

# Wala'au

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## How the Akaka Bill might affect you by Fran Olson

*"It's all about ka aina" (Carol Burbank)*

The old ways are showing up all over in Hawai'i. Traditional ceremonies with protocol, chants and hula are increasingly being performed as part of civic and other functions. This is done not as tourist entertainment, but in all seriousness. This bodes well for preservation and vitality of the old ways, but it is paramount that Hawaiian Natives stay connected with the physical land of Hawai'i and sacred sites in order to fully reassert their spiritual lives. To most Hawaiians passage of the Akaka Bill would support reestablishment of spiritual Hawai'i and the aloha of the old ways.

### Background

Boyd P. Mossman of Ka Wai Ola (the Hawaiian news paper from the Office of Hawaiian Affairs or OHA) recently wrote that "without the passage of the Akaka Bill in Congress, Native Hawaiians will be completely assimilated into the population of the United States and will have no legal basis for claims to their native lands". I do not know if he is merely an alarmist, but something is delaying the Akaka bill from passing (hasn't it been ten years or so already?). The Akaka bill is relatively short (less than 50 pages long), which should make it easier to review and pass, however, it has been "reviewed, modified, redone, changed and deliberated in committee and on the floor ad nauseam and still languishes somewhere in Congress", according to Mossman. Other much longer bills have passed in less time. He goes on to report that recently it was discovered that changes were made in the Akaka bill without the knowledge of the OHA. This means once again the bill's passage is impeded.

## Traditions not lost in Maui by U'ialoha

In September the Maui Chamber of Commerce held their first annual Business Fest to honor four men in a very special tribute to those who have shown excellence in leadership, diligence in action and responsibility to their native community. The award was the Ko'i, which is the Hawaiian stone adze, chosen as a symbol for the Chamber, because it was used by early Hawaiians to shape their world.

What makes this so heartwarming for our 'ohana is that they did it with the ritual of protocol, blessings and hula. It was planned by two Kahu, cultural specialists and practitioners, in conjunction with the Chamber.

At dawn, on a day with the conjunction of moonset and sunrise, there were seventeen canoes, led by a double hull. They responded to the conch shell horn (Pu) sound from one bay over, and paddled until they were all in a line parallel to the shore where ceremony was to take place. The Pu sounded again from shore and a member of the canoe team responded with his Pu, and then they all paddled in—replacing the moon on the horizon. They carried (kupuna) bringing the twelve stones (pokahu) representing the twelve districts (moku) of Maui and the four awards (Ko'i).

As you can see by looking at the slide show at <http://www.mauihawaiianchamber.org/PhotoAlbum.cfm?AlbumID=7156>, the Kahu and some guests on shore, wore traditional attire, with a fabric dress (lolo), head lei (hakulei), the gifts were wrapped in ti leaves and protocol was honored by other traditions, such as minimal attire (don't know the Hawaiian word for it, but you'll know what I mean), the posture of those bringing gifts, the shrine (ahu) built for the occasion

Currently, individual Hawaiians must sue privately in court regarding land disputes (over land taken by the federal government). So far the results involve money settlements, and not the return of land to Hawaiians. However, this is not just an issue of land rights for individual Hawaiians and their families. It may affect our spiritual practices. Lands now designated as National or State Parks (“the place of refuge” on Big Island for example) can be used for any purpose the government or private owners wish in the future. Without the Akaka Bill the federal government or individuals can sell sacred land or permit activities such as they do on the mainland, like oil well drilling, cutting down forests, camping and fishing, etc. (not that there is oil or lumber to be had in the islands, but you get the point). Camping and fishing has already noticeably increased at some sacred sites (on holy ground if you will) because they are within areas designated by the federal or state government as “recreation” areas open to the public. Remember that camping and fishing permits are a source of income to the state. I am not against keeping these areas designated as parks and public land, but the use of the land should at the very least be moderated by natives with special consideration to sacred sites.

