

Public meeting regarding whether the
Federal Government should reestablish a
government-to-government relationship with the
Native Hawaiian Community

PUBLIC MEETING

Talking Stick Resort
9800 East Indian Bend Road
Scottsdale, Arizona 85256

August 5, 2014

8:52 a.m.

Moderator: Derek Beetso

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PUBLIC MEETING

MR. BEETSO: If folks in the back wanted to move up, it seems like we're not going to have a lot of folks this morning to cover the entire room. It would be nice to have a good conversation in the front. But if you're comfortable back there, that's fine as well.

So welcome again. This morning's conversation is about the Advanced Notice of Proposed Rulemaking which examines developing a potential process to facilitate the reestablishment of a government-to-government relationship with Native Hawaiians.

So to kick us off this morning, we are blessed to have President Enos from the Salt River Pima-Maricopa Indian Community here today, so I wanted her to go ahead and kick us off with some opening words.

MS. ENOS: I have a little cough. That's why I had to swallow it down. Good morning.

AUDIENCE MEMBERS: Good morning.

MS. ENOS: (Speaking in language other than English). I just said good morning to you in our way, in O'odham, which is Pima, and Piipaash, which is otherwise known as Maricopa.

On behalf of the people of the community,

1 let me welcome you, and on behalf of the Council let me
2 welcome you here today. We know that this is a -- has
3 been an issue a long time coming, and we know that the
4 people in -- our relatives, the people in Hawaii, the
5 Native people, have been waiting for a decision in their
6 favor for many years and have fought for many, gosh,
7 centuries to be rightfully recognized in their own
8 territory.

9 The community, we of the O'odham and
10 Piipaash people, have lived in this part of the world
11 since time immemorial. We have roots that go way down
12 here.

13 Any of the projects here in Arizona, in this
14 part of the Valley, the desert, must have water. Water is
15 absolutely essential, and even more so because it's a
16 desert area. The many functions that any people have to
17 undertake, business, housing, all of those things,
18 settlements, cities, require water.

19 Centuries ago, for many centuries, our
20 ancestors built canals here and built ditches, and they
21 were able to irrigate and cultivate miles and miles and
22 miles of fields of food, corn, squashes, tobaccos,
23 different types of chilies, melons, cotton, and so on and
24 so on.

25 When the Mormon battalion, which is one of

1 the first American groups, came through here in the 1800s,
2 early 1800s, they wrote down what they saw, and here they
3 saw, and in the Gila River which is our sister tribe, one
4 of our sister tribes, they reported miles and miles and
5 miles of fields and agriculture. Our ancestors had worked
6 so hard and had done so well for themselves that they had
7 surplus to sell and surplus to give away. So they were
8 able to help not only the Spanish padres who came through
9 here preaching Catholicism and converting people, but they
10 also helped the Mormon battalion and a lot of the other
11 white settlers that came through on their way to
12 California for the gold rush.

13 And our people have -- also have a history
14 of supporting each other. In about the last part of the
15 1700s and the early part of the 1800s, the Piipaash
16 people, who are a Yuman tribe, otherwise known as the
17 Maricopas, lived towards the Colorado River. In fact,
18 their names (speaking in language other than English)
19 Piipaash, which means people by the water.

20 There were warfares going on in their part
21 of the state or the area, and because we knew each other
22 for a long time and were familiar with each other,
23 probably had some marriages and friendships among each
24 other, the Pima, O'odham people took them in. We formed a
25 confederacy of sorts of mutual support, and even today

1 that still exists because they live here and we are one
2 tribe. We like to say two tribes, one people.

3 And it's an example of how -- the quality of
4 character that our ancestors had was to be able to take in
5 people and to be able to support an alliance with them for
6 the protection and the betterment of our group and their
7 group as well.

8 Now, when I first got into office in 1990 --
9 I like to tell this example because it's an example of
10 everyone everywhere, including I'm sure the native people
11 in Hawaii. When I was first elected to council in 1990,
12 which was 24 years ago, I think, our population was about
13 5,005, a little bit over 5,000, something like that. As I
14 speak today, we are -- were, the last time we certified
15 our population number, we were 80 short of 10,000. This
16 year we believe that we are going to be 10,000 in numbers
17 of members of the community.

18 And I say that because not only does it show
19 how critical the needs continue to be, but it also shows
20 the strength of our people as far as voting, as far as
21 being able to accomplish what a people can accomplish
22 together. And I say all of this on behalf of the native
23 people of Hawaii because they, too, are like us. They,
24 too, have a territory where they shed blood at, territory
25 where their children were born, where their people are

1 laid to rest or, as I think the custom is, the ashes from
2 the people are put in the ocean, which is a beloved place
3 for them as well.

4 People everywhere in the United States and
5 in this part of the world, and actually in fact the world,
6 tribal people have the same recognition, recognizing the
7 same needs. Those needs are universal. Those needs are
8 to feel safe in a territory that is ours, to feel at ease
9 in a territory where we create our own laws, to feel
10 comfortable in a territory where we celebrate our own
11 customs and carry on our own tradition and where we can
12 conduct the affairs of our people in the way that we see
13 fit as indigenous people, as people that belong to our
14 territories.

15 So there is not much difference between the
16 needs of the Hawaiian indigenous people and the needs of
17 any other tribe here, including the Salt River
18 Pima-Maricopa Indian Community. And we totally understand
19 and we totally recognize them as our relatives. Our
20 relatives in the political realm because we are all part
21 of the United States, but our relatives in the cultural
22 form as well, because all the people in the world in this
23 part of the hemisphere are connected. And we used to know
24 some Hawaiian people who would come here, missionaries,
25 fairly recently, and in talking to those people, they're

1 young people, you got to learn some of the customs of
2 their people and you also got to learn, I did, I got to
3 learn how much home means to them, just like us.

4 So the consultation work that you are doing,
5 Department of Interior, I would like to acknowledge that
6 process and acknowledge your work for it and
7 acknowledge -- what's his name? -- Kevin Washburn -- just
8 kidding -- and Secretary Jewell and President Obama, of
9 course, for their willingness and their ability to go out
10 and collaborate and consult with all the tribes on this
11 really, really critical matter.

12 Personally, I am speaking for myself because
13 my community has not taken a resolution by the council,
14 but I expect that if given a resolution that we would
15 support recognition of the Native Hawaiian people because
16 we understand, for all the reasons I just described to
17 you, they are a tribal people just like us. So thank you
18 for being here, and welcome to the community.

19 Today is the primary election day, so I
20 can't spend the whole day with you because I'm running for
21 my seat again. And I really wish you only the very, very
22 best here and that the work that you're doing continues
23 and that it's productive and that it's beneficial to the
24 native people in Hawaii, our brothers and sisters.

25 Thank you so much, and welcome to our

1 territory. (Applause)

2 Is there any questions?

3 MR. BEETSO: Thank you, President Enos.

4 And we got started a little early this
5 morning because it was an election day. And I know
6 President Enos was kind enough to take some time out of
7 her day to be here this morning and give us the welcome,
8 so we really appreciate that. But she had called for
9 questions. So are there any questions?

10 No?

11 MS. ENOS: They don't want to keep me from
12 my race.

13 MR. BEETSO: Okay. I know I asked this a
14 little bit earlier, but just a little bit of housekeeping.
15 Are there any elected or appointed tribal leaders in the
16 room right now?

17 The reason why I ask is this morning's
18 session was initially planned as a tribal consultation.
19 For those of you who are not aware, Executive Order 13175
20 is a presidential executive order which requires that the
21 federal government consult with the Indian tribes any time
22 there are policies that might potentially affect Indian
23 tribes, and so normally we hold consultations with tribal
24 leaders. But since there are no elected or appointed
25 tribal leaders in the room, this is officially not a

1 tribal consultation. We are now transitioning into a
2 public forum.

3 So the way this will work this morning is
4 you have a roadmap up here on the screen. We'll start
5 with introductions and then we'll move to a brief
6 discussion on Native Hawaiian history and then move into
7 the ANPRM, which is what a lot of you guys are here to
8 learn more about, maybe discuss. And myself and my
9 colleague up here, we will introduce ourselves in a
10 second, and then we'll open it up to questions and
11 comments.

12 I want to note that we have a court reporter
13 over here in the corner, so please don't make any
14 statements until you have the microphone in your hand so
15 she can hear clearly, and also please state your name
16 before you make a statement or comment.

17 So with that, let me introduce myself. My
18 name is Derrick Beetso. I am a counselor to Assistant
19 Secretary of Indian Affairs Kevin Washburn, and I am from
20 the Navajo Nation. And my colleague here, I'll allow him
21 to introduce himself.

22 MR. SMITH: Good morning, everyone. My name
23 is Justin Smith. I'm with the U.S. Department of Justice,
24 and it's an honor to be here with everyone today.

25 MR. BEETSO: Since we have a rather large

1 group this morning, when we move to the discussion phase I
2 would ask that everybody be respectful with each other's
3 time, so try to keep comments between three and five
4 minutes. And once everybody has had a chance to make an
5 opening comment, then we'll move to second comments from
6 individuals so we make sure that everybody has a chance to
7 make an opening statement first.

8 But with that, I guess we'll go ahead and
9 move on into the presentation. And I'll turn it over to
10 Justin.

11 MR. SMITH: So I'm not going to read the
12 slide out loud, but you can read it for yourself. But as
13 you can see, there are 150 laws already in place that
14 Congress has enacted that relate to Native Hawaiians. And
15 the interesting thing about those laws is that they are
16 different from the laws relating to Native Americans and
17 Alaska Natives. For Native Americans and Alaska Natives
18 there's a government-to-government relationship in place
19 and a process available to create a
20 government-to-government relationship, and that's existed
21 for a long time.

22 For Native Hawaiians, Congress has created
23 these laws, but the laws all create a relationship
24 directly with the Native Hawaiian people. They don't
25 address a relationship with a Native Hawaiian government,

1 partly because there is no such government, but also the
2 way the law currently is written, and this is in federal
3 regulations, should a Native Hawaiian government come to
4 exist, there would be no way for it to be recognized in a
5 government-to-government relationship with the federal
6 government because Part 83, which is the law that governs
7 recognition of Native American and Alaska Native
8 governments, native governments, is limited to the
9 continental United States. Does not apply to Hawaii.

10 So what's on the table and what we're
11 talking about today is that gap and that feature of the
12 law, that limitation in federal law. That's the key issue
13 under discussion today. There's a lot more detail that
14 we'll get into, but that's the central focus of the
15 question.

16 Now, that feature of federal law has been
17 discussed for some time. And for example, in the year
18 2000 the Departments of Interior and Justice issued a
19 report called From Mauka to Makai as a result of the
20 reconciliation process. And that report, one of its big
21 recommendations was let's change that provision. Let's
22 create an opportunity for a government-to-government
23 relationship and put Native Hawaiians on the same footing
24 as other Native peoples in the United States.

25 Now, after that report came out, the Bush

1 administration came in, and that administration did not
2 support that idea. There was in fact a lawsuit filed
3 during the Bush administration by a group of Native
4 Hawaiians that said they wanted to force the court -- they
5 wanted the courts to order Part 83 to be changed, to let
6 Native Hawaiians apply the same way that other Native
7 peoples already could.

8 The Court of Appeals said it was not going
9 to order the Bush administration to make that change, but
10 it also said that if the federal government wanted to
11 change the law it had that opportunity, that that was
12 something that the federal government had available to it.
13 And that's essentially, as I said, the question we're
14 talking about today: should we do the thing the federal
15 government was authorized to do by the Court of Appeals.

16 You may have heard of the Akaka bill, which
17 also provided -- would've provided -- and is still under
18 discussion -- would provide a process for a similar
19 recognition process to occur. This is essentially an
20 administrative alternative that's been under discussion
21 for some time. And there's been a request by the Hawaiian
22 congressional delegation and also by individual Native
23 Hawaiian groups that the Obama administration look at this
24 issue again - it's been under discussion for a while - and
25 that we consider whether to change this limitation in

1 existing law.

2 Now I'm going to switch over to talk
3 about -- first I'm going to apologize for the acronym.
4 There's a lot of legalese here and I do apologize. ANPRM
5 is Advanced Notice of Proposed Rulemaking, and what that
6 means essentially is it's an additional opportunity for
7 early public involvement in an idea that the government
8 wants to talk about.

9 Usually if the government wants to change
10 the law, wants to change a regulation, it does a notice.
11 It says here's the language we're thinking about, come on
12 in and comment.

13 Here we're saying we're not even -- we
14 haven't even written the language. Before any language
15 gets written we want the public to come in and tell us
16 what they think, first about whether it's a good idea and
17 second about how to approach this issue and whether it
18 should be done at all. So should the ANPRM move forward,
19 then it would go to the process I just mentioned, there
20 would be a notice of proposed rulemaking and another
21 opportunity for comment.

22 So this is actually a little unusual, and
23 it's a chance to get the public involved early and really
24 get the public engaged in how this new and important issue
25 should be dealt with. So we're really interested in

1 hearing what everyone has to say today because that's the
2 purpose of this, is to get the public engaged early on.

3 I will also notice -- you'll notice that one
4 of the bullets says the process may not move forward.
5 Sometimes an agency issues an advanced notice, and there
6 are reasons that come out in the discussions from the
7 public that it does not make sense to move forward, and so
8 that's an option that's on the table as well. And, again,
9 we're interested in people's comments about all of these
10 issues.

11 Now, the -- I think the ANPRM document's
12 available so you can take a look. And it's actually
13 surprisingly, for a government document, not that bad of a
14 read, speaking as someone who's read a lot of government
15 documents. But I do admit that it is written -- it's a
16 legal document, and so it is a pretty technical document,
17 so I'm going to try to walk you through the big picture of
18 what's on the table in the very biggest picture way.

