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TRANSCRIPT OF PROCEEDINGS
ROUNDTABLE DISCUSSIONS
VOLUME XXX
THE PLACE OF NATIVE PEOPLES
IN THE WESTERN WORLD
MARCH 14, 1985
ANCHORAGE, ALASKA

ALASKA NATIVE REVIEW COMMISSION
HON. THOMAS R. BERGER
COMMISSIONER

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1984
vol. 30



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Transcripts of the Alaska Native Review Commission are produced in two series. Those in Roman numerals are for the Roundtable Discussions. Those in Arabic numbers are for the Village Meetings.

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Acknowledgement: This Roundtable was made possible by a grant from the Alaska Humanities Forum and through the Gifts and Matching Program of the National Endowment for the Humanities.

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PARTICIPANTS*

Roundtable On

THE PLACE OF NATIVE PEOPLES IN THE WESTERN WORLD

Anchorage, March 13 - 16, 1985

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(MARCH 14, 1985)

(TAPE 4, SIDE B)

MR. BERGER: Well, maybe we

should begin again today. Let me welcome you all again today and I think you know that the Roundtables that the Commission has held over the past year have been possible only with the great support, moral and financial, of the Alaska Humanities Forum, and I think it's appropriate that I should express, on behalf of the Commission and of all of us, our deep appreciation to the Alaska Humanities Forum for the support that they have given us and, of course, the work that they, through their state committee and Gary Holthaus, their Executive Director, have done in cooperation with us in planning and holding these forums.

I think I should say that Hugh Brody is leaving this morning for London, England. He told us yesterday he had had some bad news. His father died yesterday and so he had to leave, and I know we all regret that sad event, and on another much less important level we regret that he will not be with us for the next three days. I've taken the liberty of asking Josephine Bigler who is with the United Methodist Church at Church House in New York to participate in the Roundtable today, particularly in light of the fact that Bishop De Roo will later on be addressing the paper that he prepared for us.

Could I also, at this time, welcome Rayna Green who has arrived from Washington, D.C., and Dennis Demert who all Alaskan's know from the University of Alaska in Fairbanks, and Clem Chartier who is from Ottawa, Canada and is the President of the World Council of Indigenous People, and I think it's appropriate that on this, the last public session of the Alaska Native Review Commission, Oscar Kawagley should be here, one of the members of the Executive Committee of the Inuit Circumpolar Conference, and Clem Chartier, President of the World Council of Indigenous People, the two organizations that must bear the responsibility for

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1 establishing this Commission. I don't know whether they want to
2 brag about it, or apologize for it, but it's their problem.

3 Well, could I begin, because we have some members of the
4 Roundtable who have only just arrived, could I begin by seeking in
5 just a very few minutes to recapitulate what was said yesterday. I
6 know that those who were present will feel that that is impossible,
7 and indeed it is, but let me do the best I can.

8 We started out by considering the subject of the
9 Roundtable, that is the place of Native people in the Western
10 World. And I had told you that after visiting 60 villages and
11 towns in Alaska, and taking testimony from more than 1,450 Alaska
12 Natives, and other Alaskans, I thought it was an opportunity now to
13 draw back and take a look at the picture from not an Alaskan
14 perspective or even an American perspective, but from a new world,
15 or even a global perspective. And how far we succeeded in that
16 yesterday is open to question, but at least we started off with
17 that in mind. And Professor Lewis Hanke began by talking about the
18 Spanish conquest, the principles enunciated by Bartolome' de Las
19 Casas, Professor Hanke reminded us that Las Casas was the first to
20 insist that the people's of the New World, the Native peoples, were
21 entitled to the rights of -- entitled to human rights. He coined
22 the expression, "all the peoples of the world are men." That, of
23 course, was a phrase that might have been suitably modified in the
24 1980's to say all the people's of the world are men and women, but
25 no doubt, we all understand that he meant that the peoples of the
New World could not be enslaved and subjugated and their land taken
from them. And Professor Hanke reminded us of the life-long
struggle by Las Casas to vindicate the rights of the indigenous
peoples of the New World. We were reminded, also, of the notion
that fairness towards the Native peoples has been a constant theme
of legislation and rhetorical pronunciamentos. We were reminded of
the Northwest Ordinance, 1785, or thereabouts, in which the
Congress, under the old Articles of Confederation, made it clear

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1 that in settling the Northwest Territories, the Native people's
2 rights to land were to be respected. Those kinds of expressions of
3 good intent can be found throughout the Americas. But as we were
4 reminded, those principles that Native people are entitled to their
5 land, that it cannot be taken from them except by their consent,
6 that those principles have been honored more in the breach than in
7 the observance. That, in fact, when the European colonizers and
8 their successors in the new regimes established in the New World,
9 when they wanted land they took it. And we were reminded of the
10 history of the Plains, and we were also reminded of the similar
11 history of places as remote as Amazonas. Indeed, Sandy Davis,
12 reviewed for us the threats that face Native peoples throughout
13 Central and South America, and Bernard Nietschmann brought us
14 up-to-date with the events recently occurring in Nicaragua and
15 other places in Central America.

16 Robert Goldwin was good enough to insist that we all take
17 a bit of a cold shower, and that we ought to bear in mind, this was
18 his contention, and there's a great deal of force in it, that the
19 idea of growth, or of increase which animates European societies
20 and those that have sprung from Europe, like the United States and
21 Canada, that the idea of growth or increase, expanding, producing a
22 surplus, improving what nature has provided, that these growth
23 societies impinging on subsistence societies necessarily result in
24 the aggrandizement of these growth societies and the deteriora-
25 tion of the situation and the conditions of the peoples in the
26 subsistence societies. He pointed out that this idea of industrial
27 and technological growth animates not only the Western democracies,
28 but the Soviet Union, China, many countries of the Third World. He
29 pointed out that it's a worldwide phenomenon, and that it accounts
30 for the universal diminution of the lands available to subsistence
31 societies, especially indigenous societies throughout the world.

32 Rosita Worl and Doug Sanders and others then intervened to
33 point out that Alaska Native people, and Native people throughout

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1 North and South America are not necessarily to be categorized as
2 purely subsistent societies. That, indeed, the fur trade was an
3 instance of production of goods for external sale that wasn't
4 purely a subsistent society. We were reminded, as well, that in
5 Alaska, Native people have been engaged in the commercial fishery
6 for at least a hundred years. That, I have found in the villages,
7 is thought of in a broad sense as subsistence, and yet it is a
8 commercial activity. It's impossible to establish hard and fast
9 categorizations that apply throughout. Nevertheless, I think we
10 all conceded the force of Robert Goldwin's proposition.

11 Well, notwithstanding all of that, Sheldon Katchatag
12 reminded us that we are nevertheless confronted in Alaska with a
13 situation in which he said, the future of Alaska Natives as
14 distinct peoples is in the balance.

15 Bishop De Roo told us of the worldwide movement by
16 indigenous peoples for self-determination, and for a land base, and
17 I was -- I took the liberty of quoting the words of Pope John Paul
18 II in his statement given last year to Native peoples in which he
19 affirmed their right to self-determination, and to a land base.
20 And he used the expression addressing Native peoples, he said, you
21 are entitled to take your rightful place among the peoples of the
22 earth.

23 So, we were brought to the present, and reminded of the
24 worldwide movement by indigenous peoples for self-determination,
25 and for land. Hugh Brody, before he left sought to summarize the
situation as he observed it here in Alaska. He pointed out that
the land in Alaska, like the land in the circumpolar regions of the
world, in Canada, Greenland, and no doubt, even the Soviet Union,
climate and geography render it unsuitable for agriculture, by-and-
large, that it is not land that needs to be cleared to serve the
purposes of the dominant societies of European origin. That there
is, therefore, an opportunity in Alaska to do justice to the Native
peoples to affirm their right to self-determination and to

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1 participate in development where that is appropriate, industrial
2 and technological change. And yet, at the same time, for they have
3 made it clear to me that they regard this as essential to their
4 well being to continue, to engage in subsistent hunting and fishing
5 and trapping activities. And Hugh pointed out that that is a real
6 possibility in the circumpolar regions that the dynamic of growth
7 societies of which the U.S. and Canada are examples, Soviet Union
8 is another, China is now another, the dynamic of those growth
9 societies does not necessarily entail the taking of the land that
10 Alaska Native people depend upon today. It -- I think that's where
11 the -- where we left, and as far as summaries will go, well, I'm
12 afraid that will have to do.

13 What I thought we would do this morning, and -- is this.
14 David Case had one or two questions he wanted to ask Sandy Davis
15 about Latin America before we move on. Then I thought we would ask
16 Moses Keale, from Hawaii, to talk about the situation in Hawaii.
17 We might pursue the ramifications of that with Moses and the other
18 Hawaiians who have been good enough to come. And then we will turn
19 to Bishop De Roo and ask him to discuss his paper, and I think
20 that's been distributed and you've all had the chance to read it.
21 So, having exercised on that, perhaps, onerous way my authority as
22 chairman, or moderator, or whatever I am, maybe we could let David
23 just finish up this discussion of Latin America.

24 MR. CASE: I don't know if
25 Bernard Nietschmann's going to be here. I also wanted to ask him,
but any event, Sandy, let me just -- in all of this, there's --
especially in South America, there doesn't seem to be much real
fires of hope as in the sense that Native people are really
achieving settlements in situations that meet their aspirations.
But there seem to be, in a couple things that you mentioned, and
Bernard mentioned, some sparks there. One was the Cuna Indians in
Panama, and the other seems to me to be the Miskito in Nicaragua.
Although that's, I think, influx right now.



1 marine resources. By gaining some control over colonization that's
2 taking place, especially on the mainland, the Cuna have recently
3 established an accord with the Panamanian government to create a
4 forest reserve on the coast that will be used by the Cuna for their
5 own traditional economic need, as well as be used as a place for
6 scientific tourism, for expeditions that will to study this area
7 and for other forms of tourism that will be totally controlled by
8 the Cuna, themselves. So, they've been able to maintain the land
9 base, have some degree of political autonomy, and maintain a --
10 begin to maintain their own economic structure in the area.

11 Doug may want to say more. Let me just say one reason why
12 I think this was possible, is because at the time when the treaty
13 was made, the Cuna were able to play off other international actors
14 that were interested in that area. One would be the United States
15 Navy that had a warship off the coast at the time. In playing off
16 the U.S. Navy against the Panamanian government, I believe. The
17 other was the Columbian government that was making your claim on
18 the San Blas Islands and on the Darie Gulf which is a historic
19 claim. And the Cuna, by playing off the U.S. and Columbia against
20 Panama were able to use some political leverage to create this
21 treaty. There's probably much more to that, but -- so, I think
22 that there may be a lesson there about how you go about negotiating
23 with the State, and how you could do it. Let me pass it onto Doug.

24 MR. SANDERS: It's very essential
25 in understanding Central America to understand that while the
countries, by North American standards, are very small, that they
are not unified in geographical and demographic terms. There is a
spine of mountains which extend through Central America which has
the result that the Atlantic Coast side has very small, very light
population densities compared to the Pacific Coast side. This was
true in pre-contact times and it's true down to the present time.
So, that all the way down, the coast, the Atlantic Coast of Central
America you find the population is completely different on the

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1 Atlantic side than on the Pacific side. The tremendous Mastistos
2 (ph), Spanish Indian populations are on the Pacific side. On the
3 Atlantic side you have impact from British colonialism in the
4 Caribbean; you have land which was not perceived as having
5 potential for agriculture development such as happened on the
6 Pacific side. At the time of the Revolution in Nicaragua, as an
7 example, there was no all-weather road from the Pacific side to the
8 Atlantic side. And while the Province on the Atlantic side, the
9 Province of Zalea (ph) comprises about half of the country, the
10 population is extremely small, and there are vast areas really with
11 no extensive settlement at all. And it is a direct result from the
12 nature of the land which is simply not of the productive capacity
13 of the land on the Pacific side.

14 In the specific example of Panama, you still don't have --
15 well, it may now be a road that you can get through to the Cuna
16 area, but transportation into there is by boat, or by plane. The
17 Cuna had early contact with English speaking traders, and also some
18 non-English European countries. You've a long history of the Cuna
19 becoming fascinated with this contact internationally. You have
20 Cuna who went on trading ships around the world, came back, and you
21 had very interesting processes of modernization within the Cuna
22 society, and a restructuring of the traditional government to
23 appoint where it was reformulated into, essentially, three regional
24 groups within a Cuna wide government. They occupy a series of
25 small islands on the Atlantic Coast of Panama. On the -- Panama's
essentially an east/west country as you may realize, and this is on
the Columbia end, or the east end of the Atlantic side. Now, this
area had the tremendous protection of isolation. And, so, in the
1920s when the Tule (ph) revolt occurred there was a very small
number of Panamanian officials, or military, in the Cuna area. It
was, in fact, physically very easy for the Tule (ph) revolt to
occur. And as Sandy has indicated, the English speaking
connections, which the Cuna had had for quite a while, and were in

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1 this period with -- aided by U.S. military boat offshore, which
2 gave added difficulty for the Panamanians in terms of invading the
3 area. But it would have been extremely difficult any way.

4 For five years, the major part of the Cuna area was
5 treated as being independent, as the Tule (ph) Republic. At the
6 end of that period the Cuna negotiated their way back into Panama.
7 They had a document which Bernard referred to yesterday, the Carta
8 Organica, the constitution describing the Cuna form of government.
9 When they negotiated back in, they came in as a territory. The
10 term comarca (ph) is now perceived in Panama as unique. In fact,
11 it had a very strange analogy at the time. Two comarcas (ph) had
12 previously been set up as concessions to the United Fruit Company
13 for banana plantations. So, it's a very interesting example of the
14 conceptual transformation of a concept. So, from an analogy to a
15 banana plantation, and analogy now forgotten in Panama, it is now
16 seen as a model for autonomy. Perhaps that's not so funny, United
17 Fruit had a tremendous autonomy, of course, in terms of -- in its
18 relations with the government structures in Central America.

19 So, what it has emerged out into, then, is a territory,
20 not a province. There are provinces within Panama, but it is
21 somehow a parallel. And if you ask exactly why it is different, it
22 is hard to get an answer except that none of the other provinces
23 have their own constitution, and a traditional form of government
24 in the way that has been codified by the Cuna, themselves, under a
25 Carta Organica. And in codifying it, they brought in an outside
26 lawyer, and got it written up in Spanish, formalized, so there was
27 some meeting of literacy, in a sense, of the Panamanian legal
28 system. A document was produced which the Panamanian legal system
29 could respond to easily saying, all right, we understand what these
30 rules are.

31 Panamanian law, then, did two things. In terms of the
32 internal government structure of San Blas, the Comarca (ph), it
33 simply referred to the Carta Organica. It did not reproduce it.

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1 So, you do not find the Carta Organica repeated in Panamanian law
2 and given forth. It is simply referred to as the form of
3 government there.

4 Now, crucial in the maintenance of the autonomy of San
5 Blas has been the fact that they have an independent economy. They
6 have coconut plantations, they have a lot of harvesting from the
7 sea, plus the English speaking tradition, which goes back to the
8 early contact with traders, turned out to be an economic
9 advantage. And a large number of Cuna worked for the American in
10 the Canal zone. So -- which created a very -- some tense moments
11 of political relationship between Panama and the Cuna as the issues
12 of the Canal were fought over a number of years.

13 But this indicated in many ways, the Cuna were a real
14 political grouping within the country. National political
15 decisions had to take into account the fact that this group had
16 substantial autonomy and were different in very fundamental ways
17 from any other grouping in the country. Not simply in traditional
18 ways, although they are very traditional people, but also in other
19 modern ways which had impact on the nation state.

20 There were particular development projects which emerged.
21 The government of Panama did some studying in terms of tourism, and
22 said, it was very common for people to fly over to San Blas,
23 tourists to fly over to San Blas and -- it was beautiful area,
24 particularly for anyone from Canada. It's -- I mean it's the most
25 ideal Indian reserve in the world on a tropical island. It's just
26 marvelous. And, so, the idea was that if we can only get the
27 tourists to stay the second day. A basic strategem of anybody
28 planning tourism. So, okay, can we plunk a Holiday Inn on the San
29 Blas Islands? Well, the San Blas Cuna had traditionally been quite
30 exclusive, and there is extremely little inter-marriage. And there
31 was great reluctance for any organized -- any plan to have
32 substantial numbers of tourists come and stay on the Islands. And,
33 so, you had a fight, an autonomy fight, between San Blas' version

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1 of how tourism should be organized, and Panama's version. And
2 Panama lost. The Cuna approach to tourism was the one that
3 prevailed. You now have two small hotels in the area, both of
4 which are locally owned, and very much reflect local mores.

5 I was telling people at dinner last night, I arrived at
6 one and was greeted with great enthusiasm on the basis that I was a
7 Canadian, which puzzled me completely because I didn't think that
8 we were sort of universally regarded as wonderful, or that we were
9 universally recognized as anything in particular. But Panama has
10 about 300 or 400 different kinds of banks because it's a banking
11 center for all of Central and South America. That the Cuna owner
12 of this hotel had gotten two loans from the Bank of Nova Scotia, a
13 well-established Canadian institution. And, so, he had great love
14 for Canadians.

15 What's interesting about the Cuna example is that it
16 emerges on its own for its own political history, and reflects the
17 degree of organization of the population, and its isolation, and
18 its separate economic base. It does not become a model until
19 extremely recently. And, so, Panama, in its national -- did not
20 have a national indigenous policy. It, in fact, had the most
21 successful system of autonomy for a tribal group of any of the
22 groupings, I think, in the Americas. And yet, for the Guyame that
23 Bishop De Roo referred to yesterday, the situation was totally
24 different, and gradual encroachments on the land base of the Guyame
25 continued. There was supposed to be a formalization of the
boundaries of the Guyame lands in Western Panama that did not
happen. The plan of dropping an enormous copper mine in the middle
of Guyame territory preceded as part of the national development
strategy without the Guyame interest being adequately taken into
account. To the failure, to the decision in the end, not to go
ahead with Serra Colorado, had far more to do with world copper
prices, than anything else.

And what's interesting in this situation, the two aspects

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1 of the Guyame situation, which are fascinating. One, is that the
2 Guyame, more than any other grouping in Central and South America,
3 launched an international strategy to bring their situation to the
4 attention of the Panamanian government and the world. For a number
5 of years, if there is any international conferences dealing with
6 indigenous rights, meetings in Geneva, at the U.N., or anything
7 else, Guyame will be there. Sandy Davis organized a conference in
8 Washington a couple of years ago on multi-nationals and indigenous
9 peoples representatives speaking for the Guyame people, and
10 attended that. The impact of this international strategy, which
11 has been pursued consistantly by a relatively limited number of
12 indigenous groups, has proven as somewhat successful in the
13 Panamanian situation.

14 One of the results has been the Panamanian government
15 accepting the Comarca (ph) model. That is the model of the Cuna in
16 San Blas. As a model to be followed in relation to the Guyame.
17 And, now, Bernard Nietschmann mentioned yesterday, and I had not
18 known this, in the Miskito negotiations in Bogata with the
19 Sandinistas, he stated that the prime model which had been held out
20 by the Miskito to the Sandinista governments, was the autonomy of
21 the Cuna of San Blas. I've found in an organization of lawyers
22 that I've been involved in for a number of years, the Association
23 of American Jurists, that the lawyers for Central and South America
24 were not only astonishingly ignorant about the Indian situation in
25 other countries in Central and South America, but they didn't even
know the Indian situation in their own countries. And, so, Bernard
was suggesting that the model of the Comarca (ph) of San Blas, in
fact, was not known to the Sandinistas. Their viewpoint
represented the dominant Mistito cultural and political orientation
of Central America of which a fascinating, and highly successful
situation, like the Cuna autonomy in Panama was unknown to them. A
complete blind spot which for outsiders interested in this is very
perplexing. One has to, in fact, understand quite complex and

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1 extremely well established mental blocks, to understand why that
2 model was not at least passingly known in the area. Now, it's
3 becoming very useful and a very positive model to be applied to
4 other areas, so, it becomes kind of a resource, the achievement of
5 the Cuna become a great resource for other indigenous groups in
6 Central America.

6 MR. BERGER: How many people are
7 we talking about? Any idea of relative populations?

7 MR. SANDERS: I'm sorry. I can
8 get it for you. I think we're talking something around 7,000.
9 That's -- but I'd have to check it carefully to be precisely sure.
10 Panama is relatively small in total. It's about 2.8 million
11 people. The Cuna -- the Guyame population is larger than the Cuna
12 population. Those are the two largest groupings within the
13 country. The -- in the Cuna area, there's almost no non-Cuna
14 residence. There are a few teachers and inevitable missionarys but
15 otherwise it is quite impressive to the degree to which this is
16 overwhelmingly Indian run, and Indian populated.

15 MR. BERGER: That's fascinating.
16 Thank you. David Case.

16 MR. CASE: Are the Miskito also
17 located on the Atlantic Coast of Nicaragua?

18 MR. SANDERS: Yeah. You have the
19 same phenomenon of isolation in relation to both groups. You also
20 have the same phenomenon of English connection. The Miskito
21 absorbed into their population a number of English speaking
22 Caribbean blacks who came over from English colonization on the
23 Caribbean Islands. The identification never waivered. This was a
24 Indian identification. This was a group that was absorbed in the
25 predominant languages are Miskito and English, and the prominent
26 religion is Moravian from missionary activity in the latter part of
27 the 19th Century. The points of difference between the Miskito and
28 the Spaniards, as they call the Mistito majority on the Pacific

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1 side, are, I think, more extensive than certainly between the Cuna
2 and the dominant population of Panama. Although they are somewhat
3 analygous. And certainly the physical isolation of the two areas
4 is very compatible.

4 One of the great differences would be the nature of the
5 social organization of the Miskito's compared to the Cuna. The
6 Miskito lived, before the relocations at least, in something, I
7 think, over 200 small villages on the river systems in the old area
8 of Miskitia which is the northeastern corner of Nicaragua. You did
9 not have centralized institutions. It was a small village
10 phenomenon. In this, you have a very interesting parallel between
11 the Miskito and the Guyame which are, which the anthropologists
12 identified as particularly interesting, as an example, of small
13 scale organization. Although you have a large contiguous area of
14 almost exclusive Guyame population. You do not have large scale
15 political organization, it is small scale village, and extended
16 kinship. A structure which is weak in terms of dealing with the
17 highly organized outside force. And so the Guyame, and the Miskito
18 have traditionally shared that kind of social organization in
19 distinct contrast to the Cuna who had regional organization, and in
20 the context of, specifically, of dealing with the Panamanian
21 majority went a step beyond that and reorganized into a kind of
22 federal structure in which you have a government for the whole of
23 the San Blas Cuna area.

19 MR. BERGER: Mr. De Roo just
20 pointed out that the Guyame number 7,000. Clem Chartier, did you
21 want to add anything to that subject before we move on?

21 MR. CHARTIER: Well, just, just
22 briefly. For the record, Doug Sanders has been with the World
23 Council for over a decade, and he's very well versed in the
24 statistical matters, and knowledge of the membership within the
25 World Council, so, I have no difficulty with his pronouncements.
I'll make the political one.

