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# HOUSE CONCURRENT RESOLUTION

COMMEMORATING THE TWENTIETH ANNIVERSARY OF PUBLIC LAW 103-150,  
RECOGNIZING THE PROGRESS MADE TOWARDS RECONCILIATION AND  
NATIVE HAWAIIAN SELF-GOVERNANCE AND SELF-DETERMINATION,  
REAFFIRMING THE STATE'S COMMITMENT TO RECONCILIATION WITH  
NATIVE HAWAIIANS FOR HISTORICAL INJUSTICES, URGING THE  
FEDERAL GOVERNMENT TO ADVANCE RECONCILIATION EFFORTS WITH  
NATIVE HAWAIIANS, AND SUPPORTING EFFORTS TO FURTHER THE  
SELF-DETERMINATION AND SOVEREIGNTY OF NATIVE HAWAIIANS.

1 WHEREAS, in 1993, the United States Congress passed Public  
2 Law 103-150 (the "Apology Resolution"), acknowledging and  
3 apologizing for the critical role of United States diplomats,  
4 military forces, and citizens in the overthrow of the sovereign  
5 Kingdom of Hawai'i; and

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7 WHEREAS, the Apology Resolution confirms that the actions  
8 of United States agents in the overthrow and occupation of the  
9 Hawaiian government violated treaties between the United States  
10 and the sovereign Kingdom of Hawai'i, and norms of international  
11 law; and

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13 WHEREAS, the Apology Resolution confirms that 1,800,000  
14 acres of crown and government lands were thereafter ceded to the  
15 United States without consent or compensation to the Native  
16 Hawaiian people or their sovereign government, as a result of  
17 the United States' annexation of Hawai'i; and