19 There's a list of 18 questions at the end,
20 and essentially what those questions are about is should
21 this rulemaking go forward. Then there would be what
22 amounts to a door created, that is the federal government
23 would not mandate anything. It would not require
24 anything. It would simply set up an option so that if the
25 Native Hawaiian people, in their self-determination,

1 should choose to establish a government and write a
2 constitution they would then have the option, again based
3 on their democratic decisionmaking, to knock on the door
4 and say to the federal government we'd like to have a
5 government-to-government relationship analogous to those
6 that exist for other native communities.

7 So the question is should there be a door.
8 That's question No. 1, the first, the very biggest
9 question. And then the other big picture questions are
10 how is that door going to work. Now, if people say no to
11 question 1, you don't need to move forward, obviously.
12 But if you think this door should exist and this option,
13 this opportunity should exist, then the second set of
14 questions is, well, first of all, how is this government
15 going to come into existence.

16 In the existing federal regulations for the
17 continental U.S., there's a process that allows the
18 federal government to assist an Indian tribe or Alaska
19 Native village to organize a government, and that's
20 Part 81. And so one question is should this new process
21 include something like that. Should the federal
22 government have any role in establishing a constitution
23 and a government for the Native Hawaiian people. And if
24 there is a role, what should that role look like, what
25 should the federal government do. And again we want -- we

1 obviously want your views as to whether that's worth doing
2 and necessary.

3 The second big set of questions are so once
4 you've got a government and a constitution, what does the
5 door look like. So when this government comes into
6 existence, what is the Secretary of Interior going to want
7 to know to decide -- say ten different governments line up
8 at the door and say each of them's saying I am the
9 official Native Hawaiian government, I'm the one that
10 should be recognized. How does the Secretary of the
11 Interior say this is the government with which I,
12 Secretary of the Interior, will establish a
13 government-to-government relationship? So these -- this
14 set of questions involves how the door is going to work,
15 exactly who gets in the door, how does the relationship
16 get established, how is it going to function.

17 That's the -- again, it's a big picture
18 run-through of what I will admit is a technical document,
19 and I think there should be an opportunity to talk in more
20 detail about some of the aspects of it.

21 I will say that there are some things that
22 are not on the table today. And if you look in the
23 advanced notice, it says, I think on page 2 or 3, that
24 there are some questions that are not open for discussion.
25 One of them is we're here as federal officials of

1 Department of Justice and Department of Interior. This is
2 an action by the Department of the Interior; the Secretary
3 of the Interior would be taking this action. And so those
4 officials can only act within the limits of what Congress
5 has enacted, the 150 laws that Congress has adopted. And
6 we can't change those 150 laws that are already in place.
7 So there have been some international law questions that
8 were raised in Hawaii or have come up in the past, and we
9 are not -- comments on those issues are welcome. We're --
10 there's a limited ability to consider them in the
11 rulemaking process, and we're not able to address them
12 here because of the agencies we work for and the
13 limitations on our roles.

14 There's also -- the document also says this
15 process is not about claims or grievances, and it says
16 that the process -- one of the laws that can't be changed
17 is the Hawaiian Homes Commission Act. So the status of
18 Hawaiian homelands is created under existing federal law,
19 and that's not something the Secretary is able to change.
20 So those are some things that are not on the table. What
21 is on the table is this door, what it should look like,
22 should we go forward, should the government go forward
23 with this idea.

24 And with that, I'll pass it back to Derrick
25 to talk a little bit more about how the process works

1 going forward.

2 MR. BEETSO: Thank you, Justin.

3 So you'll note on the screen here we have a
4 comment due date of August 19th, and that's right around
5 the corner. And there are different ways you can submit
6 your comment. We have the e-portal, which is at
7 www.regulations.gov. And then you can submit them by hand
8 or by mail to the address on the screen. There's also a
9 contact here for further information. And like Justin
10 said, this is an action by the Department of Interior, so
11 we are limited in the scope of recommendations that we can
12 consider. And so we just want to note that from the
13 outset.

14 So, you know, we have a court reporter here,
15 so make sure when you make a statement, make sure you
16 state your name clearly for the record. And I guess with
17 that we'll move to comments and questions. Again, we want
18 to make sure everybody has a chance to make opening
19 comments, so we'll only take one comment per person until
20 everybody has had an opportunity to make a first comment.

21 So I know there's a lot of material covered.
22 So is there anybody that would like to make an opening
23 statement or question or comment for myself or Justin?

24 UNIDENTIFIED SPEAKER: Just it's actually a
25 very procedural question. Would the comments that we make

1 here also go sort of in the record? Because there was
2 some I think mis- -- others had said at other meetings
3 about the continental United States that these transcripts
4 won't be included in the official record, the verbal sort
5 of testimony, only the written. So I just -- that
6 procedurally.

7 MR. BEETSO: I think we're obligated to
8 consider everything in the record. So we do have a court
9 reporter here so we can get an accurate transcript of
10 everything that's being stated today. So if you make a
11 comment today, it will be on the record. So that answers
12 that question, and it's a very important question as well.

13 Is there any other questions to start us
14 off?

15 I know that Justin mentioned that this is a
16 very legalese type document. So I know if you guys had a
17 chance to read the ANPRM, I know there are some questions
18 that you must have about different statements in there.

19 This is our fourth meeting in the
20 continental U.S. for tribal nations. We've had another
21 meeting in Las Vegas that was a public forum and then
22 we've had a handful of meetings on the islands of Hawaii
23 as well, so we've had an opportunity to hear from a lot of
24 folks. Some of you folks have been to some of those other
25 meetings. Our last meeting was -- I believe was up in

1 Seattle, and I thought we had a very good discussion. So
2 I know there are a lot of questions out there, so -- yes?

3 MS. CARLISLE: Aloha kakou. My name is
4 Jacqueline Carlisle, and I did have a question. And
5 actually I have three, but I will give everyone a chance.

6 My first question is is tribal recognition
7 through the Department of Interior and the United States,
8 and if that recognition -- if that tribal recognition is
9 given does -- is it revocable?

10 MR. BEETSO: Well, I think what we are
11 talking about here -- and this is probably a good point to
12 underscore; Justin mentioned it earlier. But there's a
13 difference between what we're considering doing here and
14 like a statute. So tribes can be recognized through
15 statute, so Congress can act and recognize a tribe and
16 that tribe is automatically recognized.

17 Here we are talking about setting up an
18 option. So I guess an option would be if a petition is
19 put forth to the Secretary under any proposed rule in the
20 future there will be certain criteria that will be
21 examined by the Secretary of Interior. So the Secretary
22 of the Interior would elect -- like for instance with
23 Indian tribes, you look at a constitution that a tribe
24 puts forth, and you see what the percentage of
25 ratification for the constitution is.

1 So I think under Part 81 for reorganization
2 of Indian tribes, it has to be ratified by at least
3 30 percent of the folks on an eligible roll. You also
4 look at the rule that's put forth by the petitioner, and
5 the rule has to be unambiguous. So sometimes we might get
6 a rule that relates back to two or three sentences, rules,
7 and to us that's ambiguous. It has to relate back to one
8 essential. But one essential rule, but that rule is up to
9 the community to decide which rule to use.

10 So if all the criteria are met, if we
11 develop a proposed rule in the future that would allow us
12 to recognize the government-to-government relationship, if
13 all of the criteria are met, then conceivably the
14 Secretary would acknowledge a government-to-government
15 relationship with that group or entity. But if the
16 criteria are not met, then it could be revocable at the
17 floor, so to speak.

18 But beyond that, once the tribe has
19 recognition, one of the ways that it could be,
20 quote-unquote, revoked would be an act by Congress, that I
21 guess Congress could revoke a government-to-government
22 relationship. But I'll turn to Justin because he's from
23 the Department of Interior -- the Department of Justice,
24 so he's here for all the technical legal questions.

25 MR. SMITH: That's actually a sort of --

1 that's sort of a difficult and obscure question. But my
2 guess is that if an existing tribal government chose to
3 dissolve its government that the relationship would be of
4 a different type after that occurred. But I have to say
5 that's a new question.

6 MS. CARLISLE: Thank you.

7 MR. BENKO: My name is Greg Benko, and the
8 question I have is somewhat simple. I know question 1 is
9 asking about whether there should be a proposed
10 administrative rule. If there is agreement to do an
11 administrative rule, what is the procedure after that?
12 Who puts the rule together? Where does it go for
13 approval? Do we need federal government approval to
14 proceed after that? It seems to me that we're being asked
15 if there should be a rule, but I'd like to know if we do
16 what happens after that.

17 MR. SMITH: The next step in the process
18 would be that the Interior Department would do a draft of
19 what the rule would look like and would put the draft out,
20 and there would be another set of meetings and an
21 opportunity for the public to weigh in on that draft. So
22 the rule would be written by the Interior Department.

23 I think it's also important to emphasize
24 that what the Interior Department would be writing --
25 would be doing might be something very short. It might

1 just say in very brief terms should a government come to
2 existence, this would be the steps it would have to do to
3 be recognized.

4 So there would also be a very important
5 process that would have to happen with the Hawaiian --
6 with the Native Hawaiian community in which that community
7 would do -- and this I think is in many ways the bigger
8 project, of writing a constitution, which involves making
9 a lot of decisions about how a government would work and
10 then electing officials. So the -- a lot of the features
11 of whatever government would come into existence would be
12 determined through a democratic process by the Native
13 Hawaiian community with no federal government involvement
14 at all. So it would be something that would happen within
15 the community itself. It's self-determination.

16 And I think the -- certainly the existing
17 Part 83 process, if you look at that as an analogy, is
18 quite limited in terms of what it demands of a government
19 that applies. It's a pretty simple set of criteria and a
20 pretty simple process, and the heavy lifting occurs in the
21 community itself. That community has to say, yes, we want
22 leaders; yes, we want a constitution; here's who is going
23 to write it. And that's a complex process. So there are
24 those two things that would have to happen together, if
25 the community wants it to happen.

1 MR. BENKO: I understand that should the
2 rule be drafted, what gives authority to the rule or
3 approval to the rule for the Native Hawaiian community to
4 begin the process of forming the government? I mean,
5 you've drafted a rule and it goes out for public approval
6 or public comment. At what point does it become an
7 actionable or a legitimate go-ahead to start forming?

8 MR. SMITH: And so there's two questions
9 there. The rule itself, the process involves a notice of
10 proposed rulemaking. So that's a second document with the
11 draft of the actual language of how the process will work.
12 And that document goes out for public comment and then a
13 final rule comes out. And once that final rule comes out,
14 that's the process and that's the go-ahead.

15 Now, I should say that the community could
16 start organizing sooner if it wanted. So long as the
17 community is ready with a constitution in place by the
18 time this final rule is in place, that's fine.

19 So the ability to organize a government is a
20 sovereign ability that comes from the community itself.
21 The inherent sovereignty of the community itself is the
22 whole idea of the government-to-government relationship.
23 The community's already sovereign, so they can create a
24 government at any time. This is just the federal
25 government acknowledging, if that's helpful.

1 MR. BENKO: I think what I'm really looking
2 to see is where does the final official go-ahead come
3 from?

4 MR. SMITH: So there would -- the Secretary
5 signs the rule. And once the Secretary signs the final
6 rule, it's effective. And then the -- there's a second
7 step, which is once you've got a government that
8 government submits something to the Secretary which then
9 has to be approved. But the rule's in place once the
10 Secretary signs it.

11 MR. BENKO: Thank you.

12 MR. SMITH: The Secretary signs it.

13 MS. HALLUMS: I'm Maile Hallums, and this is
14 a question I have 'cause I'm kind of -- am I to understand
15 that DOI is offering -- you're offering assistance to
16 natives like me, who are not supposed to know how to set
17 up a government? I threw that in for free.

18 Is this what I understand, that you're going
19 to help us to create a forum so your government can engage
20 with the Native Hawaiian government? Instead of a
21 nation-to-nation relationship, you're looking at a
22 government-to-government relationship? Is it -- I'm not
23 clear why DOI is involved in this process at all except to
24 offer your assistance. And let me give you an example of
25 why I'm asking that.

1 Supposedly we should know -- there was no
2 referendum in our discussion on nation-to-nation
3 relationship; right? There should be some kind of
4 plebiscite or referendum when Native Hawaiians can meet to
5 decide for themselves exactly how we're going to govern
6 ourselves, among Native Hawaiians, not the American
7 government. That's why I'm assuming you're offering your
8 help.

9 If you are, if you are offering your help,
10 this is where you can help us, even as we have these
11 discussions, is to arrange that this plebiscite or
12 referendum can happen you would have to have military --
13 they would have to have military, what do you call, guards
14 around wherever we meet so nobody can interfere with our
15 discussions on how we're going to govern ourselves.

16 Because as you know with all these hearings
17 you said, all the different factions of Native Hawaiian
18 governing entities have already spoken to you. That's
19 (speaking Hawaiian) -- who is that? -- (indiscernible).
20 They're all exercising their sovereign right to govern
21 themselves for the people. But we're not doing it
22 altogether. Okay?

23 So back to my question. Are you gonna help
24 us with this? That's where we need your help. We don't
25 need an administrative ruling from you to be recognized.

1 And I'm not saying it just to be argumentative. I think
2 if you look in U.S. Public Law 103-150 -- everybody calls
3 it the Apology Bill -- you'll see in there that we have
4 the right to do this without your interference.

5 And for those of you who are not really
6 clear about that law, then I would suggest you look up --
7 go to the St. Thomas Law Review by Francis Anthony Boyle
8 and it will explain every point in there so it's clearer
9 and you can engage more responsibly in these discussions.
10 Anyway...

11 So can you answer that question for me?

12 MR. BEETSO: Yeah. No. You raised a lot of
13 good points in that statement. You kind of get to what
14 Justin was drawing out, is there's five questions. And
15 four of the five kind of work together, so there's like
16 the first question is just an overarching question should
17 the Department of Interior move forward at all. And if
18 your answer is yes to that, then you move to the second
19 and third, which are kind of -- they get into the grains
20 of reorganization.

