

Ka Lāhui Hawai'i

The Sovereign Nation of Hawai'i

A Compilation of Materials for Educational Workshops on Ka Lāhui Hawai'i



THIS IS ONE OF SIXTEEN nearly all-white gangs of armed businessmen organized in 1895 to put down the armed rebellion against the businessmen's Dole "republic." They patrolled the streets intimidating Hawaiians and their supporters. This group, known as Thomas Square Number Four, was commanded by Charles Montague Cooke, Sr., first row, second from the right. Arms and ammunition arrived in Honolulu addressed to Castle & Cooke, E. O. Hall and Sons, and to a corset shop of Mrs. Thomas Lack. She sold silks, dress patterns, sewing machines, sporting goods, shotguns and rifles.

ON JANUARY 16 1895, Queen Lili'uokalani was arrested at her home at Washington Place by officers of the illegal Dole "republic" which, with the support of U.S. military forces, had overthrown the lawful government of the Kingdom of Hawai'i in 1893. She is shown here being escorted up the Palace steps to face charges of "treason" and later, imprisonment.



PRINCE JONAH KŪHIŌ KALANIANA'OLE served a year in jail, for "treason." He had supported the 1895 rebellion against the take-over in 1893 of Hawai'i by colonial missionary and military forces.

HISTORICAL FOOTNOTE: In 1898, five years after participating in the illegal overthrow of the Hawaiian Nation, the U.S. annexed Hawai'i and took over the Philippines, Cuba, Puerto Rico and Guam by threat of military force. With these conquests and control of Pearl Harbor in the Pacific, the U.S. became a major actor in two world wars among imperialist rivals, including Great Britain, Spain, Germany, France, Italy and Japan, vying for global control.

A Message to the Reader ---

Sovereignty is a term that has created confusion, bewilderment, and fear in the Hawaiian community since 1893 when the Kingdom of Hawai'i was forced by U.S. Marines to cede native lands to the foreign government of the United States. Even today, over 100 years later, many people still don't know about Hawaiian sovereignty and feel uncomfortable with the notion of Hawaiians being able to govern their own lands. Some people fear that a new Hawaiian Nation would take their privately-owned lands or change their lifestyle for the worse. People are apprehensive about change, and erroneous, discrepant information has added to the confusion.

But this apprehension and confusion has led us to seek information and education on the real issues of Hawaiian sovereignty. We are asking important questions... Is sovereignty a good idea? Can Hawaiians truly govern their own affairs? What model of sovereignty should Hawaiians embrace? How can we explore different models while maintaining unity among Hawaiian groups? ... We are faced with the responsibility to make significant and difficult decisions that will affect the future of our people. We are faced with the calling to do what is right to make things right.

This compilation of educational materials, which includes Ka Lāhui Hawai'i's Constitution, was published to empower Hawaiians to make informed, self-determined, decisions and actions to protect the future of our lands, our people, and our culture.

'Ike Pono---to see clearly, to know definitely, righteous understanding.

KA LĀHUI HAWAI'I SOVEREIGNTY EDUCATION MATERIALS

TABLE OF CONTENTS

Informational Materials

	<u>Page</u>
Commonly Asked Questions About Ka Lāhui Hawai'i	2
The Constitution of Ka Lāhui Hawai'i	9
About the Makali'i	21
Prayers to Strengthen the Nation	21
Setting the Stage for the Overthrow	22
Island Contacts	24
Information Request Form	24

Maps and Graphics

The Two Native Hawaiian Land Trusts	4
The National Structure of Government	5
The Structure of the Legislative Branch	5
An Overview of Ka Lāhui Hawai'i's History	6
Foreign Takeover of Hawaiian Legislatures	23
Hawaiian Civilization: Growth and Losses	23
Hawai'i's Land Monopoly	24

COMMONLY ASKED QUESTIONS ABOUT KA LĀHUI HAWAI'I

1

WHAT IS KA LĀHUI HAWAI'I?

Ka Lāhui Hawai'i is a native initiative for Hawaiian self-governance, formed by and for native Hawaiians, without the interference of State or Federal agencies. Ka Lāhui Hawai'i is the evolutionary product of years of legal research and community dialogue. Ka Lāhui's citizens are committed to regaining their native lands and re-establishing Hawaiians as a self-governing people. Ka Lāhui believes that the time has come to separate the native trust lands from general public lands. It is time to allow the native people to work with the private sector and government to better their own conditions, to achieve economic self-sufficiency, and to manage their lands and assets for the benefit of native Hawaiians in perpetuity.

Ka Lāhui is based on a democratic constitution that identifies four branches of government. Initiative, referendum, and recall are included in the Constitution. Citizenship is open to all Hawaiians and Honorary Citizenship to non-Hawaiians. Only full citizens can vote and hold office. The Constitution provides for representative, elected leadership. Ka Lāhui Hawai'i is a separate government and controls its own internal affairs--Ka Lāhui Hawai'i is not subject to State control. Ka Lāhui's governing structure is democratic in nature, its political process is the elective process, and its cultural process is lōkahi.

2

HOW WAS KA LĀHUI HAWAI'I CREATED?

Ka Lāhui Hawai'i was created in 1987 by 250 Hawaiian delegates who attended Ka Lāhui's 1st Constitutional Convention held in Keaukaha, Hawai'i. Ten years of legal and historical research, and many community meetings, were conducted to identify the best way for Hawaiians to reinstate their sovereign nation. This background research resulted in the draft Constitution which was submitted to the delegates of the 1st Constitutional Convention. In 1989, the 2nd Constitutional Convention convened 94 elected Hawaiian delegates from all islands, who presented, debated, and voted on amendments to the original Constitution. In 1992, Ka Lāhui Hawai'i's 3rd Constitutional Convention convened 100 elected Hawaiian delegates who made further amendments to the Constitution.

3

HOW DOES KA LĀHUI DEFINE SOVEREIGNTY?

In general, sovereignty is the ability of a people to govern their own affairs. Ka Lāhui has a more specific definition of sovereignty which includes the following five elements:

Ka Lāhui Hawai'i's Five Elements of Hawaiian Sovereignty

- ① **A STRONG AND ABIDING FAITH IN THE AKUA** because a spiritually empty people do not make a strong nation.
- ② **A PEOPLE WITH A COMMON CULTURE**, language, tradition, and history. For example: Po'e Hawai'i (Hawaiian people).
- ③ **A LANDBASE** so that Hawaiians are able to live and practice their cultural traditions. Ka Lāhui is working to secure the Hawaiian Home Lands Trust, which includes approximately 200,000 acres, and the 5(f) Ceded Lands Trust, which includes approximately 1.4 million acres.
- ④ **A GOVERNMENT STRUCTURE** to enable Hawaiians to be self-determining. Self-determination is the ability of a Nation of people, through their government structure, to manage their lands and natural resources and to create a plan for their future.
- ⑤ **AN ECONOMIC BASE** that will enable Hawaiians to be self-sufficient. Economic self-sufficiency is the goal of nationhood.

SOVEREIGNTY is the ability of a people who share a common culture, religion, language, value system, and land base, to exercise control over their lands and lives, independent of other nations. In order for Native Hawaiian people to exercise control over their lives and lands, they must be self-determined.

SELF-DETERMINATION is realized when the native people organize a mechanism for self-governance. Only when the Hawaiian people create a governmental structure that provides for their democratic representation, will they be able to relate effectively with the state and federal trustees who now control their lands. A governing structure will allow Hawaiians to gain control over their land trust assets and their future.

SELF-SUFFICIENCY is the goal of nationhood. Self-sufficiency means the people are able to be self-supporting, capable of feeding, clothing, and sheltering themselves.

4

WHAT DOES "NATION TO NATION" MEAN?

"Nation to Nation" is a term used to describe how America relates to its native people. Under the existing U.S. policy, America establishes government to government, or "nation to nation," relations with its native people. This is why 550 Indian governments are recognized by the United States. When the U.S. provides money, land, or programs to the Sioux or Navaho, federal representatives meet with their governments to work out the details. At present, Hawaiians have no such government. This is why Ka Lāhui Hawai'i was organized.

5

WHAT IS THE FEDERAL POLICY OF SELF-DETERMINATION?

Many people think that sovereignty is a "radical" concept or that it is illegal. Ka Lāhui is not proposing something new and Ka Lāhui is not proposing something that is illegal. The U.S. government recognizes hundreds of self-governing native nations on the U.S. continent, under the U.S. federal policy of self-determination for America's native peoples. The federal policy governing native Americans: (1) rejects government wardship over natives; (2) supports federal recognition of the right of native nations to be self-governing; (3) allows native people to control their own lands, revenues and natural resources; and (4) provides assistance for the creation of economic self-sufficiency. Under this policy, the U.S. recognizes 550 native nations within its borders. These are not state or federal agencies. This policy was established in 1970 by President Richard Nixon and reaffirmed on June 14, 1991 by President George Bush.

Synopsis of Presidential and U.S. American Indian Policy

In 1970, President Richard Nixon announced a National policy of self-determination for Indian tribes which rejected all previous policies that had kept Native Americans wards of the government. This was a federal policy commitment. Highlights of the major elements of the policy are presented below:

- 1) Rejection of the past policy and philosophy that kept Native Americans wards of the government.
- 2) Fulfillment of the policy to the highest federal trust standards.
- 3) Strengthening tribal governments and limiting federal controls on Native American lands.
- 4) Specific recognition of Indian Tribes by the government.
- 5) The right of Tribes to receive direct block grant funding.
- 6) A Presidential Commission to seek ways to improve the economies of Indian nations.
- 7) Special assistance to build managerial capacities for small tribes.
- 8) Seed money to attract funding for economic development projects on reservations.

Senator Daniel Inouye and the Senate Select Committee on Indian Affairs issued a report calling for the dismantling of the Federal Bureau of Indian Affairs and for the President of the U.S. to deal directly with Native American nations.

In spite of these policy commitments, native Hawaiians have not been able to gain federal recognition or self-determination under the U.S. policy because the policy defined native Americans as American Indians, Eskimos, and Aleuts. Native Hawaiians are not included in this definition. Under this policy, native Hawaiians would be classified as an ethnic minority group, not a native people. As an "ethnic minority group," Hawaiians cannot be given any "special privileges," like funding, lands, or recognition as a self-governing people because it would be considered "racial discrimination," and would be rendered unconstitutional.

Another major problem has been the failure of the federal and state trustees responsible for the management of the native trusts to support and fund native efforts to organize and obtain recognition of a Hawaiian self-governing entity. To this end, Ka Lāhui Hawai'i has developed and ratified a Constitution and has organized a Nation founded upon principles of self-sufficiency, peace, disarmament, and absolute faith in equity and justice.

6

WHAT IS KA LĀHUI HAWAI'I'S APPROACH TO GAIN SOVEREIGNTY?

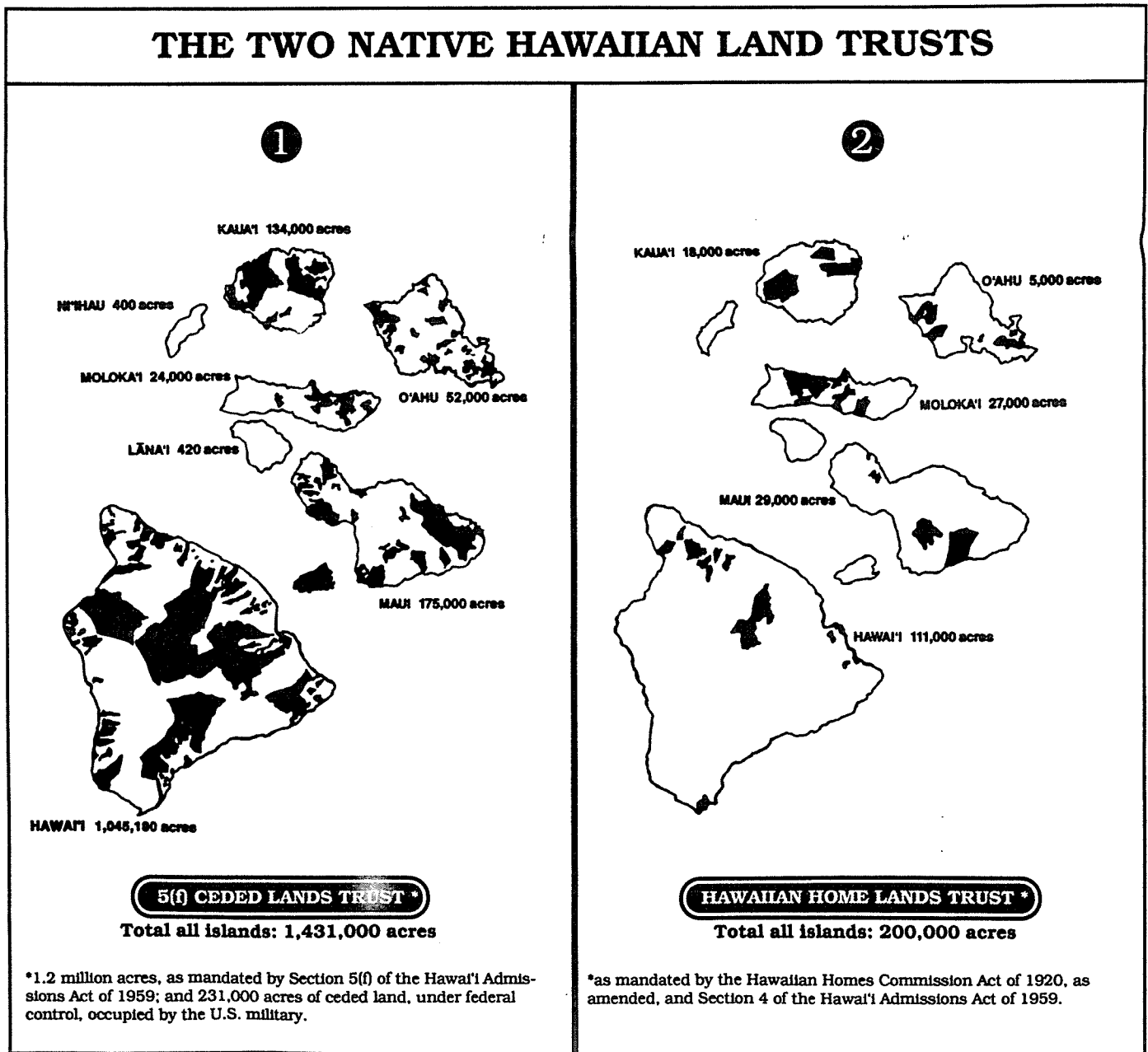
Ka Lāhui's approach to gain sovereignty is simple. Ka Lāhui seeks inclusion of the Hawaiian people in the existing U.S. federal policy which affords all Native Americans the right to be self-governing and provides access federal courts for judicial review. Ka Lāhui Hawai'i doesn't only talk about sovereignty -- Ka Lāhui asserts Hawaiian sovereignty in a legal and rational way. Precedent for America's native people to be self-determining and self-governing has already been set -- hundreds of times; Hawaiians are a native people and are entitled to self-governance just as other native groups have been afforded. While some people have criticized Ka Lāhui's approach as being too conservative, we believe that seeking inclusion under the existing U.S. federal policy is an expedient, rational, and legal means for Hawaiians to be self-governing. Once this is achieved, the sovereign nation can relate "Nation to Nation" with the United States and would be in a position of standing and authority to effectively advance and resolve Hawaiian claims to native trusts and other entitlements.

WHAT ARE THE LAND TRUSTS CREATED BY CONGRESS? WHERE ARE THEY LOCATED?

Many people are afraid of sovereignty because they think their privately-owned lands will be "taken" by the Hawaiian Nation. Although some sovereignty groups want to do this, Ka Lāhui is interested in governing the lands and assets which were set aside for Native Hawaiians and Hawaiians. These lands and assets include vast private land trusts intended to benefit Hawaiian people, and two land trusts which were set aside for Native Hawaiians by Acts of the U.S. Congress. The two land trusts that Congress set aside for the "rehabilitation" and "betterment" of Native Hawaiian conditions include:

- ① **THE 5(F) CEDED LANDS TRUST**, which is comprised of 1.4 million acres of Hawaiian government and Crown lands which were "ceded" (yielded, transferred) to the U.S. and set aside by Congress in Section 5(f) of the Hawai'i Admissions Act of 1959 for the "betterment of Native Hawaiian conditions" and for general public purposes; and
- ② **THE HAWAIIAN HOME LANDS TRUST**, which is comprised of approximately 200,000 acres of land, set aside by Congress in the Hawaiian Homes Commission Act of 1920, and in Section 4 of the Hawai'i Admissions Act of 1959 for the "rehabilitation and homesteading" of Native Hawaiians.

The maps below identify the general location of these lands. At present, these Native Hawaiian land trusts and their assets are controlled by two Boards, each with 9 members who are appointed by the Governor of the State of Hawai'i. In other words, a total of 18 people make governance decisions over 1.6 million acres of lands which were set aside for the Native Hawaiian people. Ka Lāhui presents an alternative to this system. Ka Lāhui would ensure that Native Hawaiian interests and rights are duly represented and that trust assets are managed appropriately to benefit Native Hawaiians and their descendants.



WHAT IS KA LĀHUI HAWAI'I STRUCTURE OF GOVERNMENT?

Ka Lāhui Hawai'i's Constitution identifies 4 branches of government: (1) the Legislative Branch, which has the authority to make laws; (2) the Executive Branch, which has the responsibility to implement the laws; (3) the Judicial Branch, which interprets the law; and (4) the Ali'i Nui Branch, which is responsible for matters relating to culture and protocol. The figure on the right illustrates Ka Lāhui Hawai'i's overall structure of government. The figure below presents details on the Legislative Branch.