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1 But I just want to state that it is a difficult
2 situation. And, I guess again, I've only been elected at the end
3 of September of last year, and I don't pretend to be an expert or
4 even to know much about the situation in South and Central
5 America. It's very complex. I have been trying to analyze it over
6 the past six years through written material, mainly, and talking to
7 Doug and other people, and I have a long way to go. But I just
8 want to -- and the other thing, it's hard to generalize even a
9 small area like Central America, as a lot of diverse situations,
10 and it's just impossible to make comparisons. Well, I can make
11 comparisons but you can't generalize about the situation, again,
12 because of the geography, and I think, because of the history of
13 the development of that area through colonization, and the
14 different political forces that have taken place, and are still
15 continuing. Particularly now with the, well, over the past 150
16 some years or longer, have the involvement of the United States in
17 that area, and the United States policy. But one of the things
18 that I've noticed, one of the things that we've discussed at our
19 meetings is the notion of indigenous ideology, and the fact that
20 generally speaking the indigenous peoples, the Indian peoples in
21 the Americas, South and Central America, are caught between the
22 right and the left. That is, you know, not too much the case in
23 North America. It's more pronounced in South and Central America,
24 and the Indian peoples, of course, are stating, you know, we are an
25 Indian people. We have our own ideology, and we want to develop
ourselves and our nations according to what we believe is
rightfully ours. And I guess it's expressed in the term, self-
determination. And that is correctly one of the things that is
foremost at the meetings that I've attended, and is foremost with
respect to the political platform of the World Council of
Indigenous Peoples.

 Of course, coupled with the fight between the left and the
right, is the fact of the environment, the culture, and the

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1 institutions of the indigenous peoples. And these vary from region
2 to region, even say, within a country like Panama, as was mentioned.

3 That sort of sets, I think the starting point of the
4 conflict between the indigenous peoples in those countries, and the
5 colonizing forces. With specific reference to the Miskito
6 situation. Again, I'm not an expert, but I am on the World Council
7 of Indigenous Peoples Nicaraguan Commission. We have a -- we set
8 up a Commission to deal with the reunification of the Miskito
9 family. Myself and the two Vice Presidents of the World Council
10 make up that Commission. As such, we did travel to Central
11 America. We were briefly in Honduras for a meeting that never did
12 come about because of political forces, and we did travel to
13 Nicaragua and met with the chief negotiator for the Sandinista
14 government, Louis Carreon (ph), as well as representatives of the
15 Moravian Church, and an organization known as Ceta (ph), and I
16 think it's the evangelical organization. So, we were able to try
17 to get some information. We didn't have time, unfortunately, to
18 travel to the Atlantic coast, but when speaking to the government
19 they stated that basically they realized that mistakes were made
20 past, and they are prepared to take corrective measures. Now,
21 one of the things they said they were currently willing to engage
22 in is the recognition that Indian peoples have special rights over
23 and above that of the ordinary Nicaraguan citizen. Particularly,
24 with respect to land rights, and to some form of autonomy. The
25 only thing remaining, I guess, was to determine what that meant.
What self-government meant, and with the reservation, or the
expressed fear that they realize that the Indians do have to have a
land base as they are stating, but they have great fears that this
may eventually lead to separation. But realizing that fear, they
state that nevertheless they're prepared to embark in that
direction. It sounded very good. At the meeting in Bogata things
did not move very quickly. The government, basically, in the
negotiations, which we didn't -- we were there as observers,

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1 but not in the same room. So, I think, basically, we weren't
2 observers as such but more, I suppose, guarantors if and when an
3 agreement was reached, it would have been explained to us in our
4 presence so that way we could have observed, I guess, the
5 conclusion and have been witnesses to any agreement. So, if there
6 was a future breach, other people besides the Miskito delegation
7 and the government, would have had knowledge of it or been privy to
8 the agreement.

9 The government, according to the information we received
10 from Brooklyn Rivera and the other three Miskito negotiators had
11 difficulty in even accepting the notion, or the term, indigenous
12 peoples, or Indian peoples. It was reflected in one of the
13 documents in response to a very well written out accord proposed by
14 Misuasata (ph) for the peace process, and for future negotiations

(TAPE 5, SIDE A)

15 MR. CHARTIER: (continued) in
16 response tabled a document which appeared to be put together very
17 quickly in response to, you know, I guess something that they
18 thought wouldn't take place having the Miskito delegation be very
19 well prepared in what they wanted. But that response spoke in
20 terms of ethnic groups. They couldn't bring themselves to say
21 indigenous people or Indian peoples but were using the term ethnic
22 groups. And on the second day, Mr. Rivera decided that, if
23 anything, at least he would come out of this conference, or this
24 negotiations with the government, recognizing them as indigenous
25 peoples. Although he was advised that, don't worry about what they
call you, just get your rights then, then you work on, you know, on
who you are. But his statement was, well, if you don't even accept
us or recognize us as Indian peoples, how can we expect them to
agree to Indian rights? So, in the end, in the final analysis
there was a communique which set out another meeting date, and
thanked the observers that were there, the representatives of six
countries and the World Council of Indigenous Peoples, and did

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1 refer to the Miskito as, basically, indigenous. So, that, in a
2 sense was a slight victory.

3 The accord that was tabled is very comprehensive. It set
4 out the aspirations of the Miskito people as represented by
5 Misuasata(ph), and was to have been one accord of, hopefully,
6 several accords that would in the end analysis lead to a treaty
7 between the Miskito Indians, and the Sandinista government. And,
8 again, Misuasata made it clear that their objective is not to
9 overthrow the government, but to win their rights within the
10 current sovereignty of the Sandinista government, or of the
11 government of Nicaragua. But with a recognition, a clear
12 recognition of land rights, and a form of autonomy which they were
13 proposing in the accord. They were also talking in terms of that
14 Treaty eventually getting recognition and the protection of the
15 proposed new constitution of the government of Nicaragua. So, in a
16 sense, not only was it peace talks, which would end up in a treaty,
17 but also would become protected by the constitution. So, in a
18 sense, it was also the start of a process of constitutional
19 negotiation between the Miskito Indians and the government of
20 Nicaragua.

21 I had an opportunity to speak to Mr. Carreon again on the
22 second day, and his statement at that time was, well, yes, we're
23 still willing to recognize Indian rights, and to recognize some
24 form of autonomy, but we really don't know what it means, what this
25 aboriginal rights mean. Because Brooklyn, as well -- yes, Brooklyn
as well, when he was talking was saying, we as Indian peoples have
the aboriginal rights, you know, to our land and to some form of
autonomy or self-government. So, Carreon's statement was, well, we
are going to negotiate again, the process will continue, but in the
mean time this will give us an opportunity to consult with
anthropologists as to what aboriginal rights means. And this is
not a put-down with respect to anthropologists, but this was his
comments to me. And I said, well, that's fine, but at the same

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1 time, I said, you should consult with other, others, and
2 particularly with the World Council of Indigenous People. I told
3 him, as I told Brooklyn, that the World Council is available to
4 give advice to both indigenous peoples and to governments with
5 respect to the rights of indigenous peoples and that we would be
6 willing at any time to sit down with the governments of Nicaragua
7 and advise them on Indian rights. And that, in fact, other
8 countries have gone through processes of negotiation and have dealt
9 with the issue of aboriginal rights, and that we had some
10 expertise, and had people that had expertise in the area, and we
11 would be more than willing to help. He said, fine, that's very
12 good. We accept that, but we have yet to hear from them to, in
13 fact, engage us in that kind of exercise.

14 So, that movement in Nicaragua is taking place but part of
15 the accord that Brooklyn put forward was to have a three month
16 cease fire beginning about the middle of January, and that didn't
17 come about. There was no cease fire, and I think the violence
18 escalated over the latter part of December, and first part of
19 January. So, the peace talks did not go ahead as scheduled, but
20 there is movement now to set another date.

21 But, of course, as I mentioned earlier there are political
22 forces out to destroy that, the meeting in Columbia. Not in
23 Columbia. The meeting in Honduras, which was meant to be a meeting
24 between the Miskito leaders -- well, I should mention that there
25 are currently three organizations representing the Miskito people.
Misuasata (ph), which is based in Costa Rica and is a revolutionary
movement, liberation movement. Then you have Misuda (ph) which is
an organization which broke off from the Misuasata (ph) and joined
the counter-revolutionaries who are in Honduras. And their stated
objective, of course, along with the counter-revolutionaries, is to
over-throw the government. And within the country there is an
organization known as Misatan (ph) which was formed in July.
Misatan (ph) has the cooperation of the government and, in fact,



1 was represented at our Panama meeting in September through Corpese
2 (ph), regional member of the World Council of Indigenous Peoples.
3 So, you have those three organizations representing the Miskito
4 people. Now, we feel relatively secure, or at least I do, that
5 Misuasata (ph) has the popular support of the Miskito in the
6 Atlantic Coast. Brooklyn Rivera did take a trip through the
7 Atlantic Coast in October, and from the evidence of photographs and
8 reports, the trip of Brooklyn was very well received. The people
9 did want to see some form of autonomy, did want to return to their
10 communities, did want to see reunification, and would be more than
11 happy to live within the context of the Nicaraguan state, but with
12 protected rights. So, the meeting in Honduras was, I guess,
13 sidetracked by the action of the Misuta (ph) organization along
14 with the counter-revolutionaries putting pressure on the Honduran
15 government. So, the Miskito leaders, the Misuasata (ph) leaders,
16 when they arrived, were arrested, held for 24 hours incommunicado,
17 then, sent back to Costa Rica. So, they're trying to frustrate any
18 possibility of the Miskito leaders currently in Honduras from
19 joining forces, and entering the peace dialogue. And there's also,
20 Misuta is also, by force of arms, preventing the Miskito refugees
21 from returning back from the Honduran refugee camps into Nicaragua.

22 Now, we also have the situation of the Eden Pastora, who
23 is based in Costa Rica, with which Misuasata (ph) had been in
24 partnership during the revolutionary struggle over the past couple
25 of years, but there is now a break because Misuasata (ph) wants to
resolve this through the peace talks, and the Eden Pastora group
does not. So, while Brooklyn was in Washington in January, Eden
Pastora's group called a press conference, brought two Miskitos
forward that were within Misuasata (ph). The conference, or the
press conference denounced the leadership of Brooklyn Rivera
stating that he's no longer the leader. Misuasata (ph) no longer
is willing to enter into peace talks with the Sandinista
governments, Brooklyn Rivera is a communist. So, Brooklyn Rivera

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1 has had to work after that to, again, repair his image, and the
2 image of Misuasata (ph), and to ensure that the peace talks will go
3 ahead. And we are now told that the talks will go ahead as soon as
4 a date can be set, and the whole peace talks can, again, continue.
5 But there are forces from all sectors trying to make that
6 impossible.

7 So, it's a difficult situation. Other countries are
8 facing similar difficulties. Again, this left and right struggle
9 is predominant throughout-South America, as well. One situation is
10 in Peru where the Indian leadership has been arrested by the
11 government on the basis that they're sympathizers and collaborators
12 with the Shining Path Gorilla Movement. And on the other hand,
13 that same leadership is getting death threats, letters of death
14 threats from the Shining Path stating that, if you don't join the
15 left movement, they will be executed. So, you know, the Indians
16 are caught in that kind of situation. So, it is very difficult.

17 I, myself, will be traveling back to Central America this
18 spring, and as we'll hope to spend about two months in South
19 America next November, December. So, I want to learn more. I
20 can't, again, say that I'm an expert, but there is a lot of work
21 that has to be done. And with respect to, I guess, why I'm here, I
22 think those things that are true in South and Central America are,
23 to a degree, true in North America. But here, at least, in the
24 Americas we have the opportunity to put into place institutions
25 that reflect indigenous thought and philosophy. And I guess this
is where the conflict is taking place, from what I understand from
the discussion yesterday, that seems to be more of an issue in
Canada, or in the United States. I think what we have to -- what
we're seeing here is whether the form of a settlement or
negotiation between the indigenous peoples and the state is in the
best interest of the indigenous peoples. And I guess one has to
look at the issue of, you know, what is best for the people on the
terms of what the people, themselves, feel is best for themselves.

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1 The institutions that were set up under the Native Alaska Review
2 Commission, of course, is something that people have had an
3 experience over the past, what is it ten years or so, fifteen
4 years, I'm not fully aware, but now is the time for reexamination
5 of that. I think in the end people will have to decide what is
6 best for themselves based on, you know, the environment, the
7 culture, and the degree that the indigenous peoples want to remain
8 as indigenous peoples, but incorporating the tools of technology.
9 And I guess in the final analysis this will have to be determined
10 by the community peoples themselves. Possibly with finding some
11 common ground somewhere between the two extremes of the primitive,
12 to being, I suppose, totally -- total technological society that
13 does away with any kind of indigenous thought or philosophy. I
14 hope to be able to express that maybe a little bit more later
15 during the discussion with respect to specifics, but I guess that
16 basically is my response to the question brought earlier. I'm
17 trying to tie it all together so I don't have to give a statement
18 later. Thank you.

15 MR. BERGER: Well, thanks Clem.
16 That's a most complete analysis of events in Nicaragua, and we're
17 grateful to you for it. I -- perhaps we could move on now. Before
18 we do allow me to make two observations. One, the idea that the
19 concessions to the United Fruit Company in Panama has served as a
20 model for regional autonomy for the Indian people of that country
21 is a fascinating idea. And the -- when Doug Sanders pointed out
22 that Miskito Indians live in a fairly isolated part of Nicaragua in
23 200 small villages, that made me think of Alaska where the majority
24 of Native people live in 200, approximately, small villages and
25 gave rise to the speculation that if the United States, supporting
as it does, the opponents of the Sandinista government were to urge
a measure of regional autonomy for those Native people in those 200
small villages, it might conceivably turn out to be useful to
Alaska Natives in the future.

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1 Republic of Hawaii. The territorial government and statehood came
2 to Hawaii in 1959 with the help of Alaska. By statehood, Hawaiians
3 shared the bottom rung of the social, economic ladder, and
4 exercised little, if any, political influence over Native affairs.

5 During the Constitutional Convention of 1978, the Consti-
6 tutional Convention delegates proposed to the voters of the general
7 public who agreed to form a Constitutional Office of Hawaiian
8 Affairs, or OHA, as the office is commonly called. OHA has its
9 legal base in the State constitution, and it's implementing legis-
10 lation is a part of the Hawaii revised statutes. Under the
11 provisions of Chapter 10, Hawaii revised statutes, Hawaiians elect
12 nine fellow Hawaiians to serve as trustees for a four year term.
13 The general purpose of OHA is to better the conditions of
14 Hawaiians. To achieve that general overall purpose, to better the
15 conditions of Native Hawaiians, OHA has broad powers and
16 authority. OHA is vote cooperation and a trust. As a cooperation,
17 OHA has the capacity to act as a legal unit. Meaning OHA has the
18 power to hold property, to contract, to sue, and to be sued as a
19 distinct entity. As a trust, OHA holds legal title to trust
20 property as compared to individual shareholders.

21 As a part of the State of Hawaii, OHA pays no federal,
22 state, or county taxes on its income or property, as the case may
23 be. As of equal of Hawaiians, OHA has many positive aspects to
24 it. Yet compared to a kingdom, OHA has its downside. Surely, if
25 Hawaiians still had the kingdom, we would not be here today. We
would have invited you all to sunny Hawaii, and paid the way there.

As I explained earlier, we are made up of nine trustees
elected by our Hawaiian people. And when you have nine elected
officials to represent a body, you more than likely would have nine
different points of view expressed on the Board.

In being selected to head the delegation to come up here
to these roundtables, I was given the statement to read. To
pacify, I guess, or to represent collectively, hopefully, the views

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1 of nine people. However, I'm pleased to have two other trustees
2 with me here at these roundtables, and if you permit me, after I
3 read this statement, I would like them to be allowed to come
4 forward and to present their view on it, and maybe to help answer

5 Native peoples are forced to put a difficult task and
6 understanding and coming to grips with their place in Western
7 society. A major part of this process must be a dialogue between
8 groups of Native people, as well as within Native groups to resolve
9 what form that role should take. Native peoples may have a common
10 interest in supporting one another in order to retain their culture
11 and independent status. However, within each Native group, as well
12 as between Native groups, there are often diverse, sometimes
13 conflicting interests. In resolving these conflicts, one must look
14 to the history and traditional values of Native peoples.

15 The ancient Hawaiians were a land and ocean based people.
16 They viewed the land and the ocean as a source of both their
17 spiritual and material wealth. Land was a collective resource of
18 the people administered and protected by the Alii, or chiefs. Each
19 segment of the population was allowed to use the land, and could
20 exercise certain rights so long as those rights were not abused and
21 did not interfere with the rights of others.

22 There was no concept similar to fee simple ownership.
23 Land was held in trust by the Alii for the common good, and
24 Hawaiian society was based on the welfare of the community as a
25 whole, and sharing work and products of the land. Western contact
resulted in the rapid disintegration of Hawaiian society. The
disillusion of the couple or taboo system which regulated relation-
ships among the people. The change in land tenure from communal to
fee simple ownership and the subsequent loss of Native lands, the
breakdown of traditional family and sectile institutions, the
influence of Christianity and its mores and values, the influx of
foreign trade and commerce, eventually, the over-throw of the

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1 Native government with the aid of United States agency, agents,
2 annexation to the United States, a period of despair followed by
3 largely unsuccessful efforts to integrate into mainstream American
4 society. Only in the past ten years with the establishment of the
5 Office of Hawaiian Affairs have Native Hawaiians attempts to gain
6 recognition as a distinct people within the general population,
7 made any headway.

8 In modern Hawaii, Native Hawaiians are found in many
9 different economic and social stratas. Although, vast majority
10 fall at the low end of the spectrum. The only official vote of
11 Native Hawaiians is OHA. Created by the State Constitution, 1978,
12 to promote the betterment of conditions of Native Hawaiians. OHA,
13 under the direction of nine Native trustees elected by Natives
14 throughout the State, must consider the interests of all Native
15 Hawaiians in making decisions impacting upon the resources and
16 development of the Native community. Yet, in making such
17 decisions, OHA has consistently taken the position that traditional
18 cultural values and practices of the Native people must be given
19 greater consideration. This comes from the recognition that in the
20 past Native people have been given no choice. They had to conform
21 to Western society if they hoped to survive. The biases was
22 totally in favor of assimilation. OHA's role has been to assure
23 that Native Hawaiians have the choice of assimilation, or retaining
24 a more traditional lifestyle. This is not an easy task, since not
25 only private sector and other government agencies seek to promote
conflicting values, and have greater political and economic power,
but off times the interests of those Native Hawaiians, who have
successfully assimilated to Western society, are adverse.

For Native Hawaiians, and indeed, for most Native peoples,
there probably can be no return to earlier times. However, there
can be a conscious choice to protect and ensure the survival of the
spiritual and cultural values which gave traditional societies the
viability and life. This should be the guiding principle in all

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1 decisions impacting upon Native peoples, and a place in Western
2 society.

3 Thank you.

4 At this time, I'd like to call on Moanikeala Akaka, if we
5 may.

6 MR. BERGER: Let's just pull
7 another chair up there.

8 MS. AKAKA: My name is Moanikeala
9 Akaka and I'm Trustee of the Office of Hawaaian Affairs from the
10 big island. I'm the only newly elected Trustee, as well as the
11 fact that I'm the only woman on the Board. It's not that I'm just
12 a Trustee of the Office of Foreign Affairs, but I'm also a
13 grassroots leader of (INDISCERNIBLE) which is a grassroots
14 organization that has been working to stop the bombing by the U.S.
15 Navy on our sacred island. At our (INDISCERNIBLE) the life of the
16 land is to be perpetuated in righteousness, is not only a dictate
17 that was handed down by our King Kameamea III, but has also been
18 accepted as a state motto for Hawaii. As far as we're concerned,
19 this relates to living in balance with the land which is very,
20 which is part of our Native value system.

21 We Hawaiians have become strangers in our land. Over 85%
22 of the population now makes less than \$20,000 a year, and Hawaii is
23 almost as expensive to live in as Alaska, but we don't make the
24 kinds of wages that you do here. So, we are in dire straights. We
25 have, as I mentioned, we are strangers in our own land, we have
many, many Hawaiian families that are today forced to live on the
beaches of Hawaii. Not by choice, but because they cannot afford
the high cost of land, rents, or housing in Hawaii. A handful of
us started the Hawaiian movement in a place called Kalama Valley in
1970 in Hawaii, and at that time housing wasn't just land rights
and justice for our people, but the whole aspect of housing. At
that time, a state study had been made and it proved that 80% of
the population in Hawaii could not afford to buy their own home.

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1 Today the situation is much, much worse. This is why we have a
2 great number of our Native peoples forced to live on the beach.

3 You know, the Pope had told the Misquite (ph) Indians of
4 Peru a few weeks ago that you must fight for your trees, your land,
5 and your culture. And this is some of what we're doing in Hawaii.
6 As far as our trees are concerned, our Native forests right now are
7 ohia forests, are now being threatened to be used as biomass for
8 electricity. Now, I have a report here written by a botonist from
9 the University of Hawaii, Dr. Mueller Dubois (ph), that points out
10 that these are Native forests. This particular Native forest
11 that's being ravaged right now is one of the world's unique
12 forests. And ohia is endemic to Hawaii, and we feel that our
13 Native forests, it's not necessarily that we're against biomass,
14 but they should leave our Native forests alone. They're important
15 eco-systems, it's not just the plants, and endangered birds that
16 live in this area, but it's also a source of our water. And
17 especially on my island, we've had threats of drought for, off and
18 on, for the past few years. Our value system, vicaola (ph), water
19 is life. No water, no life. So, this is just one, one indication
20 of some of the exploitation that is gone, that is going on up on,
21 in our islands.

22 You talked yesterday about growth and development. One of
23 the things that's happening right now, one of the proposals that's
24 come about is the mining of our seas. Now, this all came about, it
25 started from the Law of the Sea Conference that was held, it's been
in -- negotiations were going on for about 14 years relating to
this whole issue of sharing the oceans wealth. One of the reasons
that Reagan refused to sign it a few years ago was because this
aspect of mining of the seas. Now, right now, they're in the
process of proposing to mine the ocean crust right off of some of
our coastlines within the archipelago of Hawaii. Now, they're
talking about mining it, strip mining the ocean. I have some
leaflets here which I'll put on the table if you might want to go

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1 over them, but they're talking about strip mining the ocean for
2 cobalt. Cobalt to be used in the munitions, cobalt to be used for
3 jet engines, yet, they have, from what I, from what we've been told
4 by the oceanic society, they have plenty of cobalt in the
5 continental United States. There's no reason why they should go
6 and mess with our ocean, and disturb fragile ecosystems that have
7 never seen the light of day, and, you know, possibly we have the
8 fishing industry there just destroying our ocean. We're island
9 people, fish is very, very important to us.

10 Now, they're talking about processing these manganese
11 crusts on the island of Hawaii where I live. Now, according to a
12 chemist from the University of Hawaii this kind of processing of
13 these nodules is very, very polluting, and is very, very cost
14 intensive. And we, the people living on the big island, will be
15 stuck with the pollution. So, it's not only the pollution of our
16 ocean that we're concerned about, but also the pollution of our
17 land, and of ourselves physically. We're -- because we're out in
18 the middle of the ocean a lot of times it's out of sight, out of
19 mind. They tried to do this same mining of the seas on the western
20 coastline, Oregon, Washington coastline, and it was stopped a year
21 ago. So, now they're trying to do it to us. What amazes me is the
22 Department of Interior is coming in and talking about these
23 economic, exclusive economic zones which reach -- extend out 200
24 miles. Now, they refer to Hawaii as, their outer-continental
25 shelf. The United States of America is over 2,000 miles away. If
they have the nerve to call us their outer-continental shelf.
Especially in the view of the fact that they're talking about
leasing out our ocean floor, when they haven't even acknowledged
that they have stolen our whole country, and that we Native peoples
are strangers in our own land. We object to these kinds of
industries. We are not against growth, but we are against
polluting industries that may destroy our quality of life. It
would destroy our living in balance as is Native tradition with our

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1 land, and our ocean. The ocean to us is like our refrigerator.
2 Our fish, our food, comes from there. We're island people, as I've
3 mentioned, the ocean is very, very important to us that the ocean
4 is none polluting.

