Well it begins with line 14. If I may, I will read it.

All claims against the United States, the State of Hawaii, and all other persons that are based on acts of agents and agencies or instrumentalities of the United States, which contributed to the overthrow of the government of the Kingdom of Hawaii and enabled the United States to establish dominion and domain over the people, and lands of Hawaii, including all claims of aboriginal rights. Title, use or occupancy of lands or water areas in Hawaii or that are based on any statute or treaty of the United States relating to annexation of Hawaii by the United States or based on the laws of any other Nation including any such claims that are pending before any Federal or State tribunal are hereby extinguished.

Representative MINK. Yes. Wouldn't you agree that the key words in that paragraph are contained in line 15 which says,

“. . . that are based on acts of agents, agencies and instrumentalities of the United States, which contributed to the overthrow . . .” and that these are the only claims that are being specifically waived under that paragraph and extinguished?

Mrs. COOPER. That is right. However, is it also true that total facts about what all claims of aboriginal rights, title, use of occupancy of land, etc.—that relates to the acts of agents and agencies or instrumentalities of the United States are known or is it still unknown? The question is, do we know what all these rights are that are directly related to the overthrow of the Government of the Kingdom of Hawaii? If we do not know what they are, then we must not relinquish them at this time.

Representative MINK. But you do not argue the point that if at some point in the future, it can be raced to this illegal act on the part of the United States, that those rights and claims should be included? I am trying to understand how we can phrase this, because this is a very critical section in the bill. I don't think, quite honestly, that the Congress will consider a Native Claims bill unless there is some quid pro quo. The exchange concept. You have been injured, you have suffered, this is what you have suffered and therefore you should be paid. There must be some specificity with regard to that, and this paragraph is very critical. I had read it to mean only those acts related specifically to the acquisition by the Federal Government of things that didn't belong to it and which should be returned now through this bill.

And, to that extent, I think there must be some sort of termination of claims. With respect to all the others, konahiki claims, geothermal claims that may exist, claims with respect to Hawaii National Parks and some other things, it is not related to this matter. So it seems to me that it should be properly left out and perhaps a paragraph should be written to make this specific. But I think what we have to come to agreement on is a paragraph like this to describe what I think you and I understand it should mean. What I would like to suggest to the Chair is that the Congress of the Hawaiian People, perhaps, redraft this in line with your testimony and the response to your questions, so that we can have a better understanding of what you are specifically requesting of this committee as a limitation of the waiver, yet which is a necessary part of the total legislation.

We need some kind of a waiver.

Mrs. COOPER. Yes.

Chairman MEEDS. If I might state that my recollection is that this is almost the identical language of the Alaskan Native Land Claims—

Mrs. COOPER. Yes, it is.

Chairman MEEDS. The extinguishment of the aboriginal rights.

Mrs. COOPER. Yes.

Chairman MEEDS. I think we would have a very difficult time passing this bill, if we didn't extinguish those rights.



Representative **MINK**. Well, Mr. Chairman, I think that the issues are quite different between the Alaskan Natives extinguishment of a quit claim ownership question, which remained as a result of the arrangement between Russia and the United States. That was quite different. You had to extinguish a quit claim in order to perfect ownership in other properties, which had clouded title. In our case, the Hawaiian natives, who were the original owners of the property, have since that very beginning until the present time, never had any cloud on these titles that Mrs. Cooper is addressing herself to. There is no question that they have fishing rights and konahiki rights and water rights and mineral rights in certain areas of the State. To ask the native Hawaiians under this legislation to surrender these rights over which there is no question that they have ownership, is an unfair demand. Therefore, I agree with Mrs. Cooper, that we cannot relate the language in the Alaskan bill to the unique situation here in Hawaii, which is quite different. But I think we do have to have waiver language with respect to what the U.S. Federal Government took away.

To that extent there is disagreement on what was denied the native Hawaiians at that moment. There must be a total waiver of certain claims between the two parties to legitimize this bill. With respect to all other claims, I don't believe it would be appropriate for the government to make a demand at this juncture, when there is no disagreement that the water rights and the fishing rights are perfectly within the aboriginal claim.

Chairman **MEEDS**. If the gentlewoman will yield, if there has been no taking, as you apparently say, then there is no claim for taking.

Representative **MINK**. That is what we want to clarify. I think we are in agreement on that. But I don't think that this language here quite, as she has pointed out, makes it clear. I want to make sure that this issue on the water rights and the fishing rights are in no way sacrificed by the terms of this legislation.

Chairman **MEEDS**. The gentleman from Hawaii, Mr. Matsunaga.

Representative **MATSUNAGA**. Thank you, Mr. Chairman. I wish to commend you, Mrs. Cooper, for your excellent testimony. However, it would seem to indicate to me, at least, that your interpretation of certain provisions of the bill may have been arrived at through a misconception of what we are trying to do by this bill.

I would strongly urge that you get together with the ALOHA people, particularly with counsel of ALOHA, to have your views incorporated into the language of the bill. As you well know, it will take, perhaps, 3 to 5 years. As clear as the Alaskan Claims Act was from the very beginning—that is, the issues were much clearer there, such as reservations made to the Natives in the original organic act—it still took 5 years for the enactment of that act, and only after all claimants of Alaska got together and agreed upon a bill. Unless we have some agreement on an instrumentality, we are going to have extreme difficulty because of the comparative fuzziness of our claim. I would be happy to sit in with you or any of the other Representatives and try to explain in further detail what we are attempting to do.

It will take too much time, I suppose, to go section by section, as you pointed out in your testimony, but we are dealing and will be dealing with a Congress of the United States, members of which are well versed with the Western form of property ownership. And, just as the Hawaiians had extreme difficulty because of the concept of the land being "the hearth of the gods," we are going to have extreme difficulty in convincing Members of Congress that we are not going to extinguish rights, which we claim as aboriginal natives of Hawaii—when I say "we," I refer to the people of Hawaii—without surrendering something in order to get something.

Mrs. COOPER. May I comment?

Representative MATSUNAGA. Yes.

Mrs. COOPER. Representative Matsunaga, I would hate to have you feel that there was a misconception on our part in the interpretation of that bill, first of all. Second, the real issue is not how long it takes to receive the restitution. It is what will be returned as a result of the causes of the problem. And, how will this return be structured so that it indeed serves the needs of the Hawaiian people for many generations to come? Certainly we understand that within Congress, there are people, who look at the property areas very differently, but I do believe we have a very good case, a very good cause, and I do think that they, too, must understand what are some of the other kinds of things that we Hawaiians are concerned about.

We really appreciate what work has gone into this. We appreciate the work of ALOHA. However, when that act does become a reality, it must be for the extinguishment of those rights and complaints that deal with the overthrow of the monarchy. We must never again ever bring it up. So, let's do a good job while we have the opportunity to do it. That is what we are interested in as members of the Congress of the Hawaiian People. We would be very pleased to work with yourself and Representative Mink and Representative Meeds and with the ALOHA people to see that this is done.

So, this is our prime interest.

Representative MATSUNAGA. I must commend you for the suggestion you made relative to the selection of the members of the Commission. You express some fear that perhaps mismanagement may lead to frustration of the purposes for which the bill is intended. Of course, like any organization, its effectiveness will depend upon the selection of the members, who also will carry on the operations as intended by any act. I would think that your suggestion would be a good one in getting the proper people to carry out the intent of the act.

Chairman MEEDS. As I interpret your testimony, however, you are asking for the appointment of members of the Commission rather than the election of members of the Commission?

Mrs. COOPER. Yes.

Chairman MEEDS. Don't you trust the Hawaiian people to elect honest, proper officials? [Applause.]

Mrs. COOPER. I think this is an issue that we must come face to face with. Again, our interest is that for once we will wipe out all of the stereotypes about being poor business people, that we are

going to fail, that we can't do this and we can't do that. So I think we have got to build into our structure that form that can assure us that this will happen. I do think that we can look at the kinds of results that can come forth from popular votes and we can find that perhaps it is less effective than the appointment of seven qualified, highly qualified Hawaiians, who are clients to the corporation.

I think this is our position. Our interest is how best can we get this corporation to run? And it may not—

Chairman MEEDS. I understand. I am not criticizing. I just am saying that this same argument can be made about the form of government of democracy. It certainly isn't the most efficient, but democracy includes in its boundaries the right to make mistakes also.

Mrs. COOPER. That's very true, but let's hope that we don't make big mistakes.

Chairman MEEDS. Thank you very much. [Applause.]

Our next witness is Mr. John Holt. Is Mr. Holt here? Welcome before the committee, Mr. Holt.

Mr. HOLT. Thank you.

Chairman MEEDS. Mr. Holt, you do have extensive testimony.

Mr. HOLT. No, I have extensive documents that I have attached to it.

Chairman MEEDS. You really scared me. Please proceed. Either summarize or enter it into the record as you see fit.

#### STATEMENT OF JOHN HOLT

Mr. HOLT. Mr. Chairman, ladies and gentlemen, and my fellow Hawaiians, Aloha ahiahi:

The Queen was not in the kitchen eating bread and honey on the morning of January 14, 1893. Queen Liliuokalani awoke that day to face the series of unforeseen events which might have permanently damaged the spirit of a lesser person than that remarkable woman, a product of the ancient stock of high chiefs who had ruled Hawaii for over 1,000 years.

From childhood on she had seen the steady, ruthlessly persistent destruction of her people and their culture. Nearing the age of 55 when she ascended the throne of Hawaii, she had been widely exposed to the ways of foreigners, she was knowledgeable in ways of government, and was filled with the determination to revive native leadership and participation in government.

The Queen awoke intending to perform a daring act, but one which can be seen as befitting a strong character and the determined sense of her Hawaiianess. On January 14 she had hoped to promote a new Constitution displacing the one forced upon her brother, David Kalakaua in 1887 by angry haole merchants. It was a document which came to be referred to as the Bayonet Constitution. King Kalakaua had been threatened with the use of force should he not agree to put his signature on this document, prepared by haole white merchants and their American supporters. In it the powers of the native government were reduced to the level of puppetry.

It was a hated document—hated particularly by the Hawaiians who saw in this political instrument signs of degradation and a distrust in Hawaiians having the ability to rule themselves. To put down the Hawaiians, to be critical of our culture, to express irresponsible views of our inability to manage our own affairs had been a favorite sport of whites who came here to settle after Captain Cook. Filled with pervasive haole zeal to change the ancient mores, the arts, the religion of nonwhite peoples the world over, some of the early 19th century arrivees came greedily also to rip-off sandalwood forests, and the abundant products of both land and sea. Regretably I must say that the majority of them were Americans, and the native government stood in the way of their acquisition of riches.

The subject of the Bayonet Constitution and the political events superseding it, are exhaustively discussed in Ralph Kuykendall's three volume, "History of the Hawaiian Kingdom." I have added a bibliography to this testimony to inform readers regarding the American influence in Hawaii which led ultimately to the overthrow of Hawaiian independence and nationhood.

Broken in body and spirit, in 1887 King Kalakaua could not strike back and resist acceptances of the hated Bayonet Constitution. It remained for his sister, a courageous woman of strong moral fibre to do the job. The Bayonet Constitution was not only constructed to destroy the legitimate Hawaiian monarchy, but it was a source of utter humiliation. After all Hawaii was a kingdom and its nationhood was Hawaiian. For centuries Hawaiians had managed their own affairs and managed them with great skill, with extraordinary wisdom. This fact is well documented. Foreigners had been welcomed and had prospered. Their vote and citizenship were not being questioned. In her new proposed Constitution the Queen herself makes this point in her autobiography, "Hawaii's Story by Hawaii's Queen."

Queen Liliuokalani had sought support from Hawaiian organizations, especially one called Hui Kalai'aina to promulgate the new constitution. They had collected 6,000 signatures from native Hawaiians from all the islands. On the strength of this the Queen felt secure that a substantial number of her people supported her plan to restore sovereign powers.

January 14, 1893. At nine the Queen met with her cabinet. She spoke of her intention to promulgate the new Constitution immediately following her return to the palace from Aliiolani Hale, after prorogation of the legislature which was to take place at 12 noon. It was a new cabinet made up of less than capable men. The making and changing of cabinets had been a chief activity of the long legislative session of 1892. It's been a pain in the neck.

When informed of her intention to proclaim the new Constitution, her majesty's ministers fell into a state of panic at the possible loss of the Bayonet Constitution. They scattered to consult with leading haole businessmen, leaving one to stand guard in the blue room of the palace to prevent the Queen—forcibly if necessary—from reading the new Constitution from the balcony of her palace to her

people,—this she had threatened to do—many of whom had gathered since early morning in the palace grounds.

Most of the business community organized quickly to prevent the Queen from acting. They immediately sought advice from the American minister, the U.S. Commissioner John Levitt Stevens who had promised annexation of Hawaii to America. In fact, Mr. Stevens had long been devoted to the ideals of manifest destiny and white supremacy expressing these aims persistently in the Maine newspaper that he helped edit. Mr. Stevens suggested to the Queen's enemies that they establish a de facto government by seizing government offices, the archives and if possible the police station. This coming from the American minister.

A committee of safety comprising 13 members was formed ostensibly to act as a liaison body between the American ministers and Captain Wiltse, commander of the U.S.S. *Boston*, one of a succession of American warships lurking in Hawaiian waters since Mr. Stevens' assumption of office as U.S. Commissioner to Hawaii. (You may refer to R. Kuykendall, Vol. III, p. 568.)

Who were these men of the committee of 13 and who were their cohorts? William R. Castle, Lorrin A. Thurston, W. O. Smith, and Andrew Brown, were keiki o ka aina—born of the land—Henry Waterhouse was a Tasmanian. Four were descendants of missionaries who came to Hawaii earlier in the century. Andrew Brown was the son of an English couple who settled on the island of Kauai in the 1850's. The others—Henry F. Cooper was a recently arrived lawyer from San Francisco. He had been in Hawaii 1 year when he thought the overthrow of the Queen was desirable. W. C. Wilder was the husband of Helen Kinau Judd, daughter of the missionary couple Gerritt Parmalee and Laura Fish Judd. Mr. Wilder engaged in shipping and other business enterprise widely as a result of settling in Hawaii. John Emmeluth had acquired large land holdings in the Wahiawa area of Oahu. His investments in the sugar industry were extensive and for these you may refer to the Blount Report, which is two volumes and it stands that high [indicating] and it weighs so damn much I couldn't carry it down here. [Laughter.]

Mr. Ed Suhr and C. Bolte were members of the German community connected primarily with sugar production on the island of Kauai. F. W. McChesney owned a drygoods shop in Honolulu. J. A. McCandless was one of three brothers brought to Hawaii by James Campbell to bore wells on various of his vast land holdings especially Ewa. All had profited greatly and enjoyed in various respects the rewards of living in such a pleasure bent place as the islands of Hawaii. Mr. Theodore Lansing was a nonentity used perhaps by the queen's enemies to fill in a slot not unwillingly occupied by more responsible members of the white community. None of those men were native Hawaiians. None. Not a single native Hawaiian asked for the help of U.S. Commissioner John L. Stevens or his troops to be landed from the U.S.S. *Boston*.

And who made up the white or haole community then so eager now to seize political control of the islands? Many were descendants

of missionaries, some were early settlers, some were newcomers, a few were drifters. For the most part they had all prospered and lived in great comfort as a result of being citizens of Hawaii.

At no time had Hawaiians threatened them with expulsion or attempted to ravage their increasing grip on the local economy. They were indeed the Lord's anointed; they had reaped a full harvest and there was no indication that it would be taken from them by Queen Liliuokalani's promulgation of a new constitution. (See Pratt, p. 81, 16.)

I cannot go further into details of the activities leading to the landing of American troops on Monday, January 16. It would take all morning so I have collected statements of significance which are attached to my testimony. I will read the concluding statement of Julius Pratt in his "Expansionists of 1898." I quote:

On Monday both before and after the mass meeting and before the United States troops were landed, J. O. Carter saw women and children going about the streets as usual. "It was," he said, "the most peaceful, law abiding community you would see anywhere." The Queen's government was not dead, as Stevens asserted. It was capable of coping with ordinary situations \* \* \* and it knew not which way to turn when confronted by a band of revolutionists who were seen to be enjoying confidential relations with the United States Minister.

And thus, the loss of our government, our independence and 2½ million or so acres of the crown lands.

The process of denial of human dignity which started with Captain Cook and culminated in the overthrow is one of tragic annihilations of the creative spirit of a people. It is continuing today in the homestead lands fiasco, the continuing of the rip-off of lands such as Moanalua where they want to bulldoze part of our sacred heritage in the name of Interstate Highway H-3. It continues on the windward side where they are bent on destroying Hawaiian communities such as Waiahole, Waikane, Kahaluu, Waimanalo, Haiku, Punaluu, Kahuku, as well as on the leeward side in Waianae. We are left with these pockets organized strongly against mass highways, airports, irresponsibly planned highrise developments for monied occupants. In part this is why we come before you today, not to beg, but to demand reparation. [Applause.]

The right to be Hawaiians today, as we were nearly 200 years ago, enables us to offer the world something of our goodness, something of our lasting grace.

The bicentennial looms in the year ahead. How do I, as a Hawaiian, give it my thoughts and feelings. Firstly, in spite of the great documents resulting from Americans fighting to be released from the yoke of British domination, I must remember that alongside the brilliant words of Jefferson, Franklin, Rush, and Adams, there is the irrefutable truth of the massive slaughter of Indians in the grab for their lands. Treaties? Agreements? To what avail? The native red-skinned American was pushed to the hot plains of the west and there again he had to fight to maintain his right to live on his own lands. Shame. Forever a shame upon this Nation. It makes mockery of the Bill of Rights, the Constitution. And what about our black brothers and sisters? Brought to America under

gruesomely inhuman conditions to work as slaves, and still denied their full rights.

As a Hawaiian I feel as one with our Indian and black fellow citizens. Their agony was steeped in blood and violence—ours was a loss of heart and spirit and land.

Give us back what is rightfully ours. I am proud to be a member of a minority and I ask of the United States to compensate us all for losses. Recognition on the part of the United States Government of its responsibilities in this respect might save it from further degradation in the eyes of the world. It might even save it from destroying itself.

I thank you one and all. [Applause.]

Chairman MEEDS. We are making part of the file the other matter accompanying your statement.

We are going to break for lunch now and we will resume the hearings at 1:30.

#### AFTERNOON SESSION

Chairman MEEDS. The committee will be in session for the further taking of testimony on bill H.R. 1944. Our first witness this afternoon is Mr. Russell Apple, who will give us a slide presentation.

Mr. Apple, please proceed.

Mr. APPLE. Thank you.

Chairman MEEDS. Could we have the doors closed out there in the back so that we could cut down the noise.

#### STATEMENT OF RUSSELL APPLE, PACIFIC HISTORIAN OF THE NATIONAL PARK SERVICE

Mr. APPLE. My name is Russell Apple. I am testifying as the Pacific Historian of the National Park Service of the U.S. Department of the Interior.

The Hawaiian Islands as Captain James Cook discovered them in 1778. Let's look at how the Hawaiian people organized and used their land.

For control and management, Hawaiians divided their islands into divisions. For instance, the Island of Oahu was divided, starting from the top and going clockwise, into these divisions: 1. Koolauloa, 2. Koolaupoko, 3. Kona, 4. Ewa, 5. Waianae, and 6. Waialua. Since then, Kona No. 3 has acquired the names of Waikiki and Honolulu, and Wahiawa has been created out of portions of Ewa No. 4, Waianae No. 5, and Waialua No. 6.

In turn, large land divisions were subdivided into that unique Hawaiian land unit known as the ahupua'a. Ahupua'a were of different sizes. An ahupua'a is not a measure of land, such as an acre is. A small ahupua'a contained perhaps 100 acres, but a large one might contain 100,000 acres. Here are some of the ahupua'a of Koolauloa, of O'ahu. Kahuku is the big one, and Opana the smallest.

This is a schematic concept of an ideal ahupua'a. It extended out in the water—and the offshore waters were part of the ahupua'a as a land management unit. The chiefs, priests, and people who lived in an ahupua'a had certain rights in the products of the land and water. Each individual was entitled to a share of what he

produced. The first and choicest products went up the line to the chiefs, for their support. Hawaiian chiefs were the closest living relatives to the gods, and their right to absolute ownership was never challenged or denied them.

When ruling chief Kamehameha the Great conquered the Hawaiian islands, a job not completed until 1810, he used this ancient land system. For his own personal use he kept the best lands, and assigned the use of the rest among his warrior-chiefs. The warrior-chiefs, in turn, divided their lands and awarded their staff members with landlordships.

Temporary landlordship—a spoils system wherein the conquering chiefs and their friends benefited—did not affect commoners, except they sometimes experienced a change in landlords. Commoners usually stayed within their home ahupua'a. Over generations, families associated as perpetual tenants with small parts of ahupua'a—lands where they lived and grew taro and breadfruit. They were legally tenants—but so essential to the welfare of their landlord that commoners were usually left alone on their land.

All the Hawaiians, from the high chiefs down to the tenant commoners, owed and paid taxes and gave gifts to Kamehameha the Great. This tax was not only in kind—the products of the land and sea—but services as well.

Kamehameha the Great owned all of Hawaii's land—the whole pie—in absolute fee. Any person who had dared disagree was dead. The crown signifies crown land.

Liholiho, Kamehameha II, inherited his father's absolute powers, and with it all of Hawaii's land. When Kamehameha II died in London in 1824, his brother, a 9-year-old son of Kamehameha the Great became king. Kamehameha III was a boy when he became king and inherited all of Hawaii's land.

By the time Kamehameha III became a man and able to run his own kingdom, he had been acculturated—brainwashed partially if you will—by the Americans and Englishmen in leadership position in his kingdom. Foreigners from America and Europe living in Hawaii believed in possessing lands in fee simple—and Americans not only resented a king owning the lands where they lived and worshipped and did business on, but resented the concept of monarchy.

Foreigners in these lands, sometimes supported by warships in Honolulu Harbor, forced the King and his council of chiefs to change, along with others, Hawaii's land policies. This led to the 1839 "Bill of Rights," which among other things protected private property and stopped landlords from throwing tenants off land without good cause. About 1840, Hawaii went from an absolute monarchy to a constitutional monarchy, and with the guidance of its American writers, Hawaii's first constitution declared that Kamehameha the Great really didn't own the land after all. It was not his private property, the constitution said:

\* \* \* it belonged to the chiefs and people in common. During his reign, the theory went. Kamehameha the Great had been just the trustee and the manager of the people's land.



So was Kamehameha III just the trustee and manager of the people's land. The way was set, the philosophy expounded, for the Great Mahele.

The concept of the Great Mahele was sold as a great, noble idea. This pie chart shows how it was supposed to work. The King picked his own land—the best. This was to be the crown land. It was to support the throne.

Of the rest \* \* \* one-third was to go to the government. One-third was to go to the chiefs and the commoners, the hu, the makaainana, were to get the last third. The idea was said a nice neat, tidy, fair distribution of land. But here's what actually happened.

In the Great Mahele, the King, Kamehameha III, took 1 million acres of the best land, as his personal property, as crown land. "We'll talk more about this crown land later.

In the Great Mahele, the Kingdom of Hawaii, that is the government, got 1½ million acres. This consisted of 769 individual parcels on the islands of Hawaii, Maui, Molokai, Kahoolawe, Oahu, Kauai, and Niihau. Many Hawaiians lived on these lands. This is called the Government land. The crossed kapu sticks signify Government Land.

In the Great Mahele, 240 of the highest ranking chiefs got 1½ million acres, spread as separate parcels over all islands. Most of the estate and private lands of today come from this source.

In the Great Mahele, 30,000 acres—some of it was good agricultural land—went to commoners.

That's right, 30,000 acres—less than 1 percent of Hawaii's total land.

Back to the crown land. His million acres were selected by Kamehameha III. This crown land consisted of 138 individual parcels of various sizes on the islands of Hawaii, Maui, Molokai, Oahu, and Kauai. Many Hawaiians lived on these lands. On March 8, in the Great Mahele Book, his majesty retained for himself, his heirs, and successors forever, quote "my lands \* \* \* these lands are set apart for me and for my heirs and successors, forever, as my own private property exclusively," unquote. It has been held by the courts of Hawaii that he held perfect title. [*Harris v. Carter*, 6 Hawaii 195-1877.]

As if that isn't definite enough, on June 7, 1848, Hawaii's Legislature confirmed the crown land as private property \* \* \* "To be the private lands of his majesty Kamehameha III \* \* \* to have and to hold to himself, his heirs, and successors forever; and said lands shall be regulated and disposed of according to his royal will and pleasure subjects only to the right of tenants."

The rights of the King's tenants were same as the rights of Hawaiian tenants on the chief's lands, or on the government lands. They could own the small plots on which they lived and grew taro. If—if they could get the money to survey the boundaries; get the money to hire a lawyer type to handle the paperwork, and so on.

But if the commoner died without heirs, the land went back to the original owner. As said before, only 30,000 acres even went to commoners under the Great Mahele program.

Kamehameha IV did what he wanted with the crown lands. He sold a bit there, rented a bit here, and mortgaged a bit over there.

And so did Kamehameha V. That is, up to January 3, 1865, when a haole-dominated government renigged on the crown lands. The Government said that the King did not own the crown lands, but only held them in trust. No more selling, no more leasing, no more mortgaging, without legislative approval.

Perhaps one reason Kamehameha V may have been willing to give a little on his rights to the crown land, was a trade, with the legislature. Kamehameha V got the Constitution he wanted in 1864. The 1864 Constitution made the King the boss of the Government. Kamehameha V ran Hawaii the way he wanted to—and so did King Lunalilo—and so did, for a time, King Kalakaua. But Kalakaua ran into opposition right here in Honolulu—opposition from businessmen and sugar planters with strong economic ties to America. King Kalakaua was forced to sign, some say with a bayonet at his throat, a new constitution, which made the monarch just a ceremonial head of state.

From then after, King Kalakaua was good only for the parades and ceremonies at the Iolani Palace he built, but not good enough to run Hawaii, according to the downtown Honolulu business interests.

It was when Queen Liliuokalani tried to throw out the bayonet constitution forced on her brother Kalakaua, that she was overthrown. Her majesty tried to restore the Constitution of 1864. Her overthrow was accomplished under the guns of U.S. warships, with the help of the U.S. Minister, and in the presence of the U.S. Marines.

The revolutionary government—politely termed in most history books as the provisional government—took from the Queen her crown lands and added them to the Government lands. The combined lands were then called variously the Government lands, and/or the Government land and former crown lands.

The revolutionary government turned itself into the so-called Republic of Hawaii. When adverse party politics in Washington, D.C., changed to favorable, and in the light of the Spanish-American War, Hawaii was annexed. But part of the deal was that Hawaii gave to the United States—I repeat gave to the United States the government land and crown land in fee simple, to become the absolute property of the United States of America.

This is the end of my official testimony. I will now speak as a private citizen.

My name is Russell A. Apple. I am a professional historian who has worked in the field of Hawaiian history since 1953. This testimony is as a private citizen. Clearance from my employer, the U.S. Department of the Interior, for this testimony has been obtained as per part 478 [nonofficial expression] of the Department of the Interior Department Manual.

I hold a master's degree in Hawaiian history from the University of Hawaii. My master's thesis covered Hawaiian land matters. I have completed all requirements for a Ph. D. in Pacific anthropology at that institution except for completing the dissertation.

With my wife, I have coauthored a column on Hawaiian history that has appeared weekly since 1969 in the Honolulu Star-Bulletin.

I list a series of related 19th century situations and events which are concerned with Hawaiian land matters and which appear to lead to a historical conclusion.

1. The Kingdom of Hawaii was the legitimate owner of the Government land granted it in the series of land transactions known as the Great Mahele; and Her Majesty Queen Liliuokalani was the legitimate owner of the crown land retained in the Great Mahele by Kamehameha III. The continuity of the Government since 1810 and the orderly succession of the monarchs are not in question, nor is the legality of the Great Mahele.

2. After the overthrow of Queen Liliuokalani on January 6, 1893, the revolutionaries formed what they termed the Provisional Government. The Provisional Government took possession of the Government land of the Kingdom of Hawaii, and took possession of the crown land from the Queen. Queen Liliuokalani protested the overthrow of the crown, and questioned the legitimacy of the Provisional Government, and of its acts.

3. In its bid for annexation by the United States in 1893, the revolutionaries offered to give the Government and crown lands of Hawaii to the United States.

4. In the light of conflicting reports concerning the involvement of U.S. officials and troops in the revolution, and other matters, the President of the United States, Grover Cleveland, withdrew the pending annexation treaty from the U.S. Senate, and sent James H. Blount of Georgia to Hawaii to investigate the reports.

5. Blount saw that the U.S. troops, still on duty in Honolulu when he arrived on March 29, 1893, returned to their ships in Honolulu harbor. He saw that U.S. flags were lowered from official flagpoles ashore. His report to President Cleveland said that U.S. Minister Stevens and troops from the U.S.S. *Boston* had assisted in the overthrow of the monarchy. Blount recommended that the monarchy be restored.

6. The Provisional Government of Hawaii became the Republic of Hawaii in 1894 and took possession of the Government and crown land of Hawaii.

7. In the "Joint Resolution to Provide for Annexing the Hawaiian Islands to the United States," approved July 7, 1898, the Republic of Hawaii ceded and transferred to the United States "the absolute fee and ownership of all public, Government, or crown lands \* \* \* belonging to the Government of the Hawaiian Islands, together with every right and appurtenance thereto appertaining."

It is my opinion that the government of the Republic of Hawaii was not the legitimate owner of the Government or crown lands of Hawaii, and that the United States of America knowingly accepted illegally acquired lands.

Chairman MEEDS. Thank you very much, Mr. Apple, for your fine, expert testimony. Our next witness is Marian Kelley. Mrs. Kelley, we are delighted you could be with us today. Do you have a prepared statement?

Mrs. KELLEY. Yes.

Chairman MEEDS. May it be summarized?

## STATEMENT OF MARIAN KELLEY

Ms. KELLEY. I have a prepared statement. May I read it?

Chairman MEEDS, Representative Mink and Representative Matsunaga, and fellow Hawaiian citizens.

I must first state that I am not here as being in any official capacity with the Bishop Museum. I am here as a private citizen and I give my testimony as a private citizen. This leaves me to say a lot more than I could say otherwise.

I ask the members of, I guess, the board of ALOHA if I should just submit my testimony and they asked please would I read it. So, I will leave some sections out that I feel are not too important, but I would like to, with your agreement—

Chairman MEEDS. If you will just hold it for one moment, Ms. Kelley. I would propose that we attempt to finish the hearings at 4:30 and at that point, to take brief testimony from people who are not scheduled, but who wanted to testify. So, that leaves us 2½ hours to be divided among—let's do it—among 26 people.

[Off the record.]

Chairman MEEDS. That is approximately 5 minutes per witness. Let's not put ourselves in an ironclad rule here, but let me entreat all of the witnesses to try to finish their testimony in 5 minutes. That is the only way we can be fair about this. Otherwise some people will take a lot of time and others will get very little when we get down toward the end. So, do you think you could abide by that?

Ms. KELLEY. I will try, but I don't think I will.

Chairman MEEDS. Well at least you are honest.

Ms. KELLEY. You know, this is nearly 200 years of history and we are to cover it in 5 minutes? And this is only a little bit that I am going to cover. I would suggest that maybe the hearings could be continued until this evening.

Chairman MEEDS. That would be all right except that we have to leave on an airplane at 8 o'clock to get over to have hearings on Kauai tomorrow.

Ms. KELLEY. Tomorrow morning?

Chairman MEEDS. Right.

Ms. KELLEY. Well, I suggest that you take that 6 o'clock flight very early. [Applause.]

Chairman MEEDS. Is that 6 o'clock tomorrow morning?

Ms. KELLEY. I have a friend who will fly you earlier than that if you want. And it's a small plane [laughter].

Chairman MEEDS. No reprimands. All right. You take as long as you need [laughter]. Up to 5 minutes. Go ahead.

Ms. KELLEY. I will address my remarks this morning—I was to go on at 11:10.

Chairman MEEDS. You see how far behind we are getting.

Ms. KELLEY. I will address my remarks to a few historical facts that document what I believe are the efforts of the U.S. Government and its agents to influence the actions of the Hawaiian government, its kings, chiefs, and common citizens and sometimes to change them.

It is common knowledge, of course, that the primary interest of the explorers from Europe, England, and the United States in the Pacific was to expand their countries' commercial interests. Traders and merchants were anxious to get valuable goods by paying less than their value and then selling these goods at high prices, thereby making themselves rich on the profits.

In the earliest period, the 17th century, the Spanish took what they wanted from the Philippine Islands and devastated the Chamorro people of the Marianas Islands. When Spain faded from the Pacific in the latter half of the 18th century, fur traders came from Russia, France, England, and the United States to get sea otter skins from the American Indians of the Pacific Northwest coast and sell them in Canton, China, for a very handsome profit.

The Hawaiian Islands served as a convenient place to get fresh water, food, and firewood for their ships on the voyage between the northwest coast and China. When the traders discovered the sweet-smelling sandalwood growing in the islands, they did everything they could to get their hands on it. They knew it would bring a good price in China. Their objective was to get the chiefs to order their people into the mountains to cut the trees and to carry the wood to the ships at the shore.

As early as 1823, a member of a French expedition described the tactics of the traders and merchants in the Islands. He wrote:

I cannot say that they (traders and merchants) carry on any regular trade here, but rather contraband: they can obtain whatever they want at so cheap a rate. In the morning they take half a dozen bottles of wine to the Governor and the good soul is soon stretched at their feet; they make presents of a few hatchets and muskets to the principle chiefs; all the rest of the population are then quite at the disposal of these gentlemen (Arago, 1823:125).

The foreign traders and commercial agents paraded expensive ships, carriages, silks, satins, and jewels in front of the Hawaiian chiefs. They created a market for their goods where there was none previously. Prices were high and thousands of tons of sandalwood were demanded in return.

Some of the ships given to the chiefs in exchange for sandalwood were rotted and useless at the time they were turned over to them, and their prices were highly inflated. The useless and leaky *Thaddeus*—the American ship that brought the first missionaries to the Hawaiian Islands—was sold to Hawaiian chiefs for \$32,000 worth of sandalwood (Sullivan 1926:15-17).

Because Hawaiians did not have a totalitarian society, the chiefs could not simply order people to do whatever they wanted, when they wanted. As a result many of the promises to deliver sandalwood demanded by the traders could not be fulfilled. Interest rates on unpaid notes were usurious. By 1822, one of the traders estimated the total debt to be something in the neighborhood of \$160,000, and by 1823 traders were claiming the Hawaiians owed them around \$200,000 (Kuykendall 1968:91).

The American traders aggressively pursued their interests. They called on their Government for help to force the Hawaiian chiefs to pay their claims; gunboat diplomacy is what we call it today.

The historian, Ralph Kuykendall, wrote about the first incident:

The traders brought their difficulties to the attention of the United States Government, with the result that in 1826 two American warships visited the islands, their commanders instructed to investigate the situation and render all proper aid to American commerce \* \* \* In a report of its visit the statement is made that the king and chiefs "by the exertions of Lieutenant Percival acknowledged the debt due to American Citizens, to be Government debts," and gave assurance of their early liquidation (Kuykendall 1968:91).

The second ship arrived later that same year and its commander again intervened in the affairs of the Hawaiian government in the interests of the traders and merchants. There was never any question about the validity of the traders' claims as long as there was a signature on a promissory note.

This was a period in which Hawaiian commoners carried an ever-increasing burden and were exploited to serve the purposes of the traders and merchants. One observer wrote about the long lines of people carrying logs from Waimea to Kawaihae on the Island of Hawaii, a distance of about 12 to 15 miles (Judd 1932:16). Another visitor to Kawaihae described what he saw:

Before daylight \* \* \* we were roused by vast multitudes of people passing through the district from Waimea with sandalwood, which had been cut in the adjacent mountains for Karaimoku (Kalaimoku or Kalanimoku), governor of Hawaii Islands), by the people of Waimea and which the people of Kohala, as far as the north point, had been ordered to bring down to his storehouse on the beach, for the purpose of its being shipped to Oahu.

There were between two and three thousand men, carrying each from one to six pieces of sandalwood, according to their size and weight. It was generally tied on their backs by bands made of ti leaves, passed over the shoulders and under the arms, and fastened across their breast. When they had deposited the wood at the storehouse, they departed to their respective homes (Ellis 1963:286-287).

Between 1826 and 1839, at least 11 man-of-war ships were called into action by traders and merchants to make demands on the Hawaiian government under threat of bombardment. Their demands were principally relating to alleged debts of the Hawaiians to the traders and merchants and to the so-called "rights" of foreigners to own, buy and sell land to carry on their business unimpeded by Hawaiian government regulations of any kind. The Americans were not the only government indulging in this type of pressure.

As you know, one of these gunboats, a British frigate commanded by Lord George Paulet, went so far as to take over the government for about five months in 1843, until his action was repudiated and the Hawaiian government restored by Admiral Thomas.

In another incident in 1849, two French frigates presented ten demands. When they were rejected by the Hawaiians, the French marched their soldiers into Honolulu. They took possession of the Hawaiian fort, destroyed some armaments and furnishings there and in the government offices and customhouse. They also confiscated the king's yacht Kamehameha.

The threats by the foreign gunboats were real, and the Hawaiian King, the chiefs and the people discussed what course of action should be taken

Some Hawaiians thought it would be best to follow the advice of foreigners whom they felt they could trust. Hawaiian historian David Malo wrote to Premier Kina'u as follows:

I have been thinking that you ought to hold frequent meetings with all the chiefs \* \* \* to seek for that which will be of the greatest benefit to this country: you must not think that this is anything like olden times, that you are the only chiefs and can leave things as they are \* \* \* This is the reason. If a big wave comes in, large fishes will come from the dark Ocean which you never saw before, and when they see the small fishes they will eat them up; \* \* \* The ships of the white man have come, and smart people have arrived from the great countries \* \* \* they know our people are few in number and living in a small country; they will eat us up \* \* \*. God has made known to us through the mouths of the men of the man-of-war things that will lead us to prepare ourselves \* \* \*. Therefore, get your servant ready who will help you when you need him (Malo, 1837).

Malo probably was referring to two foreigners who gave advice to the Hawaiians: One was Captain Finch, an American, who, among other things, told the chiefs that "wise laws are the highest achievement of the human mind," and he expressed his concern about the protection of property belonging to the American residents. Another was General Miller, an Englishman, who wrote a memorandum to the Hawaiian King and chiefs in 1831. It said, in part:

If \* \* \* the natives wish to retain the government of the islands in their own hands \* \* \* it seems absolutely necessary that they should establish some defined form of government, and a few fundamental laws that will afford security for property \* \* \*. (Kuykendall 1968:122).