(1) **THE LEGISLATIVE BRANCH** is comprised of a unicameral National Legislature, 8 Island Caucuses, and 33 District Councils. Ka Lāhui's Legislature is composed of 64 elected Legislators (including 8 non-voting representatives of Kaho'olawe). Each Island is represented by 8 Legislators, ensuring equal representation for all islands.

(2) **THE EXECUTIVE BRANCH** is comprised of 4 elected Executive officers, various ministers and officials appointed by the Kia'aina, 4 National Standing Committees, and an Executive Board or "Cabinet." The 4 Executive officers are elected by citizens nation-wide and include the positions of: Kia'aina (Governor) or Prime Minister; Lukanela Kia'aina (Lieutenant Governor) or Deputy Prime Minister; Kākau 'Ōlelo or Secretary to Government; and Pu'ukū Lāhui (National Treasurer) or Minister of Finance. The Executive branch implements National policies and priorities through 4 National Standing Committees (Budget and Finance, Education, Health, and Land and Natural Resources), ministries of government, and the Executive Board, which ensures communication and coordination between the Legislative and Executive branches.

(3) **THE JUDICIAL BRANCH** is comprised of: Island Courts, which have authority over controversies arising under the Constitution and laws of Ka Lāhui Hawai'i; and a High Court, which has appellate jurisdiction. Citizens may also submit a controversy to the Kūpuna Council for resolution through ho'oponopono (a traditional Hawaiian conflict resolution technique). All decisions of the Kūpuna Council are binding and cannot be appealed to the Island or High Court.

(4) **THE ALI'I NUI BRANCH** is responsible for matters relating to culture, tradition, and protocol. The Ali'i Nui has no voting or veto power. The Ali'i Nui branch includes two councils: the 'Aha Ali'i, which is comprised of individuals of chiefly clans who have produced genealogies proving their Ali'i lineage; and the 'Aha Kūka o Ke Ali'i Nui, comprised of specialists who advise the Ali'i Nui on matters of history, genealogy, language, and cultural traditions.

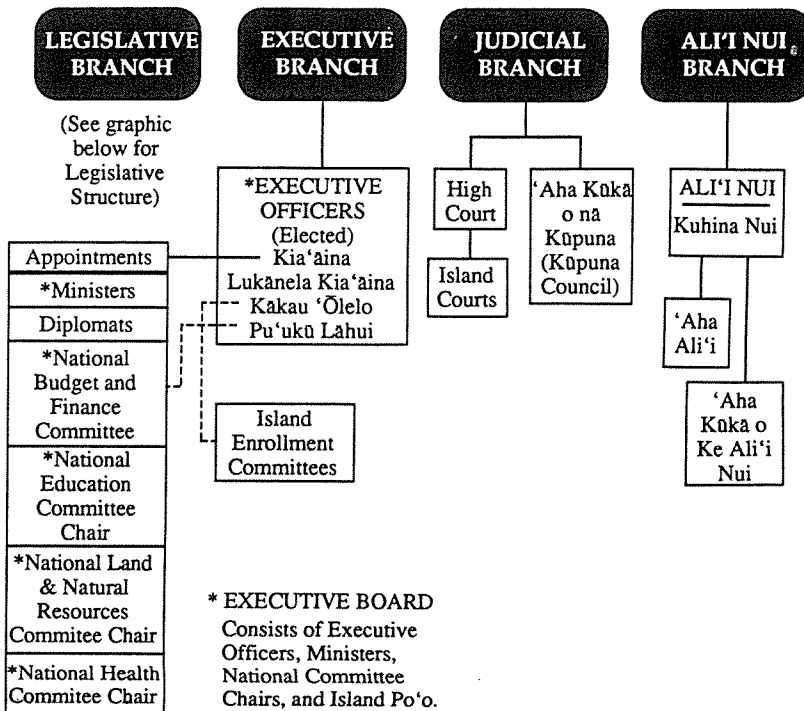
KA LĀHUI HAWAI'I NATIONAL STRUCTURE OF GOVERNMENT

Has the authority to establish policy, make laws, ratify treaties, and appropriate funds.

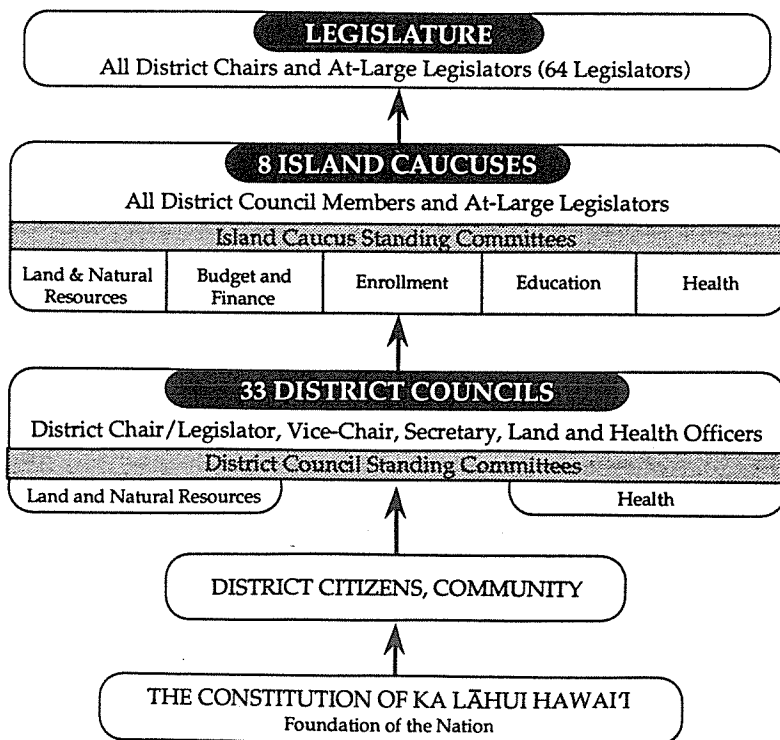
Has the authority to implement laws, programs, and to expend funds. Has oversight responsibilities of all committees.

Has authority over cases or controversies arising under the Constitution and laws of the Legislature of Ka Lāhui Hawai'i.

Has authority and oversight responsibilities for all matters relating to culture and protocol.



THE STRUCTURE OF THE LEGISLATIVE BRANCH

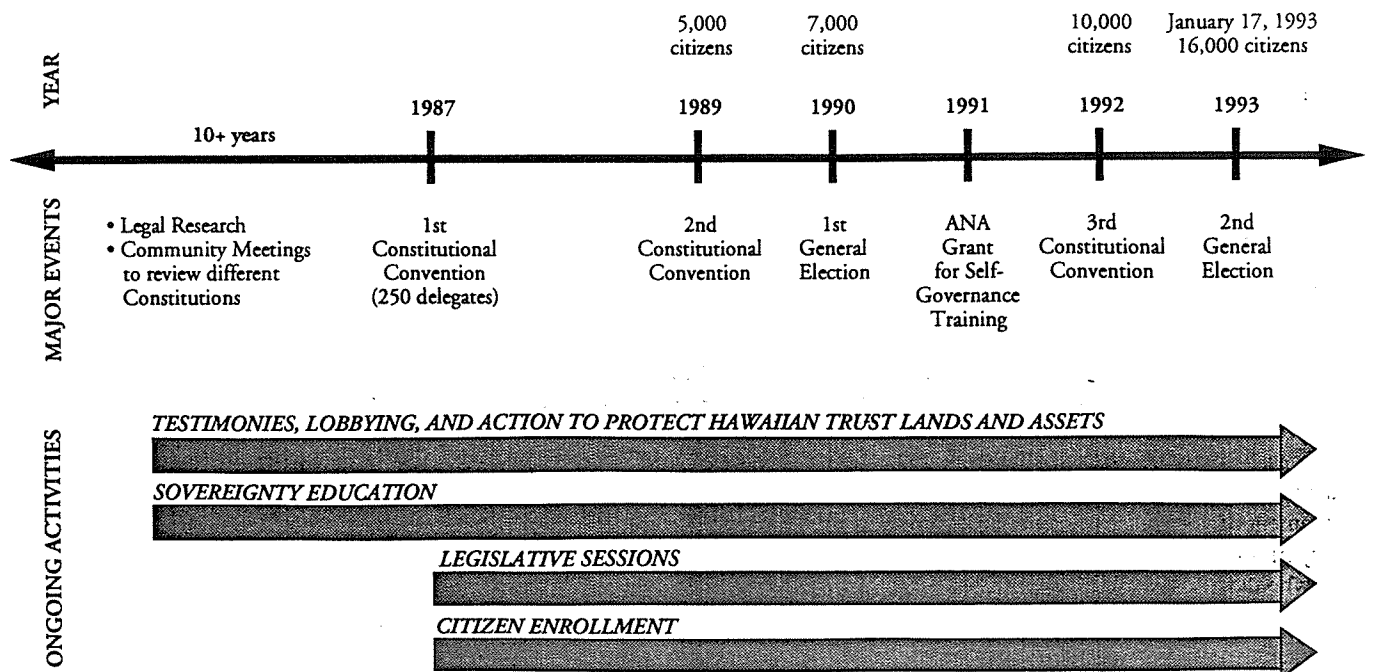


WHAT HAS KA LĀHUI HAWAI'I ACCOMPLISHED SINCE ITS CREATION IN 1987?

Ka Lāhui Hawai'i has established a legal and rational system of self-governance that remains separate from State and U.S. control. Ka Lāhui is not simply a "model" of sovereignty, but is an operating sovereign government. Ka Lāhui has devoted time and resources to further sovereignty education and citizen enrollment. Since 1987, Ka Lāhui Hawai'i has conducted over 300 sovereignty education workshops statewide. It has sponsored and/or participated in many sovereignty conferences, panel discussions, and symposiums. Ka Lāhui has published its Constitution and its position on issues for public review and input and has tried to work with other Hawaiian sovereignty groups and organizations. Highlights of some of Ka Lāhui Hawai'i's accomplishments in the last 5 years are presented in the listing and graphic below:

- Convened 3 Constitutional Conventions (1987, 1989, and 1992).
- Held 2 Elections for Constitutional Convention delegates (1989 and 1992).
- Convened 14 Legislative Sessions (includes sessions of the Interim Legislature).
- Held a General Election in 1990.
- Developed a Citizen Enrollment Database and established a National computer network spanning all major islands.
- Created a separate non-profit organizational arm to receive grants and tax-deductible donations.
- Published 6 issues of Ka Lāhui's National Newsletter to keep citizens informed.
- Ratified 14 Treaties of Mutual Recognition and Friendship with Inuit and Indian Nations.
- Exchanged Diplomatic Notes with many Nations in Europe and the Pacific.
- Sent Diplomatic Liaisons to the United Nations.
- Sent 2 Hawaiian representatives to the Earth Summit in Rio de Janeiro, Brazil, as delegates of the U.N. International Indigenous Commission.
- Worked extensively with Church organizations to educate their members and solicit their support. In this effort, Ka Lāhui received a \$12,000 grant from the Catholic Churches to conduct sovereignty education workshops throughout the Catholic dioceses in Hawai'i.
- Sent delegations to Washington, D.C. to lobby Congress on behalf of Hawaiian entitlements and programs.
- Received a \$172,000 federal grant for Self-Governance Training and to conduct educational workshops from the Administration for Native Americans.
- Conducted training workshops for officers and citizens on Natural Resource Management, Legislative Processes, Computer Database Management, Land Use Planning, the State Water Code, and Registering Historic Sites.
- Organized the "Hawaiian Solidarity Rally" to stop the erosion of Hawaiian trust lands and to support Hawaiian language immersion funding.
- Attended and testified at all significant public and legislative hearings held on Hawaiian issues.
- Conducted fundraisers to support the activities of the Nation.
- Designed and created Ka Lāhui Hawai'i's Flag.

AN OVERVIEW OF KA LĀHUI HAWAI'I'S HISTORY



10

WHERE IS KA LĀHUI HAWAI'I GOING? WHAT IS THE PLAN?

Ka Lāhui Hawai'i's objective is to secure recognition of a sovereign government for the Hawaiian people. Once this is achieved, the sovereign Nation can resolve claims relating to the native trusts and other entitlements. Ka Lāhui is implementing three general objectives: (1) Educating native Hawaiians about their entitlements and providing them with the skills needed to govern themselves, develop their lands, and preserve their culture; (2) Recognition and development of a sovereign government; and (3) Assertion of land and water rights, claims, and other entitlements. Ka Lāhui Hawai'i will seek recognition and division of Native Hawaiian trust lands and assets. Ka Lāhui will then be able to manage its lands, levy taxes, build homes, and develop programs for economic self-sufficiency. Many people, governmental agencies, and the U.S. Congress will be involved.

11

WHAT WILL SOVEREIGNTY MEAN FOR ME?

Different models or forms of sovereignty will impact us in different ways. The types of impacts and changes resulting from sovereignty will depend on what form of sovereignty is recognized. For instance, some forms of sovereignty will affect your private property rights and American citizenship, but Ka Lāhui's does not. If Ka Lāhui's form of government is recognized, we will generally continue to live, work, and play as we do today. Your job, social security, retirement or pension from the U.S. or the State would not be affected. The primary change would be that Hawaiian lands and assets would be managed and controlled by laws passed by Ka Lāhui's Legislature. Hawaiians would elect Hawaiians to represent Hawaiian interests and concerns.

12

WHO CAN BE A CITIZEN OF KA LĀHUI HAWAI'I?

Ka Lāhui Hawai'i's Constitution states that people with any quantum of Hawaiian blood may enroll as citizens of Ka Lāhui. Ka Lāhui also extends "Honorary Citizenship" to individuals who are not of Hawaiian ancestry. Honorary Citizens are not entitled to the rights and privileges afforded to full Ka Lāhui citizens. When you enroll as a citizen or honorary citizen, you are affirming your support of Ka Lāhui's Constitution. It does not cost any money to be a citizen of the Ka Lāhui Hawai'i. As a citizen, you will receive National newsletters, elections information, and other information on Ka Lāhui. If you change your address, please let us know so we can continue to send you information.

13

CAN HAWAIIANS BE CITIZENS OF THE U.S. AND KA LĀHUI HAWAI'I?

Yes! There is no conflict of interest or loyalty. Ka Lāhui Hawai'i, like all other native American groups (Indian tribes and nations, Eskimos, and Aleuts) have an inherent right to form a governing body. Ka Lāhui citizenship will not change your U.S. or State citizenship. All citizens of Hawai'i are now under two constitutions: the U.S. Constitution and the State Constitution. If you enroll as a citizen of Ka Lāhui, you will fall under an additional constitution, that of Ka Lāhui Hawai'i.

14

HOW CAN I GET INVOLVED? HOW CAN I HELP?

There are many ways that you can get involved. You could: run for an elected position; serve on any of the Standing Committees; volunteer your special skills; help with mailouts, fundraisers, and other activities; lobby and present testimony on Hawaiian issues; or attend meetings of your District Council, Island Caucus, or Legislature to observe and learn about what's going on. You could also help by sending in donations. If you need a tax deduction, then you would write your check to "Ponokaulike," which is Ka Lāhui's non-profit organization. If you do not need a tax deduction, then you could send your checks to your Island Po'o for use in island Ka Lāhui activities. Ka Lāhui depends on individual donations and the skills, time, and efforts of volunteers. We need planners, people with business experience and all manner of skills to help us. Any assistance you can provide will be greatly appreciated!

15

HOW CAN WE ACHIEVE SOVEREIGNTY WITH ALL THIS "IN-FIGHTING" GOING ON?

The advantage of living in a democratic society is that people can embrace their own ideals. The Hawaiian community is moving ahead with sovereignty through its discussions, and even through its differences. Some might call this "in-fighting," but remember that disagreement occurs only when you have commitment to an issue--people fight for things worth fighting for. No ethnic group agrees on everything--Hawaiians are no different. Ka Lāhui's governing process allows for debate where all ideas can be heard. We encourage people who don't like something in Ka Lāhui's Constitution to join Ka Lāhui and change it. Ka Lāhui's Constitution can be amended because it must be dynamic, able to change as needs and times change. Not everyone in Ka Lāhui agrees; we respect differences of opinion and our governing process provides for it. Democracy allows opinions to be expressed and for a majority consensus to prevail.

WHAT IS THE DIFFERENCE BETWEEN KA LĀHUI HAWAII AND OHA?

Many questions have been raised about OHA and about why Ka Lāhui has testified against many of OHA's proposals. The fact is that while Ka Lāhui and OHA have tried to work together, our positions remain distinct. OHA would like to be recognized as the sovereign entity for the Hawaiian people and believes that OHA can "evolve out" of its State agency role as defined by the State Constitution. OHA has tremendous financial resources to promote its advancement as the sovereign entity. As the dialogue on sovereignty continues, it is important to understand the distinct and significant differences between Ka Lāhui and OHA. The narrative below summarizes some of the important differences.

Origin and Purpose: OHA is a State agency created by public delegates at the 1978 State Constitutional Convention. According to the Senate Journal Committee Report S.L.R. 784, 1979, OHA was created because the Legislature was "...committed to the ultimate 'melting pot,' to the interdependence of all peoples, and to social, economic, cultural, and educational mobility based on merit." The report further states: "This is not to intimate that the Office of Hawaiian Affairs is equated with Indian tribes. Rather, it is merely to state that even if that was the case, the State would retain plenary powers over it."

Ka Lāhui was also created by a Constitutional Convention, but the Convention was convened as a native Hawaiian initiative, not by the State. Ka Lāhui was established to ensure the separation of Native Hawaiian trust lands from the inventory of general public lands. Ka Lāhui remains separate from State control.