5 The waste from these manganese nodules, these manganese
6 crusts, they plan to dump off of the coastline of my island in a
7 three mile long trench, a three mile deep, 25 mile long trench, the
8 mouth of which comes right -- empties right by Hilo, which is the
9 capitol of our island, anyway. And these highly lethal toxic
10 wastes, 97% waste, are of thalium, arsenic, and lead. Thalium,
11 which a chemist told me is enough on a pinpoint head, is enough to
12 kill you. Yet they're talking about 576,000 pounds of thalium,
13 756,000 pounds of arsenic, and a million pounds of lead, and
14 dumping that into our ocean. Which means in the next ten or
15 fifteen or twenty years, that will be cancer for we and our
16 families.

17 So, we are against this kind of development and
18 exploitation, and feel that the United States has the audacity to
19 call that their outer-continental shelf.

20 We -- there's also a move, like with your situation, to
21 deplete our land base. Right now we're in the process of in --
22 first of all, in 1978, the Hilo airport on my island is on Hawaiian
23 reservation land. That people, families were moved off of that
24 land to make way for an airport runway which we were never
25 compensated for. In 1978, we tried to have negotiations with the
State to pay rent, as well as the fact that there was a court case
in process for the State to pay rent for our reservation land that
that airport runway was on. As a result of our closing down the
airport in 1978, over a half a million dollars a year has been
coming into the Department of Hawaiian Homes Lands which is our
Hawaiian reservation lands for the past few years as a result of
our being at the Hilo airport in 1978. Within the past few months
there is a move in the state to trade these airport lands for other

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1 lands over in Oahu, we're talking about trading 204 acres of land
2 for 13 acres of industrial land of which they're telling us that
3 this is an equal trade, and although we would be making, to begin
4 with, half of what we're getting for the airport now, there are
5 illusions of promises of speculation and increases of rental coming
6 up in the 1987, 1990, and 2007. We feel that this is, a number of
7 people in the community feel this is a very, very unfair trade, and
8 really not in the best interest of the Hawaiian people, and the
9 beginning of the state beginning to erode our ceded land
10 resources. We have two land bases. The ceded land resources lands
11 that were ceded over when the United States took Hawaii over, they
12 took over these lands, and when we became a state these lands, 1.5
13 million acres of ceded lands, were given to the state to hold in
14 trust for we, the Hawaiian people, and the general public. Of
15 those ceded lands, the Office of Hawaiian Affairs was supposed to
16 be collecting 20% of the resources.

17 As I'd mentioned, it's not necessarily that we're against
18 development, but we're against development that is not in keeping
19 with our land -- in keeping an imbalance with our land. And, also,
20 let's face it, a lot of polluting mistakes have already been made
21 in the Lower 48, and we, you know, we in Hawaii want to make sure
22 that the same kind of polluting decisions do not come to our
23 homeland. What we're saying is learn from the mistakes that you've
24 made before in the past.

25 So, I would like to end by saying that I think it is our
responsibility to help to support Native struggles wherever they
may be. There's been, in meeting with Indians, and with Alaskans,
and with other Native peoples we find that we have many, many
commonalities. Much less some of our ancestors had even -- it's
been proven, had even come up this coastline by canoe generations
and generations ago, and I've met a number of Alaskans that also
have some Hawaiian blood in them. So, what we try to tell the rest
of the Natives in the South Pacific is, don't make the same kinds

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1 of mistakes that have been made in Hawaii, and that have been
2 allowed to be made in Hawaii. And I'm hoping that we can learn
3 from each others mistakes so that we may go forward as Native
4 peoples, and help our people maintain the position of dignity so
5 that they may survive, and not be strangers in their own homelands.

Mahalo.

(APPLAUSE)

6 MR. BERGER: Thanks very much.

7 Gard Kealoha.

8 MR. KEALOHA: Thank you. I've
9 lost my voice and I shall try to speak more clearly. I would also
10 say my mahalo, my appreciation for your invitation to join this
11 discussion, and to say, also, aloha to all of you here today.

12 Mr. Keale told you that there were nine trustees that
13 formed the governing board for OHA that have varied in their ideas
14 in approached to problem solving. But we are tied together by a
15 common heritage and blood. Yesterday -- before I get into my
16 reaction of some of yesterday's discussion, I should give you a
17 little bit more information about Native Hawaiians. There are
18 about 170,000 of us in the State of Hawaii. Almost as many as the
19 State of California. Fifty percent of that population is 19 years
20 of age and under. 48,000 live at U.S. poverty level designations,
21 24,000 unemployed. So, we have from just those bare statistics
22 some very real problems that address the social and economic
23 self-sufficiency of Native Hawaiian people. I also happen to work
24 for a private non-profit community based Hawaiian organization that
25 is a grantee of the Administration for Native Americans. I know
some of you are familiar with that. It's called Alleluke (ph) and
it was recently designated the number one grantee in the Nation by
the Assistant Secretary for Health and Human Services.

Yesterdays discussion brought some interesting ideas to
mind when I heard some of you talk. And one was the gentleman who
referred to the cosmology of the South American peoples. And I

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1 thought that it wasn't until 30 years -- I was 30 years old, I'm
2 now nearing 50, but when I was about 30, I was able to learn more
3 about the creation chant of the Kumolipo (ph), the Hawaiian account
4 of the creation. And it was fascinating to me to learn that the
5 Hawaiians began with slime, and the dark, and were able to classify
6 everything under the ocean seen to the naked eye, as well as
7 everything on land, and their counterparts. So, that they were
8 able to see an evolution long before Darwin came across that idea.
9 Which gave me an idea of how, to me, how excellent the Hawaiian
10 intellect was. That the words for water, there were at least a
11 hundred definitions for water, that they named every star seen with
12 the naked eye that they had an understanding, an intimate relation-
13 ship with the land and the sea. That they weren't, indeed, blown
14 Hawaii that they knew that were going, where they were going, and
15 that they were at home on both the land and the sea. On a vast
16 Pacific, navigating long before Eric the Red, without sexton or
17 compass, and Columbus' discovery, re-discovery, whatever you call
18 it.

19 Mrs. Worl talked yesterday, too, about the conflict of
20 values and attitudes and how difficult it was sometimes to define
21 the solutions that occur when these conflicts and when these values
22 seem so at odds. That the persistence evidence that were the most
23 visible, perhaps, for us is in our public education system.
24 According to a needs assessment conducted by my Alleluke (ph)
25 agency, and is now also being reassessed by OHA and a new needs --
an upgrading of the needs assessment. Hawaiians place education as
their priority. And I will discuss that in more detail later.

Mr. -- Professor Hanke's comments on de La Casas was very
new to me. It was new information, and I appreciated your comments
of the accommodation on the realistic kinds of things that we have
to do in 1985, and the future, in order to, perhaps, protect our
own unique identities in our own special ways of dealing with
life.

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1 Native Hawaiians face challenges that unless are met with
2 a sense of learning by cultural ways, will diminish our own ability
3 to malama (ph), what we say, malama (ph), take care of our own
4 resources. The excellence of the legacy that I learned about, the
5 Native Hawaiian contributions in terms of navigational skills, and
6 their cosmology, made me realize that I think once our children
7 know that heritage, they should be willing to fly spaceships; they
8 should be willing to man them; they should be willing to go into
9 new areas of man's creativity with confidence because they can
10 bring that sense of values and attitudes that Mrs. Worl is worried
11 about, and combine them in a pluralistic society so that it can
12 become an even more enhanced, enriched life. That's my own
13 personal view about the values that we need to maintain and keep.

14 Moani talked earlier about some of our resources that were
15 diminishing. We had a -- let me tell you a little bit about our
16 aristocracy. The last Queen, after her over-throw, gathered what
17 she had left in terms of personal property, and left that to be
18 invested so that revenues would be put aside for the -- to benefit
19 the indigent and orphaned poor children. Today, we have the Queen
20 in the (INDISCERNIBLE) Childrens Center. King (INDISCERNIBLE),
21 when he died, left all of his property for the establishment and
22 endowment for a retirement home for the aged, the elderly, the
23 kupuna (ph) from where we draw. Like many to you, your source of
24 your Lord, the source of your culture. The Princess, the last
25 Princess (INDISCERNIBLE) dynasty left all of her lands, the
revenues, of which, were to establish the school for Hawaiian
children. Those lands comprised about eight percent of the total
state lands. And a small percentage of it is invested in lease
residential properties. The idea of leased property is not, it's
not, it does not appeal, of course, to so many people.

(TAPE 5, SIDE B)

24 MR. KEALOHA: At least to the
25 American dream of owning a home, and recently, the U.S. Supreme

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1 Court affirmed a Hawaii State law that forces the estate to, by the
2 use of the powers of eminent domain, to transfer title from one
3 private owner, which is the estate, to another private owner, which
4 is the lessee. And that is caused a great deal of turmoil, and
5 continues to cause a great deal of turmoil because it means
6 millions of dollars of loss in revenues that endow the schools for
7 Hawaiian children. And that school, in the last ten years, has
8 changed its focus and has made every attempt to address the needs
9 of Native Hawaiian children, not only in their own school, but in
10 the public school system. They endowed, recently, in the last, oh,
11 eight years early education and research program that looked at how
12 Native Hawaiian children learn. Why are they so different? Do
13 they learn differently from other children that are non-Native?
14 They have begun to make some tremendous strides in developing
15 educational methodology and techniques in dealing with the
16 educational success for Native Hawaiians. Anowa (ph) has been a
17 part of that effort with them.

18 Despite the tragedies we can, you know, we can sit here
19 and breast beat about our tragedies, or we can look at our present
20 situation as challenges. We are, today, a recognized minority. We
21 are part of a new, just as you are, we are all Native Americans.
22 Our people have inter-married. Our spirit of aloha in our state
23 continues to be recognized for its universal and mutually
24 benefitting meanings. My personal belief, as I said before, is our
25 children, having learned the magnificence and excellence of our own
culture will be able to grow up learning about those superb
accomplishments that their ancestors made. And that will give --
our ancestors also have a deeply spiritual regard, and appreciation
for our islands, and our culture. Once our children learn that
route, once they, I think, really acquire that, and learn what
their ethos and intrinsic worth is, I know that it will empower
them to face the future that we must all face, and they're going to
succeed.



1 MR. BERGER: Thank you, Gard,
2 thanks very much. Thank you, thank you all. I was going to --
3 yes, Rosita?

4 MS. WORL: I just wanted to thank
5 you for coming. It's difficult, it's difficult to discuss these
6 issues without emotional involvement. It's difficult to remain
7 objective, and to analytically and rationally discuss these
8 issues. This Commission has heard from over a thousand Native
9 people expressing the same source of frustrations and concerns that
10 you have expressed to us. We have heard from Native people all
11 over the world about the same sorts of problems. And it is always
12 good for this Commission to have Native people here always
13 reminding the intellectuals, the academicians, the legal theorists
14 about the emotional drive behind our quest to maintain our land
15 ownership and our culture. And I just wanted to thank you for
16 being here, as a Tlingit person, as an Alaska Native. And as a
17 member of this roundtable discussion, I just, you know, I just want
18 to express that to you so deeply. I share the same sorts of
19 frustrations with you, and I think Bishop yesterday really reminded
20 us that we have much to gain by unifying even though at times I
21 feel frustrated, personally, that if within our own individual
22 countries all over the world that we are not finding the support, I
23 often wonder, how is it that in an international arena that we can
24 find other countries that would support us. And I'm always
25 searching for, you know, to understand the Western ideology to find
out what can we, as Native people, do to them, or to make them, you
know, live up to their own beliefs, to their own ideologies.
Because we have ours, and our problem is not -- is -- and people
always talk about the Indian problem. And for a while I guess I
was one of those Indian problems. I always tell people I drank too
much, I played too much, but, by God, I had fun.

(LAUGHTER)

MS. WORL: But, really, the

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1 problem is not, it's not us, but really it's to find out what we
2 can do to stop that further encroachment. And maybe to teach the
3 non-Native people about our ideologies that have allowed us to
4 survive as groups of people, you know, for thousands, and
5 thousands, and thousands of years. So, I, personally, as
(INDISCERNIBLE) I'd like to thank you for being here.
(INDISCERNIBLE).

6 MR. BERGER: Thank you, Rosita.

7 MS. AKAKA: Excuse me, I'd just
8 like to add to that a little bit. First of all, our Native system
9 is based upon sharing, and it's based upon co-existing, and it's
10 based upon helping, and it's based upon living in balance with the
11 land. Where the Western value system is based upon competition, it
12 seems to be based upon, you know, in some instances, I hate to
13 sound crass, but it's, sell your mother if you can, seems to be the
14 mentality. And so, what we're faced with is a conflict in value
15 systems, and whether, you know, what you want to call it ideology,
16 but that, you know, is the position that we Native peoples are put
17 upon. And instead of assimilating, you know, and taking, you know,
18 hook, line and sinker, what they're trying to bring down the line
19 to us, you know, we really have to be very cautious. And, you
20 know, we have a big responsibility to our Native peoples who are
dispossessed, and so, we have to be, we have to teach -- make them
understand and live with our value systems. Considering the fact
that this is our home land, and we are the first peoples, and it
was all taken from us. Mahola.

21 MR. BERGER: Mr. Hanke, and then
Doug Sanders.

22 MR. HANKE: Mr. Chairman. This
23 Native of Amherst, Massachusetts also was very happy to receive
24 messages from our colleagues from Hawaii. In fact, I have a
25 personal and peculiar interest in your message. Because I had the
privilege of teaching at the University of Hawaii just 59 years

1 ago. Although, the youth of 21, they paid me. I was an
2 instructor, in history, they paid me. I learned a great deal more
3 than I taught my students, I'm sure. But one of the things that
4 interested me was the Bernice Pawahī (ph) Bishop Museum. I hope it
5 still exists. A wonderful exhibition of imagination and courage of
6 the oceanic navigators from Hawaii. And the wonderful publica-
7 tions, also, of this museum. A little large in format but they
8 were really very professionally and interestingly done. And, to
9 me, a rather callow youth from Oplick (ph), Ohio, I was impressed
10 and enjoyed it. Then one of my colleagues, in fact a full
11 professor, which was very impressive to me at the time being a
12 temporary instructor for one year, Professor Ralph Tycondahl (ph)
13 was Professor of Hawaiian history. And he published things too.
14 He was not who kept his light under a bushel. He taught, but he
15 also published. But I also learned about those foundations, that
16 impressed me. The idea that people who had money were willing to
17 share it for useful purposes, for carefree determined purposes, for
18 the benefit of their people. That also impressed me.

19 But I have one or two questions. What do the trustee's
20 do? I can see that with this diversity of opinion or stray of
21 opinion, and various approached to the problem, your meetings must
22 be very interesting. You have nine. And I'm wondering, what do
23 you agree on, and what have you done?

24 MS. AKAKA: Really, I'm the
25 newest elected member so I believe it's his.

MR. KEALE: Oh, well. What do we
do? Well, disagree a lot of times. Hold long, drawn out meetings,
however, in the end, I think the thing that really comes true is
things that really impact on our people, and how it will benefit
our people, is what comes out of it. What the Board has done is we
have divided ourselves into committee areas. One of them deals
with culture; one with education; one with resource development
including land; and economic development. That's how many? And

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1 one with human services, and it's chaired by one of the trustee's
2 with at least three other trustee's, and an advisory council of
3 peoples from the community to serve on these committees. And each
4 committee addresses that particular area. After they have worked
5 on it, it's presented to the Board, and whatever is approved by the
6 Board, is taken up by the office. Gard, I handle budget and
7 finances, so, you know, I'm way out there, only when you need money
8 they come to see me. However, maybe in education Gard can
9 elaborate a little bit more, as he chairs that committee.

10 MR. KEALOHA: People in the
11 Hawaiian community come with problems, or with projects that they
12 wish to work on, and these various subject (INDISCERNIBLE) review
13 these needs and review the desires that are expressed. My area is
14 culture and education, and let me tell you what we've done. We --
15 you mentioned the Bishop Museum, there was a scholar, and Native
16 Hawaiian scholar who is now in her 90's, and then Finelity (ph) who
17 did a lifetime of work on gathering in language, and in cultural
18 matters, and she -- we funded the publication of her first book.
19 Not her first book, a book that she doesn't share any co-authorship
20 with, and we're very pleased to do that because it was an important
21 book to us. The committee also funded a couple of pre-school
22 experiences. People who wanted, who were not happy with the
23 regular offerings in the community, so they wanted to, one, was
24 develop, development of a, what we call the language nest where the
25 instruction will be done entirely in Hawaiian. It's based on the
Maori model that currently exists in New Zealand. It's a
demonstration project. There have been two of them that we've
done. So, we have -- we're a young organization with very limited
funds, but we've been able to begin some of these important tasks
that are necessary.

MR. HANKE: (INDISCERNIBLE, OFF
MIKE) environmental matters from other elements of population? In
Amherst, Massachusetts, you can't throw a stone without having a

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1 whole host of environmental people come and question you, you
2 know. I would think that some of these questions which were
3 expressed on these problems, you would be able to get other support
4 from other groups.

5 MR. KEALOHA: We also don't
6 agree, not necessarily within ourselves within the Hawaiian
7 community on all of these solutions. We have diverse -- she, men
8 -- let me be frank. She was talking about our Hawaiian Home Land's
9 problem. The Department of Hawaiian Homelands which is the State
10 Department on the Hilo Airport. There is a diversity of opinion
11 within the Hawaiian community. Many Hawaiians feel that what the
12 department is doing is positioning itself, using their resources to
13 create the kinds of funds that will enable them to return more
14 people to the land. But that's one point of view. And there are
15 others who feel that you shouldn't do that, that you should not
16 trade lands off. You should not do these things that will
17 ultimately, what they feel, is destroy the corpus of the land
18 holdings. But that is, you know, there's a disagreement, and there
19 will always be disagreement in Native communities. You can not
20 tell me that -- there was one community here that tells me they
21 have 100% accord on all of those things. The point is, that the
22 problems, the solutions to problems rest in the people themselves.
23 And the fact is that we now have a State agency that can look at
24 the other decisions made by other State governments and State
25 divisions to see whether they will adversely impact on the
interests of Native Hawaiians. There is now in place that ability,
that capacity.

21 MR. HANKE: It really sounds like
22 a live and healthy institution because when everybody agrees, well,
23 I begin to worry.

24 MS. AKAKA: (INDISCERNIBLE, OFF
25 MIKE) I'd like to add to that. I'd sorry, but first of all, when
there was a Native Hawaiian land task force, it was a state, a

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1 statewide task force, federally appointed, federally -- three -- a
2 number of people were appointed by the governor, and a number of
3 people were bureaucrats from the Department of Interior, I
4 believe. And they took this study all around the state. The
5 Office of Hawaiian Affairs spent over \$50,000 on this endeavor. I
6 believe the Fed's spent \$50,000 themselves. Now, of the, I
7 believe, 130 recommendations from the -- this task force relating
8 to Hawaiian Home Lands, Hawaiian reservation lands which is the
9 lands that these airports have been on. Some of the highest
10 recommendations that the priority for Hawaiian Homes Land should be
11 to place people on the land. We have people that have been waiting
12 for ten, twenty, thirty years. We have over 9,000 families on the
13 waiting list. We have people that have died waiting to get on that
14 land. I have seen elders with their cane and gray hair being given
15 their 99 year lease for their land. Now, how, you know, at the
16 twilight -- at, you know, at this time of their life, how can they
17 afford to get a mortgage, to build up a home, to work their land,
18 at 76 years of age? So, what I'm saying is that when the
19 recommendation from, and said, grassroots, the recommendations from
20 a statewide hearing came out to recommend that placement on the
21 land should be a priority. Not income producing. So, you see, you
22 know, I'm talking about, you know, federal recommendations, state
23 recommendations that were made so the priority has been to place
24 people on the land. Not for income producing. One of our trustees
25 is also on this task force, he's not here. But, you know, it
should be understood. Even the task force recommended placement on
the land is number one, not income producing. And that's one of
the reasons we're very, very concerned about this. Mahalo.

MR. BERGER: Yeah.

MS. AKAKA: And we don't really mean to have, you know, I don't like to have division...

MR. KEALOHA: I have to -- wait, I have to add to that. There are -- there will be -- as a result of

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1 that income producing there will be 3,000 placed in two years. One
2 thousand by the end of 1985, and 2,000 more by 1986. That is a
3 objective that they feel is going to be reachable, and will happen.

4 MR. BERGER: Could I -- yes,
5 Moses.

6 MR. KEALE: Just one comment here
7 in answer to your question, Professor. What do we do? Well, we
8 sue the State, also.

9 (LAUGHTER)

10 MR. KEALE: We're an agency.
11 Like I said earlier, we're the agency of the State government, but
12 we also can sue, or be sued. We're guaranteed a certain percentage
13 of monies from certain lands. And until today, the State has
14 refused to give us the full percentage we are supposed to get. So,
15 the Office of Hawaiian Affairs has entered into a lawsuit in State
16 court, with State judges, first, and they say if you throw it out,
17 then we can go to Federal, for the rest of the monies that are due
18 to Hawaiian people. So, that's another thing we do, we fight the
19 State.

20 MR. BERGER: Doug Sanders had a
21 question, and then Oren, and Sheldon. And before, at some stage,
22 too, perhaps Doug or Sheldon or Oren are going to bring this up,
23 maybe you could tell us a little bit about the commission that
24 President Carter established that dealt with your land claims.

25 MR. KEALOHA: That was the Native
Hawaiian Study Commission that President Carter made the initial
appointments which were then dismantled by the incoming adminis-
tration, President Reagan, who, of course -- and he put --
unfortunately the makeup of that commission was really stacked with
Republican, the bureaucrats. The person who wrote it was out of
the Department of Justice, and who's now the Deputy Attorney
General under Meese. His Deputy. It is strange to have someone
who would write a report on Hawaiian claims out of Justice. You

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1 know, I'm sure they wouldn't want to take a role that would have to
2 do with anything adversarial to justice with the interest the U.S.
government.

3 MS. AKAKA: I'd like to add. As
4 far as that report was concerned, they came up -- the majority
5 version of that report came out saying that America had nothing to
6 do with overthrowing our country, our monarchy. Well, what's the
7 United States doing there, you know, if not -- if America didn't
8 have some collusion in it. The -- you know, it's unfortunate
9 because what they did was they distorted and they really -- well, a
10 distortion of history is putting it mildly. They -- it was the
11 U.S. Minister Stevens who was an agent of the -- he was the
12 Minister of the United States, that for months before the overthrow
13 of the monarchy was talking annexation amongst the planters that
14 were from the United States originally. So, who's kidding who?
15 You know, what I feel, I mean I feel funny because I wonder how can
16 Americans raise their children accepting such untruths? You know,
17 America is now -- we're the 50th state, like it or not, and we
18 didn't have a choice. We didn't vote, would you like to be a
19 state, would you not like to be a state? And, you know, when they
20 come out with this report saying, America had nothing to do with
21 taking our country, you know, who's kidding who? And it's the
22 minority report, again, it was only three Natives that were on this
23 commission, and six of them were Washington bureaucrats who, of
course, knew nothing about what was going on here. The minority
before it finally came out, you know, pointing out the truth. And,
again, you, Mr. Hanke, are, you know, a historian, you know, when
history is distorted, you know, it's a sin for the future
generations when they have such distortions given to them as being
truth. Mahalo.

