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1 I'll pause.

2 FACILITATOR GOMES: We're just going to take a
3 break right now and we'll come back.

4 MR. HENKIN: I want to emphasize the reason that
5 I'm going through this in such detail is that there is a
6 lot of rhetoric that the Army uses about the need for
7 training at Makua. It is a drum beat in our heads. And I
8 think it's important for those, regardless of where they
9 stand on the issue, to know what the history is and what
10 the facts are, and then draw your own conclusions about
11 whether there is a need for training in Makua.

12 I gave you the training totals up through 1998.
13 In September 1998, the marines were training at Makua, I
14 might add, one of few times that they trained at Makua.
15 The Army now would like them to do nine company level
16 exercises per year at Makua, at a minimum. I don't
17 believe they ever have in the past. But they were
18 training in September of 1998, when a rogue 60-millimeter
19 mortar round hit Sea Ridge, which for those of you who
20 know the valleys, it's between Makua Valley and Kahana Iki
21 Valley, and setting it ablaze, causing an 800-acre fire
22 that burned within feet of known populations of endangered
23 plants. And I emphasize known populations because during
24 the following years, when there was no training, the Army
25 biologists finally were allowed into the valley, and they

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1 found populations of endangered plants that they did not
2 know were there. In fact, they found four species of
3 endangered plants that they did not know were present at
4 Makua Valley.

5 So in September of 1998, the Army, under pressure
6 from Earthjustice and Malama Makua stopped training for
7 three years. From September of 1998 until October of
8 2001, for three years, not a single soldier trained at
9 Makua. And even though Makua was closed for training --
10 and you may recall that the Army rotates its soldiers
11 through Hawaii about once every two years. So if the
12 training area is closed for three years, that means not a
13 single soldier stationed here trained there. Even though
14 Makua was closed for training, every unit in the 25th
15 Infantry Division reported that it was ready to perform
16 its mission.

17 Earthjustice has the Unit Readiness Reports in its
18 files to prove it. Now, ordinarily these files are
19 shredded. These files, the Unit Readiness Reports, go
20 into the Division Readiness Reports, which are
21 confidential, top secret, which go into the Army Readiness
22 Reports, which then goes to Congress.

23 The reason that we got copies of these is we were
24 in litigation. And at the time we made our request for
25 documents having to do with readiness, these documents

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1 were in existence. But because ordinarily they are
2 shredded so quickly, they never get classified. They are
3 not around long enough to be classified.

4 So we have all the readiness reports from Spring
5 through Fall of 2001. And this is important because these
6 are not ordinarily seen by the public. So this is not
7 "spin." This is the Army's internal evaluation, for
8 purposes of the Pentagon and Congress, of, really, how
9 readiness ready its troops were at the time.

T11-11

10 Now, you may recall, because this was around the
11 time, in July of 2001, Judge Mollway of the U.S. District
12 Court, issued an injunction in a former litigation that we
13 had going on then, against training at Makua. And all of
14 the 25th Infantry brass were saying how readiness was
15 eroding because of the lack of availability of Makua.

16 There are a lot of these. I'm only going to quote
17 portions of a few to give you a flavor.

18 "15 August 2001. Memorandum for Commander 25th
19 Infantry Division Light. Subject: Commanders Assessment
20 Letter." This is for the Headquarters Division Artillery.
21 Quote, "The Division Artillery remains ready to deploy,
22 fight and win." Signed by Colonel Rodney Anderson, for
23 those of you that remember him.

24 "16 August 2001." This is the report from the
25 First Battalion, 14th Infantry Regiment, Second Brigade.

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Please see response to Comment T11-10.

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T11-11

1 "The First Battalion, 14th Infantry Golden Dragons are
 2 prepared to deploy, fight and win.
 3 "15 August 2001." This is for the First
 4 Battalion, 27th Infantry. "First Battalion 27th Infantry
 5 is trained and ready to accomplish its wartime mission.
 6 "15 August 2001." This is for the First
 7 Battalion, 21st Infantry. That's the Gimlets. "121
 8 Infantry remains combat ready."
 9 There will be a stack of these submitted with my
 10 written testimony. But what I want people to appreciate
 11 is that after three years of no training at Makua, every
 12 single unit said that they were ready to perform their
 13 mission. And, in fact, some of biggest complaints they
 14 had were about problems with the adequacy of their
 15 weapons, the material, maintenance, problems with
 16 recruiting, filling their ranks. But the lack of training
 17 in Makua did not affect the 25th Infantry's readiness.