Governing Structure: OHA is a state agency managed by 9 trustees elected during State elections. Although the trustees run from particular islands, all registered OHA voters can vote for all trustees. In this way, O'ahu's large population (80% of all Hawaiians in the State) is often able to elect trustees who represent neighbor islands. OHA is subject to the jurisdiction and control of various State agencies. Its internal affairs are regulated by State statute. Any proposal to change OHA's existing governing structure or jurisdiction must be proposed as a State Constitutional amendment which must be ratified by the State electorate (including non-Hawaiians).

Ka Lāhui manages its own internal affairs. Ka Lāhui's Legislature is comprised of 64 Hawaiians, elected by citizens who reside and vote in 33 districts statewide. Each island is represented by 8 Legislators so that the smaller islands have a voice equal to the larger, more populated islands.

Source of Funding and the Use of those Funds: OHA is funded by the State Legislature. OHA receives "General Funds," which come out of the taxpayers' pockets, and "Special Funds," which come from Ceded Land revenues and must be used only on Native Hawaiians (50% or more blood quantum). OHA is scheduled to receive large sums of Ceded Land revenues (\$100 million) which represents the "back rent" due to Native Hawaiians for the State's use of Ceded Lands between 1981 and 1991 (note that the State is not paying for back rent due from 1959 to 1981). In the settlement, OHA will also receive \$8.5 million per year in perpetuity, as rent for the State's continual use of Ceded Lands. In this "Ceded Lands Settlement," OHA settled for fixed cash, which continually depreciates in value, and gave up the right of Native Hawaiians to secure actual lands, which continually appreciates in value. With these State funds, OHA develops programs, pays the salaries of their employees and other consultants, pays for trustee and staff travel, and controls information given to the Hawaiians through its monthly newsletter. OHA's programs are implemented by paid full-time staff or hired consultants.

Ka Lāhui is funded through donations and fundraising activities, including grantwriting, the sale of t-shirts, bumper stickers, buttons, food, concerts, etc. With these limited funds, Ka Lāhui conducts the business of the Nation. This includes, lobbying efforts, educational workshops, printing and distributing national newsletters, conducting elections, organizing fundraisers, etc. Ka Lāhui's programs, efforts, and educational materials are produced by volunteers.

Strategy to Achieve Sovereignty: OHA has not committed staff time or financial resources to educate Hawaiians on sovereignty models or issues. Instead, OHA has put together its own plan and has begun implementation, in spite of beneficiary opposition. OHA's approach to sovereignty is to make OHA, which is a State-created and operated agency, the sovereign Hawaiian entity. Instead of helping Hawaiian sovereignty, OHA has put up a State block to genuine native efforts for sovereignty. Some trustees are citizens and supporters of Ka Lāhui, but OHA has not officially supported the native initiative of Ka Lāhui. OHA is settling native claims with the State and Federal governments on its own, behind closed doors, without the input of the native Hawaiian beneficiaries.

On September 2, 1989, OHA published its "Blueprint for Native Hawaiian Entitlements," praising it as "the first comprehensive plan for achieving self-determination and self-governance for Hawaiians" (Ka Lāhui had already conducted 2 Constitutional Conventions). Public hearings on the Blueprint were held on October 16 and 17, 1989. In spite of overwhelming testimony against the Blueprint, OHA is still proceeding ahead. The Blueprint proposed that OHA control the process for sovereignty, the mechanism for sovereignty, all trust resources, and all federal programs. One of the goals of OHA's Blueprint is "to reaffirm and enforce the trust relationships of the federal and State governments with Native Hawaiians." Reaffirming trust relationships means that Hawaiians would remain wards of the State.

Instead of negotiating behind closed doors, Ka Lāhui's approach is to seek inclusion of Hawaiian people in the federal policy which affords all native Americans the right to be self-governing. Once this is achieved, the sovereign nation will have the leverage, authority, and approval of the beneficiaries to resolve land and water claims and payments due to the Hawaiians.

Summary Conclusion: There should be no reason for OHA to seek recognition as a sovereign entity since OHA is a state agency. The State has the most to lose if Ka Lāhui is recognized as the sovereign entity. How better to retain State powers over Hawaiian land entitlements than to use its own creation and "arm" to serve as the sovereign entity? Instead of helping the State, OHA trustees should support Ka Lāhui's efforts in gaining recognition as a sovereign entity. There may be an appropriate role for OHA in the sovereignty movement, but it is not to be the sovereign entity. The sovereign entity cannot be created of the State, by the State, for the State. The sovereign entity must be created of Hawaiians, by Hawaiians, for Hawaiians.

CONSTITUTION OF KA LĀHUI HAWAI‘I

TABLE OF CONTENTS

	Page		Page
Introduction	10	Section 2	Legislative Sessions
Preamble	10	Section 3	‘Aha ‘Ōlelo Kānāwai, Terms, Election
Article I: Bill of Rights	10	Section 4	Qualifications and Removal of Alaka‘i
Section 1	Freedom of Religion, Speech, Press, Rights of Assembly and Petition	Section 5	Disqualification of Alaka‘i
Section 2	No Deprivation of Life, Liberty, or Property Without Due Process	Section 6	Privilege of Members
Section 3	Protective Policy	Section 7	Conflicts of Interest, Standards
Section 4	Dignity of the Individual	Section 8	Legislative Sessions, Quorum, Rules of Procedure, Expulsion of Members, Disrespectful Behavior, Penalty
Section 5	Protection Against Unreasonable Searches and Seizures	Section 9	Impeachment Procedure
Section 6	Rights of an Accused	Article VI: Mokuna Ho‘okolo (Judicial Branch)	16
Section 7	Habeas Corpus	Section 1	Mana Luna Kānāwai (Judicial Power)
Section 8	Quartering of Militia	Section 2	Independence of the ‘Aha Kānāwai
Section 9	Imprisonment for Debt	Section 3	Jurisdiction
Section 10	Slavery Prohibited	Section 4	Election of Luna Kānāwai (Judges), Appointment of Pono Kānāwai (High Court Justices)
Section 11	Treason	Section 5	Qualification of Luna Kānāwai Mokupuni (Island Court Judges) and Pono Kānāwai (High Court Justices)
Section 12	Subversives Ineligible to Hold Office	Section 6	Number of Luna Kānāwai Mokupuni
Section 13	Retroactive Laws and Bills of Attainder	Section 7	Inability to Perform Luna Kānāwai Duties: Luna Kānāwai Mokupuni; Pono Kānāwai
Section 14	Health, Safety, Morals, and General Welfare	Section 8	Public Advocates
Section 15	Education	Section 9	‘Aha Kūkā O Nā Kūpuna (Council of Elders)
Section 16	Land and Natural Resources	Article VII: Mokuna Ho‘okō (Executive Branch)	17
Section 17	Unspecified Rights, Privileges, and Immunities	Section 1	Kia‘aina (Governor), Prime Minister
Section 18	Customary and Traditional Rights: General; Law of the Land and Fresh Water; The Law of the Shore to the Depth of the Ocean; Fishponds; Rules and Regulations	Section 2	Lukānela Kia‘aina (Lieutenant Governor), Deputy Prime Minister
Article II: Ho‘okupa (Citizenship)	12	Section 3	Kākau ‘Ōlelo, Secretary to Government
Section 1	Enrollment	Section 4	Pu‘ukū Lāhui (National Treasurer), Minister of Finance
Section 2	Notice of Mailing Address	Section 5	Executive Board (Cabinet)
Section 3	Citizenship Rights and Duties: Voting Qualifications; Voting Registration; Conflict of Interest	Section 6	Security
Section 4	Honorary Citizenship	Section 7	Executive Regulations
Article III: Mokuna Ali‘i Nui	12	Section 8	Supervision and Control by Kia‘aina
Section 1	Ali‘i Nui	Section 9	Annual Report
Section 2	Duties and Responsibilities	Section 10	Pardoning Power
Section 3	Kuhina Nui	Section 11	Recommendation of Laws
Section 4	Successorship	Section 12	Appointment of Officials: Minister of Foreign Affairs; Minister of Justice; Minister of Home Affairs
Section 5	‘Aha Ali‘i	Section 13	Removal of Officers, Powers and Duties of Officers
Section 6	‘Aha Kūkā O Ke Ali‘i Nui	Section 14	Publication of Laws
Section 7	Communication with Other Branches	Section 15	National Standing Committees of Ka Lāhui Hawai‘i: National Budget and Finance Committee; National Education Committee
Article IV: Ka Mana O Ka Mokuna O Ka ‘Aha ‘Ōlelo Kānāwai A Me Nā Ho‘okupa (Legislative Power)	13	Article VIII: Nā Mea Like ‘Ole (Miscellaneous Provisions) . . .	19
Section 1	Legislative Authority	Section 1	Officers
Section 2	Reserved Powers of the People: Initiative; Referendum; Initiative and Referendum, Base Number of Votes, Veto, Election Returns, Constitutional Amendments, Non-Partisan Ballot; Recall	Section 2	Existing Laws
Section 3	Legislative Journal, Voice Vote, Open Doors	Section 3	Amendments to the Constitution
Section 4	Style of Bills, Majority Necessary for Passage	Section 4	Existing Rights and Liabilities
Section 5	Bills and Resolutions Read by Title, Bills to Contain One Subject, Signing of Bills	Section 5	Oaths of Loyalty: Citizen Oath of Loyalty; Officer and Legislator Oath of Loyalty
Section 6	Acts Take Effect After Three (3) Months, Emergency Bills, Publication of Session Laws	Section 6	Definition of Native Hawaiian
Section 7	Elections: General Election; Special Election	Section 7	Definition of Hawaiian
Section 8	District Councils: District Council Standing Committees	Section 8	Construction
Section 9	Island Caucuses: Establishment of the Island Caucuses; Island Caucus Standing Committees	Section 9	Provisions Self-Execution
Section 10	Treaty Ratification	Section 10	Seat of Government
Article V: Mokuna ‘Aha ‘Ōlelo Kānāwai (Legislative Branch) . 15		Section 11	Flag of Ka Lāhui Hawai‘i
Section 1	Legislative Districts: Nā Mokupuni (Islands) Identified; Legislative Districts of Nā Mokupuni; Number of Alaka‘i (Legislators); Redistricting and Apportionment; Kaho‘olawe Representation	Section 12	Hawaiian Government Titles
		Section 13	Official Languages
		Section 14	Mele (Song) of Ka Lāhui Hawai‘i
		Section 15	Effective Date
		Section 16	‘Aha Kūkā O Nā Kūpuna (Council of Elders)
		Section 17	Donation of Lands Prohibited
		Section 18	Land Trusts, Definitions: Native Hawaiian Land Trusts; Hawaiian Land Trusts
		Section 19	Official Symbols of Ka Lāhui Hawai‘i
		Section 20	Official Holidays of Ka Lāhui Hawai‘i

CONSTITUTION OF KA LĀHUI HAWAI'I E MAU KE EA O KA 'ĀINA I KA PONO

Na Ke Akua (Na Akua) hath all nations of people been made to dwell on the Earth, in unity, peace, and righteousness. Na Ke Akua (Na Akua) hath certain rights also been bestowed alike on all people and alaka'i of all lands.

These are some of the rights which Ke Akua (Na Akua) hath given alike to every person and every alaka'i: life, liberty, freedom from oppression, to have the earnings of one's hands and the productions of one's mind.

Na Ke Akua (Na Akua) hath the people been given the wisdom and knowledge to establish government and to rule for the purpose of peace. In making laws for Ka Lāhui Hawai'i, it is not proper to enact laws for the enrichment or protection of the alaka'i only, without the enrichment and protection of the people. There shall be no laws enacted which are at variance with these principles, nor shall there be laws enacted which would result in the people of Ka Lāhui Hawai'i being left homeless or laws enacted which would result in the suffering of the children of Ka Lāhui Hawai'i.

PREAMBLE

He Hawai'i mākou and with our descendants we are, the traditional occupants and kahu (guardians) of the land, water, sea, mineral, and all other resources as farmers, fishermen, hunters, manufacturers, miners, tradesmen, professionals, and residents, who discovered, settled and nurtured the Hawaiian Archipelago.

He Hawai'i mākou and with our descendants we have inhabited and occupied this archipelago and exercised our traditional, religious and access rights since time immemorial to sustain and maintain our culture and primordial interests, regardless of other governments exercising jurisdiction over the Hawaiian Archipelago.

Our sacred queen, Keōpūlani, on her deathbed on September 15, 1823 expressed to Liholiho (Kamehameha II): E mālama mai nei i ka 'āina i loa'a mai kou makuakāne. E ho'omaluhia i nā po'e me ke aloha, 'o nā 'ōiwi. (Take care of the land which you have received from your father. Exercise a tender care over the people.)

In 1843, Kauikeaouli (Kamehameha III) reaffirmed the Hawaiian principle of governance that had been in place since time immemorial: "Ua Mau Ke Ea O Ka 'Āina I Ka Pono" (The Life and Sovereignty of the Land is Perpetuated in Righteousness).

On August 19, 1850, the Kingdom of Hawai'i through Kauikeaouli (Kamehameha III), entered into a treaty of friendship, commerce and navigation with the United States of America and thereafter, other nations, thereby declaring perpetual peace and amity between the Kingdom of Hawai'i and these nations.

The United States of America has recognized Native Hawaiians and their lands in the Hawaiian Homes Commission Act of 1920 (Act of July 9, 1921, 42 Statute 108, Chapter 42, as amended; Act of March 18, 1959, Public Law 86-3, 73 Statute 4, Section 4) and the State of Hawai'i Admissions Act of 1959 (Act of March 18, 1959, Public Law 86-3, 73 Statute 4, Section 5[f]). Two public land trusts were thereby created for the betterment of conditions for Native Hawaiians and their heirs.

We, the citizens of Ka Lāhui Hawai'i, state our natural and cultural native claims which may never be alienated as follows:

- (A) The minerals and other natural and cultural resources of the lands and submerged lands of the archipelago, the airspace above the archipelago, as well as the plant and animal lifeforms, aquatic and terrestrial, which dwell therein, belong to Ka Lāhui Hawai'i and shall never be alienated. However, permission may be given by law for the leasing and development of same.
- (B) The lands, airspace and waters of the archipelago as herein described, are declared nuclear free and independent zones.
- (C) The historical and cultural sites and places of Native Hawaiians and their descendants shall be perpetuated and preserved as a living part of our community life to ensure future generations a genuine opportunity to appreciate and enjoy the rich heritage of Ka Lāhui Hawai'i. The 'Aha 'Ōlelo Kānāwai (Legislature) shall establish and maintain a National Registry of all Prehistoric and Historic Places along with supporting documentation locating, describing, and establishing the significance of each site identified. The 'Aha 'Ōlelo Kānāwai shall initiate measures to protect historical sites, structures, artifacts, objects, and ecosystems of cultural, religious, and archaeological significance.

NOW, THEREFORE, he Hawai'i mākou and with our descendants, hereby adopt this Constitution for Ka Lāhui Hawai'i in exercise of our right to self-determination; to build a Nation upon established traditions; to form an orderly and representative government; to provide for citizenship; to promote the welfare of our citizens and children; to exercise certain rights of home rule; to secure the blessings of freedom and liberty; to develop our trust resources and to conserve our trust assets; and to dedicate ourselves and our Nation to disarmament, peace, and absolute faith in equity and justice.

ARTICLE I BILL OF RIGHTS

SECTION 1. FREEDOM OF RELIGION, SPEECH, PRESS, RIGHTS OF ASSEMBLY AND PETITION:

There shall be separation of Church and Government, but there shall be no separation of Culture (native Hawaiian culture) and Government and no law shall be enacted respecting the establishment of religion or prohibiting the free exercise thereof. No person shall discourage or suppress the practice of traditional native Hawaiian religion or beliefs. No law shall be enacted abridging the freedom of speech or of the press, or the right of people to peacefully assemble, and to petition the Government for a redress of grievances.

SECTION 2. NO DEPRIVATION OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS:

No person shall be deprived of life, liberty, or property without due process of law, nor shall private property, native Hawaiian trust lands or their resources be negotiated for public use by Ka Lāhui Hawai'i without just compensation.

SECTION 3. PROTECTIVE POLICY:

The Government of Ka Lāhui Hawai'i and its constituent agencies accept as a sacred trust, the obligation to promote to the utmost, the well-being of the inhabitants of Ka Lāhui Hawai'i, and to this end its policy is:

(A) To ensure, with due respect for the culture of the people concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

(B) To develop self-government, to take due account of the political aspirations of the people, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each district, its people and their best interests;

(C) To further internal peace and security;

(D) To promote constructive measures of development, research, and cooperation with one another and, when and where appropriate, with specialized agencies and bodies of other nations and states with a view toward the realization of social, economic, and scientific purposes as set forth in this Section;

(E) To protect and increase the land base of Ka Lāhui Hawai'i. To also ensure that Hawaiian lands shall not be utilized by another nation, by any nations' military forces, or by civilian business organizations with military contracts; and

(F) To protect Native Hawaiians and their descendants from alienation of their traditional ancestral lands and destruction of the Hawaiian way of life and language, contrary to their best interests. Such legislation as may be necessary shall be enacted to protect the lands, culture, customs, and traditional Hawaiian family organization. Business enterprises by Native Hawaiians and their descendants shall be encouraged. No change in law respecting the alienation or transfer of trust lands or any interest relating thereto, nor alienation of the traditional ancestral rights, shall be lawful.

SECTION 4. DIGNITY OF THE INDIVIDUAL:

The dignity of the individual shall be respected and every person is entitled to protection of the law against malicious and unjustifiable public attacks on the name, reputation, or honor of himself or his family.

SECTION 5. PROTECTION AGAINST UNREASONABLE SEARCHES AND SEIZURES:

The right of the people to be secure in their persons, houses, papers and effects, as well as protected against unreasonable searches and seizures, shall not be violated. No warrant shall be issued, except upon probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons or things to be seized. Evidence obtained in violation of this Section shall not be admitted in any court.

