

OHA: A Celebration Of Ten Years

I Luna A'e: OHA at the end of the decade

by Curt Sanburn

The closing years of the Office of Hawaiian Affairs' first decade were marked by bold initiatives, by a new willingness on the part of the State of Hawai'i under Gov. John Waihee to answer Hawaiian concerns and demands, and by a sharp challenge from within the Hawaiian community to hasten the voyage toward nationhood. The title of this fifth and last chapter in the history of OHA's first decade, I Luna A'e refers to the broad goal of "moving upward" to create that nation.

Sovereignty 2b: freedom from external control: **AUTONOMY**

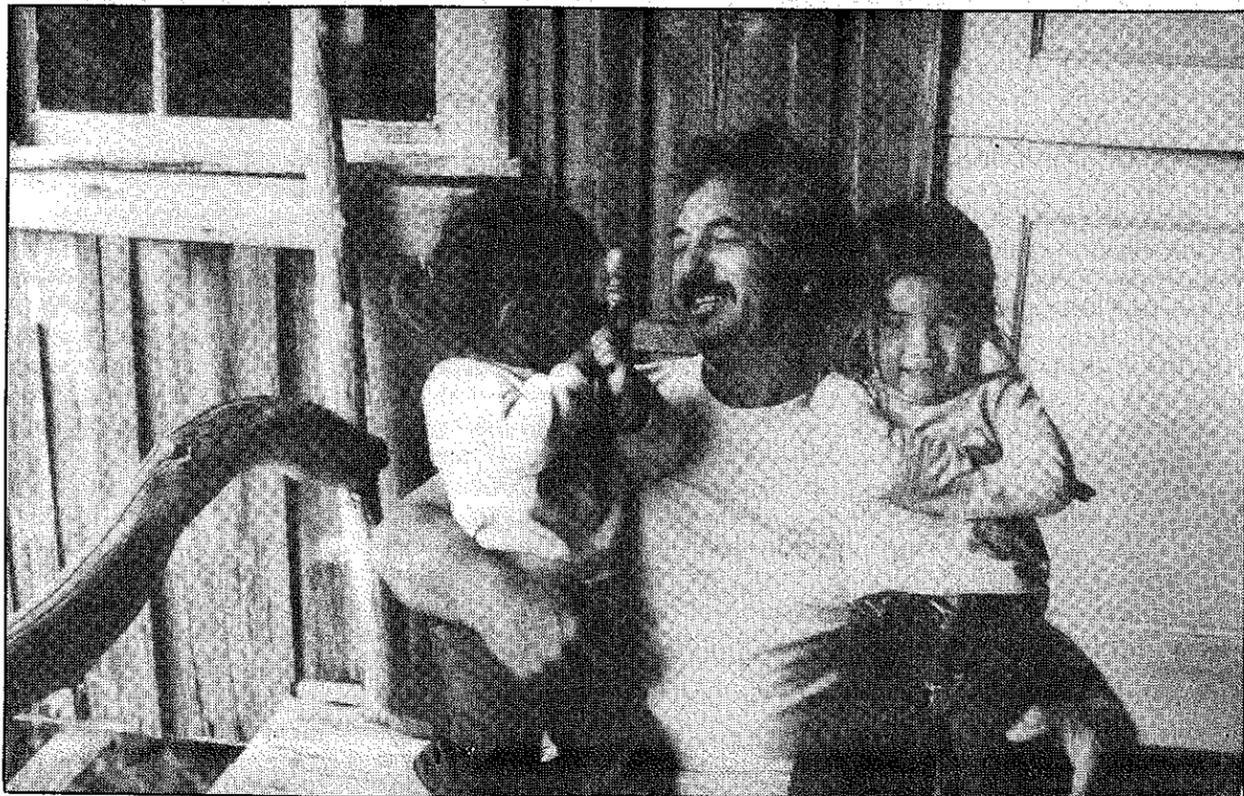
Autonomy 1: the quality or state of being self-governing; the right of self-government

— Webster's Seventh New Collegiate Dictionary

I Luna A'e: Step by Step

In the spring of 1989, the OHA trustees' newly-formed entitlements committee, headed by Rod Burgess, held a two-day workshop at the Sheraton Makaha Hotel in Wai'anae. It was just one of dozens of OHA workshops, but the mood was different. OHA was approaching its 10th birthday — what had been accomplished? The 100th anniversary of the overthrow of Queen Lili'uokalani was a few years away — what kind of commemoration would there be? Would Lili'uokalani recognize her people, would she be proud of their efforts to rebuild the nation?

