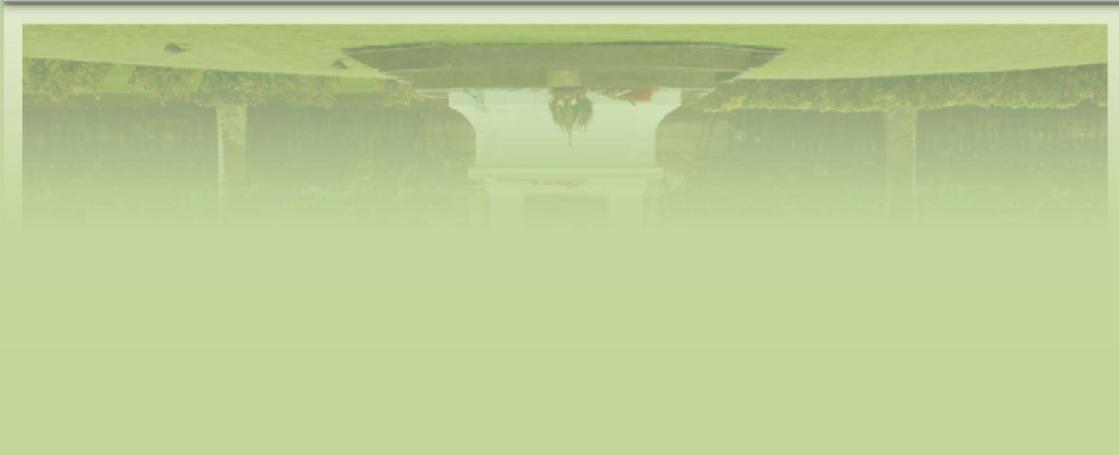


HAWAIIAN HOPE

Native Hawaiian Issues Project Report

By Taryn Kaili and Paoakalani Montgomery



Introduction

Over the course of the summer we have met with various leaders of the Native Hawaiian community to assess general advocacy needs among Native Hawaiians. Individuals we have met with include: *Konia Freitas*, the Special Projects Coordinator at the Kamakakuokalani Center for Hawaiian Studies, *Jonathan Osorio*, professor at the Hawaiʻinuiākea School of Hawaiian Knowledge, *Lynette Cruz*, Assistant Professor of Anthropology at Hawaiʻi Pacific University, *Kama Hopkins*, Trustee Aide to Trustee Robert K. Lindsey Jr. at the Office of Hawaiian Affairs. Each of these highly esteemed individuals has shared what they believe to be the most pressing issues within the Native Hawaiian community. Those issues include: education, land and housing, economics and sovereignty.

Education

Founded on October 15, 1840 by King Kamehameha III, Hawaii’s public school system was established to provide the children of Hawaii with quality education. The Hawaii Department of Education (DOE) regards itself as holding high standards of excellence and equity in education. The DOE mission states that, “high school students will have opportunities, not limited by time, for college-level coursework and program endorsements to prepare them to be successful in a global society. Therefore, all graduates will be fully prepared for post-secondary education and/or careers and their role as a responsible citizen.”¹ Though having great ambition, the DOE has been challenged in the current years to follow through.

¹ “Introduction, Mission Statement.” *Hawaii State Department of Education*. 31 Jul. 2012.

It has been recognized that post-high education is in fact considerably lacking among Native Hawaiians. Konia Freitas, Special Projects Coordinator at the UH Center for Hawaiian Studies, attributes the absence of Hawaiians in higher education to the lack of political will and monetary support for innovative educational programs. The main federal dollars for education comes from the Native Hawaiian Education Act as well as Title III money. The Native Hawaiian Education Act recognizes that, “educational risk factors continue to start even before birth for many Native Hawaiian children.”² It also asserts the following about Native Hawaiian students: they lag behind other students in terms of readiness factors, continuously score below national norms on standardized education achievement tests, lack presence in uppermost achievement levels such as gifted and talented programs, and are rather overrepresented in special education programs.

This Act also declares that the State of Hawaii “promotes the study of the Hawaiian culture, language, and history by providing a Hawaiian education program and using community expertise as a suitable and essential means to further the program.” When speaking with Aunty Konia, it was clear that her work, which she conducted with such passion, focused on advancing the quoted statement above. Her disappointment with the DOE’s impaired commitment to provide quality education for Hawaiians stems from the apparent lack of community engagement within our state’s instructive methods. She believes in improvements to make education more fun and relatable by getting students out of the classroom and into

<http://doe.k12.hi.us/about/intro_mission.htm>

² “Part B—Native Hawaiian Education.” *Ed.gov*. U.S. Department of Education. 31 Jul. 2012.