SECTION 6. RIGHTS OF AN ACCUSED:

No person shall be subject for the same offense, to be twice put in jeopardy of life or liberty, nor shall he be compelled in any criminal case to be witness against himself; and the failure of the accused to testify shall not be commented upon nor taken against him. In all criminal prosecutions, the accused shall have the right to a speedy and public trial, the right to be judged by a jury of his peers, to be informed of the nature and cause of the accusation and to have a copy thereof, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense. Every person is presumed innocent until pronounced guilty by law. No act of severity which is not reasonably necessary to secure the arrest of an accused person shall be permitted. All persons shall be bailable by sufficient sureties except where judicial authorities shall determine the presumption is great that an infamous crime, which charge shall include murder, rape, and violent crimes, has been committed and that the granting of bail would constitute a danger to the community. Bail shall be set by such judicial authorities. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

SECTION 7. HABEAS CORPUS:

The writ of habeas corpus shall be granted without delay and free of costs. The privilege of the writ of habeas corpus shall not be suspended.

SECTION 8. QUARTERING OF MILITIA:

No soldier or member of the militia shall, in time of peace nor in time of war, except in a manner prescribed by law, be quartered

upon native Hawaiian trust lands nor in any house without the consent of the owner or the lawful occupant.

SECTION 9. IMPRISONMENT FOR DEBT:

There shall be no imprisonment for debt except in cases of fraud.

SECTION 10. SLAVERY PROHIBITED:

Slavery shall not exist in Ka Lāhui Hawai'i.

SECTION 11. TREASON:

Treason against Ka Lāhui Hawai'i shall consist of: violating the Oaths of Loyalty to Ka Lāhui Hawai'i; levying war against it; adhering to its enemies or giving them aid and comfort. No person shall be convicted of treason except on the testimony of not less than two (2) witnesses to the same overt act, or by confession in open court.

SECTION 12. SUBVERSIVES INELIGIBLE TO HOLD OFFICE:

Any person who advocates, aids, or belongs to any party, organization, or association which advocates the overthrow of Ka Lāhui Hawai'i shall not be qualified to hold office in the Government of Ka Lāhui Hawai'i.

SECTION 13. RETROACTIVE LAWS AND BILLS OF ATTAINER:

No bill of attainder, ex post facto law, nor any law impairing the obligation of contracts shall be passed.

SECTION 14. HEALTH, SAFETY, MORALS, AND GENERAL WELFARE:

Laws shall be enacted for the protection of the health, safety, morals, and general welfare of the people of Ka Lāhui Hawai'i.

SECTION 15. EDUCATION:

The Government shall operate a system of free and non-sectarian education. The Government shall also encourage and aid qualified persons including Kūpuna (Elders) to acquire further education in Hawaiian culture and language, as well as in the general and technical fields locally and abroad, to aid in the development of Ka Lāhui Hawai'i.

SECTION 16. LAND AND NATURAL RESOURCES:

Ka Lāhui Hawai'i shall enact laws for the protection, conservation and management of its natural resources within the Hawaiian archipelago.

SECTION 17. UNSPECIFIED RIGHTS, PRIVILEGES, AND IMMUNITIES:

The enumeration of certain rights in this Constitution shall not be construed to impair or deny other rights retained by the people. No law shall be made nor enforced that abridges any privileges or immunities of the citizens of Ka Lāhui Hawai'i.

SECTION 18. CUSTOMARY AND TRADITIONAL RIGHTS:

(A) GENERAL:

1. **DOMAIN OF CUSTOMARY AND TRADITIONAL RIGHTS:** The domain of customary and traditional rights shall extend through the entire Hawaiian archipelago and shall include the air over the archipelago and oceans surrounding the archipelago extending outward from it for two-hundred (200) miles. The domain shall also include subterranean, surface, and subsurface minerals found therein.

2. **KONOHIKI RIGHTS:** The traditional and customary konohiki rights of Native Hawaiians and their descendants shall not be abridged.

3. **RIGHTS OF ACCESS:** Native Hawaiians and their descendants shall be allowed free access to the mountains, caves, seas, and sites of religious and cultural importance for personal, subsistence, religious and cultural purposes.

4. **KĀNĀWAI MAMALA HOE (LAW OF THE SPLINTERED PADDLE):** Native Hawaiians and their descendants shall be free to traverse the archipelago and shall be entitled to safe passage upon the roads and highways of the archipelago.

5. **BIRTH AND BURIAL RIGHTS:** In harmony with nature and Ke Akua (Na Akua), the people are born from the land. The life of the land and its people is maintained in righteousness. The right of Native Hawaiians, their descendants, and possessions, to be buried on the land of their Hawaiian ancestry shall not be denied. Hawaiian burial sites shall not be disturbed. Ka Lāhui Hawai'i shall provide and designate lands for this purpose and shall acknowledge the responsibility of the decedent's 'ohana to care for and maintain such burial sites.

6. **DEFINITION:** Subsistence as applied herein, means use for personal consumption, or use which provides a basis for the economic support of the immediate family, the ahupua'a (land division extending from the uplands to the sea), or the larger Hawaiian community according to culturally appropriate practices.

(B) LAW OF THE LAND AND FRESH WATER:

1. **GENERAL:** Lands used by Native Hawaiians and their descendants for the cultivation of traditional food staples shall be entitled to water in sufficient quantities so as to maintain customary and traditional agricultural practices including, but not limited to, the cultivation of kalo, la'i or ki, aho, and medicinal plants for subsistence, cultural, and religious purposes. Kuleana rights shall not be abridged. Native Hawaiians and their descendants shall have full indigenous rights of gathering for subsistence, medicinal, cultural, and religious purposes. All other land use on native Hawaiian trust lands shall employ culturally appropriate or Ka Lāhui Hawai'i-sanctioned practices.

2. **WATER:** The customary and traditional rights possessed by Native Hawaiians and their descendants to harvest, cultivate, and propagate from the streams and their ecosystems, traditional food staples including but not limited to, hihiwai, 'ōpae, 'o'opu, hō'i'o, and limu shall not be abridged. The right to maintain streamflows and watercourses of the archipelago for subsistence, medicinal, cultural, and religious purposes shall not be abridged. Native Hawaiians and their descendants shall also have the right to drinking water, running water, groundwater and rain water, and this shall be free to all who are citizens of Ka Lāhui Hawai'i on all lands of the archipelago.

3. **LANDLORDS' TITLES SUBJECT TO TENANTS' USE:** Where landlords have obtained, or may hereafter obtain, allodial title to their lands, Native Hawaiians and their descendants shall not be deprived of their right to take building materials, medicinal or other plants, and minerals from the ahupua'a within which they live, for their own use, including but not limited to: firewood, timber, stones, aho, thatch, la'i or ki.

4. **LAND-LOCKED BODIES OF WATER:** Traditional and customary rights shall extend to all lakes, anchialine ponds, and pūnāwai (water springs) of the archipelago.

(C) THE LAW OF THE SHORE TO THE DEPTH OF THE OCEAN: The traditional and customary rights of Native Hawaiians and their descendants to fish, gather, and harvest, including but not limited to the right to spear fish, to throw and lay net in the waters and shorelines of the archipelago, to cultivate its resources for personal subsistence, medicinal, cultural, and religious purposes shall not be abridged.

(D) FISHPONDS: The traditional and customary rights of Native Hawaiians and their descendants to propagate and harvest in the loko wai (freshwater fishpond), loko i'a kalo, loko kuapā, and other types of fishponds shall not be abridged. Fishponds shall be maintained by culturally appropriate practices.

(E) RULES AND REGULATIONS: Ka Lāhui Hawai'i shall protect and provide for the above rights in the exercise of its powers and duties, and in the promulgation of rules and regulations to provide administration of its lands, the airspace above those lands, all bodies of water within and surrounding its domain.

**ARTICLE II
HO'OKUPA
(CITIZENSHIP)**

SECTION 1. ENROLLMENT:

Native Hawaiians and their descendants may enroll as citizens of Ka Lāhui Hawai'i.

SECTION 2. NOTICE OF MAILING ADDRESS:

Citizens of Ka Lāhui Hawai'i shall have either a post office box, a residence address, or a forwarding address registered for official correspondence.

SECTION 3. CITIZENSHIP RIGHTS AND DUTIES:

The full rights, privileges, and duties as prescribed by the Constitution of Ka Lāhui Hawai'i shall extend to each citizen.

(A) VOTING QUALIFICATIONS: Any Hawaiian who is and has been a citizen of Ka Lāhui Hawai'i for a period of one (1) year, who has resided in his elective Moku-puni (Island), and who is the age of eighteen (18) years or older, shall have the right to vote.

(B) VOTING REGISTRATION: The Lukānela Kia'āina (Lieutenant Governor, Deputy Prime Minister) shall enact procedures to ensure that Hawaiians register to vote.

(C) CONFLICT OF INTEREST: No person vacating an elected position with the U.S. Federal, State, or County governments shall be eligible to run for elective office in Ka Lāhui Hawai'i until the second Ka Lāhui Hawai'i election following their departure from such U.S. Federal, State, or County office, provided that said candidate has been a registered citizen of Ka Lāhui Hawai'i for five (5) consecutive years.

SECTION 4. HONORARY CITIZENSHIP:

There shall be honorary citizens of Ka Lāhui Hawai'i who are not of Hawaiian ancestry. Such citizens shall not be entitled to the rights and privileges afforded the Native Hawaiian and Hawaiian citizens of Ka Lāhui Hawai'i. Procedures for conferring citizenship shall be enacted by the 'Aha 'Ōlelo Kānāwai.

**ARTICLE III
MOKUNA ALI'I NUI**

SECTION 1. ALI'I NUI:

In accordance with the appointment of Kalokuokamaile II, the Ali'i Nui shall be Kalokuokamaile III. Kalokuokamaile III shall be Noa Ka'ipoho'ohuaamauwaokalanikupuapa'ikalaninui DeGuair, grandson of Kalokuokamaile II.

SECTION 2. DUTIES AND RESPONSIBILITIES:

The Ali'i Nui shall symbolize Ka Lāhui Hawai'i, represent Ka Lāhui Hawai'i in all matters requiring protocol and consult with the 'Aha Ali'i and the 'Aha Kūkā o Ke Ali'i Nui on matters of cultural tradition. The Ali'i Nui shall hold no other office under this Constitution.

SECTION 3. KUHINA NUI:

Ka Lāhui Hawai'i recognizes that Kalokuokamaile II did duly appoint Owana Ka'ohelani as the Kuhina Nui to oversee the office of Ali'i Nui until such time as Kalokuokamaile III is twenty-one (21) years of age or is prepared to assume the office of the Ali'i Nui of Ka Lāhui Hawai'i.

SECTION 4. SUCCESSORSHIP:

The Ali'i Nui shall appoint a successor from among the 'Aha Ali'i or from his issue. Should there be no appointment, the decision shall rest with the 'Aha Ali'i.

SECTION 5. 'AHA ALI'I:

The Ali'i Nui shall assemble an 'Aha Ali'i, with the assistance of each Island Caucus, comprised of various chiefly clans from each Moku-puni. The eligibility criteria for the 'Aha Ali'i shall be as follows:

(A) Genealogy which proves Ali'i lineage; and

(B) Knowledge of culture, traditions and protocol as established by Kūpuna or other recognized authorities. The Ali'i Nui shall appoint all traditional ranks and assign duties within the 'Aha Ali'i.

SECTION 6. 'AHA KŪKĀ O KE ALI'I NUI:

The Ali'i Nui shall assemble the 'Aha Kūkā o Ke Ali'i Nui, with the assistance of each Island Caucus, to be composed of citizens who are specialists, Kūpuna and Maka'ainana, who shall advise the Ali'i Nui in matters of history, genealogy, Hawaiian language, social, and cultural traditions for the purposes of protocol and education.

SECTION 7. COMMUNICATION WITH OTHER BRANCHES:

The Ali'i Nui shall be kept informed by all branches of the Ka Lāhui Hawai'i government as to the affairs of the Nation.

ARTICLE IV

KA MANA O KA MOKUNA O KA 'AHA 'OLELO KĀNĀWAI A ME NĀ HO'OKUPA (LEGISLATIVE POWER)

SECTION 1. LEGISLATIVE AUTHORITY:

The Legislative authority of Ka Lāhui Hawai'i shall be vested in the 'Aha 'Ōlelo Kānāwai (Legislature) consisting of one chamber. The voting citizens reserve for themselves the power to propose laws and amendments to the Constitution, to enact or reject the same at the polls, independent of the 'Aha 'Ōlelo Kānāwai, through exercise of their reserve powers, and to approve or disapprove at the polls any act, item, section, or part of any act passed by the 'Aha 'Ōlelo Kānāwai.

SECTION 2. RESERVED POWERS OF THE PEOPLE:

The voting citizens shall have the exclusive right to initiate petition for the enactment or rejection of laws and the recall of elected officers and Luna Kānāwai (Judges) as provided below.

(A) INITIATIVE:

1. The citizens may enact laws and Constitutional amendments independent of the 'Aha 'Ōlelo Kānāwai. The power of the citizens to enact laws shall be by petition pursuant to the following rules:

(a) PETITION TO ENACT A LAW: The laws to be enacted shall be set forth at length in clear language (Hawaiian or English) which shall include a statement concerning the purpose of the law. The petition shall be signed by seven percent (7%) of the number of votes cast for Kia'aina in the preceding election. The registered voters who sign the petition must come from two-fifths (2/5) of the districts of Ka Lāhui Hawai'i. The petition shall be filed with the Kākau 'Ōlelo of Ka Lāhui Hawai'i at least four (4) months before the next General Election. The same law, in form or substance, shall not be submitted to the citizens by initiative petition more often than once every two (2) years. If conflicting measures are submitted to the citizens at the same election, the measure receiving the highest number of affirmative votes shall become law as to all conflicting provisions.

(b) PETITION TO ENACT A CONSTITUTIONAL AMENDMENT: The law to be enacted shall be set forth at length in clear language which shall include a statement concerning the purpose of the law. The petition shall be signed by ten percent (10%) of the number of votes cast for the Kia'aina in the preceding election. The registered voters who sign the petition must come from two-fifths (2/5) of the districts of Ka Lāhui Hawai'i. The petition shall be filed with the Kākau 'Ōlelo at least four (4) months before the next General Election. The Kākau 'Ōlelo of Ka Lāhui Hawai'i shall refer the matter to the election officer for submittal to the citizens of Ka Lāhui Hawai'i for approval or disapproval at the next General Election. The same law, in form or substance, shall not be submitted to the citizens by initiative petition more often than once every three (3) years. If conflicting measures are submitted to the citizens at the same election, the measure receiving the highest number of affirmative votes shall become law as to all conflicting provisions.

2. The constitutional limitations that pertain to the scope and subject matter of statutes enacted by the 'Aha 'Ōlelo Kānāwai shall apply to those enacted by initiative.

(B) REFERENDUM: The citizens may revoke, in whole or in part, any act of the 'Aha 'Ōlelo Kānāwai, subject to the following limitations. The citizens may not revoke any law which appropriates money to Ka Lāhui Hawai'i nor to any institution in existence at the time of passage, nor shall the citizens revoke emergency acts for the immediate preservation of the public peace, health, and safety. The power of the citizens to revoke legislation shall be by petition pursuant to the following rules:

1. The petition shall be signed by five percent (5%) of the number of votes cast for the Kia'aina in the preceding election. The registered voters who sign the petition shall come from two-fifths (2/5) of the districts of Ka Lāhui Hawai'i. The petition shall be filed with the Kākau 'Ōlelo of Ka Lāhui Hawai'i not less than ninety (90) days after the adjournment of the 'Aha 'Ōlelo Kānāwai which enacted the measure. The petition shall set out in clear language the title of the act against which the petition is invoked or, where applicable, the specific sections or portions of the act against which the referendum is invoked.

2. When referendum is invoked as provided for in Section 2(B)(1) above, the Kākau 'Ōlelo of Ka Lāhui Hawai'i shall refer the matter to the elections officer for submittal to the citizens of Ka Lāhui Hawai'i for approval or disapproval at the next General Election held not less than thirty (30) days after the petition is filed with the Kākau 'Ōlelo.

(C) INITIATIVE AND REFERENDUM, BASE NUMBER OF VOTES, VETO, ELECTION RETURNS, CONSTITUTIONAL AMENDMENTS, NON-PARTISAN BALLOT:

1. The veto power of the Kia'aina shall not extend to measures initiated by or referred to the citizens.

2. In determining the percentage of registered voters needed to sign a petition in Section 2(A) and Section 2(B) above, the base number for which the number of signatures shall be computed as the whole of votes cast for the Kia'aina in the preceding election.

3. A measure will be enacted or amend the Constitution as the case may be, if it receives the majority of the votes cast and it receives at least thirty-five percent (35%) of the total votes at the election to which it was submitted.

4. The vote on initiative and referendum measures shall be returned and canvassed in the manner prescribed by law. Measures enacted by initiative and referendum shall become law, or cease to be law, as the case may be. The Kia'aina shall make a declaration on the voting not less than ten (10) days after the official canvass of the votes has concluded.

5. The method of adopting amendments to the Constitution provided in this Article shall be supplemental to that prescribed in Article VIII Section 3 of the Constitution entitled, "Amendments to the Constitution."

6. The provisions regarding initiative and referendum shall be self-executing, but the 'Aha 'Ōlelo Kānāwai may enact provisions to facilitate their operation.

7. When a proposition is submitted, it shall be submitted in a non-partisan manner and there shall be no marking on the ballot indicating its endorsement or censure by a political party of organization.

