



Ka Wai Ola O Oha (The Living Water of OHA)

Vol. 1, No. 1, Summer 1981

OHA IS BORN

Wakea, the Sky Father, and his wife, Ho'ohoku-o-kalani, bore a premature son. He was called Haloa-naka. The little one died, and his body was buried at the eastern end of the house. From the child's body grew a kalo plant. The leaf was called lau-kapa-lili, or quivering leaf; the stem was called Haloa. Their second child was also called Haloa, after this kalo stem. From this second-born Haloa has descended the human race.

In this way, kalo was the elder brother and man the younger - both being children of the same parents. Because our chiefs were of the senior line, they were referred to in respect and affection as kalo kanu 'o ka 'aina (the kalo grown in the homeland).

Kalo was the main staple food of Hawaii's native people. The open poi bowl calabash symbolized Haloa, and in reverence for him, meal time was pleasant and hearty. Nourished in fresh flowing waters, kalo is also associated with spring water, running streams, rain, and sunlight, the life-giving elements in nature.

Kalo was such an important part of the Hawaiian lifestyle, that the word for family - 'ohana - is derived from its growth process. The mother kalo produces buds or keiki called 'oha. Each 'oha, broken off and planted, matures to motherhood, and begins budding and branching, creating a new generation of kalo. Thus it is, that mythologically speaking, mankind, descended from Haloa the second son of Wakea, can be compared to the offshoots from Haloa-naka, the kalo, the first-born son.

The Creation of OHA

THE 1978 Constitutional Convention came at a time when both Hawaiians and non-Hawaiians were taking a renewed interest in Hawaiian culture and the manner in which history has treated the Islands' native race. In fact, it is possible to look at the proposed amendments that emerged from the Hawaiian Affairs Committee and conclude that the "Hawaiian Renaissance" was developing a mature political side that people were finally beginning to take seriously.

Guided through the Hawaiian Affairs Committee by its Chairperson, A. Frenchy DeSoto, the "Hawaiian package" of 5 significant amendments passed by wide margins. This Hawaiian package called for:

- 1) The establishment of an Office of Hawaiian Affairs that would be a

central conduit for money and programs that would benefit all Hawaiians.

- 2) A restructuring of the Hawaiian Homelands that would transfer 30% of all revenues from leased sugarcane lands and water licenses to that department, thereby freeing lands used to generate revenue to directly help Hawaiians.
- 3) The prohibition of "adverse possession" except on property of 5 acres or less. An individual could not claim adverse possession more than once in 20 years.
- 4) The reaffirmation and protection of "traditional and customary rights" of native Hawaiians to allow them access to public lands for the purpose of fishing, hunting, worshipping, and gathering.
- 5) The promotion of the study of Hawaiian culture, history, & language.

In early September of 1978, the above package moved out to the full Convention for discussion most appropriately on the 140th anniversary of Queen Lili'uokalani's birth. Two full days were set aside to discuss the proposals, some of which were the most complicated and technical that the convention had yet seen. Except for a relatively minor controversy over the land ownership doctrine of adverse possession, the proposed amendments passed easily and with little opposition.

When asked her opinion of the proposed amendments, A. Frenchy DeSoto stated, with much conviction: "I believe that this package will give the Hawaiian people self-sufficiency and give them the opportunity to determine their own future. The benefits that will accrue to Hawaiians will strengthen the community. Everyone will benefit." The voters of this state must have agreed with her, because in November they ratified all of the Con Con proposed amendments. This ratification was probably the single biggest political gain for Hawaiians since the Hawaiian Homes Commission Act in 1920.

Aside from the numerous merits of these amendments, this victory for Hawaiians would not have been possible without the deep feeling of many voters that they had the opportunity to right some of the wrongs that history had done to Hawaiians. The awareness of these wrongs most probably stemmed from the Hawaiian activism of the '70's. Although it is possible to go further back to examine the roots of Hawaiian activism, since much has already been written about the Kalakaua period and the 1920's, this article will focus on the organizers and organizations of the 70's. It is the groups in this

period who did much to create the climate that made the creation of OHA possible. The brief history, and much of the language that follows, comes from an article written by Davianna McGregor Alegado, entitled "Hawaiians: Organizing in the 70's." (*Amerasia Journal* 7:2 (1980), 29-55). Only the major groups are highlighted.

Organizing In The 1970's

Formed in 1970, "The Hawaiians" was the first Hawaiian political organization of the 1970's. It initially focused on reforming the Hawaiian Home Lands Commission, by exposing the negligence and mismanagement of Commission lands and by demanding that additional lands, homes, and services be made available to qualified Hawaiians. Expanding its focus, "The Hawaiians" worked for changes in Hawaiian Home Lands policies and community programs. Of all the organizations to form in the seventies, "The Hawaiians" has the largest core of active grass-roots community people, some of whom had been trained under the Model Cities Program and Hawaii Community Action Program (HCAP).

The Congress of Hawaiian People formed in 1971 in response to the controversy surrounding the appointment of a non-Hawaiian trustee to the Bishop Estate. The Congress initially served as a "watchdog" over the trustees of the Bishop Estate and eventually branched out to attract resources for Hawaiian community programs. It also served as an advocate for the Hawaiian community on a variety of issues.

In 1972, Aboriginal Lands of Hawaiian Ancestry (ALPHA) was established as a mass political organization. Inspired by the successful reparations claims of Native Americans in the mainland U.S. and Alaska, ALPHA demanded that the U.S. Congress make reparations to the Hawaiian people.

The Homerule Movement was formed in 1973 to support the involvement of Hawaiians in the broader political arena. Through lobbying, the members attempted to change some of the land laws which adversely affected the Hawaiian *kuleana* landowner.

In 1974, the Coalition of Native Hawaiian Claims was established and, in 1978, changed its name to the Hawaii Legal Corporation. It proposed initiating and documenting the basis for reparation claims of native Hawaiians to land and ocean resources. The Coalition also provided legal service for litigation by small *kuleana* owners against incursion by large landowners and developers.

Hui Ala Loa (The Group of the Long Trails) began on the island of Moloka'i in

1975 to take issues of concern to native Hawaiians on that island. Using various tactics, such as a march to open Kawikiu Beach, mobilization of the community at public hearings, litigation, and cultural gatherings and activities, the group has effectively organized Hawaiians on the island.

In 1976, the Protect Kaho'olawe Ohana was founded to stop the bombing of the island of Kaho'olawe which, since World War II, has been used by the U.S. Navy for target practice. This group focused on the island of Kaho'olawe, as a means of drawing national attention to the desecration of one of Hawaii's major islands.

As early as 1973, the leaders of the various Hawaiian political organizations recognized the importance of coordinating their efforts and providing support to each other. They joined together and formed the Hawaiian Coalition in 1973, later renamed the Council of Hawaiian Organizations (COHO).

In 1974, passage of Title VIII, Native American Programs Act, added a new dimension to the political dynamics of the Hawaiian community. The passage of this law led to the subsequent formation of Alu Like, a nonprofit corporation established to tap federal funds for which Hawaiians became eligible. Taking a systematic approach to the problems facing Hawaiians, Alu Like made a significant impact on the community. Initially, Alu Like registered as many Hawaiians as it could on its roster. It then conducted a systematic survey of the community to identify the needs of Hawaiians. This process included the organizing of conferences on each island in which Hawaiian leaders were invited to participate.

On to the 80's

All of the efforts of the above organizations led finally to the passage of the Hawaiian Affairs package approved by the 1978 Constitutional Convention and ratified by the voters in the subsequent election in November. Now in the 1980's the Office of Hawaiian Affairs continues to work on several of the issues raised by these 1970's groups. For instance, it has joined with the Native Hawaiian Legal Corporation to continue the effort started by many of the above groups to defend native Hawaiians against quiet title actions. In fact, OHA is considering almost all of the above issues for political & legal solutions.

As John Dominis Holt has so aptly stated, "Many, many Hawaiians made OHA a reality. It belongs to all Hawaiians. The creation of OHA is a major victory for the majority of Hawaiians. It belongs to all because we are the *lo'i* and the *kalo* in which and upon which OHA grows."

A Point of View: On The Lawsuit Against OHA

Recently a lawsuit was filed by Ho'ala Kanawai, Inc. and the Taxpayers Union against OHA's Board of Trustees and Administrator alleging that the general funds appropriated to OHA for the benefit of "Hawaiians" are unconstitutional.

It might be understandable why the Taxpayers Union, headed by libertarian **Bud Shasteen** would seek to invalidate the legislative appropriations to OHA; however, it is disappointing to see that Ho'ala Kanawai, headed by **Josiah L. Hoohuli**, is a co-plaintiff to the same suit.

Ho'ala Kanawai, (Awakening the Law) is a nonprofit corporation organized in the State of Hawaii solely to provide for the betterment of the conditions of Native Hawaiians pursuant to Section 5(F) of the Admissions Act.

