

DRAFT BLUEPRINT FOR NATIVE HAWAIIAN ENTITLEMENTS

QUESTIONS AND ANSWERS

Is the Draft Blueprint final? Has it been adopted by the OHA Board of Trustees?

The Draft Blueprint is a discussion document, it can and will be changed to reflect the wishes of the Native Hawaiian community. It has been adopted by the OHA Standing Committee on Native Hawaiian Status and Entitlements but has not been considered by the full Board of Trustees. OHA wants to have widespread and active community discussion and input on the Draft Blueprint before it is considered for final adoption by the Board of Trustees.

What happens to the Draft Blueprint after it is adopted by the Board of Trustees?

After a consensus is reached in the Native Hawaiian community and the Draft Blueprint has been revised, the Board of Trustees will review and and adopt a final Blueprint. The final Blueprint will be used as the basis for legislation and lobbying efforts in Congress to achieve the goals agreed upon by the Native Hawaiian community and reflected in the Blueprint.

Has OHA made a deal with Senator Inouye/Governor Waihee?

No. OHA has not discussed the contents of the Draft Blueprint with either Senator Inouye or Governor Waihee. Both of them were sent copies of the Draft Blueprint on September 2, 1989.

What are ceded lands?

Ceded lands are lands which were ceded (turned over) to the United States when Hawai'i was annexed in 1898. It is estimated that there were about 1.75 million acres. These lands were formerly the government and crown lands under the Kingdom of Hawai'i. When Hawai'i became a state in 1959, most ceded lands were turned over to the state, but the federal government kept almost 400,000 acres - primarily as federal parks and military installations. In the Draft Blueprint, state ceded lands refers to the lands turned over to the state in 1959.

What lands does the federal government have; what lands should be returned?

In 1959, when Hawai'i became a state, the federal government retained almost 400,000 acres of ceded lands, primarily as national parks and for military purposes. Portions of these lands should be returned and if they cannot be returned, other lands of comparable value should be acquired and transferred to the Native Hawaiian people by the federal government. At this time, we don't know which federal

lands should be returned. OHA has compiled a list of federal lands, both ceded lands and fee lands acquired by the federal government. It is OHA's hope that the Native Hawaiian people will determine which lands are most important, valuable and necessary. Those are the lands that should be returned.

The federal government could continue to use the lands by negotiating leases with the Native Hawaiian self-governing entity. The Draft Blueprint also proposes that title to the national parks in Hawai'i be returned but the National Park Service continue to manage the parks.

It is important to remember that Hawaiians have a claim to all of the federal ceded lands, but it is unrealistic to expect all lands to be returned.

How much ceded land does the state have; how much should be returned to Native Hawaiians?

The state has approximately ~~1.35~~ 1.35 million acres of ceded land. About 188,000 acres is Hawaiian Homelands. At this time, we don't know the exact number of acres or location of state ceded lands which should be returned. The Native Hawaiian people must determine which state ceded lands are most important, valuable and necessary. Those are the lands that should be returned.

What about Hawaiian Homelands?

Hawaiian Homelands should be transferred to the native self-governing entity and the functions of the DHHL should be transferred as well. Native Hawaiian people should make their own decisions about Hawaiian Homelands and the Hawaiian Homelands program. However, the rights of current beneficiaries and qualified beneficiaries on the waiting list must be protected and cannot be diminished as a result of the transfer.

What is "beneficial trust title"?

"Beneficial trust title" is a legal phrase indicating a relationship similar to full fee ownership, but recognizing that the trust lands cannot be sold, given, or alienated to non-Native Hawaiians.

What are submerged lands and offshore waters? What claim do Native Hawaiians have to these areas?

The Hawaiian Kingdom was sovereign over coastal waters and resources at the time of the overthrow. Native Hawaiians are entitled to participate in harvesting the resources from a preferred position because of this wrongful taking.

How much money should the federal government give to Native Hawaiians?

