

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII**

KELI'I AKINA, <i>et al.</i> ,	)	
	)	
<i>Plaintiffs,</i>	)	
	)	Civil Action No.: 15-00322
v.	)	
	)	
THE STATE OF HAWAII, <i>et al.</i>	)	
	)	
<i>Defendants.</i>	)	
	)	

**SECOND DECLARATION OF DR. KELI'I AKINA**

Keli'i Akina, for his declaration, pursuant to 28 U.S.C. § 1746, states as follows:

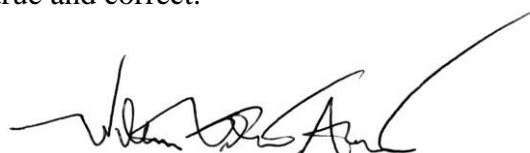
1. I am over the age of 18 and I am of sound mind and am fully competent and authorized to make this declaration.
2. When I attempted to register for the Kana‘iolowalu Roll, I did not receive notice nor did I witness any material on the Native Hawaiian Roll Commission (“NHRC”) website that indicated I could avoid affirming to Declaration One: “I affirm the unrelinquished sovereignty of the Native Hawaiian people, and my intent to participate in the process of self-governance.”
3. During the online registration process, I was asked to confirm the above referenced Declaration One.
4. Once I failed to confirm the statement and the principles asserted in Declaration One, I received no other information from the NHRC website suggesting that I could register without affirming the Declaration.

5. I am very familiar with the Native Hawaiian community and the issues it is concerned with. I know of no notice in any other news or information source used by the Hawaiian community indicating that Declaration One was optional or that one could register for the Roll without affirming it.
6. To my knowledge, I never received any communications of any kind (prior to the filing of this lawsuit) from any source informing me that I did not have to affirm Declaration One.
7. A Native Hawaiian registering for the Roll would be led to believe that affirming to Declaration One was the only alternative. There was nothing on the NHRC website, nor through their official publications to indicate otherwise. Thus, any Native Hawaiian, such as myself, would be led to believe that affirming to Declaration One was the only option to allow registration.
8. Further, I previously wrote articles detailing the fact that registration for the Roll requires an applicant to affirm Declaration One. See for example: <http://dailycaller.com/2014/06/04/hawaiians-are-not-a-tribe/> in the Daily Caller. At no time, prior to this litigation, have these assertions been rejected or negated in any way by OHA, NHRC, Na'i Aupuni, or by any other official.
9. Attached as Exhibit A is a true and correct copy of an article composed by Office of Hawaiian Affairs ("OHA") Trustee Peter Apo. In the article, Trustee Apo admits the current Na'i Aupuni election is a "nation-building process" that is "intentionally limited . . . exclusively to Native Hawaiians." In addition, Trustee Apo notes it is "not likely" that Native Hawaiians meet the political "continuum" test to constitute nationhood sovereignty.

10. Attached as Exhibit B is a true and correct copy of the January 8, 2015 OHA Board of Trustees meeting minutes, in which the Trustees talk about the legal problems affecting any use of the Roll.
11. Attached as Exhibit C is a true and correct copy of an article composed by Professor Randall Akee, who is a Native Hawaiian and graduate of the Kamehameha Schools. In the letter, Professor Akee notes the Na'i Aupuni and Kanaiolowalu election processes attract a "small minority" of the Native Hawaiian community and do not reflect the "will of all Native Hawaiians." In fact, Professor Akee's study of roll registrants indicates "[a] large portion of the candidate pool . . . is well-connected to the existing agencies that are spearheading the federal recognition process." The disparity on the roll is due to "[the] state-led and funded processes [that] either discouraged (purposely or not) participation by the majority of Native Hawaiians or only encouraged participation by a select few." This process, he notes, is "fundamentally wrong."
12. I agree with the sentiments expressed in Professor Akee's article.
13. On information and belief, Defendant Clyde Namu'o, Executive Director of the Native Hawaiian Roll Commission, is married to Pauline Nakoolani Namu'o, Vice-President and member of Na'i Aupuni's Board. I recall that, upon hearing of her appointment, I wondered whether there was a conflict of interest.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 8, 2015

  
Keli'i Akina