

cc: City Council

**Hou Hawaiians Band of native Hawaiians of the Blood  
Church of Hawaii Nei of the Hou Band  
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CITY COUNCIL  
HONOLULU, HAWAII

17 January 2006

VIA FAX

The Honorable Gary Chang  
Circuit Court of the First Circuit  
State of Hawaii  
Honolulu, Hawaii

RE: Civil No. 01-03622-12, C&C of Honolulu v Attractions Hawaii

Dear Judge Chang:

*"There is also the question of whether native Hawaiians constitute one large tribe, perhaps retaining some form of internal governance by the Office of Hawaiian Affairs or the Hawaiian Homes Commission, or whether there are, in fact, several different tribal groups, such as the Hou Hawaiians. (See Price v Hawaii, 764 F2d 623 (9<sup>th</sup> Cir.1985); see generally Stuart, 106 Yale L. J. at 580-81."*

Kahawaiola'a v Norton opinion, October 7, 2004.

Also please refer at your convenience to the Hou Hawaiians extensive record in federal law advocating for the birthright entitlements of native Hawaiians of the Blood as existing *a priori* to the state of Hawaii and as recognized and affirmed by the United States Congress in 1921 in the Hawaiian Homes Commission Act and in 1959 in the Hawaii Admission Act; known as the Price record, having some eight *certs* denied to the U.S. Supreme Court.

My interest in purchasing as an original native Hawaiian owner Waimea Valley, which is aboriginal land, has been ignored in this matter. I submit to the court that this is unfair to the city and unfair to the owner, and of course unfair to the direct interest of actual native Hawaiians.

The "community", or "public" interest is different from the interest of the native Hawaiian. Our enterprises on the North Shore of Oahu and elsewhere in our former nation have for decades been targeted by recent immigrants and third generation descendants of earlier immigrants to our shores to be "shut down" as not fitting in with what they want Hawaii to be for themselves. They manufacture all sorts of made up rationalizations about existing federal law and about us to justify their devilish behavior against us, the weakest and poorest among them, driving us to landlessness, homelessness, drugs and an early grave.

Misc. Com. No. 0091

The state's Office of Hawaiian Affairs is merely a trustee for funds obtained pursuant to a federal mandate from the revenues of the public lands. The OHA does not own these funds. The native Hawaiian of the Blood owns these funds. Myself and my 355 enrolled native Hawaiian of the Blood members own a pro rata share of the so-called OHA trust fund. The OHA cannot spend any of these funds for other than the direct and specific betterment of the conditions of native Hawaiians of the Blood as defined in United States Indian policy and law. The native Hawaiian of the Blood is an Indian or identical to an Indian. Buying land for the public is not permitted unless you rule otherwise only to be overturned on federal appeal, thus producing the end of the state's OHA.

United States Indian policy is very simple: to provide replacement land and money to genuine native Hawaiians directly for the aboriginal lands lost when the aboriginal nations became occupied by the West and then to protect these substitute lands from alienation by local government and all others. This has been circumvented in every imaginable way by the clever machinations of the state of Hawaii and the instant issue is no different in this respect.

The state's Office of Hawaiian Affairs justifies routinely its aberrant actions by citing unconstitutional state laws. Your honor is asked to study recent federal law which in effect renders the state laws the OHA relies on unconstitutional: Rice v Kamehameha; Doe v Kamehameha and Arakaki v Lingle. There are at least two other cases in the pipeline which will terminate the OHA as trustee of our funds.

To state the Akaka bill's passage will "straighten" the mess out is a ridiculous fantasy. Congress will not in our lifetime make a law that prefers third generation immigrants to a state over everyone else simply because those immigrants have banded together to elect themselves as a bizarre type of "Native American".

When descended from immigrants you cannot be a "native" anything. Only actually indigenous citizens of today's Hawaii are natives and this has already been acknowledged as per federal tribal policy and law as mentioned above in 1921 and 1959.

Hawaii, the state, has already embodied all the problems the nation of America faces when an immigrant population gains the upper hand politically through numbers. What the OHA in fact represents, when viewed analytically in this context, is the reluctance of third generation immigrants from Asia (and Northern Europe) to assimilate into the mainstream American culture.

This deviation is the result of three generations of public relations pounding at the behest of Kamehameha Schools since the school then needed a continuous source of students to prefer so started to identify anyone with a drop of indigenous blood but descended from immigrants as a "Native Hawaiian". The ruling in Doe v Kamehameha found this group is a racial group and therefore the OHA group is a racial group as well.

They are using a substitute made-up "Hawaiian" culture as their instrument to seek to obtain an exemption from assimilation for themselves which they are not eligible for. This has caused three decades of confusion in the public's mind and in the legal profession in Hawaii but this era is coming to an end right now through enforcement of existing federal law by the Bush Administration Department of Justice working with the Hou Hawaiians.

We will contribute fifteen million dollars to add to the city's amount provided the title goes to us and not to the OHA. We will meet the same expectation of the U.S. Army with respect to a buffer zone. In addition we will buy from the city the beach park side of the valley, offering five and half million dollars, thus making it truly an entire valley.

Our offer will better by a million dollars each subsequent increased amount anyone else might offer.

We will provide for the OHA's trustees a site where they can have meetings on the property. We will permit and encourage the public to have access to the property. We will place the property in trust to the United States as the ultimate protection against alienation. We do therefore humbly request that your honor consider removing this case from your court and moving it to Federal Court in the District of Columbia.

Very Truly Yours,

*15/ Maui Loa*

Maui Loa, Chief Hou Hawaiians Lahuiohana of native Hawaiians of the Blood and President, Church of Hawaii Nei

Enclosed recent letters associated with the matter FYI