As the sandalwood trade died out, the whalers arrived in large numbers, so that they more than filled the gap. From 1826 to 1829 the port of Honolulu averaged 140 whalers calling annually. In 1841 Lahaina had as many as 30 ships at anchor during the off season and no less than 400 men on shore every day.

The development of the whaling trade drew to the Islands many American and European residents with capital to invest. Numerous ships entered the Boston trade, bringing our supplies and returning with whale oil and bone. The merchants became agents for the whalers and soon acquired business houses and land in the various commercial centers in the Islands. Profits from the investments provided these merchants with additional capital to invest in new enterprises which further exploited the islands' resources. Thus the availability of relatively large amounts of capital for investment, and the need to protect that capital once it was invested provided the background for the alienation of the land from the Hawaiians. An investment in agriculture would require for minimum security a firm long-term lease. Better protection would be provided by outright ownership of the land.

As the financial investments of the mercantile houses profited and their capital increased, their efforts to gain complete control over land title became more pronounced. By the 1840s some of the land located in or near the commercial centers had changed hands several times. Struggling to retain their control over the land, Kamehameha III and his chiefs disapproved many of the land transactions.

Foreign government agents were kept busy registering complaints against the Hawaiian government and individual chiefs. In the proclamation of 1842, Kamehameha III reiterated the position of the government against anyone selling at auction or permanently transferring land and buildings. He also stipulated that land could not be leased without the consent of the king and the premier, nor could it be seized for debt (Thurston 1904: 120-121). His stated reason reminded the foreigners that the Hawaiian government had not relinquished its rights in the soil (Polynesian, July 17, 1841). However, pressures for change were powerful, and the developing commercial community was looking for new ways to secure title to the land.

Only after much discussion and anguish, the king and the ruling Hawaiian chiefs turned to the people they felt they could trust, the missionaries, who agreed to give them guidance: Rev. William Richards detached himself from the American mission. He was installed in 1838, as "Chaplain, Teacher and Translator" for the king (Gulick, 1918:173-174). Richards lectured to the king and chiefs daily on political economy from a textbook by Francis Waynad, an advocate of free trade (Kuykendall 1968:155 footnote). Richards instructed his "students" in the general "science" of government and helped them to formulate their thinking in accordance with western practices. When Richards went abroad to negotiate treaties for the Hawaiian government with foreign nations, Dr. Gerrit P. Judd of the American mission assumed Richards' duties as lecturer and interpreter for the king and chiefs. In 1843, Judd was made secretary of State for foreign affairs. In 1844, John Ricord, an American with training in law was hired for the newly created post of attorney general of the kingdom. R. C. Wyllic, a former physician, merchant, and British pro-consul was appointed Hawaiian minister of foreign relations in March of 1845. In September of the same year Rev. Lorrin Andrews, first principal of Lahainaluna School, was appointed to a judgeship. In 1846, William Lee, an American lawyer, was also given a judgeship.

With this deluge of foreigners—most of them Americans—in the government helping to make decisions and writing new laws, many things changed rapidly. But not everyone approved.

In 1845, 1600 Hawaiians signed a petition addressed to Kamehameha III and the Council of Chiefs. It asked for the dismissal of the foreign officers appointed by the king. It asked that no further foreigners be permitted to take the oath of allegiance and to become Hawaiian subjects. It asked that there be an end to selling land to foreigners. It said:

Foreigners come on shore with cash, ready to purchase land; but we have not the means to purchase lands; the native is disabled like one who has long been afflicted with a disease upon his back. We have lived under the chiefs, thinking to do whatever they desired, but not according as we thought; hence we are not prepared to compete with foreigners. If you, the chiefs, decide immediately to sell land to foreigners, we shall immediately be overcome. If a large number of foreigners dwell in this kingdom, some kingdom will increase in strength upon these islands; but our happiness will not increase; we, to whom the land has belonged from the beginning, shall all dwindle away. If we had not been loitering around after the chiefs, thinking to accustom ourselves to that mode of life, then perhaps we should be pre-



pared to compete with foreigners. But now, where are our oxen and carts, ploughs and shovels, and other tools for cultivating the soil? In years which have past, we desired to pasture cattle, that we might have some property, but the most of us were forbidden to pasture cattle; therefore we have no cattle, nor anything with which to purchase cattle. And now the chiefs are admitting foreigners in to the country to possess the good lands of Hawaii, and to deprive us of the same, with the exception perhaps of our small cultivated patches.

Foreigners will say to us perhaps, purchase according to your ability to purchase and husband well.

Very well; but why are we poor at this time? Because we have been subject to the ancient laws, till within these few years. Is it proper at this crisis that we should be turned in with wealthy foreigners to purchase ourselves lands? That is equivalent to the land with the life of the kingdom passing into the possession of foreigners. (*The Friend*, 3(15):119, 1845).

However, the proponents for changing the Hawaiian system to the western system were well entrenched in the government and they had constantly the ears of the chiefs and the king; their thinking prevailed. No attempt was made to stop, slow down, or even reconsider the direction things were going. The philosophy of the western market economy and the pressure for changing the land tenure system from the Hawaiian one of undivided rights in the land to the private property system had been brought directly into the Hawaiian government structure. The land laws and principles embodying private property concepts were formulated and written down by the foreigners in the government. The arguments to support their adoption were impressed upon the king and his council of chiefs.

In 1836, it had been the official position that in no instance had the king alienated his right in the soil. Thus, land could never really become the private property of any foreigner (Kuykendall 1968: 145). By 1846, after ten years of instruction and visits of foreign warships, the king asked the Land Commission to render "titles to land clear and fixed, and thus lay the foundation for agricultural enterprise (Lydecker 1918:20).

He continued, "It is my special wish that the laws be such as to offer the most efficient encouragement to profitable industry \* \* \*" (Lydecker, 1918:20). By the following year he advocated removing "the existing shackles to transfers of land," and asked the legislators to consider "the best means of inducing foreigners to furnish capital for carrying on agricultural operations \* \* \*" (Lydecker, 1918 21-22).

For not less than sixty-five generations, Hawaiian civilization had prospered. From small beginnings the population had expanded to perhaps half a million people. Under the hands of skilled Hawaiian farmers, the land had become increasingly productive and had furnished the population with all their vegetable foods.

Now, under the pressure of the foreigners, Kamehameha III declared that under the Hawaiian joint tenure system "no man thought of improving the land." The Privy Council had therefore passed certain resolutions "to facilitate the acquisition of land in fee simple by other inclined to be industrious" (Lydecker 1918:27). He even referred to the Hawaiian land rights as "our very embarrassing tenure" (Lydecker, 1918:24).

Strong pressure continued from the land-poor but relative capital-rich commercial interests in the foreign community. By the early 1800s the traders' and merchants' profits as from furs, sandalwood and whaling began to stagnate in mattresses and old socks as the rate of return on their investments in these activities dropped. In Hawaii, where there were no mines or industries at that time, agriculture was the answer to the investment needs of the foreigners. This meant that control over the land became imperative in order to protect the capital invested. Private ownership of property in land enabled the foreign colonial enterprise to take root in Hawaii.

The Great Mahele of 1848 paved the way. Fee simple titles were obtained by the king and 245 chiefs. They divided most of the land in the islands among themselves. The king got about 984,000 acres in Crown Lands. The 245 chiefs got about 1.6 million acres. The remaining 1.5 million acres became government lands.

Not until two and a half years later was the Kuleana Act of 1850 passed. It permitted those commoners who had submitted written claims for a cultivated acre or two back in February 1848, to be heard before the Land Commissioners and to be given awards. Only 28,600 acres of land were awarded them. Over 80 percent of the adult population of Hawaiians received no land.

It was no accident that the Legislative Act permitting foreigners to purchase land was passed by the legislature even before the Kuleana Act was passed which permitted awards to commoners.

The Mahele was a series of instruments intentionally devised to facilitate the alienation of land from the Hawaiian people—to make it available to non-Hawaiians with capital to invest in agricultural pursuits. It was a land registration program that unraveled the Hawaiian system of undivided rights in the land and instituted the western concept of private property rights. This rendered land a commodity along with all other things in the western market economy.

That the Mahele succeeded in its ultimate goal is shown by the fact that whereas in 1846 only a few acres had been deeded to non-Hawaiians, by 1919, 73 years later, less than 10 percent of the assessed value of the land in the islands was owned by individual Hawaiians—and most of this land was owned by about 1,000 people who were descendants of chiefs (Report of the Treasurer, 1921:38). This massive transfer of land from native Hawaiians to non-Hawaiians is a phenomenon unmatched elsewhere in the Pacific, and perhaps even in the world. Thank you very much [Applause.]

Chairman MEEDS. We appreciate very much the research work that has gone into this statement. I just have one question, Marion. Assuming that this bill were passed in somewhat like its present form and that a first right of refusal were given to the Hawaiian Native Corporation on surplus lands. How should title to those lands be held?

MS. KELLEY. I'm not prepared to answer this question. I am not an expert on this bill. What I bring to you is the history of what I know of the Hawaiians and I cannot—

Chairman MEEDS. Let's assume that it would go to individuals in individual fee simple ownership. Would we have the same type of thing again? Wholesale exchange from a hundred percent to ten percent in seventy-three years or less?

Ms. KELLEY. If the land becomes a commodity—if that land which is turned over to them is a commodity, then it will be sold, because that is the way the system works. You know it as well as I do. I mean, you know, it gets lost. That is what happened in the past.

Chairman MEEDS. So it should be taken then with some kind of restriction on alienation?

Ms. KELLEY. This is up to the Hawaiians to decide by themselves. This is the pattern I have seen in the past. It is documented here, certainly, in history and I should think we would have to consider this.

[Information for the record follows:]

#### LITERATURE CITED

Arago, Jacques, 1823; *Narrative of a voyage around the world in the URANIE and PHYSICIENNE Corvettes, commanded by Captain Freycinet, during the years 1817, 1818, 1819 and 1820* . . . London.

Ellis, Rev. William, 1963; *Journal of William Ellis* \* \* \* Honolulu: Advertiser Pub. Co.

Gulick, Rev. and Mrs. Orramel Hinckley, 1918; *The pilgrims of Hawaii*. New York.

Judd, Laura Fish, 1928; *Honolulu: sketches of life in the Hawaiian Islands*. Honolulu: Honolulu Star Bulletin Press.

Kuykendall, Ralph S., 1968; *The Hawaiian Kingdom 1778-1854*. Honolulu: U. Hawaii Press.

Lydecker, Robert C., compiler, 1918; *Roster Legislatures of Hawaii 1841-1918*. Archives Hawaii Pub. No. 1. Honolulu: The Hawaiian Gazette Press.

Malo, David, 1837; Malo to Kaahumanu II (Kina'u) and Mataio (Kekua-naoa). Letter dated Aug. 13, 1837. Archives Hawaii, Foreign Office and Exec. File.

*Report of the Treasurer to the Legislature of the Territory of Hawaii, 1921*. Sullivan, Josephine, 1926; *A history of C. Brewer & Company, Limited: one hundred years in the Hawaiian Islands 1826-1926*. Boston.

*The Friend*, 1845; "Petition to Kamehameha III and the Council of Chiefs signed by 1600 people." *The Friend*, 3(15):119.

*The Polynesian*, 1841; "Drippings from my journal No. 4." In *The Polynesian* 2(6):22-23. Honolulu.

Thurston, Lorrin A., 1904; *The fundamental law of Hawaii*. Edited and indexed by Lorrin A. Thurston. Honolulu.

Chairman MEEDS. All right. Thank you very much. [Applause.] Is Representative Peters here?

Very well, since he is not here yet, could we have Rev. David Harada. It is my understanding that he has to leave. We have someone here that can make arrangements for flights to other islands. [Laughter.]

Reverend HARADA. Chairman Meeds, Representative Mink, and Representative Matsunaga, I appreciate your courtesy in permitting me to testify out of turn. I do have a meeting that I have to be at to present information to another group, so I appreciate this opportunity.

Chairman MEEDS. We understand that.

#### STATEMENT OF REV. DAVID HARADA

Reverend HARADA. My name is David J. Harada. I am minister of the Kilohana United Methodist Church in Honolulu and serve as district director for Church and Society for the Hawaii District of United Methodist Churches. As a member of the Southern Cali-

ifornia-Arizona Annual Conference Board of Church and Society, which is responsible to approximately 500 United Methodist Churches, I am under instruction to bring you greetings and testimony by way of action taken at a board meeting on January 18, 1975. Subsequently, the Hawaii District of the United Methodist Church meeting in district conference on February 8, 1975 endorses and supports this testimony.

Native Hawaiian persons constitute a significant and important part of the total life of the community of our Hawaiian Islands. Although they are another part of our native Americans, they have not been considered in many of the concerns developed for native Americans previously. In the struggle of our Nation to become part of the community of nations in the world, many events took place which at the time of their happening may have been considered proper. Later in the perspective developed by history and by measuring such action against the basic convictions and philosophy insured by the Constitution and the laws of the land, these events can be assessed and evaluated more fairly and adequately.

We believe that the matter before us to which this bill is addressed is an attempt by the Congress of the United States to examine an action by our country against native Hawaiians. We support the intent of H.R. 15666 insofar as it urges the most serious, careful, and compassionate consideration of the claims presented, as well as a program to assist present day descendants. We believe that intensive scrutiny of this matter will go far to affirm our national concern that legal redress for unjust actions is part of the intention and program of our great Nation.

We further believe that substantial financial resources and a just and equitable method of distribution will provide the means by which the descendants of the original settlers will be enabled to receive such help needed for the development of their social, educational, and economic hopes.

The Board of Church and Society of the Southern California-Arizona Annual Conference and the Hawaii District Conference of the United Methodist Church urge speedy affirmative action by this honorable committee in order that due process be pursued in behalf of the native Americans who are descendants of the original pioneers who settled this fair land. Thank you very much. [Applause.]

Representative MATSUNAGA. Reverend Harada, you have referred to H.R. 15666. It is now 1944. We want the record to show that it is H.R. 1944.

Reverend HARADA. I am sorry. I was referring to the previous number.

Representative MATSUNAGA. It is 1944.

Chairman MEEDS. Thank you very much, sir. Our next witness is Bill Makahilahila. I had an opportunity to talk to this young man last night and I found him to be articulate and persuasive and I assume he will be the same way on the witness stand. Welcome, Bill.

#### STATEMENT OF WILLIAM MAKAHILAHILA

Mr. MAKAHILAHILA. Mr. Chairman, members of the committee, I would like to thank you for this opportunity to appear before you today. Understanding that foresight is better than hindsight, I will

try to keep this particular testimony of mine to a limit so that we can put, in your case, hindsight as a priority.

I am presently residing in the city of Phoenix and I am a member of the ALOHA Association in Phoenix, Ariz. I am employed with the U.S. Equal Employment Opportunity Commission. I would like to go on record as saying that my testimony today will be done as a representative of the Phoenix and Tucson Chapters of the ALOHA Association and as a private citizen. It has been my experience working in the area of civil rights, covering the states of Hawaii, Alaska, California, and Arizona, that there has been a definite problem among various minority groups in terms of discriminatory practices that follow under the guidelines of title VII of the Civil Rights Act of 1964.

Furthermore, at this point let me say that I bring greetings home from our people there on the mainland, Phoenix and Tucson area, and I also would like to state at this point that we have total support in the various minority groups there on the mainland and particularly with the Spanish-speaking organizations known as the League of the United Latin American Citizens, the American GI Forum, the national organization concerned with government employment of the Spanish speaking and Grasa, which is a lobbying group in Washington, D.C. This represents approximately 200,000 people, members of these organizations totally, and they send their full support to the ALOHA Association and its cause. [Applause.]

Through these years, both as a participant in civil rights activities and as a paralegal professional, I have observed attitudinal changes in persons and groups whereby literal hate and despisement become a priority for survival. Of particular interest to me, while on the mainland, was the birth of militant behavior in the 1960's. Music became the universal language and was used very effectively in communicating with social and economical changes that were being experienced and the "do your own thing" philosophy created the new morality movement and antiwar cynicism. Further, hate and despisement activities were being initiated such as the race riots across the country, poor people's march on Washington, D.C., antiwar demonstrations, killings, and clashes within the family structure which produced what we called the General Gap Theory.

In 1964, a historic legislation was introduced into Congress entitled the Civil Rights Act of 1964. The original purposes for the act was to assist American Negroes in obtaining equal opportunity in housing, education, and employment. Now other recognizable minority groups such as the Spanish surnamed American, Asian American, native American, and other women's rights organizations have been formed to identify with the black American in their plight for equal rights. The movements by these groups have literally turned people off. Interesting enough, this includes those that are identifiable members of these groups. Unfortunately, I still see a subtle attitude of hate and despisement among these which make them distinctly apart and separate thereby creating an uneasy environment when in the same location.

I have related all these observed factual situations because I sincerely believe that the Hawaiian natives, although considered ignorant of many things, have introduced a "hope" to our society and to the world in their "Spirit of Aloha" that if exercised in one's

everyday living, can produce a relationship among men in such a positive manner, that regardless of race, color, national origin, sex, or religion; love, friendship, understanding, and all the finest virtues of this life will be eternal. While the activities of the 1960's were taking its place in the corridor's of history, the "Aloha Spirit" continued to perpetuate and cultivate a bond of unity among the people of Hawaii. In a published commentary entitled, "Fodor's—Hawaii 1974," the writer vividly expresses his thoughts of the people and culture, "there is the brilliant mosaic of a very special culture, compound of Polynesian langour and legend \* \* \* Yankee ingenuity and enterprise . . . Oriental exoticism . . . tempered by the warmth and pagan sensuality of the south seas." He further exuberates, "The famous aloha of the islanders, a rush of warm uncritical affection for one's fellow man, is extended automatically to the stranger. It is not synthetic. It is genuine." This, in my opinion, is the summary of what Mark Twain, Robert Louis Stevenson, James Michener, and other famous writers who have visited and even lived in the islands have witnessed as you read their books.

Part of this Aloha Spirit is what is expressed in Hawaiian as *hoomanawanui* which simply means "take it easy." Among other reasons, I would venture to say, that this is probably the most important reason people come to Hawaii other than sightseeing. In "Fodor's—Hawaii 1974," the writer humorously tells of his experience with several prominent individuals internationally with titles such as king, queen, president, et cetera. At a luau or feast, a prominent figure with two titles publicly commented: "I am the only person here with two titles and I still feel like a bum." This in essence is Hawaii.

A slower tempo, a relaxed pace, a certain informality have long been the characteristics of the aloha way. Unfortunately, due to the, "Yankee ingenuity and enterprise", Hawaii progressing to the point of threatening the existence of the "Aloha Spirit" and most important, the people who initiated and inspired the philosophy of that spirit, the Hawaiian natives. What has happened to the Hawaiians since the admitted overthrow of the Hawaiian monarchy in the 1890's by the U.S. Government can only be resubstantiated by mere speculation on the part of romanticist writers, and ardent philosophers and sociologist. In requesting for information concerning the employment conditions and available labor force of Hawaiians, I am informed by Mr. Robert Hasegawa, director of the Hawaii State Department of Labor and Industrial Relations, that their reporting procedure for the Department of Labor in San Francisco requires the ethnic breakdown of white, nonwhite, Negro, Spanish surnamed, American Indian, and others. And you can guess where we are categorized.

I know this to be a fact since the Equal Employment Opportunity Commission requires employers with 100 or more employees to complete an EEO-1 report which breaks it down ethnically to white, Negro, Spanish surnamed, American Indian, oriental, and others. For a group such as the Hawaiian natives who have contributed more to the economic and welfare of those not only at home but also abroad, particularly with foreign diplomatic relations, why are we not made identifiable?

Relating back to the historic event which took place in 1893, not only were we stripped of our lands, but unfortunately, we were also stripped of our identity, which, in my opinion, is far worse than instant death. Have you ever witnessed the agony of someone dying at a slow endless death? I feel that this occurrence is now and historically has been the pattern of life for the Hawaiian native.

And if you allow this to continue, I am certain that the "Spirit of Aloha," which is in essence the Hawaiian native, will also end in memorium.

Therefore, we submit to you, the Hawaiian native settlement claim, a hope to our people and a hope for the world. Don't let us become a tax burden. Help us to become a taxpayer.

As you contemplate this bill remember with us what has been the guiding force of this country, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness." Allow this bill to be a reality so our people may once again unite and revive the "Spirit of Aloha." Thank God for this great country of ours. And in living on the mainland I am informed that we have several families located throughout the entire continental United States. In San Diego, we have a Hawaiian Club that has 2,000 members. In Los Angeles, we have a Hawaiian community that also has a club with 4,000 members. In Wisconsin, we have the Hawaiian Club with 3,000 members. In Phoenix, we have approximately 1,100 families living in Marakopa County. Our Hawaiian Club in Phoenix and Tucson totals approximately 275 members at this time.

The question that arises in my mind is why are our people living on the mainland? Why do we have to leave our homeland and go on foreign soil? Why are we foreign to our own lands? I would like to present this to the committee to really scrutinize and really take it to heart that was is written on paper and what is said today is from the hearts of our people.

I would like to make a proposal concerning the question of quantity this morning in terms of percentage in the bill. That is as far as I am concerned my main consideration and priority is for our Hawaiian people that have full Hawaiian blood. That priority should be given to them first and then on down the line.

Again, I thank God for this great and beautiful country, and I wouldn't live anyplace else but here.

Chairman MEEDS. Except Phoenix.

Mr. MAKAHILAHILA. Except Phoenix.

Chairman MEEDS. Thank you very much.

Mr. MAKAHILAHILA. Thank you. [Applause.]

Chairman MEEDS. I understand that Representative Velma Santos has another engagement—it was my understanding you were going to present your testimony. Would you like to come forward and summarize it quickly?

Ms. SANTOS. I would like to make a brief statement.

Chairman MEEDS. I'm glad to see that Representative Santos says that she has a brief statement. You know, the rule in the U.S. House of Representatives is the 5 minute rule. That is all the time we get

to press our point on our colleagues in the House. Of course our colleagues in the Senate have a different rule, which is the filibuster rule. Over there, nothing they say need be relevant or pertinent to the subject matter at hand. I am happy to see that everyone has stuck to the subject matter at hand, even though they have employed the Senate rule otherwise. [Laughter.]

Nice to have you Representative Santos.

Representative SANTOS. Thank you Mr. Chairman. May I preface my remarks by saying that I am of Hawaiian ancestry and I hope that this does not prejudice your objective consideration of my testimony.

Basically—

Chairman MEEDS. Biased, not prejudiced.

**STATEMENT OF REPRESENTATIVE VELMA McWAYNE SANTOS,  
MEMBER, EIGHTH STATE LEGISLATURE OF HAWAII**

Representative SANTOS. Basically my appeal is a very simple one. It is not permeated with a lot of facts, but it is something that is a gut feeling that I have, and I would like to make this simple appeal on behalf of that segment of our population with which I am familiar, the children of Hawaii.

I am Velma McWayne Santos, a member of the Eighth State Legislature of Hawaii from the Sixth Representative District, which includes west Maui, and the islands of Molokai and Lanai.

Although this is my very first service to the people of Hawaii as an elected official, I have served the youth of Hawaii for the past 22 years as an educator in the public schools of Maui. I proudly acknowledge my career as an educator, primarily because it was my chosen field of endeavor, but moreover, because it afforded me the privilege of sharing experience, achievements, frustrations, and aspirations with the children of Hawaii.

It is for the children of Hawaii that I speak today in support of the Native Hawaii Claims Settlement Act. True, their blood is now intermingled with that of almost every ethnic group from nations encircling the globe, but they are still the children of the land, and are deserving of just compensation in reparation for the undeniable erosion of self-esteem, ambition and dignity which they have borne, as a result of the injustices levied on their kupunas—ancestors—of old.

It is surprising to note that in spite of the many indignities which the Hawaiians have suffered from generation to generation, the children of Hawaii still retain the "Aloha" spirit of their ancestors, and continue to transmit its message of love and welcome around the world, enticing a multitude of visitors to their shores.

This same spirit of ALOHA \* \* \* this irresistable spirit of openness and friendliness, with a willingness to share with all, was what ultimately led to the downfall of their kupunas, who, having no understanding of the greed, were unable to cope with the idea of personal ownership for personal gain, introduced into their kingdom by newcomers.

To the Hawaiians, land was to be used to benefit all of the people. To them, land was sacred for it provided physical as well as spiritual



sustenance. As a result, few Hawaiians were able to come to grips with the new system of land division under the Great Mahele of 1848. Those who received parcels of land, quickly sold them, far below their value. Many, raised with the old traditions, never bothered to claim the land they occupied.

However, under the powerful rule of Queen Liliuokalani, into whose trust had been placed thousands of acres of land for the benefit of the people—crown lands, the Hawaiians showed signs of strength and identity. But, once again, triggered by selfish motivations, outside forces intervened, and the legitimate native government of Hawaii was forcibly overthrown by the dastardly acts of a small group of non-Hawaiians, aided by the U.S. Minister to Hawaii and off-shore American gunboats.

Queen Liliuokalani made a valiant and desperate attempt to retain her throne, but was eventually imprisoned in her own palace and placed under guard by those who usurped her island kingdom.

The native Hawaiians, their kingdom gone, their Alii (Queen) imprisoned and their way of life drastically changed, found themselves caught in a vacuum. Unable to cope with the rapid changes and without director or leadership, they easily fell in defeat, victims of their own innocence of personal gain.

Because of the loss of their land, native Hawaiians have suffered greatly. And yet, in spite of their sufferings they continue to imbue each newcomer with the spirit of ALOHA \* \* \* all that is left for them to share.

It is time to correct this historic wrongdoing. This is my mana'o [thoughts] and this, I firmly believe. The ALOHA Association is heading in the right direction and I support their efforts to rectify this grievous wrong.

I urge your favorable consideration of the Hawaii Native Claims Settlement Act, for its enactment will produce the necessary vehicle by which the children of Hawaii may restore themselves to their rightful "place in the sun," full of the dignity, self-esteem, pride and ALOHA which is their rightful heritage. Thank you very much. [Applause.]

Chairman MEEDS. I am very struck by your remarks, Representative Santos. One of the things that we noticed with the Alaskan native land claims was that it brought to the young people, not to the very small children, but to the young people more pride and dignity than they had had in a number of years. I am happy to see that you noticed that potential in this act.

Representative SANTOS. Thank you very much.

Chairman MEEDS. Thank you very much. [Applause.]

Without objection, the statement of Lorita Watland will be entered at this point. She is submitting her statement for the record in view of the time. Thank you very much, Lorita Wetland.

[Whereupon Lorita Watland's testimony was submitted as follows:]

#### STATEMENT OF LORITA KUUIPONOHEAOKAHALELAULANI WATLAND

Chairman Lloyd Meeds and Members of the Indian Affairs Subcommittee of the House Interior Committee, Aloha!

We, the aboriginal people of Hawai'i—the native Hawaiians, own these Hawaiian islands. My people never relinquished title to the lands.

Hawai'i was an independent sovereign nation. The business interest people, who were foreigners, saw that they could prosper significantly in Hawai'i and wanted control of the economic life of our Hawaiian islands.

Our Queen Liliuokalani was a threat to their greed for land, money and prosperity. As a result, Queen Liliuokalani was arrested by these greedy business investors in her own land, and kept prisoner in her own palace by foreigners.

A group of representatives of foreign interests having economic interests in our islands banded together and imprisoned our queen and illegally, and without the permission of the Hawaiian people, taken our land.

Under the direction of United States Minister, John L. Stevens, this handful of foreigners got assistance from the military forces of the United States. The United States did not have the right to land their military forces in a foreign nation without a declaration of war by the President of the United States and a confirmation by the United States Senate. The Hawaiian native rights were violated by the United States of America, who purports to live by the constitution, but, who in fact, violated their own constitution by the injustice done to the Hawaiian people.

The Hawaiian people were never consulted when they accepted stolen land. The United States recognized the instantly produced provisional government, made up of foreigners, rather than the legitimate Hawaiian government.

President Grover Cleveland said he was ashamed of the way in which the United States got our land. This shame has not been corrected. There have been many words spoken of wrongful acts done to my people, but so far, they have been just mere words. When will the words cease and justice triumph.

Growing up as an American citizen and being proud of it, I was taught that the United States dealt fairly and justly with all people. Why is it then that the United States chose not to do justice by the Hawaiian people? Why is it that even after a thorough investigation by the United States commissioner, James H. Blount, who's findings clearly show our lands were illegally taken away, the United States still chose not to right this wrong and return our lands?

Despite the fact that the United States knew the way in which they had acquired our land, they nevertheless accepted it. They became an accessory to an illegal act.

We, the aboriginal people of Hawaii, have still not been dealt with fairly and justly. We just want what is rightfully ours. How long must we wait for justice? We have been too patient, our forefathers were patient. We now demand justice be done.

Gentlemen, there has been a wrong and an unjust act done to my people. We ask you, representatives of this nation, to once and for all clear this nation's conscience and be just.

How can we in good conscience celebrate the bicentennial in 1976 when injustice has been done to this nation's people, and justice will only happen when our lands are returned. We will not rest until we have our lands back.

I hope I'm not fooling myself by thinking that *our* government that exists today *will* respond to its long overdue responsibility.

The motto for Hawaii is "Ua Mau Ke Ea O Ka Aina Ika Pono" meaning "the motto of the land is preserved in righteousness". Our land is most righteous and precious to us.

Being just gentlemen, is to return our lands to us. By taking our land you have taken away something that cannot be paid back in sums of money. By taking away our land, you have taken away our life, our sovereignty, our treasured lifestyle. Many of our people died of heartbreak when our lands were taken away.

I ask you to put yourselves in our place—wouldn't you want and expect justice too?

Mahalo!

Chairman MEEDS. The next witness is Rev. Darrow Aiona. Reverend Aiona? This gentleman is a jack of all trades. He is a member of the cloth, a member of the school board and a teacher.

Reverend AIONA. Mr. Chairman and fellow committee members, I beg your indulgence that in putting together this testimony the

ALOHA staff got a little mixed up, so I will have to remedy the situation and I assure you I will not be reading the whole complete thing.

Chairman MEEDS. Do you mind if I ask you, you say the ALOHA staff got a little mixed up? I thought this was your testimony.

Reverend AIONA. It is, but they were putting it together.

Chairman MEEDS. Oh, I see.

Reverend AIONA. They displaced certain paragraphs.

#### STATEMENT OF REV. DARROW AIONA, INSTRUCTOR, LEEWARD COMMUNITY COLLEGE

My name is Rev. Darrow Louis Kakanui Aiona of 50 percent Hawaiian blood, born and raised here in Hawaii. My early upbringing of 25 years was spent in our home on the Waimanalo Hawaiian Homestead in a dilapidated cottage across the street from the blue Pacific Ocean. I am a product of the rehabilitation program for Hawaiians brought forth by the U.S. Congress in the Hawaiian Homestead Act of 1920. I have been educated in Hawaii, New Zealand, and California. I am an Episcopal priest, an instructor at Leeward Community College, Vice President of the Hawaiians, and a member of the State Board of Education.

There has been much written about the Hawaiians. It must be said that most of this is myth. Therefore, in order to understand our problems, it is necessary to recount some of our history.

Before the caucasians came to these islands in 1778, we Hawaiians, like those of other island areas in the Pacific, had developed a culture peculiar to ourselves and to our extremely isolated location. Life in such communities was highly localized and stabilized through custom, since the means of livelihood were the resources of land and sea immediately at hand—those of a subsistence economy. The incentives to work and to exchange labor and goods were various and chiefly noneconomic, in the narrow sense. They arose from tradition, from a sense of obligation coming out of one's position in a system of status relationships, especially those of kinship, and from religious considerations and moral motivations of many kinds.

Inherent in this kind of community is an intricate web of obligations and expectations binding all people together, in which mutual hospitality and generosity are central and guiding principles, so deeply rooted in the mores that not only would one question them, but they need not be "taught." The ready sharing of one's substance in a subsistence economy was not only natural but essential for the survival of the group, and even the stranger was shown generosity. So completely taken for granted was this mutuality in living—of sharing one's abundance with anyone who lacked, and of expecting to be invited to share another's abundance in case of one's own need—that observers and historians, both native and foreigners, on the whole, neglected even to mention it in their published accounts as an organizing principle of life. But caucasians, from the early explorers to modern-day tourists, have been overwhelmed by the spontaneous generosity of the Hawaiians.

Due to isolation, the Hawaiians became susceptible to stimulus of new mores. We were primed for the headlong and disastrous epoch of imitating American mores into which, led by our Alii, we plunged. Studies of modern Hawaii reveal quite clearly, however, that many of the traditional values of Hawaiian culture, sometimes in disguised form, still persist and figure importantly in life today. This can be better seen in the sharp contrast between the Hawaiians and most of the immigrant groups with respect to the role of mutuality and reciprocity as controlling principles of life.

If there is any basis for characterizing the Hawaiians, ancient or modern, as a simple folk, it is a consequence of a life organization centered exclusively or predominantly around the principles appropriate to the family and primary-group relations. If we descendants of aboriginal Hawaiians are unique, among the peoples of Hawaii, it is in the fact that so many of us have refused to concern ourselves with the task of combining and reconciling the conflicting roles of calculating tradesmen and obliging kinsmen. Aloha is a quality found in our primary-group experiences, and is the means by which man acquires the capacities that we think are most truly human—of entering imaginatively into the experience of others and thus learning to be compassionate, sensitive, and loving. We are therefore a noncompetitive, family-centered, life-enjoying people.

How to reconcile the dominant emphasis on the competitive "success psychology" of the West with our central values of mutuality and sharing in the Hawaiian communal tradition is, however, a dilemma to which no satisfactory solution has yet been found. The acceptance of the basic values of the traditional Hawaiian culture brings disfavor from the larger community for violating its canons, whereas conformity to these canons involves an inevitable loss of self and communal integrity. For the immigrant peasants and their children, the prior experience within a trading economy and the incorporation of some of its requirements within their traditional culture made the tension between the old and the new far less acute.

The problems in our communities sometimes become hopelessly complicated between the American standards of private property, individual enterprise, and foresight in budgetary planning, and the Hawaiian traditions of generosity, especially as they relate to property and sex.

The composite record of the Hawaiians, judged by Western criteria, is similarly ambivalent. The proportion of illegitimate births, for example, has been roughly twice as high among the Hawaiians during the 1960s as in the entire population of the State, and among the full Hawaiians it has been between three or four times as high as among the part-Hawaiians. Similarly, recent studies of juvenile and adult delinquency, as defined by Western law, indicate a wholly disproportionate share originating among the Hawaiians. In the early 1960's, 45 percent of all children under the care of the Honolulu Juvenile Court were Hawaiians, most of the boys for crimes against property and the girls for sex offenses. Just a few years later—1964, 57 percent of all the male inmates and 48 percent of the female inmates from the entire State at the Youth Correctional Facility were of Hawaiian ancestry. Whereas, all the Hawaiian

youngsters of a comparable age constituted only 21 percent of the total population. At about the same time, 42 percent of the adult inmates of Hawaii's correctional facilities were of Hawaiian ancestry, which was more than three times the Hawaiian proportion of the adult population.

The records reveal, on the other hand, that the rate of mental breakdown, as measured by the admissions to the State Hospital, is especially low among Hawaiians, as compared with other ethnic groups. It has been suggested that the Hawaiians tend to act out their aggressions rather than to turn them inwards. Similarly our suicide rate is low.

Our problem might be stated in summary as a conflict growing out of contact with the foreigners and their civilization. Hawaiian Aloha, with its hospitality and generosity toward both kinfolk and strangers, so greatly extolled as a "Christian virtue" to be preserved and encouraged, is the basis for reproof and punishment when applied too freely with respect to private property and sex. Western civilization as a whole, of course, reflects the same inherent ambiguity between its peasant tradition of mutual aid and helpfulness and the competitive and individualistic incentives which modern mass society has so greatly intensified. But the net result to our Hawaiian people has been 100 years of negative reinforcement in terms of self-image.

The other part of the Hawaiian dilemma is the loss of any distinctive ethnic heritage by so many of our people. With a mounting proportion each year of persons with only a fraction of Polynesian blood in their veins, the probability of their preserving an authentic Hawaiian culture seems likely to diminish and the sense of what is Hawaiian tends to become less and less distinct. Quite understandably many of us who retain a consciousness of ourselves as Hawaiians, regardless of other group identifications, feel a distinct loss in self-esteem as a result of what we see happening to us.

Another important source of increasing despondency has been the loss by many Hawaiians of title to their lands—our one certain source of livelihood. The old Kuleana's, large blocks of land, were never subdivided. No one person owned them or had a single interest in them. There was no concept in old Hawaii of private property. But the pressure during the first half of the 19th century by American and European settlers resulted in the subdividing of land titles in Hawaii at a much earlier date—1846—than elsewhere in the Pacific and at a time when the natives were wholly unprepared to deal with land in terms of buying and selling. The discovery by the close of the century that the ownership and control of most of the best agricultural lands had shifted into the hands of Caucasians through a system legalized by a native administration only intensified their dismay at having been misguided by their Alii—ruling class—and betrayed by those they had befriended. Many Hawaiians have felt that the Alii failed us. They did not provide the leadership that was needed during a period of social upheaval and change.

The net results of the above are: Delinquency and low social rating, continuing ineffectiveness of governmental agencies set up to "rehabilitate" the Hawaiians, and inadequate justice.

Hawaii's radical young nationalist movement, which began in the summer of 1970 exhibited a strident, exaggerated version of a concern expressed by Hawaiians of all ages and ideologies. The movement was based not only upon a powerful new sense of cultural identity and of economic deprivation but also upon a grave ecological anxiety that may be typical of threatened islanders. By focusing on Hawaii's severe land problems, the various organizations within this new movement have been making an important third world analysis of the states' power structure. The nationalist movement continues to grow in numbers and identity.

One such organization, Kokua Hawaii, has been active in pioneering ethnic studies programs and community study groups in Hawaiian land problems. By reevaluating the events of Hawaiian history and reawakening interest in the rich cultural heritage, its members have begun creating a new historical consciousness essential to any people's struggle for decolonization. In the school year of 1971-72, some 1,000 students signed up for the University of Hawaii's ethnic studies programs—triple the enrollment of the previous year, many of them in Hawaiian language and culture. And the Department of Education has resumed teaching Hawaiian in the State's public schools. Finally, we have had the development of various Hawaiian organizations—The Hawaiians, Home Rule, the Congress of Hawaiian People, and finally the organization called ALOHA—Association of Aboriginal Lands of Hawaiian Ancestry. The ALOHA group has spearheaded the Hawaiian people's attempt to ask for land reparations for the Hawaiian people. Out of all this has come from Congress, Senator Daniel K. Inouye's following proposal, which I have submitted.