For two days, the men and women at the workshop grappled with their restlessness, trying to clear their heads of years of petty battles and frustration, casting about for some way to define OHA's daunting task: "The betterment of all



"Would Lili'u recognize her people, would she be proud of their efforts to rebuild the nation?"

Hawaiians." . . . How do a few people in an office do that?

They brainstorm the future: What should it look like? Far away, they saw the answer: a prosperous and independent Hawaiian people living on their ancient lands, deciding their own future. They agreed once and for all that self-determination was the issue.

How do we get there? they asked. Step by step.

The workshop participants concluded that for the health and well-being of the community, self-organization and self-determination were

indivisible: one led to the other. They came up with seven initiatives to get OHA on the road. The initiatives added up to a strategic master plan for the Hawaiian people called I Luna A'e, a set of positive actions toward a definite goal: A formal approach to the United States for the redress of wrongs against the Hawaiian people.

With these initiatives, the workshop decided to move onward and upward, *I Luna A'e*.

- **Operation Malama Mau**, a plan to strengthen the Hawaiian historical perspective and preservation efforts.

- **Operation 'Alohi**, to educate Hawaiians and the general public in Hawai'i about Hawaiian issues.

- **Operation Hui 'Imi**, to coordinate and increase services to Hawaiians among the several existing service agencies.

- **Operation Ka Po'e**, the task of carrying out the blood-quantum plebiscite, thereby giving Hawaiians themselves the final word on self-definition.

- **Operation 'Ohana**, a project to count and enroll all persons of Hawaiian ancestry in Hawai'i and elsewhere.

- **Operation Ho'okuleana**, the task of completing negotiations with the State of Hawai'i regarding Hawaiian entitlements.

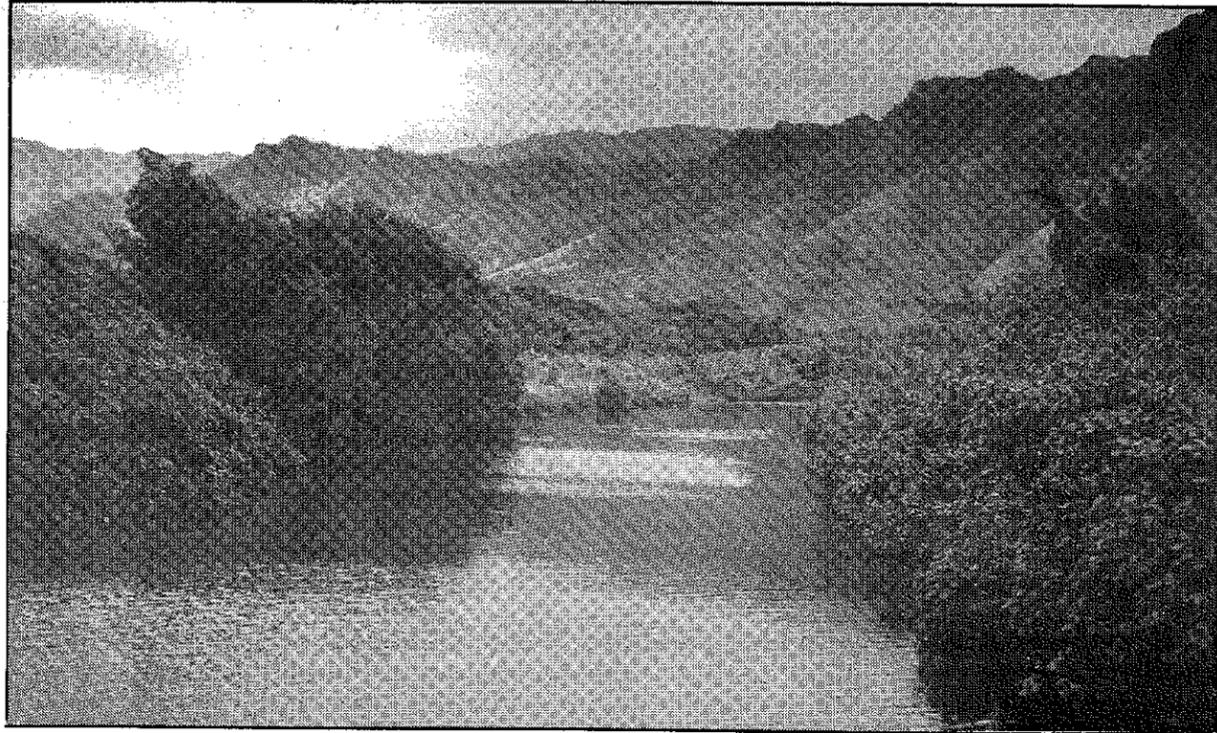
- **Operation Ea**, with the penultimate objective of initiating U.S. Congressional action to restore the Hawaiian people's sovereignty, lands and resources illegally taken in 1893. This is also known as the Blueprint for Native Hawaiian Entitlements.

