HAwAIIAN NaTIVE CLAIms SETTLEMENT: AN ACHIEVABLE Goal
A SPEECH BY HONORABLE SPARK MATSUNAGA
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KAUAI RESORT HOTEL
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President Kenney, Convention Chairman Kaluna, members
of ALOHA, distinguished guests, ladies and gentlemen, Aloha!
Because of our long and close association, it is indeed
a pleasure to meet with you again as a group, although
I have spoken and stayed in touch with many of you
individually since I last addressed your organization in
Hilo. As you know, I have since had the great honor of
becoming one of your U. S. Senators, and I wish to state
very strongly at the outset that my commitment to the
attainment of the goals of your organization remains
total.

That mutual effort to which we must continue to
dedicate our efforts remains this:; to obtain recognition
that in the course of Hawaii's history, unjustifiable
WRONGS WERE DONE TO THAT PROUD PEOPLE WHO ARE NATIVE TO HAWAII; TO CALL UPON THAT SENSE OF FAIRNESS WHICH IS INHERENT TO OUR COUNTRY'S HISTORY TO REMEDY THESE WRONGS AS MUCH AS IS POSSIBLE; AND, IN A BROADER SENSE, TO CONTINUE TO FOSTER THAT STILL-GROWING RESURGENCE OF ETHNIC IDENTITY AND PRIDE IN HERITAGE WHICH NATIVE HAWAIIANS HAVE EXPERIENCED IN RECENT YEARS.

AS WE HAVE ALWAYS KNOWN, THESE ARE AMBITIOUS GOALS. THEIR REALIZATION WILL COME ABOUT AS THE RESULT OF MANY PEOPLE EXERTING MANY DIFFERENT EFFORTS IN MANY RELATED AVENUES. A NATURAL AND WELCOME PART OF THIS EFFORT HAS BEEN, AND WILL CONTINUE TO BE, THE ELICITATION OF MANY DIVERGENT OPINIONS AS TO HOW OUR GOALS CAN BEST BE ACHIEVED. TO UNIFY THESE DIVERGENT VIEWS IN ONE CHANNEL IS, AS WE ALL REALIZE, A TREMENDOUS CHALLENGE. BUT, I CONTINUE TO BELIEVE STRONGLY THAT THE STRENGTH OF THE GOALS THEMSELVES WILL ENCOURAGE UNITY AND BRING ABOUT THEIR EVENTUAL ACHIEVEMENT.
I spoke of the necessity of exerting many different efforts at the same time. Unquestionably the most important among those which we have advocated to date, one with which you of ALOHA and I have been involved now for a number of years, is the settlement of Hawaiian native claims. I can state without hesitation that were it not for your organization's tremendously active advocacy, support and assistance throughout the last five years during which thes effort has been pursued, we would not be as far along toward our goal, and would not have the groundwork behind us that we have today. ALOHA must continue to utilize this experience and its expertise in actively seeking a settlement. Along these lines, I would like to bring you up to date on the progress which we have made and the directions in which we are going in going in Washington on this issue of the greatest going in going in importance.

As you know, the proposed Hawaiian Native Claims
Settlement Act was first introduced in the U. S. House of Representatives on June 27, 1974. The bill was the produce primarily of an exceedingly large effort by ALOHA, which sponsored hearings throughout the state and heard from hundreds of representatives of the Hawaiian community and others in reviewing the concert and possible substance of native claim legislation. As a result of these extensive discussions, ALOHA drafted a bill, which I introduced, with then Congresswoman Mink as a cosponsor, exactly as it was drafted by ALOHA so that the Congress could begin the consideration of the complicated issue.

We reintroduced the bill as H.R. 1944, at the beginning of the 94th Congress, in January, 1975. Extensive hearings were held on the bill the following month on the islands of Molokai, Maui, Hawaii, Kauai and Oahu by a Subcommittee of the House Committee on Interior and Insular Affairs, chaired by Congressman
Lloyd Meeds of Washington.

As we will recall, the hearings were very well attended, and served as the most valuable first step toward bringing to the attention of the Congress and the American people the facts involving the overthrow of the Hawaiian monarchy in 1893, and the grave injustice which was forced upon the Native Hawaiians by the forceful and illegal seizure of their legitimate government. The need for just compensation for damages suffered by the Native Hawaiians became clearly evident. However, as was to be expected, considerable disagreement was voiced over several provisions of H.R. 1944, such as the amount of reparations, the mode of distribution, and the definition of the term "Native Hawaiian."

In part because of these valid disagreements among the supporters of reparations, our colleague in the U.S. Senate, Senator Daniel K. Inouye, chose to follow a different approach to the Hawaiian native claims issue.
On December 18, 1975, he introduced Senate Joint Resolution 155, which sought recognition by the U. S. Congress of the wrongs done the Native Hawaiians, and the establishment of a Hawaiian Native Claims Settlement Study Commission with a mandate to undertake an exhaustive study of all issues regarding Hawaiian native claims and report back to Congress with recommendations for remedial legislation within one year of the creation of the Commission. S.J. Res. 155 proposed also that the Commission be composed of 11 persons, six to be of Hawaiian ancestry, with each of Hawaii's four counties to be represented on the Commission, and with at least four members "conversant in Hawaiian Native culture, history, or language".

