WASHINGTON, D.C. -- The Senate Appropriations Subcommittee on Military Construction today recommended that a directive seeking a Defense Department study on the return to Kahoolawe Island to Hawaii be included in a pending fiscal 1976 military construction appropriations bill.

The Subcommittee, chaired by Montana Senator Mike Mansfield, will report the appropriations bill to the full Committee on Appropriations later this month with an order for the Navy and Defense Department to draw up an estimate of the costs for the return of Kahoolawe.

Kahoolawe, leased to the Federal government in 1941 and subleased to the Navy in 1945, has been the site of joint Army and Navy bombing operations. President Eisenhower in 1953 issued an executive order that declared the island federal property.

The Subcommittee today also agreed to restore a $7,078 million appropriation for the Fleet Command Center at Pearl Harbor and to recommend a $3,356 million appropriation for modernization of the Pearl Harbor Naval Shipyard machine shop. The House appropriations bill severely cut the Fleet Command's figure and provided no money for the machine shop.

Senator Daniel K. Inouye (D-Hawaii), a subcommittee member, initially proposed the Kahoolawe directive during the executive mark-up session for the military construction appropriations bill, H.R. 10029. The proposal came during the discussion of a $20 million measure to renovate another naval bomb site, Eniwetok Atoll in the Marshall Islands.

The Senate Subcommittee approved of the Eniwetok measure in accordance with naval contractual agreements with the atoll's former inhabitants that called for eventual restoration of the ravaged atoll to facilitate resettlement by natives.

Citing a similar agreement by the Navy concerning the restoration of Kahoolawe, Inouye appealed for an effort to reintegrate the 45-square mile island with the seven other principal islands of the Hawaiian chain.

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"If one atoll in the Pacific can be cleaned up, then Kahoolawe also can be restored," Inouye said after the meeting. "When the sublease to the Navy was originally drawn, it was stated that the land would be restored to a condition fit for habitation."

"The bombs have been falling too close to the backyards of our Maui residents," he said. "This military practice is trying the patience of the people of Hawaii."

Inouye on January 15 introduced Senate bill 116 to effect the transfer of Kahoolawe from the U.S. government to Hawaii. The bill, similar to bills Inouye submitted in the 92nd and 93rd Congresses, seeks funds to clear the island of about 10,000 tons of unexploded ordnance as well as the expeditious transfer of ownership.

Action today on the Pearl Harbor appropriations also resulted from initiatives by Inouye, who argued that funds deleted or omitted from the House bill were "essential" for the operation of the Pacific naval base.

Inouye told his colleagues that the Pearl Harbor machine shop, long overdue for the renovation and new equipment, was among the naval facilities listed in last year's appropriations measure. Last year the Senate agreed to finance the shop's modernization, but the House voted down the appropriation and negotiations among House and Senate conferees were fruitless.

The $7.078 million appropriation for the Fleet Command Center at Pearl Harbor would go towards facilities to control naval forces from the onshore command station.

Inouye also succeeded in securing subcommittee approval for $600,000 for the Haiku, Oahu navigation station's transmitter facility, $124,000 for barracks at the Kaneohe Marine Corps Air Station, and $1.4 million to complete renovations of living quarters at Schofield Barracks.
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December 20, 1976
LETTER RELEASED TO THE PRESS

The Department of the Navy recently released copies of its study on the feasibility of clearing Kahoolawe of ordnance and debris, in accordance with a directive I succeeded in adding to a military construction appropriations bill last Congress.

I wish to send you a copy of this study, which is enclosed with this letter. As you may discover while reading through the material, the method and extent of the clearance of debris depends upon the State's plan for land use on the island.

I believe it is imperative that the people of Hawaii and their public officials discuss ideas for the utilization of Kahoolawe so that a consensus may be reached. This would help to fortify our case on behalf of the island in the U.S. Congress.

At this moment, I am examining this study with the expectation of introducing legislation very soon that will incorporate some of the findings of the Navy study. It is my belief that some progress can be made in this next Congress to help resolve our current problem on Kahoolawe.

Aloha,

DANIEL K. INOUYE
WASHINGTON, D.C. -- The U.S. Navy would be instructed to develop the technology to render Kahoolawe safe for human habitation, and to conduct a pilot project using this knowledge, in a Senate bill proposed today by Senator Daniel K. Inouye.

"It is inconceivable to allow an entire 45-square-mile Island, in a State in which land is exceptionally precious, to remain permanently an uninhabited monument to the requirements of our national security," Inouye said in a floor statement.

The 1953 Executive Order under which Kahoolawe was taken over by the Federal government required that when the U.S. Navy decided that the area was no longer needed, the Island would be rendered reasonably safe for human habitation without cost of Hawaii, and returned to State jurisdiction.

"Substantial progress is being made in the eradication of goats and in undertaking a program of soil conservation. These measures are first priority. Also, progress is being made in the discovery and protection of significant archeological sites.

"However, no progress has been made in rendering the Island reasonably safe for human habitation. Surprisingly, the technology has not yet been developed for clearing a large land mass like Kahoolawe and its surrounding waters of unexploded ordnance," Inouye said.

A. U.S. Navy study conducted under a directive inserted by Inouye to the 1975 military construction appropriations bill estimated that it would take up to six years and $130.7 million to clear the Island of ordnance.
Mr. President, I am today introducing a bill affecting Kahoolawe, one of the eight major Islands in the Hawaiian chain. For more than 35 years, Kahoolawe has been the site of aerial bombing and ship-to-shore target practice. This Island has the dubious distinction of being one of the most bombed Islands in the Pacific.