"We were looking at a comprehensive strategy for the return of lands at both the federal and state level," says Burgess, the chief architect of I Luna A'e who lost his at-large trusteeship in 1990. "To do that, we Hawaiians had to do our homework. Everyone had to get educated about our goals (Operation 'Alohi). Everyone had to get together and prove we could take care of our own

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In June 1990 the OHA ceded lands entitlement bill was signed by Governor Waihee, clearing the way for OHA to receive its due portion of ceded lands revenues to benefit native Hawaiians.



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 (Operation Hui 'Imi). The politics of it require us to take on the huge task of getting ourselves counted so we'd have clout in numbers (Operation 'Ohana). OHA's responsibility is to all Hawaiians regardless of blood quantum, so we had to get that settled in the plebiscite (Operation Ka Po'e), and we had to settle as much state claims as we could (Operation Ho'okuleana). So what all this is, finally, is a crescendo, a huge effort so that we'd be ready for the gunfight with the federal government in 1993."

The Blueprint

OHA laid out the "gunfight" when it published the Blueprint for Native Hawaiian Entitlements on Sept. 2, 1989.

The document challenges historic U.S. government title to 1.75 million acres of former public, crown and government lands, a challenge based on the illegal overthrow of the Kingdom of Hawai'i in 1893 and annexation in 1898. The document also calls the U.S. government to return the lands it still holds, to recognize native claims to the 1.35 million acres of lands it transferred to the state at statehood, and to support return of all or part of these lands, as well as restitution for their 100-year free use, to a federally recognized and self-governing Hawaiian entity.

The bold Blueprint was distributed to OHA households and was the subject of 19 public hearings held throughout the state during October 1989.

"OHA seeks more power for natives. The

agency announces plan to grab more control for the Hawaiian people," announced a Star-Bulletin headline on the day the Blueprint was unveiled.

The release of the Blueprint was designed to show where OHA was headed and to generate public support for the other I Luna A'e initiatives it would take to get there. The key steps along the way are Operation 'Ohana, Operation Ka Po'e and Operation Hui 'Imi.

Of them, Hui 'Imi was the most immediate success. A task force of 15 representatives from Hawaiian service agencies, the Hawaiian trusts and government agencies cooperated to measure and improve social and health services for Hawaiians. Coordination among providers would make delivery of services more efficient and accessible, and the Hawaiian community began to prove it has the will and resources to take care of its own.