21 MS. HALLUMS: We have to answer that
22 question, too. But if so, how you gonna do it; yeah?

23 MR. BEETSO: Yeah. So that's the second and
24 third question. The second and third question is
25 reorganization. And for Indian tribes we have Part 81.

1 That has its roots in the Indian Reorganization Act. And
2 for those of you not familiar with that, I think like in
3 Oklahoma, for instance Oklahoma used to just be Indian
4 territory, and in the 1930s the Indian Reorganization Act
5 had language to the effect that Indians living on a
6 reservation could organize as a group or as a tribe. And
7 that didn't really apply to Oklahoma because all of
8 Oklahoma was Indian territory with a whole bunch of
9 different Indians or different tribes, so it wasn't one
10 reservation for each tribe.

11 MS. HALLUMS: You're getting off the
12 subject, though. There might --

13 MR. BEETSO: Well, no. No.

14 MS. HALLUMS: We're not --

15 MR. BEETSO: What I'm saying --

16 MS. HALLUMS: Might be a little parallel to
17 Native Americans on the continent here, but not quite the
18 same.

19 MR. BEETSO: Okay. I'll skip the history
20 lesson.

21 MS. HALLUMS: Yeah.

22 MR. BEETSO: So what you're asking is you're
23 asking for --

24 MS. HALLUMS: No. I'm asking for you to
25 clarify your role in the organization of Native Hawaiians

1 creating their government.

2 MR. BEETSO: Well, we don't have a role
3 right now, and that's kind of the question. The question
4 for 2 and 3 is should there be a role, what should it
5 include. And so you suggested that it --

6 MS. HALLUMS: So you are no help to us in
7 how we can do it?

8 MR. BEETSO: We're suggesting whether or not
9 you need help, and if you do we want suggestions on how
10 that would look like. So you suggested there should be
11 some sort of security.

12 MS. HALLUMS: So you need to do that so that
13 we can conduct a plebiscite or a referendum, because
14 that's what the law calls for.

15 MR. BEETSO: Okay.

16 MS. HALLUMS: (Inaudible.)

17 MR. BEETSO: Yeah. Well, so when you --

18 MS. HALLUMS: So maybe I'm getting ahead of
19 myself.

20 MR. BEETSO: No, you're not. You're not.
21 You're not. But that's -- these are the type of comments
22 we're looking for. So when you respond today and to the
23 ANPRM, we would like you to make those recommendations.

24 MS. HALLUMS: And I also have it in writing
25 to the -- it's a little bit off the subject, but DOI had

1 a -- I'm sorry. Okay.

2 DOI had hearings in Hawaii. I'm very clear
3 about that. In Hawaii, the largest concentrated --
4 concentration of Native Hawaiians is on the west side.
5 Okay? Waianae, Nanakuli, Kapolei, now all in that area,
6 so we have about 65, 75,000 Native Hawaiians living out in
7 that area.

8 You cancelled your hearing in that largest
9 district, Nanakuli. I'm from Nanakuli. You got an idea
10 of why I'm here. Not really, but -- and I represent Na
11 Kapuna O Waianae. And we'll get to you what these
12 organizations are.

13 But something's wrong with that picture. We
14 are not really happy about that. So, you know, okay.
15 Maybe put that down in your notes someplace and correct
16 it. Because 65,000 Native Hawaiians don't have their
17 comments on your books. What's wrong with that picture?
18 Okay. (Inaudible.)

19 MR. BEETSO: Thank you.

20 MR. SMITH: I wonder if we could go to
21 statements, just because in the interest of time we get
22 statements first. What do you think?

23 MR. BEETSO: Sure. Are there any other
24 statements?

25 MS. PAULO: Aloha. My name is Sharon Paulo.

1 I'm also from Nanakuli. My maiden name is (inaudible) so
2 my family is from Nanakuli. I live in Moreno Valley in
3 California. I'm the president of the Hawaiian civic club
4 known as Kaha Panoa Kaleponi. We are based in Moreno
5 Valley, California.

6 For many years, for the last 30-some years,
7 I have been actively involved in the Hawaiian community in
8 our area. I'm very familiar with the DOI/DOJ hearings
9 that happened back after the Apology Bill was initiated,
10 and that was -- and the outcome of which was the report
11 From Mauka to Makai. And the recommendation from the
12 report was that the Hawaiian people wanted
13 self-determination.

14 This advanced ruling is asking us if the
15 Department of the Interior should create a process for a
16 government-to-government relationship between Native
17 Hawaiians and the United States, which says that in the
18 past there was in fact a government-to-government
19 relationship between Hawaii and the United States. This
20 is kingdom time and there was that relationship.

21 So a lot of the flak that -- and Justin,
22 folks sat there and took all of this beating, and we hurt
23 for them -- in Hawaii is based on the illegal overthrow of
24 the Hawaiian monarchy and the illegal annexation of Hawaii
25 to the United States. And we know that is fact.

1 I have a question for the DOI, though. In
2 creating this administrative rule, the first one that came
3 out before this one in 2014 is dated in 2012, and I will
4 read. It has the same registration identifying number
5 1090-AB05, and it reads: Procedures for recognizing the
6 Native Hawaiian community as Indian tribe. And the
7 abstract says: This rule will establish a process for
8 identifying members of the Native Hawaiian community for
9 the --

10 Read that for me. My glasses. Sorry. My
11 friend will read it for you, but it's not mine. Just read
12 the abstract. Just this paragraph.

13 MR. KOLLARS: Where did you leave off?

14 MS. PAULO: Just read the whole thing.

15 MR. KOLLARS: Okay. "This rule would
16 establish a process for identifying members of the Native
17 Hawaiian community for the purpose of reorganizing that
18 community as four political subdivisions or bands,
19 organizing the bands into a confederation, and then
20 acknowledging a government-to-government relationship with
21 that single confederation as a tribe. The Assistant
22 Secretary for Policy, Management and Budget will be
23 responsible for the Department's implementation of this
24 rule, based upon the intentions of Congress, as evidenced
25 in the Hawaiian Home Lands Recovery Act of 1995," Public

1 Law, et cetera, et cetera.

2 MS. PAULO: When this rule came out, it's
3 the prerule to this one that we got right now about the
4 process for creating or reestablishing a
5 government-to-government relationship. That very same
6 year, in 2012, the State of Hawaii passed Act 195,
7 creating Kana'iolowalu, because one of the requirements
8 for recognition is you must have a certified list of
9 members of your tribe before you send your letter of
10 intent to the Secretary of the Indian Affairs to begin the
11 process of federal recognition.

12 So Act 195 came out, they created
13 Kana'iolowalu, they came up with this number of 125,000
14 names on that process that's going to make this one happen
15 that delegates are going to go to, and we're going to
16 decide the kind of government Hawaii will have. And only
17 then can we talk to the DOI -- and she's right, better
18 talk to the U.S. Department of State versus DOI -- about a
19 government-to-government relationship once we as a
20 Hawaiian people decide what that government will be.

21 So this rule is very offensive to us because
22 it's stating to us that the Department of Interior is
23 going to create a process for identifying us as an Indian
24 tribe by creating four bands, just like our ohana in
25 Moreno Valley that we deal with. Our Moreno Indians there

1 are a band of Indian tribes that became a confederacy and
2 now they have federal recognition.

3 The same thing is being said about Native
4 Hawaiians. We're going to create tribes. We're going to
5 turn Hawaiians into tribes and from that create a
6 confederacy, and that is the government-to-government
7 relationship you guys are talking about. It's in your
8 document, it's on the U.S. government state website.

9 And then in 2014 you come up with this one,
10 now tell us how can we help you. And that's what you're
11 asking, you're asking for our help. We don't have to.
12 And you have said that, we don't have to accept your help.
13 But you're asking us what is the process now for us going
14 forward and trying to reestablish a
15 government-to-government.

16 This is offensive, the first one. Act 195
17 is full of crap. That list is a bold-faced lie. We know
18 that they took 100,000 names from Kau Inoa, the Native
19 Hawaiian registry, to make that number go up 125,000. So
20 a lot of this is all smoke and mirrors as far as we're
21 concerned.

22 But the bottom line is it's not your
23 kuleana, it is ours as Hawaiians, to figure out what we
24 want to do and the kind of government we want to have.
25 And then if we want to talk to you at that level of

1 government to government, we can. And you're right, we
2 don't have to. That's our choice.

3 And until our people, our Hawaiian people,
4 come to a place where we can speak as one voice instead of
5 everybody talking about what happened 120 years ago, we
6 will never have a government that says we speak for the
7 Hawaiian people like our native American -- anyway, I have
8 a lot of comments, but this upsets me. This language in
9 your document upsets me.

10 (Applause)

11 MR. BEETSO: Okay. So first on behalf of
12 the Department of Interior, let me apologize for any
13 offense taken to that. Obviously there have been folks
14 working on this for a long time, but I have to be clear
15 that this ANPRM is out here is the only thing that ever
16 went forward. We know that that's on the website for
17 (inaudible), but it never went forward. As far as the
18 folks at Interior, we don't know how it even got up that
19 high, but we realize it's out there.

20 But this ANPRM is the only thing that ever
21 went forward and was released, and it's the only thing
22 that we've ever met on with regards to this issue. So we
23 know that's out there and we apologize for it. I started
24 in Interior in September of last year, so I don't have any
25 personal knowledge about the process of how that got out

1 there.

2 MS. PAULO: It's 2012. Go to your website.
3 You'll see it. It's on there. I printed it. It's ugly
4 language. It's saying you're going to make us Indian
5 tribes.

6 MR. BEETSO: Okay. That was that --

7 MS. PAULO: That's not happening.

8 MR. BEETSO: That was still within OMB,
9 though. It never got released from OMB.

10 MS. PAULO: It is at OMB. That's right.

11 MR. BEETSO: Yeah. So just to be clear --

12 MS. PAULO: I'm very clear what OMB does.
13 You know, so I know. But it's offensive.

14 MR. BEETSO: Apologies.

15 Yes, sir.

16 MR. NAUKU: Aloha kakou.

17 AUDIENCE MEMBERS: Aloha.

18 MR. NAUKU: My name is Imakakoloa Nauku. I
19 am from Hawaii originally. I live here now in Arizona.

20 I have been following your hearings of
21 testimonies in Hawaii through all the islands, and every
22 last one of your comments that came back was a remark of
23 no to the five questions that you had originally posed,
24 that you raised those five questions to 19 to make it more
25 difficult, but still our answer was no. Okay?

1 Now, you've got a problem here, a problem
2 that's affecting you and it's affecting us as a Hawaiian
3 nation. You're trying to change your Rule 83, which is
4 the rule that the Native American Indian tribes are under.
5 They're governed by those rules. We're not. And we
6 don't -- we do not expect to be ruled under those
7 continuing rules that you have over them. Okay?

8 The question is why is Hawaii not being
9 recognized? Hawaii was recognized at the very beginning
10 from -- by the United States. Hawaii was recognized as a
11 free nation, a free, sovereign, independent nation. We
12 became a free nation when Britain and France welcomed us
13 into the nations of a free nation. We're still in that
14 location. We are not there because you haven't made it
15 our land, our government. You have overthrown our queen
16 and you have crushed our laws down under, and you say that
17 we are a state. We are not a state, have never been a
18 state.

19 There was never, ever an annexation of
20 treaty with the nation of Hawaii. So how can you make us
21 a state when there was never a treaty of annexation?
22 Congress tried to pass the annexation and failed, failed
23 hard, sourly, and because they wanted Hawaii so bad they
24 made Hawaii an annexed state under a resolution, the
25 Newlands Resolution.

1 That resolution has no ground, no authority
2 to make Hawaii an annexation of the United States because
3 Hawaii has a treaty and the treaty is the law. That is in
4 your constitution of America: a treaty is the law.

5 So Hawaii still stands. But we're not
6 recognized by you because you refuse to recognize us. You
7 have indoctrinated us and our children with education of
8 how great this nation is. It is a great nation. Our
9 queen said you were a great nation. But she cried for her
10 people when you overthrew her, and she is still waiting
11 for this day for you to return the kingdom back to its
12 people. But that's not going to happen. That's not going
13 to happen.

14 So you're trying to make us an Indian,
15 trying to recognize us as an Indian so we can become a
16 government-to-government relationship with you. We don't
17 need that, sir. We do not need that recognition. We need
18 you to look back and recognize us as the free independent
19 Hawaiian nation that we are and have been, and we will
20 still continue to be that free nation.

21 Now, we all know the Hawaiian kingdom laws,
22 those of us that are Hawaiian. So some of you are going
23 to be pissed off with what I am going to have to say.
24 Okay? And some of you may -- Indian nations might be very
25 angry with us for what I'm about to say.

1 In the protocol, the kingdom protocol,
2 because we do not have a king or queen and have not had
3 one now for over 123 years because of what you did to us,
4 sovereign government pushed down under, we do not have
5 that, the king and queen then has to be put into place by
6 the kahunas and the kahus. This is the protocol. Because
7 there is no protocol for that, because we do not have a
8 king and queen, because we are waiting for the kahunas and
9 kahus to come forward to elect the king and queen, we are
10 still without.

11 But there is one protocol that is still in
12 place, and that protocol is that someone has to step forth
13 as an executive for the nation of Hawaii. I, by my
14 birthright, the royal birthright of (indiscernible), from
15 the last living king of Hawaii, I hold that right to claim
16 the executive role for the nation of Hawaii. And from
17 here on out, the negotiation stops. It stops right here
18 and right now.

19 The negotiation can't take place between the
20 executive, myself, and you for the people of Hawaii. It
21 ends and it ends now. Mahalo.