Hearings were held on S. J. Res. 155 by the Senate Committee on Interior and Insular Affairs in February of 1976, and generated an impressive degree of support for the concept of Hawaiian native claims equal to that demonstrated at the House hearings on the
House bill of a year earlier. Some controversy arose during subsequent consideration of the bill by the Senate Interior Committee over a proposal that the bill be amended to include a ceiling on the amount of reparations which might ultimately be paid to Hawaiians as part of any legislation to settle their native claims. However, the amendment, opposed strongly by Hawaii's two Senators as well as myself, was not accepted, and the bill was reported out of the Interior Committee to the full Senate on September 29, 1976. Unfortunately, not enough time remained in the 94th Congress, and the bill died without any further action by the Senate.

In the present 95th Congress, Hawaii's Congressional delegation, at Senator Inouye's suggestion, unanimously decided to unite behind the concept of first establishing a study commission, before pursuing the course of the House proposed Hawaiian Native Claims Settlement Act. Accordingly, Senator Inouye and I introduced on
January 10 of this year S.J. Res. 4, which is identical to the bill reported from the Senate Interior Committee last September. I understand that Congressmen Heftel and Akaka will introduce a similar measure in the House in the very near future.

There are several reasons why I am supporting the approach taken in S.J. Res. 4. The primary reason is that there needs to be a massive educational effort to convince the Congress that the Native Hawaiians do in fact have a legitimate claim against the United States government. To do this, a step-by-step approach appears to be the more effective way. As I said earlier, our goals must be to obtain recognition that representatives of the government of the United States acted wrongfully in aiding in the overthrow of the Hawaiian monarchy in 1893 first, and then, having established that fact, proceed to obtain a remedy for that injustice. The bills which I introduced in the House during the 93rd
and 94th Congresses contained both elements of this effort, that is, they sought both the recognition and the remedy, all at the same time. As I also said, the hearings which were held on the proposed Hawaiian Native Claims Settlement Act evidenced no substantial disagreement with the former, but did bring out the need for further discussion as to what the remedy should be. The danger in such a situation is that during subsequent consideration by Congress of this or similar proposals, disagreement as to the remedy might cloud or even prevent achievement of the first goal -- the recognition of the wrong. S.J. Res 4 appears to be the right approach to follow at this point in time in that it has as its primary goal the establishment of a wrong and of an obligation on the part of the U.S. Government to do what it can to right it. I quote from the proposed resolution:

"Whereas in the year 1893, the United States Minister accredited to the sovereign and
INDEPENDENT KINGDOM OF HAWAII, acting wholly without the authority or knowledge of the Congress or the President, unlawfully conspired with a small group of non-Hawaiian residents of that kingdom, including citizens of the United States, to overthrow the indigenous and lawful government of Hawaii; ...Now therefore be it resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, that the Congress hereby declares that a wrong has been committed against the Native Hawaiians which the United States is obligated to endeavor to remedy...

I BELIEVE YOU WILL AGREE WITH ME THAT THIS IS STRONG LANGUAGE WHICH, IF ACCEPTED BY THE CONGRESS, CREATES AN OBLIGATION UPON CONGRESS AND UPON THE FEDERAL GOVERNMENT TO REMEDY THE WRONG. THIS IN AND OF ITSELF WOULD BE A

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SIGNIFICANT AND MAJOR STEP FORWARD.

Other reasons for my decision to support S.J. Res. 4 include the fact that its predecessor cleared a major hurdle, the Senate Interior Committee (now the Committee on Energy and Natural Resources of which I am a member); the fact that our non-Hawaiian allies in Congress, such as Congressman Meeds, believe this to be the best approach; and the desirability of Hawaii's Congressional delegation presenting a united front in Congress on this matter.

However, perhaps the most important reasons is that passage of the resolution would establish a forum, the Commission before which the various views within the Hawaiian community on different aspects of reparations can be fully aired, but with the requirement that a decision must be made within a year, as mandated in the legislation, and transmitted to Congress as the recommendation of the Hawaiian people.

My 14 years of experience in Congress has taught
ME THAT FEW OCCURRENCES SERVE AS GREATER DETERRENTS TO
THE PASSAGE OF A BILL THAN THE OPPOSITION OF THE SUPPOSED
BENEFICIARIES OF A BILL. THE SUGAR ACT WAS DEFEATED IN
1974 FOR THIS VERY REASON. CONGRESS IS INCLINED TO DELAY
ACTION ON ANY PROPOSAL WHENEVER THE PROPOSED BENEFICIARIES
DISAGREE AMONG THEMSELVES AS TO THE MANNER IN WHICH THEY
WISH TO BENEFIT FROM THE ENACTMENT OF THE RELEVANT
LEGISLATION. IF THERE IS AGREEMENT, SPEEDY ACTION CAN
BE EXPECTED.

