

For immediate release:
Monday, November 24, 2008

Media Contacts:
*Derek Kauanoe: 489-5316
*Davis Kahōkū Price: daprice@hawaii.edu
*Jocelyn M. Doane: kupuaina@gmail.com
* www.stopsellingcededlands.com

NATIVE HAWAIIANS JOIN TOGETHER TO URGE GOVERNOR LINGLE TO WITHDRAW CEDED LANDS APPEAL

Today, community groups rallied in support of the Hawai`i Supreme Court's January 31, 2008, unanimous decision recognizing Native Hawaiians' unrelinquished claims to ceded lands. The Court's ruling imposed a moratorium on the sale of ceded lands until Native Hawaiians' claims are resolved. The decision does not, however, prevent the State from issuing licenses and leases for the lands. The Hawai`i Supreme Court grounded its decision in local legislation, Hawai`i case law, and federal acknowledgment of Native Hawaiians' unrelinquished rights. Significantly, the Court's use of Hawai`i legislation supports and affirms the State's commitment to reconciliation with Native Hawaiians.

Despite the fact that Hawai`i's highest court resolved a completely local issue, the Lingle Administration appealed to the U.S. Supreme Court. Such a decision threatens to up-end what Hawai`i's legislature and courts have already decided: Native Hawaiians have a valid unsettled claim to ceded lands.

Lingle's appeal also raises concerns given the U.S. Supreme Court's recent Rice v. Cayetano decision that mischaracterized Hawaiian history. As Office of Hawaiian Affairs Chair Haunani Apoliona pointed out, the U.S. Supreme Court "does not understand our history, our culture, our relationship to our lands, or the unique situation of Native Hawaiians as the indigenous peoples of these islands." Such misunderstandings could both cripple reconciliation efforts, and lay the foundation for dismantling all Native Hawaiian programs.

As Kupu`āina member Derek Kauanoe explained: "We're concerned about the State Attorney General's statement in Sunday's Advertiser that this appeal is about clouded title to ceded land. The truth of the matter is: this appeal has the potential to address much more. Intentions aside, we need to look at the potential impacts of this appeal, which are dangerous and unnecessary."

Withdrawing the administration's appeal and working towards the resolution of Native Hawaiians' unrelinquished claims is both consistent with the Governor's previous support of Native Hawaiians and is good policy for Hawai'i generally. Kauanoe elaborated, "As the Attorney General acknowledged, we have the power and the kuleana to address this matter here in Hawai`i. Governor Lingle can take care of this easily: just withdraw the appeal. That's the common sense solution. And if she doesn't act, we hope the legislature is ready to take decisive action by establishing a moratorium."

Local resolution of these issues will benefit all of Hawai'i's people, including our non-Hawaiian 'ohana. As Robin Puanani Danner, CEO of the Council for Native Hawaiian Advancement observed "This case is not about us versus them, Hawaiian versus non-Hawaiian. As history has shown, over and over, . . . when Native peoples are at the table and controlling even a small portion of their aboriginal lands, the results are rewarding for all."

This issue is also unifying for the Native Hawaiian community. As Kumu Hula Vicky Holt-Takamine highlighted "this is not about the Akaka Bill, this is not about models of sovereignty, rather, this is about protecting the future of our 'āina and our people."

An editorial written by Evan Silberstein, a third-year student at the William S. Richardson School of Law, pointed out that the Lingle Administration is risking its relationship with the Native Hawaiian community by filing this appeal. The Native Hawaiian Bar Association agreed, noting that "[a] decision to challenge the moratorium would overshadow all efforts that the Governor has made during her tenure in addressing Native Hawaiian issues and concerns." Silberstein ended the editorial with this simple question: What can Governor Lingle do? The answer is simple - in accordance with the Lingle Administration's long-standing support of Native Hawaiians - withdraw the appeal to the U.S. Supreme Court and work with all of Hawai'i's communities toward reconciliation with Native Hawaiians, Hawai'i first people.

Diverse members of the Native Hawaiian community have joined together, and with friends and 'ohana, are asking Governor Lingle and her Administration to do what is pono for Hawai'i. Earlier this month, the Association of Hawaiian Civic Clubs adopted a resolution calling for a moratorium on the sale of ceded lands. Together with them, we urge Governor Lingle to acknowledge that our State's highest court is the final interpreter of State law and withdraw her administration's unnecessary appeal to the United States Supreme Court. Kupu`āina Coalition Member Jocelyn Doane expressed her hope for speedy resolution of this issue: "Governor Lingle has shown her support for Kanaka Maoli on many other issues, and we hope that she will come through again. I guess we will just have to see."

RECONCILIATION – THE TIME IS NOW!

Kupu`āina Coalition – Coalition of Students and Graduates of the William S. Richardson School of Law, 'Ahahui o Hawai'i, University of Hawai'i Students, and Community Leaders.