T11-12

18 In October 2001, we entered into a Settlement
 19 Agreement, that I have already referenced, with the
 20 military. And as part of that Settlement Agreement, in
 21 return for the Army's promise to do a comprehensive
 22 Environmental Impact Statement, including archaeological
 23 and contamination studies, that they have so far failed to
 24 do, we agreed that for the three years that the study was
 25 supposed to take, until October of 2004, the military

T11-12
 Please see response to Comment T11-10.

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1 could perform a total of 37 company-level live fire
2 exercises at Makua.

T11-12

3 While the Army was allowed to perform these 37
4 live fire exercises, it only used 26 of them, even though
5 during this time it was preparing to deploy to Iraq and
6 Afghanistan. You have to ask yourself, if Makua is so
7 vital, why didn't the Army use all of the training
8 exercises it was allowed?

9 Now, they may say, in the third year of the
10 agreement, their brigades were deployed to Iraq and
11 Afghanistan. That's true. However, the agreement broke
12 down, year by year, how many exercises they could perform.

13 In the first year, from October of 2001 until
14 October of 2002, they were allowed 16 live fire exercises.
15 Remember, not a soldier had fired a shot there in three
16 years. They only used 13 of those. That left three on
17 the table.

18 From October of 2002 until October of 2003, before
19 they deployed to Iraq and Afghanistan, while they were
20 training, they were allowed to do nine live fire
21 exercises. They only did eight.

22 In the last year of the agreement, they were
23 allowed a total of 12 live fire exercises, and they used
24 five.

T11-12

25 For the Army's part, they used them almost all for

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T11-12

1 convoy live fire exercises, and even though there were
 2 units, other military units on island, including the
 3 Marines, I believe there was only one CALFAX that was
 4 performed in the entire year, even though they were
 5 allowed 12, so they didn't use them for seven.

6 Those are the facts.

7 Now, why did they not do more live fire at Makua?

8 One of the answers why they didn't need to do training at
 9 Makua, if you look on Military at Tab 31 of the training
 10 binder, you will see a presentation that G-3 put on for
 11 User Pack in 12 April 2001. And the people in the office
 12 hate when I use that military jargon, but there you go.
 13 It was a presentation, a slide presentation, about
 14 combined arms live fire exercise. And at page 16, there's
 15 a sheet that says, "Working Company Halifax
 16 Opportunities," in other words, other than Makua, where
 17 could we train?

T11-13

18 In fiscal year 2002, they identified a total of 20
 19 live fire exercises they could perform elsewhere,
 20 including at the Joint Readiness Training Center, the
 21 National Training Center, Thailand, Japan, Alaska and
 22 Australia. In fiscal year 2003, there were 26 CALFAX
 23 opportunities available, other than Makua. In fiscal year
 24 '04, there were 21. In fiscal year '05, there were 29.

25 Perhaps that explains why they have not suffered

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 Please see response to Comment T11-10.

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T11-13

1 any -- I didn't hear any reports of a lack of readiness
 2 when they deployed to Iraq and Afghanistan. I heard that
 3 they were well trained, and they did a wonderful job.

4 Since October of 2004, under the Settlement
 5 Agreement, the Army said, "We will get this done in three
 6 years."

7 We said, "What happens if you don't?"

8 So the settlement agreement provides that, if they
 9 do not finish, not a draft, but a final EIS, by October 4,
 10 2004, they could not train at Makua until they were done.

11 That gives them an incentive actually to finish. And
 12 because of the fire risk at Makua in the summer, I believe
 13 the last fire exercise at Makua was in April or May of
 14 2004, somewhere in that period of time, maybe as late as
 15 June. I'm sorry. I don't recall right now. But in any
 16 event, there has been no training at Makua for more than a
 17 year now.

18 And if Makua is so vital, then how is the Army
 19 getting along without Makua for so long.

20 I'll pause here. I thank you for your attention.
 21 I would like to come back up assuming that there is time.
 22 Aloha.

23 FACILITATOR GOMES: Mahalo.

24 The next person is Ikaika Hussey, followed by
 25 Dr. Marian Kelly.

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T11-14

Please see response to Comment T11-10.