<<http://www2.ed.gov/policy/elsec/leg/esea02/pg104.html>>

the community. Thus, she recommended the DOE promote and further place-based, culture-based, and project-based learning; by doing so, the education students receive will increase in value and relevance.

With her position in the University of Hawaii's education system, she hopes to develop a program for skill development and resource management available to Hawaii's high school and college students. Aunty Konia notices that there is an absence of Native Hawaiian scholars in resource planning and desires the creation of a field-school in Waianae. This program would allow students to develop good science skills while earning high school credits. Though its true value would be held in its potential to strengthen students' cultural foundations by offering context to the place they live, thereby restoring their Hawaiian identity.

While the charter schools established by the DOE are doing well, the addition of innovative programs like the one suggested by Aunty Konia would heighten the quality of Hawaii's education. However, the issue then becomes a fiscal one, questioning from where these programs will be able to receive funding. In speaking with Kama Hopkins, Trustee Aide to Trustee Robert K. Lindsey Jr. of the Office of Hawaiian Affairs, he acknowledged that charter schools are lacking necessary resources. He believes that a more effective method of dispersing money could be assigning OHA as the direct receiver of federal funds; this would mean altering the fiscal power of the DOE.

Land/Housing

Ceded Lands:

The Mahele of 1848 divided all the land in the Hawaiian Kingdom approximately into three sections between the Mo'i (King), konihiki (chiefs), and maka'ainana (common people). About 1.8 million acres of the land belonging to the Mo'i went to the government and was known as the "crown lands." After the death of Kauikeaouli (Kamehameha III), this land was inherited by Queen Lili'uokalani, Executive Head of State of the Hawaiian Kingdom Government. In 1898, an illegally acting government, the Republic of Hawaii, forcibly took control of the 1.8 million acres of land, which lawfully belonged to Queen Lili'uokalani, against her will. She was never compensated. When the Hawaiian Islands were annexed³ to the United States, the crown lands were ceded⁴ to the U.S. as well. When Hawaii became a de facto U.S. state in 1959, control of the 1.8 million acres, known as "crown lands" was transferred to the State of Hawaii Government via the Admission Act. As a stipulation, this federal act required that the land be held in a trust and that the revenue gained from the land be used for five purposes: to support public education, to better the conditions of native Hawaiians as defined in the Hawaiian Homes Commission Act of 1920 (50%+ blood quantum), to develop farm and home ownership, for public improvements, and as a provision of lands for public use.⁵

Delegates of the State of Hawaii Constitutional Convention believed that not enough was being done to better the conditions of Native Hawaiians and so they amended the state constitution to create Office of Hawaiian Affairs (OHA) as a solution. They believed that through OHA native Hawaiians would have a channel to

³ The Hawaiian islands were never legally annexed but rather illegally taken by the U.S. through a joint resolution of annexation, which is a congressional act. This is a violation of international law.

⁴ Because there is no treaty of annexation this is not a legal cession

⁵ "THE ADMISSION ACT." *Hawaii State Legislature*. N.p., n.d. Web. 24 Jul. 2012.

<http://www.capitol.hawaii.gov/hrs2009/Vol01_Ch0001-0042F/04-ADM/ADM-.htm>.

make decisions in regards to the investments of the ceded land as well as a way to collect revenue, which could be used to fund programs for the Native Hawaiian community. Created in 1978, OHA administers a \$300 million dollar trust that provides economic, social, health and educational aid for roughly 200,000 people with Hawaiian blood.⁶ OHA's mission is to "malama Hawai'i's people and environmental resources and OHA's assets, toward ensuring the perpetuation of the culture, the enhancement of lifestyle and the protection of entitlements of Native Hawaiians, while enabling the building of a strong and healthy Hawaiian people and nation, recognized nationally and internationally."⁷

We spoke with Jeremy Kama Hopkins, Trustee Aide to Trustee Robert K. Lindsey Jr. of the Office of Hawaiian Affairs, to discuss what issues he believes are pressing to the Native Hawaiian community. Besides the work he does at OHA, Hopkins also sits on the Hawaiian Homes Commission, the governing entity of the Department of Hawaiian Home Lands, and is very familiar with the plight of kanaka maoli. Of the many problems facing Native Hawaiians today, Hopkins believes issues concerning land and housing are among the most urgent.⁸ It is well known that the cost of living in Hawaii is among the highest in the nation. The astronomical cost of shelter coupled with the high cost of food, gas and electricity makes surviving financially in these islands a difficult task. Not only do Hawaiian families tend to be

⁶ Sai, David Keanu. "HAWAIIAN INDIGENEITY AND THE SOVEREIGNTY MOVEMENT." *The American occupation of the Hawaiian Kingdom: Beginning the transition from occupied to restored state*. Honolulu: University of Hawaii, 2008. 168-183. Print.

⁷ "Office of Hawaiian Affairs - Home." *Office of Hawaiian Affairs - Home*. N.p., n.d. Web. 12 Jul. 2012. <http://www.oha.org/index.php?option=com_frontpage&Itemid=1>.

⁸ Hopkins, Jeremy Kama. Personal interview. 09 July 2012.

larger in size, they tend to earn less money. While Native Hawaiians comprise 20% of Hawaii's population, they make up more than 50% of the houseless⁹ population.

While the Department of Hawaiian Home Lands is meant to help alleviate the housing needs of native Hawaiians as defined by the Hawaiian Homes Commission Act, it has not been able to do enough. First off, the waitlist is too long. According to Albert Alapaki Nahele'a, former chairman of the Hawaiian Homes Commission, there are roughly 26,000 individuals and 42,000 applications currently on the waitlist (Applicants can apply for both a residential homestead lands and agricultural or pastoral homestead lands).¹⁰ In addition to that, he estimates there are another 30,000 qualified beneficiaries who haven't even signed up yet. Those who are on the waitlist can expect to wait for years before receiving land benefits. According to Hopkins, even if an applicant is able to receive land benefits, the land can sometimes be extremely expensive to make "home-build ready." Nahale'a states that it cost the HHC \$150,000 to \$250,000 per lot to get the land build-ready.¹¹ Another issue is the location of the available land, which is often in regions far from work, school, and social services. Lastly, while Oahu has the highest demand for land and housing, it offers the lowest supply of all the islands with only 4% of the Hawaiian Homes land base.

Another limitation of the Department of Hawaiian Home Lands is that it only serves "native Hawaiians" as defined by the 1920 Hawaiian Homes Commissions Act. This definition of a "native Hawaiian" refers to "any descendent of not less than

⁹ We use the term "houseless" rather than "homeless," as Hawaii is the home to all kanaka maoli

¹⁰ Nahale'a, Albert. "Native Hawaiian Issues." *Insights*. PBS Hawaii. PBS, Honolulu 3 Feb. 2012. Television. <<http://vimeo.com/36155852>>

¹¹ Ibid

½ part of the blood of the races inhabiting the Hawaiian Islands previous to 1778.”¹²

Therefore kanaka maoli with less than 50% blood quantum are unable to benefit from the DHHL. It is significant to mention that when Prince Jonah Kuhio Kalanianaʻole, who fought for ten years to get the Hawaiian Homes Commission Act passed in Congress, pushed for a blood quantum of no less than 1/32 in 1920. At that time the powerful plantation owners of Hawaii could not stop congress from supporting homesteads, so instead they insisted on a blood quantum of ½ or higher. Many believe that this was done in anticipation of the extinction of native Hawaiians. This also shows that the importance of blood quantum in Hawaiian identity is more of a Western standard than a Hawaiian one. The Hawaiian Kingdom Government was quite inclusive and blood quantum was not a requirement to gain citizenship. Vowing your allegiance to the State was enough.

There is a second definition of “Native Hawaiian” as defined by the 1993 Apology Resolution. In this case “Native Hawaiian” refers to “any individual who is a descendent of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii,”¹³ 1778 being the year in which the first European arrived on a permanent basis to the Hawaiian Islands. Hopkins is optimistic that the DHHL will one day be able to serve kanaka maoli of less than 50% blood quantum, but not until every kanaka maoli that meets the current “native Hawaiian” definition is processed.

¹² "Hawaiian Homes Commission Act, 1920." *Hawaiian Kingdom Government - Welcome - E Komo Mai*. N.p., n.d. Web. 14 Jul. 2012. <<http://www.hawaiiankingdom.org/us-hawn-homes-act-1920.shtml>>.