22 MR. LAVATAI: (Speaking Hawaiian). Aloha.

23 AUDIENCE MEMBERS: Aloha.

24 MR. LAVATAI: Oh, I felt that aloha because
25 it sounds like a little bitter, so we got to change the

1 aloha here. I'm going to try it one more time. Let's
2 keep the aloha spirit. Family and friends and our special
3 guests and our brother who came back home, aloha.

4 AUDIENCE MEMBERS: Aloha.

5 MR. LAVATAI: (Speaking Hawaiian). My name
6 is Herman Lavatai. (Speaking Hawaiian), a child born of
7 Hawaii. My mountains are the Ko'olau. My waters are the
8 cool waters of Pearl Harbor. I was born at Tripler Army
9 Hospital.

10 I'd like to give mahalo first to Justin and
11 also Derrick, to welcome Justin back home because diné,
12 diné which means the sacred people of the Native peoples
13 of this aina, of this land. And I'm not too sure if we're
14 related by clan, but my children are -- oh, I just went
15 blank. I'll tell you later (inaudible).

16 Secondly, I'd like to welcome and recognize
17 two important people from this beautiful Salt River
18 Pima-Maricopa Indian community. They're so humble in
19 their own nature and their mana, spirit. And that is Bob
20 Scabby.

21 Robert Scabby, would you please stand, and
22 right there. (Indiscernible.) (Applause.) And his
23 beautiful wife, this is Councilwoman Enos from our
24 community here.

25 MS. SCABBY: Scabby.

1 MR. LAVATAI: I mean Gabby. I'm so sorry.
2 Kala mai, kala mai. I'm so sorry. So -- and they're
3 long-time community members here. But they love the
4 people of Hawaii.

5 The third aloha that we never gave aloha to
6 are our Uncle Oswald and Derrick and members of the Office
7 of Hawaiian Affairs. And, you know, aloha begins here,
8 Arizona, no matter where they're at. And it's okay, you
9 come here and you share and you voice your (indiscernible)
10 and your opinion.

11 But did everyone give our Thanksgiving and
12 mahalo to (indiscernible) for the opportunity so that we
13 can (indiscernible) and we can share one with another. It
14 can be good, bad, happy, or elect yourself because of your
15 royal lineage that you are the direct descendent of the
16 great kings and the ali'is. That's beautiful and I really
17 do appreciate it.

18 The (indiscernible) here for me is so
19 simple, as it was explained eloquently by Justin this
20 morning. And it's so simple that if we can only
21 understand the five simple things that are being presented
22 here, me, for myself and my ohana, but as an individual
23 stands alone who is so proud to come from Hawaii, I favor
24 and I am in support of making a change to give
25 authorization to this part of 83 so that it can literally

1 open the door of dialogue so that we can have this
2 conversation to continue on to the next area of
3 understanding, and that is hopefully that we can select a
4 particular model or form of government.

5 Office of Hawaiian Affairs, you know, they
6 are so akamai, they're so smart, they have some options
7 for us. Uncle, if you're so into the monarchy, then I'm
8 asking you (speaking Hawaiian), then you, you share your
9 mana'o and your kuleana to explain to us how you would
10 like to see that form of government to be set and to be
11 established.

12 If you had listened earlier to the words, to
13 (speaking Hawaiian), to understand that they are only
14 facilitators. They are only -- they are only guiding us
15 and giving us this opportunity.

16 I want to give thanks to Obama, all the way
17 down to the Secretary, to Justin, so that we can have
18 these opportunities to come and share our -- how we feel.
19 And the thing is time is of the essence because it waits
20 for nobody. And this is the time, any time in the history
21 of our great Hawaiian nation or peoples, then and now,
22 that if we close the door of opportunity now, then we may
23 not have this opportunity ever, ever again.

24 The formula is very simple. It's up to us
25 to really, really take the time, no matter how you may

1 feel or what your hidden agenda may feel like, if -- you
2 know, we have a clan, yeah, in Navajo Nation. It's called
3 bitter water, and I'm so glad my children aren't related
4 to all those clan members from bitter water.

5 When I hear people who feel so bitter but
6 cannot put yourself into present moment to just come to
7 agreement, the agreement -- if we do not come to consensus
8 and come to some type of form -- we may not all agree, but
9 the simplicity of being able, because we're going to lose
10 the opportunity if we do not establish some type of form
11 of government, Auntie, (indiscernible), that's one. I
12 know Derrick and all those here from office of homeland
13 affairs, they can give you three more example. But,
14 Uncle, you know, you might restore us, but never tell us
15 it's like the monarchy way, but you can give it a
16 different form of government.

17 But the point being is come to an
18 understanding and malama and a consensus, because right
19 now, as a form of government, we have no leo. There is no
20 voice. We cannot even stand on our two feet in order to
21 have a dialogue in regards to those 150 statutes are
22 sitting up in Washington, D.C.

23 The other point is, and this is so vital and
24 important to me, as I think of my na kupunas, that when we
25 finally come together and restore our government to its

1 fullest and we make that proud decision, because it's
2 going to be a hard road to reach and to attain, this is
3 part of the growing pains, for us to come and to make
4 those kind of -- open our eyes, open our ears, listen with
5 your heart versus creating these barriers. But once when
6 we are able to finally celebrate a nation, then I'm hoping
7 that we have beautiful programs.

8 I love Salt River Pima-Maricopa Indian
9 Community because they have a strong na kupuna program,
10 strong elders program. Almost every other year they get
11 to go home to Hawaii, and I always pray the Scabbys that
12 they would ask me to be a chaperone. But I never get that
13 chance. That Myrna Lewis never calls me.

14 And the other part is when we have our own
15 nation, we don't have to be called a tribe, but a nation
16 as a people, that I visualize the keiki and their mothers
17 and their children having -- and these young couples
18 having strong early childhood development programs. I
19 visualize and I hope that we can make sure that we have
20 great educational programs from K through 12 to adult
21 learners to our na kupuna. Yeah? I pray and hope that we
22 can establish many positive direct programs. But right
23 now, brothers and sisters, it's not happening. It does
24 not exist. It will not exist if we do not come together
25 and we do not pull together.

1 And last but not least, I'm asking the
2 Hawaiian affairs, and especially the people back home in
3 Hawaii -- where is (indiscernible)? This is to you. All
4 those back home in Hawaii, us, your ohana, families, we
5 have names from back home in the islands, and the thing I
6 want to tell you, when you say words like this, that if we
7 become a nation and we receive these benefits then it
8 should only stay in Hawaii, that I have a big challenge
9 with. It hurts me in here, in my heart, in my whole
10 na'au. Because no matter where Derrick is at and our
11 military people are at, if they're Navajo and my
12 daughters, they don't exclude you. They so proud to be
13 diné. They're so proud to be Pima-Maricopa Indian
14 community.

15 And so, yes, I understand the kälä needs to
16 be direct impact for them, but many times we lose out in
17 scholarship dollars, maybe come early childhood education
18 or to help our na kupunas to receive since we do both
19 medicinal healing. But also you know it cost a lot of
20 kälä to pay for medicine. Yeah, Uncle? Oh, not cheap.
21 But those are the programs that can help.

22 And last but not least, I always think of --
23 I don't care, you may -- it may push a button, but I'm
24 going to say this name. I always think of Robin Danner,
25 Puanani -- Robin Puanani Danner. She spent -- she grew up

1 in Tuba City. Her parents were educators, and she's a
2 small girl. That's where she grew up. But her career was
3 she had this amazing career with the Alaska Nation. She
4 learned so much about their economic development.

5 When our government is formed, then it's up
6 to the leaders, those who are there that can create and
7 develop and to decide on how these economic development
8 agreements can be made so that the people back home in
9 Hawaii and across the mainland and Alaska and our
10 servicemen and women, sons and daughters can all benefit
11 from positive direct programs.

12 I am taking this off on a government motion.
13 Even though it says on the dollar bill in God we trust,
14 for long time you talk about the kahunas. They were our
15 spiritual leaders. You say that, but I say it in
16 reverence and respect, because for all of us as we come to
17 these meetings, may you -- may you take it a step further
18 and you petition (indiscernible), Sky Father, grandfather
19 so that you can understand for your own being, your own
20 na'au, to make the right decision.

21 I walked in your community, Auntie, got
22 stoned, Bradford got stoned. You can go (inaudible).

23 UNIDENTIFIED SPEAKER: (Inaudible.)

24 UNIDENTIFIED SPEAKER: You cut our trees
25 down.

1 MR. LAVATAI: But I've been to mostly all of
2 your communities. In here, in this beautiful state of
3 Arizona, and there's so many beautiful tribal and Indian
4 nations, when you speak of my children's people do not
5 disrespect them because they have already paved the way
6 and pioneered and went through so much pain what we are
7 trying to do.

8 We have Office of Hawaiian Affairs who wants
9 to be a guide, as both of these -- both entities, but they
10 just want to help us to steer in a very good direction.
11 But I'm asking all of you, as you make your decision, that
12 as an individual -- and you know na kupunas, they can tell
13 the same thing, bad, good, ugly or sad, and they can be
14 very direct because that is their right.

15 Auntie, that's your right.

16 MS. PAULO: It's our job, honey.

17 MR. LAVATAI: That's right.

18 UNIDENTIFIED SPEAKER: (Inaudible.)

19 MR. LAVATAI: But the thing is I don't want
20 anyone here to be diffused or to misunderstand the
21 simplified situation that is being asked of you before
22 August 19th.

23 Mahalo (speaking Hawaiian.)

24 (Applause)

25 MR. BEETSO: Okay. So we'll go here and

1 then here, and then there.

2 MR. STENDER: (Speaking Hawaiian), and thank
3 you all for coming.

4 I couldn't have said it any better than what
5 Herman has said just now. My name is Oswald Stender.
6 Doesn't sound very Hawaiian, but I am just elected at
7 large at the Office of Foreign Affairs. I come here to
8 welcome all of you and to share our mana'o on this
9 process. And (indiscernible) got it right.

10 I have with me others from the Office.
11 Well, first I want to express the regrets of our
12 chairperson, Colette Machado, who could not be here today,
13 and I serve as the vice chair to our chair and I'm here to
14 represent her and the board members of the Office.

15 I'm a trustee elected at large and have been
16 with OHA for about 14 years and have been following this
17 process for all those many years. We are getting closer
18 to resolution, and we need your help to do that. And so I
19 brought along with me, I have Judge Klein, who is a board
20 counsel. And I have -- (applause) -- Breann Nuuhiwa, who
21 is also counsel to the board of trustees. (Applause) I
22 have staff members Roger -- Patrick Rogers and Derek
23 Kavanoe. (Applause)

24 I will leave to the attorneys to explain the
25 process that we went through to get to where we are today

1 and to reinforce our support of the plan that's -- that
2 the -- of the hearings here to create this
3 government-to-government relationship with the United
4 States government, and they will explain that to you.

5 So with that -- actually, we will have some
6 time this afternoon for any of you who would want to meet
7 with us and discuss OHA's position and how we got to this
8 point and how important this process is, and so I invite
9 you to stick around after this meeting so we can (speaking
10 Hawaiian). So with that, thank you. (Applause)

11 MS. LEWIS: Aloha. My name is Devida Pulani
12 Lewis. I'm from the island of Oahu (indiscernible). I
13 live in Arizona.

14 It seems to me that our generation coming up
15 will be executive -- will be the executives of what our
16 kupuna now are putting into place, and we appreciate that.
17 This is my mom, so you can imagine our household full of a
18 lot of nice information, so I appreciate the lifetime
19 commitment of my mom, my aunties, my uncles in putting
20 this together.

21 However, what little I do know about it, in
22 our generation we move at the speed of light as if all of
23 this is already done and why is this my problem. It seems
24 to me that we don't even have a government to reestablish
25 anything with your government in the United States. So it

1 seems to me that we're jumping the gun a little bit, where
2 we haven't organized ourselves to agree on what our
3 government looks like.

4 So I don't know all the rules and all the
5 laws, I can't quote you where it is or what forms or
6 anything like that. But in its simplest form, to Uncle's
7 point, we haven't agreed on a government, that OHA has
8 been a recognized establishment after we became -- after
9 we were taken over, we were part of the United States.
10 They were formed to keep our best interests at the
11 forefront of the U.S. government. However, they were
12 established after the overthrow.

13 Now that they've -- we've been apologized
14 to, we are a nation. We have not stepped into ownership
15 of that responsibility. We don't know what that looks
16 like. We just know we're a nation. Okay. Well, I'll
17 keep paying taxes, then, to my -- I don't know what this
18 is.

19 So I'm confused a little bit to understand
20 how we can give you permission to help us establish an
21 administrative process to have our governments communicate
22 when we don't have one.

23 So I would have to say no, that we -- we
24 have to say no until we can organize ourselves in such a
25 way that OHA's a part of it, my, you know, na kupuna or

1 Waianae council, we've got councils on every island.
2 There's, I don't know, tens of twenty of them across not
3 only the Hawaiian islands but in the United States and
4 abroad that have established themselves.

5 We are not tribes, but we started to set
6 ourselves up like tribes by thinking that we have these
7 independent councils working independently of each other,
8 but not working together.

9 So we don't have different dialects.
10 There's one dialect of Hawaiian, that's it. There's one.
11 We have one language. We don't have the different
12 segregation of this kind of Hawaiian and that kind of
13 Hawaiian. Yes, I'm a pupule Hawaiian, but that don't
14 count. That don't count. But we're one nation. And we
15 have to -- we have to detail and describe what that looks
16 like.

17 And until we can do that -- like my mom
18 said, it would be best if all of us can get together and
19 determine that. It may take days, weeks, months, years.
20 We need military protection so we don't have the influence
21 of the United States government or any government of any
22 nation anywhere telling us how we're going to govern
23 ourselves. And if we start just back where we left off in
24 the monarchy, I think that's a great place to start. And
25 then start disseminating the information that way.