Kahoolawe was not always the victim of defense demands. Through most of our history as a Territory, Kahoolawe was owned by the Territorial government and leased to private parties for grazing. In 1919 and again in 1933, the Territory leased most of the Island to a private ranch. In 1940, the Navy obtained a sublease to the Island. Then in 1952, the original lease was canceled by the Territory. In 1953, the area that was not being used for a lighthouse, which was already Federal property, was taken by the United States under the now controversial Presidential Executive Order 10436.

Under the terms of the Executive Order, when the Navy decided that the area was no longer needed, the Island would be rendered reasonably safe for human habitation without cost to Hawaii and returned to the latter's jurisdiction. Moreover, the Navy was to either eradicate all goats from the Island or strictly control their number. Finally, the Navy was to permit the then Territory to enter and inspect the Island and take appropriate measures to conduct a program of soil conservation.

Substantial progress is being made in the eradication of goats and in undertaking a program of soil conservation. These measures
are first priority. Also, progress is being made in the discovery and protection of significant archeological sites.

However, no progress has been made in rendering the Island reasonably safe for human habitation, as contemplated by the Executive Order, without cost to Hawaii. Surprisingly, the technology has not yet been developed for clearing a large land mass like Kahoolawe and its surrounding waters of unexploded ordnance.

The soil composition of this particular Island makes magnetic detection of unexploded ordnance difficult. Excavation 4 to 6 feet would lead to intolerable soil erosion and might, even then, be insufficient. Dragging or dredging the surrounding waters will further damage the delicate ecology. Shock waves from line charges may be the answer, but even this technology has limitations and creates environmental damage.

At the same time, it is inconceivable to allow an entire 45-square-mile Island, in a State in which land is exceptionally precious, to remain permanently an uninhabited monument to the requirements of our national security.

Our government has the responsibility to learn how to make the land and waters of Kahoolawe once again safe for human habitation and to demonstrate the proposed technology. This bill has these two objectives.

Mr. President I ask unanimous consent the text of the bill be printed in the Record.
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WASHINGTON, D.C.—The U.S. Navy would be directed to begin clearing a section of Kahoolawe of explosives, under a measure approved yesterday by a Senate subcommittee at the urging of Senator Daniel K. Inouye.

At the request of Senator Inouye, a bill he introduced last year on Kahoolawe has been inserted in the Military Construction Authorization measure for Fiscal Year 1981.

The measure instructs the Navy to develop the technology to render Kahoolawe safe for human habitation, and to conduct a pilot project using this knowledge.

"We cannot allow this Island to permanently remain an uninhabited monument to the requirements of our national security," Inouye said.

The 1953 Executive Order transferring Kahoolawe to the Federal government requires that when the Navy decides that the area is no longer needed, it would be rendered reasonably safe for human life, without cost to Hawaii, and returned to the State.

"There has been no progress in making Kahoolawe again safe for habitation, nor has the Navy yet developed the necessary technology to do so. This legislation would require that they begin working in this area," Inouye said.
The Inouye bill was included in the authorizations measure by the Senate Armed Services Subcommittee on Military Construction. Senator Inouye had personally requested Subcommittee Chairman Senator Gary Hart (D-Col.) to approve the Kahoolawe legislation.

Inouye has also been in contact with the chairman of the Armed Services Committee, Senator John Stennis (D-Miss.) and is hopeful that the measure will be approved by the full committee in a markup session in the next several weeks.

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WASHINGTON, D.C. -- The U.S. Navy would be required to begin clearing Kahoolawe of explosives, under the Military Construction Authorization bill approved today by the Armed Services Committee.

Senator Daniel K. Inouye had urged the committee to include the Kahoolawe project in the authorization bill.

"This requirement is intended to begin the long task of making Kahoolawe safe for habitation and recreation by the people of Hawaii. It is in full accordance with the original order which allowed military use of the Island," Inouye said.

The 1953 Executive Order transferring Kahoolawe to the federal government requires that when the Navy decides that it is no longer needed, it would be rendered reasonably safe for human life, at no cost to the State.

The Inouye proposal requires the Navy to develop the technology to clear the Island of ordnance, and to conduct a pilot clearing project.

The Military Construction Authorization bill now goes to the Senate floor for passage.

A 1976 study by the Navy, requested by Inouye, recommended that a pilot project be conducted to demonstrate the feasibility of clearing Kahoolawe.

Senator Inouye introduced a bill last year to require the Kahoolawe project. It was inserted in the authorizations measure in May by the Armed Services Subcommittee on Military Construction, at the request of Inouye.
WASHINGTON, D.C. -- The Senate Appropriations Committee today approved a Military Construction Appropriations measure with funds for several Hawaii projects, including the first phase of renovation of the Tripler Army Medical Center and a pilot ordnance clearing project on Kahoolawe.

Senator Daniel K. Inouye, a member of the committee, said the measure contains $130.7 million for Hawaii military projects.

"The impact of these projects, if they receive final Congressional approval, will be felt by all segments of the Hawaii economy, particularly our local construction and equipment industries.

"It is a reminder of the vital role that Hawaii has assumed in the defense efforts of our nation throughout the Pacific. The total proposed expenditures in Hawaii far exceed that of any other state, except for California," Senator Inouye said.

The appropriations measure now goes to the full Senate for passage.

