



## COUNCIL FOR NATIVE HAWAIIAN ADVANCEMENT

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### **FOR IMMEDIATE RELEASE:**

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### **Lawsuits and Legislation By Robin Puanani Danner, CNHA President & CEO**

HONOLULU, HI - If you haven't taken notice of the Hawaii Supreme Court Ruling earlier this year that prohibits the state of Hawaii from selling or transferring ceded lands until the interest of Native Hawaiians in these lands is addressed -- you should. Regardless of whether you are a community leader, work at a nonprofit or own a small business, this ruling is a terrific milestone that has everything to do with our reality as Hawaiians as we and those before us have lived it, and those that will come after in the coming decades!



This Hawaii Supreme court ruling is one your children will study in school, no matter the outcome - and certainly one that adds to our collective history and experience as indigenous peoples. This court ruling is one that will be referenced over and over as the never-ending journey continues to take responsibility for our future, our way of life, our culture, indeed the well-being of all of Hawaii.

If you wince at the words lawsuit - don't. They aren't always about spilling hot coffee in a fast food restaurant. Sometimes, a lawsuit is about an issue so big, so inclusive of an entire community, that the result decides a trajectory for generations of our children, and in my opinion, in this case, the very future of Hawaii. This case -- is one of those.

In fact, on the subject of lawsuits - the very existence of Native peoples in our country has always been defined by either lawsuits or legislation. Legislation by governments about our assets and resources, or our status, and lawsuits sometimes are the only means to settle disputes in either interpretation of legislation, the lack of legislation, or the ignoring of it.

A core issue of the lawsuit on ceded land sales and transfers, is the question of what right to these lands, do the indigenous people have? Definitely, not about hot coffee -- Definitely a significant issue for Hawaiians today, and our children tomorrow.

The answer given by the Hawaii Supreme Court earlier this year freezes land transactions involving ceded lands in order to answer the question. Governor Lingle and Attorney General Mark Bennett have appealed this decision to the United States Supreme Court. Not surprising, yet still disappointing. On October 1, 2008, the Lingle/Bennett request was granted, and the case is moving forward to our nation's highest court in 2009.

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This case is not about us versus them, Hawaiian versus non-Hawaiian. This case is about acknowledging our indigenous community in Hawaii's future, and it's about our rightful stake in the ceded lands - what has been accomplished over the last 30 years to revitalize our culture, language and traditions which benefit all in our state, has been an uphill climb without access to our resources and lands. As history has shown, over and over in other parts of our great nation, when Native peoples are at the table and controlling even a small portion of their aboriginal lands, the results are rewarding for all.

There are some that might say "the state can't accept this ruling, we must have full control of the ceded lands, it's an infringement on the state's sovereignty, it would be a disaster to states if the ruling stands". I would say the sky is not falling, that other Native land claim settlements have not destroyed a single state in our great union called the United States. In fact, the results have been excellent, the prosperity of the land, the recovery of Native peoples beginning, and an economic prosperity for all, are pretty well proven. We need not wring our hands about what ifs, we need only consider the what is and what has been - there is plenty of fodder to see a great future for the state and for Hawaiians in following the wisdom of the Hawaii Supreme Court justices.

Community leaders at the recent 7th Annual Native Hawaiian Convention have called upon the State Legislature to file an amicus brief in support of the Hawaii Supreme Court ruling, and further, to pass legislation to freeze the sale or transfer of ceded lands. Let's not waste anymore time. Let's do something remarkable and truly bold for Hawaii. Let's get started on these two efforts, and embark on a journey to engage our community to craft a land claims settlement we can all be proud of.

*Robin Puanani Danner is the founding CEO of the Council for Native Hawaiian Advancement, a nonprofit dedicated to Native Hawaiian community development. CNHA administers the Native Hawaiian Policy Center and delivers training and capacity building to community organizations serving Hawaiian populations.*

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