On Tuesday, September 22, 2020, the Maui County Council Governance, Ethics and Transparency committee will hear the resolution URGING THE NATIVE HAWAIIAN CONVENTION TO CONVENE A WORKING GROUP TO CREATE HAWAIIAN NATIONALITY AS A PROTECTED CLASS FOR PURPOSES OF HAWAII’S ANTI-DISCRIMINATION LAWS (GET-58)Their meeting starts at 9:00 a.m. and they have several items on the agenda to consider.

Phone testimony: 1-408-915-6290, meeting code 551 273 481  
Video testimony: https://bluejeans.com/551273481  
View live: Akaku, Channel 53 or mauicounty.us/agendas

The chair of the committee is Mike Molina and office contact information:  Email [-mike.molina@mauicounty.us](mailto:-mike.molina@mauicounty.us).  Phone (808) 270-5507.

Correspondence from Mayor 08-28-2020  
The purpose of the proposed resolution is to urge the Native Hawaiian Convention to convene a working group to develop recommendations and strategies to create Hawaiian nationality  
as a protected class for purposes of Hawaii’s anti-discrimination laws.

The Committee may consider whether to recommend adoption of the  
proposed resolution, with or without revisions. The Committee may also  
consider the filing of County Communication 20-355 and other related  
action

My written testimony follows:

Title of Senate Resolution 159:

Urging the Native Hawaiian Convention to convene a working group to develop recommendations AND STRATEGIES TO CREATE Hawaiian nationality as a PROTECTED CLASS FOR PURPOSES OF HAWAII'S ANTI-discrimination LAWS.

The Native Hawaiian Convention (Aha Hawai`i O`iwi) is a publicly elected body by Native Hawaiians from throughout Hawaii and the world in the mid 1990’s, sponsored by the Hawaii Legislature and the Office of Hawaiian Affairs, to make recommendations to the Hawaiian constituents of a Native Hawaiian form of governance. The convention, after several years of meetings, was not refunded by the Legislature or OHA and has since remained in recess. Its Executive Officers chosen under its established rules and regulations are Poka Laenui, Dante Carpenter, Glen Oamilda and the late Nalani Gersaba. This convention is made up of U.S. citizens and Hawaiian Nationals, of kupuna and `opio now becoming makua. They represent every island as well as the American continent. They include public officials, established leaders in Hawaii, and those in Hawaiian protest movements.

Hawaiian Nationals have been in Hawaii from the formation of the nation-state during the reign of King Kamehameha I. Today our numbers are growing as the awareness of our history, our legal rights under Hawaiian law and international law are becoming more fully understood, and as the culture of these islands are being revitalized. Every person who claims to have Hawaiian blood and everyone who claims an ancestor who had been a citizen of the Hawaiian nation has ancestors who were Hawaiian Nationals. Those who descend from such Hawaiian Nationals, as well as others who have subsequently arrived in Hawaii and made Hawaii their home and place of allegiance can claim to be a Hawaiian National.

The tap root of the “Hawaiian Revolution” whether we track it from the days of the musical revival of earlier Hawaii or the land movements around Kaho`olawe, Sand Island, Makua, or the concern over the use of Mauna Kea for the Thirty Meter Telescope, you will find Hawaiian Nationalism.

These Hawaiian Nationals, whether expressing themselves outwardly, privately, or withholding such expressions because of the possible repercussions, can be found throughout Hawaii. Many are forced to act and declare themselves other than who they truly feel they are – Hawaiian Nationals. They know very well the possible consequences of their outward identity. They face the punishment of discrimination which can easily push them out of the mainstream of public life. To identify oneself as a Hawaiian National and not a U.S. citizen could have a person disqualified from holding employment because they are not U.S. citizens or carry a “green card” to be employed. They will not be able to vote in any public election in Hawaii except for the O`ahu neighborhood boards. They will not be able to obtain a driver’s license and will be stopped from flying inter-island or anywhere outside of Hawaii. They can be arrested and tried but they are not entitled to a jury of their peers because Hawaiian Nationals are prohibited from serving on the jury. Financial Institutions may frustrate their holding accounts because they are not U.S. Citizens or holding green cards. They may even be hampered from obtaining a social security card which will have an impact upon a multitude of interactions in public life. The list of discrimination goes on, made either by law as well as by public and private practice.