This proposed bill of the Hawaii Native Claims Settlement Act H.R. 1944, calls for the creation of an independent corporation to manage the amounts to be paid by the Federal Government, \$100 million annually for 10 years for a total of \$1 billion. There is also provision giving the corporation first rights on any land in Hawaii declared to be in excess of its use by the Federal Government. What is required now is the determination of policy changes by our U.S. Government, which will provide a solid foundation for the betterment of the Hawaiian people. The process of evolving these policies will in large measure define the programs of the future. This bill is a good start. If we Hawaiian people are to be saved from further deterioration, the initiative must come from its own leaders, assisted by concerned and responsible non-Hawaiian political leadership. This bill is a product of this above-mentioned creative unity.

H.R. 1944 also calls for the creation of an independent management corporation. Because of the similar social and physical conditions of the Maori people of New Zealand and we, aboriginal Hawaiians, may I suggest that attention be paid to existing models of corporations. The Hawaii Legislative Reference Bureau's study of the Hawaiian Homes program, prepared pursuant to House Resolution 37, budget session of 1962 provides the following reports: In the No. 1 d, 1964. The Maori Affairs program describes the Maori Affairs program of New Zealand. After reading this it becomes apparent that the Government of New Zealand has played an

active role in protecting and furthering the lives of the Maoris through special legislation affecting education, housing, land, land development, and welfare. Many of the programs initiated by the New Zealand Government are peculiar to New Zealand and may not be applicable to the Hawaiian scene. This does not negate, though, the usefulness of a review of the Maori affairs program. It simply means that one must take care of identifying those aspects or approaches utilized in the program which one thinks may be worthy of emulation in Hawaii, and then such an aspect or approach must be thoroughly adopted and redesigned to meet local needs. In this connection it is recommended that you draw upon the services of a broadly representative commission—an ad hoc committee which would be composed of grassroots representatives, civic leaders, legislators, educators, administrators from related programs and various organizations. Such a commission would be an indispensable forum in shaping the objectives providing the impetus for decisionmaking, laying the groundwork for effective coordination, and promoting results.

The bill, in meeting the needs of the Hawaiian people is of the greatest importance to all of us. Success will be achieved, however, only if all the members of the many agencies and communities directly and indirectly involved accept the responsibility for the birth of this new chapter in the evolution of we Hawaiian people.

May we move forward with renewed vitality and a rekindled sense of mission which will engender firm hope and dedication among those whom it will serve and among the members of the wider community.

Thank you very kindly. [Applause.]

Chairman MEEDS. We took a look at the clock and the length of the statements of the witnesses and determined that if Don Ho was to get back to his show tonight we would have to put him on next. So, we take a great deal of pleasure in welcoming to this witness stand, that famous Hawaiian, Don Ho. [Applause.]

I understand he kissed my daughter outside, which forever casts me in the position of being an ingrate, if I don't pass this bill. Welcome to the committee.

#### STATEMENT OF DON HO

Mr. Don Ho. Thank you. Thank you very much. I have been asked to come down by Charlie Maxwell to say a few words. I have no prepared statement, but I was just standing there looking over the scene. It is a very strange scene to me. It is like—first of all it's—how do you say, it is a very curious scene, because we are the people of the land originally in Hawaii talking to, like us, who are really children of immigrants who have come to the shores and have made our way to Congress and become entertainers, in substance, although I do have Hawaiian blood from my grandmother. We have all the blood. The immigrant blood plus the native blood.

It is really weird seeing the people who really had the land in the first place to be sort of begging for it back. It is really sad. I think what we have to do is—I think you know the answer as I do

and understand it, Congressman Meeds, I think you all know the answer already. It is a matter of everybody loving his country and finally being reduced to the one thing that is the lowest way of trying to get something back, through money. It is a way of life we have been thrust into and it is sad.

I think that be as it may, maybe that will be a step into settling the rest of the affair, which is the consideration for the native, the aborigine. Little things like if you set aside a Federal reserve land, why deprive people of the fishing rights, where aborigines have done that for years. The outsiders weren't used to that life. Things like that.

I don't want you to get me wrong, because I grew up at a time in Hawaii, when the war was going on, when Spark and his boys were fighting for their country, risking their lives. We were very patriotic, my age group, and nobody could say anything wrong about America. I feel the same way now except that I don't think my people should face this kind of degradation. I think this is a good chance for the great body of Congress to really show the rest of the United States of America that they are thinking about the roots. Everybody in America is an immigrant except the Indians and the aborigines. If you look at it from that point of view, I think it is not the music of Hawaii. Not anything like that. It is simple, human, civil rights. I think that is the most important thing. Thank you for letting me speak. [Applause.]

Chairman MEEDS. Thank you for being here. Our next witness is Thomas Coffman.

#### STATEMENT OF THOMAS COFFMAN

Mr. COFFMAN. Mr. Chairman and Representatives, I will just make my point very briefly. I came to this hearing because I am a writer and I have been doing some research on Hawaiian land history. As I read this Hawaiian land history, I have come to believe quite strongly that the idea of making reparations is righting a very, very serious wrong. Rightly, I think a lot of the testimony has focused on the 1893 revolution.

If you read the land history in its broadest terms, in the contact with the West including the American Government, the French Government, and the British Government, all of which were involved with the history where the threat of force provided the broader framework, Captain Cook wrote. "Partly the people are friendly because of the threat of arms." At Kealakekua Bay Captain Cook fired out pistols, muskets and 4-pounders and so on. That was the first time. The second time he blockaded the bay. He shot and killed a young Hawaiian chief and in the process of kidnapping the chief of the island, before the fight started in which Captain Cook was killed, and subsequently there was a slaughter of people on the Big Island.

An American trading ship in 1790 engaged in the—precipitated what was called the Oluvalu massacre where about 100 people were killed willfully by firing cannons off into a fleet of canoes coming toward the ship to trade. There were many hundred people injured.



Marion touched very well on the warships coming and going, which created a tremendous pressure, I would think, on the Government to acquiesce to the demands for private property and fee simple. These are usually overlooked in the interpretations of the Mahele. but the British consul was specifically seeking property rights. This was the Charlton Case and at a time when the British warships came in and occupied Hawaii for a period of 5 months.

So, I just point to these things as a background to the landing of the U.S. troops in 1893. Other foreign powers and American powers had done this before. This was the definition of what the American President defined as threatened force. This was one reason why I have come to believe this is a very just claim. Thank you.

Chairman MEEDS. Thank you very much, Mr. Coffman. [Applause].

Our next witness is Clinton Kanahele. Mr. Kanahele? [Not present.]

John Topolinski. Come forward, Mr. Topolinski. That sounds more like an Alaskan name than a Hawaiian name.

#### STATEMENT OF JOHN TOPOLINSKI

Mr. TOPOLINSKI. Mr. Chairman, honorable and esteemed Members of the Congress of the United States of America, guests, ladies and gentlemen, my name is John Kaha'i Topolinski. I am a high school teacher by profession. At the present time I am a lecturer at the Leeward college on their night staff of Hawaiian studies.

I received my bachelor's degree at Brigham Young University in history and Asian studies with a minor in Chinese language and political science. At the present time I have accomplished the master's degree at the University of Hawaii in Pacific island studies and at the present time I am waiting for the approval of my thesis, which is on the part Hawaiian element of the 19th century.

I, being a descendant of Hawaiian blood on my mother's side, do solemnly testify in favor of the Hawaiian land claims bill now before you and do hereby state for the record, the following:

On August 12, 1898, the illegal transfer of Hawaiian sovereignty together with all crown and government lands, were put under the control of the American Government with little or no benefit to the native aboriginal inhabitants of these islands. According to his majesty, King Kamehameha III, who in March of 1848, declared that these government lands did belong to the chiefs and the people for their benefit:

I Kamehameha III, by the Grace of God, King of these Hawaiian Islands, have given this day of my own free will and have made over and set apart forever to the chiefs and people of my Kingdom, and convey all my rights, title and interest in the lands (to be known as government lands) situated here in the Hawaiian Islands inscribed on pages 179 to 225, both inclusive of this book, to have and to hold to my chiefs and people forever. (Chinen, Jon, Jr. The Great Mahele, page 25).

Following the overthrow of the Hawaiian monarchy on January 17, 1893, the crown lands were made a part of the government lands and hence became known as public domain [Chinen Jon, Jr., Original Land Titles in Hawaii, p. 27; Provisional Government Proclamation Jan. 17, 1893]. It is further noticed that between the period

of July 4, 1894 to August 1, 1898, government lands which had been set aside as homestead under the "Homestead Law of 1884" was abolished, and termed by the leaders of Dole's government as being inadequate to the new work which "is now demanded" for political and social change. Furthermore, during the year ending July 1894 there were 38 government land sales aggregating \$20,590.15.

Though crown lands did not belong to the Hawaiian people per se, the Hawaiian monarchs did acknowledge the use and benefits derived thereof to sustain the people. We consider the following as typical of our past monarchs and chiefs who have given or used crown lands and personal estates for the benefit of their people: King Kamehameha IV and Queen Emma—the continuation of Queen's Hospital; Queen Kapiolani—the founding of the Kapiolani Maternity Hospital, a school for young Hawaiian girls and a school for children of leper parents at Kalaupapa; King Lunalilo, whose will made possible a home for the Hawaiian aged; Princess Pauahi Bishop, her estate left to the educating of children of Hawaiian ancestry; Queen Liliuokalani, who left the bulk of her estate to the care of orphaned Hawaiian children.

The reality of the United States newly acquired empire in 1898 came about in an age of imperialism coupled with the philosophy of manifest destiny, the catalyst of which was founded upon the basis of jingoism and yellow journalism.

It has been 75 years since Hawaii's annexation to the United States. Not only have the native Hawaiians lost their rights to lands given them by Kamehameha III, but have been made to suffer an almost complete destruction of this their culture through Western institutions which felt it best to forbid the Hawaiian language in the public schools and giving little or no heed to the teaching of Hawaiian history and culture. Only in the last 25 years or so have Hawaiians experienced some kind of cultural re-birth.

In an American society where individualism together with the threads of social darwinism exist, there has been little or no help to prepare the Hawaiian to meet the transition of life. As a result, the native Hawaiians, in general, have been placed at odds with a social and political system in a nation which purports the dignity and worth of man as being a living extension of God, Almighty.

For many years now the Hawaiian, in general, has been regarded by certain people of certain racial groups as the embodiment of all negative qualities ever possessed by a human being. In spite of this, their laughing eyes are still seen; sweet smiles of hula girls and the happy-go-lucky stereotype of the Hawaiian race continues to allow the truth to go shrouded in a veil of disbelief and ignorance—but no more. The wrongs of the past must be made right in order to preserve the integrity of the Constitution with its basic truths and principles on which the United States of America was founded.

The greater problem surrounding the Hawaiian relative to land claims and cultural deprivation was generally enhanced when the American Government violated its own Constitution—which states that a government derived its just powers from the consent of the governed—in the annexation of these Hawaiian islands. In Amer-

ica's eagerness to take rule over Hawaii, they did not secure the majority or consent of the native Hawaiian element.

We have witnessed the grand manner in which our American Government has given aid to other people and nations that have, in no way, the least bit of respect for America or democracy. Surely we and our children, the citizens of this great country and descendants of the aborigines of these islands deserve some sort of reparations to nullify all the years of frustration and misunderstanding that we, the great majority of Hawaiians, have experienced.

If Queen Liliuokalani were alive, she would concur that the benefits of the remaining crown and government lands should be put to the furthering of her people's welfare, she herself following the precedent established by former monarchs of Hawaii. Will you, the American Government break this precedent and deny the children of the soil their just and final reward in this endless cycle of survival in a society which you helped to create for us?

It is for you, the Representatives of Congress to decide. As you deal with us and our people. "Kingly, generously, and justly, so may the Great Ruler of all nations deal with the grand and glorious nation of the United States of America." Thank you. [Applause.]

Chairman MEEDS. Thank you very much. Our next witness is Dawn Wasson.

#### STATEMENT OF DAWN KAHALA WASSON

Ms. WASSON. My name is Dawn Kahala Wasson of Laie, Hawaii. I am here to speak in favor of House bill No. 1944, the Hawaiian native claim proposed by the ALOHA Association.

This is the first time in the history of Hawaii that the Hawaiians have begun to claim their birthright.

I would like to acknowledge the founder, Mrs. Louisa Kanoekalani Makaiwi Rice, who was inspired to bring the Hawaiian people together. But my aloha and honor goes to one more deserving but our Queen Liliuokalani. None of the Hawaiians today have suffered as she did. But she has left something to live for, to endure; that is, the courage to persevere no matter what the cost. She left us the history of her monarchy and annexation, but more especially the songs to keep the heart from breaking. To be patient and endure. In trials and tribulations, to laugh and make fun of our sorrows. I know of no other Hawaiian who has brought the Hawaiian people together without a fight.

In Hawaii, land is a very important thing to own. Anciently lands were divided by physical settings, each parcel was marked by a rock or tree which was planted specifically for its boundaries. When the Hawaiians marked their boundaries, it was respected by all.

When the white man came he desired his land to be marked by boundaries or azimuths, but still he was not satisfied. He wanted everyone else to do the same, by changing laws. When this happened it gave him two opportunities: (1) To know who owned which parcels of land, and how much; and (2) to know how much land was unclaimed, and claimed it.

One day my son came home with his history book and started to tell me that in 1492 Columbus discovered America and also Captain Cook had discovered the Hawaiian Islands, yet both lands were long occupied before their coming.

Is history trying to say that natives are not discovered until the white man says he is discovered and writes a book about us?

Anciently in Hawaii, marriage was solemnized when a man and woman set up housekeeping together, but in a white man's language it is called common law fornication or adultery, but to a Hawaiian it is aloha.

But when the kings of England or other foreign countries married their blood relatives, it was called the preservation of the royal bloodlines.

When the Hawaiians married their own brother or sister the white man called it "incest."

Members of the committee, put yourself in a Hawaiian's position. Every group of men have gone through the processes of acculturation and assimilation, or change, but the white man has advanced technologically, but degraded morally. You worked on individualistic goals which lead to the road of self-destruction.

You have made laws to protect you and others; now you are unable to measure where the law begins and where it ends. You have become inconsistent, uncontrollable, deceitful, unjust, faithless, hopeless, and negativeness. You can't even determine the difference between a thief who steals food for his family to eat, and an ex-President who tries to shield the truth, so he doesn't have to pay taxes.

Though white man has stolen from me, I am angry; still we are friends. Though they lied to me, still I search for truths to make me a better person. Though they have poisoned the minds of those that are weak, that the Hawaiian language and culture were evil, but in my heart I always believed we are a great people.

I am proud to be a Hawaiian. We have struggled for many years, and have been ridiculed and mocked because we were uneducated, held menial jobs, lived in poor housing. Yet we still came up smiling.

Today this is not so, the coming of the Hawaiians is here. We have all the necessary tools to be successful in the white man's world. I have gone to a white man's school, learned from a white man's book about myself and my people, and with those tools I shall challenge him.

A Hawaiian has only two treasures left—his children and his land.

The following are items I would like deleted or changed in bill 1944: Section 6, article (c) should be reworded because the article is not sufficient regarding its intent.

I am in favor, that no other agency, agents, or organizations should make a claim similar to the Hawaiian native claim in behalf of the Hawaiian people.

But I object when it limits the rights of an individual who has a legal claim against individuals, private owners', State of Hawaii, city and county of Honolulu, U.S. Government regarding land claims or moneys as a Hawaiian whose progenitors had previous ownership to the land. [Applause.]

In addition, I would like to propose that moneys and/or lands owned by the city and county of Honolulu, State of Hawaii, and the United States presently not in use for the general public, should immediately be seized or frozen and be made part of the Hawaiian native claim.

All fishponds still in existence, water and mineral right, streams, lakes, falls, ponds, taro patches, et cetera should be part of this claim also.

Section 6(12) should include that distributions of moneys over \$100,000 and any parcel of land or property to be sold or exchanged shall be approved by 51 percent of the general membership.

Section 6(7) all financing or programs to aid members without limitation of providing housing, education, and relief from distress to members and their families, and of promoting the economic and social advancement of members and their families. The needs of the members are to be met first. No aids to others until the basic needs of the members are met, such as housing, education, employment, economic and social advancement.

Section 6(5) to dispose of any property real, personal, mixed, tangible or intangible must have the approval of 51 percent of the general membership.

Section 6(e) in addition all board of directors of the corporation who will administer the benefits provided by this act for the Hawaiian natives shall be bonded by a reputable bonding company, and shall be personally liable for mismanagement or misappropriations of funds.

Chairman MEEDS. As I understand your testimony, you are proposing that there be some restriction on alienation of land acquired either by the corporation or by individual Hawaiian Natives?

Ms. WASSON. I'm sorry, I don't understand your question.

Chairman MEEDS. Well, you say 51 percent of the people should agree if land is to be transferred?

Ms. WASSON. If any land is given to the Hawaiian natives, any land that is to be sold at all or even exchanged, 51 percent of the general membership should approve it; Not the board of directors.

Chairman MEEDS. Is that land held by the corporation?

Ms. WASSON. Yes.

Chairman MEEDS. How about individuals? Do individuals have the right to take the land in fee?

Ms. WASSON. Any individual has any right to take land in fee, but as long as it is pertaining to this bill, no.

Chairman MEEDS. Any land, then, which is obtained under this bill should be restricted in its alienation to at least what, you say? Fifty-one percent of the general membership?

Ms. WASSON. Yes.

Chairman MEEDS. Thank you very much.

Our next witness is Luka Nalua. I see that you are proposing a different bill, is that correct?

Ms. NALUA. Not quite, just amending.

Chairman MEEDS. Amending? Could you tell us without reading the whole bill, in what particulars this differs from the present proposed H.R. 1944?

Ms. NALUAI. May I start from the beginning? There is something else I want to say first.

Chairman MEEDS. All right. Go ahead.

### STATEMENT OF LUKA NALUAI

Ms. NALUAI. Aloha, Honorable Representatives, staff members, friends, and associates.

Welcome to Hawaii and to this historical occasion, a time for understanding and dedication from everyone in this tremendous task that lies ahead.

My name is Luka Naluai. I am the mother of 12, the grandmother of 27, the great-grandmother of 3. I am 61 years and 10 months resident of Hawaii. That's a long time.

Before I state my purpose of being here, I would like to correct something that Darrow earlier mentioned. The statistics that he gave about the Hawaiians being dropouts and being in prison—the percentage. I mentioned this before that unless that person is 100 percent Hawaiian, you don't say, "he is a Hawaiian." Because the majority of the children that are having problems are mixed. Most of them are only half Hawaiian and a lot of them do not even have half Hawaiian. A lot of them are only one-quarter Hawaiian. So, don't put this on the Hawaiian people and say that. [Applause.]

Now, my purpose here this morning is to propose amendments to specific sections of the bill H.R. 1944. Under Declaration, section 2, that Congress provide for the settlement of the historic claims of the Hawaiian natives, and for other purposes be enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, and that this act would declare the fair and just settlement be made now of all claims by the Hawaiian natives and Hawaiian native groups of Hawaii.

Section 2(b): That maximum participation by Hawaiian natives in decisions of their rights and properties without creating a wardship or trusteeship on the part of the United States Government, but by creating a trusteeship and guardianship by the select court in Hawaii by judges of Hawaiian ancestry.

Section 2(C): That all claims by the United States against Hawaii that are based on acts of agents and agencies of the United States which contributed to the overthrow of the Government of the Kingdom of Hawaii, and based on any statute or treaty relating to annexation, and/or based on the laws of any other nation, including claims that are pending are hereby extinguished forever.

#### DEFINITIONS

Section 3(A); The term Hawaiian: A native Hawaiian is defined as any person being of direct Hawaiian descent or lineage.

Section 3(B); Hawaiian Islands: The main eight Hawaiian Islands and associated islets, and the shoals and reefs of the Northwestern Islands known as the Hawaiian Islands National Wildlife Refuge, or the Hawaiian Archipelago.

Section 3(C); Instead of a Secretary, I have Trusteeship: Hawaiian judges of direct Hawaiian descent and/or lineage.

Section 3(E); The Corporation: The Hawaiian Native Corporation.

Section 3(F); A.L.O.H.A. means Aboriginal Land of Hawaiian Ancestry Association, Inc., members, assigns and successors.

Section 3(G); Person: Individual and named firms, corporations, association, partnership, or other legal entity registered with the Regulatory Department of Hawaii.

Section 3(H); He and His: Includes she, hers, they, them, their of Hawaiian ancestry.

#### THE HAWAIIAN NATIVE ROLL

Section 4:(1): The members of the Hawaiian Coalition registered with Aloha, of Hawaiian ancestry shall prepare a membership roll of Hawaiian natives within 2 years of the date of this act and maintain such roll in the said judge's care.

Upon admission, a submission of a pedigree chart and a family group sheet will be required to identify the blood line or lineage of persons claiming to be of Hawaiian descent. If a person(s) is acknowledged by a Hawaiian native (5) years his/her senior, who is a relative and who also possesses a pedigree sheet and a family sheet showing relation and lineage can be declared a member.

When the reparations are approved, what will happen is that everybody will come and claim they are Hawaiian, so they will have to prove that they are.

#### HAWAIIAN NATIVE FUND

There should be established in the Treasury of the United States \$50 billion belonging to the Hawaiian Native Fund. The \$50 billion should be from the general fund of the Treasury to be appropriated as follows: (A) \$3 billion during the fiscal year in which this act become effective; (B) \$1 billion in each of the following remaining 47 years.

Such fund shall be trust funds and in the trust of the court of said Hawaiian judges for care and protection of the minors and indigents and the aged Hawaiian natives.

All moneys in the fund can only be released and distributed upon the submission of a grant application by the board of directors to the court and approved by the Hawaiian native judges and by votes and/or votes by proxy of the enrolled members.

All certificates of membership shall be issued by the Hawaiian Coalition member committee of Hawaiian ancestry. Section 6(B).

#### HAWAIIAN NATIVE CORPORATION

Section 6(E): The purposes of the corporation are to receive and administer for the benefits for the Hawaiian natives and to engage in any enterprises, businesses undertakings, and activities with the approval of the membership and the trustee of the Court of Hawaiian Judges.

Section 6:(F): The corporation shall be accountable to the membership and the Court of Hawaiian Judges. No business shall be

transacted without the approval of the membership and the Court of Hawaiian Judges, to whom they are accountable.

All the laws adopted and amended and bylaws shall be subject to the approval of the membership and Court of Hawaiian Judges.

All engagements in businesses and activities for profit will only be established by the votes of the membership and approval of the Court of Hawaiian Judges.

#### SURPLUS LANDS

The Administrator of the General Services Administration is hereby directed to give to the corporation all Federal lands located within the Hawaiian Islands and its Islets and Archipelago, unconditionally and without compensation.

#### MINING AND OCEAN RIGHTS

The Hawaiian Native Corporation, composed of Hawaiian natives ancestry, claim resources of manganese nodule as well as ores rich with copper, nickel, and cobalt and other minerals on the ocean floor of the Hawaiian Islands and Archipelago and 200 miles out into the ocean from the end of the island shelf and not the shoreline.

All profits from the manganese nodule shall be directed into a separate fund for the education in the field of vocation for our Hawaiian native children and adults and senior citizens, and shall be in the trusteeship of the Court of Hawaiian Judges.

And may I also state that the Bill of Rights, in the Bill of Rights, the amendments to the Constitution of the United States, there is a mention here that "Nor shall private property be taken for public use without just compensation." I conclude my testimony with a plea from you people in Washington to have compassion over our people. Don't make us wait 10 years like someone said. We need it immediately. There have been operations such and such for different ethnic groups that they have received. Our people have not received anything. Compensate for the suffering. Many of our people are silent, but they are crying inside and they need help. Mahalo. [Applause.]

Chairman MEEDS. The court of Hawaiian judges that you talked about in your proposal. how do they get elected or selected?

Ms. NALUAI. In selecting, there are many of our Hawaiian boys or even women, men and women, who are qualified and capable in handling this kind of affair. It was brought to our attention some-time back that a lot of the lands, in order to save it from this kind of adverse possession of unlawful claim or condemnation, should be put into the hands of the court to take care, so that—and also be land courted so that people from the outside cannot come in and claim these lands. And, the court can be selected by the people. I am sure in many cases, like we will vote for the President of the United States and all other—

Chairman MEEDS. You will have an election? Rather than selection?

Ms. NALUAI. An election voted by the people. I am sure this will be just.



Chairman MEEDS. Are there other questions?

Representative MATSUNAGA. Yes. The bill, as you know, calls for \$1 billion to be set aside in a fund?

Ms. NALUAI. Yes, I know.

Representative MATSUNAGA. I notice that you propose to raise it to \$50 billion.

Ms. NALUAI. That's right. [Applause.]

Representative MATSUNAGA. I'm interested to know how you arrived at this figure.

Ms. NALUAI. I have been doing real estate work for some years. This is what they tell you. There is an asking price. There is a market price and there is an appraised value price.

Representative MATSUNAGA. So this is your asking price?

Ms. NALUAI. This is an asking price. We know you won't give us \$50 billion, but maybe you will give us \$20 billion [laughter], because when you start an organization it will cost money. That is why I am saying that you need this. And when you talk to financiers they say that \$1 billion is not enough. You will get the lands, but you will be land poor, because there is no money to do anything you want with the land. So, you need more money to start your business. And later on—we don't want just 20 years—what will our children have? What will our grandchildren have? We want to go on 50 years. So, give us the first \$3 billion the first year and then go on. [Applause.]

Representative MATSUNAGA. Well, I am glad to hear that is only an asking price. But, sometimes, you know, in looking for real estate, you look at a home and it says \$1 million. Well, that is way beyond—I won't even go to look at it. But if it is within reason and maybe it is the asking price, then I will go take a look at it. I am a little afraid—of course, with your response to my question, it is in the record now that it is only an asking price, but we must approach the Congress with a figure, which they will say is a reasonable one. If they say, "Good heavens, is that what they are asking for? Well, forget it." We have to be realistic about it.

Ms. NALUAI. I think you know it is worth more than \$50 billion. You know that, because on the mainland, when the crop people in Iowa, I think, when they asked for \$2 billion for the crop of 1 year, and we are asking for something that started in 1893 until today.

Representative MATSUNAGA. I am with you on this. But there are only three of us here. Two members of the House from Hawaii and two Senators from Hawaii. So we have got to convince the majority of the Members of the House and the majority of the Members of the Senate. This is our problem. I just throw this out so that you won't be overly disappointed, when we finally end up with a figure, I hope, maybe around \$5 or \$10 billion.

Ms. NALUAI. That's better than one. We were told when we met with Mr. Udall—I think this was the quotation—that we state \$1 billion. Don't go too high. Well why should we stay at \$1 billion, when we can ask for \$50 billion. Remember, we are asking for \$50 billion.

Representative MATSUNAGA. You are a good Christian. Ask and you shall receive. [Laughter.]

Chairman MEEDS. The Chair would like to observe that there is an adage about what Representative Matsunaga just said. We call it making lemonade out of lemons. [Laughter.]

Our next witness is Walter Wong. Walter? I hope you are not going to be here so long that you had to bring your lunch. [Laughter.] Or worse yet, your sleeping bag.

Mr. WONG. I have got everything in here.

Chairman MEEDS. Please proceed, Mr. Wong.

### STATEMENT OF WALTER WONG

Mr. WONG. Honorable Chairman, committee, and people of Hawaii, especially the Hawaiian people, before I say my testimony, I would like to introduce you to who I am. This is very important, I would like to let you know. I come from a family of an Alii from my mother's side. Keanuhili, ruling chief of Hilo, Hawaii. And also a brother, Keomauhili, known as Kalani-O-Puu, King of Kona. I have also two uncles who are living until today named Kepakeamauhili and Keapekeamauhili. Ancient names of old Hawaii. They are living under the shadow of the Temple of Laie. They came from Hawaii to Laie because of the church and they are living poor, but they are rich in their hearts because their land has been given away.

I am Walter Fong Wong, Sr. I am half Hawaiian, a native of 46—correction, 47 years to the Hawaiian Islands. I love Hawaii and our great United States of America. This I showed by serving 3 years in the U.S. Army in Italy, Yugoslavia, Austria, France, and Germany. They spoke their own languages and were proud of their heritage and I felt happy to see it happening. I tried learning Italian and the people laughed at me but helped me. This does not mean that I can speak it well but I can speak better in Italian than Hawaiian. I am not saying that I am not proud, I am a Hawaiian, I am saying that the Hawaiian language was not taught to me as a child that I could now speak it and share it with others like the Italians.

I learned early in life, that to survive in life one must use the land and the sea correctly. My uncles taught me how to fish, where to lay my nets, why not to be afraid of the shark, how to make and mend the nets, and the importance of not being wasteful. "Fish for what you need, eat what you get and don't be wasteful." The section of the sea for certain fish or koa of the fish is secretly held by Hawaiian fishermen—I would like to explain koa is the place where the fish, certain fish—where the Hawaiian keeps those things secret when they want the fish to go there. My uncles shared this knowledge with me and I can find the fish I want when I want it.

My grandfather showed me and told me the importance of the land. There is a time to plant the banana, taro, potato, and sugar cane. I learned that the land was good to me only if I was good to it. This is what I have grown in my yard [indicating]. I have taro over there growing in my yard. [Applause.] I have sugar cane over there growing in my yard [indicating]. I also have nice bananas growing in my yard and I also have sweet potatoes growing in my yard [demonstrating vegetables]. [Applause.]

Chairman MEEDS. I didn't think that bag was that big Walter. [Laughter.]

Mr. WONG. It is our Hawaiian custom to share what we have. Taste the taro. I want you to. Bananas, potatoes, and sugar cane.

Life is hard for those who have nothing. I have worked hard and to my best ability and knowledge in what I have learned. I cannot say that I have nothing, for I am blessed. There are eight children and a wife that have given me great joy to live here in Hawaii. But I can only share with them what I know and have learned. This is not enough, I want them to speak their native Hawaiian tongue as their forefathers did of old. The Hawaiian language. When this Hawaiian native claims bill, 15666 is passed, I can be sure that my children and descendants will be able to enjoy, learn and share our Hawaiian heritage to all. People will come to our islands and hear us speak in Hawaiian as I once heard the Italians do in Italy. Maybe the visitors to the islands will want to speak Hawaiian like I did once in Italy and love Hawaii as I do.

I thank you very much. [Applause.]

Chairman MEEDS. Thank you, Walter.

The next witness is Elaine Makaio. Welcome to the committee.

#### STATEMENT OF ELAINE MAKAIIO

Ms. MAKAIIO. Honorable Chairman Meeds, Representative Mink and Representative Matsunaga, this Hawaiian native claims bill previously known as 15666, now known as 1944, is important to me, because I know that we Hawaiians have been forgotten. It is not that we have been negligent or stupid, the fact is that we have nothing to show what is ours alone.

Hawaiians once owned all the lands in these seven inhabitable islands and the foreigner came. Yes, the foreigner came with the knowledge of many things and shared it with the Hawaiians. But, as they showed us their civilization, somewhere along the line our Hawaiian culture was unbefitting to cultivate. The language was not permitted to be spoken in our own Kamehameha School. I know this to be true because a cousin older than me was dismissed from there and he returned home to Hilo.

English and Pidgin have become the language of the present Hawaiians. If we want to learn Hawaiian, we must go to the University of Hawaii and study under a foreigner. Like many other Hawaiians we have learned other languages but we cannot speak our own language. Our parents and grandparents may have been at fault in not speaking Hawaiian or waiting for a verbal Hawaiian response but the fact remains that our language is and needs to be revived while there are Hawaiian experts to instruct and listen to us use our Hawaiian tongue.

My name Makaio is an English name although it sounds Hawaiian. Makaio means the distant eye. My name means Matthew. When the late Queen Liliuokalani was defending her throne, many of her Hawaiians fought for her. My great grandfather was numbered among them but his surname was Kaiwipunakea, the black bones of puna. As the islands were combed for rebellious souls, my great

grandfather fled from Puna, where he served as a police officer to the coast of Kona. There he was protected in the City of Refuge. Upon leaving the area of the City of Refuge he was asked his name and he replied "Makio", meaning Matthew.

Thus, I seem to be without a language or name that I truly can say is my own native claim. I know not how many other Hawaiians born natives have this problem, but we have lost much in our islands of the grand state of Hawaii.

I am not bitter toward the United States of America because I have found many wonderful experiences in its government. Being educated under its system, I have learned to respect our flag and love its free agency. This I have taught the children of Hawaii because I am a school teacher. I truly love our United States of America and our own Hawaii nei. I have received many opportunities to learn and share my culture although it may be sparse.

Our Hawaiians sing a song entitled, "E Kolu Mea nui." It tells us of three things we should hold dear to be successful in life, "Faith, Hope, and Charity." Above all love, the word aloha is the kind of love we have and share. At one period of time the Hawaiian would give you the shirt off his back to show anyone how much he loved and appreciated their friendship. This is how we lost much of Hawaii. But does it mean that there should be no reparation for this love?

It may be difficult for others to understand our plight for we as Hawaiians have gone without much for at least three generations. The cause may sound fictitious to some, unnatural to others and unreal to the majority of the Hawaiians. We have learned to flow with the tide of the majority.

Well trained in accepting life as shown and given us, I can no longer stand or sit quietly nor be silent. I want to see native Hawaiian children hold their heads high and be proud like me of our heritage both Hawaiian and American. To accomplish this, we as Hawaiians need to be a part of something we can recognize. To be a part of something, you must know what it is. [Applause.]

Chairman MEEDS. The Chair might make a gratuitous statement here. The testimony of both the past two witnesses has been very touching and a very graphic illustration of what I consider to be one of the great mistakes our Nation has made in its history. The mistake of which we refer to as the mixing pot concept. The failure of our country and our society to take into consideration the great strength of all the various ethnic groups in our society has cost us very dearly. It has cost the individual citizens of our society pride in their heritage, which Elaine so well described, and it has cost us as a nation, because there are great strengths in these various ethnic groups, which we have failed to appreciate and failed to assimilate into our own culture and heritage. So it has been a great loss to both those who have suffered and those who have inflicted the suffering. I hope that we have learned that this was an incorrect position and that we are a strong enough people and nation to accommodate more, indeed, to desire the strengths of the various ethnic groups.

I think that what both the past two witnesses have testified amply points out the error of that earlier concept. I appreciate that testimony. [Applause.]

Representative MATSUNAGA. Mr. Chairman, I might comment that the statement that you just made has moved me deeply—you know they say that testimonies which express overemotionalism just don't go. But all I want to say is that I appreciate your sentiments which you just now expressed so beautifully. [Applause.]

Chairman MEEDS. Thank you. Our next witness is Elizabeth DeCaires. I just see your Hawaiian name here. What would you call that? Your given name?

Ms. DECAIRES. My middle name.

Chairman MEEDS. Your middle name?

Ms. DECAIRES. It was given to me.

Chairman MEEDS. I am glad you used your last name. I would never be able to pronounce that. I would like to hear you do it. Could you pronounce your middle name for us.

[Whereupon the witness pronounced her middle name, Kaipoakalaninuiamamao.]

#### STATEMENT OF ELIZABETH DECAIRES

Mr. DECAIRES. Chairman Meeds, Representative Mink, Representative Matsunaga, I am here as a private citizen although I do belong to the various Hawaiian organizations such as the Congress of the Hawaiian People, the ALOHA Association, the Hawaiians, and the Home Rule.

I am Elizabeth Kaipoakalaninuiamamao Napoleon DeCaires, a direct descendant of Palila and Moana who was the highest ranking blood of her time, three centuries ago. I am proud of my heritage, proud of my races, of which I am three-eighths Hawaiian, one-quarter Japanese, one-eighth Tahitian, comingled with a small percentage of white blood, French, Irish, Scotch, and English. Yes, I am proud of all of my races, proud also that I am an American, a citizen of the United States of America.

However, I am not proud of the fact that the U.S. Government took advantage of the kindness and generosity of the Hawaiian people in 1893 and by trickery and false pretexts, forced our Queen Liliuokalani to surrender her sovereignty.

I am ashamed that the U.S. Government, never admitted its responsibility for taking our lands from us and in so doing, have taken our culture, our identity, our trust and faith in our fellow beings.

Whereas, the Hawaiians were basically a kind, loving, trusting, generous people, they have become suspicious, apprehensive, and withdrawn. Finding it difficult to trust even their fellow Hawaiians. All this thanks to the greedy, selfish missionaries, who could foresee the speculation in real property and the wealth it would bring them . . . caring little for the unsuspecting, kind, hospitable, distraught people they had desecrated.

Senator Inouye has repeatedly appealed to our Hawaiian organizations to "unite." He said the Hawaiians must unite before they

can accomplish their goals. I would like Mr. Inouye to know that we are "united." The coalition of Hawaiian organizations has been in existence for almost 2 years now.

The Hawaiian Homestead Act, if you'll pardon the expression, is a "rip-off" and should be thoroughly investigated. To even think or suggest that this was reparation or compensation in any form is ridiculous.

The Hawaiian people cannot be compensated for all the inhumanities they have suffered; \$1 billion? This will never pay for what we have lost—our pride, culture, land, and identity. Why, even today, we are being robbed of our lands with the proposed H-3 Freeway becoming an eventuality, again robbing many people of their Kuleana lands in Kalaluu.

I feel that \$1 billion is not enough compensation, but that each Hawaiian living today, who can prove their heritage, should benefit by this bill monetarily, before it is deposited away into a corporation. Many of us living today will never live to see the benefits of this corporation and for all we know, this corporation will become another "Big Five."

For the past 82 years, our forefathers were so humbly and meekly seeking after their salvation through the Christianity the missionaries introduced, they didn't realize until too late, they had been robbed of their lands.

A small percentage fought to get back their lands, others, illiterate and unaware of the new and sudden changes, lost their lands through what the white man called "adverse possession" which is just another way of saying "Stealing" for this is just what they did.

I am a daughter of Hawaii, and have much aloha in my heart for Hawaii and the Hawaiian people. I want to see the people of Hawaii regain their identity. Hopefully, this can be accomplished by the passing of the bill. Then, we, like the Alaskans, will be able to hold our heads high and be proud of our heritage. Thank you. [Applause.]

Chairman MEEDS. Thank you very much. I understand we have a group of Yakima Indians, who have to catch a plane back to Yakima, but we will move them up and take them now as a panel. The three of them, William Yallup, Levi George, and Johnson Mennick. [Applause.]

