To: Honorable Mele Carroll, Chair
Honorable Maile Shimabukuro, Vice-Chair
House Hawaiian Affairs Committee
Hawai'i State Capitol
415 South Beretania Street, Room 405
Honolulu, Hawai'i 96813

LATE TESTIMONY

From: Dexter Keeaumoku Kaiama

Date: April 1, 2009

Re: **Testimony In Support of HR183 and HCR213 – Requesting Hawai'i's Congressional Delegation Withdraw Its Support For the Hawai'i Capital National Heritage Area**

Aloha Chairperson Carroll, Vice-Chair Shimabukuro and members of the committee:

I wish to submit my strong support for HR 183 and HCR 213 which requests that Hawai'i's Congressional Delegation withdraw its support for the Hawai'i Capital National Heritage Area ("NHA") designation of the Nu'uanu Ahupua'a.

At the heart of my support for HR 183 and HCR 213 has been the failure of the proponents of this NHA designation to consult with the community at large and the Hawaiian community that would be most affected by this Federal designation.

Approximately two weeks ago, I attended a meeting that included representatives from the Hawai'i Capital Culture Coalition (hereinafter referred to as "HCCC"), lead organization for the designation legislation and members of the public and Hawaiian community, most of who are residents or have business or other interests in the proposed designated area. Representatives at this meeting, for HCCC, included Chair Mona Abidir, Maile Meyers and John Ha'ole.

What became clearly evident at this meeting was that:

(1) Prominent community organizations were never approached or consulted, including the Hawaiian Homes communities of Papakolea, The Chinatown business community or related neighborhood boards and the Center for Hawaiian Studies at the University of Hawai'i;

(2) Required broad based public support from residents of the proposed designated area was significantly lacking;

(3) There was overwhelming opposition by all attending the meeting to the proposed designation; and

(4) There was consensus that HCCC withdraw or request withdrawal of the proposed designation legislation until appropriate consultation with the Hawaiian community and Nu'uanu community at large is accomplished.

It is significant to note that Ms. Abidir, Mr. Ha'ole and Ms. Meyers apologized to those attending the meeting for not meeting their acknowledged obligation to contact and consult with these individuals and community organizations. **Even more significant was Ms. Meyers' verbal agreement to request or support a withdrawal of the proposed legislation until appropriate consultation is accomplished.**

Secondly, in the interest of brevity, I support and join in the written testimonies submitted by Ms. Tamar Defies and Manu Kaiama supporting HR 183 and HCR 213 and their specific objections to legislation seeking the NHA designation of the Nu'uanu Ahupua'a.

Thirdly, until claims of Hawaiian Kingdom and its people are resolved, the kuleana to malama our 'aina in general and the Nu'uanu Ahupua'a specifically should remain with Hawaiian people, the residents and communities within the Nu'uanu Ahupua'a and with this legislative body.

I would respectfully remind members of this committee that the Constitution of the State of Hawai'i, including Article XII, Section 7, provides specific protections for Hawaiians, including access to lands, to engage in their traditional religious and cultural practices. The constitution further creates and confers fiduciary duties and obligations upon the State of Hawai'i to permit and protect these traditional Hawaiian practices.

It cannot be disputed that the Nu'uanu Ahupua'a is rich with sites significant to the Hawaiian community and areas in which traditional Hawaiian religious and cultural practices continue. Please do not abdicate your responsibilities and fiduciary obligations to the Hawaiian people by relinquishing State authority for management of Nu'uanu Ahupua'a to the Federal government.

Passage of HR 183 and HCR 213 is a good first step in maintaining your kuleana, to ideals of appropriate consultation, the retention of State authority for land management and protection of traditional Hawaiian practices in Nu'uanu.

In the event this bill fails to obtain the votes necessary for enactment, I respectfully request that individual congressional delegates supporting HR 183 and HCR 213 submit written testimony or other appropriate federal congressional record opposing federal legislation seeking NHA designation for the Nu'uanu Ahupua'a.

Finally, with all due respect, it is my kuleana to notify this committee (or further confirm) that the very existence of the State of Hawai'i and its continuing assertion of control is illegal, in excess and contravention of authority provided under U.S. constitution and in violation of international law. State law has already recognized this illegality.

Accordingly, resolution of Hawaiian claims and true reconciliation must include repudiation and overturning of the illegal acquisition by the U.S./State of Hawai'i and restoration of the Hawaiian Kingdom/Government.

