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## HOUSE RESOLUTION

REQUESTING WITHDRAWAL OF THE STATE'S APPEAL PENDING BEFORE THE  
UNITED STATES SUPREME COURT IN HAWAII V. OFFICE OF HAWAIIAN  
AFFAIRS, NO. 07-1372.

1           WHEREAS, ceded lands are the former crown and government  
2 lands of the Kingdom of Hawaii that were transferred to the  
3 United States as part of Hawaii's annexation in 1898 and granted  
4 to the State of Hawaii upon statehood in 1959; and  
5

6           WHEREAS, the Admission Act mandates that the State hold the  
7 ceded lands and proceeds and income from ceded lands in a public  
8 trust for several purposes, including the betterment of  
9 conditions of native Hawaiians; and  
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11           WHEREAS, the 1993 Congressional Apology Resolution  
12 recognized that the overthrow of the Kingdom of Hawaii was  
13 illegal, the taking of the Kingdom's crown, government, and  
14 public lands was without consent or compensation, and the  
15 indigenous Hawaiian people never directly relinquished their  
16 claims over their national lands to the United States; and  
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18           WHEREAS, in 1994, the Office of Hawaiian Affairs and  
19 several native Hawaiian individuals sued the State and the  
20 Housing and Community Development Corporation of Hawaii to  
21 enjoin them from alienating ceded lands; and  
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23           WHEREAS, the Circuit Court decided in favor of the State  
24 and concluded that the plaintiffs' claims were barred by the  
25 doctrines of sovereign immunity, waiver, estoppel, and  
26 justiciability and that the State had the express authority to  
27 alienate ceded lands from the public lands trust; and  
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29           WHEREAS, in January 2008, the Hawaii Supreme Court vacated  
30 the Circuit Court's decision and instructed the Circuit Court to  
31 issue an order granting the injunction prohibiting the State  
32 from selling or transferring any ceded lands from the public  
33 lands trust until the native Hawaiians' unrelinquished claims to  
34 the ceded lands are resolved; and



1  
 2 WHEREAS, the State asked the United States Supreme Court to  
 3 review the Hawaii Supreme Court's decision; and  
 4

5 WHEREAS, the United States Supreme Court granted the  
 6 State's petition for a writ of certiorari, and oral arguments  
 7 are scheduled for February 25, 2009; and  
 8

9 WHEREAS, it is in the best interest of the people of this  
 10 State, including native Hawaiians, for the State to withdraw its  
 11 appeal to the United States Supreme Court; now, therefore,  
 12

13 BE IT RESOLVED by the House of Representatives of the  
 14 Twenty-fifth Legislature of the State of Hawaii, Regular Session  
 15 of 2009, that the Governor of the State of Hawaii is requested  
 16 to withdraw the State's request, now pending before the United  
 17 States Supreme Court in Hawaii v. Office of Hawaiian Affairs,  
 18 No. 07-1372, to overturn the decision of the Hawaii Supreme  
 19 Court enjoining the sale, transfer, or exchange of ceded lands;  
 20 and  
 21

22 BE IT FURTHER RESOLVED that certified copies of this  
 23 Resolution be transmitted to the Governor, the Attorney General  
 24 of the State of Hawaii, and the Chairperson of the Board of  
 25 Trustees of the Office of Hawaiian Affairs.  
 26  
 27  
 28

OFFERED BY: Mele Carroll

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