I might say that I have been dealing with these fellows for a long time and have found them to be honorable, capable, and fine people in all respects. I am proud to say that I come from the same State that they do.

Will you identify yourselves please for the reporter.

#### STATEMENT OF BILL YALLUP, CHAIRMAN, LEGISLATIVE COMMITTEE, YAKIMA INDIAN NATION

Mr. YALLUP. My name is Bill Yallup. I am chairman of the legislative committee of the Yakima Indian Nation. To my right is Johnson Mennick. He is chairman of the law and order committee, fish and wildlife, and to the far right is Levi George, our religious leader. He is a member, also, of land committee and he is also a

member of the law and order committee. And, he is our Chief. I think to begin at least our portion this afternoon, we will have Johnson sing a song to open our portion on behalf of the Hawaiian natives.

Mr. MENNICK. Congressman Meeds, and to the Hawaiian natives, aloha. In our language we say, "Na Bach Wai" [phonetic spelling] which means, "good day today."

So, the song we will sing was never recorded or photographed. It is a song, which is entitled "The Flag Ceremony Song." We honor our meetings with another kind of a song, but for this one within the United States, the united Indian nations, and with the natives of different parts of the country, we feel it would be more appropriate to sing a flag-raising song, which should have been done if we were to come up at the very beginning of the meeting. This is our Indian national anthem.

[Whereupon the Yakima Indian National Anthem was sung.]

Chairman MEEDS. Before you start, I might just tell these people that that was your National Anthem, but there are some other songs that they sing that sound surprisingly like that when they are at the bone tables. When they have invited the other Indians over, the Yakimas are known as good bone players. So, if you get this award and they start singing songs like that and invite you to the bone table, don't go. [Laughter.]

Mr. YALLUP. Thank you, Lloyd. I would like to start off with a bit of encouragement to the people, the natives of Hawaii. It was an honor bestowed on us in Washington, D.C. We were in the Halls of the Senate Chambers and ran into Charlie Maxwell. At that time Mr. George and I were talking with our Senator from Washington, Magnuson, regarding the 200-mile zone. We were there for just a few minutes and at the door we met Charlie and some of the guys from Hawaii and they were seeking support for I guess it is five, six—what's the number? I guess it is H.R. 1944 now. That is the first time we ran across it, when we were there for the National Congress of American Indians Convention. Awards had happened to be an award that was given to Congressman Meeds for his work in Indian affairs. He was an outstanding Congressman to the Indian people of the United States in his work, and we appreciate that fact. [Applause.]

What I have to say is that we appear here on your behalf as a friend of congressional hearings. The encouragement is that both sides of the House—the House side is Congressman Meeds and on the Senate side is Jackson and they are both from the State of Washington. [Applause.] The thing that I would like to tell you people is that you are in good hands. I think that the two gentlemen from the State of Washington will listen to you as they listened to us 2 years ago, when President Nixon signed back over to us 21,000 acres of land that was erroneously left out of our boundaries of the Yakima Indian Reservation. We got them back and we are very thankful for that.

The other thing is that we know that in the past 2 days that we have been with the ALOHA group, we know their problems. We know what is ahead of you. We know there are going to be an awful

lot of problems in this area, but don't ever be discouraged. Don't back off. Like the asking price of \$50 billion, don't back off of that either. [Applause.]

Recently I think in the news media—you always read where the Yakima tribe is forever fighting the State of Washington over its fishing rights. It wasn't too long ago there was a proposal in the State of Washington and I think probably Congressman Meeds will probably receive this soon, they want to buy our fishing rights. They want to know how much we want for it. Like your land. Like our fishing rights on our land. It is priceless. We will never take any amount of money whatsoever.

Now, some of the problems that we have encountered through the congressional thing is that—this is what we want to pass on to you, because we have been in the fight for a long time. We are also old pros, like Congressman Meeds says, in this area. We are here with you today and we will be with you the next 100 years if that is how long it takes to make sure that you are successful in your fight for your return of lands and whatever rights you have coming back to you. I think with that I will close. We are going home Thursday. We are going back to other friends up in Alaska, who still haven't finished their fight with Alaska for their claims. There are known problems now and Johnson Mennick here, he has been on the council longer than I have, and so he knows what it takes, what it will take for you to be successful.

One of the things that I want to pass on to you is to be sure and stick together. Togetherness is what will win it for you. Be united in all your thoughts. Just like this afternoon or this morning, when I was listening to some of the people. I think that you should have discussed some of the problems in the bill prior to even coming up here. You should have been together in your thought on what should be done with this H.R. 1944. When you get it all together, you can believe me, we will be in Washington fighting for you.

#### STATEMENT OF JOHNSON MENNICK

Mr. JOHNSON MENNICK. Members of the Senate, Hon. Patsy Mink and our native friends, before I go any further I am—I'm not going to take too much time, because I know that this is not my hearing. I am only here as one of the supporters of you and the committee of Lloyd Meeds, because we worked with him continuously. Before I go any further, we also have a gentleman here that we have worked a lot with in claim cases. When I first got on the council, we were going strong on our Alaskan Native claims and the guy that really pushed a lot of this and came and asked for our help, just like you did, is Mr. Don Wright. I would like to have him stand up and be acknowledged that he is here with us. [Applause.]

Ladies and gentlemen, I can speak two sides. I can speak in respect of the Congressmen and I can speak in respect to the Natives. There is such a way that you are going to have to communicate. First of all, you have got to develop an organization. You have got to develop a delegation so that people will speak for you. Militancy is not the answer. It disrupts your position of where you stand.



In order to be strong and to be represented, get your organization together, however you set up your guidelines, however you set up your membership rolls. You are going to have some kind of a sense of rolls so that each one of you can be recognized and acknowledged. Then you set up your committee system. You get your group and elect your speakers. The speakers that are strong, not because he is a nice looking person or whatever, or because he is young, but the one that knows the most and can do the most for you. This is one avenue that you start with.

On the Meeds side or on the congressional side or on the Senators side, now, you have got to communicate with those two groups to make it effective. We cannot or I cannot run from my reservation and jump up there and say that I represent the Yakima Nation without my people in back of me. This is how we have to operate, and if you take this avenue, there is not much problem at all. As a matter of fact there is no problem.

But, do not try to create dissension, militancy-type actions, because this is what slows you down and it cuts you in half and you lose recognition. There is, maybe, that avenue, but that is your last resort. But I don't think this is your last resort. This is the time you begin negotiations. You are accomplishing something that you really want. My people always said, when you want something, don't sit down and be quiet and hope that somebody comes along and asks you what you want. Get up, stand up and be recognized as an Indian and tell them what you want. If they give it to you, fine. If not, then speak a little louder. Maybe it is falling on deaf ears.

The same with the Congressmen and our Representatives. We also vote to put these people in. Because, when we voice something, naturally, we are going to get an answer of yes or no at least. But if you are not a voting member and you do not sponsor some of these congressional campaigns, then your voice is kind of dead. It really shouldn't be, but it is. These are some things that you are going to have to structure. You can't see a building with just one side wall. You put all four walls and a roof and a floor and then you have got a complete building. If you just have half a wall or one wall, you don't need nothing, because you don't stop nothing. I may be leading quite a bit out of the way, but we are here to lend our support. If you do not function the way we see it should function, then we are wasting our time. But if you do it right, you know, you will still hear our voice. I thank you. [Applause.]

### STATEMENT OF LEVI GEORGE

MR. LEVI GEORGE. Madam Patsy Mink, Lloyd Meeds, Hon. Sparky—how do you pronounce that word? And the Hawaiian people. You know, sitting here all morning and all afternoon, hearing a lot of beautiful words spoken by the native people of the Hawaiian Islands asking for something that has been theirs for years and years, I admire you people for it. We all know it is going to be a tough struggle, what you are asking for, but all in all, it is yours.

I know you have been speaking from your heart under the God, the Creator. When I first got here, I noticed a little—I picked up a

piece of paper where it said, "sacred land." And that is what it really is. All these islands are sacred lands. In fact, all over the world. People that have lived there have respected, and respected their ancestors, regardless of how they have done it. They are still doing it today. I cannot make any more statement than what have already been made by you people and my fellow tribesmen, but the only thing I can wish you people, all you people of all the islands, God bless you. I am hoping that all you people—that Mr. Yallup and Mr. Mennick stated, get together and fight this and God bless you all. Thank you. [Applause.]

[Off the record.]

Chairman MEEDS. The Chair might observe that there is certainly one thing that the Yakimas and the Hawaiian natives have in common that was a lax immigration policy. [Laughter.]

The next witness is Representative Peters, a very good State representative. Representative Peters.

#### STATEMENT OF REPRESENTATIVE HENRY PETERS, 21ST DISTRICT OF OAHU, HAWAII

Representative HENRY PETERS. Chairman Meeds, honorable committee members, and friends, I thank you very much for this opportunity to offer my testimony in favor of the Hawaii Native Claims Settlement Act of 1974.

By way of a short personal background, my name is Henry Haalilio Peters and I am a member of the State House of Representatives from the 21st District of Oahu. I was born on this island and have spent the major portion of my life here—and, as this bill defines it, I am a native Hawaiian.

As one of the approximately 71,274 native Hawaiians of this State, I wish to commend the efforts of our congressional representatives, the Honorable Sparky Matsunaga and the Honorable Patsy Mink—and of the officers and members of the ALOHA Association who have spent many months in dedicated pursuit of this legislation.

All of us here today are acquainted with the historical basis for this bill which, if enacted, would make monetary and land reparation to the Hawaiian people for what President Cleveland himself admitted was the "lawless occupation of Hawaii . . . by U.S. Forces" in 1893. From the time of that illegal occupation, the overwhelming majority of Hawaiians have felt that their birthright had been stolen.

Today, the Hawaiian people have been reduced from a vibrant 300,000 to less than 180,000 population. We are among the lowest statistical group in terms of income and education and we rank among the highest in terms of unemployment, welfare, and public assistance. In short, the Hawaiian people suffer the social and economic ills of a number of the Nation's minority groups with below-average income and high unemployment. In Hawaii, native Hawaiians have been made to become strangers in a strange land.

It has been my experience that no singular effort can be undertaken to correct the problems I have outlined which face the Hawaiian today. However, in combination with other efforts under-

taken by State and local government and private agencies, and in conjunction with efforts made by our people themselves, such problems can be ameliorated and, in time, a solution achieved.

In my opinion, the Hawaii Native Claims Act is a giant step in this overall approach to a solution. It will help to provide needed additional resources.

I have, as of yesterday, introduced a resolution to the State house of representatives endorsing the aims and purposes of the Hawaii Native Claims Settlement Act and I have appreciated this opportunity to appear before you. Thank you Mr. Chairman, members of the committee. God bless, aloha, and thank you. [Applause.]

Representative MINK. Mr. Chairman, if you have no objections, I would like to ask at this point in the record, the Honorable Mr. Peters be allowed to submit a copy of his resolution so that it can be included in the record.

Chairman MEEDS. Without objection, so ordered.

Representative MINK. Mr. Chairman, I would also like to request at this point that along with the resolution, which our State legislature will be considering, unanimous consent that the two resolutions, which have already been adopted, be included in the record. One by the City and County Council of Honolulu endorsing the legislation and the other by the County Council of the Big Island endorsing the legislation. I ask consent that both of these be included in the record at this point.

Chairman MEEDS. Without objection.

[The resolutions follow:]

#### RESOLUTION RELATING TO HAWAIIAN NATIVE CLAIMS

Whereas, it is history that at one time the natives of Hawaii owned, lived on, and possessed the chain of islands known as the Hawaiian Islands; and

Whereas, the early concept of the land was that it was sacred; and

Whereas, many things came from the land that were used for sustenance by everyone; and

Whereas, in the Constitution of 1840 it was declared that the lands from one end of the islands to the other belonged to the chiefs and people in common; and

Whereas, in 1893 a group of foreigners in conspiracy with the American Minister of Affairs and with the assistance of Naval Forces of the United States undertook to overthrow the legitimate government of the aboriginal people of Hawaii represented by Queen Liliuokalani who yielded under protest appealing to the enlightened justice of the United States; and

Whereas, United States President Grover Cleveland after an official investigation is said to have admitted that the sovereign government of the Hawaiian Islands was overthrown and native land taken as a direct consequence of the unauthorized participation of the local diplomatic representatives and armed forces of the United States; and

Whereas, on June 27, 1974 the Hawaiian Native Claims Settlement Bill was introduced in the Congress of the United States by Representative Patsy Mink and Spark Matsunaga; and

Whereas, on February 12-16, 1975 the Indian Affairs Subcommittee of the Interior Committee of the United States House of Representatives held hearings in the State of Hawaii on the Hawaiian Native Claims Bill; now, therefore, be it

*Resolved by the House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1975 (the Senate concurring), That this body endorses and supports the aims and purposes of the Hawaiian Native Claims Bill and urges favorable consideration of this legislation; and be it further*

*Resolved*, That certified copies of this Concurrent Resolution be presented to the Honorable Lloyd Meeds, Chairman of the Indian Affairs Sub-committee of the Interior Committee of the United States House of Representatives, and members of Hawaii's Congressional Delegation.

OFFICE OF THE CITY CLERK,  
CITY AND COUNTY OF HONOLULU,  
*Honolulu, Hawaii, February 4, 1975.*

HOUSE INDIAN AFFAIRS SUBCOMMITTEE,  
*c/o Patsy T. Mink,*  
*Federal Office Building,*  
*Honolulu, Hawaii*  
Re: Resolution No. 17

Enclosed for your information is a copy of a Resolution which was adopted by the Council of the City and County of Honolulu.

EILEEN K. LOTA,  
*City Clerk.*

Enclosure.

RESOLUTION—RELATING TO HAWAIIAN NATIVE CLAIMS

Whereas, it is history that at one time the natives of Hawaii owned, lived on, and possessed the chain of islands known as the Hawaiian Islands; and

Whereas, the early concept of the land was that it was sacred and many things came from the land that were used for sustenance by everyone; and

Whereas, in the Constitution of 1840 it was declared that the lands from one end of the islands to the other belonged to the chiefs and people in common; and

Whereas, in 1893 a group of foreigners in conspiracy with the American Minister of Affairs and with the assistance of Naval Forces of the United States undertook to overthrow the legitimate government of the aboriginal people of Hawaii represented by Queen Liliuokalani, yielding under protest and appealing to the enlightened justice of the United States; and,

Whereas, President Grover Cleveland after an official investigation declared in a message to Congress that the sovereign government of the Hawaiian Islands were overthrown and native lands taken as a direct consequence of the unauthorized participation of the local diplomatic representatives and armed forces of the United States; and

Whereas, on June 27, 1974, the Hawaiian Native Claims Settlement bill was introduced in the Congress of the United States; and

Whereas, in early 1975, Committees of the United States Senate and House of Representatives will hold hearings in the State of Hawaii on the Hawaiian Native Claims Settlement bill: now, therefore, be it

*Resolved by the Council of the City and County of Honolulu of the State of Hawaii*, That it does hereby endorse and support the aims and purposes of the Hawaiian Native Claims bill and urges favorable consideration of this legislation; and be it further

*Resolved*, That a copy of this resolution be presented to the Chairmen and Members of the U.S. Senate and House committees conducting said hearings.

RESOLUTION No. 343

A RESOLUTION ENDORSING AND SUPPORTING THE AIMS AND PURPOSES OF THE HAWAIIAN NATIVE CLAIMS SETTLEMENT BILL IN CONGRESS

Whereas, it is history that prior to the arrival of Captain James Cook in 1778, the natives of Hawaii lived in harmony with, possessed and owned in its entirety the chain of island known as the Hawaiian Islands; and

Whereas, in the Hawaiian Constitution of 1840 it was declared that the lands from one end of the islands to the other belonged to the Chiefs and people in common; and

Whereas, in 1893, the sovereign government of Hawaii represented by Queen Liliuokalani was overthrown, ultimately resulting in the annexation of the Hawaiian Islands to the United States of America on August 12, 1898; and

Whereas, since the annexation of the Hawaiian Islands a great infusion of people from many lands has occurred, coupled with a wide dispersion of ownership of lands formerly held by original native inhabitants; and

Whereas, until recent years, the native Hawaiians were not fully cognizant of their legitimate claim for just representations and subsequently seek redress through the Congress of the United States to provide a degree of compensation to the descendants of the native Hawaiians for the displacement of their land; and

Whereas, the Hawaiian Native Claims Settlement Bill was introduced on June 27, 1974, and reintroduced on January 23, 1975, in the Congress of the United States by Representatives Patsy T. Mink and Spark Matsunaga; and

Whereas, the basic aims of this bill are to obtain a \$1 billion settlement to be administered on behalf of all native Hawaiians to engage in activities beneficial to the interests of the Hawaiian people and the return of all Federal lands, which become surplus, to the Hawaiian Native Corporation; and

Whereas, on February 12-16, 1975, the Indian Affairs Subcommittee of the Interior Committee of the United States House of Representatives will be conducting hearings in the State of Hawaii on the Hawaiian Native Claims Settlement Bill, now, therefore, be it

*Resolved by the Council of the County of Hawaii*, That it endorses and supports the aims and purposes of the Hawaiian Native Claims Settlement Bill and urges favorable consideration of this legislation, be it further

*Resolved*, That the Clerk of the County of Hawaii be and is hereby directed to forward copies of this resolution to the Honorable Lloyd Meeds, Chairman, and Members of the Indian Affairs Subcommittee; to the Honorable Daniel K. Inouye, U.S. Senator; to the Honorable Hiram L. Fong, U.S. Senator; to the Honorable Patsy T. Mink, U.S. Representative; and the Honorable Spark M. Matsunaga, U.S. Representative.

Dated at Hilo, Hawaii, this 5th day of February, 1975.

Representative MATSUNAGA. Mr. Chairman, I wish to commend Representative Peters for introducing the resolution and we will appreciate it if you will let us know as soon as that resolution is passed by the State legislature, so that we may take advantage of the fact that the legislature, too, as a body is behind H.R. 1944.

Representative PETERS. Thank you very much.

Chairman MEEDS. Thank you. Our next witness is Robert Freitas.

#### STATEMENT OF ROBERT FREITAS

Mr. FREITAS. I don't want to take too much of your time. Honorable Chairman Meeds, Honorable Sparky Matsunaga, Honorable Mrs. Mink. I am Robert C. Freitas, president of the Papakolea Community Association. Because time did not allow us to schedule a meeting with our membership, I will speak on behalf of the officers of our association. In reference to bill H.R. 1944, the following are our concerns.

Declarations: Page 2, line 14, section 2(C):

1. We question the effect of this paragraph upon the Hawaiian Homes Commission Act of 1920. If it has any unfavorable effect, we oppose its inclusion.

2. We oppose the portion reading "Including all claims of aboriginal right, title, use, or occupancy of land or water areas in Hawaii." We do not want to "extinguish" such claims.

Definitions: Section 3(A). We recommend that Hawaiian natives residing outside of the United States be eligible under this bill.

Hawaiian Native Corporation: Page 5, line 14, section 6(A). This paragraph states that the Hawaiian native must be a member. After proof of blood is given, will the individual be paying or nonpaying member? Will there be a closing date for membership enrollment?

If payment is due, will it be yearly and will it increase? We recommend that it be nonpaying membership.

Section 11, page 8, line 11. We recommend that no taxes be paid.

Surplus Lands, page 12, line 4, section 7. What effect does this paragraph have on the Department of Hawaiian Home Lands, which is a State agency, since the Federal Government does have some of these lands? If there is unfavorable effect, we oppose the inclusion.

In closing, I would like to say that we would like to see the ALOHA Association, as representative of the Hawaiian natives, obtain what justifiably belongs to these natives, our Hawaiian native lands. But we hope that it does not relinquish that which is our heritage. Thank you very much. [Applause.]

Chairman MEEDS. Next is Maile Danuser. You have a very long statement. Would you be prepared to summarize it for us?

Ms. DANUSER. I have been asked to cut it down to 5 minutes, which I have done.

Chairman MEEDS. Very good.

#### STATEMENT OF MAILE DANUSER

Ms. DANUSER. Representative Matsunaga, Representative Mink, and Mrs. Meeds, I sincerely hope that after this bill has been presented to you, you were able to do some research on Hawaiian history. I ask you now to listen with open minds and humility for we are a proud race of people and very proud of our Hawaiian heritage.

When the Polynesian people first came to these islands, they came with hope in their hearts bringing with them their arts, crafts, culture, language, religion, their dignity, and pride. These were the builders of Hawaii, kings of Hawaii, and the future of Hawaii. They had men that were knowledgeable in the construction of building homes, roads, canoes, and temples and others in farming, fishing, doctors, ministers, and priests. These were people of great skill and endurance.

With the taming of the islands to their needs, the descendants of the people prospered and multiplied in peace and in plenty from the land, sea, and sky. Plantations with irrigation systems for the watering of them, walled fishponds—temples to the gods and villages in the green valleys or beside the ocean shore. King Kamehameha, I tried and did successfully bring the eight islands under one rule. King Kamehameha, I had the ability to keep the old cultural way of life and adapt to the new way of life also. He brought peace, prosperity, and justice to the islands. Then the foreigners came to our fair islands. Some were good and some were bad. Hawaii had nine monarchs from 1795 to 1893 when our dear Queen Liliuokalani was dethroned. It was not the decision of the Hawaiian people as they were not allowed to vote or have any voice to aid our dear queen. For the ministers that were in power were afraid of the Hawaiian people. Queen Liliuokalani was loved by her people and we the people of Hawaii honor her with great reverence.

With the annexation, the people of Hawaii were kept out of the city; fights were promoted and the minister had the U.S. Armed Forces brought in to protect the American people from bodily harm.

The difficult years for our dear Queen Liliuokalani and her people were from 1893 to 1898. It has been said that the Hawaiian people were lazy. It is not true for the ministers who were in power and the provisional government administrators did not want the Hawaiian people to have any authority, or be able to hold any administrative office on the islands as they wanted to govern the islands themselves.

I sincerely feel that the bill that has been presented to you is of great value, not only to the Hawaiian people of today, but it represents the future of our Hawaiian children. We, the Hawaiian people, did not give our land away—Alii, public or personal land. Our kupunas were a humble race of people that lived with the land, sea, and sky. To be told that they no longer owned the land on which they and their descendants have lived on for generations, since their kapunas came to the islands, was a great personal loss.

New laws were made, taxation and leasing. Where were the administrators who should have advised, helped and educated our people, as these were important laws, which our people had no knowledge of. Our people suffered a great loss not because of their ignorance, but through the greed of the men in power.

We have tried over the years to keep our dignity. Our kupunas tried in their own way to teach us the way of life in which we would always be proud of that we are Hawaiians. Some of us were very fortunate to have kupunas that wanted us to be educated, as they looked to the future that we may be the leaders of Hawaii.

The Hawaiian language was not spoken to the children of my generation, as we were told to speak only English. We were taught the arts, the craft, culture, and music of Hawaii, but not the language. We were taught to respect the land by being productive in agriculture and the sea in fishing. Our kupunas were knowledgeable in ecology and conservation of our land and sea before the foreigners came to the islands and instilled this knowledge in us. The stars were their calendars and they were guided by the heavenly sky. Some of the foreigners who came here did adapt to our way of life. With the influence of new people coming to Hawaii and progress over the years, our land is being desecrated. Being destroyed are our sacred temples, our sacred grounds and fish ponds. Hawaii's land is being sold to large corporations and foreigners. The people are not informed until the land is sold and for what price.

The poor Hawaiian people who have saved their money in hopes of buying Hawaiian land for their children and grandchildren are deprived again. What does the future hold for the Hawaiian people? Will the very history books of the future state who were the Hawaiian people, where did they go, what ever happened to their arts, crafts, culture, and music? We must preserve Hawaii's land now and perpetuate our culture. For years archeologists have tried to find out whatever happened to the race of people who were highly intelligent, the Inca Indians that dominated Peru. We cannot allow this to happen to the Hawaiian people.

The proposed document that has been submitted to you has great merits and should be given your greatest consideration. The funds will be used for the advancement of the Hawaiian people. It is a fair and just settlement. The people of Hawaii have been unjustly deprived of all rights, socially, politically, and economically.

I hope I have enlightened you on the Hawaiian history and the plight of my people. Aloha means "hello and welcome" and we the people of Hawaii do extend our fondest Aloha to all of you. Kupa'a a kulike kaula means "to stand firm and together," which we intend to do. Remember our motto "Ua Mau Ke Ea O Ka Aina I Ka Pono", the life of the land is perpetuated by righteousness. I leave you with these thoughts and the plight of my people in your capable hands.

Me kealoha pumehana, Maile Danuser. [Applause.]

Chairman MEEDS. In your prepared statement you say in the Hawaiian Native Corp., each person who is registered as a member will receive equal shares of stock and the stocks can never be sold. The stock will revert back to the corporation and go to the Hawaiian people upon the death of a member. Isn't that exactly what somebody testified to earlier as trying to prevent, because it seemed to me that that could cause an inward movement, which would terminate the corporation at a future date, because there wouldn't any longer be anyone to receive the stock?

Ms. DANUSER. I didn't read that. I omitted that.

Chairman MEEDS. It is on page 6 in the middle of the page.

Ms. DANUSER. Oh, "Each person who is registered as a member will receive equal shares of stock and the stocks can never be sold. The stock will revert back to the corporation and will go to the Hawaiian people upon the death of a member."

Chairman MEEDS. Shouldn't the person who holds that stock be allowed to give it to his or her heirs?

Ms. DANUSER. To the members of the family?

Chairman MEEDS. So they would be, by definition under the act, Hawaiian natives.

Ms. DANUSER. I made that statement so the stock cannot be sold outside of the corporation like our land is being sold at this time.

Chairman MEEDS. I see.

Representative MATSUNAGA. You mean to non-Hawaiians?

Ms. DANUSER. To non-Hawaiians.

Chairman MEEDS. Thank you very much. Thomas Naki?

[Not present.]

Richard Wong? [Not present.]

Substituting for our next witness, Douglas Ah Leong is Winona Reuben. Is Winona Reuben here. Please come forward. Do you have a prepared statement, maam?

#### STATEMENT OF WINONA REUBEN

Ms. REUBEN. Honorable Chairman Meeds. Representative Mink has already left, and Sparky Matsunaga, it is almost Aloha ai ai.

I am Winona Kealoha Puana Alice Reuben. A keiki O kaina, a cosmopolitan, Irish, English, Scotch, Chinese, and Japanese extraction. An educator. The Home Rule Movement representative to the



coalition of Hawaiian organizations and a Hawaiian who is proud to be a Hawaiian. You have heard presentations, which speak to the historical and legal basis for H.R. 1944. The merits of specific sections of the bill and recommendations for specific revisions. Those speakers have very eloquently made their points, so I will avoid repetition. I speak in support of H.R. 1944.

I would like to add, if I may, some comments, which are relevant, but which have not been covered in earlier testimony.

One, if the committee has any question regarding the opportunity for Hawaiian communities to discuss the legislation with the ALOHA Association, let me assure you that the coalition of Hawaiian organizations comprised of representatives of eight organizations including ALOHA, the Congress of Hawaiian People, Friends of Kamehameha, The Home Rule Movement, The Legislation Coalition of Poor People, The Hawaiians, Huimau La Maa'ina O Koolau, The Kamehameha Alumni Association, did have opportunities for input and questions. In addition, ALOHA held meetings through the State to reach others in the Hawaiian community. So, we have had that opportunity to discuss these issues.

Another item of importance that I would like to express is this, to Hawaiians, land and existence are one. With the loss of land, scores of years ago, came a loss of identity and stability, which has been compounded by the mushrooming growth in the State of Hawaii. At the February 8th conference, Hawaiians discussed the issues sponsored by the coalition of Hawaiian organizations. The major areas of concern to the Hawaiian people were identified and discussed. Lt. Gov. Nelson Doi, as part of his presentation there, considered the major issue in the Hawaiian community as being the alienated and disadvantaged youths and adults. He called for creative programs to remedy the problems, programs which demand financial support. What we need to emphasize at this time is that the passage of H.R. 1944 will benefit the Hawaiian community significantly through its providing resources to resolve problems generated scores of years ago with the loss of land and identity.

Passage of this bill will be a means for the U.S. Congress to not only provide reparations for the illegal acts of the past and to rebuild confidence in the Hawaiians in the governmental processes, but the money and land requested will be the puna wai or wealth spring from which we can develop creative programs to benefit the people and, primarily, the youth of Hawaii, and to regenerate the feeling of pride, dignity, and self worth among people.

Passage of H.R. 1944 will not only be reparations. It will be an investment in the future.

Chairman MEEDS. Thank you. Will you hold it just a moment.

You said very eloquently and very articulately what many people have been saying here today, when you said that this loss of the land was a loss of identity. With the exception of that portion dealing with the return through surplus lands, this bill doesn't really deal much with land.

Ms. REUBEN. With the absence of land, I think the other important means of reaching the people and working on this self identity

is education and financial means and programs to be supported by finances would be the direction in which, I feel, we should be taking.

Chairman MEEDS. Isn't the education of all children the obligation of the State of Hawaii?

Ms. REUBEN. The Department of Education is responsible for the education of the youngsters of the State of Hawaii, yes. But there have been problems with reaching a number of alienated youths. We currently have problems in teaching reading and the basics in education to a number of the people—of the young people in the community. There must be programs, creative types of programs, not only through the Department of Education, but in addition to the Department of Education. It is a problem that is compounded over many years and it is very difficult with the ongoing finances in the Department of Education, I think, to address properly that particular problem.

Chairman MEEDS. The reason I bring this up, I think the Alaskan Natives faced this dilemma, probably even more so than the Hawaiian natives insofar as the State of Alaska was not providing some of the services that it should be providing. Education, hospitalization, medical care, because it had a much bigger problem than does the State of Hawaii, particularly in terms of land mass, just with the isolation of the individuals involved. I think very wisely, the Alaskan Natives decided that they were going to use their funds for things other than what the State ought to be furnishing and they were going to put more heat on the State to furnish the services that they ought to be furnishing.

So, I think I would be a little premature in pledging immediately to resolve a lot of medical, education, health needs with the reparations, which are received. I think I would devote the money to very special needs—assuming that the bill were to pass, now. I think the natives should continue to put the heat on the State of Hawaii to do what it should do in terms of social programs. I don't really disagree with what you are saying, but if this is really reparations for land taken, then it is something you have coming and not something which should be used for services that the State itself ought to be furnishing.

Ms. REUBEN. I agree that—reparations is something we do have coming. I do agree, too, that the State and its agencies should be addressing themselves to some of the problems of the Hawaiians as well as other ethnic groups within the community. They can do just so much. I would expect that the finances or the moneys provided through such legislation as this, H.R. 1944, would not be for duplication of services. Far from it, but it would be providing additional resources, whether it be the money itself or human resources purchased by money, to address themselves to the problems of the community. Thank you.

Chairman MEEDS. Thank you very much.

Representative MATSUNAGA. A number of witnesses here have lamented over the fact that the Hawaiian language has been lost even among those of the aboriginal Hawaiian ancestry. Would you consider the teaching and the learning of the Hawaiian language as a means of restoring identity to the native Hawaiians?

Ms. REUBEN. Yes. The Hawaiian language is only part and parcel of the total cultural heritage of a nation. In order to best appreciate the history and the culture, you should know the language. Yes. [Applause.]

Chairman MEEDS. The next witness is Richard DeMello.

### STATEMENT OF RICHARD DeMELLO

Mr. DeMELLO. Chairman Meeds, Honorable Representative Patsy Mink and Hon. Sparky Matsunaga, I had come earlier ready to fight you. I was prepared to argue and to put up as strong a front as I could present. But I have been moved by the spirit, while I was sitting here and what moves me more is that you people, too, have been moved by the spirit the Hawaiian people have presented to you. I say this, because it restores my faith in knowing that our government is still inspired by what is real. It makes me feel good to see that you are still moved by the feelings that people have. I do not want to detract from the spirit that has been maintained. I say this, because I am not in total agreement with the bill.

I do believe as has been pointed out that there is a great need for compensation for the injustices that have been done. I can go on and spend hours relating to you our history, but I think enough has been said in regards to our history to point out the need for compensation, the need to maintain an identity. The word identity as has been brought up quite often, and I feel that the money would help whereby we would be able to compete as everyone else in the State has with the money to maintain our way of living.

If we had influence—and money would help us get this influence to an extent—to make Hawaii the kind of State it should be, our sacred cow pastures, not highrise, a State of kulianas on a preserve, a State with sacred grounds preserved in lieu of highways. A place where—as an example, Kahana Valley. There are several proposals for Kahana Valley, some of which were Indonesian or—Indonesian type of grounds, but no mention was made of maintaining Kahana Valley as it should be, which is place where the Hawaiians lived with their own way of life. Where they could grow taro and things like this.

My own personal experience has involved occasions where we have had our homes taken away. We have had people ignore us in instances where we have tried to get help to get back our homes. We have even had attorneys just drop our case, because they didn't feel we were important enough.

This bill proposes \$1 billion. Queen Liliuokalani was in the process of promulgating a new constitution that would have returned to the Hawaiian people their sovereignty, their rights as aborigines of this soil. If those rights had been maintained during her time, where would we be today? Now this is what I feel should be answered.

In answering that you can come up with a hypothesis of where we would be today had we maintained those rights, had we maintained our sovereignty and maintained our land. Then whatever it

takes to put us back to that position, that is what I feel the bill should be.

In regards to the corporation, there are terms in there such as "without limitation". Terms which I think should be defined. I am not for setting up a corporation, where the directors or whoever runs that corporation, will have a chance to rip off Hawaiian people. I want to see a corporation that is run by the people.

As to some of its programs, I don't feel as has been mentioned here earlier—and I put this in my written testimony—I don't feel we should duplicate what we can already get from other agencies, Federal, State, or city. I feel that the money should go directly to a member, a qualified, aboriginal member. Things like groups and organizations in which there are substantial members, which is part of the bill, part of the proposal of the corporation, I think we need clarification on that so that there is no further chance that the moneys will be going to other people other than Hawaiians.

As for the extinguishment of rights, if the Congress is willing to return to the Hawaiian people all, and I say all, that was taken away, and in all I include such things as rights to natural resources, which include land, ocean, ocean bottom, mineral, water rights, all that we can define and leave it open so that in lieu of technical advancements, which would open new fields, which would have been ours if we had maintained ourselves as Liliuokalani had hoped—leave room so that these can be protected and maintained for the Hawaiian people.

I am a layman so I cannot break up the bill in specifics. I cannot put it in the terminology that has been used here. All I can say is I do not want to see a bill that will rip off the Hawaiian people anymore. I have mentioned things that I feel should be included. That is all. (Applause)

Chairman MEEDS. Thank you very much, Richard. Your written statement will be placed in the record at this point.

[The statement follows:]

#### STATEMENT OF RICHARD DEMELLO

May I impose upon your time and kindness to address to you, my feelings on this bill #15666 of which I claim no part of, as well as many, many other Hawaiians, who have never, till this day, even heard that there is in existence such a bill or proposal. No form of referendum or ballot has ever been solicited to our people, and I feel that a lot may be lost if this bill passes as it stands now.

After having read and studied bill #15666, I find that I cannot, as a recipient, accept what little this bill has to offer. Actually, it seems to me that we are looking at the same kind of tokenism that was existent during Captain Cook's time, when he and his men would offer a simple nail in exchange for a whole puua. The same kind of tokenism that existed when the American Indians were offered some simple beads for their precious possessions. I am aware of several factors, which to me, have to be given great consideration. They are as follows:

1. There are somewhere around two hundred thousand Hawaiians and part Hawaiians. One billion dollars put into a fund and invested in my name, only promises me possibly a 6 or 7% earnings realization per year, and am I to believe that that amount, per capita, is supposed to represent what I'm giving away in the way of my Hawaiian human rights? Am I to believe that

this sum of one billion dollars will, even in a ten-year period, will restore to me and other Hawaiians, especially the very poor people, such as I; the benefits we would be enjoying today if Liliuokalani had been successful in restoring to herself and us, her Hawaiian ancestors, the rights of sovereignty, freedom, and of government, not to mention others, that were forcibly taken away? What of the value of our islands? Is that all that the Hawaiian Islands Archipelago is worth to you? If so, then why not give us a chance to buy back these islands. I'm sure that whomever is given that opportunity, would jump at the chance to buy these islands of this archipelago for that paltry sum. Even our State Legislature has put a price tag on our mineral resources alone, and that is 1.5 trillion (that is not the manganese nodules). How about the worth of sovereignty that were taken away from our Queen Lilio, whose position was legally considered to be both "de facto," and "de jure." For years, we were forcibly alienated, with the help and influences of foreigners, from our way of life, our government, our beliefs, our culture, and even our language. I have a tutu, who until today, still remembers the taboos placed upon her use of our beautiful language and beliefs, and geneological ties that had utterly threatened her very life if she were found to be related to royalty!!

We have come to the Congress of the United States, now our government to whom we now put our faith and trust in, to appeal to your moral conscience so that an issue of moral injustice may be settled. I cannot accept another metal spike again as did my ancestors, when Captain Cook and his men first came to this land.

2. I do believe that the term "without limitation" in regard to the powers and policies of the Native Corporation, should be defined and amended, so that this does not give away to the corporation the power to act without the vote of the people. I do not want to see created another rip-off on the Hawaiian people. I also do not want to see created, a corporation that would be the only one to benefit, and the people now and in the near future not get and receive happily, any financial and sovereign benefits. Those who run the corporation shouldn't be the only ones to get rich.

3. I feel that many of the proposed programs the corporation intends to carry out, shouldn't duplicate what we already may derive for our benefit as well, from the city, state or Federal governments or their agencies, such as Schooling, Welfare, Housing etc. I've learned of too many other Indian groups doing the same thing and having had lost all the monies that could have been used to enrich their financial situation. I feel that this corporation should concentrate more on earning us financial status and help us compete with the rest of the world. I don't want this to be a welfare agency.

4. I don't believe that the corporation should be allowed to grant, or otherwise, to any group or organization that is not 100% membership. It should only give directly to its membership, otherwise, there'd be room to give to friends and the like who are not members in the Corporation. This would only be an easy opening to give money to non-Hawaiians, and I do believe that it is time that the Hawaiian people get their fair share and not only gospel messages.

5. I am not willing to have our rights extinguished unless all that aboriginally belongs to us in this archipelago, is returned or compensated for. This includes mineral rights; surface and sub-surface (on land and on ocean and ocean bottom and sub-bottom) to include also rights to natural resources, which are being depleted by everyone who has money or influence. I say this in the name of Jesus Christ, Amen.

