

Native Hawaiians Study Commission, 1973 - 1985: Midkiff, Frank E.

Senator Daniel K. Inouye Papers

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The Honorable J. Bennett Johnston, Chairman
and Members of the Senate Interior Committee

Gentlemen:

I heartily indorse treatment of the aboriginal Hawaiians similar to the precedent set for the aboriginal Alaskans and the American Indians.

Born in Anna, Illinois, November 15, 1887,

I am the Senior Trustee of the Bernice Pauahi Bishop Estate, the Kamehameha Schools and the C. R. Bishop Trust.

My office address is:

The Kamehameha Schools/B. P. Bishop Estate
P. O. Box 3466
Honolulu, Hawaii 96801

Education:

AB Colgate University 1912

PhD Yale University 1935

Principal of and teacher of Science at Lewistown,
Illinois High School 1908-10

Teacher and athletic coach, Peddie Institute,
Hightown, New Jersey 1912-13

Teacher and Athletic Coach, Punahou School 1913-1918

Captain Infantry, Hawaii National Guard 1916-20

Mustered into Army of the United States World War I 1918

Officer Lewers & Cook, Ltd. 1919-1923

President of The Kamehameha Schools 1923-34

Treasurer Juliette M. Atherton Trust 1934 - 1939

Senior Trustee Bishop Estate 1939 -

High Commissioner Trust Territory Pacific Islands
under President Eisenhower

Trustee of the Bishop Museum 1939-1975; Honorary
Life Trustee 1975 -

Trustee Punahou School (Honolulu) 1940 -
Charter Member Pacific War Memorial Commission
President Community Association of Hawaii 1935 -
Past President Chamber of Commerce of Honolulu
President Barstow Foundation for American Samoans 1932 -
Royal Danish Consul in Hawaii 1945 - 1957; Knighted
Knight of Donnebrog by King Frederick IX 1957
Awarded "Order of the Splintered Paddle" by State
of Hawaii 1973
"Father of the Year" for State of Hawaii 1964
Honorary Life Member "Friends of Iolani Palace" 1974
Awarded "Order of the Sacred Treasure" by Emperor
of Japan 1968
Publisher Ancient Hawaiian Civilization
Life Member Hawaiian Civic Club 1975

Frank E. Midkiff

Frank E. Midkiff

February 9, 1976

THE HONORABLE J. BENNETT JOHNSTON, CHAIRMAN
AND MEMBERS OF THE SENATE INTERIOR COMMITTEE

ALOHA NUI.

MY NAME IS FRANK E. MIDKIFF. I AM A TRUSTEE OF THE KAMEHAMEHA
SCHOOLS/BERNICE PAUHI BISHOP ESTATE.

LANDS OF ABORIGINES: HAWAIIANS VS. ALASKANS AND AMERICAN INDIANS

A REQUEST FOR SIMILAR CONGRESSIONAL TREATMENT FOR SIMILAR GROUPS

ANCIENT HAWAIIAN LAND OWNERSHIP

LAND OWNERSHIP AMONGST RESIDENTS OF THE PACIFIC ISLANDS WAS
VERY CLEARLY WORKED OUT. DETAILS HAD TO BE KNOWN WELL AND
BOUNDARIES AND OWNERSHIP RIGHTS HAD TO BE ESTABLISHED CAREFULLY
AND PASSED ON IN MATRIARCHIC FASHION FROM GENERATION TO GENERATION.

SUCH SYSTEM WAS NECESSARY ON RELATIVELY SMALL ISLANDS WHERE
POPULATION HAD INCREASED TO LAND CROWDING. TRANSGRESSIONS ON
NEIGHBORS' LAND COULD AND OFTEN DID LEAD TO WARFARE.

ON THE OTHER HAND, IN AREAS WHERE LAND IS VERY EXTENSIVE
AND POPULATION STILL SCARCE, AS IN ALASKA, MUCH LESS ATTENTION
HAD BEEN PAID BY THE ABORIGINES TO BOUNDARIES OF THE LAND AREAS
THEY LIVED ON AND USED. THE LAND AVAILABLE WAS NEVER CROWDED
AND THERE WAS MUCH LESS CAUSE FOR CLASHING OVER OR TRESPASSING
AMONG VARIOUS TRIBES AND ETHNIC GROUPS.