Major Hawaii construction projects in the bill are:

Tripler Army Medical Center. . . . . . . . . $84,500,000

Schofield Barracks

Aircraft maintenance hangar . . . . . 8,400,000
Dining room modifications . . . . . 2,200,000
Tactical equipment shops . . . . . 2,900,000

-more-
Barbers Point Naval Air Station
Operational trainer facility . . . . . . $ 1,900,000
Kahoolawe Island study . . . . . . . 600,000
Navy Satellite Communications Facility . . . . . 2,000,000

Navy Magazine at Lualualei,
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Kunia Remote Operations Facility . . . . . 2,700,000

Air National Guard, Keaukaha Military Reservation
Automobile equipment shop . . . . . . 1,225,000
Electrical training facility . . . . . . 1,620,000

The initial phase of construction at Tripler will consist of building a 450,000-square-foot addition to house diagnostic and treatment facilities, and some renovation in the main building.

The Kahoolawe funds would be used by the Navy to begin the clearing of a portion of the Island of ordnance, in a demonstration project.
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Senator Daniel K. Inouye noted that the measure contains a total of $130.7 million for military construction in Hawaii - more than any other state except for California.

"While our nation depends on Hawaii as a vital military outpost in the Pacific, our Islands' economy benefits from the large amount of defense-related Federal spending. It is my hope that this relationship will continue long into the future," said Senator Inouye, a member of the Appropriations Committee.

The appropriations measure now goes to a Senate-House conference committee to resolve differences between the two houses. The major Hawaii projects, however, are assured of final passage because they are included in both Senate and House bills.

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Naval Shipyard, pipe shop ............. 4,800,000
Public Works Center,
utilities employment ............. 5,200,000
Kunia Remote Operations Facility . 2,700,000
Air National Guard, Keaukaha Military Reservation
Automobile Equipment shop ............. 1,225,000
Electrical training facility ........ 1,620,000

The initial phase of construction at Tripler will consist of building a 450,000-square-foot addition to house diagnostic and treatment facilities, and some renovation in the main building.

The Kahoolawe funds would be used by the Navy to begin the clearing of a portion of the Island of ordnance, in a demonstration project.

-30-
WASHINGTON, D.C. -- Tripler Army Medical Center would receive $84.5 million to begin a massive renovation project, under the Military Construction Appropriations bill passed by the Senate today.

Senator Daniel K. Inouye noted that the measure contains a total of $130.7 million for military construction in Hawaii -- more than any other state except for California.

"While our nation depends on Hawaii as a vital military outpost in the Pacific, our Islands' economy benefits from the large amount of defense-related Federal spending. It is my hope that this relationship will continue long into the future," said Senator Inouye, a member of the Appropriations Committee.

The appropriations measure now goes to a Senate-House conference committee to resolve differences between the two houses. The major Hawaii projects, however, are assured of final passage because they are included in both Senate and House bills.

Major Hawaii construction projects in the bill are:

Tripler Army Medical Center . . . . . . . . . $84,500,000

Schofield Barracks

Aircraft maintenance hangar . . . . . . . . 8,400,000
Dining room modifications . . . . . . . . . 2,200,000
Tactical Equipment shops . . . . . . . . . 2,900,000

Barbers Point Naval Air Station
Operational trainer facility . . . . . . . . . 1,900,000

-more-
Kahoolawe Island study .................. $ 600,000
Navy Satellite Communications Facility ... 2,000,000
Navy Magazine at Lualualei, Dining facility .............. 6,600,000

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WASHINGTON, D.C. -- The Senate Appropriations Committee today approved a Military Construction Appropriations measure which provides $89 million in projects for Hawaii.

At the request of Senator Daniel K. Inouye, the committee inserted several Hawaii projects which had been deleted during House consideration of the bill.

Major projects included in the Senate measure for the 1982 fiscal year are:

**ARMY**

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<thead>
<tr>
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The project would replace a 1929, termite-damaged structure. The clinic would serve the 14,000 active-duty personnel assigned to Schofield.

**NAVY**

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This provides continued funding for the Navy's study of the feasibility and assessment of clearing Kahoolawe of unexploded ordnance.

**Naval Shipyard, Pearl Harbor**

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Naval Shipyard, Pearl Harbor (con't.)

Pacific Missile Range, Barking Sands, airfield paving .......................... 8.1

Public Works Center, Pearl Harbor

Compressed breathing air system improvements .......................... 6.2
Energy facilities improvements ........................................ 7.5

DEFENSE AGENCIES

Replace tank at Defense fuel supply, Pearl City .................. 3.6

Projects deleted by the House but approved in the Senate bill are the Schofield Barracks dental clinic, Kahoolawe study, and Barking Sands Pacific Missile Range airfield paving. Following full Senate passage of the measure, these items will be discussed in a Senate-House conference committee.

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--more--
PRESS RELEASE
HAWAII MILITARY PROJECTS APPROVED
THURSDAY, November 12, 1981
PAGE TWO

(in millions)

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WASHINGTON, D.C. -- The Senate-House conference committee on the Military Construction Appropriations measure has reached final agreement on a bill which provides $92.7 million for projects in Hawaii.

Senator Daniel K. Inouye, a member of the conference, noted that at the insistence of Senate members, the conference accepted several Hawaii projects which had earlier been deleted in the House bill but approved by the Senate. These consisted of the Schofield Barracks Dental Clinic, Kahoolawe study, and airfield paving at the Barking Sands Pacific Missile Range.

"The projects approved for Hawaii in the measure help ensure the combat readiness and capabilities of our nation's armed forces, which rely on Hawaii as a prime Pacific base," said Senator Inouye.

The conference report, which resolves differences between the House and Senate versions of the 1982 fiscal year Military Construction budget, now goes to the two houses for final passage. No opposition is expected to the measure.