¹³ "THE APOLOGY - United States Public Law 103-150." *HAWAII - INDEPENDENT & SOVEREIGN*. N.p., n.d. Web. 14 Jul. 2012. <<http://www.hawaii-nation.org/publawall.html>>.

According to Professor Osorio, professor at the Hawai'inuiakea School of Hawaiian Knowledge, it is important to examine how all Native Hawaiian lands are being utilized.¹⁴ He questions whether trust lands such as the Queen Lili'uokalani Children's Center, Lili'uokalani Trust Lands and Kamehameha Schools lands are being utilized to rebuild and enhance a Hawaiian place or if they being used to make Native Hawaiians more successful as Americans. He believes the key to Native Hawaiian success lies in organizations like the Bishop Estate, who could use its resources to act like a chief to its people. Osorio thinks that the Kamehameha Schools should put more focus on agriculture instead of building new condos. He said that over 90% of the Bishop Estate land is conservation land and therefore cannot be commercialized. He suggested we reach out to Neil Hannahs, the Director of Legacy Lands for the Kamehameha Schools to discuss what the estate does with their lands. However, given scheduling conflicts we could not arrange a meeting. Neil Hannahs email: nehannah@ksbe.edu.

Military Presence:

The motivations for the illegal take over of Hawaii by the United States stemmed from military and economic interest. As of 2007, Hawaii was the "most densely militarized state in the nation."¹⁵ In 2004, there were a total of 161 military installations across the State and 236,303 acres (5.7% of the total land area) of land being controlled by the military.¹⁶ This overwhelming military presence has had detrimental affects on the 'āina through the destruction of sacred lands. It has also

¹⁴ Osorio, Jonathan. Personal interview. 10 July 2012.

¹⁵ Niheu, Kalamaokaaina , Laurel Mei Turbin, and Seiji Yamada. "The Impact of the Military Presence in Hawaii on the Health of Na Kanaka Maoli." *Developing Human Resources in the Pacific* 14 (2007): 199-206. *Developing Human Resources in the Pacific*. Web. 24 July 2012.

¹⁶ Ibid

played a major role in driving out native Hawaiians from the islands, essentially committing cultural genocide through the loss of access to sacred places.

While many defend the military presence in Hawaii because of the so-called economic benefit it provides, maka'ainana often pay the price through the destruction of cultural sites and loss of land. The Hawaii State Government bends over backwards to keep the military happy so that funds continue to pour into the state. In the past they have even taken measures like exempting the Pearl Harbor Naval Shipyard from paying the general excise tax.¹⁷ The Department of Defense spent roughly \$6.5 billion dollars in Hawaii in 2009, about 9% of Hawaii's GDP.¹⁸

Military in Hawaii has also directly influenced the rising cost of living for Hawaii residents. Oahu is the most populated of the Hawaiian island, with the highest housing demand. Creating further strain is the fact that the US military controls 85,718 acres (22.4%) of the land on the island.¹⁹ The land on Oahu under military control include: Pearl Harbor, Schofield Barracks, Hickam Air Force Base, Lualualei Naval Reservation, Makua Valley and the Kane'ohē Marine Corps Air Station. According to Earthjustice attorney David Henkins, "the nature of the (military) enterprise is one that brings lots of temporary residents through who strain our infrastructure, compete for housing, and often have dependents who compete for civilian jobs. It's not like a private company coming in and hiring local workers."²⁰ President Obama recently committed to expanding the US military

¹⁷ Conrow, Jan. "Fortress Oahu." *Honolulu Weekly* 23 May 2012: n. pag. *HonoluluWeekly.com*. Web. 24 July 2012. <<http://honoluluweekly.com/cover/2012/05/fortress-o%E2%80%98ahu/>

¹⁸ Ibid

¹⁹ Supra, note 6, page 4

²⁰ Supra, note 8, page 5

presence in the Asia-Pacific region, meaning the military presence in Hawaii will increase even more.