THE FACT THAT ALOHA SUPPORTS THE COURSE OF ACTION
BEING TAKEN BY THE HAWAII CONGRESSIONAL DELEGATION WILL
DEFINITELY HELP OUR MUTUAL CAUSE. IF OTHER HAWAIIAN
ORGANIZATIONS WILL JOIN IN THE EFFORT THE CHANCES OF
SUCCESS WILL BECOME EVEN BRIGHTER.

WHILE I SUPPORT THE ESTABLISHMENT OF A COMMISSION
AS THE APPARENT BEST COURSE TO TAKE FOR THE PRESENT, I
ADD THAT THIS WILL BY NO MEANS NEGATE THE TRULY HARD
WORK WHICH ALOHA HAS PUT INTO THE FORMULATION OF PROPOSED
reparations legislation. On the contrary, I have no doubt that if the Commission is established, its major focus will be on the consideration of ALOHA's draft bill, with the burden of proof on alternate proposals.

I am optimistic about the chances of passage of S.J. Res. 4 during the present session of Congress. My optimism stems primarily from the fact that an identical measure cleared the Senate Interior Committee last year.

Furthermore, because I considered the Hawaiian Native Claims Settlement to be of the highest priority, I sought appointment to the Energy and Natural Resources Committee, which has jurisdiction over S.J. Res. 4. For the same reason, I successfully sought assignment to that Committee's Subcommittee on Public Lands and Resources, whose ten members, including myself, hold the key to passage of S.J. Res. 4 in the Senate. Even as a freshman Senator, I am therefore in an excellent position to advance the bill in the Senate, and have...
DISCUSSED AT LENGTH THE BEST POSSIBLE MANNER TO PROCEED, INCLUDING THE POSSIBILITY OF FURTHER HEARINGS IN HAWAII LATER DURING THIS SUMMER, WITH THE SUBCOMMITTEE CHAIRMAN, SENATOR METCALF OF MONTANA. I AM MOST ENCOURAGED BY CHAIRMAN METCALF'S UNDERSTANDING OF THE PROBLEM AND HIS DESIRE TO HELP IN ENACTING CORRECTIVE LEGISLATION. THE SAME IS TRUE ABOUT HIS COUNTERPART IN THE HOUSE, CONGRESSMAN TENO RONCALIO OF WYOMING, WHO, AS CONGRESSMAN MEEDS' SUCCESSOR AS CHAIRMAN OF THE HOUSE INTERIOR COMMITTEE'S SUBCOMMITTEE ON INDIAN AFFAIRS, WILL BE PRIMARILY RESPONSIBLE FOR THE MOVEMENT OF THE BILL IN THAT BODY. I INTEND TO KEEP IN VERY CLOSE CONTACT WITH CHAIRMEN METCALF AND RONCALIO, AND MY OTHER COLLEAGUES IN CONGRESS AS WE CONTINUE TO WORK TOWARD THE EXPEDITIOUS PASSAGE OF THIS TREMENDOUSLY VITAL PIECE OF LEGISLATION.

FROM THE VERY BEGINNING YOUR ORGANIZATION AND I HAVE SHARED AS OUR MOST IMPORTANT COMMON GOAL THE NATIVE CLAIMS REPARATIONS LEGISLATION. BUT BEYOND THAT WE SHARE
A mutual commitment to assisting Native Hawaiians in other areas. In this regard, I wish to mention four bills which I and the other members of the delegation have introduced which seek to include Native Hawaiians as beneficiaries under certain federal programs designed to aid so-called "Native Americans". Three of these bills, new to the Congress, seek to extend to Native Hawaiians the special benefits available to American Indians and Native Alaskans under the Elementary and Secondary Education Act of 1965, the Indian Self-Determination and Education Reform Act of 1973, and the Indian Financing Act of 1974.

Enactment of a fourth proposal may be imminent. That bill which I originally introduced in May of 1975 while then a member of the U.S. House of Representatives, proposes that Native Hawaiians be designated as recipients of special manpower training funds presently available to other Native American groups under the Indian manpower programs mandated in the Comprehensive Employment and
Training Act of 1973. I am most pleased to report that the provisions of my bill were incorporated in S. 1242, the proposed Youth Employment and Training Act of 1977, which passed the Senate on May 26. The House version of S. 1242, does not include such a provision, and so this difference between the two versions will be a subject for discussion in the joint House-Senate conference on the proposals to occur next week. You may be assured that I am exerting every effort to make sure that the Senate prevails on this item of great importance to Hawaii and the Native Hawaiians.

We have made much progress in our efforts on behalf of the original settlers of our Island State, but much remains to be done. The foremost task continues to be our effort to right the wrong done over 80 years, and while such a great undertaking requires much time and greater perseverance, I will reiterate my strong belief that the goal can be achieved. I will continue to work toward
TOWARD THAT END, AND WILL LOOK FORWARD TO ALOHA’S CONTINUING LEADERSHIP IN THIS EFFORT AS THE ORGANIZATION WHICH CAN RIGHTFULLY CLAIM THE MAJOR SHARE OF THE CREDIT FOR THE MOST SIGNIFICANT ACCOMPLISHMENTS TO DATE.

MAHALO AND ALOHA.