UNITED STATES SENATOR DANIEL K. INOUE, IN A RECENT "REPORT
FROM WASHINGTON" TELLS OF A RESEARCH HE CAUSED TO BE MADE BY THE
LIBRARY OF CONGRESS RESEARCH DIVISION. THIS GIVES US A COMPARISON
OF THE SIMILARITY BETWEEN THE LAND RIGHTS AND THE BASIS FOR LAND

CLAIMS OF THE HAWAIIANS AS COMPARED WITH CLAIMS OF ALUETS, ESKIMOS, AND ALASKAN INDIANS. LONG STANDING CLAIMS OF THESE ALASKANS RECENTLY HAVE BEEN HONORED BY THE FEDERAL GOVERNMENT. THIS LIBRARY OF CONGRESS RESEARCH REPORT IS ONE THAT CERTAINLY SHOULD RECEIVE CAREFUL CONSIDERATION BY US HERE IN HAWAII AND BY ALL MEMBERS OF THE CONGRESS. IT POINTS THE WAY TO GREAT BENEFITS FOR THE ENTIRE STATE THROUGH PLAIN AND RIGHTFUL SETTLEMENT OF LAND CLAIMS OF THE ABORIGINAL HAWAIIANS.

HAWAIIAN LANDS STILL CEDED TO THE FEDERAL GOVERNMENT

THIS STUDY DISCLOSED THAT THE PROVISIONAL GOVERNMENT IN HAWAII, AT THE TIME HAWAII JOINED THE UNITED STATES, CEDED THE "GOVERNMENT LANDS" TO THE UNITED STATES FEDERAL GOVERNMENT. THE TOTAL HAWAIIAN GOVERNMENT LANDS CEDED AT THAT TIME INCLUDED ALL THE SO-CALLED "GOVERNMENT LAND" AND ALSO THE "CROWN LAND" THAT HAD BEEN MERGED INTO GOVERNMENT LAND. IT WAS ^{fully} ONE HALF OF THE ENTIRE AREA OF THE ISLANDS. THE STATEHOOD ACT OF 1959 RETROCEDED MOST OF THESE LANDS TO THE STATE OF HAWAII, BUT THERE ARE 400,000 ACRES OF FEDERAL LAND ORIGINALLY OWNED BY THE HAWAIIAN CHIEFS AND SMALL KULEANA OWNERS THAT ARE STILL HELD BY THE UNITED STATES GOVERNMENT.

CEDING OF GOVERNMENT LANDS TO UNITED STATES WITHOUT HAWAIIAN PEOPLE'S CONSENT

IT COULD BE ARGUED THAT HAWAII JOINED THE UNITED STATES AND CEDED THE HAWAII GOVERNMENT LAND TO THE UNITED STATES BUT THAT THIS WAS WITHOUT THE CONSENT (AND POSSIBLY ACTUALLY AGAINST THE WILL) OF BY FAR THE GREAT MAJORITY OF THE NATIVE AND

HAWAIIANS ALONE ORIGINALLY OWNED ALL THE LAND OF THESE ISLANDS. THIS FACT IS BASIC AND MUST BE GIVEN GRAVE AND INHERENT RESPECT WHEN WE TALK ABOUT ABORIGINAL LAND RIGHTS.

IT IS HOPED THAT THE MANY OTHER ETHNIC GROUPS WHO SO GREATLY HAVE BENEFITTED FROM THEIR ACQUISITION OF PRACTICALLY ALL OF THE ABORIGINAL HAWAIIANS' LAND, WILL SEE FIT TO DEAL FAIRLY AND JUSTLY WITH THE HAWAIIANS. THIS IS AN EXCEEDINGLY IMPORTANT AND RIGHTEOUS OPPORTUNITY TO SECURE TREATMENT FOR THE HAWAIIANS AT LEAST COMPARABLE TO THAT NOW AFFORDED THE ALASKANS AND AMERICAN INDIANS ENGLISH COMMON LAW LAND CUSTOMS VIOLATED HAWAIIAN CUSTOMS AND LAW

ONLY UNDER THE FULL FORCE AND APPLICATION OF THE LAND CUSTOMS AND RIGHTS OF THE ENGLISH COMMON LAW, AS EXTENDED TO AND COVERING THE VAST, THINLY POPULATED LAND OF AMERICA, COULD THE HAWAIIANS HAVE BEEN INEVITABLY DEPRIVED OF THEIR BIRTHRIGHT BY DUE PROCESS OF THIS ENGLISH COMMON LAW.

IN AMERICAN SAMOA AND ALSO IN BRITISH SAMOA, THE ENGLISH COMMON LAW, INsofar AS LAND CONDEMNATION, MORTGAGING THE LAND, THE REQUIREMENT TO PAY REAL PROPERTY TAXES IN CASH RATHER THAN THEIR CUSTOMARY PAYMENT "IN KIND", ETC. - NONE OF THESE THINGS WAS ADOPTED BY THE ABORIGINES. THROUGHOUT POLYNESIA, LAND TITLES WERE HELD AND OWNERSHIP PASSED DOWN THROUGH THE FEMALE SIDE OF THE FAMILY. AS A RESULT THE AMERICAN SAMOANS STILL TODAY OWN OVER 96% OF THEIR LAND. SINCE 1932, SOME OF US AS PERSONAL FRIENDS, AND NOTING HOW THE HAWAIIANS HAVE LOST NEARLY ALL THEIR LAND THROUGH TAX FORECLOSURES, HAVE REPEATEDLY URGED THE SAMOANS NOT TO PERMIT LAND ALIENATION.