24 MR. KEALOHA: The Minister
25 plenipotentiary Stevens, that was the argument, the fact that that
Minister had no right to make the decisions he did. However, the

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1 President Cleveland who was President at that time sent an
2 investigative committee, and acknowledged the U.S. was involved in
3 the overthrow, and apologized for it. As you know at that period
4 of time, we talked about the Phillipines, and the U.S.,
5 Spanish/American War was on the horizon. It was really political,
6 simply a political issue. However, the error was admitted by the
7 President of the United States, and the claims that the Hawaiian --
8 the Queen had were justified, and were acknowledged by a U.S.
9 President.

10 MS. AKAKA: In fact, from the
11 Princeton papers of Grover Cleveland's private papers at Princeton
12 University, the quote was that he was outraged at the injustice
13 that had been done to the Hawaiian monarchy and the Hawaiian
14 people. Now, that is an admission of guilt by your President of
15 the United States. You know, how much more clearer can you make it?

16 MR. BERGER: All right. Doug
17 Sanders, you had a question.

18 MR. SANDERS: This last exchange
19 reminds me that that's the error in which the United States
20 intevened in Panama, which it was at that point a province, a
21 province of Columbia. And there's wonderful stories about it
22 because apparently the Columbian Army had not been paid, and they
23 took money out of the lottery receipts, and paid off the Columbian
24 military who were quite happy, then, to go back to the rest of
25 Columbia and leave Panama to an existing separatist movement which
the United States moved in and supported, successfully, resulting
in Panamanian independence. Later, as you've referred to, the
United States formally apologized and paid some compensation to
Columbia which is, perhaps, one of the most explicit acknowledge-
ments of this kind of intervention which has ever occurred by the
United States. But this, of course, was not my question.

I have at times understood that there was land claims
legislation in the Congress, and I wondered what is the story on

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1 that, and where are we at now?

2 MR. KEALOHA: Maybe because we
3 know we don't have the votes passed out. It's just no politically
4 feasible at this time. OHA did pay, did give money to produce
5 Volume 2 of the study commissions report. That corrected the
6 errors that were made in the first volume written by the now
7 attorney, Deputy Attorney General. (INDISCERNIBLE, OFF MIKE) A
8 more politically feasible time.

9 MR. SANDERS: Is there a possibly
10 somewhat satisfactory draft indicating some structure for a
11 settlement? I'm wondering essentially is, is there a model? The
12 idea that there has been Hawaiian Land Claims Settlement
13 legislation in Congress, though not passed, suggests that there's
14 some kind of model around as to how, what kind of structure could
15 be put in place. Is that accurate? If there's a structure, and is
16 it somewhat satisfactory?

17 MR. KEALOHA: I didn't think that
18 there is a structure or model, yet, I think that the Hawaiian
19 people have to really decide on those details. I think what we're
20 looking for is a admission of guilt, first of all, before we even
21 begin the process of deciding how that guilt should -- how the
22 compensation should be addressed.

23 MR. BERGER: Sandy.

24 MR. DAVIS: I wanted to bring up
25 a question, or a comment that maybe both the folks that are
concerned with the Alaska issues, and the Hawaiian issues, which
has to do with the whole question of the relationship between the
whole set of issues around Native claims, and Native settlements,
and U.S. foreign policy, or defense policy. It is clear in your
comments that -- and in our knowledge of the whole nuclear free
Pacific movement, that there's a -- in the Pacific, if anywhere in
the world, it's been brought up that the -- that there are serious
questions there about U.S. foreign policy in relationship to Native

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1 policy. And it certainly, Professor Hanke had brought it up in his
2 own paper about here in the Alaska Native Claims Settlement Act,
3 and I raised a question, not in this meeting, but in a meeting we
4 had yesterday about the relationship of, may he rest in peace,
5 Scoop Jackson, and the Alaska Native Claims Settlement Act. He's
6 much more well known for his role in defining a new foreign policy,
7 or what we might call a resurgence in America. Yet, being a democrat
8 he did that, and some of his most -- his colleagues are past
9 representatives in the United Nations, for example, Gene
10 Kirkpatrick who was very much influenced by him as I understand
11 it. So, I think we have some questions here about, how is possible
12 to -- how do we go about carving out a place for Native peoples
13 whether in Hawaii or in Alaska underneath a doctrine of national
14 security of nuclear defense?

15 MS. AKAKA: You know, you have a
16 point there. First of all, I just want to make one comment. On my
17 island, which is the island of Hawaii, and it is also a county, in
18 1981, we were, we forced our county council to become the first
19 nuclear free zone in the country. So, it was the first and the
20 largest nuclear free zone in America. Since then, the County of
21 Maui has become, and Kauai was in the process, and all of a sudden
22 we get slammed. This was passed in 1981. The county council had
23 voted upon it unanimously, and as a result, it was squashed last
24 summer. We had this, you know, we were trying to make this more of
25 a democracy. We felt that if Honolulu and Washington, D.C. doesn't
care about the people in the community, then our public, local
public officials had best do something about it. The labor union
people from the military base over in Oahu from Pearl Harbor came
to testify in our country council against our ordinance, and they
said, well, we were at the Pentagon, and they told us if we want
more shipping jobs, or more jobs over at Pearl Harbor that we have
to get rid of the nuclear free zones of Maui and the big island.
So, that was the push in this whole -- you know, this is supposed

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1 to be a democracy of the people, by the people, and for the
2 people. And if the people of a country dictate and feel that they
3 do not want to be nuclear targets, or that they do not want to have
4 anything to do with the nuclear cycle. That should be in a
5 democracy, that should be what presides. But this whole thing
6 about feds supersede home rule is for the birds, because if not
7 for, you know, the community, if not for, you know, the people
8 there would be, you know, there would be no Washington, D.C. So,
9 we have to -- we need creative law, we need creative alternatives
10 so that the people can help make this a more viable democracy. Not
11 just for Native peoples, but for all of us in the name of
12 survival. I'm sorry, but you brought up the nuclear issues.

13 MR. BERGER: All right. Oren,
14 you had a point?

15 MR. YOUNG: I, actually, I just
16 have a couple of questions. I found this discussion of the
17 Hawaiian situation extremely interesting and enlightening, and I
18 think it's very helpful and relevant for our consideration of the
19 Alaska case, but I wanted to pose a couple of quite specific
20 questions to make sure that I understand clearly the existing
21 situation. Just to know exactly what it is in the Hawaiian case.

22 The first has to do with the exact current situation with
23 respect to land ownership. You've used a number of very interest-
24 ing terms and concepts. The Hawaiian Homes Land, and reservations,
25 and ceded lands, and 99 year leases. And I would be interested in
knowing a little bit more, in a factual way, as to just how much
land is in these various categories? Of what proportion of the
total land area of Hawaii does that encompass? Exactly what is the
nature of the ownership status, and what sorts of restrictions are
associated with that ownership status with respect to those various
categories of lands just to help to form a somewhat -- I apologize
to being somewhat uneducated on this subject, but would like to
know more.



1 And the second question that I have is, has to do with
2 really the issue of self-determination. Various people have used
3 the term with respect to the Hawaiian community, a recognized
4 minority, and certainly the Office of Hawaiian Affairs, as you've
5 mentioned imbedded in the State Constitution which certainly
6 suggests something different, or something special. But I wanted
7 to tie that back in a way to the issue that Tom really was posing
8 yesterday, and I think that underlies a lot of this discussion
9 which has to do with the notion that there could be, or should be,
10 or might be a special place for indigenous peoples unlike that of
11 any other minority. That was one of the questions that kept coming
12 up. And I'm wondering whether, even with the notion of a
13 recognized minority, and and Office of Hawaiian Affairs that
14 package of arrangements, interesting as it is, really, somehow,
15 meets the criterion, or satisfies the concept of a special place
16 for an indigenous community unlike that accorded to any other
17 minorities. So, it's really just asking for information.

14 MS. AKAKA: First of all, we have
15 two land bases. The Hawaiian Homes Lands, which are Hawaiian
16 reservations lands which is the commissioners of the Hawaiian homes
17 are appointed by the Governor, and it is a State agency.. But we,
18 of 50% Hawaiian, are beneficiaries of the Hawaiian Homes Lands.
19 There are 190,000 acres of land that was set up in the early '20's
20 in Washington, D.C. by a federal act that these lands were supposed
21 to help rehabilitate the Hawaiian people. Now, the Act said that
22 every five years, 20,000 acres of land will be opened up. But thus
23 far since 1920, only about 40,000 acres have been opened up to our
24 people, and as I have mentioned earlier, sometimes people have to
25 wait ten, twenty, thirty years to get on this reservation land. We
also have the ceded land trust, which is about 1.5 million acres of
land, and its resources which were ceded over, as I mentioned, when
we became -- when America overtook Hawaii, and then when we became
a state, the feds ceded this land over to the state to hold in

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1 trust for the Hawaiian people, which means 50% Hawaiian and the
2 general public. Which means less than 50% Hawaiian, and everyone
3 else that are residents of Hawaii. Of these resources 20% are, of
4 these resources, are due legislated in the legislator to the Office
5 of Hawaiian Affairs, so it's the 20% of the land and its revenues
6 which are the resources. Right now we'd like to use some of that
7 land and resources. Mahola.

8 MR. BERGER: Thank you, Moami.

9 MR. KEALOHA: That -- the
10 enactment of the Act of 1920, Hawaii Home Lands Act, which was at
11 that time the delegate to Congress is Prince (INDISCERNIBLE). He
12 was worried about the disintegration of Hawaiian society, then, and
13 the fact that so many had already left a land base, the land system
14 prior to the disintegration of that system. And frankly, the
15 people that really profited from that Act of 1920 were the sugar
16 plantations because they were a powerful political group. They
17 were able to take the best lands in that sit aside, and the water.
18 And that was the problem with all of 1920 because it was a
19 political, in political disguise of sugar plantation really
20 profited from those lands. And the Hawaiians were given marginal
21 land in that -- sometimes they had to walk miles for water. They
22 had to go, take mules and go long distances to bring water back.
23 But the interesting thing about the Hawaiian culture is while the
24 white people, the Houli, looked at that land in a generating,
25 generation, generating capitol for them, the Hawaiians looked at
the marginal lands they got with deep appreciation. They wrote
songs about it, they had a deep regard for what they got which was
lousy, awful, marginal land. Then they go back today to look at
it, those marginal lands are no longer marginal. And you see the
Houli, again, lusting after it, and wanting it back because it's no
longer -- you know times have changed, land demands have changed.
But the Hawaiian respect for land still remains, that kind of
affinity, that kind of regard he has. And we were talking about

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1 the policies set by Hawaiian Home Lands Commission, they have to go
2 with hat in hand all the time every two years with the State Legis-
3 lature. That's why this business of -- we say that they shouldn't
4 produce income. The business of trying to generate that income is
5 so that they can be self-sufficient, so that they in turn can then
6 make sure that Hawaiians are returned to the lands because as in a
7 State government it's getting -- they're drifting apart. They just
8 don't have the funds, number two it's not their priority. So, it's
9 up to the Hawaiians, it's up to Natives to devise their own
10 solutions for self-sufficiency. Otherwise it -- we're only talking
11 emotion, and we're not doing anything that makes sense, economic
12 sense.

10 MR. KEALE: Touching a little bit
11 more on the Hawaiian Homes Act, that was a Federal act, it's a
12 federal trust created by the Federal government, however, turned
13 over to the State of Hawaii for administration. And it is run by
14 commissioners appointed, like Gard said, by the Governor. And the
15 ceded lands is a public land trust that was created in the
16 Statehood, an admissions act of the Statehood of Hawaii as a
17 condition of Statehood, the public land trust was put together for
18 five different purposes, and one was for the betterment of the
19 conditions of Native Hawaiians. The problem that the Office of
20 Hawaiian Affairs has is the mandate -- they created two types of
21 Hawaiians. One, it's lucky enough to have 50% or more of Hawaiian
22 blood, and the other less fortunate to have less than 50%. Under
23 the Department of Hawaiian Homes Act you have to be 50% or more to
24 get these leases to these lands. When Prince Kohieo (ph) was able
25 to get that passed through Congress in 1920 he had wanted any
amount of Hawaiian blood. A person of any amount of Hawaiian blood
to get it. At that time the Hawaii sugar planters had a very
strong lobby in Congress. They wanted 100%, you had to be 100%
Hawaiian. And as a trade-off, or whatever it is in the
negotiations there, they came out with 50%. Now, in the public

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1 land trusts, the betterment of conditions of Native Hawaiians, the
2 definition under the Department of Hawaiian Home Lands was attached
3 to that. You have to be Hawaiian or 50% or more to benefit under
4 this public land trust. When OHA was created, they gave us two
5 kinds of Hawaiians to take care of. One, with 50% of the blood or
6 more, and one with less. The monies that OHA has and receives now,
7 as program monies, come from the public land trust. Thus, OHA is
8 (INDISCERNIBLE). We've got monies for Hawaiians of 50% or more, no
9 monies for programs with Hawaiians of less blood. However,
10 population wise there are more Hawaiians with less than 50% of
11 Hawaiian blood in Hawaii than there are of Native Hawaiians. So,
12 our office is on paper, we've got a lot of people to take care of,
13 but no monies to really take care of our problem.

14 And Gard uses the word Houli which is used commonly
15 throughout the State of Hawaii, and I see Professor Hanke smiling
16 there, and that has become known as how Hawaiian people address
17 people of white race. However, the true meaning of the Hawaiian
18 word Houli, Houli's a foreigner, anyone. The old Hawaiians
19 describe the black man as a Houli ili ili, ili ili meaning black,
20 is a black foreigner. But, however, today I see it is used in
21 Hawaii it means a white person.

22 Now, going on to see if there is a place for indigenous
23 peoples I would say, yes, in Hawaii. We have the Hawaiian Homes
24 Lands which are supposed to be given out to the Hawaiian people,
25 which today at last count, I think there were only 3,000 lessee.
Leases given out to people from 1920. So, we have a place, we have
a land base. But it's not given to the people. And we have
guarantees on the laws that monies -- these monies are yours, but
it's never given. Like the public land trust, there are five
purposes so the legislature in its wisdom said, you get 20% of 100%
for Hawaiians. That was beautiful if we receive 20% of what we're
supposed have today, we would receive between \$18 and \$20 million,
that is not the point, in Hawaii a year. At this point in time, we

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1 receive 1.3 to 1.5 million only, because they have cut the (INDIS-
2 CERNIBLE) only from these lands you can get. These others you can
3 not, because it's used for the public purpose.

4 So, these are some of the problems that we have now.

5 MR. BERGER: Yes. Rayna Green.

6 MS. GREEN: I think some issues
7 have come up here that really need to be spoken of directly. We
8 talk about models of indigenous rights, models of indigenous power,
9 models of indigenous institution, legal models, others. Some very
10 important concepts have come up here that have come back to haunt
11 us, and they've been around a long time. And it simply revolves
12 around the acceptance of non-Native models to do non-Native tasks
13 when the issue of blood comes up. It's a divisive issue, and it
14 has always been a divisive issue. We call Yonigs, not Houli, my
15 people. Yonigs (ph) very smart. They saw it a hundred years in
16 advance. They said, aha, this is how we get some long time down
17 the road. We'll tell them. Only those who are really Indian, only
18 those who are really Indian will get this, will get that. We're
19 going to set it up so that we'll divide you. And long time down
20 the road we're going to come back and get you, and we'll figure out
21 a way to dispossess you again on that issue.

22 And in health service now has come out with new
23 regulations that ask tribes to accept health care services given to
24 Indian people for only those who are quarter blood. Families will
25 be divided, split up. Families don't think of who is, and who is
not Indian in their families by who is and who is not, at least a
quarter blood. But this is an issue that's very important. When
we begin to accept those distinctions which were never our distinc-
tions. Our people were our people. Who is us is who we say is
us. Then we've accepted a notion that will lead to our extinguish-
ment, and that's one thing. When we accept notions we're talking
about getting a home. Whoever said that a home had to do with a
mortgage? When we talk about homes connected with getting a

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1 mortgage we have rolled over automatically. When we've accepted
2 models of governance that have nothing to do with the way we
govern, we've rolled over once again.

3 So, I think these are very important issues that have
4 circulated throughout these discussions, and we've got to be very
5 clear about what those things mean. And our dear relatives from
6 Hawaii have really brought these things out this morning and we'll
7 continue to talk about them, I know, but I just want to point to
8 that. When Professor Hanke brought up the institutions in Hawaii
9 which purports to serve the interest of Native Hawaiians, like a
10 museum for example, we have to know that museum, as we know it in
the world, and I do represent one of the biggest, I represent
museum, you know, like airport...

11 (LAUGHTER)

12 MS. GREEN: ...I said, no, I say
purport...

13 MR. HANKE: I thought you were
14 quoting me.

15 MS. GREEN: ...no, no, no. I'm
16 simply pointing out to you that when we talk about museum or
17 professors of Hawaiian history they are never us, they're not run
18 by us, they are concepts that have never been converted to our
notions. So, they memorialize species they think they have killed,
you know. They are monuments to death.

19 (APPLAUSE)

20 MS. GREEN: Let's have no
illusions about who teaches our history and...

21 (TAPE 6, SIDE A)

22 MS. GREEN: ...understand it, you
23 know, from the notions of the people, as we understand them, you
24 know. Not from notions that are thought of a hundred years ahead
of time to confirm our extinction.

25 MR. BERGER: Rayna, Verna wanted



1 to ask a question, too, but just before you do, could I ask a
2 question about the Hawaiian Homes? Rayna's raised this question of
3 blood quantum, and, of course, in Alaska shareholders in the
4 corporations are -- were at the first instance limited to those of
5 one-quarter Alaska Native blood. When they die, they can leave
6 their shares to their children, but if there children are less than
7 one-quarter blood, they can't vote their shares. Now, I was going
8 to ask you about those Hawaiian Homes.

9 MR. KEALOHA: At present the
10 succession ship...

11 MR. BERGER: So, if you've got a
12 99 year lease and you die, and leave it to your children...

13 MR. KEALOHA: It won't happen in
14 Hawaii no more, you have to give it up.

15 MR. BERGER: They have to leave?

16 MR. KEALOHA: They have to
17 leave. Uh-huh. That -- there have been many attempts, but there
18 hasn't been agreement on -- by the homesteaders themselves as to
19 whether they want to lower that blood quantum.

20 MR. BERGER: Yeah.

21 MR. KEALOHA: And you have that
22 -- you're in that dilemma. I do want to say about our Bishop
23 Museum since you made some comments.

24 MR. BERGER: I wanted
25 clarification there, too.

MR. KEALOHA: Yeah.

MR. BERGER: All right. I've
heard...

MR. KEALOHA: That museum has --
we have been very fortunate because that museum has sustained
Hawaiian scholars since the beginning. It was started by the
husband of the last princess, and when he started the schools, he
wanted to make sure that there was going to be a repository of

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1 cultural norms that would be hand-in-hand, work hand-in-hand with
2 the schools.

3 MR. HANKE: So, that the Bishop
4 Museum is not a dead institution which is...

5 MR. KEALOHA: Not in the least,
6 although we do have (INDISCERNIBLE) from the Smithsonian.

7 MR. HANKE: ...gotten up by non-
8 Natives. I want to say something about the...

9 MS. GREEN: Excuse me, sir.
10 Excuse me, sir. I just raised this. I know that there will
11 difference among the Hawaiian people about the Bishop. I'm not
12 picking on the Bishop no more than I would pick on the Smithsonian.

13 MR. KEALOHA: I understand your
14 concerns, however...

15 MS. GREEN: But we understand
16 that there has been a history.

17 MR. KEALOHA: We have an esteem
18 scholar who I was mentioning, who is now in her senility, and
19 because of her work at the museum we were able to -- there have
20 been good things that have come out of that association because we
21 now have a sourcebook called Nanaikekumu (ph) that the
22 (INDISCERNIBLE) children's center uses in its social work
23 processes, and how Hawaiians resolve conflict, and how they, in
24 their families in culturally oriented ways. And that has now been
25 documented, and we have a compendium of Hawaiian cultural practices
as a result. And I say that that is a result of decades of work by
this one scholar at the Bishop Museum

MR. HANKE: Is there a strong
feeling that the Bishop Museum does not represent Hawaiian values,
and has been a negative influence in Hawaiian culture? Is there a
strong feeling for that?

MR. KEALOHA: No, I cannot say
that. I can't -- there have been Hawaiians that served on the



1 Board at the Bishop Museum for a long time, and it's been
2 conservative. It hasn't had the great funding it should have had,
3 but it's beginning to -- Sir Peter Buck, as you know is a reknowned
4 scholar and he was able to -- he was there at the museum for a long
5 time. We've had wonderful work that has come out. I think it's a
6 eminent museum.

7 MR. HANKE: That comforts me,
8 somewhat, but I still have a lingering question about a professor
9 of history, Ralph Klykendahl (ph), who is not Hawaiian, who
10 couldn't teach Hawaiian history in the approved way. Now, this
11 touches rather close to home. I teach Latin/American history.
12 I've been teaching Latin American history. As a matter of fact, I
13 taught a course in Hawaii in the spring of 1927. I was allowed to
14 do it, and I had seven students. One was the wife of a professor.
15 I felt very good about that. A wife of a professor chose to take
16 my course on Latin American history. Then I made the mistake of
17 asking her why. Well, she said, I bathe my baby at a certain time,
18 and your course fits into my schedule. But getting back to
19 Professor Klykendahl (ph), and professors of history. In fact,
20 I've taught Latin American history for many years. I frequently
21 had Latin American students drift into my course on Latin American
22 history. They might be students in physics or mathematics or
23 biology, but they never felt that I knew anything about Latin
24 American history. Only a Latin American can teach Latin American
25 history, in their opinion. That's an idea I found it hard to
accept.

MR. BERGER: Well, I had down
Verna Kirkness, and then Bernie Nietschmann. Might I just make
this observation at this point that Rayna suggested that those
blood quantum rules can be devisive. And in Alaska, of course, it
has created problems, if that's close to a neutral word as one can
choose in relation to the passage of shares from one generation to
the next from a parent who is one-quarter blood or more to a child

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1 of one-quarter blood or less. A child can't vote the shares under
2 ANCSA. Under your setup if the child is of less than 50% Hawaiian
3 blood they have to get out of the house. That's quite remarkable.
4 Verna, and then Bernie, and then Rosita.

5 MS. KIRKNESS: Yes, I wanted to
6 make reference to a comment made by the -- one of the Hawaiian
7 delegates here on education. He stated that education was a
8 priority in their state which I'm very, very pleased to hear.
9 Seems to me that even around this roundtable, the educators have
10 not been saying very much. We always sit back when the historians
11 start up, and the politicians, and so on, but we are here. And
12 we're listening, and I think that we should begin to really
13 consider education as one of the very critical ingredients or
14 elements of finding a place for Native peoples in the Western
15 world. In fact, if we're to survive as people at all, we have to
16 turn our attention to the education system. We've heard here
17 around the table, and I think everyone here can say that with the
18 indigenous populations of the world we have a very young
19 population. Some people can see there are, I thought they said 80%
20 were 19 years and younger. That may -- I'm not sure if I heard
21 that correctly, but I know in Canada we can see that 50% of our
22 population is 15 years and younger. So, we have a great obligation
23 to consider the young people of today. And how, it seems to me,
24 that what we're talking about is that there is so much that we have
25 to learn again. That we have to relearn. People are talking about
protecting and ensuring spiritual and cultural values of our
people. And how can we best do that, but within the institution of
the school where we know that much is done -- been done that is
detrimental to our people over the years. We've been socialized in
a process of non-Indian ways of life, and it has been assimilation
all the way as we have mentioned. I don't care if they called it
other words such as integration or whatever, throughout the years.
It has really been an assimilation as process. So, we need to turn

1 to our schools. We need to turn to learning because that's where
2 the populations are in order to consider our place in the Western
3 world. The people who were talking about teaching methodology as a
4 learning styles, and so on, and I couldn't help but think of what
5 we're talking about here today. It's an education for a lot of us
6 to hear what's going on. Is this kind of thing taught in our
7 schools? Do our children know about this? Do our high school
8 students know about this? Do our universities know about this?
9 You know, it's amazing. I checked this out. I work at the
10 University of British Columbia, and last year when the
11 Constitutional talks were going on, which was a very important part
12 in Canada, I was amazed at the number of students that I could ask
13 that were taking Canadian history, but maybe that was history,
14 history. The people were saying, no, we're not covering that. No
15 one is bringing that up in our classes. You know, and I asked them
16 to raise it wherever they could, but that's the way it happens.