8. Only the title or proper descriptive words of a measure shall be printed on the ballot and when two (2) or more measures have the same title, they shall be numbered consecutively in the order of filing with the Kākau 'Ōlelo of Ka Lāhui Hawai'i. Such number shall be followed by the name of the first petitioner on the corresponding petition.

(D) RECALL: An elected officer or Luna Kānāwai (Judge) may be recalled by petition. Upon receipt by the Lukanela Kia'aina (Lieutenant Governor, Deputy Prime Minister) of a petition signed by ten percent (10%) of the voters eligible to vote for that elected officer or Luna Kānāwai, it shall be the duty of the Lukanela Kia'aina to call a Special Election on the question of

recall. Such Special Election shall be called and held within a period of sixty (60) days after the receipt of the petition. No elected officer or Luna Kānāwai may be recalled except by a majority vote in an election in which at least thirty-five percent (35%) of the eligible voters of Ka Lāhui Hawai'i have voted.

SECTION 3. LEGISLATIVE JOURNAL, VOICE VOTE, OPEN DOORS:

The 'Aha 'Ōlelo Kānāwai shall keep a journal of its proceedings and publish them, to include the yea and nay votes for each member on any question, except such parts as may require confidentiality. All votes shall be by voice. The doors of the 'Aha 'Ōlelo Kānāwai and of the Standing Committees shall be open at all times, with the exception of any executive sessions.

SECTION 4. STYLE OF BILLS, MAJORITY NECESSARY FOR PASSAGE:

The style of all bills shall be: "Be it enacted by the people of Ka Lāhui Hawai'i...". No law shall be enacted except by bill. No bill shall be passed by the 'Aha 'Ōlelo Kānāwai unless by vote of a majority of all elected members and the yea and nay votes on the question of final passage of any bill shall be entered upon the journal.

SECTION 5. BILLS AND RESOLUTIONS READ BY TITLE, BILLS TO CONTAIN ONE SUBJECT, SIGNING OF BILLS:

Every bill and resolution shall be read by title when introduced. A printed copy shall be provided to each member and the bill and all amendments shall be read at-large before the vote is taken upon its final passage. No bill shall contain more than one subject and the same shall be clearly expressed in the title. No law shall be amended unless the bill contains the Section or Sections to be amended. The Kia'āina, or the Lukānela Kia'āina, if acting as presiding officer, shall sign in the presence of the 'Aha 'Ōlelo Kānāwai, while the same is in session and capable of transacting business.

SECTION 6. ACTS TAKE EFFECT AFTER THREE (3) MONTHS, EMERGENCY BILLS, PUBLICATION OF SESSION LAWS:

No act shall take effect until three (3) calendar months after the adjournment of the session at which it passed, unless in case of emergency, as expressed in the preamble or body of the Act. All laws shall be published within sixty (60) days after the adjournment of each session and distributed in such manner as the 'Aha 'Ōlelo Kānāwai may provide.

SECTION 7. ELECTIONS:

(A) GENERAL ELECTION:

1. EXECUTIVE: Beginning with the General Election in February 1990, and every four (4) years thereafter, all voting citizens shall elect a Kia'āina (Governor, Prime Minister), Lukānela Kia'āina, Kākau 'Ōlelo, and Pu'ukū Lāhui (National Treasurer, Minister of Finance) of the Mokuna Ho'okō (Executive Branch).

2. DISTRICT REPRESENTATIVES: Each district shall elect a Chair, a Vice-Chair, a Secretary, and representatives for the Health, and for the Land and Natural Resources concerns for the district. The elected District Chair, the Health, and the Land and Natural Resources representatives shall sit on the Island Caucus.

The elected Chairs of the eight (8) districts of Hawai'i, Maui, and Kaua'i shall represent those districts in the 'Aha 'Ōlelo Kānāwai of Ka Lāhui Hawai'i. For the Mokupuni of Ni'ihau and Lāna'i, the elected district officers and one person elected at-large shall sit in the 'Aha 'Ōlelo Kānāwai of Ka Lāhui Hawai'i, for a total of eight (8) alaka'i (legislators). For the Mokupuni of O'ahu, the four (4) district Chairs and four (4) people elected at-large shall sit in the 'Aha 'Ōlelo Kānāwai of Ka Lāhui Hawai'i, for a total of eight (8) alaka'i. For the Mokupuni of Moloka'i, the three (3) District Council Chairs, the three (3) District Council Vice-Chairs, and two (2) people elected at-large shall sit in the 'Aha 'Ōlelo Kānāwai of Ka Lāhui Hawai'i, for a total of eight (8) alaka'i. Such elections shall be by majority vote.

(B) SPECIAL ELECTION: In the event an elected official is removed by recall, censure, impeachment, arrest, death, or disabil-

ity, the vacant seat shall be filled by Special Election. The procedures of the Special Election shall be defined by the 'Aha 'Ōlelo Kānāwai.

SECTION 8. DISTRICT COUNCILS:

There shall be a District Council created in each district of Ka Lāhui Hawai'i. The elected Chair, Vice-Chair, Secretary, and District Chairpersons of the Standing Committees shall comprise a District Council. Other committees may be added to the District Council. Each district will conduct meetings on a regular basis so that information and concerns may be solicited from citizens of the district and forwarded to the Island Caucus and the 'Aha 'Ōlelo Kānāwai for appropriate action, and to be informed of the affairs of Ka Lāhui Hawai'i.

(A) DISTRICT COUNCIL STANDING COMMITTEES:

There shall be not less than two (2) District Council Standing Committees for each district of Ka Lāhui Hawai'i: (1) Health; and (2) Land and Natural Resources. A Committee shall consist of not less than three (3) members who shall consider, investigate, and take action on certain matters or subjects in regard to the aforesaid District Council Standing Committees.

SECTION 9. ISLAND CAUCUSES:

(A) ESTABLISHMENT OF THE ISLAND CAUCUSES:

There shall be an Island Caucus for every Mokupuni of Ka Lāhui Hawai'i. The Island Caucus shall be composed of the chairpersons and representatives of the Standing Committees of each district and elected district representatives. The 'Aha 'Ōlelo Kānāwai and the Mokuna Ho'okō (Executive Branch) shall utilize the Island Caucus to present information on the affairs of Ka Lāhui Hawai'i for involvement and action by the Island Caucuses, District Councils, and the citizenry.

1. The Island Caucus shall elect an Island Po'o to conduct Island Caucus meetings on a regular basis so that information and concerns may be solicited islandwide for appropriate action.

2. The Island Caucus shall also elect an Island Treasurer. The Island Treasurer shall be a citizen of Ka Lāhui Hawai'i and of Hawaiian ancestry. He shall be not less than twenty-five (25) years of age on the date of his election. The Island Treasurer must be knowledgeable of Generally Accepted Accounting Principles (GAAP). The Island Treasurer shall be the chair of the respective Island Budget and Finance Committee. He shall keep full and accurate books of account of receipts, disbursements, vouchers, and other records of the Island and Districts. He shall, on behalf of the Island or District, and with the approval of the Island Caucus as appropriated by the Island Caucus Budget, endorse all checks, warrants, bills payable, and negotiable instruments of or for the Island. He shall make disbursements and deposit all monies and other valuables in the name and to the account of the Island Caucus in such banks or other depositories as may be designated by the Island Caucus. He shall render an accounting of his transactions, together with the official records thereof, to the Pu'ukū Lāhui (National Treasurer), the Island Caucus, and the respective Island Po'o for their examination and approval as often as the Pu'ukū Lāhui, the Island Caucus, or the Island Po'o may require. In addition, the Island Treasurer is required to make a full financial report annually, of which a copy must be provided to the Pu'ukū Lāhui. Such an annual report may be subject to audit. The Island Treasurer shall perform other duties as incident to his office, as prescribed by law, or assigned by the Pu'ukū Lāhui. A vacancy of the office of the Island Treasurer shall be filled by two-thirds (2/3) vote of the respective Island Caucus.

3. The Island Caucus shall also elect an Island Education Chair. The Island Education Chair shall be a citizen of Ka Lāhui Hawai'i and be of Hawaiian ancestry. He shall be not less than twenty-five (25) years old on the day of his election. The Island Education Chair shall be knowledgeable of the Constitution of Ka Lāhui Hawai'i and shall be responsible for the facilitation of Sovereignty (Self-governance) workshops. The Island Education Chair shall make himself available to the National Education Chair for any duties deemed necessary by the National Education Committee.

4. The Island Caucus shall elect a Health Chair and a Land and Natural Resources Chair.

(B) ISLAND CAUCUS STANDING COMMITTEES: There shall be not less than five (5) Island Caucus Standing Committees for each of the Mokupuni of Ka Lāhui Hawai'i: (1) Budget and Finance; (2) Education; (3) Enrollment; (4) Health; and (5) Land and Natural Resources.

1. ISLAND BUDGET AND FINANCE COMMITTEE:

(a) The Island Budget and Finance Committee shall be chaired by the respective Island Treasurer. The Committee shall be composed of a minimum of four (4) other members who shall be appointed by the respective Island Po'o promptly after the first Legislative Session, to consider, investigate, and take action upon certain matters in regard to the finances of Ka Lāhui Hawai'i. It shall be the duty of each Island Budget and Finance Committee to prepare an Island budget for the fiscal year beginning the first day of January, and to submit it to the Island Caucus for review. The Committee shall then submit the reviewed budget to the National Budget and Finance Committee for its approval no later than two (2) months prior to the second Legislative Session. The Island Budget and Finance Committee may periodically submit supplements to the budget for the current fiscal year.

(b) An Island Budget shall be developed by the respective Island Budget and Finance Committee, reviewed by the Island Caucus and approved by the National Budget and Finance Committee. The role of the Island Budget shall be two-fold: (1) to allow the Island Caucus to prioritize the financial goals, including revenue generating activities, of the Island in accordance with the National Budget Act; and (2) to support daily governmental operations and related expenses at the National and Island levels as well as other National priorities of Ka Lāhui Hawai'i.

(c) The Island Budget and Finance Committee shall implement National revenue enhancement activities at the Island level. The Committee shall also develop, implement, monitor, and evaluate Island revenue enhancement activities, and have the authority to propose amendments to any District revenue enhancement proposals. All Island and District revenue enhancement proposals must be approved by the National Budget and Finance Committee before implementation.

(d) There shall be performed an internal audit of all of Ka Lāhui Hawai'i Island Treasuries within ninety (90) days after the close of business of each fiscal year, and said reports shall be made available by the respective Island Budget and Finance Committee to the citizens for inspection.

2. ISLAND EDUCATION COMMITTEE:

(a) The Island Education Committee shall be chaired by the Island Education Chair who shall be elected by the respective Island Caucus, and be composed of a minimum of four (4) other members who shall be appointed by the respective Island Po'o promptly after the first Legislative Session. It shall be the duty of the Island Education Committee to establish a calendar of events for the year beginning the first of January, to be submitted to the National Education Committee for review and approval.

(b) The Island Education calendar shall reflect the National priorities as set forth according to the laws established by the 'Aha 'Ōlelo Kānāwai. The National Education calendar shall also reflect the Island priorities as established by the respective Island Caucus.

3. ISLAND ENROLLMENT COMMITTEE: There shall be an Enrollment Committee on each Island, that shall work with the Kākau 'Ōlelo to implement the Ka Lāhui Hawai'i citizen enrollment, register, and information system. Each Committee shall coordinate the enrollment of citizens and shall appoint one (1) person to maintain a computer database for the respective Island. All Island database persons shall designate one (1) person from its group to maintain a National Ka Lāhui Hawai'i citizen roll. A copy of the National Ka Lāhui Hawai'i citizen roll shall also be on file with the Office of the Kākau 'Ōlelo. Each Island database person shall take the Nōkali Oath of Confidentiality.

SECTION 10. TREATY RATIFICATION:

The 'Aha 'Ōlelo Kānāwai of Ka Lāhui Hawai'i shall have the exclusive power to ratify or amend any treaty or convention between the Government of Ka Lāhui Hawai'i and other states, governments, nations, or peoples. The vote for Convention or treaty ratification or amendment shall be by two-thirds (2/3) vote of the 'Aha 'Ōlelo Kānāwai.

ARTICLE V

MOKUNA 'AHA 'ŌLELO KĀNĀWAI (LEGISLATIVE BRANCH)

SECTION 1. LEGISLATIVE DISTRICTS:

(A) NĀ MOKUPUNI (ISLANDS) IDENTIFIED: Na Mokupuni of Ka Lāhui Hawai'i shall be Kaua'i, Ni'ihau, O'ahu, Maui, Moloka'i, Kaho'olawe, Lāna'i, and Hawai'i.

(B) LEGISLATIVE DISTRICTS OF NĀ MOKUPUNI: There shall be thirty-three (33) legislative districts as follows:

NĀ MOKUPUNI

DISTRICTS

- | | |
|----------------|---|
| 1. Hawai'i: | (1) Ka'ū, (2) South Kona, (3) North Kona, (4) Kohala, (5) Hāmākua, (6) Keaukaha-North Hilo, (7) Hilo, (8) Puna; |
| 2. Maui: | (9) Ke'anae/Wailuanui, (10) Kahului, (11) Lāhaina, (12) Wailuku, (13) Kihei, (14) Makawao, (15) Pa'ia, (16) Hāna; |
| 3. Moloka'i: | (17) West, (18) Central, (19) East; |
| 4. Lāna'i: | (20) Lāna'i; |
| 5. O'ahu: | (21) Ko'olau, (22) Leeward, (23) Kona, (24) Central; |
| 6. Kaua'i: | (25) Hanalei, (26) Anahola, (27) Kapa'a, (28) Lihu'e, (29) Kōloa, (30) Kalāheo, (31) Waimea, (32) Nāpali; |
| 7. Ni'ihau: | (33) Ni'ihau; and |
| 8. Kaho'olawe: | See Section (1)(E) herein. |

(C) NUMBER OF ALAKA'I (LEGISLATORS): The Legislative districts shall have the following number of Alaka'i: Mokupuni of Hawai'i, eight (8); Mokupuni of Maui, eight (8); Mokupuni of Moloka'i, eight (8); Mokupuni of Lāna'i, eight (8); Mokupuni of O'ahu, eight (8); Mokupuni of Kaua'i, eight (8); Mokupuni of Ni'ihau, eight (8); and Mokupuni of Kaho'olawe, see section (1)(E) herein. Not less than one-half (1/2) of the Alaka'i of each Island shall be Native Hawaiians of fifty percent (50%) blood quantum or more and shall be elected by Native Hawaiians. The remaining Alaka'i of each Island may be of any blood quantum and shall be elected by Hawaiians of less than fifty percent (50%) blood quantum. The provisions of this Section shall be subject to the provisions of Article IV, Section 7.

(D) REDISTRICTING AND APPORTIONMENT: The 'Aha 'Ōlelo Kānāwai shall enact laws to provide for redistricting and apportionment based on data obtained from a national census which shall be conducted every five (5) years beginning in 1987.

(E) KAHO'OLAWE REPRESENTATION: Until Hawaiians reside on Kaho'olawe or until the 'Aha 'Ōlelo Kānāwai resolves the residency requirement and Kaho'olawe may elect their own Alaka'i, Ka Lāhui Hawai'i shall maintain a Kaho'olawe Caucus.

1. KAHO'OLAWE CAUCUS: The purpose of the Kaho'olawe Caucus is to assure the concerns of Kaho'olawe are properly represented and protected. There shall be no limit on the number of members of the Kaho'olawe Caucus; however a member must meet all of the following requirements:

(a) Demonstrate at least three (3) years of involvement with the Mokupuni of Kaho'olawe through active participation in projects and activities relating to the advancement of aloha 'āina;

(b) Citizenship in Ka Lāhui Hawai'i (voting or honorary) for not less than one (1) year; and

(c) Actively participate in the Kaho'olawe Caucus. Failure to adequately participate actively shall result in removal from the Caucus. Any person removed from the Caucus may be replaced by a person satisfying all aforementioned requirements.

2. KAHO'OLAWE REPRESENTATION IN THE 'AHA 'OLELO KĀNĀWAI: The Kaho'olawe Caucus shall function as any other Island Caucus and shall be empowered to nominate and elect eight (8) non-voting representatives to sit in the 'Aha 'Ōlelo Kānāwai of Ka Lāhui Hawai'i. To be nominated, a person must meet all of the following requirements:

(a) Demonstrate at least five (5) years of involvement with the Mokupuni of Kaho'olawe through active participation in projects and activities that pertain to the advancement of aloha 'āina;

(b) Be a voting citizen of Ka Lāhui Hawai'i; and

(c) Be an active member of the Kaho'olawe Caucus.

SECTION 2. LEGISLATIVE SESSIONS:

(A) The 'Aha 'Ōlelo Kānāwai shall consist of not more than sixty-nine (69) members and not less than thirty (30) members. The sessions of the 'Aha 'Ōlelo Kānāwai shall be held twice annually except as otherwise provided by law.

(B) Emergency sessions of the 'Aha 'Ōlelo Kānāwai shall be convened at the request of a majority of the members of the Executive Board (Cabinet), provided that one (1) week notice be given.

SECTION 3. 'AHA 'OLELO KĀNĀWAI, TERMS, ELECTION:

At the General Election to be held on February 1990, one-half (1/2) of the members of the 'Aha 'Ōlelo Kānāwai that accrue the highest number of populace votes shall be elected for a term of four (4) years, and the remainder for a term of two (2) years, and thereafter all members shall be elected for a term of four (4) years, with the manner of such election to be determined by the 'Aha 'Ōlelo Kānāwai. Each member shall be nominated and elected in a non-partisan manner and without any indication on the ballot that he is affiliated with or endorsed by any political party or organization.