Major Hawaii projects included in the conference measure are:

(in millions)

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The new 38-chair clinic replaces a 52-year-old facility serving the 14,000 active-duty personnel assigned to Schofield.
PRESS RELEASE
FINAL AGREEMENT REACHED ON HAWAII PROJECTS
FRIDAY, December 11, 1981
PAGE TWO

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Pacific Missile Range, Barking Sands,
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Public Works Center, Pearl Harbor

Compressed breathing air system improvements .. 6.2
Energy facilities improvements ................. 7.5

Barbers Point Naval Air Station

Modernization of enlisted personnel housing
    facilities .............................. 7.2

DEFENSE AGENCIES

Replace tank at Defense fuel supply, Pearl City .. 3.6

--30--
Kahoolawe at a Glance

Throughout the years, Kahoolawe has been the antithesis of the popular dime-store novel "island paradise."

It has a few picturesque beaches, such as Smuggler's Cove on the southwestern coast, and spectacular sea cliffs on the eastern and southern coasts that rise up to 800 feet above the water.

But Kahoolawe has well-worn gulches, 50-200 feet deep, and wind-eroded hills and flat plains that often resemble "dust bowls." It receives between 18 to 27 inches of rainfall each year, but lacks the natural supply of fresh ground water needed to sustain any sizable population of humans, plants or animals.

Kahoolawe also has suffered extensive wind damage in the last two centuries, primarily because stiff trade winds from the east have blown constantly over the 45-square mile terrain. A 1926 U.S. Coast and Geodetic Survey report called Kahoolawe "probably the windiest island in Hawaii." In 1933, archaeologist J. Gilbert McAllister wrote that "on windy days one is pelted as if with buckshot, and great clouds of dust are blown far out to sea, giving the impression of smoke."

One observer noted that 50 persons lived on the island in the 1820s, and most of them clustered around the highest point of Kahoolawe, called Lua Makika ("mosquito hole") that rises 1491 feet above sea level.

Archaeologist McAllister concluded after a 1931 expedition that house foundations and ruins of religious structures (apparently fishing heiaus, or shrines) evidenced human habitation, adding that no more than 150 persons could have lived together for any period of time. "A population of this size could never have sustained itself for any length of time without obtaining food and water from Maui or one of the other neighboring islands," he said.

Beginning in 1863, the Hawaiian Government leased Kahoolawe to private parties for grazing of cattle,

Congress to Consider Native Claims Plan

The Senate Committee on Interior and Insular Affairs held hearings on three Hawaiian islands this month to hear testimony on a proposal to create a Hawaiian Aboriginal Claims Settlement Commission.

Witnesses addressed Senate Joint Resolution 155 which Senator Daniel K. Inouye introduced on December 18, 1975. That joint resolution seeks to create an 11-member commission to secure a proper redress of grievances arising from the overthrow of the Hawaiian Monarchy by agents of the United States Government in 1893.

The resolution also expresses the sense of the Congress that wrongful acts were committed by Americans in 1893, resulting in dominion over the people and Kingdom of Hawaii and domain over lands formerly held in common by Hawaiian Aboriginals.

The Commission, as proposed in the resolution, would give its "fullest attention and consideration to the needs and concerns of the Hawaiian Aboriginals." It would make "a full and complete study with a view to determining, with finality and certainty, the nature of the legitimate claims of, and the extent of injuries to, the Hawaiian Aboriginals."
sheep and goats. But by 1909, the animals already had over-grazed and had increased the island's vulnerability to wind erosion.

In 1941, all cattle on Kahoolawe had been removed and the lease transferred to the Federal Government. A year later, the island was subleased to the Navy and joint Navy and Army bombardment began.

President Dwight D. Eisenhower issued Executive Order 10436 on February 20, 1953, declaring Kahoolawe a possession of the United States "for naval purposes."

Under terms of the Order, when the Navy decided that the area was no longer needed, the island would be rendered "reasonably safe for human habitation" without cost to Hawaii and returned to the latter's jurisdiction. The Order also allowed Hawaii officials reasonable access for island conservation programs.

A ranking Navy Department official said in 1969 that: "The ravages of over a quarter of a century of air and surface bombardment have probably irrevocably eliminated the possibility of future safe, domestic use of the island."

An unpublished 1972 report by the State Department of Land and Natural Resources concluded: "The present success of test plantings point to the feasibility of expanded plantings...this island could become a showplace to illustrate our open space efforts."

The entire island, at some future date, could provide an attractive setting for recreation opportunities," the report said.

Since 1970, ironwoods and tamarisk have adapted to the dry soil, and the vegetation has grown to heights ranging from 8 to 18 feet in four years.

To combat the persistent water problem, the 1972 State report said a "catchment area" could be constructed initially "at a nominal cost," by lining one of the natural crater-like areas of Kahoolawe. The State estimates that a five-acre area possibly could provide one million gallons of water annually.

The State report blamed overgrazing by several thousand goats for the present vegetation problem, adding that military bombing operations have contributed to the plant and soil problem "only secondarily."

Hawaii State Forestry and Land officials today are optimistic that Kahoolawe can be restored and that reserves of water can be created. Their report pledged cooperation with the Navy, but said also that: "Perhaps, the military, too, will develop a conscience on environmental deterioration and seek an alternative method for this (bombing) type of training."

STUDY (continued from page 1)

despite "a lot of sympathy" for the Navy's position on Kahoolawe, "many congressmen found they could not dismiss the argument for restoring Kahoolawe very easily."

"I did not sense that there would be any trade-off on that section of the appropriations bill," he said.

The Kahoolawe provision would secure for the first time a comprehensive examination and list of estimated costs of the island's restoration and transfer to the State of Hawaii. Pentagon findings are expected to be in Congressional hands a year after the formal study begins.

The Navy, which now has jurisdiction over the bomb-ridden island, has insisted repeatedly that Kahoolawe constitutes a necessary element of the national security effort because it affords the military a realistic training site. The Navy also has asserted that surface and air bombardment has eliminated the possibility of any future, safe domestic use of Kahoolawe.

