

On July 26, 2006, I wrote a letter on Ed Case's work on Hawaiian issues during his time in the State House. My letter discussed: (1) Case's attempt to legislatively reverse a 1996 decision issued by then Circuit Court Judge Dan Heely that favored OHA with respect to OHA's right to ceded land revenue; (2) Case's attempt to legislatively reverse another decision issued by Judge Heely that enjoined sales of ceded lands in Kealekehe and Leialii; and (3) Case's attempt to influence the Federal Aviation Administration (FAA) to issue a decision that ultimately led to the repeal of Act 304 (1990) (Act 304 was the act that had served to clarify OHA's right to ceded land revenues).

My letter also discussed Case's proposed "Native Hawaiian Autonomy Act". Case has not responded to the first three points, but he recently stated in the *Honolulu Star-Bulletin* that my letter "completely misrepresents my bill."

Before I get to Case's "Autonomy Act", I want to direct your attention to a collection of materials that support the above three points that I have posted on my personal website: billmeheula.com. These source documents demonstrate the accuracy of the above-three points through Case's own letters and oral testimony.

The Autonomy Act, which also can be found on my website, would do the following:

1. Create a private non-profit corporation called the Native Hawaiian Trust Corporation which "shall not be a sovereign governmental entity."
2. Provide that the Trust's thirteen trustees shall be of Hawaiian blood and shall be elected by Hawaiian living in Hawaii.
3. The State will transfer the State's obligations to OHA and DHHL to the Trust.
4. The State will transfer the assets of OHA, the assets of DHHL and Kahoolawe to the Trust.
5. The results of any settlement of "historic claims by Native Hawaiians against the State" from the process established by Act 329 (1997) will be transferred to the Trust.
6. Native Hawaiian's right to sue the State for breaches of the Hawaiian Homelands Trust and the Public Land Trust under HRS 673 would be repealed.

In addition, the Act's stated 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."

This Act, if passed, would have significantly hurt Hawaiians for the following reasons:

- a. The Act did not create a sovereign entity and therefore would have taken Hawaiians further away from the federal recognition needed to help defeat the Equal Protection challenges being levied against OHA, DHHL and Kamehameha Schools. In fact, the election process set forth in the Act would have been unconstitutional under *Rice v. Cayetano*.
- b. The State would not owe any future trust obligations to native Hawaiians under the Hawaiian Home Lands Act (1921), the Admission Act (1959) or HRS Chapter 10.
- c. The only way Hawaiians could get redress for the State's past breaches of the Public Land and Hawaiian Home Land trusts would have been through a global settlement process set forth in Act 329, thereby totally eliminating any leverage Hawaiians would have to negotiate a fair settlement for themselves.

Ed Case's creation of the Act and his work to undermine Judge Heely's ceded revenue decision in favor of OHA and Judge Heely's order enjoining the State from selling ceded lands demonstrate that voting for Case over Akaka would probably not be a wise political decision for Hawaiians. In the recent *Star-Bulletin* article, Case said: "My personal observation of knowing Bill (Meheula) both personally and professionally is that he is not going to let the facts get in the way of what he wants to say," I know the facts because I litigated many of these issues. However, please go to my website, review the attached source documents, and make your decision about who is telling the truth about the facts. A short biographical summary on my legal background can also be found on the website.

August 16, 2006
William Meheula