The 1978 Constitutional Convention and the general public empowered OHA to administer the revenues derived from Section 5(F) of the Admissions Act designated for the betterment of conditions of Native Hawaiians. Subsequently, in 1980, nine trustees were elected by the Hawaiian community. The statewide voter registration list of Hawaiians totalled 54,083 of which 42,848 or 79.2% voted.

Irrespective of what Ho'ala Kanawai hopes to accomplish through its lawsuit, it is evident that they seek to control the administration of the 5(F) revenues by overturning the decision made by the general public and, more importantly, the decision by the Hawaiian electorate that OHA not only be responsible for the disposition of 5(F) revenues, but also be the principal public agency in the state responsible for the performance, development, and coordination of programs and activities relating to Native Hawaiians and Hawaiians.

Trustees Participate In Rap Session In Waianae

Trustees **A. Frenchy DeSoto** and **Thomas K. Kaulukukui, Sr.** joined a group of concerned citizens in Waianae on May 27 to participate in a "Talk Story" session dealing with various Hawaiian issues. The session lasted all day and started off with five speakers giving ten minute presentations on the main topics of economics, justice, land, health and education. Then the group broke up into smaller workshops to discuss these individual topics. Each workshop came up with a report that was then presented in the afternoon to the whole group.



Governor George R. Ariyoshi signed House Bill 511 giving long-term leases to Maunaloa Valley residents as community friends and supporters look on. Photo by Gregg Hirata.

However, Ho'ala Kanawai's lawsuit makes public the problem of two definitions describing the same aboriginal people inhabiting the Hawaiian Islands. Under the law governing OHA, "Hawaiian" means any descendant of Hawaii's aboriginal people, and "Native Hawaiian" means any descendant of Hawaii's aboriginal people of not less than one-half the blood.

It is important to note that the latter definition of "Native Hawaiian" was enacted by the U.S. Congress in 1920, and the definition of "Hawaiian" which includes all Hawaiians irrespective of blood quantum was enacted by Congress in 1974. It is obvious that the need to reconcile these two definitions was neither articulated nor anticipated by Congress. However, today, OHA, by law, is laden with the responsibility of keeping separate the revenues which are designated for both classes of Hawaiians in order to insure accountability and compliance to its beneficiaries.

The problems arising from the restrictions of the blood quantum definition have been considered on numerous occasions by the legislature, but legislators were not able to arrive at a common solution because of the highly emotional and complex nature of the problems. It appears timely that the 1981 Legislature has requested that OHA study the problem experienced by the Department of Hawaiian Home Lands and OHA, and report its recommendations to the 1982 Legislature.

Perhaps a thorough investigation on the definition problems including a historical analysis is warranted and can then lead to a better understanding of the many fears and apprehensions expressed by our people.

Ho'ala Kanawai's actions challenge the wisdom of the Hawaiian electorate. The OHA Board of Trustees elected by the Hawaiian people provides the most viable means through which the law may be amended or awakened.

Trustee Kaulukukui joined the session on the Justice System, where they discussed various aspects related to crime. There was general agreement that programs needed to be implemented that would keep Hawaiians out of Oahu Prison. "If we're concerned about the crime statistics of Hawaiians, we need to get in at an early level and teach our children respect — respect for others, respect for themselves and respect for property," Trustee Kaulukukui explained. We're also concerned about Hawaiians who are in prison now," he added. "Rehabilitation programs for prisoners are also important." Thus the issue of acquiring jobs for the prison population and vocational education to prepare them for these jobs was also stressed. Uncle Tommy sees a real need for OHA to address itself to the issue of crime and to take positive steps to reduce the number of crimes committed by Hawaiians.

Why OHA?

DURING the 1978 Constitutional Convention, the Committee on Hawaiian Affairs met to review the section in the Constitution dealing with Hawaiian Homelands and to discuss many Hawaiian related issues. In the process of reviewing and discussing, the Committee decided to introduce an amendment to set up OHA based on several legal and historical precedents:

- a) Since the fall of the Constitutional Monarchy in 1893, Hawaiians have had less and less of a voice in Government.
- b) The boards and commissions set up to help Hawaiians are either appointed by courts, the Legislature or the Governor.
- c) The income from the public land trust was not being used to directly benefit Hawaiians.
- d) Hawaiians need a state agency that would represent their needs and concerns, and coordinate programs for all of them.

The decision to introduce the amendment setting up the Office of Hawaiian Affairs was a direct result of the above

areas of concern. Thus, the establishment of OHA was an attempt:

- 1) To give Hawaiians more of a voice in government;
- 2) To accord to them the right to choose their representatives through the election of OHA trustees;
- 3) To secure for them a pro rata portion of the public land trust and;
- 4) To offer representation of all Hawaiians.

At OHA, the trustees and staff work as advocates for the Hawaiian community. They remain open and sensitive to the needs and concerns of the people. To that end, meetings have been held in various communities throughout the state to share mana'o.

We at OHA are concerned about the welfare of all Hawaiians and try to represent their best interest at the Legislature, with other state agencies and with community organizations. We are also committed to working for Hawaiians through the creation of political, economic, cultural, educational, and legal programs.

62-Year Land Tenure Dispute Settled

IN the lush beauty of what is now known as the Tantalus Watershed Forest Reserve, three brothers—Kalalako, Koia, and Keawekane settled in approximately 1889. Along with other settlers and with express consent of the government, they proceeded to raise their families and crops in Maunaloa Valley, where the streams Kanealole and Maunaloa flow. Through five successive changes in government—Monarchy, Provisional Government, Republic, U.S. Territory, and Statehood—these original settlers and five generations of descendants continually lived and worked on this land.

Between 1913 and 1919, **Mary Duchalsky**, a descendant of Kalalako, and other descendants of the original settlers attempted to acquire fee title to land in the valley. However, because the Public Lands Commission, which reviewed and issued land title applications, failed to act upon their applications "in a timely manner," they were turned down. Thus, beginning on October 18, 1919, the Public Lands Commission issued 30-day revocable permits to these people with the written assurance that "... you will have no difficulty having these permits renewed from time to time as necessary ..."

For 62 years, up to 29 Hawaiian families of Maunaloa Valley have lived on revocable 30-day permits. Due to their uncertain tenure, these people were unable to obtain mortgages and home improvement loans, thus being forced to reside in dilapidated and unsafe shanties.

In 1977, a planning consultant hired by the Department of Land and Natural Resources to plan a park in the area suggested revocation of the permits and eviction of all the families. Immediately following that suggestion, the people of Maunaloa organized and formed the

Maunaloa Valley Community Association. With the assistance of **Tom Matsuda** of the Legal Aid Society of Hawaii and various legislators, they have diligently and persistently struggled for over four years to secure stable land tenure. Unfortunately, the various parties were unable to reach a settlement. Specifically, DLNR did not believe that it had the legal authority to grant long term residential leases to the permit holders. The only practical solution was to change the statute limiting DLNR, but the first two attempts in the state legislature failed.

Shortly before a third attempt in the legislature was started in early 1981, the plight of these 29 families was brought to the attention of representatives of the Office of Hawaiian Affairs. Because OHA is the principal state agency for the Hawaiian community, Trustee **Rod Burgess** met with officials from DLNR to advocate a legislative solution for their long standing problem, and provided testimony in conjunction with OHA's lobby effort. This time, the combined efforts of the residents of Maunaloa, the Legal Aid Society of Hawaii, various legislators, DLNR, Alu Like and OHA resulted in passage of House Bill 511 through the 1981 Legislature. Having been signed into law by the Governor, it should provide a solution to the 62-year old tenure issue. This bill will authorize the Department of Land and Natural Resources to negotiate long term residential leases with the Maunaloa permit holders and should make it easier for those residents to obtain home improvement loans to upgrade their living quarters.

The victory of the Maunaloa residents touches all Hawaiians because it shows us that through OHA and collective efforts we can all effect favorable political changes.

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Ko'u Mana'o i'o mai Ka Kahuwaiwai luna Ho'omalua

(Thoughts from the chairperson)



Mrs. A. Frenchy DeSoto

OHA is based on a set of ideas, attitudes and convictions . . . and the confidence that these ideas and convictions are viable not only for aboriginal Hawaiians but for all of Hawaii.

OHA's commitment is to bind together rather than tear apart. We need greater emphasis on the values that have sustained our people over the long excruciating, historical roads of time.

OHA should be viewed as a means with which we can begin to transform the "Hawaiian helplessness" into creative and positive energies — an opportunity for all Hawaiians . . . regardless of blood quantum, socioeconomic and political or religious status — to fan the flames of hope.

As Hawaiians, we should not trust our destinies to a philosophy based on despair. For without hope we shall be nothing more than futile gesture. More and more the Hawaiian community must make themselves knowledgeable about current issues. Recognize and acknowledge that there are very few who have the patience or time to "spoon feed" us. The choice is yours!

If we are to become successful in all of our efforts, we individually and collectively, must assume the responsibility for becoming aware. "I no more time" is a cop out. Equally important is the need for us to learn well our history in order that

we do not repeat the same mistakes. Practice our cultural values that are just as applicable to our present-day situations as they were in the time of our kupuna.