THEIR TERRITORIAL STATUTES NOW PROHIBIT LAND ALIENATION. IN THE TRUST TERRITORY OF THE PACIFIC ISLANDS, SOME OF US HAVE TO A SUBSTANTIAL EXTENT SUCCEEDED IN GETTING THEM TO CONVERT THEIR LAND CUSTOMS INTO TRUST TERRITORIAL STATUTES. CONSEQUENTLY WITHIN THE PAST FEW MONTHS THE UNITED STATES, THE ADMINISTERING AUTHORITY, HAS DECREED THAT THE LAND OF THE PEOPLE OF THE TRUST TERRITORY ALWAYS SHALL BE HELD IN FEE ONLY BY ABORIGINAL RESIDENTS OR THEIR DESCENDANTS.

IT IS A GREAT PITY THAT GUAM DID NOT TAKE THIS ACTION.

THE GUAMANIAN ALREADY HAVE LOST MUCH OF THEIR FEE SIMPLE LAND.

AND FOR THE HAWAIIANS IT IS PLAINLY UNFORTUNATE THAT THEY DID NOT TAKE ACTION SIMILAR TO THAT TAKEN BY THE AMERICAN SAMOANS. HAD THEY REALIZED WHAT THEY WERE DOING WHEN THEY IN 1950 PERMITTED SALE AND ALIENATION OF THEIR LAND, THEY MANIFESTLY WOULD NEVER HAVE AGREED TO SUCH A MISTAKE.

THE UNITED STATES GOVERNMENT NOW IS RETURNING TO THE MICRONESIANS OF THE TRUST TERRITORY THE GOVERNMENT LAND TAKEN BY THE JAPANESE. LAND NEEDED FOR UNITED STATES GOVERNMENT DEFENSE AND OTHER GOVERNMENTAL PURPOSES IS LEASED, SO THE MICRONESIANS ARE STILL OWNERS OF THIS LAND.

IF THIS POLICY SHOULD BE AFFORDED IN HAWAII TO OUR HAWAIIAN ABORIGINES IT WOULD FOLLOW THAT SOME HAWAIIAN HOMES COMMISSION LANDS AND PROBABLY SOME OF THE "CEDED" GOVERNMENT LAND AT SOME FUTURE DATE MAY BE REQUIRED FOR DEFENSE PURPOSES OR OTHER GOVERNMENTAL USE. SHOULD THIS OCCUR, THE RESPONSIBLE GOVERNMENT SHOULD SECURE SUCH AREAS ON A LEASEHOLD BASIS, PAYING A FAIR LEASE RENTAL AS LONG AS DEFENSE OR OTHER GOVERNMENT NEEDS REQUIRE IT. IT SHOULD BE STIPULATED THAT AN ADEQUATE AREA OF OTHER CEDED LAND WOULD BE PROVIDED BY EXCHANGE FOR THE DISPLACED OWNER TO HAVE A SUITABLE RESIDENCE AND ADEQUATE LAND OR SHARES OF CORPORATION STOCK TO AFFORD SUBSISTENCE TO HIM AND HIS FAMILY.

SUPPOSE THE HAWAIIANS' LANDS HAD NOT BEEN ALIENATED

IT WOULD BE ADMITTED THAT IF THERE HAD BEEN NO ALIENATION OF THE HAWAIIANS' LANDS, SAY IF THE HAWAIIANS LIKE THE AMERICAN SAMOANS STILL OWNED 96 PERCENT OF THE LAND OF HAWAII, THINGS WOULD BE VASTLY DIFFERENT IN OUR ISLANDS TODAY. POSSIBLY MUCH LESS DEVELOPED. BUT ALSO THE HAWAIIAN PEOPLE, IF THEY STILL WERE THE OWNERS OF THE LAND, OR NEARLY ALL OF IT, AMONGST ALL ETHNIC GROUPS WOULD RELATIVELY ENJOY A MUCH BETTER, HIGHER ECONOMIC, SOCIAL AND ^{ACTUAL} POLITICAL STATUS. OWNERSHIP OF LAND IS JUST THAT BASIC ON A PACIFIC ISLAND.

WE CAN ADMIT ALSO THAT THE MOST EVIDENT AND EXTENSIVE CHANGES HAVE OCCURRED SINCE STATEHOOD IN 1959 AND THE RECENT ADVENT OF THE JET PLANES. IN OTHER WORDS, THE GREATEST CHANGES HAVE BEEN CONCOMITANTS OF RECENT RAPID INCREASES IN POPULATION..