17 So, there is -- we're not paying attention to these
18 things. And I think that's another place that through the
19 institutions -- if our people can grow up learning these things,
20 then, they're better prepared because they're the ones that really
21 have to think about this in the future if they're to keep it up.

22 The other person that I admire greatly is Paula Ferrari
23 (ph), the Brazilian educator who has done a lot with the oppressed
24 peoples of Central America, you know. And talks about things, the
25 politization of our own people, of everybody. Our conscientiousiza-
tion, I can never say that word, you know, but the one for the con-
sciousness of the people that everybody has to know what's going on
here. Everybody has to know what's going on, because knowledge is
what leads to action. And knowledge of our people in the villages,
that's why the things that Judge Berger is doing is an education
out there. Just going to hear the people, as well as them
designing their own destiny.

So, I just wanted to say that I would sure like to hear

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1 more discussion as we go along when we're starting to reach -- try
2 to look for -- towards solutions, and the kind of directions we
3 have to take. But we look at education, and you know, what we can
4 do within that discipline.

5 MR. BERGER: Are you following up
6 Virna or should I call on Bernie? Bernie you go ahead, then.
7 Sorry.

8 MR. NIETSCHMANN: Well, thank
9 you. I'm certainly getting a great deal out of this morning's
10 discussion, and the contributions from our Hawaiian participants.
11 And I'd like to add a couple comments and a question to this
12 morning's discussion. First of all, concerning the idea of
13 categorization of Native peoples, whether it be by blood, or other
14 ways. And I'd like to reflect just for a moment on the -- another,
15 to me, divisive term which is ethnic minority. I look here, and
16 I'll read the definition of a minority from United Nations Minority
17 Right Group definition where they state, a group numerically
18 smaller than the rest of the population of a state...

19 MR. BERGER: Sorry. Could you
20 start again? I missed that first two words.

21 MR. NIETSCHMANN: Okay. It's a
22 group numerically smaller than the rest of the population of a
23 state in a non-dominant position whose members, being citizens of a
24 state, possess ethnic, religious, or linguistic characteristics
25 from those of others of the population, and who show, if only
26 implicitly, a sense of solidarity directed toward preserving their
27 culture, traditions, religion or language.

28 Now, this may definitely be a very necessary thing to
29 protect. But this definition of a minority says nothing about
30 land, about resources, about territory, nor anything about self-
31 determination.

32 I'd like to give just a brief example of what to some
33 people may appear to simply be a question of semantics, but



1 something that is also a question of identity, and survival. One
2 of the tactics used by the Nicaraguan government in trying to
3 subjugate the Indian peoples of eastern Nicaragua is to term them
4 an ethnic minority, sort of mixed up in the bouillabaisse of the
5 nation.

6 The Indians refer to themselves as a people with a
7 distinct territory, identity, culture, and now, share political
8 consensus for their own self-determination. At the peace treaty
9 negotiation in Bogata in December of last year, this issue, which
10 could be to some semantic, but is very, very deep, and very
11 meaningful came to a head. And it went like this. Louis Carreon
12 (ph), one of the nine Sandanista commandantes said that the
13 Sandanista government in evolving its integration, national
14 integration policy would consider special rights for the Indian
15 people as ethnic minorities. The response to this, by Brooklyn
16 Rivera, had, of Misuasata (ph) Indian resistance, was the
17 following. Ethnic minorities run restaurants.

18 (LAUGHTER)

19 MR. NIETSCHMANN: We have an
20 army, we are a people, we want self-determination. Now, my second
21 comment is, I've learned a lot from the Hawaiian participants help
22 clarifying this very complicated thing about land rights, but one
23 of the things that I know concerns them, as it does many indigenous
24 or Native peoples of the Pacific and elsewhere, are sea rights.
25 And this really is another area of confrontations between
perspectives. Jurisdictional perspectives. One of the evolving
Western traditions, which has evolved pushing out rights to the
sea, is jurisdiction over the sea. At first some of the sea rights
were as far as a cannon could shoot. So, the technology of the
land determined how far the state would claim. So, if you had
cannons that shot three miles, you had three mile jurisdiction.
When they shot 12 miles, you got 12 miles. Now, it's 200 miles.
Well, I'm sure there are cannons that shoot 200 miles, but the



1 point is that beyond these limits, beyond the three mile, beyond
2 the 12 mile, now behind the 200 nautical mile the sea is, has
3 always been claimed a commons open to exploitation, freedom of the
4 seas. This closing of the sea, as it is called by the EEZ's,
5 Exclusive Economic Zones, the United States doesn't recognize the
6 United Nations, they have their own, gives a fiction of
7 establishing something novel in dividing up the sea, and giving a
8 state exclusive access. And I say it gives a fiction because it
9 ignores pre-existing rights to sea space that are not only claimed
10 but used historically, pre-European times by indigenous peoples.
11 And I know that this is a concern of the Hawaiian people, and my
12 question for the people is, I would very much like to know what is
13 the status of Native rights to Hawaiian, Native Hawaiian waters,
14 reefs, and lagoons? And is there a movement to further extend
15 water land rights to the sea?

16 MS. AKAKA: These ceded land
17 resources that we referred to is part of Section 5(f) of the State
18 Constitution. The Section 5(a), (b), (c), (d), and (e) relate to
19 what kind of -- they're substratas of different rights. But it's
20 the Section 5(f) that all of our resources go into. I believe it
21 might be Section 5(d), it's submerged lands, or (i), it's submerged
22 lands. Which means that we should be getting, if there is going to
23 be any development of our oceans, there's no question about the
24 fact that we should be getting a piece of the action. However, in
25 spite of the fact that we need, you know, resources desperately,
you know, we should not help to kill and destroy our ocean in the
name of profit, or mulit-national corporations that live some place
else. Thousands and thousands, and ocean away that just want to
come in and scoop up our resources, spit out the lethal toxic
waste, and take their money and go home.

So, even though we will be able to get a percentage of
these resources there's a concern. You asked earlier, Mr. Hanke,
about different environmental groups. A lot of the issues that

1 we're involved in they benefit Hawaiian people, but they benefit
2 all those that live in Hawaii, and raise their children in Hawaii.
3 So, we do get support from non-Native environmental groups. Our
4 whole philosophy is (INDISCERNIBLE), to love the land is to take
5 care of the land. That's part of our traditional philosophy.
6 Environmentalists, I mean, you know, we've been doing that for
7 generations and generations, and thousands of years, so, there's,
8 you know, the environmentalists should be supporting Native rights
9 and our basic traditional philosophies of saving the land, because
10 that's what they are, environmentalists. So, we do get support for
11 these entities.

12 MR. BERGER: Thank you. Rosita,
13 you...

14 MS. WORL: This is really very
15 exciting. I was reminded of holding a workshop one time with
16 Tlingit elders, and I knew that I had to overcome my position as
17 being young, and also a woman. And so, I decided that I had to
18 take command of this workshop immediately and let them know that I
19 was running this workshop. And, so, I had set out this agenda, and
20 time schedule. And they immediately let me know that they were in
21 charge, and I was trying to adjourn the meeting right at lunch
22 time. And one of the elders got up to me and said, do you know,
23 Rosita, when a snowball is going down the hill you don't stop the
24 snowball right in the middle. You let it go all the way.

25 And I'm finding this discussion really very exciting. I
think we've -- one of the interests I have is, and it's been raised
by the Hawaiian's, and Rayna, and then also, Bernard, and that is
this categorization of Native people. I had hoped to be able to
have a paper written by this time on civilized versus uncivilized.
But I couldn't resolve the issue. And, so, I'm hoping that maybe
it might a topic of discussion. Because I just, I cannot really
figure out this fixation that Westerners have with blood quantum,
and civilized versus uncivilized, because, I mean, as we all know

1 Native people have these mechanisms that allow for perpetual
2 memberships that don't deal with blood quantum.

3 And so I've gone back and looked a little better at the
4 literature, and it seems that we have this thing with blood
5 quantum, but it seems to only apply to non-Native people. The laws
6 talk about mixed blood, and when they're talking about -- excuse
7 me, when they're talking about mixed blood, they're talking about
8 Native people. You don't ever hear White people in the laws having
9 mixed blood. It's Native people that, only Native people can have
10 mixed blood.

11 Then the other thing that happens is this thing with
12 civilized versus uncivilized. Or dependent, and it was in our
13 treaty dependent, and non-dependent Natives of Alaska. And we have
14 it in some of the -- and I don't know, I can't remember the case,
15 maybe Dennis or David knows, was in Sitka. It was maybe the Davis
16 Case. But the issue was -- were whether an individual, or actually
17 it was two Native families were civilized. And the Native people
18 they wanted to go to the, they wanted to go to the non-Native
19 school which were the better schools even then, and the Indian
20 people argued that they lived in nuclear family dwellings. They
21 had a post office box, they paid taxes, they had a cash register.
22 And, oh, and listed a number of other things that said that, you
23 know, saying that they were civilized. And also, I'm reminded of
24 the Cherokee case where they did everything, I think, that
25 non-Native people would have liked good Indians to do. They
learned how to read, they developed their own writing system, they
became good farmers, but in the end they were still moved away into
Indian country. So...

MR. DEMMENT: Rosita, could I add
one more thing? The White father also testified that they ate
butter.

MS. WORL: Oh, okay.

(LAUGHTER)



1 MS. WORL: As opposed to seal
2 oil. Okay. But I just, you know, I -- outside of these laws
3 limiting, you know, Native people I just am at a loss to understand
4 it.

4 And I just want to carry it further. One more thing is
5 that the laws also show that, well, this is what I've, you know,
6 from some of the laws that I've seen, is if you, if laws will
7 support traditional activities such as traditional craft, or
8 traditional hunting methods, it also says that you have to be
9 static. That you cannot change, that the Native culture cannot
10 change. You can only continue to utilize sea mammal products as
11 long as you're doing traditional things and you can't use modern
12 technology. So, there is that, there are those laws that say you
13 have to be static.

12 Then there are other kinds of laws that really try to
13 change Native people. Try to assimilate Native people, and so I
14 see these contradictions just, you know, in our legal system that
15 I'm at a loss to understand. And maybe some people can give us
16 some hints.

15 MR. BERGER: David, you wanted to
16 add a postscript to this famous case?

17 MR. CASE: Well, I'm at a loss to
18 understand these doctrines, too. Because -- but I think -- and
19 I've struggled with this too for many years, really. What does it
20 mean in the Alaska Treaty where it used the word, uncivilized. It
21 does not use the word civilized Natives, it speaks of uncivilized
22 tribes. And it's significant, I think, that those two words are
23 used together. Uncivilized in the 19th Century, and listen, I'm
24 not trying to justify this law or this -- I'm trying to explain
25 what I think was meant by these terms in the 19th Century. And it
doesn't mean having curtains in the window, and a cash register,
and eating butter. It did -- uncivilized meant, in the 19th
Century, that you retained your tribal relationships. And that was

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1 why in Davis vs. the School Board the children were concluded, held
2 to be uncivilized because they had lived all of this, these -- this
3 house, the whole thing was in the Sitka Native village. And
4 they've maintained their relationships with the members of the
5 Native community. Therefore, they were still uncivilized.
6 Uncivilized, in the 19th Century, meant politically you were not of
7 a European allegiance. And that you were a citizen, and this is
8 true, of course, prior to 1924 Native Americans in the United
9 States were not necessarily citizens of the United States. They
10 would be members of their tribal communities, and therefore, since
11 they were members of their tribal communities they were excluded
12 from citizenship in the United States. And the only way you could
13 be civilized was to be a citizen of a civilized nation, of a
14 European nation. It's a racist definition, a racist term. It's
15 circular. That why it's so, I think, difficult to comprehend. It
16 doesn't make any sense.

17 MR. BERGER: Yeah. Just a
18 second. We've got three people that want to say something. And
19 what I thought we would do, if you don't mind my suggesting our
20 procedure now, is this. We'll carry on for another five or ten
21 minutes, and Gard, I want you to have the last word, but let me
22 just say something before I call on you. Yeah, this is something
23 about the -- don't adjourn for lunch when the snowball's rolling
24 down the hill, but we may have a problem here. Perhaps we could
25 carry on with this discussion for just a few more minutes allowing
Gard the last word. And Bishop De Roo has to leave tonight, and we
-- I did say earlier that we wanted him to address his paper, and
perhaps this afternoon when we return we might have Bishop De Roo
address his paper, and some others might wish to respond. And
we'll carry on in that way. I know that our gathering is unstruc-
tured, but we warned you that it would be. And if you, and I'm
quite serious about this, if at lunch today you are concerned about
the way we are proceeding, please feel free to speak to me, or



1 David, or Rosita, and we'll confer and do our best to straighten up
2 and fly right.

3 So, Gard, you had your hand up. And Sheldon, and Sheldon
4 Katchatag. And Josephine Bigler. So, maybe we could just start
5 here and move across, skipping those that didn't have their hands
6 up and ending with Gard, and perhaps we might carry on in that
7 way. Sheldon.

8 MR. KATCHATAG: Thank you,
9 Justice Berger. First of all, in regards to Rosita's question with
10 regard to what the policies, the actions of the Federal government
11 have been with regard to not only Alaska's Native people, but all
12 indigenous people within their jurisdiction. I don't want to
13 anticipate the fact, but I've been reading Bishop De Roo's paper,
14 and it really emphasizes, at least from my perspective as a Native
15 person, that the two-sidedness of our relationship with the Western
16 society. He makes a very strong case for exactly what the title of
17 his paper his, Unmasking the Realities of Colonialism in the
18 Western World. And I don't want to -- I've been going through and
19 underlining different parts that I strongly agree with, and I don't
20 want to take away from Bishop De Roo's presentation of his own
21 paper, and therefore, I will save my particular comments with
22 regard to sections of his paper, and just say that it really points
23 out what I said yesterday about the fact that the religion of the
24 Western society presents all the ideology, all the principles of
25 inter-personal, inter-cultural relationships taken to their highest
degree. But the problem is that we see as Native people is that
you have to convert your people before you convert ours. You say
everything that we believe in. But your people, the people that we
interact with in a government to government relationship, they're
not Christians. They're not required to be Christians. In fact,
if they even say they're Christians in the disposition of their
duty then they're violating the Constitution, separation of church
and state. So, that points out the paradox that we have to live

1 with as Native people. That they preach to us on the one hand
2 everything that is the best, the right, the ideal as far as
3 relationships, but the people that implement inter-governmental
4 relationships, they're not Christians. And Bishop De Roo, I think
5 it's important that you take this back to your church members, and
6 say, hey, they believe in this. Now, you have to prove that you
7 believe in this too. Thank you.

8 MR. BERGER: Yeah. Well, that's
9 certainly, I guess, what's called a...

10 (APPLAUSE)

11 MR. BERGER: ...a -- that ensures
12 that everyone will be here this afternoon.

13 (LAUGHTER)

14 MR. BERGER: Josephine Bigler.

15 MS. BIGLER: I just want to say,
16 mado (ph), which is thank you in our Muskogee (ph) language, to the
17 Hawaiians for giving me a history lesson on the Hawaiian people.
18 It sounds so very familiar, and I am a full blood Utchee (ph)
19 Indian, but an enrolled member of the Muskogee (ph) Nation. We are
20 a member of the five civilized tribes. But I am a Utchee(ph). We
21 lived in the south before the removal within the Muskogee (ph)
22 Nation. Today we live within the Muskogee (ph) Nation. And I
23 carry a pink card saying that I'm a Muskogee (ph), enrolled member
24 of the Muskogee (ph) Nation.

25 But I'm going back to some reflection upon what was said,
first of all, about the Indian problem I read about in the paper,
and the -- a sister over here that mentioned the Indian problem is
not really a Indian, but it's a White problem because they don't
know what to do with us. And they create their own problems of how
to dispose of lands, and resources. The distortion of history is
something that I have had to learn very slowly. I, and, of course,
I am the elder among the brothers and sisters, my first trip here
to Alaska. But since our Utchee (ph) were oral people I've had to

1 read the Muskogee (ph) Nation history in order to find out who we
2 were as Utchees (ph). And then at the more that I had read
3 American history I found out how much was lacking, how much was
4 missing. Because what the real westward expansion is is the
5 genocide of the Native people beginning from the east of the first
6 landing of the White people. And as they moved west, the westward
7 movement, the westward expansion was really the decimation of our
8 sisters and brothers. The marginal lands that were given to us as
9 reservations, as homelands, and -- you see, I never lived on a
10 reservation because, before Statehood we were given allotments of
11 land, and we lived on those allotments in order to be, become
12 farmers, to become agricultural people. And, so, we were forced to
13 live on those allotments. But even though we were fragmented as a
14 group we still clung communally to certain ways. And the church,
15 for us, was the point that brought us together. Because in the
16 church we could still combine the Christian and traditional, and
17 because we had the language. And, so, this was a very strong point
18 to bring us together. And even today I find, as a person who
19 travels all over the Lower 48 among the Native people, that Native
20 people do not affiliate with the White churches. They will travel
21 miles to go back to their own home church. They -- though they
22 live in the urban areas, they go back to their homes to be married,
23 to be buried. And I find this with myself. I go back to my --
24 Oklahoma is my original home, and I go back to my small rural
25 church every opportunity I have is to go back because that's where
my Utchee (ph) people are.

And as I stated, the lands that we had were once
considered marginal, but as we look at them now these have become
very valuable lands in the Lower 48. We look at the different
sections. The Navajo land with uranium, the Cheyenne with their
mining, other areas that have oil. And even though it was
marginal at the time, it seemed to be the very worst lands that
were given to allottees or to reservation groups. But it was our

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1 land, and we were tied to it and became -- have always been very
2 close. It's the livelihood.

3 And as I heard a question from Rosita over her was
4 something about individual rights, or group rights. I think our
5 Native people, particularly those on reservations, do not think of
6 individual rights because whatever affects the reservation,
7 whatever rights you have, it affects the whole group. So, whatever
8 is good affects the whole group. But I -- this is the thinking
9 that has been put upon the Native people is to fragment their
10 lives, to break them up as families, and it's probably the worst
11 perpetration of when the families were divided and the children
12 taken away from homes to be sent away to boarding school as my
13 family was. All five of us, my sister and three brothers, that we
14 were removed from home nine months out of the year to go to
15 school. It was the only way we could be educated. It meant being
16 away from the family, not hearing the language, and, well, a kind
17 of a forced assimilation. This was the government, and the church
18 working together to hasten a assimilation process. It was the same
19 with my parents. And it took me a long, long time to really put
20 this in a larger perspective to see why I suffered -- if there's a
21 hell on earth I had it in my childhood because of the separation
22 and what happened to my parents who were natively speaking, who
23 were that generation, were much more traditional, much more of a
24 nuclear family. But when they were removed and to put on western
25 clothes, had to have their haircut, and not allowed to speak their
language, and then what it did to them in the ensuing years it took
me a long time to put it all into perspective, and to really
appreciate, or learn to throw away the hurt and the anger I had
toward my parents because they couldn't help what had happened to
them. And so I see all of this in a much broader perspective.

But as I see Alaska there is still some time yet, and for
some of us, those -- we didn't have time. It was forced upon us.
As I hear from Hawaii there was not time for them, and they had to



1 accept what was thrust upon them. But maybe here, in Alaska, there
2 is still some time to think and to plan what will happen with the
3 shares and with the lands that are in trust. So, that hopefully
4 there will be some good things, and not the same mistakes that have
been made to the Lower 48 tribes. Thank you.

5 MR. BERGER: Thank you, Ms.
6 Bigler. Sandy, did you want to say something?

7 MR. DAVIS: I just want to make
8 some comments about some of the things that David, and Rosita, and
9 Bernie, and other people have been talking about from the point of
10 view of South America. It's very interesting in the 19th Century,
11 there was a lot of thinking about the position of Native people vis-
12 a-vis, the state in the legislation of, for example, Columbia and
13 South America. In fact, almost anything in post-Independence Latin
14 America looked toward Columbia to understand it. Simon Bolivar was
15 the father of independence was creating a whole legal system, and
16 part of the discussion there was about Native people.

17 One of the things in the legislative and legal systems of
18 South American was the distinction between people who lived in the
19 jungle, and people who lived in the mountains or in the highlands.
20 The jungle people were always classified as savage because they
21 weren't Christianized yet, and they had a set of customs that were
22 very different than the highland Indian peoples who came from some
23 of the, as I mentioned yesterday, the Inca so-called higher
24 civilizations, and also were Christianized by the Spanish church in
25 the 16th Century.

Also, the people in the lowlands were considered to be
tribal peoples. And the people in the highlands who were supposed
to be under the protection of the State, whereas the people in the
highlands were looked at as being under the civil and municipal law
of the new nations of South America. And the distinction was that
eventually the people of the lowlands would not only become,
"civilized" moved from the stage of savagery to civilization, but

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1 they would move from tribal status to being brought under the
2 municipal and civil codes. That continues today. The great
3 discussion in Brazil, in part, is how to emancipate, and the word
4 is used "the Brazilian Indians" such that they will be brought
5 under the civil code, which will mean they'll be citizens of
6 Brazil, and that their tribes will be controlled by municipal law,
7 and civil law. It's impossible in that context to bring about any
8 type of cultural change. You immediately lose your political
9 status. That's one comment that I think is really parallel to here

10 The other is in international law which gets to some
11 things that Bernie was talking about about ethnic groups and indi-
12 genous peoples is that if you look at the international covenant on
13 civil and political rights, for example, I think there's an article
14 -- is it 27 or 26, that really recognizes the right of people to
15 maintain their culture and their language. And it's very strongly
16 stated that people have the right to cultural and linguistic -- and
17 that the state, the interpretations of that article has been that
18 the state has an obligation to protect that right. To ensure the
19 people have cultural and linguistic rights. On the other hand, on
20 political rights the rights of self-determination are only given to
21 nation states. And I believe in the articles that have to do with
22 self-determination in that covenant, there's also clauses that say,
23 that the nations states won't recognize the rights of ethnic groups
24 to have a self-determination of their own, because they would be
25 cessationist movements in some sense, in the interpretation of
that. That's not very clear, but what seems to be going on in that
international covenant is the recognition of people's ethnic
groups, but not as indigenous people, the international law. In
that sense, you have the right to maintain your culture again, but
not to have any political rights that go along with it. And it
seems to me that one of the great contributions, here, is to go
beyond that issue of linking up the cultural rights with the
political rights. And I think that that's where the challenge is



1 now, to show that. And if we do it, we're going to have to really
2 change a lot of national law, and national thinking, and
international law, if we do it.

3 MR. BERGER: Good point, Sandy.
4 Well, Gard, we promised you the last word.

5 MR. KEALOHA: I should be real
quick.

6 MR. BERGER: No, take your time.

7 MR. KEALOHA: I wanted to tell
8 Mrs. Worl that in your definition of civilized and uncivilized, I
9 was raised by (INDISCERNIBLE) elders, and, oh, I can remember, in
10 Hawaii you learn by intuition. There isn't so much as direct
11 instruction. You had to be a real keen observer, you had to listen
12 very carefully, and that's you learned, that's how you grew up.
13 Anyway, what I used to hear was the Haoli's were people. Ha means
14 breath in Hawaiian, breath meaning life, and Haoli's were people --
15 oli means no people who didn't have breath or life. So, you know
16 it works two ways meaning civilized and uncivilized. We always
17 called them Haoli, people without life, without breath. It was an
18 interesting discrimination reversed as it might be.