Prior to final passage of the bill, Inouye told his Senate colleagues: "I suspect there must be other insular targets that the Navy may set its sights on, however, no one in the civilian sector knows for sure if the Navy has even considered efforts to locate a less objectionable island removed from population centers and totally useless for any future development."

"Furthermore, it is not axiomatic that Kahoolawe cannot be restored or cultured...This provision is significant because officials at the Pentagon have not been willing to take any steps toward the restoration (of Kahoolawe). A Defense Department study is a vital first step that would be most welcome by the people of Hawaii."

CLAIMS (continued from page 1)

Upon introduction of the measure, Inouye said the resolution should establish "a clear statement that a wrong...has never been redressed."

"The full repair (of the injury sustained by native Hawaiians) is still the unfinished business of this government."

The resolution is considered "but a first small step" in an attempt to repair the injury. The entire issue of Hawaiian grievances is of "such complexity and importance and so dependent upon consideration in the Congress of the merits of the claim that the establishment of an independent Commission, as proposed by this measure, to recommend to the Congress the amount and the structure format necessary to meeting our obligations is an essential first step to their eventual success."

The first Commission meeting would be convened by the President within 60 days of the approval of the resolution. An interim report of the Commission would be due before Congress in a year, and a final report would be due a year later.

The Governor of Hawaii would recommend six of eleven Presidential appointees to the Commission.

White House, Congress Approve Metric Conversion Bill

President Ford has signed into law a bill that would establish a national board to coordinate voluntary conversion to the metric system of measurement in the United States. Similar legislation was pending in Congress for more than a decade, and "metrification" bills had been entertained in the Congress as early as the Civil War.

Ford's signature, affixed last December 23, cleared the way for coordination of the increasing use of the metric system through the creation of a 17-member U.S. Metric Board.

The board would help coordinate voluntary conversion plans developed by industry and other groups and would undertake educational programs to aid public understanding of the metric system.

But the board would not be empowered to force conversion, nor would it set any target date for completion of the conversion process. It would not provide any subsidies to groups, but could recommend legislation to provide funds if necessary.

Three Senators--Clairborne Pell (D-Rhode Island), Daniel K. Inouye and Charles McC. Mathias (R-Maryland)--jointly introduced the metric bill in this Congress that won unanimous Senate approval on a voice vote December 8. The House agreed to the Senate bill on December 11, and sent the bill to the White House for final approval.

Inouye, as Senate floor manager of the metric bill (now Public Law 94-168), argued on December 8 that "the question facing us...is not whether we convert, but the manner in which we convert. If the manner in which we have been following thus far, we shall end up with a patchwork of conversion programs and dual measurements that will result in costly and unnecessary duplication."

Supporters of the metric bill singled out the United States as the only major industrial nation that, until now, had not adopted a metric conversion policy or that is not already metric.
The companies' action apparently had been prompted by policy of rate integration. Passage of the Senate resolution as well as by a December 5 preparing rate integration plans for FCC review this spring. Mainland states over the same distance (SEE TABLE). Present Hawaii-Mainland telephone rates can be over 200 per cent higher than current rates between Mainland states over the same distance (SEE TABLE).

Already several communications companies are preparing rate integration plans for FCC review this spring. The companies' action apparently had been prompted by passage of the Senate resolution as well as by a December 5 FCC Memorandum, Opinion and Order that supported a policy of rate integration.

Effective March 29 will be a minimum 20 per cent reduction on average long-distance calls between Hawaii and the Mainland. Hawaiian Telephone and AT&T announced the cut earlier this month; the companies still are expected to plan further reductions to comply with the stated policy of both the Senate and the FCC concerning communications rates.

The Senate resolution, written and introduced by Senator Daniel K. Inouye on December 5, focused on a 1972 FCC Report and Order on the issue of domestic communications satellites and rate integration. In that report, the FCC said it would require companies applying for authorized domestic satellite systems to submit plans to bring Hawaii, Alaska and Puerto Rico into a national rate pattern.

The Commission then concluded that with the introduction of satellite technology, "distance should dramatically diminish as an excuse or justification of the historic high-rate treatment that has been accorded Hawaiian-Mainland services." Since 1972, however, apparent confusion over the FCC policy on rates and satellites resulted in continued discrimination against the Hawaiian consumer and little relief from exorbitant long-distance rates.

Communications carriers who expressed intent to serve Hawaii by new domestic communications satellites (expected to be launched beginning next month) did not submit rate integration plans required by the 1972 FCC ruling. Just after the introduction of the Senate resolution in December, the FCC issued a new Memorandum, Opinion and Order to reiterate its 1972 policy of requiring the integration of Hawaii, Alaska and Puerto Rico into a national rate pattern and to try to eliminate any doubts about the Commission's rules on rates and domestic satellites.

In its Order, the FCC said that all applicants for satellite use must submit, prior to authorization, a specific rate integration plan for review and approval by the Commission. On December 9, the Commerce Subcommittee on Communications convened a hearing to allow FCC Chairman Wiley and Hawaii and Alaska State officials to discuss rate integration and the Senate Resolution 318.

Wiley asserted again that the FCC had not abandoned its 1972 policy and expressed hope that the FCC could resolve the issue by March, when the first domestic communications satellite will be launched. Under rigorous questioning by a ranking Senator, Wiley conceded, however, that the FCC may resort to a "phased-in" program of integration and that full rate equality may not be realized for some time.

The FCC has said that carriers must submit fully justified rate plans by March 17.

The Senate Commerce Committee issued its report (continued on page 4)
MAILGRAM (continued from page 3)

FCC Chairman Richard E. Wiley and spoke directly with Wiley at Subcommittee hearings to press for the service.

Wiley wrote in an October 1, 1975 letter that the FCC was "optimistic that an interim proposal can be implemented in the near future." On October 21, Wiley wrote that the message service to Hawaii "could be effectuated by November 15, 1975."

But on November 14, the FCC wrote that obstacles continued to delay implementation of the service and that notification from the U.S. Postal Service indicated that "Mailgrams" could not be handled until after the Christmas mailing season.

The impasse also involved disputes over tolls and the division of revenues, and an appropriate name for the service, because "Mailgram" is a registered trademark owned by Western Union Telegraph.

Inouye's several responses to FCC letters expressed disappointment over continued delay and disputes and continued to urge Commission action with the carriers to reach an interim agreement. "The stalls and delays aggregate the persistent problem concerning Hawaii's need for communications systems that are equal to those available on the Mainland. We have been patient and hopeful that modern services may be made available to our Island communities, but our patience is waning," one letter said.

The FCC on December 22, 1975 ordered the carriers to file a joint plan in 20 days, but later extended the deadline to January 30, 1976 to accommodate continuing negotiations between ITT and other carriers.

The Commission later announced that all "Mailgram" revenues would be held in escrow if the carriers failed to agree on the division of tolls. The FCC has said it expects an agreement to be outlined in the formal application due March 11.

The trademark controversy reached a tentative resolution when the FCC in its December notice to the carriers ordered that the temporary and interim service be called "Mailgram" with additional "identifiers" if necessary. Western Union Telegraph would receive a royalty fee for use of the trademark.

The following brief stories touch upon a few of the year's activities -- activities in which Senator Inouye participated as a representative of Hawaii's Interests in Washington, a writer of legislation, and a chairman of hearings vital to the public interest.

The Defense Department last month abandoned plans to transfer the Tripler Army Medical Center from Army to Navy jurisdiction after Defense Secretary Donald Rumsfeld learned that such a transfer would jeopardize hospital operations and a John A. Burns School of Medicine training program.

Rumsfeld and his aides attended a one-hour meeting on January 12 during which figures were presented showing that the Army has been the "dominant user" of Tripler, despite the Navy's predominance in the Pearl Harbor-Leeward Oahu area.

Other statistics presented to Rumsfeld and his staff showed that transfer to the Navy probably would lead to a cutback in hospital beds, drastically reducing revenues that would be held in escrow if the carriers failed to agree on the division of tolls. The FCC has said it expects an agreement to be outlined in the formal application due March 11.

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On October 21, Wiley announced his decision not to transfer jurisdiction, it noted that "there will be no discontinuance of the teaching mission."

A public hearing was held in Honolulu last October 15, 1975 on the Senate bill to protect Hawaii and other Pacific Islands from West Coast shipping strikes. The bill, S. 1126, would guarantee 120 days of uninterrupted shipping to Hawaii, American Samoa, Guam and Micronesia during a West Coast strike or lockout.

Just prior to the hearings, a local survey of a cross section of Oahu residents revealed that 83 per cent supported the legislation. During the hearing, one of 30 witnesses addressed the charge that the dock bill was "anti-labor." He said, "No one union or group of unions should have the power to abruptly cut the main lockout.

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It sparked considerable discussion in public and government circles, because it addressed the severe problems in the existing system for handling malpractice claims.

Last year's flurry of malpractice insurer withdrawals in several states constituted a crisis or near-crisis that demanded a search for a legislative remedy for the problems that continue to ensue from the tort system of dealing with medical injury compensation.

The bill would authorize the HEW Secretary to enter contracts with health care providers who choose to participate in the no-fault program. The providers would pay an annual premium to a Medical Injury Compensation Fund and in turn would receive no-fault coverage for their patients as well as federal medical malpractice insurance for themselves.

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Accompanying this bill has been S. 482, a measure that provides for an arbitration system for adjudicating malpractice claims. Both measures now reside in the Senate Committee on Labor and Public Welfare. Presently, mounting agitation in the medical industry may force the bills out of committee and expedite floor action.
NATIVE HAWAIIAN LAND CLAIMS

In 1971, the U.S. Congress passed the Alaska Native Claims Settlement Act.

Under this act, the United States sought to inscribe in law a land and monetary settlement to compensate the natives of Alaska for their aboriginal—or native—rights.

At the end of 1971, the President signed this act into law. As a result, our nation officially recognized certain entitlements retained by Alaska's native Indian Aleut and Eskimo population as natives of the land. The act also was designed to settle claims by these natives of title to lands on which they had fished, hunted, and dwelled for countless generations, but whose clear-title ownership had been left open to dispute.

Since the law's enactment, much interest has been shown both by persons of Hawaiian ancestry and by others for a similar law to settle land claims by native Hawaiians in Hawaii. That law would seek settlement to compensate the Hawaiians for their "native rights."

Even before the Alaska Native Claims Settlement Act was born, I devoted much thought and study to this complex problem. Now I would like to share with you some of my thoughts and conclusions.

A PROPOSAL

I feel that the Hawaiians have as much right as the Alaskans to some form of compensation for loss of lands.

The basis lies in Hawaii's history. Although most missionaries and business concerns had the best interests of the Islands at heart, the Hawaiians lost much acreage without having received fair financial reparation or the benefits of due process under the law. I have detailed my history findings for you on page two.

To provide some restitution, I propose that the U.S. Congress establish a special corporation for Hawaii citizens of at least one-fourth Hawaiian blood. This corporation would pay its expenses and draw profits by owning and administering all present and future Hawaiian Home lands. The membership, through its elected board of directors, could lease or develop the lands for recreational, residential, or commercial use—however it saw fit.