1 But until every single Native Hawaiian by
2 blood has input into this process and can communicate this
3 process through representatives or however we do it, we
4 can't reestablish what -- we don't even have a government.
5 So I think we need to reestablish our government first. I
6 would love to be part of that process because it will be
7 my duty when I become the next kupuna generation to make
8 sure that our nation is intact. Thank you.

9 (Applause)

10 MR. BEETSO: Okay. So we're going to see if
11 anybody wants to make a first statement, and then after
12 first statements then we'll move to second statements. So
13 we have a gentleman here.

14 MR. MAILE: (Speaking Hawaiian). My name is
15 David (indiscernible) Maile, and my family comes from
16 Maunawili, Oahu. I currently live in Albuquerque as I
17 work towards my doctoral degree at the University of New
18 Mexico. I am Hawaiian, a (indiscernible) forever and
19 ever. (Speaking Hawaiian).

20 Today I stand for justice like my great
21 great grandfather, Charles B. Maile, did in 1897. He was
22 one of the many revolutionary Hawaiians that signed the
23 petition against annexation sent to then-U.S. President
24 William McKinley. These protests influenced the U.S.
25 Senate to vote against the treaty of annexation that ended

1 in Congress' desperation to pass the joint resolution, the
2 Newlands Resolution, which according to international law
3 is illicit to unilaterally annex the Hawaiian kingdom in
4 1898. Both international law and U.S. law demonstrate
5 that federal recognition policies such as the Akaka bill
6 function under unjust jurisdictions and undermine
7 Hawaiians' rights to self-determination.

8 My answers to the Department of Interior's
9 proposed questions regarding the, quote, procedures to
10 reestablish a government-to-government relationship with
11 the Hawaiian community are all no. The Hawaiian kingdom
12 continues to exist and has been illegally occupied by the
13 U.S. for over 120 years. Thus, any effort by the
14 Department of Interior, federal government, or U.S. nation
15 sake to regulate Hawaiian governance, nation building, and
16 self-determination only continues processes of settler
17 colonization that murderously attempted and attempt to
18 eradicate my people.

19 I urge native and non-native communities to
20 ally with Hawaiians against the violence of federal
21 recognition to demand U.S. compliance with law and
22 deoccupy the sovereign kingdom of Hawaii. Respectfully,
23 with mahalo for the people indigenous to these lands and
24 with great emphasis, I must say a'ole to the Department of
25 Interior. (Speaking Hawaiian). This is my story. We

1 must strive for the summit before our stories of
2 resistance continue to be strangled.

3 (Applause)

4 MR. BEETSO: Thank you.

5 MS. MELOY: Aloha kakou. My Hawaiian is
6 very, very rusty. But my name is Heather Meloy, and I'm
7 from Indiana. I am not Native Hawaiian nor am I Native
8 American.

9 UNIDENTIFIED SPEAKER: I need you to talk a
10 little closer to the mike.

11 MS. MELOY: I, however, consider Hana, Maui
12 one of my homes. Actually, I feel more at home there than
13 I do in my own home very often, and I have been lucky
14 enough to be welcomed into that community.

15 And I have been shared so many stories that
16 I was not aware of until probably seven years ago. I did
17 not know the history of Hawaii. My lineage is actually,
18 you know, from European ancestry. My family fought in the
19 revolutionary war.

20 I look at my kuleana and my responsibility
21 as to do what I can to make amends. There's a
22 responsibility that I have to speak up for what has been
23 done, that it's wrong. And it was wrong of my country to
24 overthrow the Hawaiian government.

25 It is not my responsibility, and it would be

1 very pompous of me to think that I had an answer to how
2 that government for Hawaii should be formed. I have
3 spoken a lot in the last, you know, few weeks since the
4 notice or the advanced notice was sent out and spoken with
5 friends who have gone to many of the meetings in Hawaii.

6 Last night I was asked to answer the five
7 questions for a friend of mine in Hana, and his response
8 in Hawaiian, which again my Hawaiian is very rusty, is
9 a'ole, a'ole, a'ole, a'ole, and a'ole, and I -- it is time
10 to vacate and go home. Mahalo.

11 Again, that is not by any means speaking for
12 every Hawaiian; that is one person's view. And I know
13 from all of my experience, even in the community, a very
14 small community of Hana, that view is very diverse. I
15 know people who are very involved and elected officials
16 within what is called the lawful Hawaiian government,
17 which their prime minister is Henry Noa. I know other
18 people who are from other very active lineages.

19 And what I know is that it is not my
20 responsibility or the responsibility of United States to
21 say how a government should be formed for the Native
22 Hawaiian community. And if there is any assistance, it
23 should only be asked by the Hawaiian people and not
24 offered or expressed by us.

25 (Applause)

1 MR. BEETSO: Thank you. We'll go here,
2 here, and then here.

3 UNIDENTIFIED SPEAKER: You can go first.

4 MR. KOLLARS: Aloha.

5 AUDIENCE MEMBERS: Aloha.

6 MR. KOLLARS: My name is Lono Kollars. I'm
7 the vice president of Kahani Ka Panoa Kaleponi Hawaiian
8 Civic Club. I rise in opposition to this proposed rule
9 for many reasons. I have some questions that are generic
10 to my statement, if I could ask those questions first?

11 MR. BEETSO: We're in the statement portion.

12 MR. KOLLARS: Okay. It's my understanding,
13 then -- I'm going to go with what I think I know. It's my
14 understanding that the DOI has no jurisdiction over land;
15 therefore, this advanced ruling has nothing to do with
16 land in Hawaii.

17 So also this advanced -- this rule would
18 also not give us federal recognition. It would be an
19 administrative directive from DOI. Again, my
20 understanding. I don't know if that's correct or not. I
21 was going to ask a question, but...

22 If we have a government in Hawaii and we say
23 this is how we want to proceed with the nation to nation,
24 my characterization would be nation within a nation
25 relationship, not nation to nation. If we have that and

1 this advanced rule goes through and the federal government
2 doesn't like what we bring to the table, the things that
3 we want for that relationship to work, what happens then?
4 Does everything get dissolved? Do we not agree and
5 therefore we stay where we're at? I'm confused as to how
6 would we proceed if that happens. Frankly, I see that as
7 a very high possibility.

8 So I write -- I've done 24 years, 40 years
9 total in U.S. government service. I'm retired Air Force,
10 and I work civil service now for the Department of
11 Defense. I help write policy. I know these rules,
12 directives, they can all change with a stroke of a pen.
13 So how protected are we? How protected are our programs
14 without Congress validating what you are trying to do with
15 this rule?

16 So for those purposes, that's why I say no.

17 MR. BEETSO: I'm going to go here and then
18 here and then here.

19 MS. HOCKENHULL: Aloha kakou, everybody.
20 It's really hard to sit here and just not boil under your
21 skin.

22 My name is Pualani Hockenhull. My family is
23 from (indiscernible). And for so many years you folks,
24 not just my family, but many others, have been not treated
25 fairly. It is very hard for the local people there to

1 even understand what the DOI -- DOI is trying to
2 facilitate. I understand you're trying to facilitate a
3 process, but you need to understand the people better.
4 They are not happy.

5 I mean, throughout our whole lives dealing
6 with government issues, not just the DOI, but in
7 government and in general, you know, whether it was the
8 Japanese-Americans and their placement in internment
9 camps, whether it was our veterans, you know, pick
10 something. Even our Native American Indians, and my
11 father's side is Choctaw and Cherokee, so I've gotten it
12 from both sides.

13 And I am so, so sorry that, you know, so
14 much has had to happen, over 120 years worth, before
15 anybody actually is paying attention now. This is long
16 overdue. We need to come together. I mean, I heard
17 several folks and the Auntie over there who has said, you
18 know, what we need facilitated right now is a place where
19 we can come together and decide, you know.

20 The DOI having these meetings cut us off at
21 the pass. We're not able to get together first so we have
22 something to talk about, something to present. So we need
23 to do that first before -- I honestly think before we go
24 any further.

25 And I am grateful that people are here today

1 and that they're listening. But please listen to the
2 people. The majority has said it already, it's a'ole and
3 I agree.

4 We cannot trust the government at this time.
5 And I'm not trying to say I wasn't patriotic as the next
6 person, but when you deal with a government where they let
7 our veterans die, including my father, without giving him
8 his benefits, where you have people losing land in
9 Hawaii -- as of right now my family is being thrown off
10 their land in Hana. It is very hard to sit here and be
11 calm and nice and everything, but I'm going to do it
12 because I was brought up better than that.

13 But I need you folks to understand we need
14 to facilitate our infrastructure, our nation. We need to
15 take care of ourselves first. So if the DOI would like to
16 help, like Auntie has said, and Auntie (indiscernible), we
17 need to do that first and that's what I am requesting that
18 you facilitate, nothing else. Mahalo.

19 (Applause)

20 MR. BEETSO: Thank you.

21 So we have two people in the queue now, but
22 real quick I want to clarify that the intent of what we
23 are asking is not to cut anything off. We kind of see
24 things going on two tracks. So what the Native Hawaiian
25 community would be doing, we're not trying to rush that or

1 speed that up. That would take as long as it takes in
2 order to organize some form of government, and it had to
3 be done by the people. You know, a government that's done
4 outside of the people just doesn't function. We know
5 that.

6 But what we're asking is should there be a
7 procedure or regulation in place where once that
8 government is formed it can come to try to have a
9 government-to-government relationship similar to what
10 American Indian tribes have. Right now there are no
11 regulations on the books that would allow the Secretary of
12 Interior to acknowledge a government-to-government
13 relationship.

14 And Indian tribes, you know, have used that
15 government relationship to take more autonomy, control
16 over their land and resources. And, you know, similar to
17 what the gentleman was saying up here, I'm Navajo, I
18 didn't always live on the Navajo Reservation. I lived in
19 California, Maryland, Phoenix area. But no matter where I
20 go, my tribal citizenship goes with me and my tribe
21 controls a lot of resources or monies that I can tap into
22 from wherever I'm at.

23 You know, so what we're doing is not -- we
24 don't see it as being a linear construct where we're
25 asking you to form a government by the time the rule is

1 made. That's not what we're doing. What we're saying is
2 that we would like to know whether or not there should be
3 a rule on the books, and that rule would last -- you know,
4 once it's in the regulations it would last, you know,
5 until somebody uses it. It could be 20 years from now, it
6 could be 2 years from now, but there's nothing there right
7 now.

8 And right now, as it was mentioned earlier,
9 we have a window where we have an administration right now
10 that's supportive of this initiative, and we don't know if
11 that window is going to be there with the next
12 administration. So, you know, it might seem like, you
13 know, there's the August 19th deadline, everything is
14 moving so fast, but for us as a federal government in
15 order to set up our federal door -- our federal process
16 that would stay on the books, you know, there is an
17 administrative timeline that we're cognizant of. But we
18 also realize that organizing a community might take some
19 time, so I just want to clarify that, that it -- we kind
20 of see it as two different things.

21 (Applause)

22 MR. JOHNSON: Hi. My name is Greg Johnson.
23 I'm from Boulder, Colorado. I am not kanaka maoli, but I
24 have been a supporter of Native Hawaiian burial
25 protections for many years and in particular have great

1 admiration for the island burial councils and the work
2 they do tirelessly and also groups -- other groups that
3 have worked under aggregate state statutes like
4 (indiscernible) and others. So it's in support of those
5 kinds of efforts that I want to speak very briefly to the
6 sets of issues being addressed today.

7 I've also followed Hawaiian sovereignty
8 issues for nearly 20 years and fully understand the depth
9 of concerns and (indiscernible) and histories. Kekuni
10 Blaisdell was one of my first teachers in this area, and I
11 just have profound admiration for the kind of work and
12 spirit that goes into this.

13 And I understand the historical realities of
14 the way the kingdom was overthrown and the pain people
15 have suffered and the denials that have been put in place
16 by the United States government on this front.

17 However, with regard to the question of
18 federal recognition, I think proximate goals need to be
19 kept in mind, and I think speaking about burial
20 protections in particular and federal statutes relevant to
21 them, the (indiscernible) legislation, but others as well,
22 that that legislation cannot function as well as it should
23 if Native Hawaiians aren't recognized in some capacity
24 beyond Native Hawaiian organizations. You look over to
25 the (indiscernible) dispute to understand how fractious

1 this can become.

2 So it's from that perspective that I would
3 encourage all you kanaka maoli to think about recognition
4 as not mutually exclusive with long-term sovereignty goals
5 in a stronger sense. That is, you can and should have
6 people who are agitating for full political sovereignty
7 and decolonization in the long run, but it seems to me why
8 not also have people working with federal government,
9 state government in the short term and maybe the mid-range
10 term, who knows, but who can secure rights, entitlements,
11 who can really shore up the resource base, et cetera, so
12 these don't get further eroded, particularly in a legal
13 context. And who knows what kind of benches will be
14 forthcoming on the Supreme Court down the line. Right?

15 And so it seems to me to imagine a two-prong
16 strategy: a short-term alliance with federal and state
17 government and a long-term radical decolonization. And
18 these are not necessarily opposites, but that's just --
19 that's my humble opinion as an outsider.

20 I had the great pleasure to be in Hawaii
21 this summer and witness a number of the meetings. And I
22 feel for you all, and I wish for the best possible outcome
23 in this process. Thank you.

24 (Applause)

25 MR. KLEIN: Aloha kakou.

1 AUDIENCE MEMBERS: Aloha.

2 MR. KLEIN: My name is Robert Klein. I'm a
3 Native Hawaiian. I served 22 years in the Hawaii
4 judiciary, 8 years on the Hawaii Supreme Court. I'm now
5 board counsel for the Office of Hawaiian Affairs for the
6 last 12 years.