Blood Quantum: Dividing a Nation

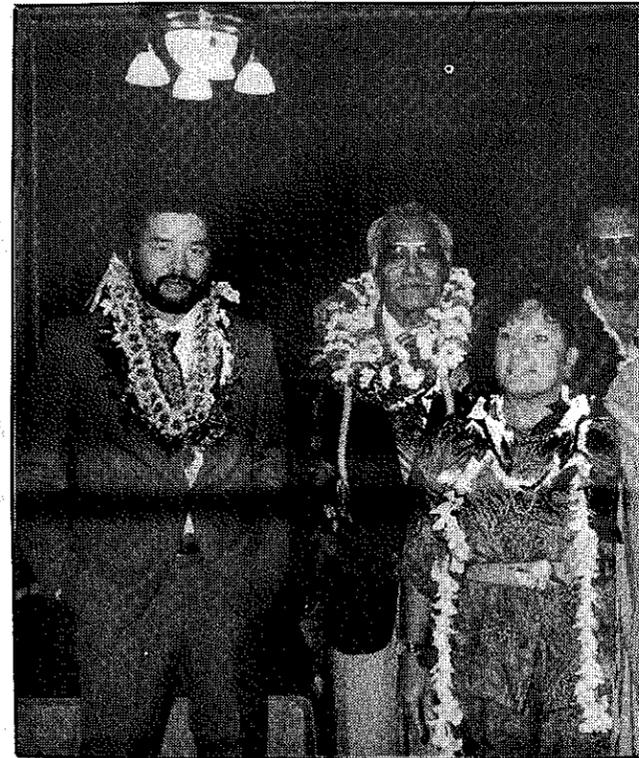
Ka Po'e, the attempt to address the federally imposed blood-quantum that divides OHA's beneficiaries into two classes (those with 50 percent or more Hawaiian blood and those with less), was answered by OHA voters in two separate referenda in 1988 and 1990. Both votes showed more than 80 percent support for a single definition. (The second referendum was called for after the first was compromised by foul-ups in the delivery of ballots to households). But the seemingly straightforward idea of putting the question to OHA voters so they could define themselves was attacked from all sides, including from inside OHA.

There was fear that the 50 percenters would see their benefits reduced as the benefit "pie" was divided into more — and smaller — pieces; others thought the change would open up Hawaiian Homestead lands to those with less than 50 percent Hawaiian blood.

OHA trustees anticipated these fears and reassured all who would listen that the 1920 Hawaiian Homestead Act which established a separate trust could not be amended or affected by an OHA referendum. They also promised those 50 percenters fearful of losing benefits that they would always be at the head of the line for services.

After the second referendum, the matter was set to be taken up by the state legislature. If two-thirds of both houses approved the new single definition, the matter would go on the 1990 November general election ballot for ratification by Hawai'i voters as a state constitutional amendment.

But it was not to be. Simultaneous with the second referendum, OHA was in the midst of promising negotiations with the Waihee administration to settle OHA's outstanding claim



Elected in November 1990 to lead the Hawaiian (left to right) trustees Clayton Hee, Abraham A DeSoto, Moses Keale, Thomas Kaulukukui, Kar picture).

for its full 20 percent share of the ceded land revenues, monies that were mandated by law to benefit 50 percent blood-quantum Hawaiians.

If the single definition went into effect, the legislature might very well decide that the negotiated settlement, worth about \$8 million per year plus \$100 million in past due payments, was final and would apply to all Hawaiians. Such a move would have cut the per-capita revenue stream by two-thirds.

The trustees wisely decided to delay adoption of the single definition until the initial ceded lands settlement and a second, matching entitlement package designed to benefit the larger class of non-native Hawaiians were both achieved.

Such were the horribly complicated realities of OHA's agonizing effort to balance the needs of its legally divided constituency at the same time that it was forced to bargain with fickle state legislators for access to lands and/or revenues that rightfully belong to the Hawaiian people.

Counting a Nation

"Clout," Frenchy DeSoto says firmly. "I'm talking about political clout. The I Luna A'e initiatives were about putting together the tools we would need to begin to develop the political clout necessary to convince whomever needs to be convinced that the Hawaiians are serious."

"Clout" is the easiest way to explain why the OHA trustees decided to go out and register every



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Hawaiian in the world onto a computerized list. "Politics is numbers," DeSoto says, "and Operation 'Ohana is about numbers. All these operations were defined by where they would get us in relation to the big one, the Blueprint. We looked at the Blueprint and tried to figure out how we'd begin the process for lodging our claims against the federal government. It made sense that we register our people. Numbers impress those guys."

