WAIMANALO NEIGHBORHOOD BOARD NO. 32

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PRESS RELEASE

The Waimanalo Neighborhood Board will determine if the "recreational" use of Crown Land at Bellows AFS complies with the laws enacted by the U. S. Congress related to the Annexation of Hawaii at the regularly scheduled meeting Monday, July 13, 2009 at 7:30 p.m. at the Waimanalo Public Library.

Waimanalo, Hawaii, July 6, 2009: In March of this year the Air Force gave notice of a profound change in the "mission" of the Bellows Air Force Station. In a published Air Force environmental assessment to build 48 new vacation rentals, golf courses, "resort" and swimming pools, and other facilities for "recreational purposes" on Hawaii's longest white sand beach the public was given notice the Air Station will not be used for any critical military purposes for which the land was originally appropriated in 1917. Instead the mission of the base is solely to provide "recreational services". Because Hawaii's annexation documents give priority to state ownership for five enumerated purposes, the Board will consider whether or not the land must be returned to the State of Hawaii.

To acquaint you with the issue the following information is provided:

History tells us that just one week before Congress declared the United States official entry into World War One (WWI) President Wilson appropriated 1,510 acres of Waimanalo Crown Land to be used for "military purposes" and known as the Waimanalo Military Reservation. At the time "military purposes" were limited to "fortifications, coast defenses, military training camps," and nitrate production facilities and the uses permitted by the U. S. Constitution, to wit: "all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings." U. S. Const. art. 1, § 8, cl. 16.

Bellows was ceded to the U. S. "[w]ith the consent of the Government of the Territory of Hawaii" by Presidential Executive Order 2565 for "military purposes". Bellows has been a WWI Army training camp, a WWII Air Force Base, a Cold War NIKE missile site, and a radio station. On Jan. 25, 2000, the Air Force transferred all but 499 acres to the Marine Corp for training. As of March, 2009, the Air Force published that the remaining 400+/- acres of Bellows AFS will be used solely for "recreational services" and not for the "critical" "military purposes" for which the land was appropriated. Federal law profoundly seems to require that Bellows AFS must be returned to the State of Hawaii.

Waimanalo is Crown Land which was ceded to the United States. In the Joint Resolution of Annexation of 1898 Congress reserved to itself the power to "enact special laws" for the "management and disposition" of the Crown Lands and required that income from the land "shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes" Illinois Senator Shelby Cullom, a member of the commission appointed to prepare a system of laws for the Hawaiian Islands, stated in congressional record the "provisions of this bill were necessary in the interest of the prosperity and the welfare" of the island people.

Two years later, the Hawaii Organic Act declared "the United States shall continue to have sole and exclusive jurisdiction over such military installations as have been heretofore or hereafter determined to be critical areas as delineated by the President of the United States and/or the Secretary of Defense." The change in mission of the base to "recreational services" tacitly claims a "critical area" evaluation was performed and Bellows is not "critical" to defense therefore the land must be returned to the State of Hawaii. The U. S. Constitution states:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state. (U. S. Const. Art. IV, § 3, cl. 2.)

It is apparent that Congress required a balance between the use of land for "critical" "military purposes" and the "the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible for the making of public improvements, and for the provision of lands for public use". The Air Force has tacitly stated its intent not to use the land for "critical" "military purposes" therefore, the required balance has shifted and it is time to return the land to the state. Recreation is nice to have but it cannot reasonably be deemed mission "critical" to the defense of the Nation or Hawaii. The "recreational services" can and should be conducted in areas that do not impinge on the "prosperity and welfare" of Hawaii or limit the support of public schools and educational institutions.

Public testimony is welcome.

For Further Information please contact Wilson Ho, Chairman at (808) 259 7200.