

DRAFT

January 31, 2002

To: Gaye Miyasaki
FAX Number 594-0209

and

Sherry Broder
FAX Number 531-8411

Comments?

Suggestions?

Thanks,

Jon

The Honorable Colleen Hanabusa
Vice President
Hawaii State Senate
Capitol Building, Room 214
Honolulu, HI 96813

Dear Senator Hanabusa:

Thank you for meeting with OHA Trustee Rowena Ahana and myself on Wednesday, January 29. I am writing to summarize the key points in our discussion.

You expressed concern about how the State of Hawaii could transfer land to persons of Hawaiian ancestry without violating the language in Section 5(f) of the 1959 Admissions Act, which says that the revenues from the lands transferred to the State are to be used "for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended." Your concern focused on the definition of "native Hawaiian" in the Hawaiian Homes Commission Act, 1920, which requires a 50% blood quantum, and you asked whether a transfer to a broader group of persons of Hawaiian ancestry would be consistent with federal legislation.

My suggestion in response was that the transfer of land be to the Office of Hawaiian Affairs to be held in trust until the establishment of the Native Hawaiian Nation and to be used for the benefit of "native Hawaiians as defined in the Hawaiian Homes Commission Act, 1920" until such time as the federal government grants formal recognition to the Native Hawaiian Nation and thereafter to be used for those eligible to be members of the Native Hawaiian Nation, as approved by the federal government.

You also asked what activities the State and OHA can engage in to facilitate the organization of the Native Hawaiian Nation, in light of the decision in Rice v. Cayetano. I responded that the State and OHA could provide monetary support to finance a Constitutional Convention and the election of delegates, and could also provide educational materials and training for the delegates. So long as such support does not impose any fixed outcome to the self-determination process, and so long as the facilitation does not interfere with the free choice of the Hawaiian community, such facilitation and support would be proper and appropriate.

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Thank you again for meeting with us, and for providing leadership in these topics. Please let me know whenever I can be of additional assistance.

Sincerely yours,

Jon M. VanDyke

1-29-02

Collen Hanabusa / Rowena Akana

Beneficiary class

- How to transfer land w/o being challenged by the 50% ers —
- Make it pending fed bill or definition developed by NH Nation

What can State & OIAA do re
promoting sovereignty

Also - made suggestions re fixing of OIAA 304 bill

Jamesner

double booked - not there on Saturday
526-3624

Gayle Miyasaki

Send draft language re funds

FAX copy to her

FAX No. -- 594-0209 fax

594-1750 fel