OHA launched Operation 'Ohana in July 1989. To demonstrate the global reach of the effort, OHA representatives began the count in California. Estimates put the number of Hawaiians living outside Hawai'i at over 70,000. Back in Hawai'i, with well over 200,000 Hawaiians, the first to sign a Hawaiian Ancestry Enrollment form was Gov. John Waihee.

"I figure it's our basic foundation," says OHA Administrator Richard Paglinawan. "Without it, we're in the dark about who we are, who the nation is. Operation 'Ohana is the key to OHA. We need that data base."

To get the data, Paglinawan relied on OHA funding from lapsed programs and a small army of



will be easy or always pleasant," he said, cautioning his listeners, "but we do no one any justice by avoiding the tough issues."

Once a lawyer and legislator who had championed the creation of OHA and had helped chart its goals, Gov. John Waihee used his State of the State address to signal to the Hawaiian community that he was now in a position to settle what had been the embattled agency's most intractable fight: the demand against the state for native Hawaiians' legal share of the ceded land trust revenues.

It was a money fight. Legislation creating OHA in 1980 had set aside 20 percent of state revenues from the ceded lands to OHA for benefit of Hawaiians with 50 percent or more Hawaiian blood. Three years later, it was clear the state was not adhering to the letter of that law and OHA sued. At stake was at least \$7 million annually, the difference between the paltry \$1.2 million in funds OHA received from the state annually and the actual 20 percent share of ceded land revenues received by the state. But the suit went nowhere and was thrown out by the State Supreme Court in 1987, when it ruled that the dispute was a political matter which must be settled by further clarifying legislation.

What became clear is that it was also a fight over definitions. The original legislation had been unclear, even if the intent had been plain.

In mid-1987, Waihee met with OHA trustees and together they laid out a course of action to settle the dispute. Waihee made it clear he didn't want a bunch of lawyers trading pieces of paper. The governor's negotiating team, led by a young

part-Hawaiian woman, Norma Wong, a former legislator, would meet with OHA's negotiating team, led by Trustees Frenchy DeSoto and Rod Burgess. They would hammer out a deal and then the governor would present it to the legislature.

As it turned out, it was an all-Hawaiian negotiation — except for the lawyers on both sides. They held over 60 meetings over 40 months, usually late in the day extending into the evening. Wong remembers making big pots of stew and rice and daikon and hauling it over to the OHA offices. The next week OHA would make stew and rice and haul it over to the State Capitol.

The negotiations were incredibly complex. Before the negotiators could begin to determine the actual amounts of money they were talking about, they had to define terms. The state had never kept records based on the underlying land status; in fact, the ceded lands had never been adequately catalogued.

Distinctions had to be drawn between "sovereign" income, that is, the revenues received by the state in taxes, fines and federal grants; and "proprietary" income, the money generated to the state for use of public lands — rents, leases and airport landing fees.

Ceded land maps posed their own problems. The Honolulu International Airport map showed the runways on ceded land, but the airport buildings were not. How do you determine that proprietary income? The University of Hawai'i at Manoa bookstore was half on ceded land and half not.

How do negotiators add up the past-due

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le into a new "decade of decision" were Rowena Akana, Louis Hao, A. Frenchy Kanahele and Moanikeala Akaka (not in

volunteers. He also relied on extended family networks.