MUCH OF THIS RECENT DEVELOPMENT HAS BEEN ON LEASED LAND.

AND BUSINESS AND RESIDENCES AND INDUSTRIES ARE NOW WELL ACCUSTOMED TO ERECTING IMPROVEMENTS ON LEASED LAND ^{RENTAL IS A TAX DEDUCTIBLE ITEM OF EXPENSE} AS A MATTER OF FACT, MOST OF THE SUGAR FROM THE EARLY DAYS TO THE PRESENT HAS BEEN GROWN ON LAND THE PLANTATIONS LEASED AND DID NOT OWN.

BUT IT IS PROBABLE THAT THE DEVELOPMENT WOULD HAVE BEEN SLOWER AND FINANCING MORE DIFFICULT IN CERTAIN CASES.

THE UNITED STATES GOVERNMENT COULD HAVE ERECTED IMPROVE-

MENTS ON LONG TERM LEASED LAND, AS IT HAS DONE IN THE TRUST TERRITORY OF THE PACIFIC ISLANDS. IT DID NOT ACQUIRE ONE SQUARE FOOT OF FEE SIMPLE LAND IN THE TRUST TERRITORY.

HOWEVER, EVEN THE UNITED STATES GOVERNMENT ACQUIRED LAND CEDED BY THE HAWAIIAN REPUBLIC AT THE ANNEXATION AS "GOVERNMENT LAND" AND ALSO LAND ACQUIRED ^{SINCE ANNEXATION} BY EMINENT DOMAIN OR OUTRIGHT PURCHASE OF THE FEE.

THE INEVITABLE INCREASE IN IMMIGRATION INTO HAWAII IN DUE TIME WOULD HAVE OCCURRED EVEN WITHOUT THE HAWAIIAN PEOPLE HAVING TO LOSE THE FEE IN THEIR LANDS.

BUT IT IS A WASTE OF TIME AND RATHER FRUITLESS TO ARGUE OVER WHETHER IT WAS RIGHT OR WRONG TO PERMIT ALIENATION OF THE HAWAIIAN ABORIGINES' LAND. AND IT ^{WILL} BE RIGHT AND ^{CONSONANT} WITH GOOD PRECEDENT THAT ALL INTERESTED PERSONS NOW TAKE STEPS TO ACT IN A WAY TO MAKE FAIR RESTITUTION FOR PROCEDURES IN EMINENT DOMAIN AND TAX FORECLOSURES ON HAWAIIANS' LANDS THAT CAME NEAR BEING TOTALLY FATAL TO THE HAWAIIAN PEOPLE AND FOR WHICH LAND LOSSES OUR HAWAIIAN ABORIGINES ARE STILL SUFFERING. FURTHER LAND READJUSTMENTS ARE REQUIRED TO MEET SERIOUS HAWAIIAN NEEDS

THERE ARE CONCOMITANT CAUSES FOR THE GREAT AND SPECIAL NEEDS OF OUR HAWAIIAN PEOPLE. THESE INCLUDE:

(1) DECIMATION OF POPULATION DUE TO IMPORTED DISEASES FOR WHICH THEY HAD NO IMMUNITY;

(2) CHANGE TO A MONEY ECONOMY THAT CAUSED THE Dwindling

RURAL AHUPUAA RESIDENTS TO DESERT THE LANDS AND FLOCK INTO THE SEAPORT TOWNS. THIS LEFT THE ABORIGINAL LAND OWNERS WITHOUT REVENUES OR USEFUL SUPPORTIVE ISSUE, CROPS, ETC., FROM THEIR LANDS, SO THEY WERE FORCED TO SELL THEIR LANDS FOR CASH IN ORDER TO PAY TAXES OR DEBTS.

(3) CONTRAST BETWEEN RAPIDLY DWINDLING VALUE OF UNPRODUCING LAND AND APPARENTLY ASSURED INCOME FROM CORPORATION BONDS, AND FROM SHARES OF LOCAL AND MAINLAND PREFERRED CORPORATION STOCK:

(4) THE GENERAL LOSS OF ASSETS AND INCOME AS WELL AS OF THE LIVES OF THEIR LOVED ONES THAT RESULTED IN LOSS OF MORALE, AND HOPE AND CAPABILITY TO COPE WITH A NEW COMPETITIVE ECONOMY AND SOCIETY.

ALL THESE MADE THE EPIDEMIC OF MORTGAGE FORECLOSURES AND SALES OF REAL PROPERTY FOR CASH ALMOST UNIVERSAL AMONGST THE HAWAIIANS.

WHAT WAS DONE FOR THE ALASKAN ABORIGINES?

THE ALASKA SETTLEMENT VESTS TITLE TO 40 MILLION ACRES OF LAND IN THE ABORIGINAL NATIVES AND PROVIDES A CASH SETTLEMENT TOTALLING NEARLY ONE BILLION DOLLARS AS PAYMENT FOR EXTINGUISHMENT OF ABORIGINAL TITLE TO THE REST OF THE LAND IN ALASKA.

SENATOR INOUE POINTS OUT THAT "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 ABORIGINAL NATIVE POPULATION FOR FEDERAL LANDS IN EITHER HAWAII OR ALASKA BEFORE THE ALASKA SETTLEMENT."

IT COULD BE NOTED THAT THE NEED FOR ALASKA OIL MAY HAVE SPURRED THE SETTLEMENT IN ALASKA. QUERY: MAY IT BE POSSIBLE THAT THE DISCOVERY OF MULTIMILLIONS OF DOLLARS WORTH OF RARE METALS ON THE SEA FLOOR ABOUT OUR ISLANDS COULD SPUR ATTENTION AND ACTION IN EFFECTING A FAIR SETTLEMENT FOR THE HAWAIIANS? ALSO POSSIBLE MODERN DIPLOMACY, GOOD POLITICS AND EVEN THE SLOWLY BUT SURELY GROWING INFLUENCE OF THE UNITED NATIONS' CONCERN FOR UNDER-PRIVILEGED PEOPLE MAY HAVE AIDED IN THE AGREEMENTS MADE BY OUR FEDERAL GOVERNMENT WITH THE ABORIGINAL RESIDENTS OF ALASKA.

"FOR ANOTHER," CONTINUE THE SENATOR, "THE STUDY REPORTS THAT, AS WRITTEN, THE HAWAIIAN ORGANIC ACT OF 1900, LIKE THE ALASKA ORGANIC ACT OF 1884, LEFT OPEN THE POSSIBILITY FOR SOME FUTURE LEGISLATIVE SETTLEMENT OF NATIVE LAND CLAIMS."

HAWAIIANS' RIGHTS EQUAL THE RIGHTS OF ALASKANS

THE EFFORTS OF SENATOR INOUE LEAD HIM TO CONCLUDE THAT "THE HAWAIIANS HAVE AS MUCH RIGHT AS THE ALASKANS TO SOME SUITABLE AND JUST FORM OF COMPENSATION FOR THE LOSS OF THEIR LANDS." HE SAYS THAT "THE BASIS LIES IN HAWAII'S HISTORY. THOUGH THE WESTERN LEADERS OF HAWAIIAN GOVERNMENT AND BUSINESS HAD THE BEST INTERESTS OF THE HAWAIIANS AT HEART, THE HAWAIIANS LOST MUCH ACREAGE WITHOUT HAVING RECEIVED FAIR FINANCIAL REPARATION OR THE BENEFITS OF DUE PROCESS UNDER THE LAW."

FURTHER HAWAIIAN RESTITUTION CALLED FOR

SENATOR INOUE PROPOSES TO PROVIDE SOME FURTHER RESTITUTION

FOR LANDS TAKEN FROM AND LOST BY THE HAWAIIANS. THESE LAND LOSSES OCCURRED THROUGH THE OPERATION OF ENGLISH COMMON LAW AND ITS PROVISIONS FOR ALIENATION OF TITLE, MORTGAGING OF TITLE, REQUIREMENT TO PAY REAL PROPERTY TAXES BY LOANS IN CASH RATHER THAN "IN KIND" - IN PRODUCE: FEATHERS, PIGS, TARO, BREADFRUIT, ETC., OR LABOR SERVICE IN WARFARE, ETC., AS WAS THE ANCIENT CUSTOM OF HAWAII.

HE WOULD HAVE THE U. S. CONGRESS ESTABLISH A SPECIAL CORPORATION FOR HAWAIIANS OF AT LEAST ONE-FOURTH HAWAIIAN BLOOD.

BY THE WAY, THIS LIMITATION OF A FIXED 25 PERCENTAGE OF HAWAIIAN BLOOD MAY HAVE TO BE FURTHER CONSIDERED. WE HAD TO LOWER THE PERCENTAGE OF HAWAIIAN BLOOD FOR ADMISSION OF STUDENTS TO THE KAMEHAMEHA SCHOOLS. THE REQUIREMENT FOR ADMISSION NOW APPLYS TO AND ENABLES ALL SUFFICIENTLY PROMISING BOYS AND GIRLS, "WHO HAVE SOME PERCENTAGE OF HAWAIIAN BLOOD AND WHO HAVE ESTABLISHED THEMSELVES AS PART-HAWAIIANS."

FURTHER QUOTING THE SENATOR, "THIS CORPORATION WOULD PAY ITS EXPENSES AND DRAW PROFITS BY OWNING AND ADMINISTERING ALL PRESENT AND FUTURE HAWAIIAN HOMES LANDS. THE MEMBERSHIP, THROUGH THE ELECTED BOARD OF DIRECTORS, COULD LEASE OR DEVELOP THE LANDS FOR RECREATIONAL, RESIDENTIAL OR COMMERCIAL USE - HOWEVER IT SAW FIT."

