



December 23, 2015

Aloha Participants in the Upcoming aha and Happy Holidays!

Peter and I are very honored to have been asked to provide facilitation support for the first two weeks of your upcoming aha. In this letter, we want to introduce ourselves and share some preliminary thinking on how you might best use the time you will have with each other. To be absolutely clear on this, we come to this with no substantive agenda of any sort and are entirely focused on making your process as productive as possible and worthy of the time you will be investing.

1. Who We Are

We have been retained by the Directors of Na'i Aupuni who after the first hour on February 1st will not be present at your meetings. Their job was to get you to the starting line and then step away.

Our work is funded and conducted through Mediation Center of the Pacific, Inc. (MCP) a venerable local 501(c)(3) non-profit agency that provides neutral facilitation and other dispute resolution services in the State of Hawaii. Logistical and meeting management support is provided by Communications Pacific. Their contract is with Na'i Aupuni. Ours is with MCP. Peter and I will be with you for the first two weeks.

You can find our bios and resumes at www.naiaupuni.org or www.mediatehawaii.org. We are also in the process of bringing others onto to our team: additional facilitators and recorders for some working sessions and the provider of some enabling electronic tools that we can use during the meetings.

2. Initial Goals

Our initial facilitation goals, subject to your wishes once you assemble, are to:

- (1) Assist you in learning as much as you can from governance experts listed at Attachment-1;
- (2) Help you create a procedural charter that describes your agreed-to rules of the road, including how decisions will be made;
- (3) Help you elect or select a small hui or committee that can chair matters when we exit after the second week of your work; and
- (4) Assist you in reaching agreement on the sequence of topics for the remainder of your substantive deliberations during the second, third, and fourth weeks.

This is a unique, possibly historic opportunity and we will do everything in our power to help you engage in civil, principled, and productive discussions.

3. Our Preparation for the aha

We will electronically survey all confirmed participants prior to the February aha to learn more about everyone's process suggestion and content interests. Your responses will help us design a preliminary agenda that is responsive to the collective needs of the group.

4. General Plan for the First Week

While we are still mapping a more specific proposed agenda for the aha, the first and second weeks will definitely require many delicate discussions and decisions that in turn will require you to respectfully introduce yourselves and begin exchanging your ideas and views.

As you know, one of the main objectives for the first week is to ground everyone in a common knowledge base that may help everyone acquire deeper insights into what constitutions and governance models can and can't do. Na'i Aupuni has arranged to bring in a number of local, national and international experts who are listed in Attachment-1. Their presentations, including questions and answers with you, will run approximately 2.5 hours.

Please plan on 9:00am to 5:00pm days February 1-5. See Attachment-1, which will give you a general sense of how we are thinking of using our time during the first week.

The plan is to have these presentations, the power point slides the professors may use, and other background materials they might offer as part of their lectures and discussions available to you and the public at Na'i Aupuni's web site. We also plan to provide you with the ability to communicate with each other through a secure list serve.

5. ELECTRONICS

Some of our brainstorming and input/output discussions will be enhanced electronically. We will be using a meeting technology called "MeetingSift" which is both fun and powerfully useful for large gatherings such as you are about to enter into. It works best if you have a phone, iPad, or portable computer that you bring but this need not be a deterrent if you don't use those devices. We will help you.

6. PRE-AHA COMMUNICATION

As with all communications, comments, ideas, or suggestions please send these to the contact portal at Nai Aupuni (www.naiaupuni.org) rather than to us personally. To ensure the fullest transparency, we prefer to talk with all of you simultaneously rather than some of you off line.

We greatly look forward to working closely with you and wish all of you the greatest success in this important endeavor.

Linda Colburn & Peter Adler

Attachment-1

Activities planned for week 1

	Monday, Feb 1st	Tuesday Feb 2 nd	Wednesday Feb 3 rd	Thursday Feb 4th	Friday Feb 5 th
Morning	Welcome, Introductions, Initial Roadmap	Professor Rebecca Tsosie on: "FEDERAL INDIAN LAW	Professor Catherine J Iorns Magallanes on: "INTERNATION	Discussions and information exchange among participants	Professor Davianna McGregor on "KINGDOM

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After-noon	<p>Professor Zachary Elkins on “CONSTITUTION BUILDING – PROCESS AND CONTENTS”</p> <p>Discussions and information exchange among participants</p>	<p>Discussions on rules of the road (Charter building), criteria for a charring committee, and key functions on Native Hawaiian governance issues and models, including status quo.</p>	<p>Discussions and information exchange among participants</p>	<p>Professor Melody Kapilialoha MacKenzie on “US CONSITUTIONAL ISSUES & CEDED LANDS”</p>	<p>Discussions and information exchange among participants</p>

Attachment-2

Scholars and Experts

2/1/16 - CONSTITUTION BUILDING – PROCESS AND CONTENTS

Zachary Elkins

Department of Government
 University of Texas at Austin
<https://sites.google.com/site/zachelkinstexas/>

2/2/16 - FEDERAL INDIAN LAW – FEDERAL RECOGNITION

Rebecca Tsosie

Regent’s Professor of Law and Vice Provost for Inclusion and Community Engagement
 Arizona State University

2/3/16 - INTERNATIONAL LAW – DE-OCCUPATION, DE-COLONIZATION, INDIGENOUS RIGHTS

Catherine J Iorns Magallanes

BA, LLB (Hons) *Well*, LLM *Yale*

Senior Lecturer in Law
Victoria University of Wellington
SSRN author page: <http://ssrn.com/author=115449>

2/4/16 - US CONSTITUTIONAL ISSUES & CEDED LANDS

Melody Kapilialoha MacKenzie

Professor of Law & Director

Ka Huli Ao Center for Excellence in Native Hawaiian Law

William S. Richardson School of Law, UH-Mānoa

Native Hawaiian Law: A Treatise

<http://www.kamehamehapublishing.org/nativehawaiianlaw/>

2/5/16 - KINGDOM LAW

Davianna Pomaikai McGregor

Professor – Ethnic Studies

University of Hawaii at Manoa