
SENATE RESOLUTION

REQUESTING THE UNITED STATES CONGRESS TO DELAY A VOTE ON S. 147,
COMMONLY KNOWN AS THE "AKAKA BILL," UNTIL THE BILL IS
APPROPRIATELY AMENDED TO INCLUDE A VOTE BY THE PEOPLE OF
HAWAII TO APPROVE ENACTMENT OF THE MEASURE.

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2 WHEREAS, the Hawaii Senate delegation has proposed a bill,
3 commonly known as the "Akaka Bill," which seeks to establish a
4 Native Hawaiian governing entity with the powers to negotiate
5 and determine the future legal status of those of Hawaiian
6 blood; and

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8 WHEREAS, the Native Hawaiian governing entity, as proposed
9 in the Akaka Bill, seeks to create a race-based "tribe" out of
10 those of Hawaiian blood, which includes up to 400,000 people in
11 every state in the United States; and

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13 WHEREAS, because of the broad provisions of the Akaka Bill,
14 the Native Hawaiian governing entity will have vast governmental
15 powers and jurisdiction over persons in every state, creating
16 the largest Indian tribe in the nation; and

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18 WHEREAS, the membership in the society created by the Akaka
19 Bill is determined by racial characteristics, namely blood
20 without any minimum quantum, without the recognition of what are
21 considered necessary elements for determination as a political
22 entity, specifically: determination by the tribe as to who may
23 be members; past political recognition as a banded group
24 distinct from others; or geographic or cultural segregation; and

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26 WHEREAS, the definition of "Native Hawaiian" is extremely
27 broad and misleading; nothing in the bill guarantees the
28 governing entity will be carried out in a democratic form; the
29 bill fails to guarantee that the Bill of Rights are incorporated
30 into the governing entity; the entity will negotiate with state
31 and federal authorities over land rights, jurisdictional issues,
32 and other entitlements for its members to the exclusions of
33 others that reside in Hawaii; and S. 147 lacks any mechanism to
34 enable all Hawaiians, to determine whether they want to
35 authorize this government;



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2 WHEREAS, the likely impacts from enacting the Akaka Bill
3 will effect far more than those who qualify for membership. The
4 Akaka Bill will have broad sweeping impacts upon all those in
5 Hawaii including temporary stationed military personnel,
6 tourists, and most certainly the residents whom call Hawaii
7 home; and

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9 WHEREAS, the Akaka Bill is legislation that cannot be
10 easily amended as it creates a new society with its own laws,
11 jurisdiction, taxing powers, and all other features of an
12 independent and sovereign entity; and

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14 WHEREAS, the Akaka Bill could have long lasting impacts
15 upon the State of Hawaii and the United State including
16 subjecting residents of Hawaii to multiple jurisdictions in one
17 community; clouding land titles and other rights that have been
18 resolved for over one hundred years; creating future taxpayer
19 liabilities because of the possible litigation rights Native
20 Hawaiians may have against the State of Hawaii and the United
21 States governments; gambling or other gaming impacts because the
22 sovereign entity will have the right to choose its form without
23 oversight from the federal government; and

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25 WHEREAS, because of the vast impacts of the Akaka Bill,
26 many of which could be devastating to the State of Hawaii and
27 its people, the residents of Hawaii should be entitled to vote
28 in a referendum on whether S.147 is enacted; and

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30 WHEREAS, the right of those impacted by such vast laws
31 deserve to be enfranchised to determine whether they should be
32 subject to a new sovereign which will have the power over them
33 and limit their rights with which they have become accustomed
34 since statehood; now, therefore,

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36 BE IT RESOLVED by the Senate of the Twenty-third
37 Legislature of the State of Hawaii, Regular Session of 2006,
38 that members of the United States House of Representatives and
39 the United States Senate delay the passage of S.147, commonly
40 known as the "Akaka Bill," until the bill is appropriately
41 amended to provide the residents of Hawaii the ability to vote
42 on the bill; and

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1 BE IT FURTHER RESOLVED that certified copies of this
2 Resolution be transmitted to the President of the United States
3 Senate, the Speaker of the United state House of
4 Representatives, Hawaii's congressional delegation, and to each
5 of the presiding officers of the legislative bodies of each
6 state of the United States of America.
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OFFERED BY:



