

FEB 18 2009

SENATE RESOLUTION

URGING THE GOVERNOR AND THE ATTORNEY GENERAL TO WITHDRAW THE APPEAL TO THE UNITED STATES SUPREME COURT OF THE HAWAII STATE SUPREME COURT DECISION, OFFICE OF HAWAIIAN AFFAIRS V. HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII, 117 HAWAII 174 (2008).

1 WHEREAS, on January 31, 2008, the Hawaii State Supreme
2 Court unanimously ruled in Office of Hawaiian Affairs v. Housing
3 Community Development Corporation of Hawaii (117 Hawaii 174),
4 that the State is enjoined from selling or otherwise
5 transferring to third parties any ceded lands from the public
6 lands trust until the claims of the Native Hawaiian people to
7 the ceded lands have been resolved; and

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9 WHEREAS, the Governor and Attorney General petitioned the
10 United States Supreme Court to review the decision of the Hawaii
11 State Supreme Court and that petition has been granted; and

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13 WHEREAS, oral argument in *State of Hawaii v. Office of*
14 *Hawaiian Affairs*, No. 07-1372, is scheduled for Wednesday,
15 February 25, 2009 in the United States Supreme Court; and

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17 WHEREAS, the decision to appeal the Hawaii State Supreme
18 Court decision to the United States Supreme Court undermines the
19 State's sovereign rights and is contrary to the ongoing
20 reconciliation process with the Native Hawaiian people; now,
21 therefore,

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23 BE IT RESOLVED by the Senate of the Twenty-fifth
24 Legislature of the State of Hawaii, Regular Session of 2009,
25 that the Governor and the Attorney General are requested to
26 withdraw the State of Hawaii's petition for writ of certiorari
27 in case No. 07-1372 from the United States Supreme Court; and

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29 BE IT FURTHER RESOLVED that certified copies of this
30 Resolution be transmitted to the Governor, the Attorney General,
31 the Senate President, the Speaker of the House of


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1 Representatives, and the Chairperson of the Board of Trustees
2 for the Office of Hawaiian Affairs.

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OFFERED BY: _____

A handwritten signature in black ink, appearing to read "M. H. Lee", is written over a horizontal line.