Another negative outcome of the military presence is the extreme environmental damage caused. In Hawaii the US military has,

“burned up native forests, dumped hazardous materials into the ocean and killed protected native species. It’s rendered land unusable with its unexploded ordinance, disrupted neighborhoods with its noise, dropped nearly every bomb known to man on the island of Kahoolawe. It’s unearthed ancient burials, launched rockets from sacred dunes, shut off public access mauka and makai. And in the course of a century, it’s transformed Waimomi, once the food basket for Oahu, into Pearl Harbor, a giant Superfund complex comprising at least 749 contaminated sites.”²¹

Other examples of the negative environmental impact the US military has on the Hawaiian islands includes the dumping of chemical weapons into the ocean and the seeping of lead and other solvents into the ground water. In 2007, the military was forced to admit that Hawaii did indeed have depleted uranium after the toxic substance was discovered during an excavation at Schofield Barracks. Only one month before the discover Senator Daniel Inouye was told by the army that depleted uranium was not used in Hawaii, which turned out to be a lie.²²

²¹ Ibid

²² Mangieri, Gina . "KHON2 News 01/05/06." *Chemical Weapons Working Group - Home*. N.p., 5 Jan. 2006. Web. 24 July 2012. <<http://www.cwwg.org/khon01.05.06.html>>.

Economic Development

While members of the Native Hawaiian community have different opinions on the issue of sovereignty, most agree that economic sovereignty is needed first and foremost. Professor Jonathan Osorio of the University of Hawaii School of Hawaiian Studies is a supporter of the reinstated Hawaiian Kingdom, but believes that at this time government is less relevant.²³ He believes Native Hawaiians are moving in the direction of sovereignty, but are still a decade or two away from being ready for it, and that economic sovereignty must come first. Rather than reinstating the Hawaiian Kingdom Government, Kama Hopkins of OHA states that the OHA Trustees believe that federal recognition from the US would be the best thing for Native Hawaiians, allowing them special status similar to Native Americans.²⁴ However, Hopkins agrees with Osorio that economic self-sufficiency is needed above all else.

According to *Income and Poverty Among Native Hawaiians*, Native Hawaiian families in Hawai'i earn the lowest average family income of all major ethnic groups in the state.²⁵ The mean income for Native Hawaiian families with minor children in Hawai'i is \$55,865, 15.9% lower than the statewide average of \$66,413.²⁶ Native Hawaiian families earn 58.3% less than the mean income of Japanese families with children, which is \$88,456. In addition to earning less money, Native Hawaiian families tend to be larger in size with an average of 3.4 persons compared to the statewide average of 2.9. This puts added strain on an already tight family budget.

²³ Supra, note 12, page 5

²⁴ Supra, note 6, page 2

²⁵ Kanaiaupuni, Shawn Malia, Nolan J. Malone, and Koren Ishibashi. *Income and Poverty Among Native Hawaiians: Summary of Ka Huakai Findings*. Honolulu: The Kamehameha Schools, 2005.

<http://www.ksbe.edu/spi/PDFS/Reports/Demography_Well-being/05_06_5.pdf>

²⁶ Ibid

According to the 2000 Census, Native Hawaiians in the state make up the highest percentage of people living below the poverty line.²⁷ Furthermore, the per capita income of Native Hawaiians is \$14,199, which is lower than all other major ethnic groups in Hawaii. It is also less than half of the per capita of non-Hispanic whites, which is \$30,199, and almost 35% lower than the statewide average of \$21,525. Lower earnings, larger family sizes and the high cost of living in Hawaii leaves Native Hawaiians at a significant socioeconomic disadvantage. *Income and Poverty Among Native Hawaiians* recommends “promoting postsecondary education among Native Hawaiians, expanding employment options, and developing the socioeconomic capacity of Native Hawaiians.”²⁸

In order to improve the socioeconomic status of Native Hawaiians Kama Hopkins would like to see organizations that benefit Native Hawaiians focus on helping people help themselves.²⁹ Currently, he is involved in a project on Hawai'i Island to see if OHA can be of assistance in anyway. In Waimea, an established farmer is attempting to train people who have 5-acre farms lots to be successful farmers. The farmer's vision is to organize this group of aspiring farmers to grow a variety of produce in order to create a market and supply the local hotels with freshly grown product. There is currently a demand for different herbs and vegetables that is not being filled by the local farming community and the nearby hotels have expressed that they would prefer to use locally grown produce. Many of these aspiring farmers have day jobs so they are taking weekend farming classes to

²⁷ Ibid

²⁸ Ibid

²⁹ Supra, note 6, page 2

learn how to care for soil, choose what to grow on their farm lot, and how to use natural methods to grow their produce.