7 I know that this subject that is being
8 broached today is a combination of highly emotional
9 comments, highly legal comments, and it strikes us all
10 deeply when we hear that the federal government is
11 offering a pathway to the Hawaiian people for federal
12 recognition. It raises all sorts of concerns.

13 But I'd like to echo what the last speaker
14 said a little bit, and Derrick before him, and that is
15 let's get back to the basics. Let's take a look at what
16 the federal government is offering. This is an Advanced
17 Notice of Proposed Rulemaking. There's no rule yet.
18 There's no rule yet. This is a commentary period. The
19 rule hasn't even been shaped. And if the rule was shaped
20 and -- you would have another comment period to tell us
21 exactly how you feel about that rule.

22 So the federal government is reaching out
23 through the DOI and the DOJ to promulgate a rule, if
24 called for, a rule that would open the door, as Justin
25 said and Derrick said, a door that would be available to a

1 Hawaiian government if and when formed and if chosen by
2 that government to follow that path.

3 Now, you have to ask yourself is a doorway
4 like that valuable, just to have the door open? Is it
5 valuable? Well, of course it's valuable. It's valuable.
6 And the reason it's valuable is ultimately -- I don't know
7 how many of you have followed litigation in our courts,
8 but I have. And I've represented Office of Hawaiian
9 Affairs and many Hawaiians in the courtroom, and here's
10 what happens. Our enemies say any government program that
11 benefits the Hawaiian people is unconstitutional. And I'm
12 talking any program: Department of Hawaiian Homelands, the
13 OHA trust.

14 Any program that receives government
15 benefits is subject to attack in the federal courts on the
16 basis of the Fourteenth Amendment. Why? The reason being
17 that the benefits are provided to Hawaiian people as a
18 race. That is what our opponents say. We know under the
19 United States Constitution racial discrimination is not
20 allowed. It violates the Fourteenth Amendment. And if
21 you don't think that's serious, it's serious. Because the
22 first court that rules that these programs violate the
23 Fourteenth Amendment, that will be the last dollar that
24 comes into our state to help Hawaiian people. That will
25 be the end of that.

1 Now, people say, well, why doesn't that
2 happen in Indian country? And maybe you know the answer
3 to that. It doesn't happen in Indian country because
4 Indians have a political relationship with the United
5 States that prevents or bars Fourteenth Amendment type
6 lawsuits from occurring.

7 So this is one of the reasons that the
8 Office of Hawaiian Affairs trustees, who are elected by
9 everyone in Hawaii, has for a long, long time supported
10 federal recognition. It's one of the most important
11 reasons, is to protect the trusts, protect the ability to
12 get federal dollars into our state to help our very needy
13 folks.

14 The trustees have long taken the position
15 that federal recognition is an antidote to these types of
16 lawsuits, which waste resources. And fortunately thus far
17 we've been able to fend them off. But frankly we've never
18 gotten to the base issue of whether these dollars are
19 provided to Hawaiian people as a race or because of a
20 political relationship. It's so difficult to win a case
21 in federal court, there are many defenses that we raise.
22 So far we've been successful.

23 And maybe it's going to take a failure in
24 federal court so that people wake up to the fact that
25 these programs really are -- they're fragile. And no one

1 guarantees that they're going to continue forever.

2 Now I've heard people say so what. It's
3 more important to be a nation. Well, okay. You can still
4 be a nation, but you would be a nation that perhaps
5 doesn't have the resources that are available to the
6 Hawaiian people right now.

7 OHA also supports -- OHA also supports this
8 process because the OHA trust, which consists of land,
9 financial assets, will one day go to that Hawaiian
10 government. OHA is also facilitating a pathway so that
11 the government can be created. There will be a list, a
12 roll of qualified Native Hawaiians who will -- that will
13 be certified, and from that list electors can vote for
14 their chosen representatives to attend an aha. And in the
15 aha, government documents will be produced. That will be
16 the role of the aha. Nobody is predicting what those
17 government documents will say. Nobody is foreclosing any
18 choice of what those documents may say.

19 It may -- it may well be that people select
20 to have a kingdom type government. That wouldn't be my
21 choice, but it may well happen. In which case I doubt
22 that that kingdom government is going to reach out to the
23 United States through this rule and ask for federal
24 recognition, because I think I know the answer to that.
25 You don't see too many kingdom governments in the U.S.,

1 and this would not be the first.

2 The point being that it's incumbent upon the
3 Hawaiian people to participate, be involved in that 'aha,
4 make your voice heard and develop -- as people want to
5 say, we want our voice heard, we want to participate, we
6 want a say in what that government will be. Excellent.
7 Participate. That's what OHA is facilitating, an
8 opportunity to get together. As someone said, we need to
9 get together in peace and harmony and pound these issues
10 out. That's what it's for.

11 The election will be in January of 2015. I
12 urge you all to sign up, I urge you all to vote,
13 participate. Let your voice be heard. There's no
14 prediction as to what will come out of that 'aha. But
15 it's two separate things.

16 'Aha is forming the government the Hawaiian
17 people wish to have. This process, the federal process,
18 is to have a rule in place that allows federal recognition
19 if that government of the people selects that path. So I
20 don't mean to be preachy, but that's really what it's all
21 about, is basic fundamental.

22 This is a path to keep the door open. The
23 government pathway comes from the people, facilitated by
24 OHA. And the two are moving together fairly quickly. So
25 we appreciate all your mana'o today on behalf of the OHA

1 trustees, and we thank you for your listening to what I
2 have to say. I'm passionate, too, in case you didn't
3 know. Thank you.

4 (Applause)

5 MR. BEETSO: Okay. Is there anybody that
6 hasn't made a statement yet that would like to make a
7 statement? Okay. We'll go here and then here.

8 MS. CARLISLE: Hi. At the beginning of the
9 meeting, he asked if we had any questions, so I asked the
10 question -- aloha kakou. Aloha (speaking Hawaiian). My
11 name is Jacqueline (indiscernible) Carlisle. I was born
12 on the island of Oahu, and I have been living in Arizona
13 for the last five years.

14 I cannot live on my island. It's too
15 expensive. I can't afford the rent, the electric, the
16 water. I had to leave. I have four children. They're
17 here with me 'cause they can't afford to live there,
18 either. Pardon me, but I love my -- I love my country and
19 it is the de jure kingdom of Hawaii is the government
20 design. It's a constitutional monarchy and it's an
21 impaired government.

22 I love the Native Americans. They are the
23 leaders in what restitution is. They still want their
24 money. They don't want us Hawaiians infringing on their
25 restitution benefits. But, you know, like the Department

1 of Interior, Department of Justice, they need the rules.

2 And my answer to question 1, which is should
3 the Secretary propose an administrative rule that would
4 facilitate the reestablishment of a
5 government-to-government relationship with the Native
6 Hawaiian community, and the answer is yes. Because the
7 Department of Interior is limited. My answer is yes, with
8 reservations and limitations.

9 The Interior manages our volcano lands.
10 They manage our land, water, and food. But I will not let
11 them take and they will not let me abandon my government.
12 I know how -- I've read their laws and they're so
13 wonderful. What an opportunity. What an opportunity that
14 we have today. Talk about America, land of opportunity.
15 Who knew that we can have a free, independent sovereign
16 nation or be a Native American tribe? You know, each of
17 us have choices. I want to take a lawful perspective.

18 Article 1, section 8, clause 10 says that
19 Congress shall have the power to define piracies committed
20 on the high seas and the offenses of the -- against the
21 law of nations. Do you know what law of nations is? I
22 read their laws. I have the law of nations book.

23 I know how to authorize somebody to be an
24 ambassador. You want to be an ambassador, you want to be
25 the king of Hawaii? Well, let me tell you, you're going

1 to have to go through me because I know your duties, I
2 know your job. You want to be a part of the legislature?
3 I read the 1887 constitution of the Kingdom of Hawaii, and
4 article 20 provides that constitution. What is a
5 constitution? A constitution is a framework of your
6 government: your legislative branch, your executive
7 branch, your judicial branch, and your free independent
8 treasury.

9 Us Hawaiians, who knew we had money in
10 Switzerland? If I become -- and I love the -- believe me,
11 I love the American Indian tribes. They're wonderful
12 people. Like I was -- believe me, I'm from (speaking
13 Hawaiian). My lineage is (indiscernible).

14 I want to thank the Department of Justice.
15 But, you know, I could care less. And that's what I did,
16 I hated myself. We lived on a beach. We had no food. We
17 had to fish. And then the state government tells us, oh,
18 you cannot fish, you have to go to the store and buy the
19 fish. It's like I don't have money to buy the fish. How
20 can I go to the store and buy fish?

21 And then they let me eat tilapia. Oh, my
22 gosh. Eat tilapia? Tilapia. You know, last night we
23 went to the -- if it wasn't for this meeting, we wouldn't
24 have the opportunity to go to the wild fish and I could
25 have a plate of ahi. Ahi with mango.

1 But to get back on point, I cannot abandon
2 my kingdom. I cannot. I just cannot. We, the people, we
3 have to raise the competency of the Hawaiian nation. We
4 need to lawfully qualify our people to be in the
5 legislature. Yes, it's an impaired constitution. But
6 it's there, and the U.S. is trying to erase it.

7 But you want to know what? They trying to
8 do something, too. They're trying to help us. And
9 they're -- OHA has a lot of money. They've been giving
10 OHA all the money. OHA has the money for five -- five
11 benefits and politically is one. If the DOI wants to help
12 us, expedite the funds to reinstate the de jure people of
13 Hawaii.

14 You know, I've listened. I couldn't -- I
15 couldn't take it anymore because I couldn't afford it.
16 The Arizona -- I love Arizona, especially the basketball
17 team. But, you know, I don't mean to say -- the DOI, the
18 answer is yes. You're very limited in what you can do.
19 For full and complete diplomatic recognition we need the
20 Secretary of State. 'Cause why? They do international
21 affairs.

22 You know, my love -- you know, I live in
23 Hawaii. What is the palace for? What is the picture on
24 it? What is that? That's a building, it's a castle. For
25 what? What is it? The palace, Queen Lili'uokulani to

1 (indiscernible). She was saint of our island. She
2 yielded. She yielded her authority to President Grover
3 Cleveland, and in December 18, 1893, he responded to her,
4 issued (indiscernible).

5 You know, I got to tell you this. I'm gonna
6 brag and boast. While these fine American people, they
7 wrote the Apology Bill, Public Law 103-150, and she
8 apologized. She didn't have to. Because she told her
9 government to apologize to the Hawaiian people, and they
10 did. They listened to her. They apologized.

11 Now, that created -- it split me in half.
12 Who am I? Jacqueline Carlisle. Jacqueline
13 (indiscernible) Carlisle, who are you? Am I a Hawaiian
14 receiving an apology, or am I an American giving apology?
15 It split me in half. Who am I?

16 Well, I thank America for the good laws, the
17 family of nations. This family of nations, even they
18 abided, abide by it. How do you think they drew up their
19 constitution? Certainly not Webster's dictionary. They
20 used Black's Law Dictionary, Fourth Edition.

21 We all are working. I can see the growth.
22 America has been helping us, and we need to -- we continue
23 to need their help. But OHA has our political monies.
24 You know how hard it is to go in there and beg for money?
25 Because we won't hold an election, a proper election. We

1 have to raise the competency of our Hawaiian people to
2 deal with international affairs.

3 If you went to (indiscernible) and you do
4 (indiscernible) and you're talking to people with Ph.D.s
5 and master degrees, I know they're going to take advantage
6 of you because you don't know what they're talking about.
7 You don't know how to protect your rights, our inalienable
8 rights, the preamble to the United States Constitution.
9 And you want to know what? Our Hawaiian people, we have a
10 preamble to our 1887 constitution.

11 But to get back to this, I wanted to -- we
12 want DOI to help us. The answer is yes, we want them to
13 open that door, with limitations, because the DOI is
14 limited in her obligations and her duties. Thank you.

15 (Applause)

16 MR. RASOR: Maybe I better stand. Okay.
17 Aloha. My name is Jean Rasor. I came up -- we came up
18 last week to go to Washington state for the hearings
19 there, and I've attended most of the hearings in the
20 islands, which is fairly contentious because -- where did
21 DOJ go? That's the most I've ever heard him speak the
22 entire time he was in Hawaii, and that's all the
23 conferences, because after the first day he shut up,
24 didn't say anything, and then he didn't show up for the
25 last ones. Okay. That's -- we won't do that anymore,

1 though.

2 Okay. Let me -- let me just say a couple of
3 things. First of all, I have very strong feelings for the
4 Indian tribes of North America because they are the first
5 peoples, and my oldest two sons are direct descendents of
6 Trail of Tears and Choctaw Cherokees in Oklahoma. And
7 then my half brothers and half sisters from my father's
8 second marriage were born on the reservation in Montana.
9 They're Assiniboines, which is a type of Sioux. So very
10 (indiscernible) to the Indian tribes. Now -- and I
11 believe in them, I support them a hundred percent.

12 Now we'll go to where we actually need to
13 begin. Okay. Let's start with the Hawaiian homestead
14 bill that (indiscernible) took. Does anybody in this room
15 know why the original bill was predicated on one
16 thirty-second Hawaiian? Anybody in this room?

17 Do you know, Os? What was it?

18 MR. STENDER: They couldn't include
19 (inaudible).

20 MR. RASOR: Because it included -- this is
21 the reason -- no. The real reason was because of my
22 ancestors, my first -- we were the first -- some of the
23 first hapa haoles in Hawaii, from a Spanish ship that
24 wrecked off (indiscernible) or the place -- the beach is
25 now called Kulou because of two children that crawled up,

1 came on the shore.

2 Those conquistadors were Cortezes. Cortez,
3 like everybody thinks all the conquistadors had jet black
4 hair and black beards. Cortez was a (indiscernible). He
5 was a redhead. And that's why in south Kona we know the
6 generations of (speaking Hawaiian) and 'ehu hair. It's
7 because they're Spanish. And that is the real reason for
8 the one thirty-second. And now this is the first time
9 I've revealed it before people. Okay.

