

ED CASE'S WORK ON LEGISLATION CONCERNING HAWAIIANS

In the late 1990s, when Ed Case was chairman of the State House Committee on Hawaiian Affairs, he repeatedly acted to reduce Native Hawaiian benefits, rights and revenues.

In April 1997, Mr. Case wrote to the Federal Aviation Administration to encourage the expedition of its decision that payments to the Office of Hawaiian Affairs from airport revenues violate federal law. He told the FAA that he needed its ruling as soon as possible because "the state legislature is deeply engaged in deliberations on a highly complex bill which seeks to resolve all controversies and mitigate state liability." The bill he references was Act 329, which was introduced to limit the State's liability and accountability to Native Hawaiians. Four days later the FAA issued its decision that ultimately led to the demise of Act 304 (1990), the law that defined OHA's right to revenue from ceded lands.

In lobbying for Act 329, Mr. Case said that he supported the legislation as it might serve to overrule Judge Daniel Heely's June 1996 decision in favor of OHA. Mr. Case's reasoning was that Judge Heely's decision may cost the State \$1 billion and damage the State's bond rating. Mr. Case did not consider OHA's constitutional right to have this matter decided by the Courts.

Mr. Case also argued that Act 329 might serve to overturn a second decision by Judge Heely, that the State should not sell ceded lands at Leiali'i on Maui and at Kealakehe on the Big Island until the Hawaiians' claim to ceded lands was resolved. Mr. Case argued that the State had already spent \$50 million on infrastructure for those two sites to be used for single-family dwellings. Mr. Case ignored the fact that 1993 Apology Resolution stated that Native Hawaiians have a claim to the ceded lands based on the United States' role in the 1893 overthrow of the Hawaiian Kingdom.

In the 1998 legislative session, Mr. Case proposed the 123-page "Native Hawaiian Autonomy Act." The Act would have terminated OHA and the Hawaiian Home Lands program, denied Native Hawaiians the right to self-determination and federal recognition, and reduced State liabilities to Native Hawaiians. The Act stated that its purpose is to stop the "continued dependence by native Hawaiians on others which prevents the development of the full potential of the native Hawaiian people." Richard Rowland, of the Grassroot Institute of Hawaii, said they oppose special treatment of Hawaiians because "such efforts would perpetuate a counter-productive 'dependency mentality.'" H. William Burgess, of Aloha for All, said those who support Hawaiians-only programs "have some vested interest in keeping Hawaiians in a state of dependency." Mr. Case's Act shows that his attitude towards Native Hawaiians is similar to two groups that vehemently oppose most Native Hawaiian programs.

The Case proposed Native Hawaiian Autonomy Act resulted in a Native Hawaiian rally and a 24-hour Capitol vigil. Those who openingly expressed opposition to the Act included Kinau Boyd Kamalii, Randy Iwase, Charles Kauluwehi Maxwell, Sr., Kekuni Blaisdell, Frenchy DeSoto, and Mahealani Kamauu. Ms. Kamauu stated in a Star-Bulletin op-ed on January 23, 1998:

In his latest proposal, Rep. Case takes deadly aim, at point-blank range, against Hawaiians. He seeks once and for all to rid the state of all of its trust obligations to Hawaiians. The bill is patronizing and mean to the extreme. Case has taken it upon himself to solve what he characterizes as the Hawaiian "problem" by approaching it like an abusive parent approaches his child.

The Act died due to overwhelming opposition. Mr. Case tries to hide his true motives but they are clearly demonstrated by his past acts to dismantle Native Hawaiian programs, rights and revenues.

July 26, 2006
William Meheula