UNDER SENATOR INOUE'S PROPOSAL AND PLAN, INCLUDING THE ESTABLISHMENT OF A CORPORATION TO TAKE OVER THE PRESENT AND

FUTURE HAWAIIAN HOMES COMMISSION LANDS, "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."
HAWAIIAN HOMES ACT IS A PRECEDENT FOR MORE ADEQUATE ACTION

MY COMMENT HERE IS THAT THE FEDERAL GOVERNMENT UNDER THE HAWAIIAN HOMES COMMISSION ACT ITSELF ESTABLISHED A SIGNAL PRECEDENT. IT DID RECOGNIZE THE NEEDS OF THE HAWAIIAN PEOPLE FOR LAND THAT THEY COULD USE AND ENJOY. IT DID INSURE THAT THE HAWAIIANS ON HAWAIIAN HOMES COMMISSION LAND COULD NOT "ALIENATE," SELL, OR DISPOSE OF THEIR PARCELS. THUS SOME 190,000 ACRES OF LAND ALREADY HAVE BEEN DEVOTED TO COVERING A SMALL PART OF THE NEEDS OF THE HAWAIIANS.

THE GREAT TROUBLE IS THAT IN THIS HAWAIIAN HOMES ACT THE LANDS MADE AVAILABLE WERE MOSTLY LANDS THAT UP TO THE RECENT YEAR OF 1921 HAD NOT BEEN CAPABLE OF BEING PUT TO ANY SUBSTANTIAL ECONOMIC USE. THE HAWAIIAN HOMES COMMISSION LANDS WERE NOT TO INCLUDE ANY LAND AT THAT 1921 DATE IN USE FOR GROWING SUGAR CANE, PINEAPPLES, OR INDUSTRIALIZED AGRICULTURE, RANCHES OR OTHER ESTABLISHED ECONOMIC PURPOSE. THIS LEFT VERY LITTLE CHOICE OR EVEN SUITABLE LAND TO COMPRISE THE HAWAIIAN HOMES LANDS. THERE WERE UNUSED DESERT LANDS, HIGH ALTITUDE LANDS, LANDS WITH INADEQUATE RAINFALL OR WATER RESOURCES, LAVA COVERED LAND, ETC.

IN SHORT, WHILE THERE WERE SOME FAIR RANCH AND AGRICULTURAL PLOTS, MOST OF THE HAWAIIAN HOMES COMMISSION AREAS WERE LANDS THAT NEITHER THE ABORIGINAL HAWAIIANS NOR THE CAPABLE LATER ARRIVING BUSINESSMEN OF EUROPE, AMERICA, AND ASIA HAD BEEN ABLE TO DEVELOP AND USE ECONOMICALLY.

IT WAS THESE THERETOFORE LARGELY "USELESS" LANDS OFTEN LAVA COVERED AND WITHOUT RELIABLE WATER OR IRRIGATION, THAT WERE ASSEMBLED AND DESIGNATED AS HAWAIIAN HOMES LANDS.

SHOULD NOT ANOTHER SAY 200,000 ACRES OF BETTER AND MORE USABLE "CEDED" GOVERNMENT LAND BE MADE AVAILABLE TO THE GREATLY INCREASED NUMBER OF HAWAIIANS AND PART-HAWAIIANS? VERILY, I DO AGREE WITH SENATOR INOUE.

CHIEF FEATURES OF THE LAND READJUSTMENT PLAN FOR ABORIGINAL HAWAIIANS

SENATOR INOUE WOULD ADD TO THE LAND TO BE OWNED BY THE CORPORATION "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 TWENTY YEARS. IN EVENT OF DEATH OR DIVORCE, STOCK COULD BE TRANSFERRED TO QUALIFIED BENEFICIARIES."

IT SEEMS THAT SENATOR INOUE HAS GIVEN GREAT THOUGHT AND DISCUSSION TO THIS PROGRAM TO TREAT THE ABORIGINAL HAWAIIANS IN SOME SUCH FAIR MANNER AS THE ABORIGINAL ALASKANS RECENTLY WERE TREATED IN THE ALASKA NATIVE CLAIMS SETTLEMENT OF 1971. I SHOULD ASSUME THAT ALL OUR MEMBERS OF THE CONGRESS WOULD BE GLAD TO AID AND WORK OUT A SOUND BILL TO BRING ABOUT A COMPARABLY FAIR TREATMENT OF THE HAWAIIANS FOR THE LAND THEY HAVE LOST.