10 Now, my family comes from two parts of --
11 they're basically from (indiscernible). But since a lot
12 of them went through Hana with the Hawaiians -- I mean
13 with the Kona chiefs, okay, that lived in Hana, but
14 basically we're from the Napoopoo side of the bay and
15 (indiscernible). So it is in our kuleana to do certain
16 things. The white people brought -- I mean, the Napoopoo
17 side of Kealakekua are all the descendants of the High
18 Chief (indiscernible). Keoua side, for all the ruling
19 chiefs, their brothers, their cousins and uncles, who
20 would've been pretty much told what to do anyway and how
21 to do it, even trained them on how to fight. Okay?

22 Now, because of that, I grew up with these
23 things. And then in 1959, my mother worked for -- with
24 Leon Sterling in the clerk's office for a while, a long
25 time she was the secretary for the city council. Grandpa

1 was a representative from South Kona until he died in
2 1941 -- or '44. Excuse me. But the responsibility to the
3 government were things that they inherited because it was
4 their job.

5 But in 1959, in the early morning, because I
6 had grown up with my mother telling us from the time we
7 were young children, and it was pretty much no vote worth
8 no grumble, but she said it this way: If you don't go
9 there then you have nothing to say, period.

10 But in that very morning in 1959, when I got
11 up and I said, "Mom, how come you're not going off to
12 vote?" She said -- and this was her answer, very
13 clearly -- "There is nothing on the ballot for me to vote
14 for." And that was the end of it. She said we do not
15 have the option that should be on there. We were not
16 afforded that chance to do it. Bottom line, that's it.

17 So we have maybe -- let's see. Oh, then we
18 have the big (indiscernible) of a statue of a high school
19 that Senator Inouye and plenty other people went to, and
20 there's a statute of him -- big bronze statue holding the
21 treaty of annexation. There is no such animal. Can
22 anybody find it? Can the DOJ find it or anybody in
23 Congress find a copy of this treaty of annexation? A'ole,
24 there is no such thing. And yet nobody's melted down that
25 stupid statue yet and made it into a bunch of pennies.

1 It's still sitting there. My uncle was the vice principal
2 of that school for a long time. But it doesn't matter.
3 We're talking lies. One lie after another. That is part
4 of our history.

5 But fortunately -- and I think times are
6 changing. The times now -- some of the things I've just
7 said here have never been said before people before. But,
8 you know, in the last year or so, I think it's been the
9 time to say it's not the time to hold those secrets
10 anymore. The secrets need to be revealed so we all know
11 where we stand and we all can stand tall, because these
12 were gifts from our ancestors and they still remain as
13 such.

14 And also I was part of the (indiscernible)
15 testimonies on the other side. I know Eddie very well.
16 We're friends, but we don't agree. Okay.

17 Now let's see here. Anything else? I think
18 that's probably it.

19 You know, this isn't directly involved with
20 this particular attempt at some kind of legislation to
21 make us a tribe, which we never will be. We have always
22 been a country. We were a country before Cook came, we
23 were a country when Kamehameha passed away, on his last
24 breath at (indiscernible), and we are still a country. We
25 were -- our country was abrogated and it was taken from us

1 for a while, but it is still there. It's still being
2 restored, and I believe within my heart and hopefully
3 before my mo'opuna get old enough, that it will be done.
4 Mahalo.

5 (Applause)

6 MR. BEETSO: Is there anybody in the room
7 that hasn't made a statement that would like to at this
8 time?

9 We'll go here and then we'll go to Breann.

10 MR. KIM: I am Kaonoi Kim. I am originally
11 from Waianae, too, so we have -- this is all my ohana over
12 here. We're all from Waianae, so we're all one.

13 And, you know, I viewed the videos that were
14 streaming in from Hawaii at all those meetings, and I got
15 to give the DOI some credit for withstanding all the anger
16 and that -- and abuse, yes, that they received back home.
17 But, you know, it's partly justified because of all the
18 history that was -- that had taken place.

19 I am the president, pelekikena, of Lau
20 Kanaka No Hawaii Hawaiian Civic Club of Arizona, but I
21 speak for myself; I don't speak for the club. I say that
22 it's been decades that we as Hawaiians have been arguing,
23 going back and forth over this issue, and I think this is
24 an opportunity that's being presented to us to at least
25 give the process a chance. It's just a proposal. That's

1 all they're asking us to comment about, is this proposal
2 before anything else takes place. And nothing will take
3 place if we say no, no, no.

4 So I know back home as many as -- as many
5 people -- ten people in the room, you're going to have ten
6 different opinions. And unless we start getting together,
7 open this process, start maybe through some guidance from
8 OHA, go through the process of having a (indiscernible)
9 and getting delegates together to discuss what type of
10 government we would like to have established, we're just
11 going to be spinning our wheels for another decade or two.

12 I might -- I don't think I'll be around
13 before the Hawaiians have their own nation, but I'm
14 worried about my mo'opunas. You know, they love Hawaii.
15 They live here and they were born here. I came here to
16 help my daughter raise them, and that's the only reason I
17 left Hawaii.

18 And also, too, I know Derrick asked me if I
19 would ever go back home, and I told him no, I don't think
20 so, because all of my kupunas are all gone now, so I have
21 no -- my roots are still there, but my heart isn't there
22 anymore because my ohana is gone. I have a lot of cousins
23 in Waianae, but they're not my generation. We don't speak
24 the same language, so...

25 But as for myself, I think we should have

1 this -- approve this process to at least open the door.
2 We can always say no later.

3 (Applause)

4 MS. NUUHIWA: Aloha, my kakou.

5 AUDIENCE MEMBERS: Aloha.

6 MS. NUUHIWA: My name is Breann Nuuhiwa, and
7 I am here officially with the Office of Hawaiian Affairs,
8 but I'm rising right now to speak on behalf of myself as
9 an individual and as a mother of a two-year-old Hawaiian
10 boy that I hope has a brighter future than what's
11 available. And I apologize, because I was planning to be
12 very reserved and professional in my testimony, but I feel
13 very strongly about what I hope for him.

14 And I have had the privilege and honor --
15 and hello again, Councilwoman Scabby -- of working here as
16 an attorney at the Salt River Pima-Maricopa Indian
17 Community and seeing on the ground level what
18 self-governance in action can really mean for children's
19 lives. And I'm talking about preschool, I'm talking about
20 the ability to be self-determining in how your children
21 get educated and what they learn about, and not being a
22 slave to the system that's put in place by --

23 And I'll admit, you know, we are part of the
24 state government, but that was never the intent of OHA.
25 And I would defer, of course, to Trustee Stender to speak

1 to that, but the idea of OHA was always that it would be a
2 placeholder until such time that the dreams people have
3 expressed in this room, of coming together and deciding
4 where the community should go as a whole, as one, and how
5 it should move forward, could come to pass.

6 And OHA is desperately waiting for that to
7 happen. OHA wants to hand over the reins. OHA wants to
8 hand over the trust. OHA wants to hand over all of that
9 administrative responsibility to a self-governing Native
10 Hawaiian entity. And that's -- we stand in support of
11 that because that's part of the whole reason we exist, was
12 a dream that some day the state government wouldn't have
13 its hand in what Hawaiians were deciding about how to
14 administer resources and how to serve the community.

15 And I had the privilege, after working here
16 at Salt River, of going back home and working within the
17 Office of Hawaiian Affairs and seeing -- I mean, we take a
18 lot of slings and arrows from the community, but the
19 people who work for you at the Office of Hawaiian Affairs
20 are deeply committed to justice for Hawaiians and put
21 themselves and their reputations on the line every day at
22 the state legislature and the federal government to fight
23 for burial rights, to fight for water rights, to fight for
24 rights to land, and to fiercely protect the trust that
25 belongs to the native land people and should be

1 administered by the Native Hawaiian people. That's what
2 everyone at OHA does on a daily basis, and it's a
3 beautiful, powerful thing to be a part of and to see.

4 I have to echo Justice Klein's comments.
5 It's a battle zone. You know, if you look at OHA on the
6 top, Trustee Stender, you see a very graceful swan on the
7 water. Beneath the water we're fighting daily against
8 people who want Hawaiians to have nothing, absolutely
9 nothing. And we're fighting in every forum you can
10 imagine. And we're beginning to -- we're -- you know, in
11 terms of our advocacy in terms of international rights,
12 we're in our infancy, admittedly we're learning, you know,
13 how to be more effective in that arena.

14 But what we do know is that there are many
15 rights at the federal and state level that we've been
16 fighting to protect for decades now. And no one I talk
17 to -- and, you know, I'm welcome to -- I'm open to
18 conversation after this is over, but no one I've talked to
19 who wants to see the kingdom restored also wants to see
20 burial rights go away, also wants to see water rights go
21 away, also wants to see land rights go away. But that's
22 what's happening at the state and federal level while
23 we're having a very passionate and philosophical
24 discussion about governance, which is really important,
25 and I fully support that.

1 But I -- and I can say my own opinion as an
2 attorney, I have not seen anything that would support the
3 idea that those paths are mutually exclusive. I don't see
4 this as an either/or conversation, and that's just my
5 professional opinion as an attorney assessing what's been
6 put in front of me. I think these all -- things can all
7 happen at the same time, which is why I've very, very much
8 devoted much of my energy to trying to protect those
9 things at the federal and state level that are in place
10 for my son and pushing for more and making sure that
11 burial rights are increased, that water rights are
12 increased, so that when self-governance is fully restored
13 that there's something there to govern, that there's
14 something there for my children and my children's children
15 to point to, because the little that's there right now is
16 vulnerable. It's very vulnerable.

17 And I can tell you, and Justice Klein has
18 told you, from the front line it's scary. It's very
19 scary. And we are trying our best to make sure that all
20 of that can be protected for future generations. But the
21 reality is there are increased protections for other
22 Native peoples in the United States that Native Hawaiians
23 cannot tap into. And I'm going to leave you with one
24 example and sit down, because I know nobody likes to hear
25 a lawyer talk for too long.

1 But, you know, we're struggling, we have
2 been struggling at the Office of Hawaiian Affairs with an
3 issue going on at the state level with our Hawaiian
4 language immersion schools. And I don't know if some of
5 you may be familiar with that issue. But our Hawaiian
6 language immersion students learn, of course, in Olelo
7 Hawaii, but they are tested with tests that are developed
8 in the English language and then loosely translated back
9 into Olelo Hawaii.

10 Not surprisingly, those test scores are not
11 very good test scores. They have an impact not only on
12 the school programs, but they have an impact on what those
13 students think about their own intelligence and their
14 pride, not only in themselves as students and learners,
15 but as Hawaiians learning to speak their native language.
16 And that is -- that's a daily thing. You know, that's not
17 a philosophy. That's a kid feeling stupid. And that's
18 something that we can't tolerate, and that's something
19 that we've been advocating with respect to for years now.

20 And we pushed really hard at the state
21 level. We pushed, we worked with the Department of
22 Education to get them to commit to developing a test that
23 is in the Hawaiian language for those students so that it
24 can -- they can have an accurate assessment how they're
25 doing in math and how they're doing in reading.

1 We pushed and pushed and pushed and the
2 state was on board and we were doing great, and then we
3 get to the federal level. And you know what? The level
4 of self-determination that Native American governments can
5 have over the education of their children is not available
6 to Native Hawaiians because of the lack of a formal
7 government-to-government relationship at the moment. And
8 we're advocating to change that, and you know we have 150
9 laws to support our argument that Native Hawaiians should
10 have that same -- should have that same authority
11 regardless of a government-to-government relationship.
12 But that is something that we struggle with, and that
13 question shouldn't even be an issue. There shouldn't be a
14 question that Native Hawaiians have a full bundle of
15 sticks when it comes to rights at the federal level.

16 And like I said, I speak from a position of
17 sincerely not believing that us fighting for water rights
18 and burial rights and others at the state and federal
19 level impact the longer-term discussion about diplomacy
20 and the interaction between nations.

21 And I leave you with that. And I
22 appreciate your time and all of your conversation and
23 welcome to the opportunity to speak with anyone further
24 after this. Thank you.

25 (Applause)

1 MS. SCABBY: Good afternoon. My name is
2 Deanna Scabby, and I'm a council representative here for
3 our Salt River Pima-Maricopa Indian Community. And I just
4 wanted to just tell you it's been an honor and -- to be
5 here amongst all of you to hear your words and your
6 struggles and to hear your goals and desires. And, you
7 know, it's something that we as a tribe deal with every
8 day.

9 My husband here, he's been working for our
10 tribe now for about, what, 35 years, and we have -- he is
11 the coordinator of the office of self-governance and he's
12 the one who officially goes back and forth, he works with
13 our president. And you were able to hear our president
14 speak and she's also very passionate, and when she has the
15 resolve to do something, she does it. And I see that with
16 all of you, and I just hope that whatever decisions you
17 make as a people that your future will be done in a good
18 way because it's just not about now, it's about your
19 future, your children, your grandchildren.

20 I wanted to say, also, that I've attended
21 many conferences of the native -- National Congress of
22 American Indians as well as to the self-governance
23 conferences and have never heard any native nor tribe
24 anywhere say that we do not support you all. We support
25 you, we want to see you flourish and do the things you

1 need to do as a people. And we have never -- I have never
2 heard a tribe say, well, we don't want those Hawaiians to
3 have any money. Never. We have a desire and a goal to
4 see that you can flourish, also, as a government, just as
5 we have struggled and done for many years.

6 So I just want to leave that with you. It's
7 a privilege to be here. And I thought all you all wanted
8 was to have benefits, health benefits. You know? But my
9 eyes have been opened to other things, so thank you.