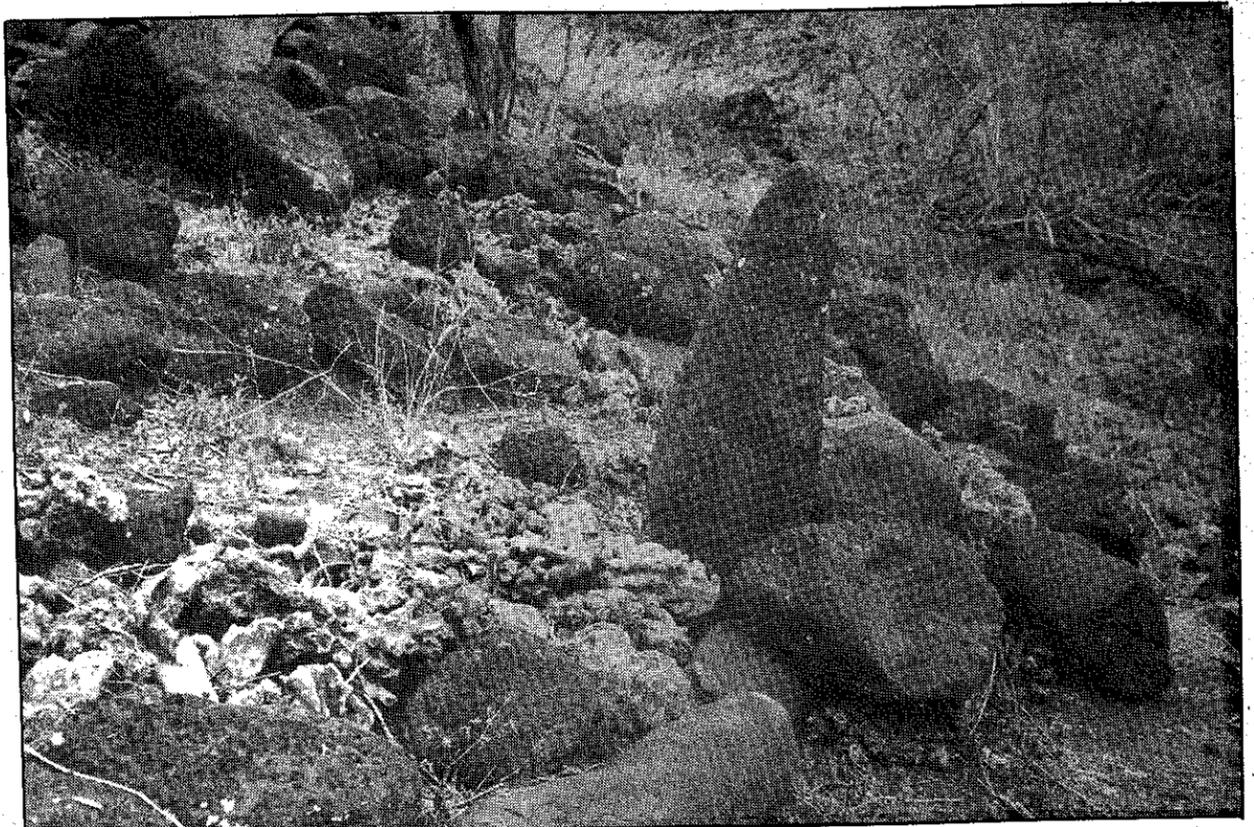
"You know, if you sit down with a family matriarch, you get the most reliable and comprehensive coverage of the Hawaiian community. It works, but it takes a lot of person-to-person effort. It's like a private census. It might be easier to broadcast, but when you broadcast you're not too sure what you're getting."

Computer software designed to manage the mountain of information on the enrollment forms was installed in OHA's computer system in 1990; to date 10,000 have signed up. In its 1990 budget submitted to the state legislature, OHA wanted additional funding to complete the huge and essential undertaking but the request was turned down, and OHA continues to rely on its dedicated volunteers to complete the job.

Not only uniting the Hawaiian community in numbers, Operation 'Ohana also provides their first true demographic picture of themselves, a body of data based on the wants and needs identified by Hawaiians for Hawaiian use. As Auntie Frenchy said, "To count ourselves is to help ourselves."