Not all people who live in Hawai'i are interested in spirituality and sacredness of the land. Likewise there are groups and individuals who oppose the Akaka bill based on what they perceive as “racism” against non-Hawaiians. At the other extreme are Hawaiians who Eoppose the bill because they insist on nothing less than Hawai'i being reestablished as a sovereign nation outside of the United States. I do not know the agendas of these groups and what their spiritual goals (if any) are. Likewise I am ignorant about the size of these groups and their various factions, or how organized they are, or how great their effect on the passage/failure of the Akaka Bill and the future of Hawai'i. My point is that it's important not to be naïve. Mossman wisely calls for all Hawaiians to work together and forget the extreme agendas that impede the Akaka Bill. That would seem to be the ideal path, if not the likiest one these groups will take.

(it looks like a heiau, low to the ground).

The Grand Wailea Resort and Spa was the location and the morning event was open to the public for free. Ka Wai Ola October (Okakopa) 2009 Vol 26, No. 10

There are many other examples of spiritual tradition resurgence in Hawai'i with many organizations and individuals expressing with kuleana and remembering history. [www.oha.org](http://www.oha.org) is a wonderful resource for seeing those examples.

O wau iho no me ke Aloha,  
(I remain with very best regards),  
U'ialoha

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## Hawaiian News and Events

### **Akaka Bill: Government Reorganization Act**

"Native Hawaiians have suffered for over a century as a direct result of the illegal overthrow of their sovereign government," Hawaii Sen. Daniel K. Akaka said, "They were disenfranchised from their culture, land, and way of life at the hands of foreigners committed to western values and conventions. Today, this loss of identity has left native Hawaiians at the lowest levels of achievement by all social and economic measures. This bill will at long last, provide a way forward for Hawai'i's original residents to rebuild their vibrant culture and determine their own future as a people."

1/7/10. KITV presentation./OHA.org

“This Act provides a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct, indigenous, native community to reorganize a single unified Native Hawaiian Governing Entity for the purpose of giving expression to their rights as a native people to self-determination and self-governance.”

From the S1011 Substitute Amendment, available at [www.OHA.org](http://www.OHA.org).

## Why Should You Care?

What does this mean to our ohana of the Ku lineage and to those who are additionally part of the Lono lineage? Those of you who were part of the first “Talk Story” class on Big Island will recall that when we entered the area where the veil is thinnest, Kaleolani said it “grieved his heart” to see SUVs parked and tents staked out on the exact place where we would normally sit to meditate with the aumakua. I was devastated at the sight of it and I assume others felt the same.

Some opponents to the Akaka Bill want to eliminate any distinction of Hawaiians as the indigenous people of Hawai’i. According to Mossman, without this bill it is possible that the term “Native Hawaiian” will be stricken from law books. Without the designation of the people as “original” to the land, they would have no right to the land and with it the sacred sites and the heiau. Keep in mind that when people lose their connection to land, they lose their connection to spirit. The opposite is also true and the results are devastating.

Although there is a renewed interest in practicing the old ways, the future of the Hawaiian people and their spiritual practices is not assured until land rights are guaranteed. Our ohana will remember Kaleolani's promise to Nelita that the traditions will be preserved and returned to Hawai’i. Pono is additionally charged with completing Lanakila's work. These things are far more difficult without access to the physical land and sacred sites of Hawai’i.

It remains to be seen whether the Akaka Bill will be one of the mechanisms of the restoration of the old ways, and whether it will in the end help our mostly non-Hawaiian (by DNA) ohana to be able to practice the old ways as well. Will our sacred areas be more available to us or less accessible if the Akaka Bill passes or if it fails? I think Nelita foresaw the times ahead and this ohana is obligated to pray or chant or at least be aware about how things are changing in the islands.

This law, will give recognition to Native Hawaiians, just as Native Americans and Alaskan Natives have been recognized. Those organizations have given unanimous support to the bill since its inception in 1999.