Chairman MEEDS. We had several of the witnesses who had to leave. Without objection we will make their testimonies part of the record.

Kumu Vasconcellas? (Not present)

Without objection all statements submitted will be made part of the appendix. Mr. Price? You have a prepared statement which we have. Who is your friend here?

Mr. PRICE. Maui Loa. He is the President of our organization.

## STATEMENT OF MAUI LOA, CHIEF OF THE HOU HAWAIIANS

Mr. MAUI LOA. Aloha Honorable members of the Committee, Hawaiians and friends of the Hawaiian people and the ama kuas that are taking up the empty seats.

My name is Maui Loa. I am an ethnic artist and Chief of the Hou Hawaiians, an organization that represents Hawaiian native youths in their aspirations for the future. We are in favor of what the ALOHA Association is doing. On behalf of the Hou Hawaiians, I give each of you folks in the Committee the Hawaiian Moon calendar.

Mr. PRICE. That was our Chief, Maui Loa. Now, the Hou Hawaiians are an organization dedicated to the survival of the Hawaiian people. We are naturally in favor of what the ALOHA Association is doing in the efforts they are making to compensate the Hawaiian people for the loss of their land and their culture in the 1944 Act. I don't think that we need anymore proof and I don't think anybody has been thinking about the justification of this act. I believe the justification has been supported here.

Now, there is something that we would like to bring to the attention of the Representatives. Representative Meeds, Representative Mink and Representative Matsunaga. Under the Compensation Employment Act of 1973, the Hawaiian native was somehow erroneously left out. We brought it to the attention of our own Congressmen and there were moneys made available to the people who are American natives, which the Hawaiian native is.

So, we submit humbly to this committee that a sum of \$250,000 a year be given to the ALOHA Association during its organizational stages so that they can have a test of how they were going to run this thing and how they spend their money, and it be given immediately. We do not feel that this matter—since the Alaskan Indian and the American Indian have already been so compensated for their position, I believe that the Congress should act now, right now, today—in fact, that Moon calendar that Maui gave you, that is a right now calendar. It doesn't have any date on it. It is always today. It is now. We feel the ALOHA Association should get that money so that they will be able to successfully pursue this effort. They shouldn't just disappear and they shouldn't be the victims of trying to accept money from people who might put strings on them. I believe if you will carry that message back to Congress, there is already an Act under which they could receive this money and we would know that this is going to become an eventuality in the very near future. (Applause)

Now we agree with some of the other people who have testified here today that there should be safeguards. We know how hard the ALOHA Association has worked to put this thing together and they have called on all of us as often as they can, but to do the tremendous amount of work that they have and expect them to perfect this measure is really too much. I think that the safe guards that everybody is concerned with is that the full blooded Hawaiians and down to the half Hawaiians are taken care of in the bill. We don't suggest that they be the only people taken care of,

but their interests—they are the ones, really, that are having the most difficult time adapting into this society.

Those articulate people that you have heard speak up today, they would be able to adapt under all conditions. But they are giving their time and their energies and their thoughts so that their mothers and their brothers and their sisters, who they know can't speak for themselves—our prisons are filled with young Hawaiian boys. Our correctional institutions have them down there. These people need help. I think they need it now and I think that we should get on with it. Get moving right this second. Then I believe that the educational things and the other things that these people are talking about, yes, they are very important over the long range plan.

You can see from how well they express themselves that they will be able to bring these things about. The other point that I would like to make that has been raised here by Representative Meeds in his questions is that I think the definition of a Hawaiian is anybody who had an ancestor here before 1878. The Hawaiians have a legend. They say if you have a drop of Hawaiian blood, you have got the Aloha nui loa and that is what makes a Hawaiian. Those are the Hawaiian people.

I think there were some other areas that you were worrying about defining there, where you asked about the land. Yes. I believe that definitely it should be set into this bill that some of this money would be used—if there isn't any land available, the reason we are asking for \$50 billion—is that the price I was hearing down there? \$50 billion. Then we will have the money to purchase the land. It takes this kind of money to purchase the land back.

You yourself said, Representative Meeds, you said that if there is to be reparation here or—I don't know the exact word—I think that's the word. Repartitions or reparations, if there is to be that here, then you have to give back some of these lands. Then you have to give us an amount of money that we can get these lands back. Don't give us an amount of money that we can't work with. Then we will purchase them back and then the people who own the lands, they won't feel bad as long as they are getting their money. That's what they want.

In the case of the State, they can make the lands very reasonable. In the case of the Federal lands and the other people that own the lands, why, they can sell it to us at whatever the fair market value is. But the people are entitled to the land and it isn't a question of the money. It is up to you to see to it that you appropriate enough money for us that we can get the land for our people.

I believe that is your responsibility and not ours. It is really our needs that you should be dealing with and not the amount of money involved. I want to thank you gentlemen for being kind enough—I know that we are last but I hope not least and I certainly thank you for giving us your attention this afternoon. I feel confident from this time. I have so much more respect than I ever had for Congressmen before. I had no idea what you fellows, what you ladies and gentlemen had to go through. If you go to a hearing like this everyday, you must be supermen. I am going to vote for a raise in your salary. (Laughter) (Applause)

Chairman MEEDS. That's fine testimony. We'll print a copy of that and send it out across the country.

Now we do have an opportunity for those who were not listed as witnesses to testify. It is my understanding that Mr. Ashford wanted an opportunity to testify.

Mr. CLINTON ASHFORD. I have submitted my remarks, Mr. Chairman. It is quite late and it is very difficult to shorten it.

Chairman MEEDS. Without objection your support for the legislation—your testimony will be made a part of the record.

Mr. ASHFORD. My testimony.

Chairman MEEDS. Your testimony.

[Statement of Clinton Ashford follows:]

#### STATEMENT OF CLINTON R. ASHFORD

Mr. Chairman and Members of the Committee: My name is Clinton R. Ashford. I am a resident of Honolulu and appear here as an interested citizen. I do not wish to comment upon the details of the bill introduced by Congressman Matsunaga and Mink, but would like to comment on the justification which has been suggested for this legislation. I am a student of Hawaiian land history and have some knowledge which I think might be of benefit to the committee in its consideration of the bill.

You are entitled to know something of me in order to assess the weight to be given my testimony. Pertinent facts that may indicate a presence or absence of personal bias in connection with this subject matter are that my family has resided in Hawaii only since 1883. I am not a descendant of missionaries nor am I a descendant of or related to the families who created, own or manage the large agricultural plantations and cattle ranches in Hawaii. My ancestors supported Queen Liliuokalani in the Hawaiian revolution of 1893 and were ailed, tried and exiled on that account, being permitted to return to Hawaii only after Annexation of Hawaii by the United States.

Congressman Matsunaga has been quoted in the Congressional Record as stating that the bill "seeks to right an historic wrongdoing" and "provides that native Hawaiians may be compensated by the Federal government for lands taken from them at the time of Hawaii's annexation by the United States." Native Hawaiians are defined in the bill as being citizens of the United States "possessed of the blood of ancestors who were living on the Hawaiian Islands prior to 1778". Mr. Matsunaga's remarks also included reference to the revolution of January, 1893, in which Queen Liliuokalani was dethroned by a group of long-time white residents of Hawaii with the support of United States Minister Stevens. By this and subsequent events it is claimed, apparently, that native Hawaiians were deprived of land which belonged to them. To assess the validity of that claim it is necessary to make reference to the history of ownership of the land of Hawaii.

It should be noted at the outset that the history of land ownership in Hawaii and United States' acquisition of title to land here has nothing whatsoever in common with United States' acquisition of title to land in Alaska or to lands within the dominion of the American Indians. In Alaska, the Federal title was acquired by purchase from Russia at a time when Alaska was entirely wilderness, without any resident central government, and without any system of local land titles known to or recognized by either Russia or the United States. In the United States, control and title to lands formerly held by the various Indian Nations were acquired by a combination of processes, including conquest, purchase, settlement and treaty. What was acquired was, for the most part, undeveloped frontier land that was not the subject of individual land titles, with both public and private ownership, as existed in countries governed by the common law or the civil law.

Hawaii, on the other hand, at the time of Annexation was a well settled, extensively developed, thoroughly civilized nation, with a constitutional government modeled after that of the United States and a system of land ownership identical to that in the United States, Britain and other common



law countries. Annexation was accomplished without duress by voluntary action of the participating nations. No private titles were disturbed; only the public, that is government, land was ceded to the United States. Since statehood, most of that land has been returned, although the Federal government still retains title to some very large parcels of ceded land.

In the 60 years following Capt. Cook's discovery of Hawaii, the Hawaiians graduated from a primitive culture in which the taboo system, human sacrifice and use of implements of stone, wood and bone were dominant factors to a highly civilized constitutional monarchy ruled by law rather than by passion, with moral and religious restraints suggested by zealous missionaries, with implements of wood, glass and metal, with an active international commerce and with equal status treaties with foreign nations. It can be extensively argued, philosophically, whether this was good or bad and whether it was to the detriment or for the benefit of the Hawaiians. The fact is, it happened; just as the same sort of thing had been happening for centuries in the exploration and opening of other parts of the world to western European culture. To give credit or blame (as the case may be) where it is due, it must be noted that all of this was not done by white men alone. The leadership was provided by the Kamehamehas and they and their high chiefs sought and shaped the changes that were made during this period, including the changes in the land holding system.

Prior to Kamehameha the Great's unification of all Hawaii under the control and command of a single ruler, it was the custom for the reigning sovereign of each island or other area controlled by him to distribute large individual tracts of land to his principal chiefs. These tracts, called *alupuaas* or *ilis kupono*, generally extended from the sea to the mountain top giving the chief access to all of the materials and territory needed to sustain the type of life the Hawaiians of that day were accustomed to lead. These chiefs would, in turn, subinfeudate lesser chiefs and oftentimes there would be 4 to 6 hierarchies between the sovereign and the native tenant who was the tiller of the soil. Each of the persons in this chain owed duties of labor, taxes, military service and so forth to those above. These rights in land had no permanency, however, and were subject to change as the sovereign or any lesser chief died, was deposed or came in disfavor.

Notwithstanding the earlier practice, upon the death of Kamehameha I in 1819 there was only a limited redistribution of lands, for a variety of reasons having nothing to do with western law. These included the fact that there had been relative stability in the use and possession of most lands throughout the Islands for nearly 25 years and there was a disinclination among the ruling chiefs to disturb the status quo which they had so long enjoyed. Following the death of Kamehameha II a few years later, there was an even lesser redistribution and the council of chiefs at that time agreed upon limited rights of succession by heirs of the chiefs who had the possession and control of the lands. During the reign of Kamehameha III, who was the monarch from 1825 to 1854, the pace of change increased. It was during this period that the most significant changes in the Hawaiian system of government and land holding occurred. Kamehameha III was indeed a wise and generous ruler whose memory is ill served by many who now, with no knowledge of the history of the time, claim that the white men foisted upon the Hawaiians a land holding system they neither wanted nor understood. Rightly or wrongly, Kamehameha III desired the benefits of western civilization for his people and developed a system of laws and government which included recognition of individual rights and sole ownership of land. Under Kamehameha III there occurred the first Declaration of Rights of individuals, in 1839; the first Constitution, in 1840, providing for departments of government in 1846 and 1847; and the establishment of a bicameral legislative body; the organization of the executive and judicial commission known as the Board of Commissioners to Quiet Land Titles to define, identify and separate the undivided interests of the Crown, the government, the chiefs and the people in the land.

Although it is not widely known, in 1847 there were very extensive debates in the Privy Council among the King, his ministers and high chiefs concerning the nature and extent of the interests in the land of each of the government or body politic, the King as a monarch and as distinguished from the

government, the chiefs, and the common people. These discussions resulted in the great Mahele (or land division) of 1848 in which the interests of the chiefs were separated from those of the King, and in which the King divided with the government the land set over to him. The lands taken by each of the King, government and chiefs were all subject to the rights of native tenants to the particular parcels on which they lived or which they had under cultivation. The interests of the chiefs were subject, also, to the right of the government to be paid for its share in the land. Further debates occurred in 1850 in connection with the chiefs buying out the government's interest in the land and memorializing the legislature to permit native tenants to take their lands without paying any commutation to the government. One cannot read the minutes of the Privy Council in which these discussions are reported without being impressed with the generosity exhibited by the King and his high chiefs toward both the public as a whole, that is, the government, and toward the native tenants. Through this division and subsequent award of titles by the Board of Commissioners to Quiet Land Titles, the native tenants had the opportunity to become the sole owners of particular pieces of land. This was quite a contrast from the former system under which they were liable to be dispossessed nearly at the whim of an overlord and under which they had no security for the fruits of their labors.

In 1865, by joint action of Kamehameha V and the Hawaiian Legislature, the King's lands which were known as Crown Lands, became public lands with the rents and profits of those lands being devoted solely to the maintenance of sovereign and his office. All of the mortgages and other debts against those lands, made by the predecessors of Kamehameha V, were paid from the public treasury so that the whole of the income would be available to the King.

At this point it would be appropriate to interject that, contrary to popular belief, the sovereigns had not sold, given away or lost at foreclosure any substantial amount of the crown lands. There was originally about 985,000 acres of crown lands and only about 25,000 acres were disposed of in one way or another by Kamehameha III, IV and V before they became public lands and were made inalienable. Note should also be made of the fact that, also contrary to popular myth, the missionaries did not profit from the great division of lands nor from sales or gifts made thereafter by chiefs who did not understand the system or were ignorant of the value of their lands. These subjects were thoroughly researched and documented by Jean Hobbs in the mid-1930s and are reported upon in her book entitled, "Hawaii, a Pageant of the Soil" published by Stanford University Press.

When the Hawaiian monarchy was abrogated in 1893, approximately 41% of the land area of Hawaii was held in public ownership (that is, both the government lands and crown lands) and the remaining 59% was in private ownership. The revolution changed the form of government, but it did not change public ownership of public lands or private ownership of private lands. Queen Liliuokalani asserted a personal claim of title to the crown lands and sought to recover damages for having been deprived of those lands. Her claim, however, was denied by the United States Court of Claims which based its decision on an 1864 Hawaiian Supreme Court decision that crown lands passed to the successor to the throne, rather than to heirs of a deceased king, and upon the action of Kamehameha V and the Hawaiian Legislature in putting those lands into public ownership in 1865.

It is now asserted that the connivance of the United States with those who deposed the Queen, and the later annexation of Hawaii by the United States, deprived the native Hawaiians of their lands. This claim cannot relate to private lands as no private titles were affected by either the revolution or annexation. As far as public lands were concerned, part of them were held for the benefit of the public at large and the balance were held for the benefit of the public at large and the balance were held for the benefit of the monarch. The government lands continued to be held for the public, as were also the crown lands. The native Hawaiians had no more interest in the crown lands than any other subject of the monarchy and cannot claim to have been dispossessed or deprived of title. At that time fewer than 45% of the population of Hawaii were Hawaiians or part-Hawaiians. The rest were of

Anglo-Saxon, European and Oriental extraction. If anyone other than Liliuokalani was deprived of anything by the action of the revolutionaries or by annexation, it was the entire citizenry, Hawaiians and non-Hawaiians alike, who suffered the loss.

In conclusion, let me state that I do not defend the action of Minister Stevens; but I do state that the bill is founded upon a questional premise—that reparations should be paid—and states an erroneous conclusion, that payment should be made only to Hawaiians.

I thank you for hearing my views on the subject.

Chairman MEEDS. Peggy Ross? Would you like to come forward, please. Do you have a prepared statement?

Mrs. PEGGY ROSS. Yes. I did submit it last week by mail.

Chairman MEEDS. Do you want to summarize a prepared statement?

Mrs. ROSS. It is brief. It is not too long. In fact, it is very brief. You know, it covers a large area.

Chairman MEEDS. Please proceed then.

Mrs. ROSS. Thank you.

Chairman MEEDS. You say you have submitted it?

Mrs. ROSS. Yes, I did to the ALOHA Association office.

Chairman MEEDS. We don't have copies. Do you have any extra copies?

Mrs. ROSS. I have the only copy here. I mean I did send it to ALOHA through the mail. In fact, it was registered and I didn't receive a receipt that they did receive it. I'm sorry that you don't have one, but I will be glad to give you this copy so that you can have extra copies.

Chairman MEEDS. Thank you.

### STATEMENT OF PEGGY ROSS

Mrs. ROSS. Representatives, this is really, truly an honor. In fact, it is a long way for me to get this close to any Representative from Congress.

I have been typing this thing for 4 years. So, I am going to read my statement and then kind of summarize it a little bit. I have heard a lot of statements about Hawaiian people.

My name is Peggy Ha'O Ross. I am 100-percent Hawaiian. My blood line was never broken. I am a direct descendant of the Ha'O clan, the owners of Oahu prior to the Kamehamehas and all these Aliis. We are the greatest of them. In fact I have my geneology back to 1,165. I am sorry that it is all memorized. This is the only way it was ever done. I came home 4 years ago after living on the mainland 18 years. I came home 4 years ago to the death bed of my father, who gave me all this information of the geneology of my family. They precede any Alii. Anyone. So, I don't think that is important. To me it doesn't matter. I am here today. What happened yesterday is past history. I am sure that every Hawaiian wants to forget the past if they can. But it is pretty hard to do.

You know, I didn't realize how bad this situation was until I came home 4 years ago. When these things were opened to me, I realized I had to drop everything I had on the mainland and leave my 10 children up there and 23 grandchildren, and I am home here alone with my husband, who is a Cherokee. He is sitting right

down there. I have been very involved with the Indian affairs in my last home town and up there in Idaho and in Awahi County and Kaa County and City. This is where I learned a lot more about my Hawaiian people than I did here. In fact, I knew nothing about myself. I didn't know who I was. But I learned more about my Hawaiian heritage up there than I did here. In fact, I learned more about it from Russia, from France, from England, from Japan and China.

I am a very international person. I have learned all these things from elsewhere. I never got it really from here. All of those facts are hidden down in the archives and you can't even get it. It costs like hell to get it, too.

I am in opposition to this bill here, 1944. Is that correct? Well, the one that I knew of and Patsy you sent it to me was H.R. 15666.

Representative MATSUNAGA. It has been renumbered.

Mrs. Ross. OK. So it will be the same thing. All right. I am in opposition of this whole thing entirely. I am going to read it.

The issue that is before us is the bill introduced in the U.S. House of Representatives of the 93d Congress, 2d Session, in June 27, 1974. I realize that you have changed that, because I have been hearing that all day.

I, Peggy Ha'O Ross, in behalf of herself and her native Hawaiian people herein depose and say—no matter whether you are out there or where, I am here—whatever you say, you represent me. Whatever I say, I represent you—herein deposes and says, that she opposes the bill, the Native Claims Settlement Act in its entirety.

She wishes, however, to make it clearly understood that she is not in opposition to the ALOHA Association move. In fact, she praises them for their commendable performances, perseverance, fortitude, and integrity. Their exposure to testing, trials, tribulations, challenges, and sacrifices is shared by each and every native Hawaiian in Hawaii Nei and unto the world.

In representing the native Hawaiians, whether we agree with each other or not, they have portrayed unto the world that the native Hawaiians do exist, that we are not a dying race and we are powerful, strong, gentle and beautiful people, and have shown their capabilities and have no intentions of lying down and dying because they have been dedicated to do so. I Peggy Ha'O Ross hereby declare: Pray by the spirits of our ancestors and in God's name, we the native Hawaiians of Hawaii Nei and unto the world, we salute you in gratitude and fondest Aloha.

Don't you worry. You have not done anything in vain. It will be so.

The Hawaiian Organic Act in 1900 was approved and enacted by the United States of America without the approval, consent, and vote by the native Hawaiians. The laws provided under this Act 1900 gave complete powers to the non-Hawaiians. This act was performed under the act of treason and piracy against the sovereign kingdom.

The Hawaiian Homes Commission Act, 1920, under the complete implementation and dictatorship of the U.S. Congress and the Governor of Hawaii, in her opinion has been a complete failure.

Fifty years of waiting, only 40,000 acres of land has been issued to the native Hawaiians out of the probability of 200,000 acres. The rest has been issued to non-Hawaiians. This is total failure. A breach of trust and contract. For 82 years of needless oppression, exploitation upon this nation and deprivation of rights, conspiracies, assault, injuries, damages, criminal negligence, crimes and inhuman degradations, slanders, humiliation, and contempt suffered from their experiences for the insufferable conditions of enslavement in the sugar and pineapple fields, prisons, correctional institutions, insane asylums, detention farms and homes, discrimination in the school system, and many untold sorrows inflicted upon the native Hawaiians in the figures of tens upon thousands cannot be measured and pacified by sums of money and you have heard it today.

Come now, Peggy Ha'O Ross, ask with suspicion, why would the United States of America after 82 years of complete failure, oppressions, and exploitations of the native Hawaiians be now willing to enact this bill? What kind of bait and line and hook and sinker is being used? The bait? Money, the greed of men. The hook is the ALOHA association. The line is the link between the United States and Hawaii. The big fish is the native Hawaiians.

Like that big fish, the native Hawaiians are being lured in. The plot thickens with each step and effort that is being attempted by the native Hawaiians here in this State of Hawaii. The plot is to extinguish their rights to their culture, their heritage, their title over their sovereign rights to this sovereign nation, to their sovereign islands and this section of 2(b) of this act confirms the intent and what the native Hawaiians must give up to get \$1 billion. What a price we must pay.

The United States of America gained in revenues over \$60 trillion from Hawaii since 1875. The 1875 Reciprocity Treaty imposed a hardship on the people and the revenues were limited to the kingdom. The renewed Reciprocity Treaty of 1884 was enacted in exchange for the United States to secure the Hawaiian Islands for themselves, rather than for the sovereign kingdom from conquest by other nations. The treaty was never properly dissolved and unto this day the native Hawaiians have never received a thin dime for the use and taking of our lands and without our consent. Boy, that's telling me as a Hawaiian an awful lot.

The term used under the territorial possession: U.S.C.A. 16 sections 396a(b) means any descendant of less than half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778 provided under the territorial possession law covered then by the Hawaiian Organic Act of 1900; and then thereafter in the Hawaiian Native Claims Settlement Act, this one which we are talking about today, which indicates that the term "native Hawaiian" has definite title to the sovereignty rights to the Hawaiian Islands, which precedes the U.S. Constitution of July 4, 1776. Therefore, the United States of America cannot act against the sovereignty rights to the Hawaiian Islands. Their laws do not cover as it is in any court of law equal to that of private property. Claim yourself to be a native Hawaiian in the laws of the U.S. Government does not—119 years now—does not fully cover your rights under the Constitution.

So, to be covered by the laws under the Constitution of the United States, you must become an American. You must claim that you are an American.

It is your God-given right to be a native Hawaiian. You inherited this by birth from those descendants prior to 1778. It is a God-given right to worship him in the likeness in which he has chosen for the native Hawaiians. The right to life, liberty, and to pursue happiness in the way that he has provided and given us. This right never came from men. This right came from him, the God Almighty. It never came from another man. No man can dictate this order. The right to be alive and free without fear of oppression, assault, and scourge of war. The right to be different, to be a native Hawaiian, is as important to me, as it is the right to be equal and respected as all others of the world. Everybody else is being treated higher above all us. And here we stand in our own land and we are not treated to that equally. My people are dispirited because of man's greed for money and vanity by those who came and are still coming and who are here to take and hate. What has been done to me has been done a million times over. What has been proven by me has been proven a million times over, that the United States of America serves the devil, and are pigs who deserve to be among the swines and cursed lot that continues to plague this Hawaiian Islands with their filth and devils brew for mass killings unto the world from our sacred Pearl Harbor and our land.

In conclusion, judgment for this cause is already on its way to the International Court of Justice in Hague, Switzerland and has been put before the Security Council Assembly to the United Nations in New York, N.Y.

I have challenged the courts all the way to the U.S. Supreme Court and the Solicitor General; the U.S. Congress, the President Richard M. Nixon, and Gerald Ford, demanding consistently, making it known in public, calling to attention the gross conspiracies and criminal negligence and crimes that have been imposed upon the native Hawaiians for 82 years and more so today, was deliberately ignored and denied her rights for a hearing to plea her cause. Having done all these things openly and humanly possible for 2 years, 1972 to 1975—I came home in 1971 and I did a little shopping first. You have to go look and see first—but I made my move.

In 1972 I took my case to court for \$300 million. My first case The second one was \$5 trillion. And as God is my witness, she had no other course but to declare war against the United States of America on January 14, 1975. Notice of evictions have already been issued to the United States of America in care of the President, Gerald Ford, to Japan in care of Emperor Hirohito, eviction notices. To China in care of Chou En-lai and to the Philippines in care of President Ferdinand E. Marcos. These are to take effect April 14, 1975. Copies have been provided to Governor Ariyoshi, the senate and the house of this State. On April 14, 1975, at the noon hour at the Iolani Palace ground, the declaration of independence for the native Hawaiians will be read and thereupon the native Hawaiians will assume their own government thereafter.

The World Court and the United Nations have been invited to attend the ceremony.

Therefore, I Peggy Ha'O Ross, on behalf of herself and all her native Hawaiian people—if you have one drop of Hawaiian, you are Hawaiian—having pleaded her cause, moves to dissolve the Hawaiian Native Claims Settlement Act. Dated January 5, 19—, which I had it mailed the following day.

Let me read one more thing here which is very, very important to me. I think I want to impress on you, Mr. Meeds, to know a little bit more about the native Hawaiian people.

The native Hawaiian people did not originate from the Pacific here. They traveled across various parts of the world. From across the continents, across the Bering Straits, into Alaska down through Canada into North and South America and finally into the Pacific after 2,000 years. I have these facts. They were given to me, intrusted in me. To assume this responsibility, wherever they were, wherever they may be, native are they. We are their brothers. We are their sisters in spirit and life. Whence we came, we are the last of them, the native Hawaiians. To the native Hawaiians, Hawaii is their final home and as it was the last words given to them by the last of our ancestors here, and this is the good I have given you, no man can make such a prophecy. Only one. A promise to his chosen people that he would make this an everlasting place for them never to move again that they may worship him in peace, sir.

Our islands sit on top of a range of mountains from the floor of the ocean still vomiting here its fires out of the bowels of the earth and kept cool by surrounding waters to keep it from blowing its head off. These islands that are on the very ground that we stand on is the largest altar in the world. Now that's God creation, not ours, because the native Hawaiians made it so. They made it so. History will show it to you. A hazardous place for anyone who thinks otherwise. If it pleases God, what would prevent him from sinking these islands back to the depth of this earth? It is a God-given right, sir, for us Hawaiians to worship him in the likeness which he provided for us.

Our very grounds today—whereupon our temples of worship stood is now desecrated with foreign artifacts and religious construction not of our faith and belief. Where the Hawaiians once overflowed, the churches are now empty. Our sacred burial grounds are now covered with hotels, condominiums, golf courses, other high-rises, and a \$75 million Halawa Stadium on Oahu Island. Where our sacred ponds and fishing locations and areas were, the seas are now filthy and polluted and poisonous from venom and neglect from the pineapple companies, scourge from sugar cane and runoffs and most profoundly, from raw sewage.

Chairman MEEDS. Mrs. Ross?

Mrs. Ross. Yes.

Chairman MEEDS. Do you think you could summarize?

Mrs. Ross. Why?

Chairman MEEDS. Because it is getting late.

Mrs. Ross. OK. Can you give me a minute more?

Chairman MEEDS. Yes. I will even give you 2 minutes. Twice as much as you asked for.

Mrs. Ross. Thank you.

Our beaches have been made inaccessible to public use and confined exclusively to private use and tourism. I am only giving you some ideas of some of the results of 82 years. We can talk about this kind of thing forever, but the result is what is happening today. Building constructions become hideous walls of obstructing the scenes of our beautiful oceans and natural beauties. Immigrations are given the right to vote without citizenry, which is intent to raise the voters to the Democratic party and the labor unions over the opponent party. I can go on and on about this thing. I have several cases in court. I filed one more yesterday.

The public school system provides for the teaching of foreign languages and yet never gave us our own. Our mountains that were sacred and given to us by our Hawaiian ancestors have been exposed and are only for tourism under the caretaking of the historical societies. And vandalism. It has been exposed to tourism and vandalism. Where again our fishing was abundant is now allowed by foreigners to fish commercially off our shores putting our native Hawaiian people in competitive markets and for maintaining costs for their living. These are the kinds of things that are happening to us today. I know this for a fact.

Where the native Hawaiian was able to provide and maintain paying vegetation and foods are now covered with cane and pineapple and are being restricted for compliance with modern purposes. Where nudity and sexual behavior of the native Hawaiians was considered by the white man's standards to be immoral, lewd and harlots are now being utilized openly in our streets, hospitals with the help of teachers, doctors, police, legislators, churches, and all other institutions, sir. Now I am going to have to say thank you very much. I know this has gone on too long. [Applause.]

Chairman MEEDS. John Agard has indicated a desire to speak. Now if anyone wishes to testify, they should give their names to the Congressman. Mr. Agard?

#### STATEMENT OF JOHN AGARD

Mr. AGARD. Chairman Meeds, Congresswoman Mink, Congressman Matsunaga, distinguished guests, staff members, friends, Aloha nuiuala aloha kakou. As difficult as it may be for you to believe, I am a Hawaiian. I am a little light complexioned but still Hawaiian and I am proud of it. My bloodline goes back to the family name of Kealoha Kepahuni. The unusual thing about tracing this lineage is the fact that I definitely did not come from Alii. This was a crushing discovery, but perhaps this is the reason why I am currently deeply concerned with the struggle of our Hawaiian people.

My name is John Agard, and I periodically represent the Coalition of Hawaiian Organizations, the Kamehameha Schools Alumni Association, the Congress of the Hawaiian People, Nai Apuni, and other organizations. Today I am a representative of the State Association of Hawaiian Civic Clubs. I am testifying as an individual.



I shall go over the first seven pages of my prepared testimony and start at the end. Following are my points of view in a general sense on some of the language and thoughts contained in the bill. H.R. 1944 is asking for \$1 billion in compensation for approximately 400,000 acres of ceded lands. I believe that figure to fall much too short for the established injustice.

Taking today's acreage value of \$25,000 an acre for reservation-type land, the 218,000 acres devoted to Hawaii National Park lands would amount to \$5,450 million alone. The remaining 181,000 acres of military and other industrial-type lands at \$400,000 an acre would amount to \$72,400 million.

If we are to be properly compensated by today's land values for approximately 400,000 acres, we should be asking something like \$77,850 million. If we cannot be properly compensated for these 400,000 acres, then adjusted compensation close to \$77 billion and returnable lands—that is, owned by the Government and not being used for governmental purposes, should be considered as a fair settlement.

Returnable lands can be currently identified as 9,500 acres of surplus military lands in Hawaii valued at \$133 million, which were recently turned over to GSA for disposition. These lands should include the extended islands such as Mecca, Lehoa, Garden of Pinnacles, French Frigot Shoals, et cetera. Personally, I would like to ask for all lands. Then maybe once and for all we could settle questionable land titles, which have plagued our people since the Great Mahele of 1848.

H.R. 1944 does not include settlement relative to mineral rights, ocean rights, geothermal energy rights, fishing rights, water rights, et cetera. Without going into a lengthy dissertation, I firmly believe these rights and corresponding benefits for our Hawaiian people should be included in the bill.

In fairness with similar grants, similar rights granted in the Alaskan and Indian claims, H.R. 1944 contains verbiage retaining to relinquishing of rights by the Hawaiian people, when settlement materializes. If by chance the final bill is approved and the majority of our people are not in agreement with the resultant settlement drafted by Congress, we would prefer some means by which we may expeditiously right the wrong. We cannot help but be concerned about this provision, since we have learned from experience in the case of Prince Kuhio and his Hawaiian Homes Act of 1920, wherein Congress in its helpful wisdom restructured the bill leaving the intended beneficiaries with something unworkable.

I suggest that clear language be used to relinquish subsequent claims to the proposed settlement only. I do not believe that other identified rights should be relinquished. Speaking of benefits, I believe that anyone who can trace their lineage to ancestors who inhabited these islands prior to 1778 should be eligible.

H.R. 1944 touches on obtaining a tax-exempt status applying to corporation profits. Under the circumstances, I firmly believe we should be granted this privilege especially since a precedent was established under Indian claims.

In conclusion, I do not wish to elaborate on other portions of H.R. 1944 at this time. As a whole, though, I do support the sub-

mission by the ALOHA association and I do suggest refinements such as I and others have contributed to be strongly considered for incorporation.

Incidentally, most of the suggested changes to H.R. 1944 have already been discussed for inclusion. We have been assured changes would be considered for inclusion. For the record, I would like to submit to the committee a copy of resolution No. 12 approved on February 1975 at the annual convention of the State Association of the Hawaiian Civic Clubs in Kauai. This resolution supports the basic aims of the Hawaiian native claims settlement bill.

Chairman Meeds, Congresswoman Mink, Congressman Matsunaga, I thank you for this opportunity to share my mana'o. May you be blessed with visions and Hawaiian sensitivity, which can be used to help us structure an acceptable and workable bill. If required, copies of this testimony can be provided to the committee. Mahalo and Aloha. [Applause.]

Chairman MEEDS. That, evidently, is the final witness. I would like to express my appreciation to the staff. My commendations to the reporter for tirelessly taking down all this testimony today and to all of you who have helped in the conduct of the hearings and to indicate to you, again, my pleasure at being here and being able to participate in the hearings.

Do you have a closing statement?

Congressman MATSUNAGA. The thanks, I believe, belongs to you, Mr. Chairman, as I stated at the opening for holding these hearings in Hawaii so that the committee, the subcommittee, could listen to witnesses who otherwise would never be able to testify before a congressional committee, and in behalf of the people I represent, Mr. Chairman, I thank you. Mahalo a nui loa.

Chairman MEEDS. Thank you. We will be in recess until 10 o'clock tomorrow morning at which time we will resume in Kauai.

[Whereupon the proceedings ended at 6 p.m.]

# HAWAIIAN NATIVE CLAIMS SETTLEMENT ACT—PART I

WEDNESDAY, FEBRUARY 12, 1975

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON INDIAN AFFAIRS OF THE  
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,  
*Lihue, Kauai, Hawaii.*

The subcommittee met, pursuant to notice, at 10 a.m., at Lihue War Memorial Convention Hall, Lihue, Kauai, Hawaii, Hon. Lloyd Meeds, chairman of the subcommittee, presiding.

Chairman MEEDS. The Subcommittee on Indian Affairs of the House Committee on Interior and Insular Affairs will be in session for the purpose of further hearings and testimony on the bill H.R. 1944.

We are going to be honored this morning with a prayer by Joseph Moa.

[Whereupon a prayer was said in Hawaiian by Mr. Moa.]

Mr. WHITE. Shall we all rise and sing Hawaii Pono.

[Hawaii Pono was sung.]

Mr. KALUNA. Congressman Meeds, Congressman Matsunaga, Congresswoman Mink, we welcome you to Kauai. To start the program we would like to introduce our President of the ALOHA Association who, in turn, will introduce the members of the committee. Charles Kaulawei Maxwell, president of the ALOHA Association.

Mr. MAXWELL. Aloha kakou. On behalf of the members of the Kauai ALOHA Association, I would like to welcome the congressional party. I would like to introduce first of all Representative Lloyd Meeds, chairman of the committee and his daughter, Michele, who is very happy to be here. This is the first time she has been to Hawaii and she is very happy with the trip. Everyone knows our Sparky Matsunaga, Representative Sparky Matsunaga and Representative Patsy Mink, Frank Ducheneaux, the counsel and Becky Shapiro, the secretary and the reporter here is Judith Powers.

Something very funny happened to Judith yesterday in Honolulu. She was going on her recorder and all of a sudden when people started to talk in Hawaiian, I looked at her and we kind of smiled at each other, because she had no characters to record the Hawaiian. But anyway, don't worry, because we have it all on tape.

I would like also to introduce the attorney for ALOHA, Mr. Rich Allan. Thank you.

## STATEMENT OF CHAIRMAN MEEDS

Chairman MEEDS. Thank you very much, Charles. Let me on behalf of the committee thank you and the people of Kauai for the

graciousness and hospitality with which we have been received and to indicate to those here that this is the second hearing. We had hearings all day in Honolulu yesterday, and I mean all day, from 9 to 6 o'clock. We will have hearings here today. Tomorrow we will have Maui and Molokai and to finish up on Friday, on the big island.

It has been thus far a very informational, and I might say, inspirational hearing to hear the people express their views on the takeover of the Hawaiian monarchy by the United States. I think there is no question that, as I termed it yesterday, the U.S. Government was deeply involved in that nefarious business. The question is, is there going to be some kind of recompense or compensation, some people call it reparation, for that takeover. That is what the bill, which we are studying, and these hearings are to determine. H.R. 1944 provides for \$1 billion over a 10-year period in compensation, recompense, reparations, whatever you want to call it.

It establishes an Hawaiian Native Association for the management, control and distribution of that fund. It provides for making available on a first refusal basis to the Hawaiian Native Association, the surplus lands of the U.S. Government and defines terms and other things.

These things are an effort to determine, one, if any compensation is owing. Two, if that compensation is owing, how is it to be handled? The process will be hearings here. Hopefully, then, there will be hearings in Washington, D.C. and depending on what the Senate does, if there is affirmative action by the House of Representatives, we should have the bill sometime, probably, within a couple of years. You should recognize that I was one of the original sponsors of the Alaskan Native Claims Act, and we worked on that for 3 years. If anything, that claim was much better documented than the Hawaiian native claim seems to have been.

Now, I am not saying that a wrongful taking was not present in the instance of Hawaii—much more so, in fact, than in Alaska. However, in the Alaska case, there was constant documentation of the retaining of Alaskan Native rights in the treaty of succession from Russia and all of the documents and laws that were passed with regard to Alaska, such as the Organic Act and others. So, while there are some similarities in the Alaskan Native claims and the Hawaiian native claims, I would urge you not to automatically determine that because we provided for the Alaskan Natives in the Alaskan Native Claims Act, it automatically means the same thing is going to happen with regard to Hawaii.

Indeed, I think it is a difficult and tortuous path for this legislation. But I do want to compliment you and your leaders on the spirit, which I see here and which I very much appreciate in people who are attempting to regain something which has been lost to them. As I view it, you are mostly concerned about regaining their heritage, and I think that is a very fine indication.

With that, I will call upon Mrs. Mink, who is a member of the Committee on the Interior and Insular Affairs. She has served with me now for 10 years. We came to Congress together in 1965 and have been, as a matter of fact, on both the Interior and Insular Affairs Committee and the Education and Labor Committee all during that period of time. It is a pleasure to welcome Patsy as part of that committee and to be with her here in Hawaii. Patsy?