Mahalo nui, malama pono,

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LATE TESTIMONY

Palani Vaughan, Jr.
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Testimony

In Support of HR183 and HCR213, Asking Hawai'i's Congressional Delegation
To Withdraw Its support for the Hawai'i Capital National Heritage Area

Submitted: April 2, 2009

Hawaiian Affairs Committee:
Chair,
Representative Mele Carrol
Vice-Chair,
Representative Maile Shimabukuro
Committee Members,
Representatives Della Au Belatti, Joe Bertram,Tom Brower,
John Mizuno, Scott Nishimoto, Ryan Yamane, and Gene Ward;

Water, Land , & Ocean Committee:
Chair,
Representative Ken Ito
Vice-Chair
Representative Sharon Har,
Committee Members,
Cabanilla, Chang, Chong, Coffman, Herkes, Lee,
Luke, Morita, Sagum, Ching, and Thielen

TESTIMONY

'Ano 'ai ke aloha e

Chair Carroll, Vice-Chair Shimabukuro (HAC) &
Chair Ito, Vice-Chair Har (WLOC)

Mahalo nui loa for conducting yesterday's public hearing regarding HR183 & HCR213 at the legislature and for taking the time to listen to my verbal testimony in support of the both resolutions.

I agree with most of the supporters of the HR183 & HCR213 who expressed their objections to the Coalition and Senator Inouye's attempts to create a federal heritage designation over Honolulu without consulting the greater diverse Hawaiian community, as well as, not reaching out for input from many of the residents of Papakolea and Nu'uanu, not to mention residents of Makiki, Manoa, Kapalama, Palama, and wherever else the proposed designation would "blanket". Also objecting were representatives of the business interests in "China Town".

I object to this proposed federal designation in many more ways than I expressed verbally in that brief moment of tolerance for the extended hearing you Chair Carroll and Vice-Chair Shimabukuro allowed.

For your epressions of *aloha—mahalo nui loa.*

Permit me to address, first, my fractured verbal testimony, remarks, which were motivated, in large part, by some of the testimonies I heard yesterday, prior to my speaking before your committee.

But I have other serious concerns, which I would like to include for the committee's edification and consideration.

I began with relating an anecdote about how I became involved, approximately from 2006-2007, with the protecting 'Iolani Palace grounds from what I viewed as a disrespectful 'assault' by an increasing number of homeless vagrants, who were using our sacred palace grounds as their personal 'camp-site', lavatory, and store-house.

It was then that I began to personally "police" these vagrants, after I, first observed at least 18 of them urinating into the sacred burial mound and attempting to pitch a tent to the fence surrounding the sacred mound.

I also undertook this 'mission' when I failed to convince three of the four security entities who have some form of limited jurisdiction over separated parts of the palace grounds, to do something about the problem before it 'got out of hand', as we have been seeing throughout the many of the public parks on O'ahu and elsewhere in the state.

Three of the four security entities are part of state governmental agencies, comprised of Capitol Police (headquartered at the Captiol); DAGS police (traffic and parking regulators); and DLNR Officers (palace grounds).

The fourth security entity is a private entuty, 'Iolani Palace security (hired by the 'Friends of 'Iolani Palace' and headquartered in the palace, itself);

I finally determined that DAGS was the responsible security entity but found it disconcerting that the DLNR's Chief of Security who met with me on the palace grounds, could only tell me that the department had no rules of engagement.

So while I waited for the rules to be created and implemented, I was left to do continue to be the unofficial "watchdog", going down to the palace grounds each day to pursue the clean-up, which consisted, primarily, of gathering huge "stashes" of cardboard, which the homeless were stuffing behind the burial-mound fence-enclosure, as well as, other places on the grounds, and tearing them all up, so the homeless couldn't reuse them.

I did this with a sense of duty and obligation and with respectful *aloha* for our Nation and Kingdom of Hawai'i, for the memories of our nation's King Kalākaua and Queen Lili'uokalani and our to ensure that those unwanted vagrants, who, in my opinion, were creating a serious health hazard by urinating and defecating on the grass of the grounds. I felt there was also the question of whether these vagrants were carriers of HIV, Hepatitis, and other health conditions that I felt should have raised serious concerns among state officials, especially since so many children played and continue to play on the very lawn of the palace grounds on which I had seen these vagrants urinating. That unclean activity also included some of the gate guard huts I inspected and reported to DLNR and to the "Friends".

I find it ironic that it took the physical and forceful initiatives of organized Hawaiian sovereign-tists to motivate DLNR to finally secure the palace grounds.

If anyone has a right to be on the palace grounds, it is the Hawaiian people, who are the direct lineal-descendants of the last surviving 39,000 Hawaiians in existence in the world.

The extinction of our Hawaiian race was predicted to occur by 1897.

If not for the intervention of our 7th and last King of Hawai'i, David La'amea Kalākaua, who upon ascending the throne on February 12th, 1874, urged his 43,000, more or less, Hawaiian subjects, to *"Ho'ōulu Lāhui"*, or *"Increase the Nation"*, our Hawaiian race would be non-existent, today.