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19 WHEREAS, the Apology Resolution recognizes that the Native  
20 Hawaiian people never relinquished their claims to their  
21 inherent sovereignty as a people or of their national lands  
22 throughout the overthrow, occupation, annexation, and admission  
23 of Hawai'i into the United States; and  
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1 WHEREAS, the Apology Resolution recognizes that the health  
2 and well-being of the Native Hawaiian people is intrinsically  
3 tied to their deep feelings and attachment to the land; and  
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5 WHEREAS, the Apology Resolution recognizes that the Native  
6 Hawaiian people are determined to preserve, develop, and  
7 transmit to their descendants, both their ancestral lands and  
8 their cultural identity; and  
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10 WHEREAS, the Apology Resolution acknowledges that the  
11 overthrow has resulted in the suppression of the inherent  
12 sovereignty of the Native Hawaiian people; and  
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14 WHEREAS, the Apology Resolution apologizes to the Native  
15 Hawaiian people on behalf of the people of the United States,  
16 commends the efforts of reconciliation initiated by the State of  
17 Hawaii and the United Church of Christ with the Native  
18 Hawaiians, including the appropriation of funds to educate the  
19 public regarding Hawaiian sovereignty; and  
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21 WHEREAS, the State Legislature also passed Act 340, Session  
22 Laws of Hawaii 1993, mandating that the lands and waters of  
23 Kaho'olawe island be held in the public land trust, directing the  
24 State to transfer management and control of these lands and  
25 waters to the sovereign Native Hawaiian entity upon its  
26 recognition by the United States and the State of Hawai'i, and  
27 establishing the Kaho'olawe Island Reserve Commission to manage  
28 these lands and waters in the interim; and  
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30 WHEREAS, the State Legislature passed Act 329, Session Laws  
31 of Hawaii 1997, recognizing the deep sense of injustice felt  
32 among many Native Hawaiians and others, affirming that  
33 reconciliation with the Native Hawaiian people is desired by all  
34 people of Hawai'i, and providing for an interim appropriation of  
35 revenues from the public land trust to the Office of Hawaiian  
36 Affairs for the betterment of Native Hawaiians; and  
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38 WHEREAS, in 2000, the United States Solicitor General, the  
39 Department of the Interior, and the Department of Justice  
40 published a report, "From Mauka to Makai: The River of Justice  
41 Must Flow Freely," confirming the trust responsibility of the  
42 United States with respect to the Native Hawaiian people; and  
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1 WHEREAS, in 2000 and 2002, the United States Congress  
2 passed Public Law 106-568, the Hawaiian Homelands Homeownership  
3 Act, and Public Law 108-110, the reenacted Native Hawaiian  
4 Education Act, confirming the special trust relationship between  
5 the federal government and the Native Hawaiian people; and  
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7 WHEREAS, in 2005, Hawai'i's entire congressional delegation,  
8 including then-representative and current Governor of Hawai'i,  
9 Neil Abercrombie, as well as the then-Hawai'i Governor, expressed  
10 to the United States Senate Committee on Indian Affairs their  
11 unanimous support for self-governance and self-determination for  
12 Native Hawaiians; and  
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14 WHEREAS, in 2008, the Supreme Court of the State of Hawai'i  
15 also affirmed that the lands acquired by the illegal overthrow  
16 of 1893 continue to be held in trust for the benefit of the  
17 Native Hawaiian people, and ruled that such lands must be so  
18 held until the public purpose of a lasting reconciliation with  
19 the Hawaiian people has been achieved; and  
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21 WHEREAS, in 2008, the Supreme Court of the State of Hawai'i  
22 also recognized the critical importance of the 'āina to Hawaiian  
23 people and stated that "[w]e firmly believe that, given the  
24 'crucial importance [of the 'āina or land to] the [n]ative  
25 Hawaiian people and their culture, their religion, their  
26 economic self-sufficiency, and their sense of personal and  
27 community well-being', any further diminishment of the ceded  
28 lands from the public lands trust will negatively impact the  
29 contemplated reconciliation/settlement efforts between native  
30 Hawaiians and the State"; and  
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32 WHEREAS, the State Legislature passed Act 195, Session Laws  
33 of Hawaii 2011, acknowledging that Native Hawaiians are the only  
34 indigenous, aboriginal, maoli population of Hawai'i nei, that the  
35 State of Hawai'i has a special political and legal relationship  
36 with the Native Hawaiian people, that Native Hawaiians have  
37 continued to maintain their identity as a distinctly native  
38 political community with rights to self-determination, self-  
39 governance, and self-sufficiency, and establishing a Native  
40 Hawaiian roll commission to maintain a roll of qualified Native  
41 Hawaiians to facilitate Native Hawaiian self-governance; now,  
42 therefore,  
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# H.C.R. NO. 6

1 BE IT RESOLVED by the House of Representatives of the  
2 Twenty-seventh Legislature of the State of Hawaii, Regular  
3 Session of 2013, the Senate concurring, that the Legislature  
4 hereby commemorates the twentieth anniversary of the Apology  
5 Resolution, recognizes the progress that has been made towards  
6 reconciliation and Native Hawaiian self-governance and self-  
7 determination, reaffirms the State's commitment to  
8 reconciliation with the Native Hawaiian people for historical  
9 injustices, urges the federal government to advance  
10 reconciliation efforts with Native Hawaiians, and supports  
11 efforts to further the self-determination and sovereignty of  
12 Native Hawaiians; and

13  
14 BE IT FURTHER RESOLVED that certified copies of this  
15 Concurrent Resolution be transmitted to the President of the  
16 United States, the Speaker of the United States House of  
17 Representatives, the President of the United States Senate, the  
18 Chief Justice of the Supreme Court of the United States, the  
19 Chief Justice of the Supreme Court of Hawai'i, the Governor of  
20 the State of Hawai'i, and the Chairperson of the Board of  
21 Trustees of the Office of Hawaiian Affairs.

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OFFERED BY: \_\_\_\_\_



**By Request**

JAN 17 2013