Let us together become more responsible for our families, our kupuna and makua and now, more than ever, our opio. Commit yourselves to re-establishing your families. In these days of dissent and divisiveness, hostility and venom are the highlights of many conversations on the affairs of the nation, state and now OHA.

Today, many work with purposeful enthusiasm to deepen our suspicions and fear of one another under the guidance of self-righteous, and moral indignation. True political power is not achieved by isolating oneself from others but is measured by our ability to enter into alliances and is a measurement of success, not weakness. In my point of view, Hawaiians today are not looking for blind imitations of the political past but are earnestly looking for confirmation and recognition of our ability to contribute.

As we embark on this new sea of political power, the "Hawaiian vote," in search of the rainbow called equality and justice, let us remind ourselves that in our quest we do not impose on others . . . the great stamp of "invalidation."

For those of us who talk unceasingly

about not imitating the way of Anglo-Saxons or western society and then turn around and advocate violence . . . we need to recognize that violence, hate and brutality are basic values of that very society we purport to despise. Not unnaturally, such contradictions reap scorn upon the moral and legal position of the Hawaiian community. OHA's Board of Trustees are committed to protecting your basic rights as successors to the benefits that our ancestors established for us through laws and customs. We cannot do this alone; your commitment, reaffirmation and convictions are needed. In the final analysis, let us remind ourselves and each other that we should never violate that basic value of our culture, that fragile pua called Aloha just because we think we're righteous.

May the great spirit of our kupuna give us strength and wisdom to pull our families together as a beginning, making things right for the future generations.

*A'ole hiamoe
(Do not fall asleep)
Nā po'e o 'Hawai'i
(People of Hawaii)
E ho'omau Kakou
(Stand together)
Aloha kua
(Aloha to you and me)*



Royal Guards stand proud beside the portrait of our beloved Queen Lili'uokalani during the Inauguration Ceremonies of the Board of Trustees at Iolani Palace. Photo by Pipi Wakayama.

Who Are The Trustees?

Oath Of Reaffirmation For OHA Trustees

We, the Trustees of the Office of Hawaiian Affairs hereby reaffirm our commitment to the Hawaiian people. In doing so, we humbly accept the responsibility given us by Nā Po'e O Hawai'i Nei. We will remember and honor God, our Kupuna, Nā 'Aina, Nā Kahakai, Nā Moana, Nā E'a and all the natural elements which sustain and nourish our people.

We hereby commit ourselves to work earnestly with our fellow Trustees in your behalf, to listen with an open mind, to speak with an honest heart and to carry out our responsibilities with wisdom, humility and strength. These things we do solemnly swear . . .

Mrs. A. Frenchy DeSoto

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Trustee from Kaua'i and Ni'ihau
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Trustee from O'ahu
Co-Chairperson, Standing Committee on Education

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Chairperson, Ad Hoc Committee on Education

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Chairperson, Ad Hoc Committee on Reparations

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Trustee from Moloka'i
Chairperson, Standing Committee on Culture

Dr. A. Leiomalama Solomon

Trustee from Hawai'i
Co-Chairperson, Standing Committee on Education

Report From The Administrator



by Edwin P. Auld

I was appointed by the Board of Trustees in December 1980. As the Administrator, I serve as the Executive Officer in charge of implementing the policies and programs developed by the Board of Trustees.

Since assuming this position, my immediate priorities and objectives have been:

- (1) to establish necessary office facilities from which the office can carry out its functions
- (2) to hire staff necessary for the office to establish its programs and plans, and
- (3) to create efficient operating procedures in order that the office can function efficiently.

The office is presently located in the Kawaiahao Plaza at 567 South King St. This site was selected for its central location and close proximity to the Central Municipal District. However, another important consideration was the favorable lease terms extended by the Trustees of the Bishop Estate/Kamehameha Schools. Our present lease agreement allows us the flexibility of growth as we develop while not committing us to a long-term contract if we find it advisable to relocate as early as June of 1982.

I have found the hiring of staff a very enlightening experience as hundreds of applicants have come forth seeking the opportunity to serve the Hawaiian com-

munity with their many qualifications and talents. We have, after much deliberation and consideration, selected staff members who will be a source of pride for the Hawaiian people. Our organization is designed to best serve the Standing Committees of the Board of Trustees. There are eight divisions with various functions as follows:

Administrative Services Division—responsible for supporting our operation administratively and headed by **Mr. Martin Wilson**.

Cultural, Education, Health and Human Resources Division—responsible for supporting the three Standing Committees in developing and implementing programs in these areas. This division is headed by **Mr. William Tagupa**.

Economic Development Division—responsible for supporting our Standing Committee on Economic Development in developing and implementing programs. **Mr. James Moa** heads this division.

Land and Natural Resources Division—responsible for supporting our Standing Committee on Land and Natural Resources and headed by **Mr. Stephen Kuna**.

Governmental Affairs Division—responsible for developing and maintaining OHA's relationships with all governmental bodies, including federal,

state and county levels. This division is also responsible for supporting our Ad hoc Committee on Reparations. **Mr. Francis Kauhane** heads this division.

Planning and Development Division—headed by **Mr. Sam Apuna**, this division is responsible for developing major planning efforts for the office as well as assisting the other divisions in developing plans of action in their areas.

Grants Division—responsible for securing grants from various sources for projects and programs to be conducted by OHA as well as assisting individuals in securing grants for their individual projects. This division is headed by **Mr. Ben Henderson**.

Community Information Division—responsible for the dissemination of information concerning OHA as well as gathering information from local communities relevant to OHA. We presently have Community Information Specialists on each island who serve their individual communities in this capacity. At present, I personally head this division.

The first seven months of OHA's existence have been months of growth, change and adjustment. Now that the office is comfortably situated, the staff is hired and equipment is purchased, we feel confident that we can proceed smoothly to carry out the mandates set forth for OHA in the State Constitution.

COMMITTEE REPORTS



Land and Natural Resources

The overall objective of the Land and Natural Resources Committee chaired by **Rod K. Burgess** is to secure a land base, which will be held in trust by the Office of Hawaiian Affairs for the betterment of conditions of Hawaiians and to protect and advocate land, water and native rights issues impacting upon our people. The members of this committee generally agree on the following:

- The *aina* was the source of the sustenance of Hawaiian culture, tradition and religion.
- In less than 100 years, the Hawaiian people were dispossessed of nearly 90% of their *kupunas'* land.
- As a direct loss of this land, the social and economic effects on the Hawaiian people have been devastating; statistics show that Hawaiians have poor educational and economic opportunities, are at the bottom of income scales and form a majority of the prison population.
- To better the conditions of our people, educational, economic, cultural and religious programs and activities must be developed, advocated and implemented. To accomplish this a secure land base is vital.

Under proposed program objectives, emphasis will be on (1) state lands; (2) federal lands; (3) private lands; and (4) Hawaiian Homes Commission lands.

The primary objective regarding state lands is to insure the maximum level of income derived from ceded lands, and to insure an accurate inventory of ceded lands, both income producing and non-income producing.

Some of the planned activities are 1) to establish a relationship with DLNR which is responsible for the management of ceded lands. 2) to monitor and evaluate the ceded land inventory which DLNR is in the process of developing. 3) to identify unencumbered lands and to study the feasibility of developing lands for agricultural, industrial, commercial, residential and cultural purposes. 4) to research current issues where state lands impact upon the Hawaiian community and 5) to advocate the leasing and usage of these lands by our Hawaiian people because a disproportionate percentage of state lands are leased to Hawaiians.

The primary objective regarding federal lands is to secure and identify surplus lands and to institute programs of economic, religious, cultural and historical value. One of the planned activities is to establish relationships with federal agencies managing and controlling lands such as General Services Administration, the military services and the National Park Service.

The primary objective regarding private lands is to acquire real property interest from private landholdings and to research and advocate for Native Hawaiian and Hawaiian rights. Some of the planned activities addressing this objective is to identify private landowners wanting to assign lands to OHA, to negotiate with them the use of lands for prospective projects, to identify and research long-standing issues such as access rights, adverse possession, water and mineral rights, and to make referrals to the appropriate agencies.

While Hawaiian Homes Commission lands are clearly separate from OHA, the Board of Trustees want to develop a relationship with DHHL which is of mutual benefit to the respective programs. For instance, OHA could negotiate general leases with DHHL for commercial and industrial purposes. Under the law, as amended, DHHL is authorized to negotiate general leases with native Hawaiians or native Hawaiian corporations, providing them an opportunity to enter into commercial ventures by utilizing Hawaiian Home Lands with a latitude far greater than that provided to its lessees of residential and agricultural leases. Another objective is to evaluate and advocate the positions of DHHL to the best interest of their beneficiaries, the Native Hawaiians.

Accomplishments to date are the development of a program to provide legal assistance to our people in the area of defending their ownership to lands in which their interest are being threatened judicially perhaps under "adverse possession" and to assist them in clearing "clouds on title" to lands in which they hold an interest. This program is to be implemented via a grant to the Native Hawaiian Legal Corporation (NHLC) which will provide the legal assistance necessary to address these areas. (Also see related story on page 7).