OHA wins one

In January 1987, Hawaii's first elected governor of Hawaiian ancestry gave his first State of the State address. In it, he held out his hand to OHA. "I have no illusions that easing OHA's difficulties



I Luna A'e

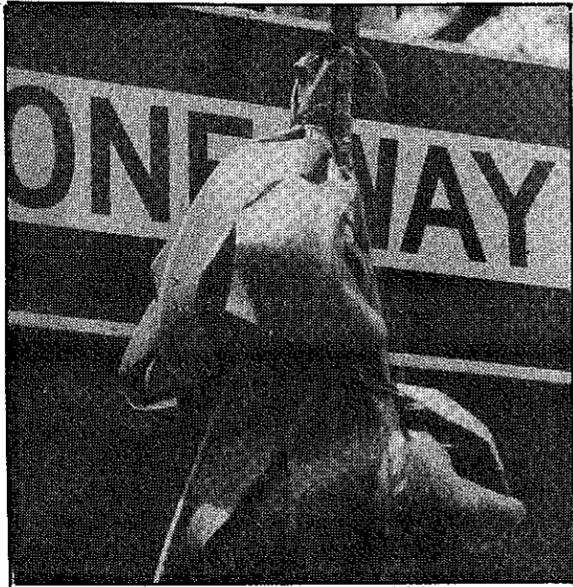
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amounts for the past eight-year period when the state had underpaid OHA? What would the interest rate be on those debts? Could those past-due payments be split between monies and lands?

These were the nit-picking specifics of the negotiation. On the other hand, the negotiations represented OHA's key window-of-opportunity to place a second package of negotiations on the table to create a second "dedicated revenue stream" from the public land revenues for the benefit of non-native Hawaiians. This would end OHA's services to non-native Hawaiians. The big picture was further complicated when Governor Waihee floated the idea of merging the Department of Hawaiian Home Lands into OHA.

A few days after the second blood-quantum referendum, on Feb. 8, 1990, the Office of Hawaiian Affairs and the governor announced a joint agreement which established a formula for calculating the past due and future income that OHA is entitled to for native Hawaiians as its 20 percent pro-rata share from state ceded lands revenue. The OHA entitlement bill, HB 2896, was approved by the state legislature and signed into law by Waihee in June.

Practically speaking, the new law would increase OHA's annual revenue stream from



about \$1.3 million annually to \$8.4 million annually. The payment of the past-due amount, estimated at about \$100 million today, would be paid in a combination of land and monies still to be negotiated.

The torch is passed

OHA ended the decade with a bang. It had won its long and hard-fought struggle with the state and had increased its funding by 700 percent. With I Luna A'e, the agency had established a framework for the Hawaiian journey toward self-determination. Rod Burgess' "crescendo" had begun.

1993 would mark the 100th anniversary of the overthrow of the Hawaiian nation. Would it also mark the reemergence of the Hawaiian nation?

In November 1990, Hawaiian voters went to the polls to elect five trustees to the Office of Hawaiian Affairs. One trustee, Kevin "Chubby" Mahoe chose not to run for re-election. Three sitting trustees seeking re-election, including Rod Burgess, Clarence Ching and Manu Kahaialii, were defeated. Frenchy DeSoto was re-elected along with new trustees Abe Aiona, Rowena Akana, Clayton Hee and Kamaki Kanahale. They joined incumbents Tommy Kaulukukui, Moanikeala Akaka, Louis Ha'o and Moses Keale.

A new decade had begun — the decade of decision.

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Ka Lahui Hawai'i challenges OHA in quest for Hawaiian sovereignty

The Emergence of Ka Lahui

One of the most important political developments within the Hawaiian community in the late 1980s was the emergence of a grassroots group called Ka Lahui Hawai'i, a group that directly challenged the Office of Hawaiian Affairs.

On March 15, 1987, the Government of Ka Lahui Hawai'i, "the nation of Hawai'i," was officially organized and announced in a press release received several days later by major media in the state of Hawai'i. The chosen ali'i nui was high chiefess Kalokuokamaile II (Helena K. Salazar-Machado), and the Kia 'Aina, or governor, was Mililani Trask of O'ahu.



Mililani Trask

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The beginnings and evolution of Ka Lahui can be traced all the way back to the same 1978 State Constitutional Convention which created OHA. At that time, Trask, a well-known and well-spoken lawyer, was a staff attorney on Auntie Frenchy DeSoto's Hawaiian Affairs Committee.