19 On the education, woman there that was talking about
20 education, about 12 years ago the Kameimei (ph) schools bishop
21 estate realized that Hawaiian children were failing and for seven
22 years had to lobby the State Department of Education to allow them
23 to conduct a needs assessment on Hawaiian student achievement.
24 Seven years it took of constantly knocking on the door with the
25 State Department of Education, but the answer is that the
Hawaiians, themselves, had to do it. Now, as a result of that,
when they finally got into the Department of Education, then they
went -- we went to the Federal Government to set up a National
Education Commission on Hawaiian education. And that was also
Carter appointed people, and then he went out of office and Reagan
dismantled it. But what we did was go to the State, the Federal

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1 Department of Education, and the Bishop estate agreed to pay for
2 the whole study if the Federal people would accept it, the
3 findings, and they did. And we now have, as a result, a Native
4 Hawaiian Educational Assessment Report that has a very definitive
5 study on Hawaiian student achievement throughout the State of
6 Hawaii. And that's -- it took a while but it was done.

7 Getting back to Mr. Hanke, I wanted to also tell you that
8 the OHA Cultural Education Committee has just approved the
9 formation of a council of Kopuna (ph), or council of elders, to
10 serve as the last word on matters of language and culture. And
11 that pleases us because that is a source of our culture, and that
12 -- we recognize that, and we've been trying to make that move.

13 One more thing about Hawaiian Home Lands, that seems to be
14 the devil here, the governors in the past administrations have
15 taken by executive order lands from the Resources Department that
16 Hawaiian Home Lands has. The last -- the present governor has just
17 returned most all of them except one section. So, there is
18 progress being made.

19 MR. BERGER: Thank you, Gard.
20 Well, we'll come back later and hear from Bishop De Roo, and
21 perhaps sometime tomorrow, at an appropriate time, we might return
22 to the subject that Bernie Nietschmann, and Doug, and Sheldon, and
23 Davis raised regarding International Law, and the place of -- and
24 the recognition of indigenous peoples as more than merely from, I
25 use that word, ethnic minorities, and that I think is an
appropriate subject for consideration under the title, The Place of
Native People in the Western World. Well, I -- look, let's come
back at 2:00 sharp, 2:00.

(HEARING RECESSES)

(TAPE 6, SIDE B)

(HEARING RESUMES)

MR. BERGER: ...Catholic Bishop
of Victoria, and a well known figure in Canada, and an outspoken



1 defender of Native rights in Canada and throughout the hemisphere,
2 and Bishop De Roo also chaired the Committee of Canadian Bishops
3 that two years ago published a document called, Ethical Reflections
4 on the Economy that has stirred two years of, heaven forbid,
5 controversy in Canada, and which may have had something to do with
6 the document published recently by the Catholic Bishops in the
7 United States. Bishop De Roo also attended Vatican II. He is one
8 of Canada's leading clerical figures, if that's an appropriate way
9 to put it. So, Bishop De Roo, will you carry on, sir?

10 BISHOP DE ROO: Thank you, Mr.
11 Chairman. I once heard a speaker at a similar presentation say, I
12 didn't know I was that famous, and now I'm anxious to hear myself.
13 But I do appreciate your kind remarks. I'd like, first, to just
14 point to the title and subtitle of my paper. And indicate that I
15 see it as only initial reflections. A modest contribution to a
16 panel, not definitive or complete answers. And without spending
17 time on the paper, as such, I'd like to come back to what I think
18 are a couple of initial questions.

19 At first, I want to thank Sheldon Katchatag for making
20 sure everybody has read the paper. And then I want to combat his
21 question which is a very valid one that he has now raised twice,
22 and I've heard others raise on many occasions, why are Christians
23 not Christians? Why don't they apply the ideals that the Native
24 peoples equally believe in? And there's a deeper question behind
25 that, what's religion got to do with us in the first place? Has
religion got anything to do with Native rights and colonialism?
And shouldn't religion just back off and stay out of a field that's
not there's?

So, I'm just going to offer my personal suggestions, and
they're going to hinge around that expression I used, perspectives
of a liberating faith. And I want to spend a bit of time on what I
perceive as a liberating faith. And in so doing, I will try to
explain why I'm here in the first place, and why I'm saying the

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1 things that I'm saying, and why I feel that in doing that I am
2 doing theology, in the strictest sense of the word.

3 When I say that I am doing theology, I am sharing with, I
4 think most human beings, in searching for meaning. I, too, want to
5 find a meaning for my life. I want to find those values that can
6 give direction to my life, and that can structure it. It is those
7 values who tell us who we are, and what our purpose in life is.
8 And in this sense, I think it's not unfair to say that all peoples
9 are basically religious in that deeper and broader sense. And that
10 we all share these religious aspirations. So, I start from the
11 premise that I believe there are such things as lasting values,
12 major values, transcendant values, if you will. That tell us that
13 we have a past, that we have traditions, which have made us what we
14 are. We have a meaning beyond simple, physical survival or
15 physical satisfaction. And we have a future. In other words, I
16 believe there is a life beyond, and that I can establish a
17 relationships with all of you, and all the other human beings who
18 will cross my path that are not just relationships for just today
19 or tomorrow, but that are lasting relationships. And in that
20 sense, every time we meet, we have affected our mutual lives
21 eternally. That is my feeling. Because when I say there are
22 lasting or transcendant values, I believe that I have relationships
23 with a higher being, call that being God, or some supreme power, or
24 whatever name you wish, and that these relationships are nothing
25 less than a call to share in a life that is more than human, that I
will call divine.

And with all respect to all the other religions that have
their own vocabulary, and their own perceptions, and their own
language, my personal faith tells me that this supreme being, whom
I call God, has not only revealed himself, or herself, I won't get
into that controversy at this point, in Christ, but that by
accepting the revelation of God in Christ I learned who I am as a
human being. That I'm really more than just merely human.

1 My whole tradition, the biblical background under which I
2 come, and the experience of 2,000 years of Christianity based on
3 the previous experience of thousands of years of my Jewish sisters
4 and brothers, revealed to me that there are divine values that I
5 share with others. Very briefly, these values are that God, the
6 one God, is the God of life. The God of life, never of death. And
7 that the Divine corresponds with the life giving, and the demonic
8 with that which deals death.

9 I believe that all humans are made in the image of God,
10 and out of that comes our fundamental equality. And then as a
11 Christian I make a step further and say that I have learned from my
12 traditions that this equality is also an equality within a family.
13 That we are all inter-dependent as members of Christ, and
14 consequently, sisters and brothers in a deeper sense even than the
15 bonds of blood, and called to live together forever. But the
16 problem now arises when I see that this call to life, which I
17 believe is extended to all human beings, is denied to some people.
18 Why is it? That in the name of whatever values, progress,
19 efficiency, call it what you like, some people must die. When we
20 know we're all called to life. And why is it that some people who
21 are unable to enjoy, are unable to enjoy the gifts of life because
22 they lack the power to achieve their purpose in life. In other
23 words, why are some rich, why are some poor? Because I am speaking
24 here now of poverty in that sense of powerlessness. And it's not
25 only economic. I can also be poor physically because I have no
power to move the world around me and adapt it to my needs. It's
not only poverty in terms of food, clothing, shelter, and health,
but as a much deeper poverty. For instance, at the social level if
society marginalizes me and says, I am not important, or discrimi-
nates against me for any reason, I am thereby rendered poor in a
sense that I am not given access to the fullness, the full riches
of this universe. And even deeper, and I think it's very important
to move beyond just this economics, economic understanding of

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1 poverty that plagues our Western world, and is part of the dilemma
2 we're in, is to realize that the deepest poverty of all is
3 cultural. And here when I say cultural I'm including religious.

4 Rayna, this morning said, who is us is who we say is us.
5 And when others decide that a quarter or less than half of blood
6 mix applied to non-Whites is the reason why we're accepted or
7 rejected. As Rayna said, we have rolled over and died. We're
8 already dead because someone else has the power to tell us who we
9 are. That's cultural poverty. The inability to express ourselves,
10 and maybe most of all, to celebrate ourselves. Because ultimately
11 the human being is human because the human being can celebrate.
12 And here again, as I say, I'm including in cultural the religious
13 dimension. And the questions are raised as much of a religion as
14 of culture, but that's too vast a topic to get into at this stage.

15 Poverty can also be political. When others determine how
16 power is going to be used, for instance, to organize society. This
17 mornings example from Panama, United Fruit has power to set up a
18 comarca (ph) to their economic advantage. In other words, they
19 can decide what is a form of society, not the human being. The
20 power also to govern, and the power to relate to other societies to
21 decide how we, as a people, want to relate to some other people in
22 terms of political relationships, et cetera.

23 Now, one of the things that is becoming clearer to me as I
24 go on is that the very perception of reality, the world around me,
25 what is real, and what is not. The very perception of reality is
different for members of a dominant society and members of a weaker
society. Because people who are poor have no power or control.
Like the example of mixed blood not applying to the Whites. The
reality is different. Our human blood becomes two types of blood.
The one that is white that never mixes, and the other one that you
can mix. So, there is a very profound perception emerging now in
more serious theological circles that reality can also be read from
what someone has called, the underside of history. Read most of

1 our history books, they're read from -- they're written from, in a
2 sense, above, by those who have succeeded. The powerful always
succeed in battle, and it's always the savages that are crushed.

3 Now, that raises for me a very profound question, and I go
4 back to my own biblical inheritance and I see that my God is a God
5 who revealed himself as liberator on the side of the poor. And
6 that's not only economic but social and cultural as well. And
7 that, as a result, in my biblical heritage, dominant forces that
8 impose themselves become idols. And I am called upon with the full
9 power of my religious background to reject those idols as idols.
10 And if there is a reason why religion has to be present in the
11 economic, social, and political sphere it's precisely because
12 religion has the insights to detect the idols, and to reject them.
13 Because the idols inhibit or destroy life. They remove freedom
14 because the divine gives life, but the idol demands sacrifices and
15 brings death. And you can apply that to any sphere if an economic
16 idol is set up, for instance, the all mighty dollar, pushed to the
17 extreme it will demand sacrifices and lives will be lost because of
18 the all mighty dollar.

19 What we have here is not things evil in themselves. I do
20 not believe in the Manichaeian and principle that all of creation
21 is, you know, one part good and one part bad, and has to be black
22 and white. Now, it's the continuing problem that plagues our
23 history. We tend to always divide people into the good ones and
24 the bad ones. You know, it's not the good and the bad. The good
25 and evil cuts right through the heart of every human being. It's a
question of values good in themselves that have gone wild. For
instance, money which becomes an obsession and begins to run lives;
pleasure which becomes an obsession and people spend their time
entirely just pursuing pleasure, ultimately to discover that it is
an idol and it destroys them. Prestige that has become worship,
and is fascinating to watch in our modern world when we claim that
we've escaped the domination of "religion". We now set up heroes,

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1 human heroes that really become idols, and claim lives, and are
2 seen as super human. In fact, that cult of hero worship, as you
3 know, is very destructive for the heroes themselves. Witness the
4 suicides of so many celebrities, particularly actors who are forced
5 to live the life of the idol instead of their normal human life,
6 ultimately realize they are appreciated not for who they are, but
7 for the image they project, and eventually turn to despair. Many
8 movies have been cast around that theme.

9 Another value is power which is a very useful and
10 necessary thing. You know, I exercise power every time I move my
11 chair to sit down. Without power we cannot have life. But power
12 can enslave me, and it can enslave others. As examples, technology
13 destroying human beings in the name of technical progress which
14 becomes an all consuming master, progress for progress sake. You
15 initiate something, new technologically, and it has to be done
16 because we can do it. I'm just thinking of the atom bomb. Or
17 another example, possessive individualism that militates against
18 the common good, and that's part of our Western inheritance from
19 the enlightenment gone wild. A good idea that, once again, has
20 become an idol, and now it's for each one. Each man for himself.
21 That's possessive individualism, just too bad for the common good.
22 I can make my millions and get out with my cobalt, or whatever, and
23 just too bad for the common good. That's my right, that is
24 fundamentally a possessive individualism of philosophy that came to
25 us from the enlightenment. Once again, it wasn't all bad. It has
done some wonderful things but it's gone wild and become an idol.
Or ecological destruction versus the stewardship of resources. Do
I have a right as an individual to cause ecological destruction
that's going to be paid for by future generations?

Now, the interesting thing is that people in possession,
the powerful people will not perceive these things partly because
their ideologies have taken possession of them, and partly because
they do not suffer the consequences. It is the poor people who

1 perceive these things. And who reflect on their own poverty and
2 the life destroying forces in society who are beginning to see that
3 it is simply no longer acceptable. And that's why there's a whole
4 new way of perceiving human values, or in other words, of doing
5 theology that is emerging precisely out of the poor people of the
6 world. And this is not limited to one country. This is universal
7 phenomenon going on.

8 So, that the whole approach to doing theology, now, is not
9 just working from theory from above, you know, whether there are
10 Bible principles, or philosophical principles, or scientific
11 discoveries, or whatever. But an understanding of reality that
12 comes out of the perception of how it affects life leading to
13 action in the light of faith, or in the Christian perspective of
14 gospel values.

15 Now, the moment that poor people begin to perceive that
16 reality need not be what it has been defined to be by the powerful,
17 and they begin to say that, then the powerful are threatened.
18 Because it means there's going to be change. The status quo will
19 not prevail, and consequently the poor are always perceived by the
20 powerful as revolutionaries. And the powerful will then
21 immediately jump up and say, you have no right to use force. No
22 use, and you have no right to become violent. Totally blind to the
23 fact that they have been using force for centuries. And that they
24 will, if necessary, use violence to keep the status quo. And we
25 heard about invasions even with guns of peaceful villages in
supposed democratic countries.

And that's why the moment theologians begin to reflect
from the perspective of the poor, and to dare speak the truth, from
that perspective they will be called revolutionaries, and the
powerful will find all kinds of ideological labels to slap on them
in the hope of somehow stopping the movement of history.

Now, the use of force is always ambivalent. Force is, as
I said before, a value, a necessary value. But it's always

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1 ambivalent -- and the ultimate question is not whether or not we
2 should use force, but whether force will be used for the benefit of
3 whom. The question is, on whose side will power be used? Because
4 ultimately, power force is the capacity to decide. And here, as I
5 said, it's ambivalent. It can become destructive, it can also be
6 called to freedom for responsibility. I am given certain powers.
7 My talents, whatever capacities I have, they are a gift that I am
8 called to use freely, in other words, responsibly. Because freedom
9 is not licensed. Freedom entails responsibility. And the greater
10 my freedom, and the greater my power, the greater my responsibility
11 to see that that power is used, that that freedom enables me and
12 those who relate to me to live more fully. If my freedom becomes
13 destructive for others, my freedom has become an idol. And it's
14 the role of religion to unmask it for what it is. In other words,
15 freedom is to be used economically. Power is to be used for
16 feeding, clothing, housing oneself and family. Power is to be used
17 socially and culturally to interact, to develop relations, to
18 worship, to use our own languages, and to express reality. I'll
19 come back to that in a moment. And politically, power is used to
20 govern, to organize, and to relate as groups in society so that we
21 don't have chaos or anarchy.

22 And I want to mention very briefly, just in passing, one
23 of the most ignored of all powers, and that is the power of
24 language. How reality is perceived, and how reality is
25 determined. For instance, if I have the power to apply the word
civilized to myself, and uncivilized to others, I'm exercising a
frightening power. When the non-Europeans are defined, as we heard
earlier this morning, as not being citizens when racist determina-
tion puts its stamp on reality, then the power of language has
indeed become an ideology. And by ideology here I mean a limited
truth which is made into the totality. And there's nothing more
frightening than a limited truth which is expanded to englobe the
whole of reality because ultimately the logic of that means that I



1 make myself God with the power to determine right from wrong, truth
2 from untruth. And that's the whole lesson of the very origins of
3 the Bible. What was -- what we Christians would call original
4 sin. The temptation of Adam and Eve, the tree of knowledge of good
5 and evil precisely to substitute themselves for God. To substitute
6 their will for God and decide what was good or wrong.

6 Ideologies are necessary, and I don't want to give a
7 negative connotation. They are limited views of reality because
8 we're only human beings, we do not replace God. We are historic
9 beings with a limited perception. We need those ideologies because
10 the ideology is a source of energy. And as you know religion is
11 really the greatest source of energy because ultimately it touches
12 the deepest values. By very definition. And that's why people
13 will defend to death their right to determine their own culture.
14 That's more important even than economic, social or political
15 power. And that's why oppressed peoples will survive or disappear
16 depending on whether or not they clearly understand who they are.
17 Witness the people like Poland. Why can Poland not be crushed by
18 all the might of Russia? Is because the Polish people, in that
19 sense, are somewhat unique in the world have such a clear and
20 powerful sense of their own identity. They have fought for 2,000
21 years and they will never disappear. And ultimately any of the
22 Native peoples who maintain clearly their own cultural identity
23 will never disappear, and they will outlive the culture of the
24 oppressor. Because the moment one nation becomes an oppressor it
25 denies its own ultimate culture. It betrays itself in its deepest
heart, and it will not survive. Human beings cannot survive as
oppressors because ultimately they will create other oppressors who
will replace them. It's the old problem of one dictatorship
replacing the other that Friery (ph) has written about so
eloquently. The greatest test of the revolution is not over-
throwing the dictator, it's whether or not the oppressed can take
power without becoming oppressors. Because the oppressed generally

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1 become worse oppressors for the simple reason that not having had
2 power, they have not acquired all that historical wisdom and
3 cultural expertise and so forth that allows them to see the common
4 good. And they'll only perceive one narrow vision. And that's why
5 so frequently in our rising peoples, little minorities can in turn
6 become very destructive because they have not got the wisdom and
7 experience to perceive the common good. So, they pursue only one
8 narrow objective, and eventually become oppressors of their own
9 people. That has happened so frequently in revolutions it doesn't
10 have to be supported by any further evidence.

11 And I come now to the question I constantly ask myself.
12 Why are some Christians not Christians? Because only that faith
13 which transforms my life, and my environment becomes a liberating
14 faith. As I said earlier, religion is the most powerful energy
15 there is in the world because it touches ultimate values, ultimate
16 definitions, ultimate life, and that's why people so readily become
17 fanatical for religious values. It's perfectly understandable.
18 But it's also ambivalent, and it's a very dangerous force, and it
19 can become even more oppressive precisely because of that. And the
20 worst tyrannies are the ones exercising in the name of religion.

21 So, my faith must be a transforming faith. In other
22 words, it calls me to full humanity, personal, family, social, and
23 it must not be magic. The moment faith becomes magic we have an
24 idol. Faith is not magic, and that's why a Christian does not
25 become a Saint just by being baptized. Baptism is a call. It's
not a free pass into Heaven, and it's especially not an excuse from
responsibility. On the contrary, it is a call to responsibility, a
call to stewardship. And I have to constantly, and very humbly
look at my own faith because if my faith is not critical, in other
words, not prepared to look at the deeper values, and critique my
own conduct. If my faith does not constantly reassess what I am
doing and continue to challenge me; if it does not lead me to
transformation, then I will end up, like so many other people in



1 the name of Christianity merely reinforcing the status quo. And
2 when Christianity reinforces the status quo and becomes the defense
3 of the political it degenerates itself into a negative ideology, it
4 reduces the understanding of reality to one dimension, it
5 diminishes humanity and destroys freedom. And that's why there is
6 no greater diminished humanity than the humanity of the fanatic
7 reduced to one narrow perception.

8 All this has been written time and time again, and those
9 of you who are familiar with the New Testament will recall how Paul
10 and James and John and practically everybody said that faith
11 without work is dead. In other words, a faith that does not trans-
12 form society is a dead faith.

13 And we come now to this problem of the colonial
14 mentality. What happened? Well, Christianity degenerated in
15 Europe to the point where it identified itself with European
16 society, where it reduced human beings to an image of "European"
17 civilization, and then went out in the name of religion to civilize
18 the pagans. In other words, Christians in Europe allow their own
19 faith to degenerate to the point where they considered other human
20 beings as lesser beings, they forgot their own biblical origins,
21 where they could manipulate them as objects, instrumentalize or
22 exploit them, even destroy them in the name of Christianity. It
23 happened in Latin America where the cross too often came with the
24 sword, and that's the big issue that we had with the Las Casas who
25 saw this evil and tried to stop it.

And that's not just an old problem. It's a historical
problem that will be with humanity as long as we are human beings.
It's not only yesterday that in the name of progress it would
destroy other people. And if you want a modern exemplification of
the colonial mentality and this betrayal of Christianity, it is
when Christianity is identified with capitalism, or democracy. You
have a clear example there. The moment you have Christians
defending capitalism as the ideal society in the name of

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1 Christianity, and not noticing that Christianity, like any
2 religion, must always remain critical of any ideology, any
3 political system. You have a classic example of the same colonial
4 mentality. And that can be applied on the other side of the
5 east/west dilemma just as well. The moment that I equate religion
6 with democracy I'm in real trouble. And I'm not saying that they
7 do not have common values that they share but we must not equate
8 them. The moment we move from religion to politics and back and
9 forth and identify the use of power, which is perfectly legitimate
10 in a political realm with the furthering of religion, we have mis-
11 understood the very heart of the message that Christ brought to
12 us. Because as I read my New Testament I hear Christ telling me,
13 in civil society the powerful lorded over others, and they are
14 called benefactors. But for you, it shall not be so. You shall be
15 as servants and consider yourselves as the last, like the son of
16 man who came not to be served, but to serve and to lay down his
17 life so that his brothers and sisters might live. That's what I
18 mean when I say that faith for me must be a liberating faith, and
19 it's in that context that I wrote my paper and suggested that in
20 the name of religion we have to unmask the realities of colonialism
21 in the Western world. Not be afraid to name the idols, and call
22 everyone to a deeper perception of what will truly contribute to
23 justice and peace. Thank you for your patience.

18 MR. BERGER: Thank you, Bishop De
19 Roo.

(APPLAUSE)

MR. BERGER: Sheldon.

21 MR. KATCHATAG: I hope we both
22 have accomplished a purpose. Me, by having the participants here
23 make sure that they read the paper so that we all understand what
24 we're talking about. And you, Bishop De Roo, for so ably
25 presenting this theology of liberation. The pages eight and nine
outline some six, four -- correction, four premises about this



1 paper that really abley outlined the basis for colonialism, not
2 just in the America's but all over the world. And permit me to
3 read a few of these so that those who do not have a copy of this
4 paper can get an understanding of what we're talking about here.

5 First, the colonial ideology that we see embodied in the
6 corporate models for development, and I'll skip down to -- was
7 initially rooted in a Judeo Christian view of creation, but took on
8 a more rational scientific orientation during the enlightenment.
9 In so doing, it became detached from a sense of the divine mystery
10 and a more holistic view of life.

11 Second, this technical industrial view of creation is
12 essentially based on principles of domination. The central symbol
13 is progress. And you can change that, if you will, to include
14 growth. The imperative is to advance, to conquer, to control.
15 Here power is exercised in terms of the stronger over the weaker,
16 the technical experts over lay persons. And this is the most
17 important as far as the Alaska Native people are concerned, the
18 corporate interests over local communities.