IT IS HOPED THAT THERE WILL BE A STRONG AND JUST REACTION AMONG ALL CITIZENS OF HAWAII TO BACK SENATOR INOUE'S PROGRAM AND OBJECTIVES, SO THAT MINOR OR EVEN MAJOR DISAGREEMENTS AND ALTERNATIVES MAY BE DEvised TO IMPROVE THE PRACTICABILITY OF THE IDEA BUT NOT DEFEAT THIS REALLY WORTHY AND LONG OVERDUE PROGRAM TO DEAL FAIRLY WITH OUR ABORIGINAL HAWAIIANS IN LAND MATTERS.

SENATOR INOUE WOULD HAVE THE FEDERAL GOVERNMENT "APPROPRIATE ABOUT \$500 MILLION FOR THE HAWAIIAN CORPORATION. CORPORATE MEMBERSHIP WOULD ELECT ITS BOARD OF DIRECTORS FOR STAGGERED FOUR-YEAR TERMS. THIS BOARD WOULD REPORT ANNUALLY TO STOCKHOLDERS, AND WOULD HAVE TO MAKE FULL PUBLIC DISCLOSURE OF ITS ACTIVITIES."

HE WOULD PROVIDE THAT "PRESENT LESSEES MAY CONTINUE TO RESIDE ON HOME COMMISSION LANDS, BUT DIVIDENDS TO THESE LESSEES WOULD BE LESS THE AMOUNT OF THE ANNUAL APPRAISED VALUE OF THEIR

LEASED PROPERTY.

"THE BOARD COULD SELL OR EXCHANGE ON VALUE FOR VALUE BASIS LAND PARCELS ONLY IF STOCKHOLDERS APPROVED BY A TWO-THIRDS REFERENDUM VOTE.

"CORPORATE PROFITS WOULD BE SUBJECT TO APPLICABLE FEDERAL, STATE, AND LOCAL TAXES, AND STOCKHOLDERS WOULD PAY APPLICABLE INCOME TAXES ON DIVIDENDS."

THUS WE HAVE REVIEWED SENATOR INOUE'S PLAN TO PROVIDE LAND AND CASH BENEFITS FOR OUR ABORIGINAL HAWAIIANS THAT WILL FOLLOW THE ALASKAN ABORIGINES' PRECEDENT. IN GENERAL, I HAVE CONCURRED EXCEPT AS TO THE 25% OF HAWAIIAN BLOOD REQUIREMENT, AND INSTEAD OF FEEDING ALL CEDED GOVERNMENT LAND INTO THE CORPORATION, I HAVE RECOMMENDED ONLY 200,000 MORE ACRES, THUS DOUBLING THE HAWAIIAN HOMES COMMISSION LAND AREA. SUCH ACREAGE SHOULD BE SUITABLE FOR AGRICULTURE, INDUSTRY, BUSINESS AND RESIDENTIAL USES, TOGETHER WITH THE WATER APPURTENANT THERETO.

THE STATE NOW HAS LAWS PROVIDING FOR LAND USE PLANNING. THE PURPOSE OF SUCH LAWS IS TO INSURE THAT THE LIMITED LAND OF HAWAII IS DEVOTED TO DEVELOPMENT OF THE HIGHEST ECONOMIC USE COMPATIBLE WITH HIGHEST STANDARDS OF HUMAN LIVING.

THIS TYPE OF LEGISLATION, WHEN FULLY WORKED OUT, PROVIDES INSURANCE AGAINST IMPROPER USE OF LAND, AND THE BEST USE REGARDLESS OF WHO OWNS THE LAND.

SUCH COVENANTS SHOULD BE PROVIDED FOR IN THE PROPOSED LAND SETTLEMENT BENEFITING THE HAWAIIAN ABORIGINES.

IT WILL BE RECALLED THAT EARLIER AND EXISTING LAND LEASES BY THE HAWAIIAN HOMES COMMISSION TO AGRICULTURAL AND OTHER PRIVATE CORPORATIONS HAVE BEEN WORKING VERY SATISFACTORILY FOR MANY YEARS. CAN WE NOT PROVIDE BY LAW THAT THE SAME GOOD OR EVEN BETTER RESULTS WILL BE FORTHCOMING FROM THE OPERATION PROPOSED UNDER THE/HAWAIIAN HOMES COMMISSION CORPORATION AS IS OCCURRING UNDER THE PRESENT HAWAIIAN HOMES COMMISSION?

NEXT STEPS: HOW TO SECURE FAIR ADJUSTMENTS

ADMITTEDLY IT IS GOING TO BE HARD TO SECURE A FULL BACKING OF THE PROJECT TO RESTORE A FAIR ADJUSTMENT OF LANDS LOST BY "ALIENATION," AND THROUGH ABROGATION OF THE ABORIGINES' METHOD OF FAMILY RETENTION OF LAND.