During the early days of the ConCon, DeSoto's committee had been looking at the establishment of a system of private, localized, native Hawaiian corporations organized around various ahupua'a, pieces of ceded land throughout Hawai'i. Called Ho'ala Kanawai (awakening of the law), the concept was modeled loosely on the Alaskan native village corporations, and was embodied in two-year-old legislation known as Bill 1469. The bill had been heard throughout the Hawaiian community and had been favorably received, although it had not been enacted.

Trask poured her heart and soul into legal research to buttress the Ho'ala Kanawai concept and refine it for adoption by the convention and ratification by Hawaii's voters. But two weeks into the session, a closed-door meeting was suddenly called, attended by several of the convention's mainstream power-brokers. Four hours later, Trask was told that the Ho'ala Kanawai plan had been scrapped.

According to Trask, "The big boys were concerned that lands, assets, and revenues would go under native control, and that the state would lose control, so they shut Ho'ala Kanawai down." Trask was told to go back to the drawing board and draft language for a new state agency to be called the Office of Hawaiian Affairs.

Trask believed OHA would become a Bureau of Indian Affairs (BIA). "I could not put my talents to work creating such an agency," Trask says, "because I had worked with native Indians on the mainland, and I knew that the BIA had, in fact, never been truthful to its fiduciary responsibilities to native Indians. I could not support that format. I said 'nope' and left the committee."

Since then, Mililani Trask has been OHA's most frequent and persuasive critic, even though she returned to work at OHA for a brief period in 1987. Her central argument against the agency is that OHA can never escape from its state-sponsored dependence nor will it be able to transform itself into — or lead the way to — a sovereign Hawaiian nation.

"Of course now OHA is talking about

sovereignty, but what they're practicing is wardship for the state. Wardship is not sovereignty. A 'quasi-sovereign' state agency is not a sovereign nation state. It simply is not."

Over the years the thinking of Trask and other members of a group called the Native Hawaiian Land Trust Task Force has evolved from the Ho'ala Kanawai concept to the grassroots, independent "nation" called Ka Lahui.

Having spent four years setting up its constitution, its government and a roster of 8,100 voting citizens, according to Trask, Ka Lahui now hopes it will someday be in a position to enter into direct negotiation with the federal government for settlement of outstanding grievances against the United States, grievances stemming from the overthrow of the Hawaiian monarchy in 1893. Subsequent to negotiation regarding its land base and sovereign status, Ka Lahui's plan is to become Hawaii's first federally recognized "nation within a nation" with voting citizenship open to Hawaiians.

Largely because of Trask's eloquence and legal swordsmanship, Ka Lahui has become the most influential among a number of competing Hawaiian sovereignty groups.

According to OHA Trustee Frenchy DeSoto, who has had some run-ins with the group, "Ka Lahui has been very effective at keeping on top of issues, more so than we have. They're very good at communicating their position to their constituency.

"I think that Ka Lahui was a response to a need in our community," DeSoto says. "Most Hawaiians aren't trusting of government. If OHA is perceived to be a part of government, then you can't trust it, and a lot of people think that way. Ka Lahui, taking advantage of that, could be a very effective political party."

"I was hoping Ka Lahui and OHA could get together," says progressive, outspoken OHA Big Island Trustee Moanikeala Akaka, who helped to found Ka Lahui while serving as an OHA trustee in 1987 (along with fellow trustees Louis Hao and Clarence Ching).

"I was thinking of a left-hand/right hand approach," Akaka says, "the grassroots brought together with OHA's resources to educate our people about sovereignty. But there I was, in the middle, with Ka Lahui banging on OHA and OHA banging on Ka Lahui. It's too bad, the divisiveness that has gone on." Finally, as the anti-OHA position within Ka Lahui reached its highwater mark in 1989, Akaka was asked by her Ka Lahui island caucus to step down as their delegate.

Trustee Tommy Kaulukukui, who has been on the OHA Board of Trustees since its inception, admits Ka Lahui's influence when he says that certain groups "are forcing OHA to take a stand on sovereignty."

But he insists, somewhat wearily, that OHA's involvement has been more independent — and democratic — than its detractors will admit. "We're only accountable to the Hawaiian people. You elected me. The governor cannot fire me. This is a form of sovereignty. We're working to get more, asking the people what kind they want. We're trying to go one step at a time."