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1 MR. HUSSEY: Aloha. (Speaking Hawaiian.)
2 It was nice over there with the stars.
3 And what's happened since then (Speaking
4 Hawaiian). There's one thing that hasn't changed since
5 1893, and that is the assumption of our sovereignty of the
6 United States. The illegal occupation of Hawaii, that
7 hasn't changed at all since 1893. It's been codified.
8 Now we show up at EIS hearings. We don't want to be here.
9 We would rather be at home with our families. But we know
10 that you've got to play by the rules. They set rules, and
11 so we have to play.

12 But some of the things have changed. The guns
13 pointing at the palace in 1893 have multiplied. They have
14 flourished. And now they take whole valleys. They don't
15 even ask. They sign executive orders. The President
16 often defies acts of his own constitution to acquire land
17 in foreign countries without a hesitation. There might be
18 some bickering within the halls of Congress. Democrats
19 and Republicans might not get along, but it's just like
20 the Tories and the Whigs, it's the same thing as in 2005.

21 People in Washington, D.C., get to make decisions
22 for people in Honolulu, Waianae, people in Kailua, people
23 Pohakuloa, people in Maile.

24 But what I know for certain is that, just like all
25 of the blazing fires in Waianae in the past few weeks, I

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1 know that the fire still burns in our house; and that for
2 112 years, it's not extinguished. It's the same fire that
3 has burned in us for 2000 years, and it cannot be
4 extinguished.

5 No matter how many times they call us to come to
6 the EIS hearings, and they lock us in with these pala
7 politics, and make us play these bureaucratic games. They
8 make us think that all that matters is within the scope of
9 the report, within the bounds of this 8-and-a-half by 11
10 piece of paper. It says the need for Makua military
11 reservation is because it's the best one they have. It's
12 the best local live fire training area. That's cute.

13 We know more. We know that the reason why the
14 United States wants Makua is not because it's the best
15 training area, but it's because of the U.S. imperial
16 ambition. They use us, use our country, peaceful people,
17 with, yes, a warrior class. But we didn't have nuclear
18 weapons. That's an important distinction.

19 It's because the United States is a very young
20 country. It's very young. Someday it will learn its
21 lesson, the way the Romans did, the hard way, the way
22 other empires have. They always go down the hard way.

23 I believe in our people because I know that what
24 drives us is not a desire to take what is not ours. It's
25 not a desire to have and have and have what we want but

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1 don't need. We want survival. We have want Ola. We want
2 just what is enough for our families. We want what is
3 enough for the next seven generations and seven more after
4 that.

5 I want some time for my great great great great
6 grandchildren's friends to be able to play and go swimming
7 in Puuloa in the harbor there at Waimomi, to someday be
8 able to fish there again. And we will struggle until that
9 happens.

10 But the difference -- and by the way -- this is
11 kind of cute -- two minutes more -- Mahalo. No offense to
12 you, but we have been waiting for a year for the EIS, so
13 I'll take my two minutes and maybe a few minutes more if I
14 need to.

15 We don't want -- we're not greedy people. In the
16 Kalanapua, it references two kinds of people who are
17 delegates who come with a message. The first kind is the
18 people who have alulu and pakaha. And those two words
19 mean, "greed." And that's the way that our kupuna
20 understood the people with the Treaty of Annexation, which
21 still has not been signed. It's in a PDF file somewhere.
22 I think it's probably in the Akaka Bill 2005.

23 But, you know, we don't have that. There may be a
24 few people that I know or that I met. But most of the
25 people I know are the people in this room. We're not here

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1 because we want to take America, we just want our own
 2 homeland, Aina. Aina is not something that you sell, it's
 3 not something that you even own. It's something that you
 4 farm on and you support your family with.

5 I hope that in a few years' time, sooner, if
 6 possible, that the United States of America will learn
 7 what we have learned after 2,000 years of subsisting, of
 8 surviving here, that there is an asymptote to your growth,
 9 there is a limit to your power. Mahalo nui.

10 Just a quick note. There's a blue flyer that is
 11 passed around. There's a moratorium that was signed by a
 12 number of individuals participating in the Native Hawaiian
 13 Coalition process, and also other people, too, calling for
 14 a moratorium on military expansion. This is one of those
 15 things that we're calling a moratorium on. No further use
 16 of Makua. Enough is enough. Mahalo.