IN SPEAKING BEFORE CERTAIN LOCAL ORGANIZATIONS, SENATOR INOUE HAS MADE THE FOLLOWING POINTS:

IN ORDER TO SECURE CONGRESSIONAL APPROVAL OF A BILL TO ACCOMPLISH A FAIR RESTITUTION FOR THE HAWAIIANS' LAND LOSSES, THERE MUST BE DEVELOPED -

1. UNITY AMONGST THE HAWAIIANS IN SUPPORT OF THE PROJECT AND AGREEMENT ON TERMS OF THE BILL PRESENTED TO THE CONGRESS.

BITTERNESS AMONGST VARIOUS HAWAIIAN GROUPS, JEALOUSIES, DISSENTION AND DIVISIONS MUST BE CONSIDERED AND ELIMINATED. THIS WILL REQUIRE UNUSUAL COOPERATION. ASSURANCE OF FAIR DISTRIBUTION OF BENEFITS WITHIN GUIDELINES THAT WILL BE BASED UPON NEED AND WITHOUT PARTIALITY TO ANY GROUP OR INDIVIDUAL MUST BE WORKED OUT. THIS WILL BE A BIG JOB;

2. NON-HAWAIIANS MUST BECOME CONVINCED THAT SUCH LAND ADJUSTMENT, TENDING IN A FAIR MEASURE TO RESTORE THE ABORIGINES' LAND RIGHTS, IS BEST FOR ALL THE PEOPLE OF HAWAII AS A WHOLE, REGARDLESS OF ETHNIC ORIGINS. ALL MUST UNDERSTAND THAT IT IS A FAIR COMPENSATION FOR REALLY GREAT AND BASIC LOSSES SINCE 1850;

3. THE SENATE AND THE HOUSE OF REPRESENTATIVES OF HAWAII AS WELL AS OTHER BRANCHES OF STATE AND COUNTY GOVERNMENTS MUST BACK THE PROJECT;

4. BASIC PHASES OF THE BILL MUST BE AGREED UPON, FOR EXAMPLE, SHOULD THE PRESENT HAWAIIAN HOMES COMMISSION BECOME FUSED WITH THE NEW FOUNDATION OR SHOULD THE TWO BE KEPT SEPARATE? OTHER DETAILS MUST BE DISCUSSED AND EVALUATED SO THAT A BILL FAIR AND BENEFICIAL TO ALL IN HAWAII MAY RESULT.

CONCLUSION: EVENTUALLY; WHY NOT NOW

THE FOREGOING DISCLOSED THE PRECEDENT SET IN THE ALASKAN SETTLEMENT. WE SHOULD EXPECT THAT, IN A CORRESPONDING HAWAIIAN SETTLEMENT, IMPROVEMENTS AS TO SAFEGUARDS IN USE AND OPERATION OF THE LAND AND THE FOUNDATION WOULD BE DEVISED AND INCORPORATED.

EXCEPT FOR A RELATIVELY SMALL NUMBER OF CHIEFS WHO
CREATED CHARITABLE OR PRIVATE TRUSTS OF THEIR LAND HOLDINGS,
THE LOSS OF GOOD AND ECONOMICALLY USABLE LAND HAS BEEN ALMOST
COMPLETE AMONGST ABORIGINAL HAWAIIANS. OUR HAWAIIAN PEOPLE
SHOULD TAKE HEART BECAUSE OF THE ALASKA PRECEDENT AND THIS
RESULTING PRESENT OPPORTUNITY TO PROVIDE A FAIR SETTLEMENT
AND RESTORE ADEQUATE LAND OWNERSHIP TO OUR HAWAIIAN BASIC
ETHNIC GROUP. THEIR GREAT NEEDS FOR THE PROGRAM ARE ONLY
TOO WELL DOCUMENTED.

FROM THE ENACTMENT OF THE PROPOSED FAIR SETTLEMENT FOR
THE HAWAIIANS, SHOULD CONTINUE TO FLOW THE SPIRIT OF ALOHA.

FAIRLY TREATED, THE HAWAIIANS MAY BE RELIED UPON TO DO
THEIR NOBLE SHARE IN MAKING HAWAII THE BEST PLACE IN THE WORLD
TO LIVE.

SOONER OR LATER THE JUSTICE OF FAIR RESTITUTION WILL BE
ESTABLISHED AND ACTION WILL FOLLOW. THERE WILL BE PROVIDED
REASONABLE GOOD QUALITY AND ADEQUATE LAND. THERE WILL BE A
SOUND OPERATING FUND AND AN ORGANIZATION TO OPERATE A
FOUNDATION SERVING ANOTHER OF AMERICA'S "DISADVANTAGED" GROUPS.

THE TIME SUITABLY TO ACT IS NOW. IN FACT IT IS LONG
OVERDUE.

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