Under my proposal, the corporation's lands would include the following:

- Lands currently owned by the State government but which are being leased to private concerns and are not being used for governmental purposes;
- Lands now administered by the Hawaiian Homes Commission;
- Lands presently owned by the Federal government, to be turned over to the corporation as they become surplus to Federal government needs.

Members would hold shares of stock—initially, perhaps 100 shares per person—and profits would be apportioned among members through dividends. To provide a measure of stability, shareholders would not be able to sell, transfer, or alienate their stock for the first 20 years. In event of death or divorce, stock could be transferred only to qualified beneficiaries.

The Federal government would appropriate about $500 million for the Hawaiian corporation. (The Alaska Native Claims Settlement Act appropriated $462 million.) Corporate membership would elect its board of directors for staggered four-year terms. This board, which would report annually to stockholders, would have to make full public disclosure of its activities.

Briefly, other provisions are:

- Present lessees may continue to reside on Home lands, but dividends to these lessees would be less the amount of the annual appraised value of their leased property.
- The board could sell land parcels only if the stockholders approved by a 2/3 referendum vote.
- Corporate profits would be subject to applicable Federal, State, and local taxes, and stockholders would pay applicable income tax on dividends.
THE ISLANDS' HISTORY

In many ways, Hawaii's history is one of contradictions.

It is marked with events that signified both pride and honor, deception and disgrace. Hawaii's history is glorious and noble; at the same time, it is stained by injustice. Essentially, during the process of blending the Islands' Polynesian culture with that of the Mainland Anglo-Europeans, much of what was uniquely Hawaiian was lost.

Historically, the Hawaiians' basic land tenure system was a monarchical, semifeudal one. The land belonged to the king or principal chief of each island. He not only “owned” all of the land and property, but also held power of life and death over his people. He divided his holdings among lesser chiefs into large estates called ahupuaas, lands usually extending from the shores to the mountains. These were further subdivided into ilis to be operated by lesser chiefs. Finally, smaller plots were provided for the commoners in exchange for a certain share of their crops, labor, and military service. An elaborate system of religious “kapus” existed to reinforce this structure—thus providing the Hawaiian society with a certain stability.

In 1820, the first missionaries arrived in Hawaii from the Mainland. This opened what is perhaps the most controversial era in Hawaii's history.

There can be no question that most of these Americans were extremely religious and acted sincerely in a manner that they thought was best for the Hawaiians. However, the combination of their undermining the traditional “kapu” system and the tremendously increasing participation of these new residents in the Hawaiian government led to the situation where, in 1850, the Honolulu Times stated that: “Go to Boston and be appointed a missionary.” Records show that, by 1852, 16 missionaries held title to 7,886 acres of Island land. Similarly, the first census, conducted in 1853, indicated that there were only 71,000 Hawaiians, in contrast to estimates of up to 300,000 when Captain Cook originally arrived. Undoubtedly, the “Great Mahele” of 1848 represented the climax of these developments.

Interwoven with these developments is a clear picture of increasing foreigner dominance in both financial and political affairs. They, particularly the sugar interests, felt it was extremely important to obtain the security which comes with direct land ownership. They acted accordingly.

The antecedents of “land reform” appeared as early as 1825 when 12-year-old Kamehameha III ascended the throne. A national council of chiefs was organized to confirm the new king and to establish policy. Their recommendations resulted in the “Law of 1825,” which essentially demolished the traditional custom of land redistribution and replaced it with the Western practice of inheritance. The new constitution further declared that the chiefs and the people were to be joint owners of the land. In 1848, King Kamehameha III signed the “Great Mahele,” a declaration in which he officially divided his lands among his chiefs and set aside certain lands for the government.

It was around 1850 that a fee simple title system for the common tenants and for foreigners evolved. A Land Commission was established, and until its termination in 1855, it was the vehicle by which land titles were awarded and conflicting claims were resolved. However, a great many commoners never received titles to their land. Because many did not understand the importance of the new law, many failed to file any claims at all.
HOW ARE THE ALASKAN AND HAWAIIAN LAND CLAIMS CASES DIFFERENT?

Alaska  Hawaii

TOTAL LAND AREA
571,065 sq. mi. (1960)  6,415 sq. mi. (1960)

FEDERAL-OWNED LAND AREA
353,000,000 acres, most of which remain unasigned for usage.
396,000 acres, most of which have been assigned for usage. (For example: National Park lands and military installations such as Fort Shafter and Pearl Harbor.)

U.S. GOVERNMENT ATTITUDE
Native Alaskans generally have been considered in terms of distinct tribal units, similar to the American Indian. Accordingly, the U.S. government has viewed and treated these Alaskan native groups as "wards" of the State.
Native Hawaiians, on the other hand, have not been grouped on any particular basis. For the most part, contemporary Hawaiians are broadly assimilated in society. Consequently, the image retained by the native Hawaiian is less distinct than that of the native Alaskan, and for many Americans, the term "Hawaiian" most readily suggests a resident of Hawaii, not a member of a specific native grouping.

NATIVE RIGHTS TO OWN LAND
Alaska's land tenure system did not allow natives to own land. So, when Alaska achieved Statehood, Congress indicated that the U.S. should assume responsibility for the natives' land rights, and guaranteed to them some form of future settlement.
Because of the "Great Mahele," by the time of annexation (1898), Hawaii had a highly developed system of fee simple land ownership. Hence, Congress provided no similar guarantee of natives' land rights in the Hawaii Organic Act.

