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March 20, 2007

To: The Honorable George W. Bush, President of the United States
The Honorable Linda Lingle, Governor of the State of Hawaii
The Honorable Mufi Hannemann, Mayor of the City and County of
Honolulu

Via FAX and Certified Mail

Re: Application for payments equal to those exclusively for "native
Hawaiians" and "Hawaiians."

Aloha Mr. President, Madam Governor and Mr. Mayor:

I represent the undersigned citizens of the United States. All of them are residents, registered voters, taxpayers and property owners in the State of Hawaii.

The purpose of this letter is to apply for and demand, for each of them (and for other Hawaii residents similarly situated), concurrent payments equal, on a per capita basis, to all disbursements of public funds exclusively for "native Hawaiians" and "Hawaiians" under federal, state, and local laws in Hawaii. For as long as those race-based programs continue, this equal prorata payment to other citizens is mandatory to comply with the Constitution's promise of equal protection of the laws for all, without "taking away" any benefits for "native Hawaiians" or "Hawaiians"

The aggregate amounts needed to achieve equal protection of the laws for all residents of Hawaii are calculated as follows:

native Hawaiians. Since "native Hawaiians" (persons of 50% or more Hawaiian ancestry) make up less than 5% of the State of Hawaii population, for every dollar going exclusively for "native Hawaiians", nineteen dollars must be distributed exclusively to or for non-native Hawaiians (i.e., to or for all Hawaii residents of less than 50%, or no, Hawaiian ancestry).

Exhibit E

Hawaiians. Since "Hawaiians" (persons of any degree of Hawaiian ancestry) make up less than 20% of the State of Hawaii population, for every dollar going exclusively for "Hawaiians", four dollars must be distributed exclusively to or for non-Hawaiians (i.e., all Hawaii residents of no Hawaiian ancestry).

To illustrate:

- The State of Hawaii, for each dollar it distributes to the Office of Hawaiian Affairs ("OHA") and the Department of Hawaiian Home Lands ("DHHL") exclusively for "native Hawaiians" (who make up less than 5% of the state population), must concurrently distribute nineteen dollars exclusively for non-native Hawaiians (i.e., Hawaii residents with less than 50% or no Hawaiian ancestry). At current annual levels of about \$15 million for OHA and \$30 million for DHHL, this would require additional annual disbursements by the State of \$855 million for my clients and other non-native Hawaiians.

- For every dollar the State distributes exclusively for "Hawaiians" (who make up less than 20% of Hawaii's population) it must distribute four dollars exclusively for non-Hawaiians (i.e., Hawaii residents with no Hawaiian ancestry).

- The exemption from real property taxes now given by the City and County of Honolulu and some other counties exclusively to Hawaiian Homesteaders must be extended to all real property owners in the City and County of Honolulu and other counties.

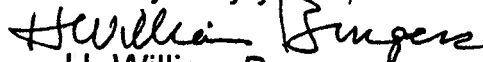
- Federal disbursements for housing, medical, educational and other benefits now given exclusively for "native Hawaiians" or "Hawaiians" must be extended to cover all citizens of Hawaii; or additional disbursements of 19 or 4 times, respectively, of those amounts must be distributed to or for my clients and others similarly situated. At the current level of about \$70 million per year for these federal disbursements, additional annual federal disbursements of between \$280 million and \$1.33 billion must be made for my clients and others similarly situated.

We are not advocating "separate but equal" programs. Our preference would be for all governmental actors, federal, state and local, to stop treating people differently on the basis of race, color, ethnicity or national origin.

Please let me know whether you will make disbursements to each of my clients (and for others similarly situated) equal on a per capita basis to all future disbursements exclusively for "native Hawaiians" and "Hawaiians." Please also let me know whether you will promptly proceed with arrangements to make disbursement to my clients and others similarly situated, in the aggregate amount of approximately \$7.6 billion (19 times the over \$400 million now held by OHA and DHHL earmarked exclusively for "native Hawaiians"). Please also let me know whether you are willing, in some other way, to make available for my clients, and others similarly situated, rights, privileges and immunities equal to those now going exclusively for "native Hawaiians" and "Hawaiians."

If I do not hear from you within the next seven days, I will proceed with steps necessary to protect my clients' interests and the interests of those similarly situated.

Very truly yours,


H. William Burgess

cc: Alberto R. Gonzales, Esq., Attorney General of the United States
Mark J. Bennett, Esq., Attorney General of the State of Hawaii
Carrie K.S. Okinaga, Esq., Corporation Counsel, City & County of Honolulu

APPLICATION FOR PAYMENTS EQUAL TO THOSE EXCLUSIVELY FOR "NATIVE HAWAIIANS" AND "HAWAIIANS."

The undersigned citizens of the United States, all of whom are residents, registered voters, taxpayers and real property owners in the State of Hawaii, believe the federal, state and local governments should not treat people differently on the basis of race, color, ethnicity or national origin.

We hereby each apply for and respectfully demand rights (including the right to concurrent disbursements of public funds), privileges and immunities equal to those exclusively for "native Hawaiians" and "Hawaiians" under federal, state, city and/or county laws in Hawaii.

Date	Name (Print)	Signature	Zip Code
3-16-07	EARL F. ARAKAKI	<i>Earl F. Arakaki</i>	96706
3-16-07	Evelyn ARAKAKI	<i>Evelyn Arakaki</i>	96706
3-16-07	GARRY P. Smith	<i>Garry P. Smith</i>	96706

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the following parties and attorneys as addressed below via First Class U. S. Mail, postage prepaid on May 1, 2009:

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Attorneys for Intervenor-Defendant-Appellee State of Hawaii, and Defendant-Appellee Mark J. Bennett, in his official capacity as Attorney General of Hawaii

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DATED: Honolulu, Hawaii, May 1, 2009.



H. WILLIAM BURGESS
Attorney for Plaintiffs-Appellants