## STATEMENT OF HON. PATSY T. MINK

Representative MINK. Thank you very much, Mr. Chairman. It is a pleasure to be back home and, particularly, to be able to participate with you in these very important hearings. I know how much you have given up of the precious time that was allotted to us to return to our districts and how you gave this up willingly to come to Hawaii to conduct these hearings to get the bill at least on its way in the very, very long and difficult legislative road that it must travel.

Last night, I think many of you probably read in the newspaper the tremendous success story of Chairman Meeds in his tenure as chairman of this particular subcommittee and the marvelous record of achievements he has accomplished for the Indians throughout the United States.

If anyone can produce a speedy and effective enactment of this piece of legislation in the Congress of the United States, I am sure it is Congressman Meeds. So, it is with particular pleasure that I am home and able to join you. I shall be, of course, on the Committee of the Interior. We will be working together very, very closely. But most importantly we wanted this opportunity to kick off and inaugurate this bill here in Hawaii to get it into the record and into the understanding of the Congress, to establish the thinking and the sentiments and concerns and justification for this legislation. I am sure that those who will be testifying today and in the next succeeding days will give us the kind of record that we will proudly take back to Washington to then begin hearings there.

I would like to invite all of you, who have comments you would like to make, perhaps not today because maybe you want time to think about them, to communicate them to any one of us. I hope that you will feel free to do so and tell us about the things that you feel may not have been brought out adequately in the hearings or raise questions you have about the legislation that we will need to consider.

I certainly would like to have your thoughts and views so that in the final analysis, when the bill does become law, we will have genuinely put together the majority consensus of the Hawaiian people of the State of Hawaii. Thank you very much.

Chairman MEEDS. Thank you, Mrs. Mink. Even if the legislation receives the approval of the committee in Congress, it is sometimes very difficult to receive a hearing on the floor of the House, because we have in the House of Representatives what is known as the Rules Committee. The Rules Committee is the traffic cop for legislation. Sometimes the cop goes like this [indicating stop] and the legislation doesn't proceed. We are, indeed, fortunate that the chief sponsor of this legislation, whom we have made an ex-officio member of this subcommittee for the purposes of these hearings is a member of the Rules Committee, which I think assures us if we can pass the legislation through the committee, the traffic cop won't go like that [indicating stop], he will go like this [indicating go] and that very valuable member of the Rules Committee and Representative from the State of Hawaii is Sparky Matsunaga. Spark, we are delighted to have you as a member, an ex-officio member, of this organization for the purpose of these hearings.

## STATEMENT OF HON. SPARK MATSUNAGA

Representative MATSUNAGA. Thank you very much, Chairman Meeds and Mrs. Mink. As a keiki-O-Kauai, a son of the Island of Kauai, I am certainly happy to be back with you for these hearings here on the Garden Island. I was born at Kukuiula near Kaloa many, many years ago, and lived in Hanapepe since I was 8 years of age. I am a graduate of Kauai High School here in Lihue—class of 1933. That is a long time ago. I was a young boy, though, when I was graduated.

I wish, first of all, to thank you, Congressman Meeds, for conducting these hearings, not only in Honolulu, but here on Kauai and then we will go to Maui, Molokai, and to the big island of Hawaii, because you are giving an opportunity to the people of Hawaii, particularly those of native Hawaiian ancestry, to testify before this subcommittee, an opportunity which they would never have due to financial limitations, otherwise. They could never afford to go to Washington to testify before this committee. On behalf of the people of Hawaii, whom Patsy and I both represent, I wish to thank you from the bottom of their hearts for bringing these hearings to Hawaii.

Yesterday we had such a wonderful session. We had some moving testimony and the statements made at the hearings yesterday indicated what a great injustice had been invoked upon the people of native Hawaiian ancestry. I think today again we will hear much of the uniqueness of Hawaii, of the uniqueness of the people who have populated Hawaii, who were the real discoverers of Hawaii. As I pointed out yesterday, Hawaii is unique in many ways. Hawaii is the only jurisdiction under the American flag, which underwent four different political systems—a kingdom, a republic, a territory, and now a State.

The only State, the only area under the American flag, which has a royal palace. These historic facts and the facts, which were presented yesterday and which will be presented today, Mr. Chairman, I believe will prove the justice of the cause for which we are fighting, to get H.R. 1944 passed. I want to thank you again for bringing these hearings to Hawaii to the people who will be affected by H.R. 1944. Mahalo

Chairman MEEDS. Thank you. Mahalo.

Our first witness of the day is the mayor—Mayor Malapit. I should start by asking you to excuse me for slaughtering your very beautiful language and mishandling your names. I have told Spark and Patsy that if they let me stay around a little while, I think I could probably learn to speak the language properly and at least pronounce the names properly. So, if I mispronounce your names, please understand it is an error in good faith.

Representative MATSUNAGA. Mr. Chairman, if I might interject here, he was doing very well with his pronouncing Kanahale and Makahalehele and so on until he came to Arthur Hoke and he said Arthur Hokee. [Laughter.]

Chairman MEEDS. Is the mayor or his representative here?

### STATEMENT OF AL LARDIZABAL, REPRESENTING MAYOR MALAPIT

Mr. AL LARDIZABAL. Good morning. It is nice to be here. I represent Mayor Malapit who unfortunately could not be here this morning. He is in Honolulu for the Kauai task force and he has asked me to represent him this morning.

My name is Alfred Lardizabal and I am the deputy director of planning for the county of Kauai. If you will forgive me for reading this, I would like to on behalf of the mayor.

First of all, of course, I wish to give thanks to Representative Patsy Mink, Sparky Matsunaga, and Representative Meeds, and of course Arthur Kinney and all the independent parties for coming here this morning. The mayor expresses his appreciation for your interest and he would have liked to have been here today. I am not going to add any historical background to the claim. I am sure you have historical background and research in considerable detail. The legal basis for the claim, I believe, will be exhausted by counsel for the claimants and the Congress.

Our Hawaiian friends are here to represent their opinions and feelings. Especially the feelings of Hawaiians relative to the claim. But the majority of the residents of Kauai, some of whom are still first generation immigrants and others who are descendants of immigrants, I wish to say that it is an overwhelming desire to see the fair and just reparation of, if possible, restitution of lands be made for all of the Hawaiians.

I know that an abiding belief in the fairness and justice of our government is one of the basic beliefs of all our people and especially of the immigrants. Perhaps the settlements have not been to the full expectations of the Alaskan Indians, but nevertheless, settlement has been made. Without attempting to guess what might be fair and adequate reparation, I urge you, and I urge your very favorable consideration of awarding to the native Hawaiians reparation and settlement of the claim. Aloha. Edwardo Malapit, mayor of the county of Kauai. Thank you. [Applause.]

Chairman MEEDS. The next witness is the Council Chairman Burt Tsuchiya. [Not present.]

He is not here. Very well, Tony Kunimura, who is a State representative.

### STATEMENT OF HON. TONY KUNIMURA, HAWAII STATE REPRESENTATIVE

Mr. KUNIMURA. Good morning Chairman Meeds, Representative Mink and Representative Matsunaga. This morning I am here to testify from Honolulu and I almost missed the flight and I was very happy that Hawaiian Airlines held the plane a little bit for me. I am appearing on behalf of Senator George Toyofuku, our Representative Richard Kawakami, Dennis Yamada, and myself. They have asked me to come here because of the many heavy schedules of the legislature now. We have only 3 members in the House of out 15 and 1 Senator out of 25. We can't afford the luxury of all of us

coming back, so please accept our apologies that we couldn't meet you this morning at the airport.

My name is Tony Kunimura, a resident of Kauai, born and raised on this island. I testify today on behalf of the Hawaiians, not only as a citizen but as a member of the Hawaii State Legislature.

It is my personal conviction that there were some very serious and gross injustices perpetrated by the United States when it influenced the provisional government to undermine and weaken the efforts of those who tried to maintain the monarchy. It was not a case of whether monarchy or a provisional government was more desirable. It was simply a case of friendly, fun-loving people being exploited culturally and politically. Unfortunately, the destruction could not be contained only to culture and politics. It seriously affected and damaged the sociological aspects of the Hawaiians. These fine people, the Hawaiians, were compelled to accept a totally alien lifestyle for which they were not prepared.

To the best of my knowledge there was no legal political relationship or ties between the Governments of Hawaii and the United States. The closest link was established through the trade agreement under the Reciprocity Treaty of 1876. This fact is evidence that Hawaii as an entity was recognized by the United States as a nation. We further recognize this point by the fact that the U.S. Government sent representatives identified by titles such as "minister" indicating that such representatives were dealing with a nation foreign to the United States. It is apparent that Americans who were not legally entitled to do so had considerable influence upon the monarchy leading to the deterioration of the Hawaiian people.

During the reign of Queen Liliuokalani, the self-respecting Hawaiians were unable to attach themselves to any sound sense of values and the only alternative now offered to them was a dual standard value system; one for the foreigner and the other for the rest. Therefore, the Hawaiian people were at a complete loss sociologically due to the introduction of doubt in their value system, which had been successful for centuries, and the imposition of a new dual standard system. Today, this problem still exists in that Hawaiians and part-Hawaiians constitute the highest ethnic group in social breakdown and the lowest group in the area of personal achievement. Perhaps the situation as it exists today would not have come about had not these constraints been foisted upon the aboriginal Hawaiians during the periods in question. Let us examine why such a situation developed.

Land ownership was a major qualification to vote which permitted the small minority of whites to influence the elections. This resulted in minority control over the majority. It is obvious that this situation seriously affected the lifestyles of the aboriginal Hawaiians. Unfortunately, this change had a debilitating effect on the well-being of the Hawaiian people. The effect was so great that the aboriginal Hawaiians deteriorated to the point where they could not compete with the new elements in a society that was once dominated by themselves.

If we examine the aboriginal society as it is today, we find them in serious need of major assistance to uplift themselves to meet the



challenges of the complex modern society with its numerous social and economic problems.

There are several private social agencies that have been contributing their efforts to alleviate some of the severe handicaps of the modern Hawaiians resulting from the improprieties of the past. There are three organizations that are providing educational as well as sociological assistance and these are:

The Bishop Estate, a trust organization founded by Mrs. Pauahi Bishop, contributes the largest part of its revenue in support of the Kamehameha School for children of Hawaiian ancestry.

The Liliuokalani Trust was established for the benefit of orphans and other destitute children in the Hawaiian Islands, preference to be given to Hawaiian children of pure or part aboriginal blood.

The Lunalilo Estate, with very limited financial resources, assists the aged.

All three organizations are doing an admirable job but are falling far short of meeting the total needs of the Hawaiian people.

The State government, through the Hawaiian Homes Commission, has been providing economic assistance to those people qualified by blood, but they too, have not been able to adequately meet the needs.

When we examine the total picture, we find that the power exercised by those whites who occupied positions of influence as representatives of the American Government had very deep and lasting effects upon the native Hawaiian people. It will require an enormous effort and huge amounts of money to overcome the long-term devastating effects of those acts of improprieties of the past.

In conclusion, I submit that the case for the aboriginal Hawaiian people has as much if not greater merits than the Alaskan Eskimos. The United States purchased Alaska from Russia whereas this was not the case with Hawaii. I do not wish to be redundant so will not enumerate the historical events that have been presented by other witnesses. Suffice it to say that a grave injustice had been perpetrated on a race of innocent people. I urge and recommend strongly that the request for restitution as proposed in House Resolution 15666 be considered favorably and approved.

I extend my appreciation for the opportunity granted me today to present my views on the question of House Resolution 15666.

Chairman Meeds, if I may add a little, even after we became an integral part of the United States through the annexation of Hawaii and the subsequent passage of the Hawaiian Homes Commission Act, the rape continued, because if you examine the land that was set aside for the Hawaiians under the Hawaiian Homes Commission Act, there is thousands of acres of lands that there is no water, no roads and it was land that could not be used for agricultural purposes as the intent of the Hawaiian Homes Commission Act intended. I wish very much that once and for all—I think we should put the Hawaiians back on their feet so that—I don't think any government or any people in the world is like the Hawaiians. Thank you very much. [Applause.]

Chairman MEEDS. I am delighted that you are a fellow legislator, because I have some questions that I would like to ask a legislator and I didn't get a chance to yesterday. We had several.

First, it is my understanding that you are now speaking for and with the consent of all of the elected State representatives and senators on the island of Kauai, is that correct?

Mr. KUNIMURA. That is correct, sir. Yes.

Chairman MEEDS. Your testimony is largely directed to the social aspects. I am in no disagreement with what you say about the wrong. I think that is clearly documented; but I have some trouble understanding how money compensation is going to, in some way, relieve the social problems that you talk about. Could you kind of enlighten me a little bit?

Mr. KUNIMURA. I am not saying money will be the magic wand that will put the Hawaiians back on their feet immediately, but it takes money to educate people, the children. It takes money to put decent homes or roofs over their heads, and as a child, as I grew up, not knowing the seriousness of discrimination and why people discriminate—we were told very young that Hawaiians are lazy. I have met lots of Hawaiians and I have lot of friends—I have Representative Peters in Waianae, a new member in the house—he works till 2 o'clock in the morning like we do. And Hawaiians are basically highly intelligent, because if we check the laws that were proclaimed by the monarchies in the past like Kamehameha's law of the broken paddle and our slogan, *ua mau ke ea o ka aina i ka pono*, these are wisdoms that should come out of Ph. D's. Maybe they were uneducated, but they were Hawaiian people.

Chairman MEEDS. I think we both agree that money compensation is not in and of itself going to cure some of these problems about which you speak, but let me phrase the question in these terms: If a person of Hawaiian ancestry of one-quarter quantum blood or more were given the opportunity to take money or land as compensation, which do you think they'd take?

Mr. KUNIMURA. I would say most of them would take land.

Chairman MEEDS. I think that is certainly the sense I pick up.

Mr. KUNIMURA. But we must have the combination, because you see we don't try to understand that in Samoa today land is—also Tahiti—but in Samoa all lands are still communally owned.

Chairman MEEDS. That's correct.

Mr. KUNIMURA. They have not lost a square foot to anybody, but in Hawaii through the influence of some outside people, that talked the monarchy into what they call the division of the land called *Mahele*, once title was established with the individual, he didn't understand what taxation was. And he was delinquent in his taxes, because in the past if you grew 10 bags of taro, his contribution would be 3 bags maybe. He couldn't comprehend all the complexities of modern society. If we don't finance them, give them some money and some land to get them started—if we give them only land, that would be another injustice. I believe.

Chairman MEEDS. The bill does provide for some land but it is, I'd say, certainly very inadequate in terms of what was taken. It only provides for the first right of refusal for surplus lands, which seems to me to be very inadequate even if they were to get all of the surplus lands, which probably won't happen. But let me ask you this, when Hawaii became a State, was it crown lands that were turned over from the Federal Government to the State of Hawaii? How many acres was that. Does anybody know?

Mr. KUNIMURA. I just now don't have that, but we are talking about ceded lands. That was a strange happening. I know Representative Matsunaga and Representative Mink were in Washington during the legislation for statehood, I am sure they wouldn't have allowed these things to go on, but when you are a beggar and you want to be a State, you have got to buy some of these things—the good and the bad. Therefore, our ceded lands, which were the crown lands that were—the Federal Government was given permission to use, those automatically became Federal lands.

Chairman MEEDS. Right. I think somebody testified yesterday that was about 2.1 million acres—

Mr. ALLAN. 2.2—up to two and a half—

Chairman MEEDS. Up to 2½ million acres.

Mr. ALLAN. That was not only crown lands, but also government land.

Chairman MEEDS. Does anyone know how much of that land was turned over by the Federal Government to the State of Hawaii upon the territory becoming a State?

Mr. KUNIMURA. We can make available that information from the Department of Land and Natural Resources. Like part of Sand Island and some areas, but we had to buy back some lands. Those lands that were bought by the Federal Government, whenever it became surplus, the State of Hawaii purchased it at the fair market value. But ceded lands that were declared surplus by the military were turned over and that doesn't amount to very much.

Chairman MEEDS. Certainly in excess of 1 million acres, which—in the name of the Federal Government—was turned over to the State of Hawaii upon it becoming a State.

Mr. ALLAN. About 1.6 million.

Chairman MEEDS. These are lands, which, I think, by all the testimony I have heard, and I certainly believe, were improperly and unjustly taken from the Hawaiian people, the native Hawaiians. Do you agree with that?

Mr. KUNIMURA. That's right, sir.

Chairman MEEDS. Well, this bill that we are talking about relates only to the Federal Government. Don't you agree with me that the State of Hawaii also perhaps has some obligation to the Hawaiian natives in dealing with the land, which was unjustly taken by the Federal Government from the Hawaiian natives and then given to the State of Hawaii? Would you agree with me that there may be some obligation upon the State, particularly in terms of land?

Mr. KUNIMURA. Yes. We can examine that area.

Chairman MEEDS. Would you be willing to work in the Legislature for legislation at the State level, which might help us in that regard, if the Federal Government—

Mr. KUNIMURA. Yes. Anything to make Hawaii a more homogeneous society rather than some very educated, some very rich and some very poor. But at least, if we can give the Hawaiians the same aloha that when our parents came over here—that they gave our parents, I think we can walk straight with our conscience clear.

Chairman MEEDS. That's very good. Thank you. [Applause.] Congressman Matsunaga has a question.

Representative MATSUNAGA. I wish to commend you, first, Representative Kunimura, on your well presented statement. I note that

you refer still to H.R. 15666, which was the number given to the bill in the last Congress. We have reintroduced the bill and it is now H.R. 1944. So, if you have no objection, we will correct the record.

Mr. KUNIMURA. May I make that request.

Representative MATSUNAGA. That you testified in support of H.R. 1944.

Mr. KUNIMURA. 1944.

Representative MATSUNAGA. We were informed yesterday that a resolution was introduced in the House of Representatives of the State legislature endorsing and supporting passage of H.R. 1944. I am sure that in the light of your testimony today, all Kauai Representatives and the one Senator will support that resolution, but perhaps he might even cosponsor that resolution so that we can say that members of the Kauai delegation to the State legislature not only support the measure but cosponsor the measure and of course the more cosponsors we have, the stronger a case we can make in Congress that our bill has the full support of the members of the State legislature. So, I would urge upon you as a Representative of Kauai to see that this happens.

Mr. KUNIMURA. I will be leaving on the 12:20 flight and before doing anything else, I will so inform the Speaker of the House to get 51 signatures on that resolution.

Representative MATSUNAGA. Wonderful.

Mr. KUNIMURA. Republicans and all. It is going to be a bipartisan resolution. [Applause.]

[A copy of the resolution follows:]

COUNTY COUNCIL,  
COUNTY OF KAUAI.

RESOLUTION No. 34

RESOLUTION SUPPORTING THE HAWAIIAN NATIVE CLAIMS SETTLEMENT BILL

Whereas, there is a bill pending before the Congress of the United States, providing reparation and restitution, where possible, to the native Hawaiians for native land appropriated from them without adequate consideration or due process of law; and

Whereas, the Congress of the United States, in its consideration for equity and justice, has provided settlement for similar claims; and

Whereas, hearings on the bill are to be held in Honolulu in the near future; now, therefore, be it

*Resolved by the Council of the County of Kauai, State of Hawaii, That;* it endorse and support the passage of the Hawaiian Native Claims Settlement Bill and urge Congress to provide a just and equitable settlement for the native Hawaiians; be it further

*Resolved,* That certified copies of this resolution be presented to the Honorable Lloyd Meeds, Chairman of the committee, and to members of Hawaii's delegation to Congress.

Introduced By:

JEROME HEW—ABEL MEDEIROS,  
Councilman.

We hereby certify that Resolution No. 34 was adopted by the Council of the County of Kauai, Hawaii, on February 18, 1975.

Mr. VERNON WHITE. I hate to interrupt but this is the first time that Kauai has failed to give leis at the beginning of our meeting. However, it is because our leis have just come here from the

mountains. So we would like to call upon Mrs. Lorna Kauo, Mrs. Elizabeth Medeiros and Mrs. Mary Ahana to come up here as we call the names.

Chairman MEEDS. We will have a brief recess while we are receiving leis.

Recess.

[Off the record.]

Chairman MEEDS. Thank you very much. We appreciate again your very kind, generous treatment. Actually providing leis is simply more of the same hospitality we have seen. So, I hope that you don't feel at all badly, because it took some time getting them down from the mountain. It makes them all the more appreciated.

Our next witness is Alice Zenger. Alice? Welcome to the committee, Alice.

#### STATEMENT OF ALICE ZENGER

Ms. ZENGER. Representative Meeds, Congressman Spark Matsunaga, Patsy Mink, my name is Alice Zenger. I was born and reared on this island. We are very touched that you have seen fit to come to this island and to look into the faces of our part-Hawaiian, our Hawaiian people, our oriental people, Portugese and all the other races, for we truly live on the garden island and we live in harmony, peace and unity. We get along with one another. Because of the spirit of aloha in getting along one with another, we see in the crowd today, people who are not of the Hawaiian race, but are here because they are interested in what is happening. The Hawaiian people that you see here, and I speak now especially for the senior citizens, who are part-Hawaiian in Hawaii, are here not only because they are interested. It goes beyond interest. They are here, because they know that in you they would see action take place. Action that they feel will help, perhaps not them, because they are old and aged, but action that will help their children and their children's children.

We have heard much about the social problems among part-Hawaiians and the question was asked by Congressman Meeds whether money or land would help our people. I am an educator. I have worked with Hawaiians, part-Hawaiians and other racial groups. If we put into the classroom carpeting, as we have done in the State of Hawaii for our programs, we find that children behave a little differently than when they are in very shoddy buildings. So, if we give to the Hawaiians what they rightfully deserve, because of what has been taken away from them, lands and money so that they can now be in a surrounding that will help them change their ways of acting, they can be in a surrounding that will make them feel equal to others. For we know that while they are people of great pride, their self image often does not reflect this.

So, it is our contention and again I speak for the senior citizens, part-Hawaiians and Hawaiians, that the \$1 billion we ask through the ALOHA Assn. be granted and that surplus lands also be granted. And that through the ALOHA Assn., the necessary procedures will be set up so that each will receive a part of this. Not so

much as "Here is X number of dollars for you; here is X number of dollars for; here is X number of acres for you," but the benefits derived from the combination can help our Hawaiian people so that they can feel and be in actuality, equal so that we can say that while not all men are created equal, that they have had an equal opportunity guaranteed under our Constitution to pursue the happiness that all men have the right to pursue. Thank you. [Applause.]

Chairman MEEDS. I am delighted with your statement, because I think you really touched at the core of the question. My own view is that it is not so much the money as it is the land, but it is not even so much the land as it is the feeling of unity, of oneness and participation, which will come to the Hawaiian natives through having their own corporation, their own organization, managing their own affairs.

Ms. ZENGER. Absolutely.

Chairman MEEDS. I think that this is the thing that restores pride that you talked about, and it came out so much in the testimony yesterday in Honolulu. Would you agree?

Ms. ZENGER. Absolutely.

Chairman MEEDS. Thank you. Any questions?

[There were none.]

Vera Finberg.

Ms. FINBERG. I am inclined to become a little emotional about the subject.

Chairman MEEDS. That's a good sign. I get disturbed over people who don't have emotions.

Ms. FINBERG. With your permission, I would like to read what I have to say.

Chairman MEEDS. Very well.

#### STATEMENT OF VERA FINBERG

Ms. FINBERG. As a resident of this island and as a student of Hawaiian history, I should like to speak in favor of the Hawaiian Native Claims Settlement Act. We urge you to give earnest consideration to this bill. We cannot correct the harm that was done when the islands belonged to the Queen and the people and it was taken as U.S. Government property in 1893. President Grover Cleveland called it "A lawless occupation under false pretenses". Restitution can be made in a small way by granting reparations then so that present day Hawaiians may get a share of what might have been theirs through inheritance.

The Hawaiian people are happy, hospitable and full of the aloha spirit, which is a very real thing here. But they are not wise in the ways of the world or shrewd businesswise, which is part of their charm. Therefore, the ALOHA Assn. was formed to draw them together to assist in representing them in their efforts to reclaim what is rightfully theirs.

I respectfully request your consideration and approval of this bill. Thank you. [Applause.]

Chairman MEEDS. Thank you very much. Our next witness is Mary Ahana.

### STATEMENT OF MARY AHANA

Ms. AHANA. I am Mary Ahana and I am a native of Kauai. I was born and raised here. My thoughts have been expressed by the speakers before me. Tony Kunimura, Representative; but I would like to express one thing and that is that as you all know, the Hawaiian race—the pure Hawaiian people are just a fraction of the population of Hawaii. We have embraced many different ethnic groups here, and most of our Hawaiian people now are part-Hawaiians. As you know, we could replenish all the other nationalities. The Japanese, Chinese, Philipinos, the caucasians, but after our people have gone from Hawaii, we will never be able to replenish them. Thank you. [Applause.]

Chairman MEEDS. Thank you. Our next witness is Elizabeth Medeiros.

[Not present.]

Chairman MEEDS. Very well, someone can tell her that if she wants to have a written statement, unless there is an objection, that will be made a part of the record at this point.

Arthur Kinney?

Mr. KINNEY. Mr. Meeds, I would like to present Vernon White to testify before me.

Chairman MEEDS. All right. I might say that both Arthur and Vernon have been very hospitable to us. We appreciate your hospitality and also the fact that you are going to testify.

### STATEMENT OF VERNON WHITE

Mr. WHITE. Thank you Congressman Meeds. First of all, I would like to say aloha to all the Hawaiians over here. Aloha.

It is not necessary for me to come before Members of the Congress to speak in behalf of the Hawaiians, because I am not used to speaking. However, I want to thank Congressman Lloyd Meeds, Mrs. Mink, Congressman Sparky Matsunaga for the opportunity to speak here and also members of the staff.

I am Vernon Kalaukahila White and I am testifying on behalf of the Hawaiians or part-Hawaiians in the State of Hawaii and also in the world. We have many Hawaiians throughout the world.

I would like to emphasize the word Hawaiians. Who are we? Where did we come from? Where shall we go? The word aboriginal, where did we get it? Hawaii to me is our home. Then what happened that our people now question who are we and in what land are we? If we were to go back into time, then we would see how the overthrowing of our Queen was at hand. The suffering of her and her staff during the overthrow of her reign and who did this? Well, I believe the story goes on and on. Because of foreign people, influence, the U.S. Government overthrew our Queen and put her in jail. Now here we have gone back into history. Here we see that our Queen was taken away from her palace and thrown in the dungeon. We may have many emotions at times when we listen to various people talk as far as our Queen, but today in our modern world, in the future here, 1975, we find that we weren't there at

that time. The records so prove that this was so. We are the people of Hawaii.

Now then, where have most of her people gone? By death from foreign sickness, which took more than half. The remaining have married into other ethnic races, which were brought here to the lands by the plantations to work as laborers in the cane fields. From here in the land have come part-Hawaiians, you have many different types right down to the almost nothing Hawaiian people. These are the people that are existing today. You have Hawaiian by the toe. You have foreign blood, but you have Hawaiian by the ear. [Laughter.]

We have been called many names and we have been abused in many words. The aloha word. How have we been abused as far as aloha is concerned? We take the word and we change it—the chapter of the ALOHA Association is trying to put back the right from the wrong. I am asking you now, Members of the Congress, to please help us, to please help restore our good name and place our bill to Congress and help this bill lift up our Hawaiians or our leftover Hawaiians as they call it and let us come home. I would like to emphasize here that it will be in the Hawaiian homes area. It is a bill in Congress made by one of our friends in the twenties.

I have seen here that the State is operating—maybe it should be deferred so we don't have pilikia. We have pilikia from 1920, and we find here the only one that can change this whole thing is the Member of the Congress. For this we thank you. [Applause.]

Chairman MEEDS. I appreciate your testimony, because you discussed something which I consider to be very important to this bill. I have worked with a number of pieces of legislation and dealt with many American people. In each instance, we found it necessary to establish some kind of blood quantum, be it a quarter or a sixteenth or an eighth or a half or whatever. I don't think the quantum itself is as important as is establishing it. So that it was administratively possible to handle that problem. Let's be practical for a minute. Let's assume that the Federal Government provided \$1 billion, and let's assume that the bill would allow anyone who had one drop of Hawaiian ancestry to be eligible.

If the amount of money is infinite—in other words there is no end to it—that's one thing, but if the amount of money is finite, like \$1 billion, and the class of people to be served keeps getting bigger and bigger and bigger, finally it comes to a point where no individual within that group has been benefited very much. I know it has certainly been the overwhelming testimony of almost everyone who has testified that any blood quantum should not be established, but it seems to me that it may be necessary. Do you think that would be totally disruptive of this legislation?

Mr. WHITE. Are you asking me the question?

Chairman MEEDS. Yes. I finally had to make that statement into a question.

Mr. WHITE. I am sorry, I cannot answer that. I cannot in this regard, that I think I represent many different Hawaiian organizations and ALOHA is one of them. I feel that we should discuss that.



Chairman MEEDS. You feel what?

Mr. WHITE. I feel that we should discuss your question before I can answer it.

Chairman MEEDS. OK. Fine. Arthur, are you the next witness?

Mr. KINNEY. Is Burt Tsuchiya in the house?

[Not present.]

### STATEMENT OF ARTHUR KAILUA KINNEY

My name is Arthur Kailua Kinney. This is my home. I was born and raised here. I went away to school and I came back to make my home here.

First I would like to say that I have been asked to represent Council Chairman Burt Tsuchiya in representing this resolution that was passed by the county council.

COUNTY COUNCIL,  
*County of Kauai*

#### RESOLUTION

##### RESOLUTION SUPPORTING THE HAWAIIAN NATIVE CLAIMS SETTLEMENT BILL

Whereas, there is a bill pending before the Congress of the United States, providing reparation and restitution, where possible, to the native Hawaiians for native land appropriated from them without adequate consideration or due process of law; and

Whereas, the Congress of the United States, in its consideration for equity and justice, has provided settlement for similar claims; and

Whereas, hearings on the bill are to be held in Honolulu in the near future; now, therefore, be it

*Resolved by the Council of the County of Kauai, State of Hawaii*, That it endorse and support the passage of the Hawaiian Native Claims Settlement Bill and urge Congress to provide a just and equitable settlement for the native Hawaiians; be it further

*Resolved*, That certified copies of this resolution be presented to the Honorable Lloyd Meeds, Chairman of the committee, and to members of Hawaii's delegation to Congress

Introduced by Jerome Hew and Abel Medeiros.

Approved by the entire Council, including Burt Tsuchiya, Chairman.

Speaking as Arthur Kinney, I would like to state freely that I believe that I am one of the very, very few people living today who was brought up in a grass hut. The only other person I know of is Keoa Kaawa. His was the matter of industry, but with me it was a matter of necessity. I was brought up until school age in a little grass hut in an area right close to where the Taylor Camp is now, where all the transients live. We learned Hawaiian tradition. We learned all of the things that happened. You see, I was born in 1903 immediately after the annexation and my father was very prominent in that process.

I became acquainted with the methods used in depriving lands from our Hawaiian people, not only by the Government agents, but by big concerns here in Hawaii. You notice I pronounce the name Ha-wa-ee. In the Hawaiian language, every letter is pronounced. We do not have any letters like in the English language that are not pronounced. So, most of our people, even our Hawaiian people pronounce it Ha-we-ee. In the word Hawaii there are two i's and each one has to be pronounced prominently. Some of our words have three letters used consecutively as Kaaawa, so there are three letters.

Three letters a and each one is pronounced as Ka-a-awa. So on the name for our State, Ha-wa-ee is the proper pronouncement. Some people use the v instead of the w. I have no complaint in that direction, in that area, but we know when the white man came here and wrote out the alphabet, they used five vowels and seven consonants. Every letter is pronounced. You will find that the only time that w is pronounced as a v is when it is in the second to the last letter in the word or if it precedes the vowels i, o, e as in in weke, a fish, which you spell W-e-k-e. It is pronounced veke but it starts with a w.

In other areas the same kind of procedure is used. So, the proper way to pronounce the name of the State is Ha-wa-ee. It sounds soft and comfortable when you are using it instead of Ha-wai, which is so sharp. But I would like to tell you that during the summer of 1919 at the age of 15, I was a chore boy for Prince Kuhio. And my father and the ex-mayor of Honolulu and we traveled all through the areas in Hawaii, where the Hawaiian homes are now situated. We traveled from Keoka and all the way to below the volcano and up through behind Hilo and all through that area called Puu—I can't think of it now. The shipping people own that ranch.

We spent all summer. He was looking for land for the Hawaiian people. At time we would stop at some old Hawaiian home and have the evening with them there and I would sit and listen to him with tears running down his eyes telling his people about what had happened in the past 10 or 15 years. I got to know him intimately, I am one of the few people living today that knew Prince Kuhio intimately.

His proposal was not a housing project. His proposal was a rehabilitation proposal. Some way the Hawaiians could get together and intermarry and perpetuate their race, because he knew that the Hawaiians were fast disappearing. But during the time of the overthrow of the government, according to my father—my father was half Hawaiian and half Irish—he and those people who were friendly to Prince Kuhio tried their best, but at that time of the overthrow the legislature that was in session at that time was made up of very few Hawaiians. Mostly were foreigners, haoles. Some of them were not even citizens of the State of Hawaii at the time of the monarchy, the Kingdom of Hawaii. In 1893, when this overthrow happened, Prince Kuhio was thinking very seriously of becoming King of Hawaii. With the death of Queen Liliuokalani, he was next in line. He would have been King if the government would have been allowed to continue. But he was not bitter in the sense that he was deprived of that, but he was bitter in the sense that it took a foreigner to come here to appropriate our lands.

It took a foreigner to come here and overthrow our government. It was not an insurrection of our people. Some of those lands, which were appropriated—I say unlawfully—were not only by the Government of the United States or the provisional government, which outlived the monarchy but it was by big concerns. I remember one instance, when I finished with my schooling, I came back to Kauai to live in 1926. There were some Hawaiians living in the area where Sparky used to live in Hanapepe, who owned land and water rights, where they grew their taro, the basic food. MacBride Sugar Co.—

I am mentioning the name MacBride Sugar Co., because I know, I worked for them many, many years—wanted these lands and their water rights so that they could pump the water from the valley up to the cane fields for cane irrigation. There were some Hawaiians on that land there and in Wahiawa Valley also. They were imposed upon by the sugar company to trade their lands for land down by the beach, a beautiful beach called Haua, and these people were all fishermen. So they decided to exchange their lands with the sugar company. But when they died, they were evicted. The plantation came along and kicked them out of their homes. So, they came to me—some of them were relatives of mine—so they came to me and asked me to investigate and find out why they were evicted from their homes. I went to the plantation and looked over the grievance and in the very small print it stated clearly that their tenure of occupancy was only for life. At their death they would be evicted. That was how much of the land was taken away.

In other areas the Hawaiians, during the Great Mahele, were ignorant of the law of the white man concerning possession of land. So, they through ignorance did not register their ownership. These lands were appropriated unlawfully by other people and eventually the people were kicked out. I would like to mention the Island of Niihau. A lot of you don't know the circumstances surrounding the sale of that land, that Island.

The Great Mahele granted land to the Hawaiians on Niihau just as they did on every other island. But they had been isolated and ignorant of the law and did not register their land. So, when the land was sold—the island was sold to Mrs. Sinclair who later became Mrs. Robinson—when that island was sold to her, in her registration, she registered the whole island. All those Hawaiians who lived on Niihau were deprived of their land. They never knew what happened. They always thought that the Robinsons had proper authority to take over the land. But if you go back and trace the sale of those lands, you will find that it was improperly taken away. Some 72 square miles for \$10,000, just like Manhattan Island.

During the insurrection—before the insurrection—I shouldn't call it an insurrection. Before the overthrow of the monarchy and after that in the organization of the provisional government and later in the Republic of Hawaii, and then the annexation, going through the congressional records, while I was in Congress, I found many instances there, where a relative of mine was instrumental in this overthrow. I know my father told me about it, but I put it past through my mind, not thinking about it until I went to Washington and went through the Congressional Library and found these facts. The man that was actually responsible for all of these things was my granduncle W. A. Kinnev. That is one of the two reasons why I worked so hard for the ALOHA Association.

One is because of the trouble he caused for us and the second is because of my love for the Hawaiian people. I know that they were used in the overthrow. W. A. Kinnev was a very brilliant lawyer. He was Irish and employed by Alexander & Baldwin, which is one of the big five here. Before the overthrow, he was employed by the Hawaiian Sugar Planters Association. The big five. And

he was the one that steered them into the overthrow, into the organizing of the provisional government and in the annexation. The Republic of Hawaii and the annexation.

My father was born and raised in Hanalei Valley. His father, William Kinney was sent to Hanalei from Nova Scotia as an agriculturist to organize and start a sugar company in Hanalei. He did that, and in the time that he was here on Kauai, he married my grandmother, who was a daughter of Konahiki. Konahiki was the chief that had jurisdiction of the King's lands. He had jurisdiction of over 3,000 acres. When the old man Kailua died his daughter, my grandfather's wife, inherited these lands. When she died, my grandfather, an Irishman, inherited these lands. But he felt strongly that he had no right to hold these lands, not being Hawaiian. He organized what was known as the Haena Hui. He gave these lands back to the Hawaiian people, mostly his relatives, who lived in the area for \$1 an acre. Two thousand five hundred acres he gave back to the Hawaiian people at \$1 an acre.

Now, these lands that were given back to the Hawaiian people were held by this group of Hawaiians for many, many years until a few years ago when some haoles got in there and threw them—the lands came up in land court title—for land court title and the lands were divided, and most of the lands are now grabbed up by other people than Hawaiians. That there was unique in that the Hawaiians were self-sustaining there. Even until I would say about 1916, they were self-sustaining.

But with the advent of the ways of the western world, it gradually was lost. Another thing that I would like to touch on—this is close to my heart, and it hurts—the Hawaiians have been discriminated against in more ways than one. In one way, we always find people talking about the great number of Hawaiians in prison. I would like to mention here that many of those Hawaiians that we talk about who are Hawaiian in prison, are seven-eighths or three-quarters other nationalities or other ethnic groups. They are Portuguese, Koreans, Japanese, Haoles. All of them. But they are so proud of their Hawaiian lineage that when questioned they will say, "I am a Hawaiian." So, the majority of the people in prison are Hawaiians, but they are not really Hawaiians, but they are part Hawaiians. So, that is why you find in the records so many Hawaiians in prison.