SECTION 4. QUALIFICATIONS AND REMOVAL OF ALAKA'I:

(A) A person shall be eligible to seek Legislative office if on the date of the General Election at which he is elected, or on the date of his appointment he is a registered voter, and has at least attained the age of twenty-one (21) years. He shall have resided within the district from which he is elected for at least two (2) years preceding such election, with the exception of absences for the public business for Ka Lāhui Hawai'i. No person who is elected to Legislative office shall hold such office after he moves away from said district.

(B) Alaka'i shall be citizens of Ka Lāhui Hawai'i.

SECTION 5. DISQUALIFICATION OF ALAKA'I:

No person holding office under the authority of the United States, or any lucrative elective office under the authority of the State of Hawai'i shall be eligible to, or have a seat in the 'Aha 'Ōlelo Kānāwai. No person elected or appointed to the 'Aha 'Ōlelo Kānāwai shall receive any civil appointment to a foreign government office while holding membership in the 'Aha 'Ōlelo Kānāwai or while the 'Aha 'Ōlelo Kānāwai is in session. All such elected or appointed alaka'i shall be disqualified.

SECTION 6. PRIVILEGE OF MEMBERS:

No member of the 'Aha 'Ōlelo Kānāwai shall be liable in any civil or criminal action whatever for words spoken in debate.

SECTION 7. CONFLICTS OF INTEREST, STANDARDS:

No member of the 'Aha 'Ōlelo Kānāwai or any national officer shall have a conflict of interest, as defined by the 'Aha 'Ōlelo Kānāwai, directly or in any contract with the United States of America and the State of Hawai'i, or any county or municipality

thereof, or any Country during the term for which he shall have been elected or appointed, or within one (1) year after the expiration of such term. The 'Aha 'Ōlelo Kānāwai shall prescribe standards and definitions for determining the existence of such conflicts of interest in contracts, and it shall prescribe sanctions for enforcing this Section.

SECTION 8. LEGISLATIVE SESSIONS, QUORUM, RULES OF PROCEDURE, EXPULSION OF MEMBERS, DISRESPECTFUL BEHAVIOR, PENALTY:

(A) Beginning with the year 1990, regular sessions of the 'Aha 'Ōlelo Kānāwai shall be held biannually, commencing in the months of June and November. The duration of regular sessions shall not exceed ten (10) Legislative days unless extended by a vote of four-fifths (4/5) of all voting members elected to the 'Aha 'Ōlelo Kānāwai. Bills and resolutions under consideration by the 'Aha 'Ōlelo Kānāwai upon adjournment of a regular session may be considered at the next regular session, as if there had been no such adjournment.

(B) The Kia'āina shall preside, but shall vote only when the 'Aha 'Ōlelo Kānāwai is equally divided.

(C) A majority of the voting members elected to the 'Aha 'Ōlelo Kānāwai shall constitute a quorum.

(D) The 'Aha 'Ōlelo Kānāwai shall determine the rules of its proceedings. No member shall be expelled except by a vote of two-thirds (2/3) of all voting members elected to the 'Aha 'Ōlelo Kānāwai. The 'Aha 'Ōlelo Kānāwai may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the 'Aha 'Ōlelo Kānāwai by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four (24) hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

SECTION 9. IMPEACHMENT PROCEDURE:

The 'Aha 'Ōlelo Kānāwai shall have the sole power of impeachment, but a majority of the voting members elected must concur. Upon the adoption of a resolution of impeachment, a notice of an impeachment of any officer, other than a Pono Kānāwai (Justice) of the 'Aha Kānāwai Ki'eki'e (High Court), shall be forthwith served upon the Pono Kānāwai Ki'eki'e (Chief Justice of the High Court) by the Clerk of the 'Aha 'Ōlelo Kānāwai, who shall thereupon call a session of the 'Aha Kānāwai Ki'eki'e to meet at the Capitol within ten (10) days after such notice to try the impeachment.

A notice of any impeachment of the Pono Kānāwai Ki'eki'e or any Pono Kānāwai of the 'Aha Kānāwai Ki'eki'e shall be served by the Clerk of the 'Aha 'Ōlelo Kānāwai, and upon any Luna Kānāwai (Judges) of the judicial district within which the Capitol is located. The Clerk shall notify all the Luna Kānāwai of the 'Aha Kānāwai Mokupuni (Island Courts) of Ka Lāhui Hawai'i to meet with him within thirty (30) days at the Capitol. All the Luna Kānāwai shall thereby sit as an 'Aha Kānāwai (Court) to try such impeachment, which such 'Aha Kānāwai shall organize by electing one of its number to preside.

No person shall be convicted without the concurrence of two-thirds (2/3) of the voting members on the 'Aha Kānāwai of impeachment. Judgment in cases of impeachment shall not extend further than removal from office and disqualification to hold and enjoy an office of honor, profit, or trust, in Ka Lāhui Hawai'i. No officer shall exercise his official duties after he has been impeached and notified. The party impeached, whether convicted or acquitted, shall nevertheless be liable to prosecution and punishment according to law.

ARTICLE VI
MOKUNA HO'OKOLOKOLO
(JUDICIAL BRANCH)

SECTION 1. MANA LUNA KĀNĀWAI (JUDICIAL POWER):

The mana luna kānāwai shall be vested in the 'Aha Kānāwai Ki'eki'e (High Court), the 'Aha Kānāwai Mokupuni (Island Courts) and such other 'Aha Kānāwai (Courts) as may from time to time be established by the 'Aha 'Ōlelo Kānāwai of Ka Lāhui Hawai'i.

SECTION 2. INDEPENDENCE OF THE 'AHA KĀNĀWAI:

The Mokuna Ho'okolokolo of Ka Lāhui Hawai'i shall be independent of all other mokuna (branches) of government. The Constitution of Ka Lāhui Hawai'i shall be the supreme law of the land and the 'Aha Kānāwai Ki'eki'e shall be the final arbiter of the Constitution. The 'Aha Kānāwai Ki'eki'e shall also declare any law unconstitutional if found to be in contravention of the Constitution.

SECTION 3. JURISDICTION:

The 'Aha Kānāwai Mokupuni shall be courts of limited jurisdiction vested with authority over cases or controversies arising under the Constitution and laws of the 'Aha 'Ōlelo Kānāwai of Ka Lāhui Hawai'i. The 'Aha 'Ōlelo Kānāwai of Ka Lāhui Hawai'i shall be empowered to create and expand the jurisdiction of the 'Aha Kānāwai Mokupuni and such other 'Aha Kānāwai as may from time to time be created. The 'Aha Kānāwai Ki'eki'e shall have appellate jurisdiction over final judgments of the 'Aha Kānāwai Mokupuni and such other courts as may from time to time be created. The 'Aha Kānāwai Ki'eki'e shall have original jurisdiction over disputes between the Islands and in matters of admiralty. The 'Aha 'Ōlelo Kānāwai of Ka Lāhui Hawai'i shall not have authority to alter the jurisdiction of the 'Aha Kānāwai Ki'eki'e. The jurisdiction of the 'Aha Kānāwai Ki'eki'e may be changed only by constitutional amendment. The 'Aha Kānāwai Ki'eki'e shall promulgate rules of procedure and conduct governing all courts of Ka Lāhui Hawai'i as well as the licensing of public advocates. Jurisdictional authority shall remain with the appropriate U.S. Federal and State courts until such time as the 'Aha 'Ōlelo Kānāwai of Ka Lāhui Hawai'i shall delegate jurisdictional authority to the Mokuna Ho'okolokolo (Judiciary) of Ka Lāhui Hawai'i.

SECTION 4. ELECTION OF LUNA KĀNĀWAI (JUDGES), APPOINTMENT OF PONO KĀNĀWAI (HIGH COURT JUSTICES):

The Luna Kānāwai Mokupuni (Island Court Judges) shall be elected by a majority vote of the citizens of each Island. The Kia'aina shall be vested with authority to appoint, from the pool of Luna Kānāwai Mokupuni, five (5) candidates to the 'Aha Kānāwai Ki'eki'e. Each appointment to the 'Aha Kānāwai Ki'eki'e must be ratified by a two-thirds (2/3) vote of the 'Aha 'Ōlelo Kānāwai of Ka Lāhui Hawai'i. In the event an appointed Luna Kānāwai Mokupuni fails to receive the requisite two-thirds (2/3) vote, the Kia'aina shall appoint another Luna Kānāwai Mokupuni for consideration to the 'Aha Kānāwai Ki'eki'e. Once a Luna Kānāwai Mokupuni is ratified by the 'Aha 'Ōlelo Kānāwai, the title of Pono Kānāwai shall be conferred. The five (5) Pono Kānāwai (High Court Justices) of the 'Aha Kānāwai Ki'eki'e shall in turn elect a Pono Kānāwai Ki'eki'e (Chief Justice of the High Court).

SECTION 5. QUALIFICATION OF LUNA KĀNĀWAI MOKUPUNI (ISLAND COURT JUDGES) AND PONO KĀNĀWAI (HIGH COURT JUSTICES):

All Luna Kānāwai Mokupuni and Pono Kānāwai of Ka Lāhui Hawai'i shall be citizens of Ka Lāhui Hawai'i for at least one (1) year, have attained the age of thirty (30) years, and have resided on the island from which he is elected for two (2) years preceding his election unless he shall have been absent on public business of Ka Lāhui Hawai'i. All Luna Kānāwai and Pono Kānāwai must have necessary experience in conflict resolution and shall be persons of good moral character. No person holding an elected position in either Ka Lāhui Hawai'i or the U.S. Federal, State, and county governments shall be eligible to serve in judicial positions. No judge shall sit in any proceeding in which he has a personal interest either directly or indirectly. The 'Aha 'Ōlelo Kānāwai of Ka Lāhui Hawai'i shall pass all laws regarding qualifications of Luna Kānāwai Mokupuni and Pono Kānāwai.

SECTION 6. NUMBER OF LUNA KĀNĀWAI MOKUPUNI:

The number of Luna Kānāwai Mokupuni and the length of term for all Luna Kānāwai shall be decided by the 'Aha 'Ōlelo Kānāwai of Ka Lāhui Hawai'i.

SECTION 7. INABILITY TO PERFORM LUNA KĀNĀWAI DUTIES:

(A) LUNA KĀNĀWAI MOKUPUNI: In the event a Luna

Kānāwai Mokupuni is permanently unable to perform his judicial duties, the person with the next highest number of votes for that position in the last election will serve the duration of that term. In the event there are no candidates available to replace the Luna Kānāwai Mokupuni, the Pono Kānāwai Ki'eki'e of the 'Aha Kānāwai Ki'eki'e shall appoint another Luna Kānāwai Mokupuni for the duration of the term.

(B) PONO KĀNĀWAI: In the event any Pono Kānāwai is permanently unable to perform his judicial duties, the Kia'aina shall nominate a Luna Kānāwai Mokupuni for consideration to the 'Aha Kānāwai Ki'eki'e and submission to the 'Aha 'Ōlelo Kānāwai of Ka Lāhui Hawai'i for ratification.

SECTION 8. PUBLIC ADVOCATES:

Ka Lāhui Hawai'i shall provide public advocates to offer free legal representation to indigent citizens of Ka Lāhui Hawai'i. All public advocates shall be citizens of Ka Lāhui Hawai'i, have necessary experience in conflict resolution, and be persons of good moral character.

SECTION 9. 'AHA KŪKĀ O NĀ KŪPUNA (COUNCIL OF ELDERS):

Any citizen of the Nation may submit any controversy or claim for ho'oponopono (a traditional Hawaiian conflict resolution technique) to the 'Aha Kūkā O Nā Kūpuna pursuant to the procedures established by the 'Aha Kūkā O Nā Kūpuna, provided that the resolution of any claim or controversy shall be binding and shall not be appealed to any level of the Mokuna Ho'okolokolo of Ka Lāhui Hawai'i. Each Island shall form their respective 'Aha Kūkā O Nā Kūpuna.

**ARTICLE VII
MOKUNA HO'OKŌ
(EXECUTIVE BRANCH)**

SECTION 1. KIA'ĀINA (GOVERNOR), PRIME MINISTER:

The executive power shall be vested in the Kia'aina. The Kia'aina, whose title shall also be Prime Minister, shall take care that the laws of Ka Lāhui Hawai'i are faithfully executed. His primary duties shall be as follows: have the power to veto legislation, which veto may be overridden by not less than a two-thirds (2/3) vote of the 'Aha 'Ōlelo Kānāwai; and have co-custody of all funds of the National Treasury with the Pu'ukū Lāhui (National Treasurer). The term of office for the Kia'aina shall be four (4) years, but shall not exceed two (2) consecutive terms. He shall have been a Hawai'i resident for not less than three (3) years, a citizen of Ka Lāhui Hawai'i, of Hawaiian ancestry, and shall not be less than thirty (30) years of age on the date of his election.

SECTION 2. LUKĀNELA KIA'ĀINA (LIEUTENANT GOVERNOR), DEPUTY PRIME MINISTER:

The Lukānela Kia'aina, whose title shall also be Deputy Prime Minister, shall be responsible for General and Special Elections of Ka Lāhui Hawai'i. He shall also perform such other duties as prescribed by law or assigned by the Kia'aina. The term of office for the Lukānela Kia'aina shall be four (4) years, but not to exceed two (2) consecutive terms. He shall have been a Hawai'i resident for not less than three (3) years, a citizen of Ka Lāhui Hawai'i, of Hawaiian ancestry, and shall not be less than thirty (30) years of age on the date of his election. The Lukānela Kia'aina shall have powers and duties of the Kia'aina in the event the office of Kia'aina is vacated for any of the following reasons: death, disability, recall, impeachment, or temporary absence. In the event the office of the Kia'aina is permanently vacated, the Lukānela Kia'aina shall serve as Kia'aina until such vacated office is filled by a Special or General Election.

SECTION 3. KĀKAU 'ŌLELO, SECRETARY TO GOVERNMENT:

The primary duties of the Kākau 'Ōlelo, whose title shall also be Secretary to Government, shall be as follows: record-keeping for all proceedings of Ka Lāhui Hawai'i, which minutes and records therefrom shall be made available to the citizens upon request; he shall keep on file all committee reports; conduct the general correspondence of Ka Lāhui Hawai'i; keep on file the Ka

Lāhui Hawai'i Citizen Roll; shall have the power of oversight to develop, maintain and update a citizen enrollment information system; and shall have supervisory authority over the Island Enrollment Committees. He shall also perform such other duties as prescribed by law or assigned by the Kia'aina. The term of office for the Kākau 'Ōlelo shall be four (4) years, but not to exceed two (2) consecutive terms. He shall have been a Hawai'i resident for not less than three (3) years, a citizen of Ka Lāhui Hawai'i, of Hawaiian ancestry, and shall not be less than twenty-five (25) years of age on the date of his election. The Kākau 'Ōlelo shall have powers and duties of the Lukānela Kia'aina in the event the office of Lukānela Kia'aina is vacated for any of the following reasons: death, disability, recall, impeachment, or temporary absence. The Kākau 'Ōlelo shall continue to serve as Lukānela Kia'aina until such vacated office is filled by a Special or General Election. Vacancy of the office of Kākau 'Ōlelo shall be filled by a two-thirds (2/3) vote of the 'Aha 'Ōlelo Kanāwai.

SECTION 4. PU'UKŪ LĀHUI (NATIONAL TREASURER), MINISTER OF FINANCE:

The primary duties of the Pu'ukū Lāhui, whose title shall also be Minister of Finance, shall include the following: chair the National Budget and Finance Committee; exercise the power of oversight of the National and Island Budget and Finance Committees; have co-custody of all funds of the National Treasury with the Kia'aina; keep full and accurate books of account receipts, disbursements, vouchers, and other records of the National Treasury; subject to the approval of the National Budget and Finance Committee or as mandated by the National Budget Act, co-endorse with the Kia'aina, all checks, drafts, warrants and bills payable, and negotiable instruments of the National Treasury; make disbursements and deposit all monies and other valuables in the name and to the account of the National Treasury in such banks or other depositories as may be designated by the 'Aha 'Ōlelo Kanāwai; render an accounting of such transactions and official records thereof to the National Budget and Finance Committee and to the Kia'aina; and provide a full annual financial report, which copy must be submitted to the Kia'aina and the National Budget and Finance Committee, said annual report may be subject to an internal or external audit. The Pu'ukū Lāhui shall also perform other duties incident to his office, as prescribed by law, or assigned by the Kia'aina.

The term of office for the Pu'ukū Lāhui shall be four (4) years, but not to exceed two (2) consecutive terms. He shall have been a Hawai'i resident for not less than three (3) years, a citizen of Ka Lāhui Hawai'i, of Hawaiian ancestry, and shall not be less than twenty-five (25) years of age on the date of his election. He shall be knowledgeable of Generally Accepted Accounting Principles (GAAP). Vacancy of the office of Pu'ukū Lāhui shall be filled by a two-thirds (2/3) vote of the 'Aha 'Ōlelo Kanāwai.

SECTION 5. EXECUTIVE BOARD (CABINET):

The Executive Board shall be composed of the Kia'aina, the Lukānela Kia'aina, the Kākau 'Ōlelo, the Pu'ukū Lāhui, appointed Ministers, Chairs of each of the National Standing Committees, and all Island Po'o. It shall be the duty of the Executive Board to conduct the business of Ka Lāhui Hawai'i.

SECTION 6. SECURITY:

The Kia'aina may summon the posse commitatus or call out the militia to prevent or suppress violence, invasion, insurrection, or rebellion.

SECTION 7. EXECUTIVE REGULATIONS:

The Kia'aina shall have the power to issue executive regulations not in conflict with laws of Ka Lāhui Hawai'i.

SECTION 8. SUPERVISION AND CONTROL BY KIA'AINA:

The Kia'aina shall have general supervision and control of all executive departments, agencies, and instrumentalities of the Government of Ka Lāhui Hawai'i.