That cannot be determined at this time. It will depend upon how much land is returned by the federal government to the Native Hawaiian self-governing entity. In the past, amounts such as a billion dollars have been suggested and other native peoples have received equally large settlements.

Why does the Blueprint talk about native rights?

The provision on native rights makes sure that native rights are preserved. Native rights should not be relinquished or given up in order to settle the Native Hawaiian claim for land and self-governance.

Will Native Hawaiians still pay state and federal taxes?

For the most part, Native Hawaiians will continue to pay state and federal taxes. However, Native Hawaiians will not pay any taxes on lands, monies or resources returned under the Blueprint or on income generated by these lands, monies or resources. For instance, a Native Hawaiian owning private property and working for a private company will still pay real property tax and income tax. But a Native Hawaiian will not pay taxes for selling produce grown and sold on ceded lands returned to the Native Hawaiian self-governing entity.

Will OHA be the self-governing entity? Isn't this Draft Blueprint just a ploy to get support for OHA to be the self-governing entity?

The process set up in the Draft Blueprint is designed to insure that the will of the Native Hawaiian people is carried out. OHA will assist in the process, but ultimately it will be the Native Hawaiian people who will design a governmental structure. The process allows another organization to be chosen as the self-governing entity, or OHA could evolve into a self-governing entity, or an entirely new entity could be created. It should be stressed, however, that it is up to the Native Hawaiian people to decide who should be the self-governing entity.

Why should OHA determine the districts for selecting representatives to the gathering to draft the governing document? Won't this give OHA an inside track?

At the present time, the OHA trustees are the elected representatives of the Native Hawaiian community. OHA has the ability and resources and is the logical organization to aid in the self-governance effort. OHA will draw the districts with the goal of insuring equal representation while trying to adhere to traditional geographic divisions. OHA will not conduct either the election for representatives or the gathering to draft the governing document.

Is Operation 'Ohana related to enrollment for voting for the self-governing entity?

Operation 'Ohana is aimed at getting good solid information on and

identifying Native Hawaiians. The information gathered eventually will be used as a basis for enrollment. However, signing up for Operation 'Ohana is not automatic enrollment for benefits, lands, and moneys or voting for the self-governing entity.

Why is Native Hawaiian defined as someone with any amount of Hawaiian blood? Is this a way to break the Hawaiian Homes and ceded lands trust?

All Hawaiians were harmed by the overthrow of the Hawaiian Kingdom and by the loss of land and self-governance. All Hawaiians should be able to participate in this process. Many Hawaiians, both those of more than fifty percent blood and those with less than fifty percent blood, recognize that the blood quantum issue has been divisive and harmful to all Hawaiians. Moreover, federal lands that would be returned to the self-governing entity are not part of the existing trusts and are not limited by the blood quantum requirement. Finally, it should be emphasized that with regard to the Hawaiian Homes trust, the Draft Blueprint provides that the rights of current beneficiaries and qualified beneficiaries on the waiting list should not be diminished.

Are lands held by private owners in Hawaii affected?

No. Private lands are not affected by the Blueprint.

If a Native Hawaiian self-governing entity is created, will Native Hawaiians still be U.S. citizens?

Yes. Native Hawaiians will still be citizens of the U.S. and citizens of the State of Hawai'i. In addition, they will be citizens of the Native Hawaiian self-governing entity. Other native people on the mainland are members of their tribes and citizens of the state and U.S.

How long will this process take; when will we receive our lands, monies, and resources?

This will be a long and slow process. We are only at the beginning stages. The first step is for Native Hawaiians to understand the issues and reach agreement on basic goals. The Draft Blueprint sets out what OHA thinks those goals are, but ultimately the Native Hawaiian community must decide. The Draft Blueprint can and will be changed; it is a working draft. Even after the Native Hawaiian community has reached a consensus, it will still take many years to pursue our cause in Congress. We cannot put a timetable on the process, but we must keep moving forward.

If you receive a question that you cannot answer, get the person's name, phone number, and address, and the question. After you get an answer to the question, call the person back to give them the answer.