You will find that when our boys went overseas they called themselves Hawaiians. They called themselves Hawaiians. They were Hawaiians truthfully. They were born here, but they did not have the ethnic blood of a Hawaiian. So, I feel that in presenting this bill to Congress, I think the ALOHA Association has done a wonderful thing for the Hawaiian people. I am really, really sorry that we did not have more people here. This is about the largest crowd we have ever had on Kauai at any of our meetings.

I am proud to say that we have with us many senior citizens that were brought here by Mrs. Alice Akita. They have come here to try to understand. I say to them thank you very much. Mahalo. [Applause.]

May I mention that the Hawaiians are at the bottom of the ladder. You will find that Hawaiians have established themselves in every area, not only the Hawaiian Islands, economically, socially, religiously, musically, in the government. You will also find that many, many of our Hawaiians have obtained high positions in our military services. You will find that we are in high places and we are trying to bring the rest of the Hawaiian people up with us.

This bill, I believe, if passed by Congress, will have a tremendous impact on our people, not only the Hawaiian people but all the people of the Hawaiian Islands. Imagine the amount of new money that will be coming into the State. Imagine the amount of people that will be provided with an education, a higher education so that they can attain higher positions in life. Imagine all of these things and then look at us Hawaiian people working so hard to push this bill through. I appreciate very much the efforts of Mrs. Mink and Sparky. I appreciate it very much, and Dan Inouye and Hiarm Fong. I would like to say here, thank you. I would like to thank Mr. Meeds, also, for his comments. I believe that his heart is in the right place. I would like to thank him. [Applause.]

Chairman MEEDS. Thank you. I would like to commend you on what I consider to be some of the most important testimony we have heard in these hearings so far. I am particularly struck by your testimony of your close association and familiarity with Prince Kuhio. I would like to ask you some questions about that if I may.

In any of your conversations with Prince Kuhio, did you ever learn whether he felt that what he was trying to do with the Homes Commission Act was ever really carried out?

Mr. KINNEY. Yes. His thought primarily was not a bill for residences for the Hawaiian people. His bill was to rehabilitate the Hawaiian people and to get them to propagate. In other words, become prolific in Hawaiian—raising Hawaiian children. He felt that by putting the Hawaiians back on the lands in certain areas, this would be an inducement for them to intermarry. Hawaiians marry Hawaiians and therefore increase the Hawaiian population. That was his main purpose. I believe that if he knew what was going on now he would turn over in his grave.

Chairman MEEDS. I don't think there is much question about that. But it was with him, as I have noticed with many in the ALOHA Association, the required association between the land and the culture. The heritage and the land. Was that his feeling? It seems to be.

Mr. KINNEY. Right. He was very strongly for Hawaiian culture. Education of the Hawaiian people. He believed in his project, that if it came to pass, that it would work out all right. But you see with the Hawaiian Homes Commission Act of 1920, it was a Federal mandate that the State of Hawaii provide lands. Two hundred twenty thousand acres in all. It was a Federal mandate. The lands belonged to the State of Hawaii, but being a Federal mandate. I think, Prince Kuhio had thoughts in mind that the territory at that time—that we could do good by the act and work it out.

In the act it provided that 20,000 acres may be distributed to the Hawaiian people every 5 years. I think until 1924 or 1925, there

was no land given out. Up until now I think there was only about one-third of that land that has been given.

Chairman MEEDS. Less than half we heard yesterday. Some 40,000 acres or about 20 percent.

Mr. KINNEY. The lands that have been allocated to the Hawaiian people, as mentioned by Vernon White, are mostly marginal lands except in very few areas like Kamuela in Hawaii. Most of the lands are marginal lands.

Chairman MEEDS. Assuming that some lands were to be made available through the corporation under this act, would you think it would be necessary to provide against alienation? In other words, should we provide against transfer of these lands to non-Hawaiian natives?

Mr. KINNEY. The attitude of our board of directors of the ALOHA Association has been that we have one objective. That is to pass this bill. We have in mind the thought that after this bill passes and the new Hawaii Corporation takes over, we would like to keep our ALOHA Association intact and then we will attack different areas like the Hawaiian Homes Commission Act and other areas, because there are many individuals throughout the State, who have legitimate claims against the State and against the U.S. Government concerning their lands.

So, we—the board of directors—feel that we would like to as much as possible confine ourselves to this bill.

Chairman MEEDS. I don't want to put this in either/or terms, but I am trying to get some idea of the sense of values. I think I know what it is, but I would like to get it on record.

If you as a Hawaiian native were presented only one of two alternatives, that you could either have the land, which you considered valuable to your heritage, to your culture, or you could have money, but you couldn't have both, which would you take?

Mr. KINNEY. I would prefer the land.

Chairman MEEDS. Do you think that is pretty much the concensus of the Hawaiian natives, generally?

Mr. KINNEY. Yes.

Chairman MEEDS. It certainly seems to me to be that. I just don't want to read my own thoughts into this. You are shaking your head. Does that mean yes?

Mr. KINNEY. Yes.

Chairman MEEDS. I think that is very important. Thank you. Spark, do you have a question?

Representative MATSUNAGA. You know, I was sitting here. Mr. Chairman, as I am sure you were, too, fascinated by the wealth of history, which is stored away in that brain of one Arthur Kinney. Have you ever thought of writing a book?

Mr. KINNEY. No, but I have recorded on tape much of this knowledge that I have.

Representative MATSUNAGA. I wish that you would continue that, because as you well know, your uncle, was it, and your cousins or was that your brother that was my immediate neighbor?

Mr. KINNEY. My uncle.

Representative MATSUNAGA. Your uncle. That is where I got to first know you, when I was a little boy. The Kinney family lived right next door to us. That is where I learned my Hawaiian, too, incidentally. Of course later I was sort of adopted—we have the Hawaiian system of hanai, keiki-O-hanai. But I was truly fascinated by your story about being with Prince Kuhio and discussing the land situation—where was this in Haena Valley?

Mr. KINNEY. Right. In Haena Valley. Three thousand acres.

Representative MATSUNAGA. My question is this, we have some problem in defining the term "Hawaiian." As the bill reads now, any person with one drop of Hawaiian blood would be eligible for benefits under this bill. Would you agree with that or would you place a quantum requirement of, say, one-quarter Hawaiian or half Hawaiian to be eligible for benefits under the bill?

Mr. KINNEY. I would like to see it as it is, but according to Mr. Meeds and other Congressmen that we have talked to, we would have to set a—what do you call it—a certain—

Representative MATSUNAGA. Quantum.

Mr. KINNEY. Quantum. We will go along with that. We would like to make it as low as possible. We would like to see the bill as it is.

Representative MATSUNAGA. As you well know, even under the Hawaiian Homes Commission Act, I have had so many of my friends come up to me and claim that they were qualified and yet the Hawaiian Homes Commission says that they are not qualified and we run into this problem. There is one fellow, if you look at him, he looks pure Hawaiian. Yet they say he was not qualified. There was another fellow, who looked all haole and yet—this is a case I am still working on—he can prove by papers and documents that he is half Hawaiian. But the people won't believe him, that he is half Hawaiian, because he looks practically all white. We have these problems.

Would you place the determination or the power of determination in a corporation that we are creating or would you place the determination in some other person or organization?

Mr. KINNEY. Well I think the way the bill reads now that it will remain with the Secretary of State—

Representative MATSUNAGA. Interior.

Mr. KINNEY. In conjunction with the corporation. The corporation will have the recommendations to make in that respect.

Representative MATSUNAGA. And you will go along with that?

Mr. KINNEY. I would like to say this, that the reason why Kuhio in his bill said an official percent was for an inducement for Hawaiians to marry Hawaiians so that their children could be 50 percent. But I think if he knew the conditions today he would have changed that so that those who are the heirs to the property, those who inherit it, their blood count would be dropped to maybe 25 percent or something. I think he would have approved of that. Not the original applicant, now, but the one who inherits the property.

Representative MATSUNAGA. I was very much interested in your little lesson, which you gave us on the pronunciation of Hawaii. Ha-wa-ee and how to pronounce the "w" as a "v" or a "w." Do

you feel that part of this program should be the teaching of the Hawaiian language?

Mr. KINNEY. Yes, sir.

Representative MATSUNAGA. There was a fellow yesterday who testified that he was in Italy during World War II, and he is half Hawaiian. He learned to speak Italian, but he never learned to speak Hawaiian, because nobody taught him. He was rather sad about that situation. Now, talking about how to pronounce v and w, tourists coming over from the mainland, two of them got into an argument whether it should be a v or a w. They said they will ask the first person they meet as soon as they get off the plane. So they asked the first man they came across, "How do you pronounce it? Is it Havaii or Hawaii?" And the fellow said, "Havaii." So the one tourist said to the other, "OK. Pay off. Let me have the \$10." Then he said to the man, "You have just made me earn \$10. Thank you very much." And the supposed Hawaiian said, "You're welcome." (Laughter)

Mr. KINNEY. Let me tell you something about that w thing. When the haole came and started writing up the Hawaiian language in the alphabet, don't you think that if the v was used at the time, they would have put it in the alphabet instead of the w? They put the w, which meant at that time that the w was used. Except in the special occasions that I mentioned. The w was used. That's why they used the w in their own alphabet.

Representative MATSUNAGA. I'm inclined to agree that it was the Russian influence. The Russians came over and pronounced the w as a v.

Mr. KINNEY. Before that the Hawaiians used to use in some instances, like I mentioned, next to the last letter in the word, it was pronounced as v.

Representative MATSUNAGA. Of course the Chinese have a tendency to pronounce v as a w also. The reason that I know about these things is that I used to be a teacher of speech in high school.

Well, I certainly join in the commendation of the Chairman on your statement presented here this morning. Thank you.

Chairman MEEDS. Mrs. Mink has a question.

Representative MINK. I think the comments which have been made in the form of questions to various witnesses who have testified here and in Honolulu, mainly by the Chairman, have created, I think, a strong feeling, perhaps, in yourself and others, that a critical review needs to be made with regard to the matter of Hawaiian blood for purposes of eligibility. I would like to take issue with that.

I think the Chairman was raising these matters as a point of trying to get information, and I personally feel that whatever the decision of the ALOHA group or others with respect to how the matter is defined, that however you decide it, we who represent you in Congress will be able to convey that definition and fight for it. I wanted to make sure that you didn't come out of the hearings believing that you had to review that particular section in the bill, because I don't happen to believe that that is the critical one.

It will be difficult to explain it, because as the Chairman has said, almost all our other bills do have the percentage figure. Twenty-five



percent Eskimo or 50 percent or whatever is always built into these bills. So, it will be difficult, no question about it, but I don't think it is essential that you review it now and come up with that kind of percentage.

I happen to think that the way the bill is now structured, the only thing that counts is whether you are put on the rolls and can vote for who is going to run for the corporation, who are going to be the directors. That is the only time it counts whether you have one drop or one teaspoon or two teaspoons of Hawaiian blood. To me, from what I have heard here, everybody who has Hawaiian blood is proud of it and wants to be a part of it. What happens to the billion dollars or the land is to be decided by those you elect to serve you as the directors of the corporation. If they decide they want to have one kind of educational project or another kind of project or a business enterprise, it will be their responsibility to channel the money into the most useful, beneficial purposes.

I am sure that those who are elected as directors of the corporation aren't going to make projects possible for others than the Hawaiians to participate in. So I think there are all kinds of safeguards built into the legislation without worrying too much whether the blood requirement is 10 percent or 25 percent or whatever. It seems to me that what you are trying to say is that ALOHA is a spirit. It is a thing of existence with which you either are or aren't. You are, I am not. We all know it and therefore the people who put this together in terms of who can benefit know exactly who can benefit.

The rolls will decide who can vote, but beyond that I do not personally believe it is that important to spell out in the bill that you must have a certain percentage in order to be able to go to school or not go to school or be in this program or not be in this program.

I think those kinds of issues are difficult for the members of Congress to understand, but not impossible for us to convey. I know that the record we are taking back with us is going to be very, very helpful in helping us to emphasize the feeling that I have been perceiving in the hearings over these two days. So I don't want you, Mr. Kinney, to feel that you must go back and, you know, rethink it, because I think this is a decision that has to be made. I certainly will abide by what the ALOHA Association decides to do on this, but I don't want you to feel the pressure that you must change it. If you want to, fine. But if you don't want to, we will fight for the concept of everyone being a potential beneficiary. Not everybody, of course, is going to be in a program at any one time, but can be potentially eligible. That is all that we are talking about. Thank you, Mr. Chairman.

Chairman MEEDS. The Chair might just observe that I hope this can be worked out. I have been thinking of it both from the standpoint of the difficulty of convincing our colleagues and the difficulty of administering it. One thing I am quite certain, if you make a billion dollars available to the people of Hawaiian blood, you will be surprised how many people with Hawaiian blood there will be. You think there were just about 300,000 when the missionaries

arrived—am I right? You will have more than three hundred thousand when you figure it up. I will predict that.

Again my commendation to Mr. Kinney on this very, very valuable testimony.

Now, we have exhausted the list of those who had stated a preference to speak and that have prepared statements. Has Elizabeth Medeiros arrived? (Not present)

Mr. KINNEY. Mr. Meeds, is it possible to have people whose names are not on the—

Chairman MEEDS. That's what I am going to do. I was just going to suggest that there may be people here in the audience who would like to say some things on this legislation. If so, we would be very delighted to hear you.

Please come forward, Sarah Raymond.

### STATEMENT OF SARAH RAYMOND

Ms. RAYMOND. Good morning. I am an example of a haole with a small drop of Hawaiian, but what I wanted to bring up today was that I am sure what you said about the Hawaiians want the land or the money, the land would come first. That is how strongly we feel about the land.

But, also, what kind of land? If we are going to get junk land, then, you know, nobody wants to get stuck way up in the hills or way out in the lava rocks. If there is valuable land or land that you can really put to use, that is another thing.

Chairman MEEDS. Could I interrupt you a minute.

Ms. RAYMOND. Surely.

Chairman MEEDS. What would you describe as to the Hawaiian native as valuable land?

Ms. RAYMOND. Land that they can make homes on. Not something that they would have to invest to make roads, to bring in electricity, to bring in water. Livable lands that you can live on. If not, the money would be more valuable, where, in turn, we could turn around and buy land that is livable. Not every Hawaiian wants a whole acre to farm, but they do want a place to live and to call home.

Another thing I feel is that in this project, I think that the Hawaiians—the people with the most amount of Hawaiian blood should be qualified first. Second should be brought up need. If they have Hawaiian blood and they need it, they should qualify before others. There are Hawaiians that have made their way in life. They don't need one more drop of money or one more drop of land. I don't need it. I am here to speak for the people who do need it, and there are lots of people—I am born and raised in Lahaina. Lahaina is home to me. Yet, all over Hawaii there are people who don't have anyone to speak for them. Yet there are a lot of people, who will come out and speak. The land is first. The money next. So, if you can't get the land, try getting the money for the people.

There is such a thing—and following through like the Bishop Estate did—why can the people in ALOHA who fought so hard for the land or the money, whichever comes through, organize like the Bishop Estate? Get it done with the lawyers, get it done so

legally and so tied in that whoever gets the land, there is no way that they can sell it to a malahini. You get the land and it stays.

Chairman MEEDS. So you would be in favor of restrictions on alienation?

Ms. RAYMOND. Oh yes. I think there should be restrictions so that we have fought so hard for will never be sold by a fast talker or, you know, that type of thing. That is all I have written down here. Thank you very much.

Chairman MEEDS. Just one moment. The record will not show this, so I am going to state that the witness, Sarah Raymond, is it? R-a-y-m-o-n-d?

Ms. RAYMOND. Yes.

Chairman MEEDS. Ms. Raymond is a beautiful, blonde lady, who as she has said has one drop of Hawaiian blood or more.

Ms. RAYMOND. More.

Chairman MEEDS. OK.

Ms. RAYMOND. My husband, he is from over here. Even though he is not here, I feel like maybe I am speaking for the people of Hawaii, although my heart is in Maui.

Chairman MEEDS. Mr. Matsunaga has a question.

Representative MATSUNAGA. You touched upon the real problem, which we will face, I think, in the operation of the bill, if it should be passed. You know we don't have the desirable lands, which could be declared surplus. Those lands which are usable for homes, generally, are never declared surplus by the Federal Government. They are put to the Government's own use. So that we may eventually end up with only money or money and very little usable land. The type of lands, which are declared surplus generally are the type of lands which cannot be used for the purposes which you stated.

So this, I believe, will be the problem with which we will be faced. You feel that in lieu of land, assuming that we have, through committee hearings and through meetings among the members of the House, members of the committee, we find that perhaps we ought to compensate Hawaiians for the value of the land taken at the time of the so-called revolution—

Ms. RAYMOND. That's right. In fact, the \$1 billion is very low. I don't know how you would work that.

Representative MATSUNAGA. That is the point I was coming to. Do you consider \$1 billion a sufficient sum?

Ms. RAYMOND. No, I do not. But whatever moneys we can get—if we cannot get land, I think it should be put into a thing like—I don't know what you would call it—like the Bishop Estate, in a trust fund, where that money is used to encourage the Hawaiians. If it is teaching the Hawaiian language, whatever. I am for having the people who fought so hard for this be organized and work it out that way. There should be a group that screens out the people who need this money.

Representative MATSUNAGA. Yesterday we had one witness, who testified that the bill ought to be amended to read \$50 billion.

Ms. RAYMOND. I read that in the paper this morning.

Representative MATSUNAGA. We can't reach for the sun, but she said that if we reach for the sun maybe we will get the moon. But

in the course of hearings, we do hope to establish some means of arriving at the value of land taken so that maybe we can arrive at a much larger figure.

Ms. RAYMOND. Is there any way you can fight for better land? You can keep giving money and giving money, but the Hawaiians would love the land. The land is what is so dear.

Representative MATSUNAGA. The question is one of availability, is it not?

Ms. RAYMOND. With the money, we also can buy some land.

Chairman MEEDS. Thank you very much, Mrs. Raymond. Are there any other people who would like to testify? Who would like to speak in favor of or opposed to this legislation? I assume if you were in opposition, you would do so in great peril to your life and limb here. Either for or against or perhaps some suggestions as to how the proposal ought to be changed. Here comes a gentleman here. Would you please state your name, sir?

FROM THE FLOOR. My name is Raymond Hoe.

Representative MEEDS. Raymond Ho. H-o?

#### STATEMENT OF RAYMOND HOE

Mr. HOE. H-o-e. I would just like to make some observations and comments. I think that our real future for our Hawaii is in our children, in our Hawaiian children. Our real concern should be for their future. That is the only way we are going to preserve us as Hawaiians.

In talking about technical statements and making restrictions and this type of thing, I think that naturally comes through governmental process already. I think the issue is that we should do something. Just to make a passing observation, perhaps if this bill was for another ethnic group of different ancestral background, I don't think this room would hold enough of those ethnic groups to hold this hearing, for the reason that I feel that being a Hawaiian is past. It has not been something to be proud of. I make that observation from my parents and my parents' parents.

I think the real issue is in educating us, our children who were deprived of their heritage so that they can have something to associate with. Many of us—my Hawaiian ancestry comes from my mother and her maiden name is Lovell. Many of the Hawaiian names are gone and we have haole names. So we know about the ancestry of the missionaries that came over, but when we try to find out about the Hawaiian ancestry, it is very vague and very difficult to trace.

I think we need to establish more pride in what we came from. To decide whether we should have land or money, we can't really do anything without one or the other. Perhaps to give the Hawaiians land—I think a prime example of land is down at Nalahola, the 70-unit subdivision sitting surrounded by a fence, a wire fence that has been completed for at least 2 or 3 years. Nobody is in there. Why? You can give people all the land they want, but you have to develop and subdivide and meet the standards that the county and State require so you either have to sell out maybe 50 or 80 percent of your land to develop 20 percent.

So whether the question is land or money, it is not that simple. One or the other. I think if you keep in mind the real basic issue that education will be our only way to survive and to pass down to our generations what we were and what we hope to be as children of Hawaii.

Chairman MEEDS. Would you, Raymond, consider this—would you consider this bill to be a success, then, if it was the catalyst for restoring more pride in heritage and culture and providing more unity for the people of Hawaiian ancestry?

Mr. HOE. To me this bill should be the catalyst, because if we say this is the ultimate, \$1 billion, you are selling yourself pretty cheap. But it should be the incentive to get the ball rolling.

Chairman MEEDS. Thank you very much.

Representative MATSUNAGA. You say your mother's name was Lovell; is that it?

Mr. HOE. Yes.

Representative MATSUNAGA. Are you related to that man known as Vernon White?

Mr. HOE. Yes.

Representative MATSUNAGA. Then you are my calabash, too.

Chairman MEEDS. Well you never know where you are going to find your relatives, Sparky.

Mr. KINNEY. Chairman Meeds, may I interrupt at this time? The bus for the senior citizens is ready to take them home to Waimea. The driver would like to have them leave at this time.

Chairman MEEDS. May I say that we have really appreciated having the seniors with us today. Is this part of a local senior program? Alice Zenger, were you the lady responsible for bringing these people?

Ms. ZENGER. My mother.

Chairman MEEDS. Thank you for coming.

Representative MATSUNAGA. Get it on the record, Alice. Alice Zenger and Mrs. Akita. Do you want to say a few words?

FROM THE FLOOR. No.

Chairman MEEDS. Thank you very much. Are there other witnesses who would like to testify? There is a lady [indicating]. When you come up, would you please state your name and spell it for the record.

#### STATEMENT OF NAIWI NISHIMOTO

Mrs. NISHIMOTO. I am Naiwi Nishimoto and I live in the valley called Waimiha. That is beyond Hanalei. I was listening to Mr. Kinney's statement about living in the grass shack. Well, I am one who lived in a grass shack with my grandmother. She is the one that really gave us what I have today. I am speaking more for the Hawaiians that need homes, need land for their homes. I have. My grandmother always told us, even when I was a little girl; she said, "Don't part from your land, because that is your foot stool. If you don't have land, then you will be like the bird. You will be flying here and there." That stuck in my head. She always told us, "Never let your hands turn down. Turn your hands—I

mean, "Never let your hands turn up. Turn your hands down and you will never get hungry and you will never wish for anybody's things." And that also stayed with me.

But I want to go to this land problem that Mr. Kinney said. The land was given to the Hawaiians and on our land, we had a beach land and we had a mountain land, where we raised our taro. At the beach land we fished. But in 1930—I believe 1934—MacBride came along and wanted the water rights, which they owned the powerplant and they had to use the water to generate their electricity. So, they wanted to buy all the hui rights of those who owned the rights in Haena and Waimiha. They got a lawyer with all the papers and all the heirs and they went around to each person that owned a hui interest. They were told that, "'You must sell your property. You must sell your water rights, but you keep your land.'" And they were actually forced by MacBride's company to sell their water rights and that includes their land too. But they were told, "No, if you sell your water rights, you can keep your land." But that was not so.

So, all the Hawaiians sold. They had to sell. They were forced to sell. But my mother, she was part Hawaiian-part Chinese. She said, "No. I will not sell my land. I will not sell my water rights." They said, "Well, you are going to lose it anyway." She said, "How?" They said, "The government is going to come and take it away from you." So she said, "No. I won't sell." And they forced her—they even slapped her on the back and they told her, "You better sell your land. Everybody has sold and you are the only one." She said, "I will not." So, she didn't. But in 1941 she passed away and I came back from the big island, where my husband was teaching. I was away, but in that time I had come back to visit her and I told this gentleman, who went around—I will not mention his name, because he lives in Hanalei and he is away now—he came to the house and I said, "May I see the deed that MacBride made?" And he said, "Yes." So I opened and I read down the list and I saw all the Hawaiians that I knew that lived up in Waimiha. Some of them couldn't even write their name. What they did was kind of told him to put an X or they would hold their hands and [indicating]—and I said—I looked at it and I said, "Sir, I don't understand these terms. How could these Hawaiian who do not understand English read this deed?" He said, "None of your business." And he snatched the whole thing away from me to get it away. So I said, "It is my business and I am going to make it my business."

Before that they had a hui meeting every year in September. The second Thursday every year and the Hawaiians used to have that meeting in Hawaiian, but when the haoles came they changed it all to haole. And they forced the Hawaiians to say yes. "You say yes." And I witnessed that and I know.

Again, my grandmother was cheated out of a lot of things. She was too good hearted. I know this guy came and he wanted to build that Waimiha Road. Now that Waimiha Road is built from my grandmother's stream right below her and that was hauled right in front of our home and I was just about 5 years old. I knew what was going on. He came and he said, "Kakaena, I want stones from

your place." And she said—she was bedridden. She was sick and she said, "Yes." I happened to be watching her, while my mother was washing clothes down the stream. My mother came back and my grandmother said, "Yes, you can have the stone." And he said, "I pull it with the donkey. I will put the stone on that little box and pull it." And she said, "Yes." He said, "OK, Kakaaena," And he went off.

My mother came back and I told her. I said, "Ma, you know, grandmother said this man can take all the stones in front of our place down there by the stream and pull it in front of our house." She said, "Oh, no." I said, "Yes." So one day she stopped him and said, "You can't have the stones. You can't do that. You better pay my mother." He said, "You are not the boss. You don't own the land. I talked to your mother." He said, "Kakaaena, you gave me the right to take all the stones? Pull the stones in front of the—" She said, "Yes." And these are the things that live with me.

The injustices that these people did to the Hawaiians. I have lived for many years. What my folks left me and my two brothers, that is what I have now. I am very happy. I lived in a beautiful place and I hope someday you can come and visit my place. Thank you. [Applause.]

Chairman MEEDS. Thank you. Are there any others who would like to testify?

If not, let me express my appreciation to all of you for attending and indicate to you how happy I am to have been able to help bring this—oh, we have one more person who wishes to testify. Please come forward, sir.

Would you spell your name, please.

#### STATEMENT OF MURRAY HOOKANO

Mr. HOOKANO. My name is Murray Hookano, H-o-o-k-a-n-o. I have been listening to comments about how land was taken and the ways that the land was taken and the injustices because of the ignorance of our people. Mr. Hoe, Raymond Hoe, mentioned that what is important is to educate our people so that such things can't happen. To instill some pride in them. The money that we ask for should be used in such a way that we can—as being Hawaiians—can have a place to go to get a loan or provide ourselves an education. To have this kind of thing provided.

As far as how much Hawaiian you are or in that sense, it doesn't really matter to me. What it is is that this is a catalyst so that improvement can be made and we can—and ourselves and our children—that there is money provided and used so that we can educate ourselves.

As for having land or money to put in my pocket, to me it is unreasonable. We need a place to educate our children, to be able to have a place like that. The money that we get from this bill should be used for this.

Chairman MEEDS. Thank you very much, sir.

Representative MATSUNAGA. Mr. Hookano, you primarily concentrated on the need for education. We have, of course, Kamahameha School on the Island of Oahu, as you know. Would you prefer

that type of system, where only Hawaiians or those of Hawaiian blood or heritage are permitted, or would you prefer that money be provided so that those eligible under this bill would be sent to the mixed school?

Mr. HOOKANO. Like Mrs. Mink was saying, there is a feeling—I would not prefer a school provided. I would prefer easy loans. Being a Hawaiian and being able to go somewhere and being able to acquire money to educate myself. To have the program provided in such a way that I can go. With this money. Things like this can be provided.

Representative MATSUNAGA. May I ask how old you are?

Mr. HOOKANO. I am 25.

Representative MATSUNAGA. Well, it is certainly nice to have a young man come forth and testify, because most of those testifying have been those who are middle aged or above and to know the feelings of the young people, I think, is an important thing for the record. I want to commend you for stepping up to testify.

Mr. HOOKANO. I am speaking for the young people. As far as history and remembrances that other people have, the older people, I don't have those. But I am speaking of the younger ones and they feel that we want—as far as the land goes or as far as the money goes, like I say, we have 350,000 Hawaiians or part-Hawaiians. If the bill passes, we will have millions of Hawaiians all over the place. You will have instant Hawaiians. But we, the younger people, feel that this is our—you know, having money or land given us is absurd. There is not enough land or money. We want to see whatever money is provided or whatever we can ask for be put in such a way that we can, as being Hawaiians, make use or get the use of such moneys. As far as how much money to ask for, I would say \$50 billion just like that guy yesterday.

An investigation should be made on how much land was taken. You say the value of the land back then. I think if there was an acre taken then and back then it cost 50 cents, checks should be made—say the land was 50 cents then, right? But as it passed from hand to hand or it was used, how much money came out of that 50 cent acre? If the government got \$500 an acre for the use of it, then I think our bill should say \$50,000 or \$500. How much money the government got from the use of that land is the amount we should be asking for.

Representative MATSUNAGA. Thank you.

Chairman MEEDS. With that we will recess the hearings until tomorrow morning at 9 o'clock in Maui. Thank you very much.

[Whereupon the proceedings were ended at 12:20 p.m.]



# HAWAIIAN NATIVE CLAIMS SETTLEMENT ACT—PART I

THURSDAY, FEBRUARY 13, 1975

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON INDIAN AFFAIRS OF THE  
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,  
*Kahului, Maui, Hawaii.*

The subcommittee met, pursuant to notice, at 9 a.m., at the Kahului Library, Kahului, Maui, Hawaii, Hon. Lloyd Meeds, chairman of the subcommittee, presiding.

Chairman MEEDS. The Subcommittee on Indian Affairs of the House Committee on Interior and Insular Affairs will be in order for the purpose of taking further testimony on bill H.R. 1944.

We will open with a traditional—go ahead, Charlie.

Mr. MAXWELL. Thank you, Lloyd. Before we begin, I would like to call upon Daisy Kekoanui to give our blessings. Would you rise, please.

[Whereupon a prayer in Hawaiian was recited by Daisy Kekoanui.]

Mr. MAXWELL. Mr. Chairman, on behalf of the Maui ALOHA Assn., and members, we would like to welcome you and give you our fondest aloha. And, to the people of Maui, we would like to introduce to you, the Honorable Lloyd Meeds, chairman of the Subcommittee on Indian Affairs; Hon. Patsy Mink and Sparky Matsunaga. Mr. Frank Ducheneaux, the counsel, Becky Shapiro, secretary, and the reporter, Judith Powers.

We are happy to have as our guest with us, who came all the way from Washington, Lloyd Meeds' daughter, Michele. Would you stand. Michele? Michele Meeds. How about giving these people a nice hand. [Applause.]

[Whereupon leis were presented to the committee.]

Mr. MAXWELL. Also, our attorney and his wife, Mr. Rich Allan. Mr. and Mrs. Rich Allan. [Applause.]

Mr. Chairman, we would like to tell you about this Island of Maui. Why it is called Maui No Ka Oi and not as the president of the ALOHA Assn., but as Charles Kaulawei Maxwell, a resident of Maui. We would like to tell you how Maui No Ka Oi got its name.

Back in the ancient time, when Kamehameha and his chiefs met in Oahu, they used to have big feasts. An entire canoe was loaded with our ethnic foods and taken to Honolulu, being kept hot by stones which were inlaid in the canoe. When the conference got over, everyone from the other islands used to go and prepare their imu, their pit in the ground, but Maui just brought up the canoe,

served up the food and Kamehameha said, "Aue. Maui No Ka Oi." Since then it has been that way, Mr. Chairman.

Mr. Chairman, we would like to do two numbers. One of them is a chant about our famous Queen Liliuokalani, which we would like to have in our records.

Mr. HOOPII. The chant, "E Liliu".

The chant E Liliu speaks of Liliuokalani as the  
Fairest of the flowers

Like lightning she brightens Hawaii

Her travels to England and to France

She is of the highest bound to the gods

The chant ends as a name song of Liliuokalani, "A Mele Inoa".

[Whereupon the chant was rendered by a group of entertainers.]

Mr. HOOPII. We would like to do a song for you called Leihinahina.

[Whereupon Leihinahina was sung by a group of entertainers.]

[Applause.]

Mr. MAXWELL. Mr. Chairman, thank you. This concludes our program.

#### STATEMENT OF CHAIRMAN MEEDS

Chairman MEEDS. Thank you very much, Charlie and many thanks to all of you who participated. I think that is a delightful way to open hearings. I suggest that for any committee of the House of Representatives.

To give the people here a brief summary, we are now in our third hearing on the bill H.R. 1944 sponsored by Mr. Matsunaga and Mrs. Mink, which would do a number of things. Primarily, it would provide \$1 billion over a 10 year period as restitution or recompense, compensation for the unlawful overthrow of the monarchy in 1893. This money would be made available to a Hawaiian native corporation, which would be established under the bill, which would have the power to transact business as a public corporation, and which would have the control and management of the \$1 billion.

There are a number of other things, among which, is providing a method for first option in the Hawaiian Native Corporation for surplus U.S. lands in the area in the State of Hawaii. It would provide for the management of these lands by the corporation.

This bill was sponsored last year by the same persons. Mrs. Mink, who is a member of the Interior Committee and Mr. Matsunaga have both been very persuasive. I might say, in getting this committee to come out to Hawaii and hold these hearings. This is the subcommittee which passed the Alaskan Native Claims Act, and one thing I do want to do is urge that while there are some similarities, there are many dissimilarities between the Hawaiian Native Claims and the Alaskan Native Claims.

The chances of passage of this bill, I must say, candidly, are very difficult. Convincing 435 Members of the House of Representatives and 100 Members of the U.S. Senate of the justification of your claim is not going to be an easy one. So, I would urge you not to be overly optimistic about this legislation, but please understand that those of us who are involved here are making every attempt to understand

and to get the kind of hearing record, which will support this legislation.

This hearing is part of that process. We started in Honolulu on Tuesday; carried forward on Kauai yesterday; we have hearings here this morning and on Molokai this afternoon; and in two places on the big island of Hawaii tomorrow.

We are hoping to build the kind of record that will support your claim.

I have a great deal of pleasure in presenting to you your Representative and member of the House Interior and Insular Affairs Committee, a person with whom I have now served going on 11 years in the U.S. Congress in both the Interior Committee and in the Education and Labor Committee. She is not only a fine person but a close personal friend of mine. Patsy Mink. Patsy?

### STATEMENT OF HON. PATSY T. MINK

Representative MINK. Thank you very much, Mr. Chairman. It is always a delight to come back home to Maui and to be with family and friends. It is particularly heart-warming to be here as your Representative and to have this opportunity to welcome such a distinguished individual as Congressman Lloyd Meeds from the State of Washington with whom I have worked for the past 10 years, not just on this Committee on Interior, but as he indicated, on the Committee on Education and Labor. He has given you some background on the legislation, cautioned you about the very, very long and difficult and arduous road ahead for enactment of this particular bill.

But I must say that if there is any one individual in the entire Congress in whom I would have placed the trust and confidence of this bill, it certainly would be Chairman Meeds, who has a very long and successful record of achievement of legislation as chairman of this Subcommittee on Indian Affairs that handles all matters which deal with native Americans.

So, it is with great pleasure that I join with all of my fellow Mauians to welcome him here today, knowing that he will be working on this legislation and compiling a very, very impressive and informative record to take back to Washington, which will be essential as the first step in convincing our colleagues. First to the subcommittee and then in the full Committee on Interior that we both belong to. Then finally to the House. The same process will occur in the Senate. They have the same kind of committee setup. You will have hearings shortly, I am told, by the Senate subcommittee.

We may come to Hawaii many times. This is just the first of a series of meetings. Because we come here many times on this same issue, I hope you won't believe that nothing is being done and it is only a lot of talk. The more often this committee and other committees come to discuss this matter with you and with others in the State, the greater is the interest.

That should be an indication that the matter is progressing very well. Although you may not wish to appear in the hearings this morning to present your statements publicly, I know that the chair-

man of this committee would be most willing to have your statements in writing, to submit them for the committee's consideration. I hope you will do the same to my office, because we want very much to have your feelings, your input, in the structuring and creation and development of this most important piece of legislation.

I know that Congressman Meeds has given up a great deal to be here. The recesses that are set aside for Members of Congress are very short and limited. There are, I know, a million things that he could be attending to in his own constituency in the State of Washington. The fact that he gave up time to be with us, I think, is a great tribute to the importance of his legislation and a tribute to the members and leaders of the ALOHA Association who made possible the development of this bill.

The bill which Spark and I introduced was put together by members of the ALOHA Association. It is the identical bill that was drafted by this group together with their attorneys. It may change as we move along, but we will be in close touch with all of you who have given so much already to the development of this bill.

So, thank you very much again, Mr. Chairman, for coming. I know that the people here are appreciative and indebted to your concern and interest.

Chairman MEEDS. Thank you very much, Mrs. Mink. As I told the people on Kauai yesterday, if we pass this bill from this subcommittee and the full Committee on Interior, the job is only partially done. It is then necessary to consider it on the floor of the House of Representatives. There are a number of things, but one thing of particular importance that makes the House different than the Senate. We have no filibusters in the House of Representatives. The reason we have no filibusters is that we have a Rules Committee, which provides rules for legislation going to the floor of the House of Representatives. It acts as a traffic cop in letting legislation on the floor of the House or refusing to let it on. We are very fortunate with this legislation because one of the members of that Rules Committee, one of those traffic cops, is Representative Sparky Matsunaga, a very valued and esteemed Member of the United States Congress, who is also very interested in this legislation.

I am sure that if we pass this bill through the subcommittee and the full committee, that traffic cop is going to go like this [indicating go], instead of like this [indicating stop], with this legislation. Our very fine colleague and esteemed friend, Spark Matsunaga.

#### STATEMENT OF HON. SPARK MATSUNAGA

Representative MATSUNAGA. Thank you very much, Mr. Chairman. I, too, wish to join Patsy in thanking you as chairman of this subcommittee for bringing the subcommittee to Hawaii, to the people of Hawaii who will be most affected by the bill, which Patsy and I introduced. Knowing the record that you have made with the Indian Claims Act and the Alaskan Claims Act, I am confident that something will come out of these hearings. I wish to caution, however, those who will be affected most by this legislation. That is, those of native Hawaiian ancestry, that it took 5 years for the Alaskan Claims Act to go through. Yet, the case for the Alaskans was much simpler than the case for the native Hawaiians.

So, in Hawaii as we say, we have got to hoomanawanui, and if we don't we will be frustrated and disappointed. I must say that having come here from Kauai and being a keiki O Kauai I am very proud of Kauai, but I must say that the reception we got when we arrived here at the Kahalui Airport and the reception we received this morning still makes Maui No Ka Oi. [Applause.]

A word as to why we introduced this bill. ALOHA Association, I think, deserves all of the credit. They managed to get all the Hawaiian groups together and came up with a bill. Here again, I think, Maui can be proud that the president of that association is a keiki O Maui, our good friend Charles Maxwell.