T12-1

17 FACILITATOR GOMES: We have eight more speakers
 18 registered to speak, and we have to be out of here at
 19 10:00. Now, because we're running out of time, we're
 20 going to set a limit. And I'll remind the speakers when
 21 it's time for us to wind up.

22 Thank you so much.

23 This speaker is Dr. Marian Kelly.

24 DR. KELLY: My name is Marian Kelly. In 1976, I
 25 worked for Bishop Museum. Back in 1976, I did the study

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The Army thanks you for your comment and appreciates your participation in this public review process. Your comment has been considered and has been included as part of the administrative record for this process.

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1 that was requested by the military. It was a study on
2 Makua Valley. That was 28 years ago; is that right? It
3 was completed in March of 1977. I had taped 22
4 informants. How many of you have read that report? Oh,
5 good. Ten. Good for you.

6 The military refused to print it.

7 You read it? Where did you get a copy? Dr. Lucky
8 has a copy. Very good. She spoke to me tonight. She
9 wanted to know if I wanted it printed.

10 Nineteen of the papers were primary sources. I
11 even taped the railway engineer, whose train passed
12 through Makua twice daily, going and returning.

13 For this research, I went to as many libraries for
14 information, Mission Children's Library, Bishop Museum
15 Library, State Archives, U.S. Army Corps of Engineers
16 Library at Fort Shafter, the Schofield Library at
17 Schofield Barracks, the Honolulu City and County Library,
18 and the Pacific Science Information Center.

19 I checked primary records and documents; the tax
20 maps; Hawaii State Surveyor's Office; U.S. Army Real
21 Property Office at Fort Shafter; Oahu Division of State
22 Forestry; Board of Water Supply; U.S. Geological Survey
23 Office; McCanlis Properties; National Archives Record
24 Service; and U.S. Army Military History Research
25 Collections. This is what you do when you write reports.

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1 I entered Makua Valley three times with
2 informants, always accompanied by the U.S. Army Explosive
3 Ordinance Disposal Units. I returned to Makua Valley at
4 least twice with Bishop Museum archaeologists, who were
5 working in the valley, looking for Hawaiian sites. I made
6 four trips to Makua Beach, down the beach. The military
7 didn't have anything to do with the beach. This was free.

8 The people told me of their lives when they lived
9 in the valley. I wrote down what they told me. They had
10 their houses in the valley. They were scattered around.
11 Some were close to the road, others were in the back of
12 the valley. Many of the people fished, especially when
13 the mullet came along. I remember seeing the mullet come
14 in.

15 I wrote down what they told me. People who had
16 been living in the valley, their stories are recorded in
17 Volume II of my report.

18 This is Part II, volume II. They have their
19 stories. They are all in there. It has not been
20 published. The military refuses to publish it.

21 I was asked this evening if wanted my report
22 published. After 28 years, they are asking this question?
23 I would like them to publish it, yes, then you can have
24 copies. If you want a copy, sign up for it. Tell them
25 you want a copy, yeah. It is 84 pages long, with 22 extra

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1 pictures, 18 appendices, with a total of 124 pages.
2 That's Volume I the text. Now, if you want Volume II,
3 that's longer, twice as much.

4 But in 1977, the military refused to print my
5 work. Because I didn't have copies of my work to give to
6 my informants, I made copies of the reports that the
7 people had shared with me. And I gave my informants
8 copies. These are their stories that they had shared with
9 me in 1972.

10 Well, most of the people who told me these stories
11 and lived in the valley are dead now. Anybody here who
12 lived in Makua Valley? I don't see any hands go up. I'm
13 lucky. I'm still alive. Well, most of the people who
14 told me these stories and lived in the valley are dead
15 now.

16 My guess is that the military thinks that I cannot
17 prove that any of these stories are true, and that it may
18 be safe to reprint them because no one will believe that
19 they are stories of the people who lived in Makua Valley.

20 Thank you very much for listening.

21 FACILITATOR AMARAL: Thank you, Dr. Kelly.

22 The next speaker is Kyle Kajihiro, followed by
23 Sparky Rodrigues.

24 Aloha, Kyle. How are you?

25 MR. KAJIHIRO: Aloha, Waianae.

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