Some people are not interested in farming, but rather in farming by-products. For example, the same farmer on Hawai'i Island grows tomatoes. This farmer cannot use the disfigured or deformed tomatoes, so instead another person uses these tomatoes that would otherwise be wasted to make tomato salsa. An anaerobic digester may also help the farmers and ranchers in the area. Green waste and animal carcasses, will be put into the digester and byproducts would be heat, methane gas and fertilizer. These would be great sources of renewable energy and could help farmers and ranchers in fertilizing their lands. Different state agencies and community organizations want to help the build a facility to store the anaerobic digester and create a closed system where local farmers could barter their waste in exchange for fertilizer. According to Hopkins, OHA should look at funding smaller projects, and this is one example of that.³⁰ He believes that smaller non-profits need a parent non-profit to go out and find money to funnel to these smaller organizations that are doing the work. These parent non-profits would act as the fiscal sponsor to the smaller organizations, allowing them to focus on their work. At some point in the future, Hopkins hopes that OHA can do more to help support what he calls the "gap groups", those who cannot receive help due to them being over-qualified or under-qualified, and smaller organizations who make differences in lives of our kanaka maoli on a day-to-day basis.

³⁰ Ibid

Sovereignty

The following record offers brief historical context of Hawaii’s annexation to the United States, which prompted a seemingly endless sovereignty movement:

Native Hawaiian Education Act
*Sec. 7202. Findings.*³¹

Congress finds the following:

- (1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a nation and internationally recognized as a nation by the United States, Britain, France, and Japan, as evidenced by treaties governing friendship, commerce, and navigation.
- (2) At the time of the arrival of the first nonindigenous people in Hawaii in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient subsistence social system based on a communal land tenure system with a sophisticated language, culture, and religion.
- (3) A unified monarchical government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawaii.
- (4) From 1826 until 1893, the United States recognized the sovereignty and independence of the Kingdom of Hawaii, which was established in 1810 under Kamehameha I, extended full and complete diplomatic recognition to the Kingdom of Hawaii, and entered into treaties and conventions with the Kingdom of Hawaii to govern friendship, commerce and navigation in 1826, 1842, 1849, 1875, and 1887.
- (5) In 1893, the sovereign, independent, internationally recognized, and indigenous government of Hawaii, the Kingdom of Hawaii, was overthrown by a small group of non-Hawaiians, including United States citizens, who were assisted in their efforts by the United States Minister, a United States naval representative, and armed naval forces of the United States. Because of the participation of United States agents and citizens in the overthrow of the Kingdom of Hawaii, in 1993 the United States apologized to Native Hawaiians for the overthrow and the deprivation of the rights of Native Hawaiians to self-determination through Public Law 103-150 (107 Stat. 1510).
- (6) In 1898, the joint resolution entitled Joint Resolution to provide for annexing the Hawaiian Islands to the United States', approved July 7, 1898 (30 Stat. 750), ceded absolute title of all lands held by the Republic of Hawaii, including the government and crown lands of the former Kingdom of Hawaii, to the United States, but mandated that revenue generated from the lands be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes'.
- (7) By 1919, the Native Hawaiian population had declined from an estimated 1,000,000 in 1778 to an alarming 22,600, and in recognition of this severe decline, Congress enacted the Hawaiian Homes Commission Act, 1920 (42 Stat. 108), which designated approximately 200,000 acres of ceded public lands for homesteading by Native Hawaiians.
- (8) Through the enactment of the Hawaiian Homes Commission Act, 1920, Congress affirmed the special relationship between the United States and the Native Hawaiians, which was described by then Secretary of the Interior Franklin K. Lane, who said: One thing that impressed me . . . was the fact that the natives of the island who are our wards, I should say,

³¹ "Part B—Native Hawaiian Education." *Ed.gov*. U.S. Department of Education. 31 Jul. 2012.
<<http://www2.ed.gov/policy/elsec/leg/esea02/pg104.html>>

and for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.'

(9) In 1938, Congress again acknowledged the unique status of the Hawaiian people by including in the Act of June 20, 1938 (52 Stat. 781, chapter 530; 16 U.S.C. 391b, 391b-1, 392b, 392c, 396, 396a), a provision to lease lands within the National Parks extension to Native Hawaiians and to permit fishing in the area only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance.'

(10) Under the Act entitled An Act to provide for the admission of the State of Hawaii into the Union', approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii but reaffirmed the trust relationship between the United States and the Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges and amendments to such Act affecting the rights of beneficiaries under such Act.