It is not a product of Mrs. Mink and myself. It is a product of the Hawaiians, who will be affected by this bill, who worked out this bill and presented it to us. All we did was introduce it. The reason we introduced it was that we believed that the bill will take one step towards bringing about justice for the Hawaiian people, who were so wronged since 1893, when Queen Liliuokalani was overthrown.

History written in English records that overthrow as a revolution, but when you study the history and the details that went into the overthrow, it was not revolution at all. A revolution would mean the people of the kingdom rising against the monarchy, but those who overthrew the Queen were foreigners, not Hawaiians. Non-Hawaiians overthrew the Queen and took over the land. This, we feel, if made plain and clear to the Members of the Congress of the United States, will make them realize that there was indeed, a grave injustice perpetrated upon the people of Hawaiian ancestry, the native Hawaiians.

With this thought in mind, we have every confidence and even greater confidence, because we have Congressman Lloyd Meeds, a great champion of the oppressed, that we will be able to succeed. But as I cautioned earlier, it will take time. So, hoomanawanui. Mahalo. [Applause.]

Chairman MEEDS. I am particularly honored to be joined by Mrs. Mink and Spark. We have made Spark a kind of ex-officio member of this committee for the purpose of these hearings. So, his input will be substantial all the way through. Of course, Mrs. Mink is a member of the committee which is meeting here.

We will start with Councilman Manuel Molina. Welcome before the committee. We have heard good things about you, sir. It is good to have you.

#### STATEMENT OF COUNCILMAN MANUEL MOLINA

Mr. MOLINA. Thank you very much. I am here representing the Maui County Council. I would like to read into the record the resolution we have adopted on Friday, February 7, copies of which were sent to you, Mr. Meeds, Sparky, and Patsy—resolution introduced by Manuel S. Molina.

#### SUPPORTING THE PROPONENTS OF THE HAWAIIAN NATIVE CLAIMS BILL

Whereas, the present residence of the State of Hawaii have come from all over the world to settle here; and

Whereas, the lands they have settled once were occupied by a noble race of people who settled these islands many centuries ago; and

Whereas, since the discovery of Hawaii by Captain Cook the natives of Hawaii have steadily lost whatever was theirs to enjoy before; and

Whereas, this same fate has affected the American Indians and Eskimos who have managed to regain a small amount of their losses by recovering settlements from the United States Government; and

Whereas, the native Hawaiian is today near extinction and the remnants of a once strong and proud race are now diffused among the bloods of other races; and

Whereas, the Hawaiian people have suffered loss of land, life, and culture to such extent as to make this a tragic and unbelievable story; and

Whereas, a Hawaiian Native Claims Settlement Bill on which hearings will be held in Hawaii has been introduced in the Congress of the United States by Representatives Patsy Mink and Spark Matsunaga; now, therefore, be it

*Resolved by the Council of the County of Maui*, That it hereby supports the proponents of the Hawaiian Native Claims Bill and urges the Congress of the United States to vote passage of said Bill in its entirety; and be it further

*Resolved*, That a certified copy of this resolution be transmitted to Honorable Lloyd Meeds, Chairman of the House Interior Commission of Insular Affairs.

This resolution was adopted unanimously by Lanny Morisaki, Toshio Ansai, Joseph Bulgo, E. Loy Cluney, Goro Hokama, Harry Kobayashi, Manuel Molina, Bernard Tokunaga and Doris Yamaguchi. Thank you very much.

Chairman MEEDS. This, as I understand it, was unanimous by the council?

Mr. MOLINA. Yes. There was absolutely no argument—no question. It was adopted, because the council as a whole feels that this bill was worthy and that it should be adopted as soon as possible.

Chairman MEEDS. Does the County of Maui possess any lands that were given to it by the State or by the Federal Government, obtained by the Federal Government after 1893?

Mr. MOLINA. Whatever lands that the county owns are under the jurisdiction of the State. If and when the county decides to get rid of the land, it has to be reverted back to the State. The council cannot dispose of any of the land.

Chairman MEEDS. What kind of land does the county have? Parks? Schools?

Mr. MOLINA. Schools. Hospitals.

Chairman MEEDS. Hospitals, roads.

Mr. MOLINA. Things of that sort.

Chairman MEEDS. I see. Any questions?

Representative MATSUNAGA. Thank you, Mr. Chairman. Councilman Molina, may I call you Manny?

Mr. MOLINA. Call me Manny.

Representative MATSUNAGA. I wish to commend you for introducing the resolution. As you probably know, the Kauai County Council also adopted such a resolution and the City and County of Honolulu Council also adopted such a resolution. I believe the Hawaii County also, so that we will be unanimous on the county level in supporting the measure, which Patsy and I introduced.

I wish to thank you for it, because it will make our case before the Congress of the United States much stronger. Thank you again.

Mr. MOLINA. We of the council are in the same position, perhaps the same boat that you are. We are also aware of the needs of the

people of the County of Maui like you are and aware of the needs of the people of the State of Hawaii. So, whenever there is anything that we can do to help, we are always willing and ready and able to help.

Chairman MEEDS. Thank you very much. [Applause.]

Our next witness is Marco Meyer. [Not present.] Richard K. Hoopii, Sr.

Richard, if your testimony is anywhere near as good as your singing, we are in great shape.

#### STATEMENT OF RICHARD K. HOPII, SR.

Mr. HOPII. Honorable Congressman Lloyd Meeds, Congresswoman Patsy Mink, Congressman Sparky Matsunaga, I bid you a Maui fondest aloha.

As I see our people here today it gives me great inspiration of how our kupunas used to sit us down at home and give us knowledge of how they were raised.

My name is Richard Kealoha Hoopii, Sr. I come from a very untouched village called Kahakulua. Kahakulua is a place that at one time had about 350 people. Right now we have got just about 35 people back there. The schools were from the first to the eighth grade, and to further our educations we had to leave the village and come out to Wailuku and various places to the high schools. As the older people passed on, the younger generations moved out for their education. There they see different life and stay away from the village.

During the time when I was brought up, we were raised by our own agricultural means of kalo. The aro, potato, corn, and all the things that we grow in our backyards. If we needed things we had to use money for, it was for kerosene or salt. All the rest of these things were provided by the land.

As we now are staying out from this village and see the lifestyle of today, I wonder to myself and say: "How am I going to teach my children the lifestyle that I was once taught from my grandmothers and grandfathers?" For this inspiration, we are moving back to the Kahakulua village that tends to this mahilai, the cleaning of our taro pastures and raising of all the foods that we can get from the land.

As I look around and see our people here today, they are very concerned about this bill, H.R. 1944, and that the native Hawaiians, for once, whatever their circumstances may be, have their identity that we are Hawaiians at heart. I give thanks that somewhere in the future, if this bill is not passed, I am uncertain of how with my own bringing up, my own teachings of my children, of how else more can they inherit the Hawaiian heritage. The Hawaiian people have been hurt for many, many times. From many other groups. And the Hawaiian has been hurt from many Hawaiians also. But as we look at ourselves today, some of us Hawaiians can't come up and speak to you, because we have a feeling of don't know what to say sometimes. I was up all night and tried to make a speech and study a speech and here I come. I just don't know what to say.

But my heart, my feelings, are how are my children going to be in the future and how are their children going to be? I strongly believe that this organization and all the other organizations that have gathered together and all the people of the State of Hawaii can see something of this bill that proves to the United States that we the people of Hawaii intend to have an equal share of their rights, the Hawaiian rights. Thank you very much.

Chairman MEEDS. Thank you, Richard. [Applause.]

Let me say that I am more impressed, and I think most of the Members of the U.S. Congress are more impressed with testimony that comes from the heart than they are with fancy phrases. All right?

Mr. HOOPII. Yes.

Chairman MEEDS. Assume that this bill is passed in its present form and \$1 billion is made available and some surplus lands—as you know, surplus lands held by the Federal Government, much of which is in Oahu and other places. There is very little on Maui as I understand it. How is this going to help the thing, which you value so deeply? Your heritage and your culture and the things that you want passed to your children. How is this bill going to do that?

Mr. HOOPII. First of all, the moneys, I presume, belong in a corporation, whatever corporation it may be, and it should be handled by the people of the State of Hawaii in a Hawaiian organization. This money should have programs of education, programs of our culture. For instance, to go back to our chants. Instill in our children the chants, the singing, the falsetto singing, where the man at one time used to be the singer of Hawaii and give them the dances. The menfolk used to be the dancers of Hawaii and to bring back all the moneys to provide for our children to study, to look into history.

The lands can be provided for—I'd say for instance and subdivision in housing. Right now we have got many people that are under welfare and who are having other people take care of them. They are just barely making a living day to day. This money can provide for subdivisions. Say, for instance, kamaokalani uc. This house has been built—this is for \$10,000. You move in here for \$10,000 and I don't think there is any place in the world where you can get a place for \$10,000. Along these lines I am thinking.

Chairman MEEDS. So you think that both the land and the money should be used, in a way, to enrich the culture by teaching the old Hawaiian language and arts and dances and things like that?

Mr. HOOPII. That's correct, sir. Moreover we can go deeply into agriculture like the kupunas used to be. Say, for instance, in the taro plantations. Right now poi seems to be the most famous way of bringing up a child. In most parts of the world they have poi in bottles and they say: "OK, this is a good thing for a child that needs to be brought up." Now, if we don't cultivate our taro patches and keep our heritage of growing taro, then we are afraid we will lose this.

Chairman MEEDS. This bill provides that the members of the corporation or the people who will share the benefits of this legis-



lation can be of any percentage or quantum of Hawaiian blood. There are some people who think it ought to be restricted so that the benefits go only to those who are one-quarter or one-half or one-sixteenth or something. How do you feel about that, Richard?

Mr. HOOPII. I strongly believe that who am I to tell my people that if it is an identity of one-quarter Hawaiian, for instance, who am I to tell my people one-sixteenth or one-eighth Hawaiian—to say that you are not Hawaiian, so therefore you don't qualify? This has been going through my mind ever since the bill has been put together. So, I really strongly believe that the Hawaiian people with Hawaiian blood, with any Hawaiian ancestry, who can prove they're Hawaiian, should be benefited by this.

Chairman MEEDS. What percentage or quantum of Hawaiian blood do you consider yourself to be?

Mr. HOOPII. Seventy-five percent or more.

Chairman MEEDS. Seventy-five percent?

Mr. HOOPII. Yes.

Chairman MEEDS. So you are a person of three-quarters Hawaiian blood, who would expect to benefit by restricting it to people of higher quantum of blood. You are a person who wants to open it to all people who can prove any percentage of Hawaiian blood, so is that correct?

Mr. HOOPII. Yes. I approve of any percentage of blood, because of the fact that who knows in the future of when our children are going to grow up and their children and their children's children, coming back to me as the grandfather and they will say: "Well, my grandfather was Richard Hoopii and I have the same blood running in my veins and here I have one thirty-secondth and I don't qualify." In this instance I would believe that the Hawaiian people will be forever if this is left open.

Chairman MEEDS. You say this despite the fact that you must know that by leaving it open, rather than by putting a requirement of a quarter or a half or even a sixteenth, the benefits, which you and your children will receive will be less in monetary or land terms than they would have been if you had put some restrictions on it. Are you aware of that?

Mr. HOOPII. Yes I am aware of that. Again I say for what we never had, this is something that we are going to have and it is still going to benefit everyone of Hawaiian ancestry. I strongly believe that I am not God to say that you are not Hawaiian. I realize the fact that there are going to be perhaps many instant Hawaiians, but we have a roll that will take care of identification and you can go back to the genealogy that you are Hawaiian, although you look like a haole or Japanese or Chinese.

But if you do have your Hawaiian in your veins, this I strongly believe.

Chairman MEEDS. I might commend you for being very altruistic and generous. Your testimony certainly is representative of what I have heard to be the spirit of aloha.

Representative MINN. Thank you, Mr. Chairman. I don't wish to prolong the hearing beyond the time that we must depart, but I wanted to congratulate you, Mr. Hoopii, for your testimony. I

think it is probably the real heart of the issue. We could talk in terms of the legislation, but I think we have to somehow relate it to what it means to us, if it becomes law. As you described the importance of the bill to your family and to your children and to your belief that there should not be an arbitrary cutoff of who can be a beneficiary, I think this is really the whole essence of the bill.

Now, Mr. Chairman, I don't wish to quarrel with you again, but it really is—

Chairman MEEDS. We have never quarreled. [Laughter.]

Representative MINK [continuing]. It really isn't a sense of generosity or altruism, it is the aloha meaning of the bill that Mr. Hoopii has expressed, that no one expects you to benefit more than the other, if the bill should become law. All of the native Hawaiians share the pleasure if somebody's grandchild benefits or someone else, the neighbor down the street, benefits. There is no feeling that they themselves must be a participant in order to be a beneficiary. Everybody that has native Hawaiian pride in their culture and beliefs, feels that whoever is a native Hawaiian—I think I am trying to say what I have captured over the 2 days—will benefit. Therefore, it is not important if one person there or one person here [indicating] is in a cultural program or a taro planting program or whatever. The whole group benefits to the extent that one person can participate from their village or from their community or from their clan.

This is the importance of that provision, which doesn't break them apart by saying that you must have a certain quantum. They want to be a whole and it is that sense of wholeness, of togetherness, that they want to perpetuate in their race. That is the very core of this legislation, which must be what we carry back to Washington, in my humble belief. Thank you very much. [Applause.]

Chairman MEEDS. Congressman Matsunaga?

Representative MATSUNAGA. Thank you, Mr. Chairman. I must say, Richard, that you speak as well as you sing. I must say also that the trip, which you as a member of the ALOHA Association took to Washington, D.C., resulted in this subcommittee coming here, even to Maui. So, I congratulate you as a member. I understand you are an officer of the ALOHA Association?

Mr. HOOPII. Yes, I am.

Representative MATSUNAGA. I am happy, too, to hear your testimony relevant to the percentage of Hawaiian blood required for the reason that one of the real difficulties with the Hawaiian Homes Commission Act is that they have such restriction and such a high requirement that when a family moves onto a homestead, and the children happen to be less than the required percentage of blood, as loved as they are, when the parents die, they have to move off the land. We would certainly not want this same thing to happen under this act.

The Hawaiians have a great custom, as you know. The Keiki-O-Hanai. There was one witness who went to Washington to testify on another bill, and I asked her, "How much part-Hawaiian are you?" And she said, "I don't know." "Because" she says, "I am Keiki-O-Hanai." Even if she doesn't look Hawaiian, because she was

adopted by a Hawaiian family, she always considered herself a Hawaiian. A pure Hawaiian. And yet when you look at her, you would never think so. So, I think the expressions, which came from your heart today, signifies the spirit of aloha, which the native Hawaiians possess, and which they shared with the other people of Hawaii, which makes Hawaii such a great place in which to live.

I commend you on your testimony.

Mr. HOOPIL. Thank you.

Chairman MEEDS. Thank you very much, Richard. [Applause.]

Our next witness is Arthur Fernandez, who is representing the mayor. Please be seated and proceed as you wish, sir.

**STATEMENT OF ARTHUR FERNANDEZ, ON BEHALF OF MAYOR  
PETER F. CRAVALHU**

Mr. FERNANDEZ. Honorable Chairman Meeds and members of the Insular Affairs Committee, on behalf of Mayor Cravalho, who is chairman of a law enforcement meeting in Honolulu, today, I would like to place into the record his proclamation proclaiming the week of February 9 to 15, 1975, as Hawaiian Native Claims Week in the County of Maui for the purpose of drawing attention to the plight of the Hawaiian people and their quest to regain self-respect, dignity, and a fraction of the enormous losses imposed upon them over the past century and a half. Thank you very much.

Chairman MEEDS. Thank you. Will you stay for just a moment, sir. I have some questions which I think, perhaps, you could answer. If you cannot, then I will ask you to furnish this information for the record.

Please excuse by pronunciation of this, but I would like to talk about the Island of Kahoolawe. [Applause.]

I won't try that again. I'll quit when I am ahead. I will just call it the island from now on. How many acres or square miles are in that island, if you know, sir?

Mr. FERNANDEZ. I don't know exactly.

Chairman MEEDS. Would you then furnish that information for the record?

Mr. FERNANDEZ. Yes, I will.

Chairman MEEDS. How long has that been held by the Federal Government, if you know, sir?

Mr. FERNANDEZ. That's a tough question.

Chairman MEEDS. Some people say since before World War II. Would that be accurate?

Mr. FERNANDEZ. I think that is about right, yes.

Chairman MEEDS. Do you have any jurisdiction over it at all? I understand it is within the geographic confines of the County of Maui, is that correct?

Mr. FERNANDEZ. Yes.

Chairman MEEDS. Do you have any jurisdiction over it at all?

Mr. FERNANDEZ. Well, yes. I understand it belongs to the County of Maui.

Chairman MEEDS. Has it been leased to the Federal Government or not?

Mr. FERNANDEZ. It is on some lease arrangement.

Chairman MEEDS. Has the county ever used it for anything other than to lease it to the Navy?

Mr. FERNANDEZ. We have participated with the State land and natural resources in doing land treatment. We have been planting for several years and also assisting in destroying the goats that dwell in that island.

Chairman MEEDS. Is it, to your knowledge, habitable? In other words, could people live there?

Mr. FERNANDEZ. Definitely.

Chairman MEEDS. If they weren't being bombed?

Mr. FERNANDEZ. Yes. People lived there for many years in the past. There were cattle ranches, horses.

Chairman MEEDS. So they grew the other things there that they do on the other islands of Hawaii?

Mr. FERNANDEZ. The various tests that were done in the past and recently prove this, yes.

Chairman MEEDS. I understand there is some problem of water, is that correct?

Mr. FERNANDEZ. This can be held through reservoirs during the draught seasons.

Chairman MEEDS. Is your feeling that the water problem could be remedied?

Mr. FERNANDEZ. Very much so, yes.

Chairman MEEDS. I am told that it is 44,000 acres. About.

Mr. FERNANDEZ. I am not sure.

Chairman MEEDS. OK. If we have further questions about that, we may be writing to you to get more specific information about that island.

Mr. FERNANDEZ. We'd appreciate it.

Representative MINK. Will the chairman yield?

Chairman MEEDS. Yes. We would be delighted.

Representative MINK. I would like to inform the Chair that pending before our committee, the Interior and Insular Affairs Committee of the House, and also, I believe, in the Senate, is a bill that will require the return of this island to the jurisdiction of the State from the Navy. So, I welcome the chairman's interest in my bill.

Chairman MEEDS. I may be interested in returning it to somebody else, though. [Applause.]

Representative MINK. The object of the bill is to get it back from the Navy. The Navy has been most obstinate in refusing to return it. I suspect that is partly because of the requirement in the Executive order that upon return they clean up the island of the mess that they left behind. It is the reluctance of the Navy to spend funds to clean up the island that I suspect is their real motivation in declining to return it.

Chairman MEEDS. The gentlewoman apparently knows a lot about this. Perhaps she can answer my question. Is it being used today as a bombing range?

Representative MINK. Yes. Very recently there was a bomb load dropped there that caused a great deal of uproar and commotion by the people of Maui, because of the repercussions and the noise

pollution and other kinds of reactions that were felt from it. So, it is being used. Even the regulations of the Navy stipulates that they would not bomb under certain weather conditions to avoid concussions on Maui. They don't even follow them. It is a very, very live issue for all the people of Maui, apart from the question of who is going to own the island. We just want to get the Navy off of it.

Chairman MEEDS. I thank the gentlewoman. I am sure that we should take a very substantial concern and interest in this matter.

Spark, do you have any questions?

Representative MATSUNAGA. For the record, the council has passed a resolution requesting the return of Kahoolawe, is it not true?

Mr. FERNANDEZ. Many times.

Representative MATSUNAGA. Many times.

Chairman MEEDS. Thank you very much, Mr. Fernandez.

Mr. FERNANDEZ. Thank you.

[Mayor Cravalho's proclamation and statistics asked for the record follow:]

#### STATISTICS FURNISHED BY MAYOR'S OFFICE

Kahoolawe: Extreme length, 11 miles; extreme width, 6 miles.

Percent of Area with Elevation, less than 500 feet, 38.9 percent.

Percent of Area with Slope: less than 10 percent, 60.0; 10-19 percent, 31.0; 20+ percent, 9.0.

Miles of Sea Cliffs with heights of 100 to 999 feet, 14 miles.

7 miles off south coast of Maui; area, 45 square miles.

Up to 1962 Kahoolawe was leased from Harry Baldwin. No up-dated materials at this point.

#### PROCLAMATION

Whereas, the present residents of the State of Hawaii have come from all over the world to settle here; and

Whereas, the lands they have settled once were occupied by a noble race of people who settled these islands many centuries ago; and

Whereas, since the discovery of Hawaii by Capt. Cook the natives of Hawaii have steadily lost whatever was theirs to enjoy before; and

Whereas, this same fate has affected the American Indians and Eskimos who have managed to regain a small amount of their losses by recovering settlements from the United States Government; and

Whereas, the native Hawaiian is today near extinction and the remnants of a once strong and proud race are now diffused among the bloods of other races; and

Whereas, the Hawaiian people have suffered loss of land, life, and culture to such extent as to make theirs a tragic and unbelievable story; and

Whereas, a Hawaiian Native Claims Settlement bill on which hearings will be held in Hawaii has been introduced in the Congress of the United States by Representatives Patsy Mink and Spark Matsunaga; now, therefore,

I, Elmer F. Cravalho, Mayor of the County of Maui, do hereby proclaim the week of February 9-15, 1975, as "Hawaiian Native Claims Week" in the County of Maui for the purpose of drawing attention to the plight of the Hawaiian people and their quest to regain self-respect, dignity and a fraction of the enormous losses imposed upon them over the past century and a half.

In witness whereof, I have hereunto set my hand and caused the seal of the County of Maui to be affixed hereto.

ELMER F. CRAVALHO,  
Mayor, County of Maui.

Chairman MEEDS. Has Marco Meyer arrived yet? [Not present.]

Abigail Kenolio, next witness. [Not present.]

Harold Lee. [Not present.]

Bill Malo. What happened to all of these witnesses? Did somebody frighten them off? Welcome before the committee, Mr. Malo. Please proceed.

Mr. MALO. Thank you. I haven't expected this honor.

Chairman MEEDS. If you will allow me to interrupt, I hope it is not like the story Abraham Lincoln told about the fellow that was tarred and feathered and ridden out of town on a rail, who said that, "If it wasn't for the honor of the thing, I would forego the ride." [Laughter.]

### STATEMENT OF WILLIAM MALO, MEMBER, MAUI CHAPTER, ALOHA ASSOCIATION

Mr. MALO. I would agree with Abraham Lincoln on that. I would forego that ride. After I am finished, perhaps I would. It depends on how the people feel.

My name is William Malo and I am a member of the Maui Chapter of the ALOHA Association. I do not wish to reiterate the illegal overture of the Government. I am sure that you have heard that testimony many times over and there is, perhaps, nothing new that I could add to it.

However, there are a few statements that I resent—saying in the press, the various media and in some of the resolutions offered this morning in this meeting. I appreciate the resolutions offered and I am sure all of the people of Hawaii, who are deeply interested in this and through these various organizations who have offered resolutions in behalf of the "Aloha" bill—some of the statements made like in regaining self-respect. I do not believe we have lost any self-respect. [Applause.]

I believe we still retain self-respect. We have lost our lands. We have lost access to them. We have lost benefits from them. These we have, but we have not lost self-respect. We still have our culture. Somewhat defused, but we still have it. So much so to the point that other ethnic groups have been more active in the Hawaiian culture, who are more active in preserving it. It is a shame on the part of Hawaiians, who are not active in preserving the culture.

We find a great deal of other ethnic groups, who are deeply involved in the Hawaiian culture, who expose it, who practice it. In this matter of self-respect. I think we all still have it. I am sure that it will be at a higher level, if these awards are granted. There is another subject on this particular thing that I would like to get— to insert into the record.

I am sure that members of the committee will not consider that because of our loss of self-respect, so claimed, that because of our lowest position on the economic ladder, that these issues will not be used by the committee to grant the claims of restitution for loss of land and the overthrow of the kingdom. That you would make the awards on the merits of the case itself and not let other extemporaneous talks and acts cloud the issue.

I have a feeling of coming to you this morning with hat in hand. I don't know if anyone else has that feeling. I do not like it. However, there is no other recourse open to us but to appear before

you, before the members of the Congress through our testimony for the restoration or for compensation of the loss suffered by the Hawaiian people. Thank you.

Chairman MEEDS. Thank you for articulating the position that I see a number of Hawaiian natives taking and hear them taking, which was also expressed by Don Ho at our hearings in Honolulu. I think you are very correct. Taking care of social ills is the function of the county and State and Federal Government, on the basis of their responsibility to society. If there is anything owing the Hawaiian natives, it ought to be on the basis of what was taken from them. I appreciate that position very much.

Representative MATSUNAGA. I think you put it very well, Bill. You are not coming here with hat in hand. You are simply asking for justice. Let me assure you, as a member of this panel, that we will view the situation not as someone meting out crumbs, but as a court of equity. That we as your representatives and representatives of the people of the United States will look at the facts and based on those facts and, of course, I am prejudiced—I know the facts are all in your favor right now—but we are going to try to prove it to other Members of Congress so that the people of Hawaii, who were the original settlers of these beautiful islands have a case in justice. [Applause.]

Chairman MEEDS. I would like your opinion on something that I have noticed. People in your age group are coming forward and making very fine statements. I see very few young people of Hawaiian ancestry, who are apparently interested in this or, at least, they haven't been saying so if they are. We did have one young fellow yesterday on Kauai who stated that position. He was 25 years of age. I think that is about the only young person we have had. Could you give me any idea? Are the young not interested in this or are the just too embarrassed to come forward and say something, or it is something else?

Mr. MALO. Well, it might be both. There are a great deal of them who are interested and who are embarrassed to come forward and say so. However, I think that there may be some this morning who may come after me to express themselves. We do have quite a few young people on the island who are interested in this and have expressed a great deal of interest in the movement.

Chairman MEEDS. Oh I hope we will hear from them. I see one young man raising his hand back there already and someone over here. Good. Thank you very much, Mr. Malo.

Walter HOOPII. [Whereupon another lei was presented to the committee.]

Chairman MEEDS. Please proceed, Walter. I can't see you, but I can hear you. [Laughter.]

#### STATEMENT OF WALTER HOOPII

Mr. HOOPII. Thank you, Mr. Chairman. First of all I would like to say thank you for coming over and bringing your subcommittee with you and pursuing the issue here on Maui as well as the State of Hawaii.

My name is Walter Hoopii and I am three-quarters Hawaiian. I am 75 percent Hawaiian. It doesn't look like it, but it is there. I think we have a very hot issue on hand as far as the Hawaiian people are concerned. As Bill Malo mentioned about self-respect, I must say wholeheartedly with him that the Hawaiian people have not lost this. Not at all.

Can you tell me that grandma here lost her self-respect by saying her prayer of her culture and of her own language? Many of us this morning here cannot understand her, really. And I am ashamed to say to you, now, that most of it I did not understand in her prayer this morning. But the fact was that she was saying a prayer about the land, about the people and how unjust the people were when this land was taken away in 1893.

Now, because of this I think the people of Hawaii, of Hawaiian blood surely deserve something onhand. Now that we have got this with you, we hope that we can do more to pursue the issue so that we can have something. It is not the matter of money. It is not the matter of what we can get, but I think if we can get that money, sure, I am all for it. If we can get the land, I am all for it. But the thing is we want to make you people or the people of the United States know that equal rights should be there where it belongs, like the Indians. The Eskimo Indians got what they wanted.

I have been up to Alaska, all the way up to the North Pole, and saw the way the people live there. It is no different from the Hawaiian people.

Chairman MEEDS. A little colder, isn't it? [Laughter.]

Mr. HOPII. Yeah, it sure is. That is the only part that is different about them. They have to keep warm. And they have a lot of children, so they must keep warm that way. [Laughter.]

Anyway, the Hawaiians have a lot of children too. I come from a family of six. My father came from a family of 13. You go on—I don't know, maybe Sparky and Patsy also have a big family, too. But, nevertheless, all of this was because of the love and concern and the aloha that the Hawaiian people had. Sparky mentioned something that I thought was very touching about the hanai system. Truly this was what the Hawaiian people had. Today I hope that we all can, no matter what race of people we are, Hawaiian, Japanese. Haole, whatever we are—if we can look into this issue of the hanai system of how we care for one another, the awareness of people, the concern for people and treat each one as a human being, as God created us all equal. I think we have got something here.

Now, like I said, grandma here, she said a very meaningful prayer in her language. I know she did. If I could have said that with much meaning, too, what she had said, I know I have accomplished something in Hawaiian. Yes, we have all kinds of people here today. I am glad to see all of them here. But nevertheless, like I said, whoever they are, whatever their race is, we the Hawaiian people are here because of an unjust act that was taken in 1893. That's all I have got to say. [Applause.]

Chairman MEEDS. Walter, I was involved in the Alaskan Native land claims legislation very deeply. Incidentally I would like to point out that the person, who was the president of the Alaskan



Federation of Natives and who was most responsible for steering that legislation through the Congress of the United States is here today. Don Wright. I would like him to stand up. [Applause.]

I don't know whether an Alaskan Native qualifies as a haole or what. But he is here. I understand he fishes down here when the weather is bad in Alaska and returns to Alaska to fish when it is better up there. He has the best of all possible worlds, I'd say. Walter, I've noticed that while the land and the money are important on this bill the fact that this bill represents a catalyst of bringing together the hopes, aspirations, and the unity of the Hawaiian native people is, perhaps, even more important than the land and the money. Is that pretty much what you were saying?

Mr. HOOPII. That's true. This is how I look at it as far as I am concerned. This is the feeling that I have come before you with this morning. That we as the Hawaiian people should learn to come back again and unite ourselves together. Now, we have seen a lot of other issues come out, when this ALOHA Association started. We had a lot of other Hawaiian groups that sort of—you know, were pulling each other down. I must say if this continues I see no way of how this bill can go on.

I am here to say that I think we, the Hawaiian people, no matter what group we belong to, the Kam Lodge, the Hawaiian Homes Commission, the ALOHA Association, I think we have got to put our heads together too. It is this group and these people or it is the people, the Hawaiian people that can do this.

I don't think you can do anymore, if we don't do our part at home. This is the way I feel. If we are going to go screwing up back here, I can see no way how you guys can present this bill for us. I speak with this feeling and excuse me for the language, but I am going to use it anyway—

But anyway, this is the feeling that I have. The unity of the people and the unity of the Hawaiian people and all races of people. You know, I have lived here all my life; 38 years. I see a lot of people coming in today, a lot of haoles, I call the. White men. They come in and I watch them. I watch the way they move. They do the same thing that we are supposed to be doing. Who do we blame? Blame ourselves. This is the way I look at it. If we are efficient enough, if we want to do this, if we want this bill so much, all right, let's do something about it. Don't sit around on our butts. What I am saying is that all of us ought to get together. All the Hawaiian people. We appreciate all the other people coming in, for the moral support that they have given us up to this point now.

Chairman MEEDS. Very good, thank you Walter; very well put.

Representative MATSUNAGA. Are you Richard's brother by any chance?

Mr. HOOPII. No; I am Richard's nephew, he is my uncle.

Representative MATSUNAGA. You said you don't look Hawaiian, but I am sure those who look at you will agree with me that you look like King Kalakaua.

Mr. HOOPII. Thank you. It is an honor.

Chairman MEEDS. Thank you, Walter.

Charles Keau? Welcome before the committee Mr. Keau. Please proceed.

## STATEMENT OF CHARLES KEAU

Mr. KEAU. First you have to excuse my voice, because I think I have something wrong with my throat, with all this rain and kona weather we have been having on Maui.

Congressman Meeds, Representative Matsunaga, and Patsy Mink, being a Maui girl, welcome to Maui. I work in the county parks department. I have been honored by the mayor, in 1971, to do an archeological work in the county of Maui with the Bishop Museum, working on a State project. I think I cut my tooth being in archeology, although I never graduated from school or college or things like that. I had the honor of working with Dr. Emery, Dr. Sionoto, and the Bishop Museum doing archeological research on the island of Maui. This is one job I don't care to have, because I am a Hawaiian. You have to understand that Hawaiians don't like to talk about other Hawaiians, but for all these years, for about 3 or 4 months that I have been working with the Bishop Museum people, they were trying to make me understand my people through the archeological survey.

By doing this archeological survey, I have found my people. I found what they were. I became greatly interested in my Hawaiian structure. I have asked Dr. Emery to show me, to teach me so that I may teach my people too. This is what he wanted and this is what the county mayor wanted me to do. He wanted a Hawaiian, who has a Hawaiian heart. Maybe I am telling you something that is not supposed to be exposed or brought up in this committee, because it concerns money and land. My problem is culture. Hawaiian archeology. We have lost lands. We have lost a heritage, but by learning with the Bishop Museum, we didn't lose all the things we have on the land, my greatest concern now is to ask you people and the ALOHA Organization, if they do get this money, if they do get part of the lands that is given by the Government to the Hawaiians, what is going to happen to our churches? Our heous? Our halauwaa, canoe shed, our fishing village down at the ocean. Many, many, many are being destroyed now in the county of Maui.

The county planning commission is trying their best to do these things because the mayor is interested in this Hawaiian culture. He wants preservation. Being of Portuguese ancestry, he has become Hawaiian to do this job. I owe a lot to the county mayor, because as Dr. Emery explained to me and as he set me down on the Halekii Heau—that's down at Papukalo—"Charlie, if you don't talk to your people now, what will your children think of this pile of stones that you have here in the future?" "Will they know whether it is a heau? What you have and what you are sitting on now, Charlie, it is a beautiful heau. It is called the house of image." And across the way is Piihana, which means "the sacrifice." These have great meanings to you and to the Hawaiian people. If you don't talk to people, Charlie, we will lose all the history and background of the county of Maui. This island of Maui." Well, I told him, "Dr. Emery, I don't care for these things." But gradually he keeps talking to me and teaching me and telling me the valuable things about this. Now here in every high school or in grade school, they are studying

Hawaii—Hawaiian culture, Hawaiiana, as they call it. This is a great thing for our families.

My children have studied Hawaiiana. We, the older ones, did not study Hawaiiana, because when we went to school the Hawaiian language was taken away from us. We were made to speak English. We came home and we fought with the grandparents and we fought with the mothers and fathers trying to teach them English, too, so that they could talk to us in English. So, we lost the great thing of the language. This is what we lost.

Now with our lands being taken away and all the structures being destroyed because of development—I'm not here to stop development, I'm not here to stop progress, but I believe progress can look with preservation of Hawaiian culture.

I just completed a job at the Wailea Corp., owned by A. and B. The people have contracted with the Bishop Museum to do an archeological survey on the land. We found many, many beautiful things. Some of them are worth saving and we will save them. Some of them are not worth anything at all, but the main point is that we know what they had on the land so that we can tell our children. And I can go to Makenna or go to Wialea and say, "Well, son, this is where they had a heau but it is all destroyed, but they had something here. But this is where they had the Palawea Heau, which is being preserved by the A. & B. people." These are the things we have got to teach our people. So, all this talk about the ALOHA organization and about the good point in asking for money and giving the people back what we had once before, it is not what—I love what they are doing, but the point is with all the money we have and we are losing all the natural things that are left here by our ohanos, kapoli O kahiko, the old people. We can never replace it back again with the money that we have now. We have got to save what we have now on this land.

As I have just told Patsy, Hi Poko is not there anymore. But she has a feeling in her heart, when she goes home and looks at her place. Same thing with you, Sparky. You are a local boy. When you go home to Kauai and you see where you were and things are not there any more because of progress—we are not trying to stop progress. We need progress to come on this island, because we need the work. We need jobs. But I think if the ALOHA organization can make the developers understand that it is not only paying us the money, but preserving what we have on the land so that we can learn from our people all the beautiful things that were left here many, many years ago from Wailuku toward Lahaina over toward Hana down to Kaupo over to Kili. By there. Beautiful places.

Now, if we lose all this through development, no matter how much money we make, or we get, it is not going to bring the same feeling back again to my children. I hope this meeting, when you get back to Washington—you could also find in your heart the beauty of Hawaiian people. Thank you very much.

Representative MINK. I just would like to congratulate you, Charlie, for your statement. I know how much involved you are with the magnificent work of the archeological team from the Bishop Museum and how very important this is.

Mr. KEAU. Well you should thank the mayor.

Representative MINN. I thank the mayor publicly for his interest. I think you are absolutely correct that while we are considering this bill, which is sponsored by the ALOHA Association and attempts to recover a small fraction of what was lost in 1893, that we have to, at the same time, reawaken the community's regard for historic sights that need to be preserved. Once the bulldozers run over them, that is the end.

Mr. KEAU. Right.

Representative MINN. It is really very sad. I am sure you are aware of the 4-year struggle to save Kaloko Pond, and the creation by the Congress of the Honakahau Advisory Commission. The report was sent to the Secretary of the Interior in July and just released last week. The Secretary of the Interior said, "Yes; it is a marvelous place, but we do not have the funds at the moment to preserve the area." This means, again, that we have to somehow awaken the concerns and interests and involvement of the people of the county of Hawaii, because it is within the hands of the county council in this instance to rezone that area so that it will not be developed. I think just as you have described the heiau here on Maui, this one area on the Big Island is certainly an area that should be preserved. I am with you 100 percent.

All I want to say is that these two ideas are not in opposition. They must go together. The ALOHA fighting for this reparations bill and you and others organizing to save historic sights is a movement that can go together, run together, and each support the other. I am hopeful that is what will happen so more and more people can see these places physically saved for future generations. I support you and congratulate you, Mr. Keau.

Mr. KEAU. Thank you.

Representative MATSUNAGA. I, too, wish to commend you, Charlie, for your wonderful testimony.

I think one of these days you are going to have to write a book so that many others may learn from reading your book—those who are unable to meet with you in person. I would make it a project, if I were you, because I think you know more about the archeological finds than, perhaps, any other resident of Hawaii other than Dr. Emery. You have worked with him and you ought to preserve it in writing so that others may benefit from your knowledge.

I want to strongly recommend that to you and all you have to do is get some good writer to tell your story and he will put it in beautiful language. I think sometimes the language, which comes from the heart is even more beautiful. Just write it the way you speak. I think that you ought to make it a project. Well, I must say this, that I don't believe there is any fear in this bill that it will work counter to your purposes, because the bill does provide for the formation of a Hawaiian Corporation, which would then look to the education of the Hawaiian children.

In the process of education, definitely the teaching of the Hawaiian language and the teaching of the Hawaiian culture and history would be included. There was one witness over in Honolulu, who was half-Hawaiian. He said that during World War II he