King Kalākaua's extraordinary efforts included, among other creative and pragmatic strategies, the publishing of a book to educate and promote personal hygiene among the Hawaiian people, during a time of increased survival challenges with an increase of so many communicative diseases that were so deadly to our Hawaiians.

Thanks to King Kalākaua, there was an enormous increase in the Hawaiian birth-rate, with an appreciable rise in the Hawaiian population. But, at the time of King Kalākaua's death 17 years later, on January 20th, 1891, when his sister and designated successor, Queen Lili'uokalani began her rule in 1891, our Hawaiian population had diminished to 39,000 natives.

There is always the lingering problem of the illegal dispossession and annexation of the Kingdom of Hawai'i by the United States, which has not left the hearts of those Hawaiian people who know the truth of what happened to our Queen Lili'okalani on January 17th, 1893, and the successful united fight against annexation that those 39,000 ancestors of today's Hawaiian

people launched—a fight in which the Hawaiian people prevailed, until the United States invoked an illegal strategy to annex Hawai'i by resolution.

As Representatives in the Hawai'i State Legislature, you certainly, can understand that reasoning and truth, since resolutions in your legislative arena are not bills.

In any event, what America pulled off in the annexation of Hawai'i by resolution and not by treaty, is an offense to not only the international laws of nations, but to the laws of the United States of America.

America should return the stolen Kingdom of Hawai'i to the rightful owners and seriously atone for its criminal actions. America can start by initiating measure to save our Hawaiian people from extinction, in the same way America initiates programs to save the whales, birds, and all other life-forms on the earth. Why is there a blind eye turned toward we Hawaiians.

Are Hawaiians less important to, or lower than, animals.

I am personally offended that, as the militarily superior "annexing" nation that holds the Kingdom of Hawai'i under its "annexation blanket", the United States hasn't done more to help our Hawaiian people to survive as a race.

After all, we are a DYING RACE OF PEOPLE.

That reality makes me despise even more the fact that America has exposed Hawaiians to serving in and dying in wars Hawaiians didn't start. I served on active-duty with my, all-Hawai'i, Hawai'i Army National Guard Brigade during the Viet Nam War.

It was then, that I came to understand our Hawaiian people's precarious place in the over-all scheme of things, when, one of your former House Speakers, Henry Ha'alilio Peters, convinced me and others on active-duty, that it was to our survival benefit to object to our service in that war.

Our reasoning was that since an entire all-Hawai'i brigade was called into active-duty service, many of whom were sent to fight and die in Viet Nam, then, why was America continuing to 'draft' native-Hawaiians at all into the US Army and immediately being shipped-off to war in Viet Nam.

It seemed unfair that our entire Hawai'i National Guard unit in Hawai'i was activated but not Guard units of the other states. And worst of all, it was unbelievable that America would continue to 'draft' Hawaiians at all.

We initiated a petition drive, despite the snickers of coward and traitor from NCOs and Officers. But our cause was just and honorable, and Henry Peters took our petitions, signed by nearly all the activated guardsmen, and met with General Westmoreland and eventually with our congressional delegation to present our argument.

I am proud of that effort and thankful for my life-long friend Henry Peters, for opening my eyes to the imminent danger facing so many Hawaiian-blooded soldiers of our unit.

While I spoke about the National Park Service's oversight of the volcano are of Hawai'i island, and the arrest of a 93-year-old Hawaiian acquaintance of mine in the early 70's, for trespassing on park lands, when he went to fish as he and his ancestors before him had always done at traditional shoreline fishing areas that happened to fall under the National Park Service and Department of Interior "blanket".

Such oversight is not good and can be re-interpreted by subsequent authorities, as to allowable activities, such as our Hawaiian people's visitation of, or worshipping at traditional sacred and important historical sites.

I view this attempt to create a Hawai'i Capital National Heritage Area designation over a key historical area that is valued by the descendants of the Hawaiian nation of 1893, as an attempt to throw an "Indian tribal designation blanket over land-areas that are still in the Kingdom of Hawai'i.

We were not a tribe of Hawaiians—We Hawaiians were, and remain, a proud nation of the Kingdom of Hawai'i.

King Kalākaua and Queen Lili'uokalani, and their 39,000 surviving native-Hawaiian subjects, who comprised the nation of Hawai'i, when the dispossession of the Kingdom of Hawai'i occurred on January 17th, 1893, would resent such designation.

In that light, I totally disagree with the heritage designation and strongly support the withdrawal of Senator Inouye and the Hawai'i Congressional delegation's bill to establish Hawai'i Capital National Heritage Area for Honolulu.

I have many more objections but will leave those arguments for another time.

Mahalo nui loa,

Palani Vaughan, Jr.