

JAN 24 2013

SENATE 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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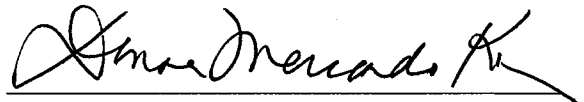
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1 BE IT RESOLVED by the Senate of the Twenty-seventh
2 Legislature of the State of Hawaii, Regular Session of 2013, the
3 House of Representatives concurring, that the Legislature hereby
4 commemorates the twentieth anniversary of the Apology
5 Resolution, 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

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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

