

MILILANI B. TRASK  
KIA'AINA, KA LAHUI HAWAII  
152 B Koula Street  
Hilo, HI 96720

June 3, 1993

Governor John D. Waihee  
State Office Tower  
235 South Beretania Street  
Honolulu, HI 96813

CERTIFIED MAIL  
RETURN RECEIPT P 021 597 125

Re: S.B. 1028

Dear Sir:

I am in receipt of Ms. Norma Wong's communication of May 19, 1993 requesting that the Nation of Ka Lahui Hawaii nominate representatives for your appointment to the Hawaiian Sovereignty Advisory Commission. This Advisory Commission was created by State Legislation - S.B. 1028. The purpose of the Bill is to establish a state created process for a referendum on a convention which will in turn propose an organic document for governance of a sovereign Hawaiian nation.

On May 28 through 31, 1993, the Mokuna Aha Olelo Kanawai (elected Legislature) of Ka Lahui Hawaii, the Native Hawaiian Nation met on Molokai Island. S.B. 1028 was distributed and discussed. The Mokuna voted unanimously not to nominate representatives for the following reasons:

1. Ka Lahui Hawaii is a native nation with 18,000+ native citizens who reside in Hawaii. We have been in existence for 6 years. We operate under a democratic and elective constitution. The State Legislature and Executive have refused to acknowledge or recognize our nation and by virtue of S.B. 1028 are seeking to subvert the process of self-determination by creating a state statutory scheme to dictate the process for native self-governance and to ensure the process will be under the jurisdiction of the State Legislature.
2. Ka Lahui Hawai'i and several other native groups participated in the Sovereignty Advisory Council (SAC) created by Act 301 which was passed by the State Legislature in 1991. Act 301 recognized 13 native groups and charged their representatives with the responsibility of proposing a "plan" for sovereignty. Act 301 did not dictate a process or outcome. The SAC proposed its plan to the State in 1992. The State ignored the proposal because it would not serve the state's interest. Now, the State is creating a second "advisory"

group but this time all members of the group will be "governor appointees".

3. The United Nations Declaration on the Rights of Indigenous People Part V:26 states that Indigenous People have: *"The right to decide upon the structures of their autonomous institutions, to select the membership of such institutions according to their own procedures, and to determine the membership of indigenous people concerned for these purposes; states have the duty, where people so concerned so desire, to recognize such institutions and their memberships through the legal systems and political institutions of the State"*.

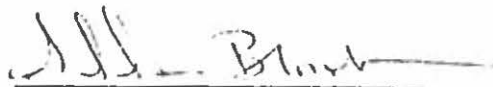
The passage of S.B. 1028 violates the above provision of the Declaration and evidences the continuing effort of the State and the democratic party to control the procedure for native self-governance towards the end of structuring a dependent, rather than autonomous, native nation.

4. Your appointees currently control the Hawaiian Homelands Commission, the Board of the DLNR (Ceded Lands Trust) and the Commissioners on Water Resource Management. As a result of this political appointment process:
  - A. Native Hawaiians are dying on DHHL lists while politically well connected individuals, state and county agencies utilize DHHL lands. The U.S. Commission on Civil Rights, the Wall Street Journal and other publications have documented these continuing violations of human rights.
  - B. Since 1959, the Ceded Lands and revenues of the 5(f) trust have been withheld from native beneficiaries. The DLNR continues to refuse to adopt rules and procedures to protect cultural and historical properties of the Kanaka Maoli. This has been the situation for over 25 years.
  - C. Your water commissioners have adopted rules for all public uses of water but refuse to adopt rules for allocation of water to DHHL beneficiaries and for traditional uses under the water code.

Your political appointees and those of your predecessors have maintained an oppressive system of institutionalized racism. There is no reason to believe that your appointees to the HSAC under S.B. 1028 will act to serve the best interests of the Hawaiian people.

Ka Lahui Hawaii will continue to monitor the activities of the HSAC and intends to continue its advocacy in the 1994 legislative session.

Sincerely,



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