TRADITIONAL NATIVE RIGHTS TO PUBLIC LANDS
The Alaska Statehood Act drew a clear distinction between the historical right of Alaskan natives and the general right of the State to lay claim to lands in the public domain in Alaska.
The Hawaii Statehood Act made no such distinction. No consideration was made for any special native rights to lay claim to lands in the public domain in Hawaii.

PRIOR LITIGATION EFFORTS
Alaskan native groups previously had initiated litigation to legally perfect title to these lands which they historically had used.
To date, no such comparable effort has been made by Hawaiian native groups to similarly reclaim their lands. Thus, judicial history is nonexistent.

NATIONAL VS. LOCAL INTEREST
Legislatively, the Alaska Native Claims Settlement Act attracted national interest because of the potential widespread ramifications of any determination of land rights. (For example: the effect of a land right settlement on mineral extraction or oil drilling.)
Because Hawaii has no similar natural resource deposits, a similar legislative proposal for native Hawaiians would probably be construed as a localized issue.
In a special report conducted by the Library of Congress in April, 1973, at my request, a very important argument in support of a special claim by native Hawaiian people is found in a section entitled, "Hawaii Became an American Territory Under Foreign Influence and Without the Consent of the Native Hawaiian People." I wish to quote this section for you:

"The U.S. acquired Alaska from Russia without the consent of the Alaska natives who lived there. Thus the assumption of title to public domain in Alaska by the U.S. Government left the natives without compensation for any of Alaska's 365 million acres, which they had used and occupied for centuries, and to which, on the basis of use and occupancy, they claimed aboriginal title. The Alaska settlement vested title in the natives to 40 million acres and provided a cash settlement totaling nearly one billion dollars as payment for extinguishment of aboriginal title to the rest of the land.

"It has been argued ever since the 1893 Revolution in Hawaii that Annexation to the U.S. was not the will of most of Hawaii's native population.

"President Grover Cleveland appointed a special commissioner to Hawaii, James H. Blount, who investigated the circumstances relating to the overthrow of the Hawaiian monarchy in January, 1893, and flatly concluded that the revolution was the result of a conspiracy between the U.S. Minister to Hawaii, John L. Stevens, and revolutionary leaders in Hawaii.

"President Cleveland's Secretary of State, Walter Q. Gresham, wrote the President in October of 1893:

'Mr. Blount states that while at Honolulu he did not meet a single annexationist who expressed willingness to submit the question to a vote of the people, nor did he talk with one on that subject who did not insist that if the Islands were annexed they should be called the Committee of Annexation, which should be called the Committee of Annexation, and revolutionary leaders in Hawaii.

"President Cleveland's Secretary of State, Walter Q. Gresham, wrote the President in October of 1893:

'It was the President's conclusion, based on the reports, that:

'The lawful Government of Hawaii was overthrown without the drawing of a sword or the firing of a shot by a process every step of which, it may safely be asserted, is directly traceable to and dependent for its success upon the agency of the United States acting through its diplomatic and naval representatives.

'But for the notorious predilections of the United States Minister for Annexation, the Committee of Safety, which should be called the Committee of Annexation, would never have existed.

'But for the landing of the United States forces upon false pretexts respecting the danger to life and property the committee would never have exposed themselves to the pains and penalties of treason by undertaking the subversion of the Queen's Government.

'But for the presence of the United States forces in the immediate vicinity and in position to afford all needed protection and support the committee would not have proclaimed the provisional government from the steps of the Government building.

'And finally, but for the lawless occupation of Honolulu under false pretexts by the United States forces, and but for Minister Stevens' recognition of the provisional government when the United States forces were its sole support and constituted its only military strength, the Queen and her Government would never have yielded to the provisional government, even for a time and for the sole purpose of submitting her case to the enlightened justice of the United States.'

"On the basis of these conclusions, President Cleveland refused to submit to the Senate a Treaty of Annexation which had been drawn up in 1893.

"The Republic which governed Hawaii between 1894 and 1898 served as a kind of 'interim government' between the Monarchy and Annexation, and, in the opinion of many scholars, did not truly represent the Hawaiian people:

'The new government was considerably more 'republican' than democratic. The president was to be elected by the legislature for a single term of six years, although (the first and only President, Sanford B. Dole) was named by the Constitution as president until the end of the year 1900. Property qualifications were imposed upon members of the two-house legislature, as well as on voters eligible to elect senators...'

"The President, Sanford B. Dole, was a white man.

"Thus it can be argued that the Annexation Treaty, approved by the Hawaiian Senate and signed by President Dole on September 10, 1897, was sanctioned by a legislature and government that arose from an act that, in the opinion of the President's special emissary, was contrary to the will of the Hawaiian people.

"It could thus be argued that when Hawaii joined the U.S. and ceded the government and crown lands of the Hawaiian people to the U.S., it did so without consent (and possibly against the will) of the native population, who, as in Alaska, found themselves without title to the ancestral lands on which they had lived and which they had used from time immemorial. Although the Statehood Act retroceded these lands to the State of Hawaii, nearly 400,000 acres of what was originally Hawaiian government lands are still owned by the U.S. government. While it would not seem feasible to redistribute this land to the people (the bulk being either assigned to the Interior Department, as part of the National Park System or the military), a cash compensation for extinguishment of aboriginal title, similar to that provided in the Alaska settlement, would seem to be justified in light of the Alaska precedent."

The Library of Congress report cites two other important arguments in support of native Hawaiian claims. For one thing, according to the study, the U.S. government paid no compensation to the native population for Federal lands in either Hawaii or Alaska before the Alaskan settlement. For another thing, the study reports that as written, the Hawaii Organic Act of 1900, like the Alaska Organic Act of 1884, left open the possibility for some future legislative settlement of native land claims.