The members of this committee are as follows:

H.K. Bruss Keppler, Attorney At Law, **Randy Kalahiki**, Legal Aide, Government Community Relations; **Bernard P. Kea**, President, Community Planning; **Ira Hutchinson**, Retired Appraiser for State Government, presently serving as Regional Governor for American Society of Appraisers.



Economic Development

OHA maintains a vested interest in all Hawaiian economic development programs or projects. This vested interest in significant economic wellbeing for Hawaiians is the motivating principle for the creation of the Economic Development Committee. This committee is co-chaired by Trustees **Joseph G. Kealoha** and **Roy L. Benham**.

Besides planning programs for the Hawaiian community, the committee also sees a need to establish contact with agencies of the federal, state, and Pacific island governments. This relationship is important because events occurring nationally and internationally affect the economic conditions in Hawaii.

The purpose of the committee is to systematically investigate all possible means of generating economic prosperity and stability for the Hawaiian community. To accomplish this, the goals of the committee are twofold: (1) to formulate plans that will aid in attaining economic self-sufficiency for Hawaiians and (2) to develop viable and suitable income producing business ventures and investments for Hawaiians.

The members of the Economic Development Community are as follows: **Scott May**, President, Cardinal Mailing Service, **Bill Kahapea**, Branch Manager, Bank of Hawaii; **Bill Chee**,

President, Locations, Inc.; **Walter Yim**, President, Walter Yim & Associates; **T.C. Yim**, Former State Senator and Farmer.

To accomplish the above goals the committee has developed the Business Assistance Program which assists Hawaiians who want to start their own businesses or who wish to expand their businesses. Primarily the Business Assistance Program provides free, personal and individualized service to interested Hawaiians who apply. An in-depth analysis is provided to each new business venture that includes expert guidance in specific areas of business, including but not limited to, management, marketing, production, financial and budgetary matters.

This service offers in addition, sound alternatives, if called for, of sources of funding and offers solutions to some specific and special concerns that are sometimes inherent in the creation of new businesses. While the consultants of the Business Assistance Program cannot dispense legal advice nor can they act in the capacity of loan creditors, it is important to note that advocacy efforts made on behalf of any prospective Hawaiian entrepreneur is a special feature of this program.

All consultants to the Business Assistance Program are volunteers who are currently employed in the financial/business field. All are committed not only to the services this program offers but also to the Hawaiian community.



Culture

The Culture Committee is chaired by Trustee **Walter L. Ritte, Jr.** His advisory committee is comprised of five members of the community: **Rocky Jensen**, Director, Hale Naua III Society of Hawaiian Artists; Native Hawaiian artist, **Kawehi Ryder**, Kalo Farmer, Kahaluu; **Frank Hewitt**, Kumu Hula/Entertainer, Kuhai Halau O Kawaikapu O Kalani Pa 'Olapa Kahiko; **John Dominis Holt**, Owner/Publisher, Topgallant Publishing Company; Hawaii Cultural Research Foundation; **Pauline Joerger**, Assistant Professor Of History, UH Manoa.

This committee seeks to strengthen the ties between Hawaiians and our South Pacific cousins. The concentrated push to solely teach the history and culture of our Western visitors has left us with a serious void concerning our roots and Pacific 'ohana. To expand their awareness of Pacific island lifestyles, on May 8th, Trustee Ritte and three members of the Culture Committee departed Honolulu to New Zealand to engage in meaningful cultural, political and educational exchange with our Maori cousins. This trip was made possible by a grant from the Hawaii Cultural Research Foundation, a private nonprofit organization. (See article on Aotearoa on page 6).

Besides expanding their cultural awareness, the committee members advocate *aloha 'aina*. To that end, they have outlined specific areas of concern for new land use designations called "Traditional Land Use":

- **Forest Management:** Native plants for food, timber, medicine, etc., should be planted.
- **Kula Land Management:** Local hunting for subsistence and not state sport hunting should be supported.
- **Shoreline Management:** To protect valuable makai views, specific shorelines should be kept free of any building obstructions.

The kind of management reflected in the above specific suggestions insures aboriginal gathering rights. Since the State Constitution mandates our rights as

Hawaiians to gather, the committee feels we should plant and manage to have useful things to gather. Another specific suggestion is that existing rivers not be diverted as was done in Hana and Kipahulu, Maui.

This committee has also notified the Board of Trustees of OHA that evidence exists to support the historical and cultural value of Kawainui Swamp, Kailua, Oahu. Grave concerns have also been expressed to Governor **George R. Ariyoshi** about the shortcomings of the State's "Hawaii '82" program.

In addition, this Committee has sent Hawaiian language cassette tapes, cultural information of both historical and current issues, for use in the Hawaiian Language program at the penal institution located in Lompoc, California.

In the future, a series of workshops on Hawaiian language and Hawaiian historical sites, burials, artifacts, the preservation and maintenance thereof, will be sponsored by the Office of Hawaiian Affairs. This committee expects to develop valid Hawaiian language programs and legislation, where necessary, to really protect what is valuable to Hawaiians. It is anticipated that during this summer a workshop on Hawaiian and Native Rights will be held. At present *mana'o* is being gathered from Native Alaskans, Native American Indians and Pacific Islanders. A major thrust of this particular workshop is the hard-core examination of the Hawaiians' inherent rights in the *aina*, water, geothermal, ocean, other minerals and more.

This committee also continues to work closely with the DLNR on the State Historic Preservation Plan to insure that Hawaiians have meaningful input into this plan and that Hawaiians play an integral part in the "implementation" of the plan. Therefore, by the next Legislative session, support from this committee as well as OHA shall be forthcoming.



Health and Human Resources

The Committee on Health and Human Resources has been very active and has met many times. One of its first accomplishments was the selection of an advisory committee. This volunteer committee is made up of individuals who express concern for the Hawaiian community and who possess knowledge and expertise in the health, education, and social welfare fields. The specific purposes of this committee are to develop effective human resource programs and to seek improvement and/or expansion of existing human resource programs for all Hawaiians. At the present time, the committee has identified two major areas of concern. These are crime (its causes and treatment), and employment (economic wellbeing vs. unemployment).

In addition, the committee seeks several goals:

- 1) To systematically inventory agencies and programs in health, social and other services in the state with specific focus on delivery to Hawaiians.
- 2) To investigate why many services are not used by Hawaiians.
- 3) To conduct statewide health education seminars.
- 4) To seek more and suitable childcare centers for Hawaiian children.
- 5) To advocate home centers for the elderly, especially on the neighbor islands.

The statistics on delinquency, as reflected in the State Analysis Center's "Crime in Hawaii" 1980 report, and the purported facts illustrated in the report, show that Hawaiians and part Hawaiians lead all ethnic groups for crimes committed by juveniles in the State of Hawaii. The impact of this report as well as others that have come to the attention of this

committee has demanded that the issue of crime, its roots, its treatment and most important, its prevention become this committee's number one priority.

At the present time efforts are being made to gather data relating to the sociological, economical and psychological causes of delinquency among Hawaiian children. Another major step taken by this committee was to sponsor a brainstorming session on crime that brought together several members of the community who share expertise in crime-related problems. Among those in attendance were Chairperson **Thomas K. Kaulukukui**; Kahu **Abraham Akaka**; Major **Roy Kaaa** of the Honolulu Police Department; **Elaine Mullaney**, Hawaiian Kumu at Oahu Correctional Facility; Judge **Walter Heen**; **Kenneth Ling**, Administrator of the Detention Home; Senator **Dante Carpenter**, island of Hawaii; **Kayo Chung**, former Administrator of the Youth Correctional Center; **Hank Raymond**, Executive Director of the Hawaii Council of American Indian Nations; **Gard Kealoha**, Public Information Officer of Alu Like; **A. Frenchy DeSoto**, Chairperson of the Office of Hawaiian Affairs; **Edwin Auld**, Administrator of the Office of Hawaiian Affairs; and **Gregory Nali'ielua**, Kupuna. The sharing of the mana'o did much to enlighten all. This committee will actively seek means to enhance family relationships.

This committee has also decided to work closely with the OHA Education Committee to jointly develop a program of educational activities that should be included in the curriculum of the new Hawaiian Studies Program. The committee includes: **Malie Mossman**, Teacher and Counselor at Windward Community College; **Danita Aiu**, Director of Kaua'i Historical Society; Reverend **Tuck Wah Lee**; **Kayo Chung**, Former Administrator, Youth Correctional Center; and **Gard Kealoha**, Public Information Officer of Alu Like.



Education

OHA's standing committee on education is composed of four trustees. The committee is co-chaired by **Dr. A. Leiomalama Solomon** and **Peter K. Apo**. Trustees **Thomas K. Kaulukukui, Sr.** and **Roy L. Benham** serve as committee members. Also serving are **Larry Kamakawiwoole**, former staff member, Hawaii Loa College; **Ambrose Rosehill**, attorney; **Margaret Apo**, member, Board of Education; **Mrs. Agnes Cope**, kupuna; **William Waters**, member, Board of Education; **Neil Hannahs**, Assistant to the President, Kamehameha Schools; **Pua'ala McElhaney**, Community Relations, Alu Like; **Darrow Aiona**, member, Board of Education; **Lydia Hale**, teacher, Hawaiian Language/Kaaawa Elementary School; and **Earl Kawaa**, student, University of Hawaii.