SECTION 9. ANNUAL REPORT:

The Kia'aina shall make an official report of the transactions of the Government of Ka Lāhui Hawai'i and the 'Aha 'Ōlelo Kanāwai within ninety (90) days after the close of each fiscal year.

SECTION 10. PARDONING POWER:

The Kia'aina, and the 'Aha 'Ōlelo Kanāwai by a two-thirds (2/3) vote, shall have the power to remit fines and forfeitures, commute sentences, and grant reprieves and pardons after conviction for offenses against the laws of Ka Lāhui Hawai'i.

SECTION 11. RECOMMENDATION OF LAWS:

The Kia'aina shall provide information to the 'Aha 'Ōlelo Kanāwai on the state of Ka Lāhui Hawai'i and recommend for its consideration such measures as he may deem necessary and expedient. He may attend or deputize another person to represent him at meetings of the 'Aha 'Ōlelo Kanāwai, and may express his views on any matter before that body.

SECTION 12. APPOINTMENT OF OFFICIALS:

With the exception of elected officials and those which are otherwise provided for in the Constitution, the Kia'aina shall appoint the following officials of the Government of Ka Lāhui Hawai'i including, but not limited to the following:

(A) MINISTER OF FOREIGN AFFAIRS: Upon investiture into office, the Minister of Foreign Affairs shall also be known as Minister Extraordinary and Ambassador Plenipotentiary and as directed by the Ka Lāhui Hawai'i Executive (Kia'aina, Lukānela Kia'aina, Kākau 'Ōlelo, or Pu'ukū Lāhui) shall have duties and powers as follows:

1. Establish diplomatic relations for and on behalf of Ka Lāhui Hawai'i;
2. Make official communications with any state, government, nation, or peoples;
3. Receive official communications from any foreign state, government, nation, or peoples in the name of the Government of Ka Lāhui Hawai'i and transmit such communication to the Executive Board; and
4. Initiate treaty negotiations and other agreements of diplomatic recognition by and between the Government of Ka Lāhui Hawai'i and all friendly states, governments, nations, or peoples, which treaties and agreements shall become effective upon their ratification by the 'Aha 'Ōlelo Kanāwai of Ka Lāhui Hawai'i.

He shall also submit a budget proposal for the fiscal year beginning the first of January to the National Budget and Finance Committee for approval.

(B) MINISTER OF JUSTICE: Upon investiture into office, the Minister of Justice shall represent the Government in all claims on behalf of or against the Government brought by the citizens or the 'Aha 'Ōlelo Kanāwai of Ka Lāhui Hawai'i. He shall have no power or authority over the Judicial Branch of the Government. He shall also submit a budget proposal for the fiscal year beginning the first of January to the National Budget and Finance Committee for approval.

(C) MINISTER OF HOME AFFAIRS: Upon investiture into office, the Minister of Home Affairs shall work in conjunction with the National Standing Committees to institute a system of education, health, and maintenance of land and natural resources, to perpetuate, preserve, and promote the lands within the domain of Ka Lāhui Hawai'i, the Hawaiian culture, and its people.

SECTION 13. REMOVAL OF OFFICERS, POWERS AND DUTIES OF OFFICERS:

The Kia'aina may appoint or remove any officer whose appointment is not otherwise provided for. All officers shall have such powers and duties as may be conferred or imposed upon them by law or by executive regulation of the Kia'aina not consistent with any law.

SECTION 14. PUBLICATION OF LAWS:

The Kia'aina shall make provisions for the publication of laws within sixty (60) days after the close of each session of the 'Aha 'Ōlelo Kanāwai for distribution to public officials and for sale to the public.

will well and faithfully discharge the duties of the office on which I am about to enter, and that I will well and faithfully uphold the laws of Ka Lāhui Hawai'i.

SECTION 6. DEFINITION OF NATIVE HAWAIIAN:

Native Hawaiian is defined as any descendant of not less than one-half (1/2) part of the blood of the races inhabiting the Hawaiian Islands previous to 1778.

SECTION 7. DEFINITION OF HAWAIIAN:

Hawaiian is defined as any individual whose ancestors were native to the area which comprised the Hawaiian Islands prior to 1778.

SECTION 8. CONSTRUCTION:

Titles in this Constitution shall not be used for the purposes of construction and wherever any personal pronoun appears it shall be construed to mean either gender. In this Constitution, a special or particular provision shall control a general provision should there be any inconsistency between a special or particular provision and a general provision.

SECTION 9. PROVISIONS SELF-EXECUTION:

The provisions of this Constitution shall be self-executing to the fullest extent that their respective natures permit.

SECTION 10. SEAT OF GOVERNMENT:

The seat of Government shall be in Hilo, Hawai'i.

SECTION 11. FLAG OF KA LĀHUI HAWAI'I:

The flag of Ka Lāhui Hawai'i shall be the star constellation known as the Makali'i (Pleiades). The rising of the Makali'i shall serve as an eternal reminder to po'e Hawai'i of the Kumulipo, a creation chant of the native people and one most relevant source of their primordial origins. The symbolic representation of the Makali'i shall be a flag which is a field of royal blue with seven (7) large stars in white and several small stars in white.

SECTION 12. HAWAIIAN GOVERNMENT TITLES:

The following Hawaiian titles, along with their definitions, shall be created and used in the Government of Ka Lāhui Hawai'i:

<u>GOVERNMENT TITLE</u>	<u>DEFINITION</u>
<u>Legislative Titles</u>	
Mokuna 'Aha 'Ōlelo Kānāwai	Legislative Branch
Ka Mana O Ka Mokuna O Ka 'Aha 'Ōlelo Kānāwai	Legislative Power
A Me Na Ho'okupa 'Aha 'Ōlelo Kānāwai	Legislature
Alaka'i	Legislators
Island Po'o	Chair of the Island Caucus
Pu'ukū Mokupuni	Island Treasurer
<u>Executive Titles</u>	
Mokuna Ho'okō	Executive Branch
Kia'aina	Governor, Prime Minister
Lukanela Kia'aina	Lieutenant Governor, Deputy Prime Minister
Kakau 'Ōlelo	Secretary to Government
Pu'ukū Lāhui	National Treasurer, Minister of Finance
<u>Judicial Titles</u>	
Mokuna Ho'okolokolo	Judicial Branch
Mana Luna Kānāwai	Judicial Power
'Aha Kānāwai Ki'eki'e	High Court
Pono Kānāwai Ki'eki'e	Chief Justice of the High Court
Pono Kānāwai	High Court Justices
'Aha Kānāwai Mokupuni	Island Court
Luna Kānāwai Mokupuni	Island Court Judges
'Aha Kānāwai	Court
Luna Kānāwai	Judge
'Aha Kūkā o Nā Kūpuna	Council of Elders
<u>Other Titles and Terms</u>	
Na Ke Akua	From God
Na Akua	From the Gods
Ke Akua	God

GOVERNMENT TITLE

DEFINITION

Nā Akua	the Gods
Ke Akua (Nā Akua)	God (the Gods)
Kūpuna	Elders
Ho'okupa	Citizenship
Maka'ānana	Citizen
Nōkali	Registrar
Mokuna	Branches of Government
Nā Mokupuni	Islands
Nā Mea Like 'Ole	Miscellaneous Provisions

SECTION 13. OFFICIAL LANGUAGES:

The official languages of Ka Lāhui Hawai'i shall be 'Ōlelo Hawai'i (Hawaiian) and English.

SECTION 14. MELE (SONG) OF KA LĀHUI HAWAI'I: (Reserved)

SECTION 15. EFFECTIVE DATE:

This Constitution shall be effective as of the date of its passage at the first Constitutional Convention on March 15, 1987, and as amended on August 20, 1989, and on July 5, 1992.

SECTION 16. 'AHA KŪKĀ O NĀ KŪPUNA (COUNCIL OF ELDERS):

There shall be a council of elders known as the 'Aha Kūkā O Nā Kūpuna, comprised of kūpuna of the districts of Ka Lāhui Hawai'i. They shall advise Ka Lāhui Hawai'i on matters pertaining to the significance of 'Ōlelo Hawai'i, mo'olelo (oral and written literature, including history) and other ethical, social, traditional, and cultural values of Ka Lāhui Hawai'i. The 'Aha Kūkā O Nā Kūpuna shall also have the authority to resolve conflicts as provided for in Article VI, Section 9, herein.

SECTION 17. DONATION OF LANDS PROHIBITED:

Lands under the control of Ka Lāhui Hawai'i shall never be donated to companies, private corporations, or individuals. There shall be enacted laws to prohibit the sale of all Hawaiian lands to non-citizens.

SECTION 18. LAND TRUSTS, DEFINITIONS:

(A) **NATIVE HAWAIIAN LAND TRUSTS:** The Native Hawaiian Land Trusts refers to lands identified by the Hawaiian Homes Commission Act of 1920 (Act of July 9, 1921, 42 Statute 108, Chapter 42, as amended; Act of March 18, 1959, Public Law 86-3, 73 Statute 4, Section 4) and the State of Hawai'i Admissions Act of 1959 (Act of March 18, 1959, Public Law 86-3, 73 Statute 4, Section 5[f]).

(B) **HAWAIIAN LAND TRUSTS:** The Hawaiian Land Trusts refers to lands of the following private land trusts: The Kamehameha Schools/Bishop Estate, Queen Emma Foundation, Queen's Medical Center and Health Care System, Lunalilo Trust, Queen Lili'uokalani Children's Trust, and Kapi'olani Women's and Children's Medical Center.

SECTION 19. OFFICIAL SYMBOLS OF KA LĀHUI HAWAI'I:

(A) The official flower of Ka Lāhui Hawai'i shall be the 'Ōhi'a Pua Lehua.

(B) The official trees of Ka Lāhui Hawai'i shall be the 'Iliahi and Kukui.

(C) The official marine mammal of Ka Lāhui Hawai'i shall be the Nai'a (Porpoise).

(D) The Seal and Coat of Arms (Reserved).

(E) The official bird of Ka Lāhui Hawai'i shall be the 'Io (Native Hawaiian Hawk).

SECTION 20. OFFICIAL HOLIDAYS OF KA LĀHUI HAWAI'I:

(A) Ka Lāhui Hawai'i Independence Day shall be March 15 of each year. It shall be a remembrance day for Mitsuo Ueyehara, and a National holiday to recognize this man, the first Honorary Citizen of Ka Lāhui Hawai'i and a founder of this Nation.

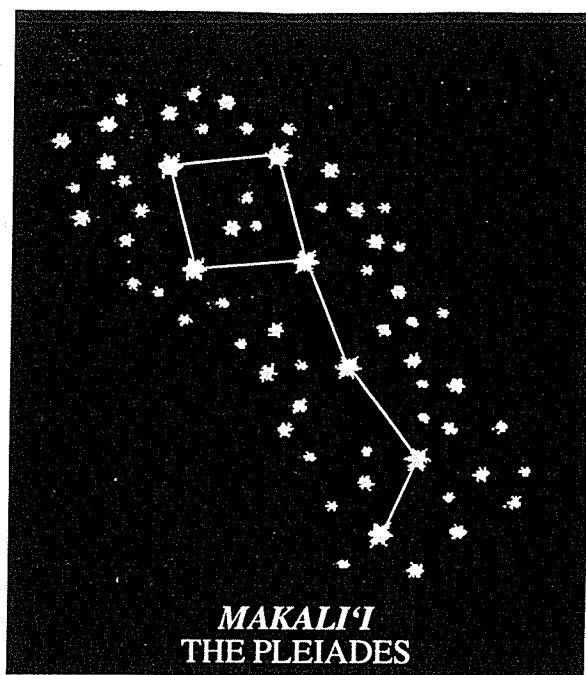
(B) Other Holidays (reserved).

ABOUT THE MAKALI'I

The flag of Ka Lāhui Hawai'i represents the group of stars known to Hawaiians as Makali'i, or the Pleiades.

The Makali'i consists of a cluster of more than 3,000 stars. Seven major stars can be seen by the naked eye. Five of the major stars form the "head" part and the other two stars forms what looks like a "tail." When the Makali'i rises in our skies, the "head" points up. The Makali'i also consists of thousands of smaller stars which surround the major stars. To the naked eye, the smaller stars cannot be distinguished as individual stars. Instead, they appear as a hazy glow of light.

Ka Lāhui Hawai'i's flag, like other flags, is full of symbolism. The symbolic representation of Makali'i consists of seven large stars and several smaller stars in white, on a field of royal blue. The rising of the Makali'i serves as an eternal reminder of the Kumulipo, a creation chant of Po'e Hawai'i, and represents our origin, the source at our beginning.



PRAYERS TO STRENGTHEN THE NATION

OLI HO'OIKAIKA (Prophecy of the Nation) (Traditional Oli as recorded by David Malo)

E IHO ANA O LUNA;	That which is above shall be brought down;
E PI'I ANA O LALO;	That which is below shall be lifted up;
E HUI ANA NĀ MOKU;	The islands shall be united;
E KŪ ANA KA PAIA.	The walls shall stand upright.

IKŪ WĀ (Traditional Chant used for felling of a tree, David Malo)

One:	I KŪ MAU MAU!	Stand up in couples!
All:	I KŪ WĀ!	Stand at intervals!
One:	I KŪ MAU MAU!	Stand in couples!
	I KŪ HULUHULU!	Haul with all your might!
	I KA LANAWAO!	Under the mighty trees!
All:	I KŪ WĀ!	Stand at intervals!
One:	I KŪ LANAWAO!	Stand up among the tall forest trees!
All:	I KŪ WĀ!	Stand at intervals!
	I KŪ WĀ HUKI!	Stand at intervals and pull!
	I KŪ WĀ KO!	Stand at intervals and haul!
	I KŪ WĀ A MAU!	Stand in place and haul!
	A MAU KA EULU!	Haul branches and all!
	E HIKI E!	Haul now!
	KŪLIA!	Stand up!

E HO'IHO'I EA (by Nohealani Wallace for Ka Lāhui Hawai'i)

EIA NŌ NĀ KŪPĀ O KA 'ĀINA, EŌ MAILA EŌ MAILA
Here are the natives of the land, natives respond. Here we are.

EIA NŌ NĀ 'ŌIWI KAULANA, EŌ MAILA EŌ MAILA
Here are the famous bones, natives respond. Here we are.

EIA NŌ NĀ PULAPULA 'EU, EŌ MAILA EŌ MAILA
Here are the active seedlings, natives respond. Here we are.

EIA NŌ KA LĀHUI HAWAI'I, EŌ MAILA EŌ MAILA
Here is the Hawaiian Nation, natives respond. Here we are.

EIA PONO KA LĀ HO'IHO'I EA, EŌ MAILA EŌ MAILA
The right time is here to return our sovereignty. Here we are.

E HŌ MAI I KA 'IKE PONO
Grant us the correct vision for sight

E HO'OMĀLU I NĀ PAE 'ĀINA 'O HAWAI'I
Protect all of our Hawaiian islands

E HO'OLA'A I KA LĀHUI HAWAI'I
Purify the Hawaiian Nation

EŌ MAI, EA! EŌ MAI, EA! EŌ MAI, EA!
What is your response, your solution? Sovereignty!

PULE HŌ'ŌLA (A prayer to strengthen or heal the Nation) (Traditional chant as recorded by David Malo)

NĀ 'AUMAKUA MAI KA LĀ HIKI A KA LĀ KAU!
The ancestral deities from the rising to the setting!

MAI KA HO'OKU'I A KA HĀLĀWAI!
From the zenith to the horizon!

NĀ 'AUMAKUA IĀ KĀ HINA KUA, IĀ KĀ HINA ALO!
The ancestral deities who stand at our back and at our front!

IĀ KA'A AKAU I KA LANI!
You gods who stand at our right hand!

'O KIHA I KA LANI,
A breathing in the heavens,

OWE I KA LANI,
An utterance in the heavens,

NUNULU I KA LANI,
A clear, ringing voice in the heavens,

KĀHOLO I KA LANI!
A voice reverberating in the heavens!

EIA KA PULAPULA A 'OUKOU, 'O _____
Here is your child, _____

E MĀLAMA 'OUKOU (IĀ MĀKOU) (IĀ 'U)!
Safeguard us (me)!

E ULU I KA LANI!
That we may grow in the heavens!

E ULU I KA HONUA!
That we may grow on the earth!

E ULU I KA PAE 'ĀINA O HAWAI'I!
That we may flourish in the islands of Hawai'i!

E HŌ MAI I KA 'IKE
Grant us knowledge,

E HŌ MAI I KA IKAIKA,
Grant us strength,

E HŌ MAI I KE AKAMAI,
Grant us intelligence,

E HŌ MAI I KA MAOPOPO PONO
Grant us a true understanding,

E HŌ MAI KA 'IKE PĀPĀLUA
Grant us the spiritual gift of second sight,

E HŌ MAI KA MANA.
Grant us the ability to spiritually empower our people as a Nation.

PART I.

WEAPONS, DISEASES, AND MISSIONARIES

1778—With arrival of Capt. Cook, it was the beginning of Hawaiian contact with western civilization.

1795—King Kamehameha with the use of European weapons took control of the Hawaiian Islands.

Editor's Note: Period of massive trading of sandalwood (Iliahi). The forests were destroyed as a result. Lahaina and Honolulu became popular whaling ports, resulting in an increase of diseases.

1819—Kamehameha I died. Kamehameha II and Kaahumanu as Kuhina Nui (premier) approved breaking of the kapu system.

1820—Missionaries arrived.

1822—First printed laws, such as disturbing the peace.

Editor's Note: Hawaiians can't read or write yet.