10 (Applause)

11 MS. SANBORN: Aloha. My name is Margaret
12 Sanborn, and I'm the ex-president from the Ahahui Kiwila
13 Hawaii San Diego Civic Club. I'm also the executive
14 director for the Pacific American Academy Charter School
15 in San Diego.

16 I really do believe that what Justice Klein
17 said is extremely important. We've got to keep the
18 federal dollars coming in to support all of our programs,
19 especially education. You speak about education that your
20 child is not getting or the children in Hawaii aren't
21 getting decent scores because their Hawaiian isn't good
22 enough or their test paperwork isn't done correctly or
23 isn't available to them.

24 This year, after five years of being in
25 education, the unified school district in San Diego pulled

1 my contract because of low scores. Okay. So we know,
2 educators know that across the country we are now involved
3 in common core. It was difficult to put the common core
4 into place because we didn't have any books, the standards
5 were not put together, tests are not put together. So
6 when we did our tests two years ago and our scores were
7 low, they had decided to give us two years to make good,
8 to get involved in getting the test -- the curriculum
9 together. Well, they changed their minds and then only
10 gave us one year. They didn't give us the opportunity to
11 make the education work.

12 Aside from all of that, five years ago the
13 Office of Hawaiian Affairs gave to Pacific American
14 Academy \$100,000 to start our school. My heart is full of
15 aloha for the Office of Hawaiian Affairs.

16 However, when I tried to apply for a grant
17 through the Department of Education, the U.S. Department
18 of Education, I was refused because I had to go to Hawaii
19 to send my grant there. And so I didn't do it, but, you
20 know, I am finding that there is no equality here for the
21 Hawaiians on the continent.

22 A couple months ago we were in San Diego and
23 the first meeting of these meetings occurred, and we were
24 told at that time that the Hawaiians on the continent will
25 not be involved or part of that government in Hawaii. And

1 I need to know what the Office of Hawaiian Affairs has to
2 say. Justice Klein, I'd like to hear what your opinion
3 is, or is there any validity to that?

4 UNIDENTIFIED SPEAKER: (Inaudible.)

5 MR. BEETSO: For those of you who came in a
6 little bit later, there is an offer put forth by OHA to
7 meet with folks afterwards. There are a lot of questions.
8 But we're the federal folks that called this meeting, so
9 we're interested in comments directed towards us at this
10 time.

11 So we've got this gentleman here. And is
12 there anybody else who would like to make a first
13 statement?

14 Okay. Up here.

15 MR. SCABBY: Excuse me. Excuse me. Many
16 years ago I watched a program on public television, and I
17 saw the Hawaiian people living on the hillsides in shacks,
18 living off the land, disenfranchised from their own
19 property, and it had a deep impact on me.

20 And I have no business speaking here. My
21 name is Bob Scabby. I'm the self-governance coordinator
22 for the Salt River Pima-Maricopa Indian Community. But
23 what I'm saying, I'm not representing the Salt River
24 Pima-Maricopa Indian Community. I'm just sharing some
25 thoughts with you.

1 By way of personal introduction, I'm a
2 Cheyenne Indian. My wife is -- my wife here is
3 Pima-Maricopa, and we've lived here since I got out of
4 college. And my tribe came out of the Great Lakes area.
5 As the westward expansion came, we were pushed into
6 Minnesota; Lewis and Clark saw us there in Minnesota. And
7 the Cheyennes moved up in Missouri trying to find a home,
8 pressed always by the Algonquin tribes. We were part of
9 the Algonquin tribes, and the (indiscernible) confederacy
10 was pushing the Chippewas, Chippewas were pushing the
11 Siouxs, Siouxs were pushing the Cheyennes, so there was a
12 lot of turmoil in the great desert that the Americans call
13 the plains. So I'm a plains Indian.

14 My people went through Colorado trying to
15 find a home. We were massacred in 1864 in Sand Creek by
16 the Americans. I lost many relatives there. We, too,
17 have a lot of healing to do. Our tribe moved into western
18 Oklahoma, the great reservation. When they camped there,
19 Custer attacked our village again, killed 150 people. Our
20 people were powerful people, but we were being hunted,
21 chased.

22 And our -- all of our cultures, our native
23 cultures, are considered -- the Hawaiians, the island
24 people, where your elders are, the tribes here, we, too,
25 were smitten and chased, hunted, our opinions not valued.

1 So I come to you just saying these words. I
2 went to college in a white man's college. And I started
3 as a young boy and they asked me what do you want to do.
4 I said -- basically I said I want to major in
5 self-determination and self-governance. And there was no
6 major, but I did as close as I could and went into public
7 administration. And as -- I was hired in 1982 as a
8 self-govern -- I mean as the finance office of controller
9 for Salt River and then I moved into tribal
10 administration.

11 And as part of tribal administration I moved
12 into the self-governance area when it came available in
13 1988. It was whenever the (inaudible) past
14 self-governance. And so I got to know -- we did a lot of
15 visits to D.C., Washington, D.C., and I got to know -- I
16 met Daniel Inouye. His heart was to see -- someday to
17 have the Hawaiian people have recognition. Later on I met
18 Michael (indiscernible), Kali Watson. They come to visit
19 us, trying to find out what can we do to bless our people
20 over there.

21 May I just say there's many hard, you know,
22 opinions here from different areas and that your decision
23 to make whatever you're going to make, what kind of
24 government you want. But I just say this about America:
25 it's a beautiful land. It's a choice land. It's a land

1 that God gave to us as native peoples, including the
2 islands, and we will prosper and do so by worshipping Him,
3 keeping His commandments and honoring any covenants we
4 make with Him.

5 The Salt River has been greatly blessed
6 because the people are very powerful people, very humble,
7 and they try to live right. And I'm proud to work here
8 and humble to work here.

9 Make no bones about it, my brothers and
10 sisters, fellow Hawaiians, tribal members, the United
11 States government is in complete control of this land at
12 this time. They took your queen away, they took our
13 council of 44 chiefs away, it's taken, and replaced it
14 with American forms of government, the family of
15 governments, federal, state, tribal, and local
16 governments. And who can dispute it? This land is
17 choice, it's a great land above all other lands, but it's
18 also run by people who keep us under their thumbs.

19 So as tribes, Native Hawaiians, I look at it
20 this way, we live like in cocoon. The United States is
21 around us, protecting us militarily, making sure we don't
22 get run over -- overrun by other nations. But we're
23 also -- we're not sovereign nations anymore. We're quasi
24 sovereign nations. And we just -- when tribes are saying
25 we're sovereign nations, you know, we have to go to the

1 state to get a gaming compact. We have to go -- we have
2 to work with others, you know. If they say we -- and I
3 tell you this from my long service in the government, that
4 we exist on the compassion of the United States government
5 through both houses of Congress, the House of
6 Representatives and the Senate.

7 And you want to -- this thing -- this thing
8 may not come your way again. You need to think about it.
9 The only way it may come again is with my help, Yahweh,
10 Jesus, when He comes again. You may have to wait until
11 then, because He did promise you this land. And some day
12 when America has run its course that He will give this
13 land to the natives and all those who are friendly to the
14 natives, compassionate to the natives.

15 Sovereignty is financial. Or is it? Think
16 about it. We at Salt River, for every dollar that the
17 federal government allocates to us, (inaudible)
18 government, we have to put in \$15 to make it run right.
19 We run our own membership services, police services,
20 detention, education services, social services, health
21 services, road services, cultural preservation services,
22 environmental services, all of these things that make a
23 government run. We also have a Salt River Community
24 Children's Foundation which I am chair of at this time.

25 But there's also different ways to deliver

1 these services, you know. You can -- I tell you what,
2 I'll give you something. Okay? Somebody write this down.

3 You can have -- there are direct service
4 tribes, and that's where, to me, they're like little kids.
5 The government sends the BIA or their agents in to run
6 your business for you. I don't think the Hawaiian people
7 want that.

8 There are 638 tribes. Those are contracting
9 tribes where the government can give you the money and you
10 can contract for those and implement those services.

11 There's self-governance, and I'm the
12 self-governance coordinator. I'm doing what I wanted to
13 do when I was a little boy. Self-governance is basically
14 like -- you know, the 638 tribe -- 638 tribe is like
15 they're in junior high, you know. Because, you know,
16 you're implementing these contracts, but, you know, you
17 got to have parents and other people looking over your
18 shoulder to make sure you don't -- you know, you don't do
19 anything wrong. And they hover over you. And the
20 contract needs to be this thick down to about this thick,
21 you know, about an inch thick now.

22 Self-governance is what Salt River is. We
23 do our business the self-governance way, where the federal
24 government gives us the money and we just do with it.
25 Locally, the council determines what they want to put that

1 money into and we deliver those services.

2 I'd just like to say that, you know, think
3 about that, you know. Self-governance is a lot better way
4 of doing business. I think that you could, at least at a
5 minimum, live like that. I'd like to see us some day just
6 get block grants like some of those Puerto Rico or
7 somebody else gets a block grant, you know, just give us a
8 block grant and let us govern ourselves. That's even
9 better.

10 And I'd like to just say that it's a -- you
11 know, there's -- just in closing, there's a lot of -- I go
12 throughout the United States, and there's a lot of healing
13 that needs to take place. We were overrun. But the white
14 people in their hearts generally are good people, but we
15 need to make sure that we elect good leaders from amongst
16 them.

17 We also need to make sure that we take care
18 of -- you know, our people are basically, we like to take
19 care of our membership. We do things for the membership.
20 And so that's who we are.

21 Thank you for this opportunity to speak with
22 you on some of these things. I hope I've been helpful a
23 little bit. Thank you.

24 (Applause)

25 MR. BEETSO: Is there anybody who hasn't

1 made a first statement that would like to make a first
2 statement? Who hasn't spoken yet that would like to
3 speak?

4 Okay. So we've got a little bit of time,
5 less than an hour, so we'll go ahead and move into second
6 comments. So I'll start with this gentleman here.

7 MR. BENKO: Question more for OHA. I've
8 heard here and elsewhere about getting the Hawaiian --
9 Native Hawaiian community together to even begin to
10 discuss forms of government and how to go about doing
11 things. It seems to me that there is a need for some
12 central coordinating point to help oversee this.

13 Is there any type of legal ramifications or
14 restrictions that would prevent OHA from doing such a
15 role?

16 MR. BEETSO: So just to reiterate, OHA is
17 going to be happy to talk to you after this session.
18 We'll let him answer this real briefly.

19 MR. STENDER: OHA is beginning again. We've
20 had several ahas in the past in trying to organize the
21 Hawaiians to organize themselves to form this new
22 government, and we've not been successful to date. We
23 just started again a couple months ago, and that process
24 now is beginning again. And the judge mentioned
25 January 15th as a timeline that we hope to achieve by

1 then. We should have some structure in place that would
2 implement the further adoption of governance.

3 MR. BEETSO: Anybody else who would like to
4 make a statement at this time, second statement?

5 Well, I'm all for applying consensus to
6 adjourn if everybody feels like, you know, we've had a
7 healthy dialogue and there's nobody that would like to
8 make a statement at this time.

9 We appreciate you guys coming out. We
10 appreciate Salt River hosting this. And I just want to
11 say thank you for all your thoughts and all your comments,
12 because a lot of folks think that we're just checking a
13 box, but we really do have to look at everything and we
14 want to look at everything that's presented to us.

15 I'd like -- like Justin said earlier, this
16 is an optional stage of the rulemaking process. It
17 doesn't have to be done. But I think, you know, we're
18 really interested in getting a lot of broad public
19 comments from everybody before we even start to draft a
20 rule, so that's the purpose of this.

21 And, you know, right now, as we mentioned
22 earlier, there's no guarantee that a rule will be drafted.
23 We have an ANPRM process, but we do have to go back and
24 look at all the different comments. So we appreciate
25 everybody who participates in these venues, and we thank

1 you for taking the time out of your day. We know this is
2 a workday, so thank you again. And we'll be available up
3 here for any questions.

4 Gentleman would like to make a closing
5 statement.

6 MR. STENDER: I would like to say there were
7 a lot of things said this afternoon, this morning that
8 really a lot of it is misinformation. A lot of it is
9 information that you don't have. And I really urge any of
10 you who have questions of where OHA has processed to date
11 to really meet with us after this meeting to at least
12 fully understand what the effort has been and the
13 importance of it. Thank you.

14 MR. BEETSO: Yeah. I was just gonna -- we
15 have this room blocked off until 3:00 p.m., so if you want
16 to meet with OHA, you guys are welcome to meet here. So
17 with that, I guess we'll adjourn.

18 Justin, would you like to have statements?

19 MR. SMITH: Just to say mahalo, and we
20 really appreciated the comments, including the passionate
21 comments, because the history is important and we don't
22 mind hearing about it. It's -- feel free to speak your
23 mind. Thanks, everyone.

24 (11:24 a.m.)

25 * * * * *

1 STATE OF ARIZONA)
) ss
 2 COUNTY OF MARICOPA)

3
 4 I HEREBY CERTIFY that the foregoing public
 5 meeting regarding whether the Federal Government should
 6 reestablish a government-to-government relationship with
 7 the Native Hawaiian Community was taken by me pursuant to
 8 public notice; that I was then and there a Certified
 9 Reporter for the State of Arizona; that the statements of
 10 the participants thereto were taken down by me in
 11 shorthand and thereafter transcribed through
 12 computer-aided transcription under my direction, and that
 13 the foregoing typewritten pages contain a full, true, and
 14 accurate transcript of all said proceedings, all done to
 15 the best of my skill and ability.

16 I FURTHER CERTIFY that I am in no way
 17 related to nor employed by any of the participants hereto,
 18 nor am I in any way interested in the outcome hereof.

19 DATED at Phoenix, Arizona, this 13th day of
 20 August, 2014.

21
 22 KIMBERLY PORTIK
 Certified Reporter
 23 Certificate No. 50149
 24
 25