The committee has concluded that existing educational programs and services are unresponsive to the fundamental needs of Hawaiians. Although an increasing number of Hawaiians through sheer determination are making their way through the existing maze of educational programs, this number remains alarmingly small. Thus a strong foundation of meaningful programs and services that are responsive to the unique educational problems faced by the average Hawaiian must be established. We propose to launch a two-pronged effort. One effort is to advocate for Hawaiians for better public education and the other effort is to provide direct services to them.

To be successful advocates, we need the support of such bodies as the Office of the Governor, the State Board of Education, the Department of Education, the

Hawaii State Legislature, the Board of Regents of the University of Hawaii, and the United States Congress. Even limited support from these major decision makers could result in: significant improvements in the educational system; additional appropriations for developing quality Hawaiian programs and services; the appointment of more Hawaiians within the educational network and; the additional hiring of Hawaiians to direct programs and services.

The general goal or "purview" is that the Education Committee shall be an advocate of and focus its concern on the planning, improvement and implementation of all education opportunities for Hawaiian children and adults. This is supported by the following four objectives:

- (1) To assure that Hawaiian and Native Hawaiian youth have access to primary and secondary level education experiences that are responsive to their needs.
- (2) To provide Hawaiians and Native Hawaiians with increased access to meaningful higher education and post-graduate education.
- (3) To promote the study of Hawaiian culture, history and language.
- (4) To assure the development and implementation of a Hawaiian education program as mandated by Article X, Section 4 of the Hawaii State Constitution.

Two subcommittees have been established to deal with the initial planning process. One subcommittee chaired by **Dr. Leiomalama Solomon** will develop a master education plan while the other chaired by **Peter K. Apo** will develop short range projects to provide some initial direct benefits to the Hawaiian community.

To formulate this master plan, providing funds are available, meetings will be held throughout the state to gather community input. In addition to this, we will also refer to research done on the educational needs of the Hawaiian community.

In summary, the Education Committee is proceeding cautiously in their long range planning. At the same time we are hoping to offer some direct services as soon as possible. In the meantime, we hope to have continued support from the Hawaiian community.



Ad Hoc Committee On Education

There are at present only two ad hoc committees created by the Board of Trustees. An ad hoc committee is usually created to address singular issues or problems. The life expectancy of an ad hoc committee is as long as the problem or issue demands attention.

OHA's Ad hoc Committee on Education chaired by Trustee **Roy L. Benham** has as its explicit task a liaison function between the federally created Advisory Council on Native Hawaiian Education (P.L. 96-374, 20 USC 1221-1) and the Hawaiian community. In addition, this ad hoc committee provides the vehicle to actively monitor, on behalf of Hawaiians, the specific goals of this Advisory Council. This task is exceedingly important in view of the fact that if the Congress of the United States determines through the council's findings that existing federal, state and local programs fail to satisfactorily address basic and special educational needs of Hawaiians, then it is entirely possible that additional federal funds will be allocated for this purpose.

At present there are five goals of the Advisory Council. Collectively, these goals 1) seek reasons for a low level of educational attainment among Hawaiian children; 2) seek causes for this lack of attainment; 3) seek to specify any unique health, social and psychological needs of Hawaiian children that account for a lower level of educational attainment; 4) seek to evaluate the effectiveness of state and

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federally assisted educational programs that serve Hawaiian children; and 5) seek to make specific recommendations to Congress and the Hawaiian community on how to achieve educational parity for Hawaiians with other ethnic groups.

Congress has allocated \$400,000 to be administered by the U.S. Department of Education, to this Advisory Council to achieve the above five goals. OHA's Ad hoc Committee on Education shall work closely with the Advisory Council and take an active role in sharing with the Hawaiian community the progress of this council.



Ad Hoc Committee On Reparations

Late in December of 1980, Congress established a Native Hawaiian Study Commission. Because OHA has a mandate to protect and advocate the best interests of Hawaiians, it set up an Ad Hoc Committee on Reparations to maximize full participation of the Hawaiian community in the Commission's work. To that end, in January letters were sent to prospective committee members. By March the Committee was formed with ten members: **Louis Agard**, Hawaiian organizer; **H. Rodger Betts**, Attorney, Corporation Counsel of Maui; **John Charlot**, Professor of Hawaiian Religion, UH-Manoa; Rep. **Kinau Kamali'i**, House Minority Leader; **Melody MacKenzie**, Staff Attorney, Native Hawaiian Legal Corporation; **Shorty Olayan**, Salesman, 3M Company; **Bernard Punikaia**, Organizer, Save Hale Mohalu; **Winona Rubin**, Executive Director, Alu Like; **Jon Van Dyke**, Professor of Law, UH-Manoa Law School; **Gregory Nali'ielua** (Papa Kala) Kupuna.

The first order of business for the Ad Hoc Committee on Reparations was to respond to President Reagan's March 10 dismissal of the Commissioners on the Native Hawaiians Study Commission. The committee met to discuss the possible course of action for OHA in advocating the necessity of the Commission before the President. A memo discussing the legality of the President's act also developed from the meeting. Political ac-

tion was planned through Hawaii's Congressional representatives, the Governor, the State Legislature and the mayors of four county governments, as well as through a press conference to advise the public. With appreciation, OHA received letters of support from all of the above; in addition, the State Legislature issued a Joint Resolution reaffirming the need for the Study Commission. The public also responded favorably, with letters of support coming from the United Japanese Society, Association of Hawaiian Civic Clubs, Oahu Canoe Racing Association, Hawaiian Businessmen's Association, and Democratic Party of Hawaii, among others.

Although OHA pursued the possibility of legal recourse, the committee decided to wait to see whether President Reagan would appoint another set of commissioners. Acting on the assumption that the President would, OHA sent a list of recommended names of possible Hawaii representatives to fill the three Hawaii slots. This list was carried to Washington D.C. With assurances that the Study Commission would be restored, the Ad Hoc Committee proceeded to plan for a good working relationship with the Study Commission.

The committee's primary job is to focus the Commission's work on reparations for Hawaiians. It is also particularly concerned about raising the public's awareness and understanding of the Commission and its work. To that end, various media programs are being developed to educate the public — programs such as documentaries, fact sheets, and so forth.

Plans are also being made to assist the Commission in its work, particularly during the fact-finding period. For instance, OHA will present testimony to the Commission that will clarify the legal and historical background of the overthrow of 1893 and its effects. OHA will also assist in seeking testimony from the Hawaiian community, especially from our kupuna.

However, before planning more specific projects, the committee will define its relationship with the Commission and will present its goals before the Board of Trustees. After the Board approves the goals, then more specific and concrete plans can be made.



Inauguration Ceremonies at Iolani Palace on January 17, 1981 of the nine elected members of the Office of Hawaiian Affairs Board of Trustees. Photo by Pipi Wakayama



Te Reo Maori — A New Lease On Life

MAURI TU, MAURI ORA
MAURI MOE, MAURI MATE

*The active spirit lives
The sleeping spirit dies*

One hundred years ago all Maoris spoke their native language. Today perhaps 10 percent of Maoris speak Maori as a first language. How this change occurred, what is being done about it, and what may happen in the future is the subject of this article.

The first real assault on the Maori language occurred in the late 19th century with the passage of the Europeanization Act by the colonial government. The act sought to promote the "civilization" of Maoris by replacing their native language with English. The primary emphasis was through the schools where several generations of Maoris were physically punished for speaking Maori at school.

It was not until the 1930's and 1940's that the Europeanization policy began to succeed. Young Maoris were brought up to believe that speaking Maori "would not get them a job." These people became part of the Maori urban migration that occurred in the 1950's.

The movement to the cities of large numbers of Maoris seeking jobs brought the two New Zealand races and societies

into closer contact than had occurred previously. For Maoris, English became not just the language of the school but also of the factory, the public bar, and eventually the home, particularly as interracial marriages became more common.

The children of these city Maoris grew up speaking little or no Maori at home and none at school. On leaving school many found that speaking only English was no guarantee of a job; Maoris were generally the last hired and the first fired at any job site. The result was a rootless generation of second class citizens, condemned by the color of their skin and not knowing what it was to think, speak or be Maori.

In 1970 a group of young Maoris in Auckland formed *Nga Tamatoa* (the young warriors) to confront the *Pakeha* (European) society with Maori issues, particularly those of land and language. The university education and training of group members, combined with their use of protest tactics led to their being abused by the authorities and criticized by older, more conservative Maori leaders.

An early project of *Nga Tamatoa* was the organization of a nationwide petition on Maori language by group member **Hana Mere Jackson**. The petition sought to have Maori language taught in New Zealand schools at the primary level. The petition, with over 30,000 signatures, was presented to Parliament on September 14, 1972, the first National Maori Language Day (later becoming National Maori Language Week).