“In 1993, the Congress and the President enacted Public Law 103-150, which extends an apology to the Native Hawaiian people for the U.S. involvement in the overthrow of our government. Today, the indigenous, native people of Hawai’i seek the full restoration of our native government through the enactment of HR2314 (and SB 1011), the Akaka Bill.” Haunani Apoliona, MSW, Chairperson, Trustee At-Large, Office of Hawaiian Affairs (OHA). *Ka Wai Ola*, July (Iulai) 2009 Vol. 26, No. 7

Having the Native Hawaiian Government Entity (NHGE) work with the Hawai’i State Government and the U.S. Government, “we can resolve native claims of national lands”. This has been framed by the recent enactment of Act 176 signed into law on 7/12/2009. H. Apoliona, Chairperson OHA (see *Ceded Lands Issue*, *Wala’au* Vol. 1 Number 1).

This is a summary of an article by Walter M. Heen, Trustee, Oahu from *Ka Wai Ola*, *Kepamaka* (December) 2009. Vol 26, No. 9. The process (Akaka Bill), once passed, includes establishing a Commission of persons each with ten years experience in studying Native Hawaiian genealogy and ability to read and translate documents from Hawaiian to English. They will determine who can be in the NGHE. This Commission will determine the elements of the organic governing documents, (i.e. civil rights of the citizens and all persons affected by the exercise of these powers and authorities) and hold elections. Then the governing entity can establish the criteria for citizenship in the NGHE, meet the legal requirement for adoption, provide authority to negotiate with the federal, state and local governments, prevent the sale, disposition, lease, or encumbrance of lands, interests in lands,

I would caution us all to consider some of the problems that Native Americans have had due to their designation as a “sovereign nation”. Issues such as legal jurisdictions (are state laws in effect on designated native land?), and rights to financial aid and public programs from federal and state governments, are the first ones that come to mind. Nonetheless, I would be encouraged by the passage of this bill as it preserves the concept of the existence of Native Hawaiians.

For more information on the Akaka Bill, and for an example of the old ways integrating into modern civic activities, see Barb’s (U’ialoha) column in this issue.

For more information on how human connection with spirit is intrinsic to connection with the earth you might want to read the book

As in the Heart, so in the Earth by Pierre Rabhi

This book is a tribute to oral traditions. The author asserts that the earth/spirit connection is the only way humanity can survive, just as we are taught by our Kumus. With a title like that, how can you resist?

Fran Olson

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Oh, I see I have some column space left! Well, then, I am forced to keep talking. In our next issue I will keep it light. My topics might be pidgin Hawaiian/English and the game of konane. Barb U’ialoha will report on the uplifting examples of commoners (maka’ainana) expressing their kuleana to maintain their culture.

We welcome questions and comments.

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or other assets of the NHGE, provide protection of the civil rights, all consistent with federal law the special relationship between the U.S. and its indigenous people.

THEN, the NGHE will be able to enter into negotiations with the other governments regarding: transfer of lands, exercise of governmental authority over those lands’ natural resources and use, exercise of civil and criminal jurisdiction, delegation of governmental powers, residual responsibilities of the federal and state governments, and grievances regarding historical wrongs committed against native Hawaiians by the U.S. and the State of Hawai’i.  
(end of summary)

### **Barb’s Comments**

It appears to be a long arduous process. This bill was introduced in 1999! The people of Hawai’i are very excited about this, of course. Considering that a century has gone by, and the patience(ahonui) and perseverance (ho’omau) of native Hawaiians, it is a journey of progress and their passion is understandable. Of course Obama has promised to sign the bill.

Kau Inoa means “place your name”. It is the organization (part of OHA) responsible for registering Native Hawaiians, who express their interest to participate in the nation building process. Those who register can then be in a place to give voice to all their issues to the NHGE, once established. It began its registration process on January 14, 2004. It is another offshoot of the OHA. To become a member, one must show lineal descent from the aboriginal people that inhabited the Hawaiian islands before 1778. There is no blood quantum, but one must have at least 1 relative whose vital records show Hawaiian Lineage. As of the end of Nov. 2009, 108,118 had signed up.

There are members of Kau Inoa in all 50 states. People from Saverne, France, Oslo, Norway, a family in the Middle East, along with many others, have sent their pictures and their mo’olelo (story) to Kau Inoa.