19 Third, the technical industrial view of creation also
20 embodies a form of instrumental reasoning that distorts some of the
21 basic meanings of life. In aboriginal society, land was viewed as
22 a gift of the great spirit. It was understood to be the common
23 soil of social and spiritual existence giving rights to the very
24 values and the institutions of society. Thus, the land itself, and
25 all it contains is to be revered, cared for, and cultivated for the
lasting benefit of the whole community.

Fourth, the technical industrial view of creation is also
embued with a degree of European ethnocentrism. This is a dominant
culture and all other cultures must be obsorbed or assimilated. We
have seen this doctrine of homogenity operative in policies and
programs designed to assimilate Native peoples into the dominant
society.

Finally, the technical industrial view of creation

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1 generates patterns of human relationships based on dominance and
2 dependence. And, again, I emphasize that this has great bearing on
3 Native people here in Alaska and other places. In other words, the
4 colonized people, themselves, in this case the Native peoples,
5 become divined as objects or commodities by the technical
6 rationality that permeates the colonial ideology. The subjection
7 of Native peoples to a condition of welfare and dependency is a
8 more recent illustration of the cultural conflict we see, conflict
9 we have described.

10 This brings me to the condition of Alaska's Native
11 people. Now, what recourse do we have? What can we do about
12 this? The United States of America is signature, charter member of
13 the United Nations. Chapter 11 of the Charter is a declaration
14 regarding non-self-governing territories. And in Article 73 it
15 states, members of the United Nations which have or assumed --
16 "members of the United Nations", and as a charter member I assume
17 that the United States of America is a member, "which have or
18 assumed responsibilities", and the Federal Government, as you well
19 know, has assumed a great number of responsibilities with regard to
20 the Native people of Alaska, "for the administration of
21 territories", which Territory of Alaska was prior to 1959, "whose
22 peoples have not yet attained a full measure of self-government
23 recognize a principle that the interests of the inhabitants",
24 Alaska's Natives, "of these territories are paramount". In other
25 words, they are the highest interests. "And accept as a sacred
trust the obligation to promote the utmost within the system of
international peace and security established by the present
Charter, the well being of the inhabitants of those territories."
And to this end, (A), "to ensure with due respect for the culture
of the peoples 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". That is important because



1 there is nothing in the Constitution of the State of Alaska that
2 provides for the political aspirations of Alaska's Native people as
3 a separate and distinct people from the dominant society. Let me
4 read that again. "To develop self-government to take due account
5 of the political aspirations of the peoples, and to assist them in
6 the progressive development of their free political institutions.
7 According to the particular circumstances of each territory and its
8 peoples, and their varying stages of advancement."

9 Article 74. "Members of the United Nations also agree
10 that their policy in respect to the territories to which this
11 Chapter applies no less than in respect of their metropolitan areas
12 must be based on the general principle of good neighborliness due
13 account being taken of the interests and well-being of the rest of
14 the world in social, economic and commercial matters."

15 Like I, you know, I emphasize this point time and again.
16 Everything, the justification is there. The ideals are set up,
17 they're noble, very noble. But the practice, the execution is
18 where we're falling down. Our people are ignorant of all these
19 rights that everything has been written about because we are
20 expected in the last 25 years, since Statehood, to absorb by
21 whatever manner that we have at our disposal what the United States
22 has been all about in the last 200 years. And at the same time we
23 are expected, because all of this is in print, the Western society
24 automatically assumes that we, as Native people, since it is in
25 print, since these are noble ideas, that we are aware of these
things. And therein, you know, as I said earlier, therein lies the
rub. We are expected to know all of these things just because they
are in print. And no effort is made to make sure that not only
that the dominant society provides for everything that they,
themselves, have written with regard to a separate and distinct
culture and people. And how do you -- that's, I think, that's the
overall gist of this particular roundtable. How do you get the
dominant society to practice what they preach? Thank you.

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1 MR. BERGER: Thank you, Sheldon.
2 Oscar Kawagley and then Robert Golden.

3 MR. KAWAGLEY: I just want to
4 make a few comments because I'm in full agreement with what Sheldon
5 had to say. And since we're quoting the Bible a lot, I'll
6 paraphrase one, man will have dominion over all the creatures of
7 the earth. In this case, man, I guess, would have to be the
8 colorless ones, and creatures would include the colored, the
9 Natives. Okay? And therein lies the dicotomy between the Western
10 civilization and the Native.

11 The Western civilization is always man centered. Man with
12 his ability to make money. And the key word there is dominion,
13 control, manipulation of the -- of nature. Whereas, ours -- I'm
14 speaking from the point of view of the Yupik; we're ecology
15 centered. We consider ourselves to be an intrical part of nature.
16 And I think that is the biggest problem that we have, and we have
17 to come to an agreement on that. And I think this is the reason
18 why our tribal government, or whatever form of self-government that
19 we may have in the future, is so important. Because we want to
20 have some degree of control over our own natural resources, and
21 what takes part.

22 I think it's so very, very important because some things
23 are happening within our own region. One of the mining companies
24 have been fighting it for two years, and all of a sudden the State
25 gives the go-ahead to go-ahead and dredge. And even redirect the
river. And that is going to effect a lot of our salmon spawning,
it's going to effect the animal life within that region. And this
is why it becomes so important. I don't want really the eco-side,
I got to use that sparingly like you said, eco-side. When I start
to look at this CNN News, and I look at 60 Minutes, and I read
about the pollution. Even in the underground water fast becoming a
non-renewable resource. And I take a look at the malformed salmon
fry and once in a while I begin to think that maybe Birds,



1 Incorporated is trying to give us a glowing duck so it can have
2 24-hour hunting.

(LAUGHTER)

3 MR. KAWAGLEY: But -- so, what
4 I'm trying to say is that I think we have to, eventually have to
5 have our own form of self-government, because it's only then that
6 we will be able to make real progress in self-determination, and
7 also trying to replenish or replace, especially, the non-renewable
8 resources. There's a great demand on them and they are fast being
9 decimated, and here we are battling all the time. And that's part
10 of the politics. Keep us in conflict, and that way domination, we
11 are dominated. And the only time that we will really be able to
12 make progress is when we are no longer off balance because of the
13 court battles, all the laws that we have to try to change, et
14 cetera, et cetera, that are always keeping us off balance. But I
15 think the tribal government would be a good way of beginning this.
16 And the -- I guess between those two, the Western civilization with
17 their dominion, their control, their manipulation of nature, and
18 our way of life wanting to live in peace and harmony with nature.

19 MR. BERGER: Thank you, Oscar.
20 Robert Goldman, and then Bishop De Roo, and then Dennis Demmert.

21 MR. GOLDWIN: Yes, well, I really
22 only want to ask Bishop De Roo a question about his paper, and, in
23 fact, the same passages that Sheldon read aloud, these four are
24 consequences of what you call the techno-industrial view of
25 creation. But in the paper you are very stingy in telling us what
that view is, and so, I thought it would be helpful to everyone if
you would enlarge on it a bit. You say the industrial vision was
initially rooted in a Judeo Christian view of creation. But took
on a more rational scientific orientation during the enlighten-
ment. And then that's all you say about it. Now, I -- if I'm not
mistaken the simplest way to say what the Judeo Christian view of
creation was is that it is a creation of everything out of

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1 nothing. But just what this more rational scientific orientation
2 during the enlightenment was, and why it -- if you would explain
3 that, then it would be clearer why all these consequences flow from
4 that distortion.

4 BISHOP DE ROO: The two questions
5 that have just been raised are really closely related one with the
6 other. First of all, Oscar's question about taking dominion in
7 Genesis. I'm not a Bible scholar, and I'll stand correction from
8 others who may have better knowledge available to us. But if
9 there's one thing clear in my understanding of all my Bible
10 studies, I should say two things, one is that the Bible is a living
11 message, not a dead book. It speaks to us today out of the living
12 presence of God, and must be interpreted in the light of the living
13 community. Consequently, there is nothing more dangerous than to
14 quote passages out of the Bible in a contemporary context which is
15 not the context in which they were written, or the initial meaning
16 they had. And that word, dominion, in the Bible does not mean
17 control, manipulation, it means exactly the opposite. It means,
18 basically, stewardship. There's nothing more common to the whole
19 biblical tradition than the concept of stewardship. And just go
20 back to the Old Testament and read how the prophets critiqued the
21 King or even the temple if the, then, leaders of society were not
22 careful to make sure that justice would reign for everyone. That
23 they would look after the orphan, the widow. You have the famous
24 tradition of the jubilee where all debts had to be remitted, and
25 lands restored to those who had lost them through indebtedness or
whatever. So, that's a very recent distortion of the Bible done
partly out of a polemic which was an attack by one particular
religious sect that disseminated this information. I could give
you details on that, but that's not important, as an attack against
the church. But it's a totally -- total distortion of the Bible.
And the constant Christian tradition, not only through the early
commentaries on the Old Testament, but right through the fathers of



1 the church, there are volumes being written today showing how the
2 Greek and the Latin wisdom of the church constantly stress the
3 dimension of stewardship.

4 And that ties in perfectly with our distortion today of
5 the economy. Because the economy in biblical understanding comes
6 out of the word stewardship. The economy is precisely the
7 responsibility of the father of the family, of the head of the
8 tribe, to make available all the resources they had for all the
9 members. So, there again, when we limit in the English language
10 the economy just to the dollar or the market exchange, we have
11 totally distorted the very notion of economy. Let me put it this
12 way. I was on a plane between Manila and Managua talking with an
13 international economist who helped set up the master plan for the
14 economic recovery of Nicaragua after the revolution. They had
15 brought together some 200 scholars from, you name, Chicago, London
16 School of Economics, Harvard, everywhere, and they come up with
17 this master plan that was based on the Spanish phrase (SPANISH), in
18 other words, the logic of the majorities. That is the attempt at
19 the renewed -- the renewal of the economy, and leaving aside all
20 considerations about how the east/west ideological confrontation
21 has distorted the Nicaraguan reality, I think we also have to give
22 credit where credit is due. The economic plan for the recovery of
23 Nicaragua is based on that principle. In other words, as one
24 economist put it, beans and blue jeans and tortillas before scotch
25 and TV. In other words, the basic necessities of the people must
be met. And he said, the economy, because I was telling him I was
a bit overwhelmed by all this technical language when he showed me
the 120 page document that was about to be printed. It was going
to be the master plan that would be followed by the junta, and by
all the institutions of the country. And he said, you know, don't
let the economists kid you. Economics is really very simple. He
says, economics is the science whereby we use our natural resources
to feed, house, and clothe our people and give them the physical

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1 necessities of life so they can go on from there to the higher
2 things like social life and culture and so forth. And it's every
3 time an economist tells you that he cannot do that, feed, house,
4 and clothe the people, he is betraying his own responsibilities as
5 economist. He said, don't forget that decisions that govern our
6 economy are not economic decisions today, they are political. It's
7 political ideological connotations and principles that are guiding
8 our economy. And that could be applied to what's happening to the
9 distortion of the economies of places like Latin America which is
10 naturally endowed where it could easily feed ten times the
11 population it's got. But that cash crop for foreign export kind of
12 thing that has been imposed by those nameless people that came up
13 in discussion this morning, like United Fruit and others, is
14 largely why the people are now starving, and why the poor, having
15 gone beyond the point of no return, are now rising up in
16 rebellion.

17 But I mustn't go too long on that point, and come to the
18 second one which is closely tied to that about the rational
19 scientific. Okay. And here I obviously couldn't go into length on
20 that or you'd had a paper that was 25 pages. We're pointing now to
21 one of the saddest periods in Christian history. At the time of the
22 magnificent discoveries of Decartes, Bacon, Newton, et cetera,
23 Christianity was at its lowest step. And consequently, the
24 necessary critique of the new sciences by religion did not take
25 place. And as a result, many of these wonderful scientific ideas
gradually became distorted. And we had the appeal to reason for
reason sake the appeal to science, alone, which led to the divorce
between religion and science which has plagued us for about a
hundred years. The absence of the church from the governing
decisions. In other words, the removal of values from progress and
science, you know. Why do we do certain scientific things? We do
them now simply because they can be done. There is no injection
there, no critique in the light of values, in the light of the



1 common good, or the will of the people. And that's partly the
2 fault of the church for having been absent. And one of the things
3 that I find that gives me greatest cause for rejoicing is that the
4 sole divorce between science and religion is over now. And you've
5 only to pick up some of the books by the more advanced scientists
6 of today. I'm thinking particularly of some of the physicists, and
7 you read their language, and they sound like the mystics, Joan at
8 the Cross, Theresa of Babylon, and so forth. Because they've come
9 to the limits of their scientific perceptions. We have now
10 discovered that all the basic rules, like splitting the atom and so
11 forth, no longer hold. And that ultimately, there is no such thing
12 as the finest particle. All we've got in the world is relation-
13 ships and we're beginning to discover on strict scientific grounds
14 that every level of humanity is interrelated, and that until we get
15 into interdisciplinary approaches we're going to destroy ourselves.
16 And just to make it very personal, my best understanding of the
17 economy, and one of the reasons why I felt so comfortable with our
18 statement on the economy in Canada, was given to me by a Bishop who
19 is a member of our commission who is a professional biologist. And
20 he began to explain to us how the economy can only, as it's own
21 peril, ignore the basic laws of biology. And that takes in your
22 whole field of ecology, et cetera. And he applied it, for
23 instance, to the question of acid rain and what was happening to
24 our lakes. And he said he could fly over low altitude in a plane,
25 and he could tell from the plane which lakes were gone beyond the
point of no return. Because as you know, it's a whole delicate
balance of biological chains that clean up their own wastes and
repair themselves, and hang in a balance. But the moment you bring
the level of acidity beyond a certain point you destroy that
initial biological chain, you have a question of no return and your
lakes become quagmires. That should be applied to the whole
economy right across the country. We're just foolish if we think
we can continue our present intensive type of cultivation. Moving,

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1 for instance, wheat and beef thousands of miles back and forth at
2 great expense destroying our agriculture in the process, and for
3 western Canada, which is my home territory because I was a farmer's
4 son preparing another Sahara Desert (INDISCERNIBLE) right in the
5 west right at a time when we pride ourselves to be able to go down
6 to Ethiopia and tell the people how to look after their problems of
7 erosion when we are doing worse things right here at home.

8 Anyway, it's just to show that this all ties together.
9 And the biblical concept was one of stewardship. Now, there was no
10 division between the two, but that gradually got lost. Partly
11 through the fault of the church, the weakening of Christianity.
12 And we're only coming back to that gradually. And that's why today
13 it's so important that all the Native peoples, and all the
14 religious groups, and all the popular organizations get together in
15 a massive movement to change the mentality, and to demand from our
16 politicians that we put in new values into our scientific progress,
17 or it will destroy itself.

18 Sorry for being so long.

19 MR. BERGER: Thank you, Bishop De
20 Roo. Dennis Demmert, I wanted to call on Dennis Demmert next but
21 I've been asked to call a coffee break, and maybe we could take a
22 five minute break, stretch our legs, and then we'll call on Dennis
23 as soon as we take our seats again.

24 (HEARING RECESSES)

25 (HEARING RESUMES)

MR. BERGER: Maybe we should take
our seats again. Well, folks maybe we should take our seats
again. Well, should we be seated? Well, maybe we should -- maybe
we should get under way again. We can carry on, I think, until
about 4:30. This is a bingo hall and they do like us to be out by
4:30. And they've been very good about making the hall available
to us, and I just remind you of that because it may mean that when
we reach 4:30, I'll have to bring discussion to an end. Well...

1 UNIDENTIFIED: Even if the
2 snowball is rolling?

3 MR. BERGER: Even if the snowball
4 is rolling, I'm afraid. Well, I'd like to call on Dennis Demmert,
5 and welcome Dennis who wasn't able to be here yesterday. Dennis is
6 Director of Native Studies at the University of Alaska, Fairbanks.
7 Dennis.

8 MR. DEMMERT: Thank you. First,
9 I'd like to say, Bishop De Roo, that I don't recall ever hearing a
10 much more forceful or convincing statement of one's beliefs than
11 that which you just gave us a short time ago. Also, I'd like to
12 say that in your statement, and in your paper you discussed some
13 ideas that I was glad to see. One of my concerns in looking at the
14 situations that we're concerned about is that there are a number of
15 ideas expressed by very useful words that are kind of out of vogue,
16 simply because from some points of view they're loaded words.
17 Sovereignty, tribalism, subsistence, colonialism, and so forth.
18 And I think you've given some credibility to the concept of
19 colonialism as a word that expresses a condition that is still
20 here. And I think that's a great help.

21 One of the things that I remember about learning about
22 colonization is that when I went to school and took history we
23 learned about the 13 Colonies, and we learned that in 1776 we got
24 rid of the colonial status, and implicitly thereafter we don't have
25 to worry about colonialization any more because it's gone as of
1776. And then I learned later on after rejecting the concept for
quite some time that, hey, it does indeed cover some ideas that we
still need to look at. So, I really appreciate the idea that now
we can look at it again as a useful concept that we can apply to
situations that we have.

If we see colonialism as exploitation, utilization of
resources, the kind of thing that was going on with the 13 Colonies
some people have said that applies to Alaska now as well. The

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1 exploitation of resources simply for that sake. And politically I
2 think one of the most effective ways to colonize an area is to make
3 the colonized people like it. To make them enjoy being colonized.
4 To share a little bit in the resources, and the benefits that are
5 derived from colonization. And if we look at the Alaskan scene, I
6 think we have that kind of a situation with oil, some sharing in
7 the resource on the part of the Alaskan citizens, and I think that
8 you would find that there are many Alaskans, many of us who are --
9 who will defend the right to be colonized. And not see it in those
10 terms, but in fact, there's quite a tradeoff taking place in this
11 state, and I think that colonialization I think is a useful concept
12 for looking at situations that we have now. And I think that
13 you've helped a lot to bring that somewhat -- bring that clearly
14 into focus.

15 And one other thing that I wonder about is the Native view
16 in regard to what goes on with us in the colonization process. How
17 much are we being made to buy into something that maybe really
18 isn't in our best interest? How much are we, as you put it, you
19 know, the oppressed become the oppressors? How much are we
20 changing sides not knowing it, being convinced that we're doing the
21 right thing. And, you know, we kind of like some of the things
22 that we're participating in. How beneficial are they to us
23 overall? This is one of the kinds of things that I think we need
24 to look at.

25 In looking at what is going on there are a couple of
things that really made great changes for Alaska Native people.
One of them was the Lands Settlement Act of 1971. As of 1971, we
relate to each other very differently from the way we did before.
One of these ways that has changed is the decisionmaking process.
I can recall that before we had a Land Settlement in Southeastern
we had the Alaska Native Brotherhood, and I recall that there were
ways of making decisions there that worked for a long period of
time. One thing that I did not appreciate at the time was the



1 training, the very conscious training process that was taking place
2 with the elders doing the training. What brought this into my
3 consciousness was seeing, after 1971, one of the younger men, one
4 of the men of my generation as opposed to the elders, who had been
5 going through the training process. And who, in the normal course
6 of things without the Land Settlement, would have assumed a leader-
7 ship role. Leadership for lack of better term, but sharing in the
8 decisionmaking. That didn't happen that way. What happened
9 instead was that the Settlement Act brought about a new way of
10 selecting decision makers. That is the corporate model. The model
11 that we used before is still in place to some extent with the
12 Alaska Native Brotherhood, but without the kind of influence that
13 it once had before. And, so, the manner of selecting our spokes
14 persons is very different now from what it was, largely because of
15 the Settlement. And one of the questions that I have to ask in my
16 own thinking about this is, does this new process bring into play
17 the same kind of leadership skills that we had before? Do the new
18 leaders have -- do they learn through the on-the-job-training the
19 kinds of things that William Paul, Frank Johnson, Halwood Mark, and
20 many of the others, Andrew Hope, and some of the elders, very wise
21 elders brought into play before. They did a great job. I
22 appreciate that more and more through the years. And I'm not
23 prepared to answer one way or the other because I don't know what
24 on-the-job experience does. I think it does do some of that, but I
25 don't know that it does to the extent that the other does. But we
are changing. And as I say, we're trying to make the changes that
work and I think that we tend to like that which we do because
we've got to make it work. And I keep wondering if we're in this
colonization process of liking being colonized. I wonder if really
liking the corporations because they really do the rights things
for us, or because we simply bought into the system? And I don't
have the answers, it's just a question that I want to pose here
now.



1 In the old leadership process, and I really had the
2 privilege of being exposed to the ideas of some of those elders
3 before the Settlement, there were ways of making decisions that I
4 didn't really appreciate then, I've grown to appreciate more since
5 then. I was, I guess you might say, one of the young turks. I was
6 not satisfied with the speed with which the elders were moving on
7 our Southeastern settlement. And -- well, among other things I
8 tried to get rid of the old leaders because they didn't seem to be
9 moving quickly enough. In retrospect, I came to appreciate that,
10 if indeed, we were successful and got in the young men that wanted
11 to be the leaders we would have had chaos. And those old leaders
12 did two things that I thought were very important. One was they
13 were very sensitive to what people wanted and needed. And they
14 really responded to that, I think. And second, they had a
15 perspective which showed them, I think, times when there were
16 something more important and more necessary than what the people
17 wanted, or what people said that they wanted. There were times
18 when they made some decisions when they kind of stood alone, but
19 they had a perspective, I think, learn through their experiences,
20 and learn through their education that really came to bare. And I
21 wonder if we have that any more with the kind of change that has
22 taken place, with the drastic change that has taken place in the
23 political structure in the Native community since 1971?

18 I'd like to quickly cover -- make reference to something
19 else. We've not only changed our ways of doing things, but I think
20 there's something about our character, as well, that is changing.
21 We're adapting to a different way. And in teaching about Native
22 history at the University, an idea that came to my mind was that
23 during the earlier contact period, one thing that happened was that
24 we took the technology that was introduced and adapted it to fit
25 within our cultural context. Rifles, other technological items
that could promote what we wanted within that context, we adapted
to our way. What happened later on, earlier in the century, was



1 aspiration to the other cultural mode of operation. And what we
2 started to do since then was to adapt not the benefits of the other
3 culture but adapting ourselves to the new culture that we saw. And
4 I think that there's been a great deal of confusion. One thing
5 that we're aware of, one way or the other I think in our minds now,
6 is that we're losing something of value in our old cultures. I
7 don't know that we have an adequate handle on it, but I wish that
8 we could go on for quite some time on this kind of an issue.
9 Because I don't know that we have a handle on some of those really
10 valuable ways of viewing the world that the older Native people
11 had.

12 Another concern that I have is that as we become more
13 educated the philosopher Ortega made the point that one thing that
14 takes place over time is that we have some aspirations, we have
15 some ideas for change, there are things that we want, and once we
16 get them, once we start obtaining and achieving, those aspirations
17 as he says change into appetites. And unconscious assumptions, as
18 he puts it here. And what is happening with us in this change? I
19 don't know that we're standing outside of the situation adequately
20 to see what we're doing. But I'd like to read one phrase, or one
21 statement that he said, that he puts forth in here about bringing
22 about change with a group of people such as the Native people.
23 "You want the ordinary man to be master. Well, do not be surprised
24 if he acts for himself. If he demands all forms of enjoyment. If
25 he firmly asserts his will. If he refuses all kinds of service.
If he ceases to be docile to anyone. If he considers his own
person and his own leisure if he's careful as to dress." These are
some of the attributes permanently attached to the consciousness of
mastership. And that's the kind of thing I think that Native
people are moving into, but the one other concern that I have when
we do that is that the kind of aspirations that we have in the
society that we're working in now, is -- well, it reminds me of the
chain letters. I remember when I was a little boy that my mother

1 received a chain letter once that said, send a handkerchief to each
2 of the ten people on the top of this letter, and then somehow add
3 your name at the bottom, and four months from now you'll have 2,500
4 handkerchiefs. I don't know why, but I remember that letter. More
5 recently I've seen something like that that said, send \$100, add
6 your name to the bottom, and to make it even more forceful gave
7 some instances of people who didn't do that and had bad luck. But
8 I think there are some things in the business community that do
9 that kind of thing as well.