Part of *Nga Tamatoa's* language program was to train fluent Maori speakers to teach the language in schools. Skillful Maori teachers and teacher trainers trained the experts on Maori language - elders who often had little formal

education - to teach Maori. This very successful program was eventually taken up by the government, although only for secondary schools. Thus the number of students learning Maori in schools gradually grew in the 1970's as more teachers were trained.

Maori is now being taught in a number of secondary and some primary schools throughout New Zealand. However, confining the language to the classroom for grades and exams threatens its survival. To counter this threat, a number of parallel initiatives taken by the Government and by Maoris themselves seem likely to insure that this textbook Maori will be accompanied by plenty of activity in Maori society "to talk Maori about."

In education the government has initiated a bilingual education project at Ruatoki (in the Bay of Plenty), where Maori is still the first language for the children. The children are taught in Maori and taught English as a second language only, rather than expecting them to learn reading, writing and arithmetic in a new language from their first day at school.

The Maori Affairs Department has also initiated the *Tu Tangata* program. One of the program's activities is to take young Maoris from the city back to their tribal roots and introduce them to their heritage. Local tribes have cooperated enthusiastically with the project, with elders teaching their *mokopunas* (grandchildren) about arts and crafts, tribal history, and the land.

Finally, many tribes have entered the business world, establishing land corporations, farms and factories. For example, in 1952 the *Whakatohea* tribe was granted a \$40,000 cash settlement in recompense for 143,870 acres of land confiscated by

the government last century. For 25 years this has been used to buy farm land. More recently the Tribal Trust Board, which administers the holdings, branched into industry and built two factories which employ tribe members in *Opotiki*. Coupled with these activities has come redevelopment of the *maraes*.

Maoritanga (Maori identity) and Maori language are intimately related with these exciting developments. Children entering schools today will find when they leave that Maori language learned in school will be essential if they wish to move freely in Maori society.

What of the future? The assault by the monoculture has been slowed but by no means stopped. Nevertheless, the next few years promise rapid developments as Maori society goes out and creates its own opportunities rather than waiting for concessions to be handed out. Recognition of the Maori language as New Zealand's second national language by the year 2000 is a realistic goal.

By that time possibly 30 percent of the New Zealand people will be of Maori descent. A large proportion of these will speak Maori, at least as a second language. A goodly proportion of non-Maori society will also have learned the language, both inside and outside the schools. The ability to speak Maori will thus be a part of life for many, if not most, New Zealanders, and that fact will have to be recognized at the national level.

Bioline: Michael Walker is part Maori descent and is a member of the Whakatohea tribe from the eastern Bay of Plenty in New Zealand. He is currently at the University of Hawai'i where he is studying for a PhD in Zoology on an East-West center scholarship.

Puna Hui Ohana: Geothermal Energy

By Everett "Sonny" Kinney

The *Puna Hui Ohana* is a private non-profit "umbrella" organization providing leadership, support and guidance to all of its member groups in lower Puna on the Big Island. The purposes of *Puna Hui Ohana* are:

- 1) To provide a cohesive network of Hawaiian organizations who lend continuing support to one another;
- 2) To be a spokesgroup for the Puna community Hawaiians and to act as a united voice on any community issue;
- 3) To act on behalf of Hawaiians, specifically as advocates for the community. The hui also aims to eliminate the economic and political barriers that prevent Hawaiians from achieving "the independence and self-sufficiency once enjoyed by their ancestors."

The Hui has spent much time assessing the needs of the Hawaiian community and has actively generated appropriate programs to meet some of these existing needs. For instance, they would like to preserve and perpetuate traditional Hawaiian culture. Thus, as an "active agent," the *Puna Hui Ohana* is concerned with the overall environmental and economic impact of geothermal energy now being explored and developed in lower Puna.

The Hui is carefully considering the potential widespread environmental losses that could occur in their community with a geothermal energy industry. In fact, most members in the organization view geothermal energy as "environmentally dangerous." In danger of being destroyed are the traditional places for food gathering and the unique and valuable areas where herbs and medicinal plants are protected and gathered. Development and growth in this industry can result in a "population explosion" and competition for space between the Hawaiian and others.

At the same time, there does exist a "positive" side to this industry and that is simply one of economics. This industry will provide jobs. The Hui is committed to

encouraging and developing jobs to keep the *opio* from leaving "the day after high school graduation" and would like to insure jobs for their *opio*. Another benefit of a geothermal energy industry is the development of an alternative resource valuable for both the island of Hawai'i as well as the entire state. It can relieve dependency on foreign oil and fossil fuel.

Therefore, geothermal energy is helpful because it is a means of resolving economic depression in the area, but it remains threatening to the environment and *'aina* which is the sustenance of "our being." The question remains: Does one exclude the other?

The Geothermal Project in Puna is a monstrous one, possibly involving 15-20 square miles of area with approximately 200 wells that could be drilled. Developers claim they understand the social and economic impact that could occur on this Hawaiian community. On the whole, relationships have been friendly and cooperative. At present 24 permits have been issued but only one company has drilled any wells. It waits to be seen if "cooperative and friendly" relationships continue once heavy drilling and more companies become involved.

The Hui basically believes that the geothermal resource belongs to the Native Hawaiian. While this is the preference, there is a concern that while the resource may belong to the Native Hawaiian, the land may not. And those Hawaiians who do in fact own the land may not, in fact, have mineral claims to that land. A possible alternative, would be to have the state collect their royalties to geothermal energy from this industry, and place the proper percentage of monies into OHA as their portion of the public land trust fund. Therefore, by law, the Native Hawaiian will be in the end the beneficiary.

The *Puna Hui Ohana* seeks to harmoniously balance that which can be culturally preserved and protected with the serious responsibility of planning that which is economically practical for the survival of their community.

A Visit to Aotearoa

by Trustee Walter L. Ritte, Jr.

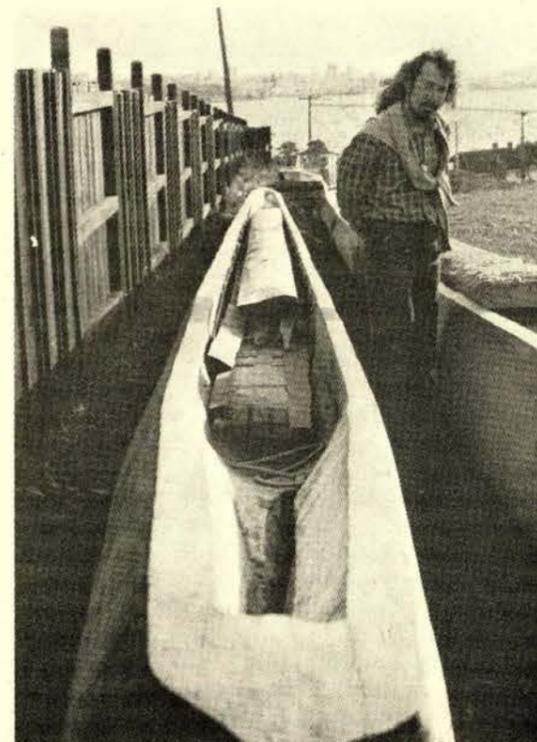
When I have thoughts of our three week trip to Aotearoa or New Zealand, the feelings run deep, a warm swelling in my *na'au*, a closeness, a dampness comes to my eyes. There is no doubt in my mind that the Hawaiians and the Maoris are of the same ancestors, the same people. The language is uncannily similar. Hawaiians look like Maoris. In a crowded room you can't tell them apart.

The lands consist of beautiful rolling green pastures, dotted with white sheep. Much of the Maori lands have been lost, through confiscations by the English and European. The dominant people are now the European called *Pakeha* (our equivalent to haole) with only about 400,000 Maoris in a population of three million. Like the Hawaiian, the Maori makes up too high a percentage of the population of prisons, unemployed, educational dropouts, etc., and existing programs and agencies have done little to help.

In many ways the Maori cultural basis is a lot broader and stronger than the Hawaiian. There is a strong resurgence or awakening reflected in their songs and dances, arts and crafts; intense interest in speaking their language; heightened activity in their history, Maori Rights, and Land Tenure. The push is to rebuild upon the strength of their culture and to move out of the cities and back into the rural country areas.

Like the Hawaiians, their lineage chants speak of Papa (Mother Earth) and Wakea (Sky Father) and of their seven canoes coming from *Hawaiki*. Most important I felt the deep essence to be the same, the *Aloha* was as one; it was the myriad of little things and mannerisms which through interaction locked us all in as being of the same place.

Note: Accompanying Ritte to New Zealand were Kunane Nihipali, Kawehi Ryder and Frank Hewitt. Our thanks to the Hawaii Cultural Research Foundation for sponsoring this trip.



Frank Hewitt stands between two 70-foot hulls of an unfinished canoe that will be navigated by Maoris from Tahiti to New Zealand. Using the stars to navigate this expedition the Maoris hope to accomplish the second leg of a Pacific voyage that began with the *Hokule'a*.