Such discrimination in Hawaii goes counter to the claim that we should be an all-inclusive society. It is a practice saying, “You may be included, but not if you hold to your attitudes of Hawaiian nationhood.” We are called upon to conform, to drop our very identity if we want to overcome such discrimination. To not be discriminated against, the victims of discrimination are told to change their identity and conform, and in that way, you will avoid discrimination. It’s as idiotic as to say to a person of color to change himself white and you will not be discriminated against, or a person of a particular religious belief to change his belief and he will not be discriminated, or a person who identifies as a female but was born with masculine genitals told to simply identify as a male and no discrimination will follow. This attempt to counter discrimination by blaming the victim is the very reason why a public policy needs to be adopted, to state at the outset that such practice against the discriminated is wrong.

My daughter, Pua`Ena, while in the 1st grade at Wai`anae Elementary School, was told one morning that she must stand and say the pledge of allegiance to the U.S. Flag like the rest of the students in her class. She explained to her teacher she could not do so because “they” imprisoned her Queen Lili`uokalani and stole the country. She continued to maintain this Hawaiian National stand throughout her school career and was often ostracized for it. In a school assembly at Wai`anae High School, she refused to stand and join in singing the U.S. National Anthem. She was confronted by a teacher and berated for refusing to participate. She tried to tell the teacher of her Hawaiian Nationalism and of Hawaii’s history, but the teacher would not hear her. About 15 years later, after I spoke to a High School class on the topic of Hawaiian history at Aiea High School, a teacher came up to me, introducing herself as the person who berated my daughter, and apologized profusely for doing so, explaining that she just didn’t know about this history and of my daughter’s position.

These kinds of incidents occur daily in school campuses throughout Hawaii. They occur in public activities where an audience is expected to participate in some U.S. patriotic practice. They occur when a person seeks employment but is disqualified because she is not a citizen of the U.S. or given official permission to be employed in Hawaii. They occur when a person attempts to register to vote and is rejected because they are not U.S. citizens.

Even the judiciary system practices discrimination, in hiring as well as treatment to practice law in the courts. In 1978, Federal District Judge Sam King found me in contempt of court for taking the position that I was not a U.S. citizen, challenged my right to practice law in the Federal Courts, and imposed a monetary fine for my Hawaiian National position.

John Philip Souza, Sr. (Polipo), retired HPD Fire Captain, was sentenced for a year in jail as a result of his Hawaiian Nationalism. Retired police officer Johnny Marsh lost his house and faced criminal tax charges for his position that he is a Hawaiian National.

Today in Hawaii courtrooms, defendants who are Hawaiian Nationals cannot get jurors of their own peers because other Hawaiian Nationals are methodically disqualified to sit on their jury.

There are a multitude of lawyers, firemen and women, and police officers who have had to keep secret their Hawaiian Nationalism because of the existing discriminatory laws and practices which continue in Hawaii today. There are also people among you serving in the Legislature as public officials or employed in support services who are Hawaiian Nationals secretly!

In every corner of Hawaii, we are there. We have been here in the distant and recent past. Many of our numbers have died, such as Kawaipuna Prejean, Richard Kinney, A.K. Chong, Papa Aila, Uncle Harry Mitchel, Walter Paulo, Puhipau (Abraham Ahmad), Dr. Kekuni Blaisdell fighting for and defending their patriotism toward Hawaiian Nationalism.

Our numbers cover all of Humanity in Hawaii. We are of a multitude of racial extractions, of religious following, of various professions, of a range of gender identities. We are in the prisons as inmates as well as employees of those facilities. We are your fishermen and farmers, your laborers in all fields of work.

The suppression of Hawaiian Nationalism by a State policy and practice of discrimination should not continue. It makes for an unhealthy society which divides people by their loyalties and refuses to accept Hawaiian nationalism as a legitimate part of Hawaii today.

This resolution would be a first step in a long process to bring about needed changes. It will start by the adoption of a policy of non-discrimination, followed by a process for implementation of the policy throughout Hawaii and methodically and respectfully addressing its interaction with existing State as well as Federal law through its 9 member group which is to make recommendations to the Legislature over three years.

Please support this resolution.

Mahalo,

Poka Laenui (Hayden F. Burgess)