10 And with the aspirations that we have in the economic
11 structure that we have, the one thing that I think about is that
12 the kinds of aspirations that we have for comfort, convenience,
13 security, being millionaires, whatever the society says that we can
14 and should have, place some demands on the environment that we live
15 in. Where does the chain letter end? I think we're starting to
16 see some problems in that as well. There's all kinds of problems
17 that we have here. And one of the things that I think that Native
18 people can do, one of the things that I think can be of value
19 beyond the Native community is to take a look at how -- where does
20 all this go? You know, I think one of the best ways to see how we
21 are is comparing with other ways of seeing things. We're simply
22 not conscious of how we do things until we see other ways. And
23 that's a great value, I think, of a multi-cultural society. But
24 I'm very fearful that the kind of aspirations that we're developing
25 are for assimilation whether we intellectually reject it or not,
it's kind of an insidious sort of thing that's taking place. And
I'm very fearful of Native people simply becoming brown/white men.
And these are some of the ideas that I'm very concerned about with
the Native Land Settlement, with changes over time, with develop-
ment in Alaska, and with 1991. Thank you very much.

MR. BERGER: Thank you, Dennis.

Oren Young wanted to speak, and then Henry Shue, and then Vernita
Zellis (ph), and Evelien Hash Pete (ph) wanted to say something as



1 well. So, maybe we could proceed in that order for the time
2 being. Oh, yeah. All right. Sorry. Oran Young.

3 MR. YOUNG: I wanted to say that
4 Bishop De Roo has done us a real service in asking us to focus on
5 the phenomenon and the issue of colonialism. Colonialism in all of
6 its various forms. It seems to me, and I think that this has been
7 expressed in a variety of ways by people here today that in the
8 final analysis the phenomenon of colonialism is really the heart of
9 the issue. Things like protecting the land base in other concrete
10 objectives of that sort are undoubtedly important. Certainly, they
11 shouldn't be diminished. But coming to terms with the underlying
12 fundamental realities of a colonial situation seem to me to be
13 really much more fundamental. The Bishop talked about the
14 realities of colonialism, and certainly that's an important topic
15 to think about. But I think it's also critical to think very
16 systematically about the roots of colonialism because only through
17 a clear understanding of the driving forces and the roots of
18 colonial relationships that we can ever really come to grips to
19 with it, and to deal effectively or to dispose of the unfortunate
20 consequences of colonial patterns. When we begin to think about
21 the roots of colonialism including what more of us are now calling
22 internal colonialism, which is just as much a reality, and in some
23 ways a more difficult reality even then. Conventional or classical
24 colonialism. One of the first things to recognize is that
25 colonialism is certainly not merely just a policy of particular
governments. It is a far more fundamental thing than merely a
matter of policy which can be cured by mere policy changes.
Colonialism is, in fact, a very complex relationship between the
social economic and political imperatives of the dominant society,
or the dominant group, and the psychological, as well as the
physical responses of the dominated peoples. And for that reason
it simply can't be cured or eliminated, erased through a mere set
of formal policy changes, or strictly legal changes. And I think

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1 we see this very clearly at the present time in the northern
2 contacts. If we look at one small example of many of the kinds of
3 consequences that longstanding colonial patterns have produced.
4 That is to say various forms of individual pathological behavior
5 are very wide spread in northern situations, whether in the form of
6 suicide, or in the form of alcoholism, or in the form of mental
7 illness, or in the form of anomic behavior, or in the form of the
8 breakdown of family units. One of the things that's very striking
9 to me in this context is that these individual pathologies don't
10 disappear. Are not eliminated just because you eliminate some of
11 the surface policy or legal components of a colonial relationship.
12 So, for example, you institute a home rule government in
13 Greenland. No doubt, a great step in the right direction. But on
14 the other hand, you still have a very widespread problem of high
15 levels of individual pathology. You instituted various settlements
16 in the Canadian situation some of which include guarantees of self-
17 determination as well as rights to land bases. You still get very
18 high levels of individual pathologies of all of these various
19 kinds. And the same is true with the different kind of so-called
20 settlement that took place in Alaska in 1971. Clearly, these are
21 responses to deeper realities, to very fundamental problems that
22 are going on and will continue to go on as groups get progressively
23 drawn into the activities of the dominant society regardless of the
24 strictly policy, or legal changes that are made.

19 In order to change the situation or to do something about
20 it it really requires a very profound realization on both sides of
21 the nature of the relationship, and then I think, some very deep
22 seated changes in the underlying sources or roots in the social and
23 economic and political structures of the respective communities.
24 Is that likely to happen? And in particular, is the north
25 different in these terms than some of the other cases that have
been discussed today? And here, I think, that we really do need to
come back from time to time to the challenge that Hugh left us with



1 yesterday afternoon, which was the thought that maybe the north is
2 different, maybe there are characteristics of the north that are
3 signs of resources of hope. I've -- like many of us, I think, sort
4 of troubled by that thought. Hopeful about it but troubled by it
5 at the same time. And I've been thinking about that over the last
6 hours, and sort of wondering what the sources of ambivalence are.
7 I think it cuts in several different ways. So, on the one hand the
8 north might be different in a pessimistic way from other places
9 because I think there's a way in which internal colonialism, at
10 least in the contemporary period, is more dangerous than
11 conventional colonialism. Conventional colonialism is delegi-
12 timized. Conventional colonialism is no longer really
13 fundamentally pervasively and without reflection on accepted sort
14 of practice. Internal colonialism, however, is a reality, but it's
15 a reality that many people haven't even begun to recognize. So,
16 they haven't even begun to sort of think about the problem because
17 they haven't recognized the existence of the phenomenon. And
18 what's more, internal colonialism is a dangerous phenomenon because
19 dominant societies are particularly attracted to controlling the
20 peripheries of their own internal systems. Because they don't --
21 it seems easier, it's cheaper, it's not so difficult and political
22 and military in security terms to control the northern regions of
23 Canada and the United States, and so on, as it is to continue to
24 exercise control in the more conventional colonial settings.

25 So, maybe that the north is different in that respect in a
pessimistic way. But on the other hand, the north is different in
other respects, too, and they may be more optimistic differences.
It may very well be that in the United States, for example, and in
the other industrialized countries that the basic economic
structure of these societies is changing. Going into a sort of
post-industrial computer economy, high technology economy which
would have the interesting characteristic of making the north less
important. Not in a sort of ideological way, but in a very sort of



1 hardheaded practical way. The resources just might conceivably
2 reach the point where we -- the rest of society doesn't need them
3 so much in order to carry on the kind of economy that it begins to
4 develop. In which case, the north might optimistically become a
5 sort of a benign backwater saved from the consumptive grade, so to
6 say, of dominant societies because of irrelevance. I treat that as
7 a very optimistic analysis. Some of you may not treat it in quite
8 the same way. That's varied from the point of view of the dominant
9 society, are these basic changes going to occur from the top side
10 or the dominant side? One might also ask, is the north different
11 from the point of view of the dominated? And that's, no doubt, a
12 very complicated subject.

13 But one thing does strike me as significant in this
14 respect, it's just one point that I'd like to mention. And that is
15 that I think that, for example, in the Alaska case that whatever
16 you may say about the failures of ANCSA, and certainly they've been
17 fundamental, and I've, myself, certainly been among those who have
18 argued very regularly that ANCSA in some ways is a colossal
19 failure. Nonetheless, I really do believe more and more that ANCSA
20 has had one positive effect. That I think it's probably been both
21 in terms of its operation and in terms of its very failures.
22 Probably the most politically consciousness raising and energizing
23 thing that's happened in the Native communities in the last, in
24 modern times. That the very concerned stimulated by this
25 development and by its increasingly apparent failures, may in fact,
contribute to a sort of political energizing and conscious-
ness raising on the part of the dominated people in this equation,
which while it may not be a sufficient condition to bring about
change, I think is probably a necessary condition. And, so, I
think that this development including things like the Alaska Native
Review Commission, we are participating at this very time in a way
are taken collectively among the most hopeful signs of generating
the consciousness and energy to break out of the cycle that I think



1 we're seeing everywhere in the world.

2 MR. BERGER: Yes. Thank you,
3 Oran. Rosita.

4 MS. WORL: Can I just add on just
5 a little bit to Oran's statement? Just carry it a little bit
6 further. Here we begin to talk about a decolonization process of
7 this internal colonialism. And can we talk about a liberation of
8 the colonizer? Just add that onto the thought.

9 MR. BERGER: Well, that -- Oran's
10 reflections are, I think, opposite. That is simply changing legal
11 forms and institutional arrangements. It may by itself not affect
12 what happens on the ground an awful lot. But, Mr. Henry Shue, yes,
13 sir. Sorry.

14 MR. SHUE: Especially since we
15 won't have Bishop De Roo with us tomorrow, I'd like to try to draw
16 him out a little more about how he sees the role of the church in
17 dealing with colonial situations. I thought I heard a very sharp
18 and clear message in what you said, and I'd like to really ask you
19 a very simple question which I'm sure leaves out some of the
20 subtleties, but it's really just a way to invite you to say which
21 subtleties you want to put back in. It seemed to me that you
22 argued very strongly that it's the business of the church to show a
23 preference for the poor, to really take the side of the victims.
24 And the rich and powerful also have souls as I -- I speak as an
25 outsider, by the way, but as I understand it the church also has a
ministry to the oppressors, and so in whatever way it takes the
side of the oppressed it mustn't violate whatever its ministry is
to the oppressed. But nevertheless, on the -- with that sort of
constraint, I take it, you're really saying the church should be
taking the side of the victims of the oppression, and I would think
that in Alaska that would mean taking the side of the Natives. And
I would like to see if I misheard you, and see what qualifications
you might want to put on that.

1 the rich and powerful, then obviously the poor would have said,
2 well, salvation's not for us. So, there is a -- it's a bit of a
3 mystery but it's a reality we have to face. There seems to be a
4 basic law there of the very nature of redemption that God must take
a priority option for the poor.

5 MR. BERGER: Vernita. Vernita
6 Zilys.

7 MS. ZILYS: Thank you. My name is
8 Vernita Zilys.

9 MR. BERGER: Yes. Sorry, Vernita.
10 Forgive me.

11 MS. ZILYS: If I can say Berger,
12 you can say Zilys.

13 MR. BERGER: Yeah, right. Okay.

14 MS. ZILYS: But thank you.

15 MR. BERGER: Then you have to
16 remember the names of all these other folks, too.

17 MS. ZILYS: Right. In my work I
18 deal daily with threats to the subsistence lifestyle and natural
19 resources. But my work, like that of many Natives, also is framed
20 in political reality. And for this reason, I will speak of subsis-
21 tence and natural resources but I will do so as an individual, as a
22 Native.

23 First of all, I would like to express my gratitude to
24 Bishop De Roo for his articulation of what I can only term as in
25 good feelings of myself as a Native, from the Native experience.
He's brought out some very valid, I don't want to call them
theories because they're in practice, but what I'm afraid, and why
I asked Berger if I could speak was because I see some very
practical examples of what he speaks of happening in Alaska
today. And I want people to be aware of them. Not just as vague
ideas, but as practical examples of what can happen when people
make such things as the profit motives their idol.

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1 Oran Young -- and what brought this all about was Oran
2 Young was speaking earlier when we started talking about
3 development, and he mentioned as examples Native people who have
4 been responsible for development sometimes to the detriment of
5 subsistence, but not always.

6 And the other thing that brought this whole thing to my
7 mind was the categorization of Natives, and what constitutes a real
8 Native. And one of the things that we were talking about at lunch
9 today was my idea that what defines a Native, or an indigenous
10 person in my mind is how important the profit motive is to a
11 person. And if you use that as a basis for definition of Natives,
12 then many Natives themselves, in fact, do not act as Natives
13 because the profit motive is what drives them.

14 I've been reading a novel which probably many of you are
15 acquainted with called the Malogro Bean Field War (ph), and within
16 that novel was an expression about indigenous peoples in Arizona,
17 and how some of them had been living off the land for many
18 thousands of years, but that their land was being taken away from
19 them by large-scale farming operations. And the way that they
20 justified taking away the land from people who mainly farmed just
21 enough to feed themselves and their immediate family was that that
22 they were not profiting off the land. And the idea that Natives
23 who do not see a need to develop land except to derive what they
24 need do not deserve land in the Western mind. The profit oriented
25 economy has been refined to the point that not to profit when
profit is possible is to sin against the tenants of this profit
oriented society. And it's very dangerous when the situation
exists, and I think that Bishop De Roo articulated it very well.
It's dangerous because it provides a powerful justification for the
stronger society to take the lands. And when you have a Congress
that is made up of a majority of believers in the profit motive you
have a real -- you have -- you're in trouble. Because they're in a
position to legislate the taking of lands. And they do that from



1 indigenous peoples.

2 The examples that I would like to speak of today are
3 things that I've become aware of. And I know that Judge Berger
4 doesn't like us to point fingers and use names, and so, I will
5 describe things that are happening, and I'll try not to use names.

6 Let's say that in the marginalization of Native peoples
7 you have a sea up north that is very, very rich in oil and other
8 minerals. And let us say that you have oil companies who see that
9 and who recognize it, and who want to exploit that. Let us say
10 that in order for them to be able to extract oil from that sea,
11 they build artificial islands. And let us say that so they can get
12 to these islands easily they build causeways from the mainland to
13 those islands. That's already happened. And let's say that one
14 oil company decides that 200 feet of breeching, what you call
15 breeching or culverts, is enough for fish who live in that area to
16 pass through on their way to their spawning grounds which are
17 located in rivers on the mainland. And let's say that in their
18 experiences, it turns out that 200 feet of breeching is not
19 enough. And that the resulting effect on the fish population up
20 there is a 53% decline. Let's say that 15 miles up the coast,
21 then, another oil company has another gravel island and wants to
22 build a causeway. And that as a result of the experience of the
23 other oil company -- I wish I could name names -- federal agencies
24 who are asked to comment on the proposal for construction of that
25 causeway recommend 2,000 feet of breeching so that you won't have a
result in decline in the population of those fish. And the
permitting agency, even though they've been told by three other
agencies that 2,000 feet is recommended, decide that 700 feet is
enough. And so that's what the permit says. Let us say that this
oil company decides, well, it costs too much for us to maintain 700
feet of breeching. And so they go to the national office of the
permitting agency, and they go to the Congressional Delegation from
Alaska, and they say, look, you know how important these oil



1 resources are to your State, and it's costing us too much to do
2 this. We don't want to put 700 feet of breeching, we want 150
3 feet. And these Congressmen and Senators send letters of support,
4 and so, the oil company is required only to have 150 feet of
5 breeching. This has happened.

6 I read this story in both papers that was an associated
7 press story, and it was a very large one, but unfortunately it
8 appeared during Fur Rendezvous and so I don't think very many
9 people paid attention. It was a Sunday, and it was the last day of
10 the great race, and whatnot. But since then, this has been about a
11 month ago, I've been waiting, vainly, for any follow-up from those
12 papers on this story because it was a very well-written story, and
13 I wanted to know what was happening. Whether or not someone was
14 challenging that oil company, and saying, if 200 feet results in a
15 53% decline of the fish population, then what will happen if you
16 only maintain 150 feet? I finally got frustrated and called the
17 Corp of -- called the regulating agency, pardon me, and asked them
18 what's going on, and they said, well, actually all along the kind
19 of footage that we were discussing was that which would be required
20 permanently, not during construction. And so, they will be
21 required to maintain 150 feet but only during construction.
22 Permanently they will be required to maintain 700 feet. I said,
23 well, how long will construction take? He said, between one and
24 two years.

25 I went back to the record of decision that I got in the
mail, and low and behold, that record of decision for the permit
that was granted on the basis of 700 feet mentioned two breeching
lengths. One of 500 feet, one of 200 feet, for a total of 700
feet. And in the same paragraph says, these breeches shall be
maintained during gravel island and causeway construction. And so,
I was lied to and I didn't like it. But to me it says one thing,
also. That we have a State government which is capable, that has
the authority to prevent something like this from happening. And



1 through the (INDISCERNIBLE) narration, I come back to what Bishop
2 De Roo says. That if the profit motive becomes your guiding force
3 and your idol, then, you, like the State of Alaska, can be placed
4 in a position of deciding whether or not you can afford to protect
5 the environment. And you, like those oil companies, can decide the
6 same thing.

7 Recently, I was in Fairbanks and testifying at a hearing
8 on some new permits that will be required of the placer mining
9 industry. Because the placer mining industry has been operating in
10 Alaska for the past hundred years. And we've seen the steady
11 deterioration in the quality of Alaska's rivers and streams as a
12 result of their operations. And the EPA now proposes a very strict
13 permit. And I went up there to speak in favor of it. And what
14 happened was you had miners who were saying, basically, the same
15 thing as the oil companies. That the new permit will require
16 technology that will cost money, and that they basically cannot
17 afford to protect the environment and mine at the same time. My
18 answer to them was that if you cannot afford the technology to
19 operate a clean placer mine, then you are in the wrong business.
20 If it's too expensive for you, then get out of the business.
21 Because what you are doing to the waters and the fisheries is too
22 expensive for those who subsist. And there are still a great many
23 people in rural Alaska who subsist on fisheries and other natural
24 resources affected by those lines.

25 Now, I promised Tom that I would keep this short.

MR. BERGER: You've got
everybody's attention.

MS. ZILYS: So, I will keep it
short. I just have a couple of questions for Bishop De Roo and I
know he's leaving and I know that these may very well be what I
would consider rhetorical questions, but there were two concepts
that he brought up in his paper that maybe he can answer in his
next paper. Number one was the quotation that, faith without works

1 is dead, and I have a question which is, what is works without
2 faith? I feel like I am of a generation that constantly has to ask
3 that question because we strive to do good things. But we don't
4 see the need for the faith in order for us to do that, those good
5 things.

6 The second thing is, he mentioned that the difference
7 between the call to death, and the call to life, and Christianity
8 is the call to life. He says that the call to death requires
9 sacrifice. And I guess in line with that first question is, I just
10 wonder why the call to life was based on the death of Christ? And
11 why was Christ sacrificed?

12 I should close on that. I just want to say that the
13 Review Commission, the Alaska Native Review Commission in its year
14 long presence in my life has forced me to grow in awareness. And
15 for that I am eternally grateful to Judge Berger, and to the
16 members. And thank you.

17 MR. BERGER: Thank you, Vernita.
18 Thank you very much. Vernita is Director of Rural Alaska -- it's
19 called RARA. Rural Alaska Resources Association. And as quite
20 obviously she knows whereof she speaks. Well, Bishop De Roo, I
21 don't know whether I have the courage to ask you to respond, but if
22 you wish to, do so please.

23 BISHOP DE ROO: Not only am I
24 happy to respond, I can do so very briefly. First of all, I
25 totally agree that works without faith is not better. So, the two
balance one another. And the point was that those statements in
New Testament were in the polemic situation where people thought
that you could have faith without works. The two are inter-
dependent, one on the other. So, I think you've answered your own
question.

The second question is a very profound one. Why was the
call to life based on the death of Christ? We must remember that



1 God did not want the death of Christ. Must get out of that old
2 idea that He had to be sacrificed because that would appease an
3 angry God. That's Old Testament, not New Testament. Simply
4 because Christ spoke the truth, and did the works of justice, and
5 as a result the powers of this world did him in. But that's
6 precisely, in his apparent defeat, that God's power was shown in
7 the power of love is that because he died out of love, he rose from
8 the dead. And that's the central mystery of Christianity.

7 MR. BERGER: Well, thank you,
8 Bishop De Roo. And I think we're all grateful that you did respond
9 to that question. It's 4:30 and Evelien Hash Pete asked me if she
10 could say a few words, so I'll let Evelien have the floor. And
11 tomorrow at 9:00 when we reconvene, we really do have to leave at
12 4:30 so these folks can get the tables set for bingo. Bernie
13 Nietschmann and, I almost said Sheldon Jackson. It's just because
14 I'm getting -- Sheldon Katchatag (INDISCERNIBLE). Evelien Hash
15 Pete, go ahead.

14 MS. HASH PETE: Okay. In
15 Inupiaq, the Bible -- an accounting of the Middle East history is
16 what -- as interpreted into the Inupiaq language means recent
17 history. And that era of about 6,700 years ago is what we call
18 recent history.

18 I wanted to say something because Oran -- of what Oran
19 said. And the north has to be kept not because of irrelevance, but
20 because of complete relevance to the retention of the world as we
21 know it. The development that can go on, can only go on with the
22 consent of our people, of our leaders. And our leaders, I'm going
23 to read a little bit on my statement. Our leaders -- okay, I'll
24 read this -- are men. And our men have thought of solutions to
25 keep the colonist society alive. They say to move the homes to the
mountains and keep the lowlands for growing food for their people.
Our leaders are capable of leading everyone. These men are known
because they have charisma. Charisma for an English word developed

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1 by repeated teaching of the elders. Charisma because they were
2 always a little more alert, a little quicker than their peers.
3 Given wisdom by all of our people. We all raised them. Listening
4 to all reports of our daily lives, fairness to lead us, love and
5 care to keep us. We have a well defined code of ethics among us,
6 and we always have a concensus of all of us when we go to defend
7 our land and our lives. I've been told from the elders, by the
8 elders to speak from my heart. Because I have a gift to my
9 people. My gift is from God because I am a Inupiaq and Ottna (ph)
10 in white.

11 The way for us to co-exist is to allow the village tribal
12 governments forever to continue status quo, valid existing rights,
13 and these terminologies that Charlie Edwardson, Jr. has coined
14 throughout his history as an Inupiaq. And too defensive is the
15 Inupiaq ancestral birth right as his life has shown us. We have
16 the leaders in place. We have the ideas in place, and they are for
17 conservation of the earth now. The worst thing is if we follow
18 other ways development of minerals, oil, gas, atomic power, daming
19 of water, flooding, coal, monuments, engraving of images. The
20 things which the original people have the birth right
21 responsibility to protect the air, water, earth, animals, and
22 people will themselves purify our environment. We have seen
23 civilizations come and go. The things we are protecting protect
24 us. We must be left alone in our culture, language and lives. And
25 ANCSA is -- the people that were passed ANCSA were threatened with
annihilation of the rest of us Native people. But that fact is,
ANCSA is the instrument to annihilate us. No. No one has the
right, the God given birth right to Alaska but us. The original
inhabitants of Alaska. The village people, the tribal governments,
the keepers of the land, air, water, animals, and people. We are
giving you in our true spirit of sharing the tools to keep the
world as we know it alive for generations yet to come. To enjoy by
practice of our religion, songs, dances, hunting, fishing, and



1 trapping rituals, language, culture and preservation of the only
2 way to live. Not through blood sacrifices, wars, killing,
3 starvation, human rights violation, but peaceful concern for one
4 another. Love and dignity is our birth right responsibility to
5 keep the north as a haven for the animals, air, water, earth, and
6 real people.

6 MR. BERGER: Thank you. Well,
7 tomorrow we will convene at 9:00, and at noon we've been invited to
8 go down to the North Slope Borough's Anchorage office and look at
9 their geoprocessor, I think it's called, which kind of displays the
10 whole of the Arctic Slope right across North America. Quite an
11 interesting thing to see, and you're all, I believe, invited. So..

10 UNIDENTIFIED: (INDISCERNIBLE,
11 OFF MIKE)

12 MR. BERGER: I don't know. So,
13 we'll see you at 9:00 A.M., and thanks very much.

13 (HEARING ADJOURNED)

14 * * *

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