1824—Kamehameha II felt threatened by the demands for land by foreigners and the riotous behavior of sailors. He and his wife traveled to Great Britain to discuss a British protectorate for Hawaii. A measles epidemic broke out in London and the King and his wife died of the disease before any meetings were held. Kaahumanu continued as Kuhina Nui and Kamehameha III, still a minor, took the reign.

1827—Three laws passed against murder, theft, and adultery.

Editor's Note: Adultery was a term Hawaiians were not even familiar with or necessarily agreed with.

1832—Kaahumanu died, and Kamehameha III, having no sympathy for the new religion, removed the laws except against theft and murder.

Editor's Note: Only 12 years after their arrival, the missionaries had put a stop of Hawaiians dancing the hula and practicing their skills in their games. In that same amount of time, they definitely changed the previously acceptable sexual behavior of the Hawaiians.

1833—Kamehameha III, at eighteen, revived the hula and ancient Hawaiian games.

1834—In general he continued a rebellion in many ways until June 1834 when he tried to kill himself after his sister refused to continue her intimate relationship with him. He retired from actively governing the kingdom and allowed his Kuhina Nui, Kinau to run the government.

PART II.

ESTABLISHING A WESTERN GOVERNMENT

Editor's Note: It is extremely important to keep in mind that between 1834 and 1854 King Kamehameha III was "retired from actively governing the kingdom." He was young and evidently emotionally weak after his attempted suicide. Observe what changes in the laws took place during his supposed reign.

1836—Hawaiian Chiefs made a request to the United States for a teacher of economics and political science.

1838—No suitable teacher could be found, so a missionary William Richards became "chaplain, teacher, and translator to the King". This was the beginning of the "formal" involvement of missionaries in the Hawaiian government. (By 1844 there were 14 foreigners in the government and by 1851 there were 48 foreigners in high governmental positions)

1840—The 1840 Constitution also put in writing for the first time a plan of the government and a description of powers and duties. It was the continuation of the process of establishing an "Anglo-American type" government in Hawaii.

Editor's Note: Legal terms used were totally foreign and strange to the Hawaiians. Keep in mind the role of the foreigners as "directors" or "advisors" in the legal transactions.

The constitution in brief provided;

- The King and the Kuhina Nui together held executive authority.
- Four governors were appointed.
- A legislative body with lawmaking powers were created with two branches; a council of chiefs and a representative group chosen by the people.
- A Supreme Court was created.

1841—Governors were allowed to enter into 50 year leases with foreigners.

1842—To prevent foreign governments from taking further advantage of Hawaii, the king and his council decided that more formal relationships should be established with foreign governments. A delegation was sent to the U.S.A. and the "Tyler Doctrine" was signed, stating that the U.S. was more interested in Hawaii than any other nation and that no power should take control over the existing government or seek exclusive privileges in matters of commerce.

As the delegation traveled on to Europe for further recognition of Hawaii's independence, here in Honolulu a British ship threatened to fire upon Honolulu if certain complaints regarding land leases were not met. The incident, the "Paulet Affair", ended the delegation's trip abruptly.

1843—To avoid conflict, the king made a provisional cession of the islands on February 25, 1843. From that date until July 31, 1843 the British flag was flown over Hawaii until the British government restored the Hawaiian sovereignty.

On November 11, 1843 Great Britain and France signed a joint declaration recognizing Hawaii's independence.

1845—A Board of Land Commissioners was established.

Editor's Note: It was the Land Commissioners who raised the fatal question: "But King, how can you tell which lands are yours and which belong to the government?" That's what started a massive division of lands in Hawaii.

1847—Lands of the king were distinguished between those he held as king and those regarded as his private lands. The remaining land in the kingdom were to be divided into thirds; for the Hawaiian government, chiefs and konohiks, and to the tenant farmers.

1848—The Great Mahele or Division was conducted in which the king quit claimed his interest in specific areas to the chiefs and in turn the chiefs quit claimed their interest to the king in other areas. In the end, the king "set apart to the throne and people of my Kingdom approximately 1.5 million acres and kept for himself and his heirs nearly 1 million acres. The remaining 1.5 million acres were awarded to the chiefs.

1850—The "Kuleana Act" was approved in which commoners were allowed to apply for their own kuleana or portion of land. However, the tenant had to prove his claim by 1854 and pay the survey costs. Commoners received fewer than 30,000 acres under this Act.

1852—Foreigners already owned thousands of acres of land. Western concepts, which native Hawaiians did not understand, would facilitate westerners in taking over Hawaiian-owned lands during the next decades.

1854—Kamehameha IV (Liholiho) took the throne.

1855—A treaty to cement the bonds between Hawaii and United States was defeated in Congress by Louisiana sugar planters.

1863—Kamehameha IV died. Kamehameha V (Lot) revised the constitution.

1865—An Act was passed designating the king's lands as crown lands and declared them inalienable, so so they would be kept to descend to the heirs and successors of the Hawaiian crown forever.

1872—Kamehameha V died. Lunalilo ruled until his death in 1874.

PART III.

SUGAR AND THE "MERRY MONARCH"

1874—King Kalakaua won the rule of Hawaii with the backing of non-native and pro-reciprocity factions (those wanting a formal treaty with the U.S.). He ran in a plebiscite against Queen Emma, his chief rival for power. When the legislature confirmed his victory, rioting broke out by the "Hawaii for Hawaiians" supporters of Queen Emma. The King quelled the riot with the aid of military personnel from both American and British ships in Hawaii at the time.

1875—King Kalakaua traveled to the United States to negotiate a reciprocity treaty. The Reciprocity Treaty of 1875 was approved by Congress, but a special clause was added which forced Hawaii not to lease its ports or harbors, or to grant any special privileges to any other power.

According to Sen. Morgan of Alabama; "The Hawaiian treaty was negotiated for the purpose of securing political control of those islands, making them industrially and commercially, a part of the United States," as well as preventing any other power from acquiring a foothold on them.

Claus Spreckels, a California sugarbeet grower, opposed the Hawaiian treaty, but once it passed, he moved to Hawaii to seek an opportunity in sugar in Hawaii. He arrived aboard the vessel which brought news of the treaty, and with his money and relentless drive became the most powerful sugar man in Hawaii. By 1884 he was known as "the other king of the Hawaiian Islands."

1878—Walter Murray Gibson, a pro-Hawaiian who spoke the Hawaiian language fluently, won an election into the House of Representatives. Almost immediately he suggested that the special favors extended to the U.S. as part of the new treaty be extended to Great Britain as well. "The matter of first importance to us is that the kingdom perpetuate its cordial relations with all other nations ... so as to guard its independence."

Reports got back to Washington from the "kingmakers" that Gibson was a troublemaker and a dangerous man with great influence over the natives.

It was Gibson who told Kalakaua; "Hawaii should be the hub of the Polynesian kingdom. Sire, you are standing today on the very threshold of the door marked 'Emperor of Oceania!'"

Only one hundred years since Capt. Cook and the Hawaiian native population was down to 58,000 compared to 300,000 in 1778.

1880—A legislative resolution created the position of "Royal Hawaiian Commissioner" to represent the government to the people of Polynesia.

1881—King Kalakaua set out on a world trip "to explore ways by which people from other countries could be brought to Hawaii to help reverse the population decline." Word of the trip caused concern to the U.S. Secretary of State James Blaine. He wrote to the American ministers in the countries the King would be visiting, telling them to watch the activities of the king closely and instructed them to inform any foreign power to which the king might offer to sell a portion of his kingdom, that it would not be allowed by the United States.

Upon the insistence of the sugar planter lobby, William Armstrong and Charles H. Judd were to accompany the King on his journey.

While the King was admiring the other countries' wealth and cultures, Armstrong pushed the planters' view that only laborers were wanted in Hawaii, not a migration from all levels from other cultures.

Ships loaded with Chinese immigrants arrived in Hawaii before the King returned home. Even though yellow flags were flying because of cases of small pox, ... sugar planters and merchants pressured officials for their release! As a result, thousands of Hawaiians died due to a small pox epidemic!

Shortly after returning home, Armstrong tried to oust Walter Gibson. Gibson had written a letter in the newspaper accusing Armstrong of "treason to the State". Armstrong lost a legal suit in the matter.

1882—Only seven years after the 1875 treaty the Sugar Planter Association sent a draft of a new treaty to William Green, Minister of Foreign Affairs (in Hawaii). This time there was a clause giving Pearl River (Harbor) to the U.S. Green objected to the proposal and stated "The U.S. has made no demand for Pearl River ... they wish only that no other power should control it ... and that is what we all want."

The Planters Association was infuriated, and as an alternative plan they tried a different strategy. In the up and coming elections they proposed to support Gibson to take over Green's role of minister of Foreign Affairs, and in turn get the control of the King.

Gibson foiled the plan by telling the King, Green, to aid the King, resigned allowing Gibson to take the position without obligation to the planters. For the time being the 1875 treaty remained untouched, but attacks against Gibson continued. The Planters Association made complaints such as; "monies were being used for Hawaiian cultural programs while the treasury remained low and business interests took a back seat."

1883—A Policy statement was sent from King Kalakaua to twenty-six nations stating ... "the various islands of Polynesia should be allowed to govern themselves and not be annexed by any major power." The statement was disregarded by most.

Editor's Note: Today, 100 years later, several Pacific nations are just reclaiming independence and denouncing colonialism. Imagine if Kalakaua's statement could have had an impact. Nevertheless, it showed foresight of things to come in the future.

FOR THE OVERTHROW

1887—King Kalakaua sent a delegation to Samoa to form a political confederation. Since Germany was in the process of making Samoa a colony, Kalakaua was ordered by the American State Department to cease!

The local opposition called "The Hawaiian League" was a group of almost 400 people under the leadership of the "Committee of Thirteen". The League "announced in Honolulu's newspapers that it intended to dethrone Kalakaua ... and that it had the armed might to do so."

On June 27, 1887 the King met with the U.S. Minister and asked for advice. He was told to get rid of Gibson and the rest of his cabinet and stop meddling in the government.

Resignation of the cabinet was not enough. On June 30th a League resolution demanded a new cabinet, a new constitution, and the pledge of the King that he would not interfere in elections, legislative or cabinet matters!

Editor's Note: Walter Murray Gibson was forced at gun point and marched directly to Honolulu Harbor and shipped out of Hawaii and ordered never to return.

The next day Kalakaua called the Ministers of the major powers in Hawaii, including the U.S., to tell them the country was being taken over and that he wanted "to place the Kingdom in their hands" ... they refused to help.

On July 6, 1887 a new constitution appropriately called "The Bayonet Constitution" was drawn by "The Committee of Thirteen" and never submitted to the people ... but was handed to the King, and he signed it.

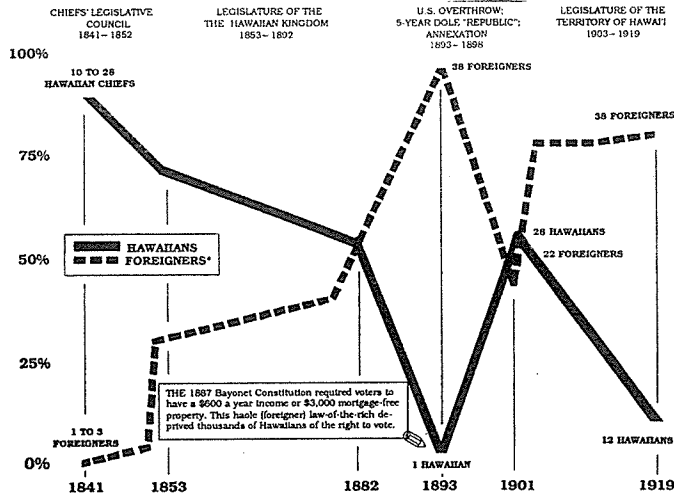
The forced constitution made the King more of a ceremonial leader and effectively ended much of the monarchy's power. The new constitution also stipulated property and income requirements in order to vote or hold office. Therefore the control of the government was under the sugar planters and merchants.

1891—King Kalakaua died and his sister Liliuokalani became Queen. She immediately moved against the reformers and appointed a few cabinet members of her choice. She developed a plan for a new constitution eliminating the Bayonet constitution of 1887 and restoring the control of Hawaii to the monarchy and the natives.

The stage was clearly set for the total overthrow of the Hawaiian monarchy in 1893.

Editor's Note: It is important to read back and understand "how" the "Hawaiian way" of living and ruling its government changed to a western style of living and government. It was a consistent process that took place over a 109 year period of time. Once you understand this process, it is easier to see how the process continued for another 72 years until statehood, and why today Hawaiians justifiably resent being victims of "high powered manipulation"

FOREIGN TAKEOVER OF HAWAIIAN LEGISLATURES 1841-1919

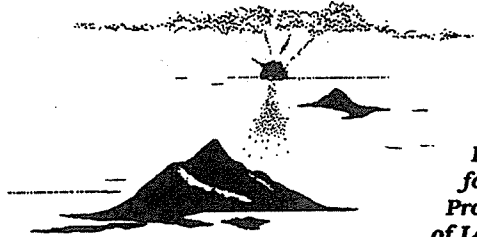


Note: In this graph, "foreigners" refers to lawmakers with non-Hawaiian surnames

Graphic by Makawana Media

Reprinted from The Hawaiian News, October, 1982. Information compiled from the Native Hawaiian Study Commission Report, Volume I.

HAWAIIAN CIVILIZATION — ITS LONG PERIOD OF PRODUCTIVE GROWTH . . . AND CATASTROPHIC LOSSES UPON FOREIGN CONTACTS



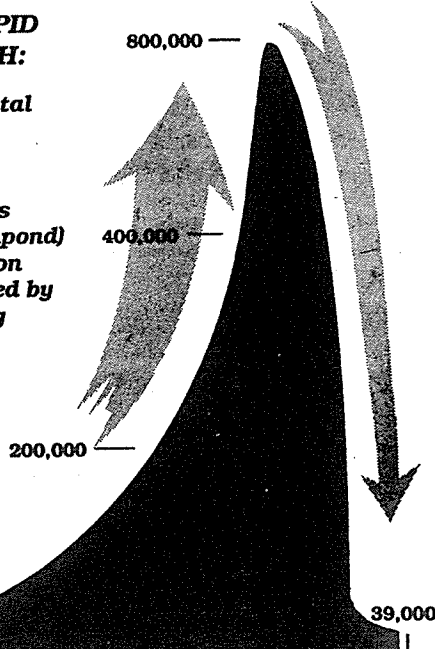
LATE PERIOD OF RAPID POPULATION GROWTH:

Extensive Dispersed Coastal and Inland Settlements. Development of Highly Skilled Water Delivery Pondfield Irrigation Systems for Kalo (taro) and Loko (fishpond) Production. Increasing Division of Labor and Skills Accompanied by Rising of a Small but Dominating Konohiki and Ali'i Class with Jurisdictional Conflicts and Wars.

LATLAT PERIOD The Peace and Calm of Early Hawai'i



About 50 persons arrive in the first voyaging canoe



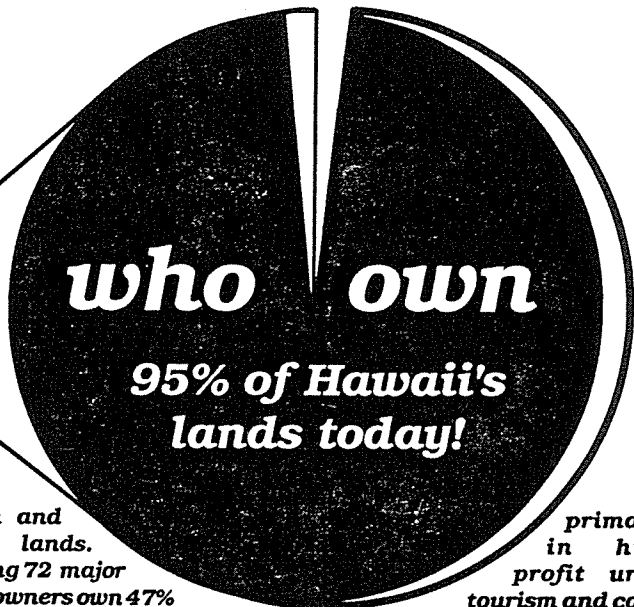
A.D. 100 FIRST ARRIVAL → 250 → 500 → 750 → 1,000 → 1250 → 1778 → 1890 ARRIVAL OF FOREIGNERS

During this 1,800 years—about 100 generations—our Hawaiian population doubled about every century to around 800,000 by 1778. But in less than four generations after foreign contact—by 1890—we Hawaiians had lost twenty 'ohana members for each one left alive!

Data sources: Dynamics of Production Intensification in Pre-Contact Hawaii by Marion Kelly, World Congress of Archaeology, 1969. For other references see Ka Lahui Hawaii, 1st Edition, 1988. Graphic by Makawana Media

Hawaii's land monopoly...

THIS CIRCLE REPRESENTS HAWAII'S ONE MILLION RESIDENTS IN 1990.
 THIS DOT > REPRESENTS 74 OF THE LARGEST LANDOWNERS IN HAWAII*...



AS A RESULT of the 1848 Mahele of its crown and government lands. primarily in high-profit urban developments being sold on the world's luxury markets. These basic facts are at the root of Hawaii's rapidly deepening economic and social crises...

and related laws, 95% of Hawaii's lands are owned or controlled by 74 major landowners today. Two of these are federal and state governments with illegal title to 53% of the land—illegal by virtue of the 1893 overthrow of the Hawaiian Nation and confiscation of its crown and government lands. The remaining 72 major private landowners own 47% of the land. Being land-rich but capital-poor, they seek, sell to, and marry up with capital-rich but land-poor foreign investors, mostly from Japan today. Their investments are

*Source: Public Land Policy in Hawaii: Major Landowners (each owning 1,000 acres or more). Report No. 3, 1987, Legislative Reference Bureau, University of Hawaii

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