(11) In 1959, under the Act entitled An Act to provide for the admission of the State of Hawaii into the Union', the United States also ceded to the State of Hawaii title to the public lands formerly held by the United States, but mandated that such lands be held by the State in public trust' and reaffirmed the special relationship that existed between the United States and the Hawaiian people by retaining the legal responsibility to enforce the public trust responsibility of the State of Hawaii for the betterment of the conditions of Native Hawaiians, as defined in section 201(a) of the Hawaiian Homes Commission Act, 1920.

(12) The United States has recognized and reaffirmed that —

- (A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;
- (B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;
- (C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii;
- (D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and
- (E) the aboriginal, indigenous people of the United States have —
 - (i) a continuing right to autonomy in their internal affairs; and
 - (ii) an ongoing right of self-determination and self-governance that has never been extinguished.

(13) The political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States, as evidenced by the inclusion of Native Hawaiians in —

- (A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);
- (B) the American Indian Religious Freedom Act (42 U.S.C. 1996);
- (C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);
- (D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);
- (E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);
- (F) the Native American Languages Act (25 U.S.C. 2901 et seq.);
- (G) the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4401 et seq.);
- (H) the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and
- (I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

Many different views of sovereignty now exist among Native Hawaiians ranging from the desire for federal recognition to the dream of a reinstated

Hawaiian Kingdom. Despite this range, all four of the Native Hawaiian community leaders we interviewed agreed that economic sovereignty must be obtained first and foremost before any progress can be made. Though this road to self-sufficiency may be long and challenging, UH Professor Jonathan Osorio believes there is still hope. As a well-known Native Hawaiian activist and professor at the University of Hawaii's Hawai'i inuiakea School of Hawaiian Knowledge, Dr. Osorio had a lot of insight on the resistance of the Hawaiian people.

As 1993 marked the 100th anniversary of the *hewa*, or overthrow, tens of thousands of Hawaiians gathered together in Honolulu. According to Dr. Osorio, this gathering represented a feeling of hope for a reinstated Hawaiian Kingdom; a sensation that was sparking in the mid-80s and heightening since then. It was in 1987 that the idea of sovereignty was re-born with the creation of *Ka Lahui*. Acting as the government of the Hawaiian people, *Ka Lahui* was a "nation within a nation" with a constitution and elected legislators. The Hawaiians pioneering this effort were young and vibrant with great ambition to revitalize the Hawaiian culture. They saw success in 1984 with the recovery of our language through the establishment of Hawaiian immersion school programs. This fulfillment came shortly after a long endeavor to restore the island of Kaho'olawe and bring success against the U.S. military who by 1967 had converted the lands into a testing and training range for the air war over Vietnam. The Protect Kaho'olawe Ohana (PKO) group, made up of fervent Hawaiian protestors, was then formed. In 1976, the members of the PKO filed suit in Federal District Court (Aluli et. al. V. Brown) seeking to ban the Navy's

bombing activities on Kaho‘olawe.³² Triumph occurred in 1980 when the Navy followed through with a deal to clear surface ordnance from 10,000 acres, protect historic and cultural sites, and allow monthly PKO access. Hawaiians were finally beginning to feel a sense of regained power over their land and renewed pride for its cultural value.

Though these successes gathered excitement, they also created a barrier because now our people have something to lose. Native Hawaiians now have a presence in education, government and land development therefore people have things to protect. This makes it difficult to move forward as a united people with coherent motives. With a popular view that the true value of Hawaii is our ‘ethnic diversity,’ how do we maintain the integrity of our own beloved Hawaiian culture? How do we hold on to our identity as Native Hawaiians in a place that is so rapidly changing? Dr. Osorio’s answer is simple, “just listen to the voices of our ancestors.”

Conclusion

With LEJ now aware of the root of these issues and desired improvements, we can work on fostering greater collaboration among Native Hawaiian organizations. There is a new “big five” that must work together to move the Hawaiian community forward that include the following organizations: Office of Hawaiian Affairs (OHA), Kamehameha Schools, Department of Hawaiian Homelands (DHHL), Queen Liliuokalani Trust, and Queen Emma Land Company. “*Hawaii loa, ku like kakou,*” all of Hawaii must stand together with our backs to the future. By doing

³² “History.” *Kaho‘olawe Island*. Protect Kaho‘olawe Ohana. 1 Aug. 2012. <<http://www.kahoolawe.org/history/>>

so, we may learn from the past and thus enhance our understanding of how to better our future and revitalize the Hawaiian culture.