Note: We will be inviting individuals to write articles on topics of interest to all Hawaiians. In this issue we have invited comments on a land problem, a community concern, a legislator's point of view and a Pacific island issue.

The 'Aina: Adverse Possession

by Boyce Brown

With this first issue, the Office of Hawaiian Affairs introduces what will be a regular feature. The 'Aina column will be devoted to legal, legislative and historical matters touching on the subject of land ownership and land use by Native Hawaiians.

As the Office of Hawaiian Affairs was being organized, the trustees recognized that because there are so many areas of concern to Native Hawaiians which need attention, some priorities had to be established. One area of concern which the surveyed Native Hawaiians consistently put high on their list was the continuing loss of their lands through various legal devices.

Ever since the Great Mahele in 1848, when Hawaiians first began to acquire fee title to lands granted to them by the King, Hawaiians have been losing title to their lands because of their lack of familiarity with non-Hawaiian legal concepts of land ownership and court procedures. Unfortunately, for the last century, non-Hawaiians who were very familiar with such legal concepts and procedures have used them to take the land from Native Hawaiians.

One of the foreign legal concepts which was introduced into Hawaii law and which has been used time and time again to take land from Native Hawaiians is the legal concept known as ADVERSE POSSESSION.

The first adverse possession law in Hawaii was passed in 1870 and, in amended form, the law is still in effect. This law has the effect of giving the title to a piece of real property to anyone who takes actual possession of the property and openly controls and uses it for twenty years, and prevents others from coming on or using the land without permission.

Until 1973 the statutory period for adverse possession was ten years. In 1973 the period was increased to twenty years and in 1978 the new Hawaii State Constitution also limited adverse possession claims to parcels of five acres or less. However, if someone qualifies under the previous adverse possession law, then the limits do not apply. For example, if someone had been in adverse possession for ten years prior to 1973, when the law was passed increasing the statutory period

from ten to twenty years, that person would not have to wait another ten years before he or she could assert title by adverse possession. Likewise, if someone met the twenty-year requirement for a parcel of land larger than five acres before the 1978 Constitution limited the use of adverse possession to parcels of five acres or less, he or she will be allowed to claim title to the larger parcel. Deciding whether or not the legal requirements were met before the law changed usually requires a trial.

Just claiming title to land for the statutory period is not enough. The adverse possessor's claim must be asserted in an "open and notorious" fashion. In other words, the claim to ownership of the land cannot be made quietly or secretly. It must be made publicly so that anyone who tries to find out who owns the land would find out that it is being claimed by the adverse possessor. Usually the adverse possessor must be in physical possession of the land and must use it. These rules sound simple, but what has often happened in the past (and is still happening today) is that a

Kuleana may be completely surrounded by a larger parcel. If the larger surrounding parcel is fenced, or even if it isn't and the owner of the larger surrounding parcel denies access to the *Kuleana*, then the owner of the larger parcel can claim that the *Kuleana* is in his possession and use, and that his claim to title is being asserted openly and notoriously. Many *Kuleanas* have been lost because they simply were "swallowed up" by the larger surrounding parcel and the *Kuleana* boundaries could no longer be determined.

This is, of course, only one, fairly simple example of how adverse possession works and how *Kuleanas* are lost. Only a few of the numerous rules and variations on the rules of adverse possession have been discussed. What should be clear, however, is that the legal advantage is with those who know those rules and can afford surveyors, title searches, and lawyers. Unfortunately in the past the odds have been stacked against Native Hawaiians, who lacked the advantages. OHA is determined to change this situation and has made saving Hawaiians' land one of its highest priorities.

OHA Takes Major Step to Help Hawaiians With Land Titles

Confirming their commitment to help Native Hawaiians establish a secure land base, the Office of Hawaiian Affairs has awarded a grant to the Native Hawaiian Legal Corporation to not only assist Native Hawaiians in defending their land titles but also to help them legally clear title to their lands by suing persons who are trying to adversely possess them. In the past many native Hawaiians have lost their land, not because they didn't care but because they didn't understand the legal technicalities involved in Quiet Title Actions. To help counter such actions, the Committee on Land and Natural Resources, chaired by Rod K. Burgess, introduced a proposal to the Board of Trustees known as the Native Hawaiian Land Title Project. The Board of Trustees approved the allocation of funds to establish this project.

To understand the significance of this project, one must understand that a QUIET TITLE ACTION is a lawsuit where

adverse possession and other claims to title are asserted. (See "The Aina" article on adverse possession.) In such a lawsuit, the person who files the lawsuit (known as the "Plaintiff") claims all or a part of the title to a specific piece of land, and the person who is being sued (known as the "Defendant") may also claim or have an interest in the real property. The purpose of a quiet title action is to determine who owns what interest in the real property. Sometimes the plaintiff's interest in the land was acquired by buying it from a previous owner and sometimes it may have been acquired by buying it from a previous owner and sometimes it may have been acquired by the plaintiff by inheritance when a parent or relative died. However, in almost every quiet title action, adverse possession is asserted as at least one of the sources of the plaintiff's claim to title.

If someone is named as a defendant in a quiet title action, that defendant must prove that he or she has an interest in the

title to the real property or risk having the Court determine that the defendant has no interest in the property. If a defendant who is served with such a lawsuit does nothing to respond to the lawsuit in court, the defendant usually loses his or her interest in the land to the plaintiff who filed the lawsuit, even if the defendant's claim is strong and the plaintiff's claim is weak. For a defendant to effectively respond to the lawsuit, the defendant needs a lawyer. For the lawyer to effectively represent the defendant, the defendant needs a title search to help prove the defendant's interest in the land. Unless the defendant acquired his or her interest in the land by a deed from a previous owner, the defendant also needs a genealogical study and witnesses to prove that parents or relatives owned an interest in the land which was inherited by the defendant.

The defendant may be able to put together a genealogical chart but lawyers and title searchers cost money. Sadly, many Native Hawaiians do not have the money that is necessary to pay lawyers and title searchers to defend their title.

OHA intends to do something about this situation by working with the Native Hawaiian Legal Corporation, a non-profit corporation formed several years ago to address legal problems affecting Native Hawaiians. Anyone who desires this help should prepare now by gathering information required to defend or assert title to land.

The first thing is to prepare a genealogical chart showing all relatives living and dead. The chart should show their relationship to the interested person and to each other; it should include all of the names the relatives have used (for example, maiden and married names) and their dates of birth and death; it should indicate whether relatives are still alive, and if so, where they live.

A genealogy should also include a list of all living brothers and sisters, the children of deceased brothers and sisters, grandparents and great grandparents, their brothers and sisters, and their husbands and wives.

A person who wants to prove title must gather all legal papers relating to the piece of property, and obtain a copy of the wills of deceased relatives who may have had an interest in the property. If the estate of any deceased relative who may have had an interest in the property went through the probate court, the person must get copies of the legal papers filed in the probate court. With all of this information and the title search, the lawyers' work will be easier, and chances of proving and defending title to the land will be greatly increased.

Finally, a person should call or walk in to the Office of Hawaiian Affairs for more information. OHA is located at 567 S. King Street in the Kawaihau Plaza, Suite 100, and the phone number is 548-8960.

An Editorial on Reparations

In 1893 President Cleveland stated to the U.S. Congress that the U.S. Government committed itself to what was clearly an act of war without Congressional authority by participating through its diplomat in the overthrow of the Kingdom of Hawaii. This statement was made in light of the urgency expressed by Queen Lili'uokalani to restore her throne. President Cleveland further urged that Congress uphold its honor and sense of justice by providing "reparations" through all possible means.

In 1980, eighty-seven years later, U.S. Congress enacted the Native Hawaiian Study Commission to study: (1) the culture (2) needs (3) and concerns of native Hawaiians. This is a far cry from the "Reparations Commission" envisioned by Louise Rice and A.L.O.H.A., and that which was advocated vehemently by President Cleveland. Clearly, the Native Hawaiian Study Commission is a political compromise. The issue of the illegal overthrow and reparations were purposely deleted to assure passage of the Commission's enabling legislation. Now what?

Will the Native Hawaiian Study Commission's purview include the illegal overthrow and reparations? Is it realistic to think that the U.S. Government of 1981 will repair illegal wrongs committed against aboriginal Hawaiians in 1893? Will the U.S. Government provide another opportunity to resolve these issues? These are some of the gut questions that must be answered. OHA's AdHoc Committee on Reparations is in the process of identifying such issues. It is operating under the assumption that the illegal overthrow and

reparations should be within the purview of the Commission irrespective of who President Reagan intends to appoint. This assumption is reviewed as a logical and necessary approach to thoroughly understanding the plight of aboriginal Hawaiians in contemporary Hawaii.

Initially, President Reagan saw the Native Hawaiian Study Commission as suspect in light of President Carter's appointments to the Commission during the final days of his administration. Before the nine commissioners were able to organize their first meeting, President Reagan discontinued their services. However, through the efforts of Representative Kinau Kamali'i and the other members of OHA's Ad Hoc Committee in Reparations, President Reagan reconsidered his initial view towards the commission, and indicated that he intends to appoint the commission. The question is when? The law states that the President shall call the first meeting of the commission within 90 days of its enactment — March 22, 1981. The president is clearly in violation of this Congressional mandate.

As an indication of President Reagan's posture towards minorities, on June 29, 1981, President Reagan, in a major address to the NAACP, stated that "Government is no longer the strong draft horse of minority progress. I ask you if it is not the time to hitch up a fresh horse to finish the task." Where do aboriginal Hawaiians fit into this scenario? Is President Reagan intimating that native Hawaiians, as a minority and aboriginal people, cannot expect the support of his government?

OHA: Beacon of Light for All Hawaiians

by Senator Milton Holt



Three years ago, great individuals signed a state constitutional amendment which created the Office of Hawaiian Affairs. This moment served as a beacon of hope to thousands of Hawaiians who have been frustrated by the inaction of the American government in recognizing and rectifying the wrongdoings that led to the fall of Queen Lili'uokalani. OHA came as a joyous end to the darkness.

For many years, the Hawaiian has struggled for economic and educational opportunity without the assistance of a government agency directly accountable to him. Now the Hawaiian has OHA. But, we must remember that the Hawaiian is still not saved.

The Hawaiian oftentimes is forgotten by the progressive American society and finds himself an exile in his own land. Of course, the Hawaiian is lauded as a great entertainer, a great water sportsman, a great lover, and a natural aristocrat, royally blessed. But these consoling myths do not

conceal the plight of the Hawaiian and his struggle for social justice.

Even with the difficulties of today and tomorrow, there is hope that the Hawaiian will find salvation from social injustice. There is hope that one day every Hawaiian will be a college graduate. There is hope that one day no Hawaiian will have to stand in the unemployment line. And there is hope that one day every Hawaiian family will own its own home.

This dream of salvation is founded on the belief that the Hawaiian will one day control his own destiny. That day is here. We now have OHA. OHA is the only agency in Hawaii that is capable of bringing the Hawaiian dream to life. With proper leadership and guidance, its potential is unlimited.

Now is the time for all Hawaiians to exercise their right and fulfill their responsibility to each other. Now is the time for all Hawaiians to collectively channel their energies towards a commonly agreed upon goal. Now is the time for all Hawaiians to follow the trails of opportunity up the mountains of success. Go forward with OHA. *Imua*, OHA.

ISLAND NOTES

The Office of Hawaiian Affairs expresses a sincere mahalo a nui loa to all the island staff members of **Alu Like** who have given office space, equipment use, support and ALOHA to our Community Information Specialists and island Trustees.

HAWAII. Residents are voicing several concerns to the island Trustee and Community Information Specialists. These include pursuing Federal education grants that will encourage the teaching of Hawaiian language, culture and history throughout the educational system, calling for a complete inventory of all ceded lands by DLNR, designing a health care system that reaches directly into the communities, reviewing konohiki rights, fishing, water and access rights among others. The CIS's have also been busy participat-

ing as guest speakers for individual Hawaiian groups, community organizations, at conferences and workshops as well as on several radio programs.

KAUAI. The CIS' activities include speaking engagements about OHA and its role in the Hawaiian political process to graduating seniors at Kapaa High School, participating in activities at Kauai Community College . . . continuing efforts aiding residents to understand issues such as adverse possession and other significant land issues . . . fun activities such as the Makahiki Celebration in Hanalei and the Kamehameha Day Parade . . . The CIS continues to attend Kauai Council meetings as well as public hearings on land use in an attempt to gather information and share that information with the residents.

Na Waiwai O Ke Kai-81 Coming Up

A wide variety of ocean activities are planned for The Hawaii Statewide Ocean Conference to be held out on the Waianae Coast, August 1-8. Coordinated by the Aina Ko'e Foundation and the UH Sea Grant College Program, Na Waiwai o Ke Kai-81 will feature workshops, demonstrations, displays, forums, talk-story sessions on ocean related topics like economic development, recreation, subsistence living, education, energy, law, and conservation. There will be many media events and activities targeted for all age groups including contests like a fish drawing one for the keikis. The conference is free but a \$5.00 tax-deductible contribution to Aina Ko'e Foundation, a non-profit organization, will be appreciated.



Interested Hawaiians participate in a community meeting, Waimanalo, May 22, 1981.

MEETING SCHEDULE OFFICE OF HAWAIIAN AFFAIRS

August — October 1981

Date	Type	Location
August	6 Economic Development Standing Committee	O'ahu
	Education Standing Committee	O'ahu
	Culture Standing Committee	O'ahu
	Land & Natural Resources Standing Committee	O'ahu
7	Health & Human Resources Standing Committee	O'ahu
	Board of Trustees' Meeting	O'ahu
September	3 Economic Development Standing Committee	O'ahu
	Education Standing Committee	O'ahu
	Culture Standing Committee	O'ahu
	Land & Natural Resources Standing Committee	O'ahu
4	Health & Human Resources Standing Committee	O'ahu
	Board of Trustees' Meeting	O'ahu
October	1 Economic Development Standing Committee	Moloka'i
	Education Standing Committee	Moloka'i
	Culture Standing Committee	Moloka'i
	Land & Natural Resources Standing Committee	Moloka'i
3	Health & Human Resources Standing Committee	Moloka'i
	Board of Trustees' Meeting	Moloka'i

Board Meetings are open to the Public.

Additional committee meetings are held at the option of the chairperson of each committee, subject to the approval of the chairperson of the Board of Trustees.

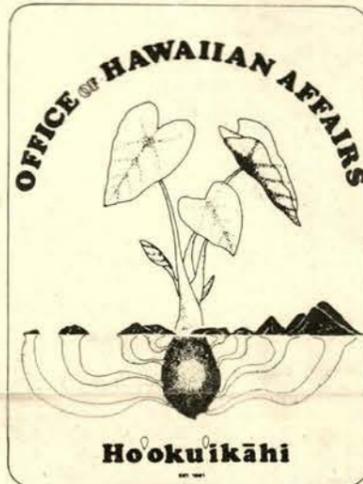
Call the OHA office if you wish to participate in any of the above meetings or for specific time and location of all scheduled meetings. Telephone: 548-8960.

MAUI. After training on Oahu, the Community Information Specialist began in earnest a letter writing campaign to introduce herself as OHA's island staff member to public officials, Hawaiian organizations and groups, other public as well as private agencies . . . The CIS has also been very active registering Hawaiians for the 1982 OHA and General Elections. At present she is seeking volunteers to help with the registration process. . . . The CIS reports that she has personally been touched by the warm reception received from community residents and has been able to meet several Hawaiian women who have rekindled interests in the arts and crafts—kapa making, quilting, the lomi lomi and others. This strong interest in the preservation and perpetuation of the Hawaiian arts will prove invaluable to OHA and its specific mandates for our cultural endurance.

MOLOKA'I. Activity has been concentrated on specific issues and concerns brought to the attention of the Community Information Specialist as well as the island Trustee. Some of these concerns include aiding interested taro farmers in finding methods of expanding taro by-products, supporting aquaculture activities, investigating avenues to save

land parcels placed for public auction by the State due to landowners' inability to pay back taxes, working with homesteaders to find expeditious means of solving individual land problems . . . Working with the Moloka'i Citizen's Advisory Committee has allowed a closer scrutiny of what should happen to protect the island's fragile environment, including finding means to insure the protection of existing shorelines, agricultural lands, natural resources . . .

O'AHU. A major effort to register Hawaiian high school seniors for the 1982 OHA and General Election was undertaken by the Community Information Specialists. This was done in conjunction with the staff of both the Lt. Governor's Office and the City Clerk's Office. The registration drive was highly successful and will be activated again in the fall as the new school year begins . . . The three CIS's continue to spread the word of OHA and its activities. An important aspect of their work has been to meet and share mana'o with other Hawaiian organizations, both public as well as private, and grassroots, community agencies. Presentations have taken place to inform Hawaiians in various labor organizations and tourist-related industries of the impact of OHA and the work of the Trustees . . .



REQUEST FOR PROPOSALS

The Office of Hawaiian Affairs is pleased to announce the establishment of a new 'Ii'li Grant Program. 'Ii'li Grants are available for Native Hawaiian* individuals or organizations whose services benefit native Hawaiians. The maximum amount available for each award is \$1,000.00.

**APPLICATION DEADLINE:
August 14, 1981**

**PROJECTS APPROVED BY:
September 30, 1981**

The Office of Hawaiian Affairs is the principal public agency in Hawaii responsible for the performance, development and coordination of programs and activities relating to Native Hawaiians and Hawaiians. OHA will award \$50,000 in grants to eligible individuals or organizations to support short-term projects of activities relating to one of the following major program areas — land and natural resources, economic development, education, Hawaiian culture, and health and human resources. Approximately \$10,000 will be available in each program area.

To obtain application instructions and further information, please contact the OHA office at 548-8960. Neighbor island residents may call collect.

*Native Hawaiian means individuals with 50% or more Hawaiian blood.

OFFICE OF HAWAIIAN AFFAIRS
567 So. King Street
Honolulu, Hawaii 96813

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