



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-SEVENTH LEGISLATURE, 2013**

---

**ON THE FOLLOWING MEASURE:**

H.R. NO. 32, RECOGNIZING HAWAIIAN NATIONALS AS A POPULATION RESIDING  
LAWFULLY IN THE HAWAIIAN ISLANDS.

**BEFORE THE:**

HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES, AND HAWAIIAN AFFAIRS

**DATE:** Wednesday, March 13, 2013                      **TIME:** 9:45 a.m.

**LOCATION:** State Capitol, Room 325

**TESTIFIER(S):** David M. Louie, Attorney General, or  
Charleen M. Aina, Deputy Attorney General

---

Chair Hanohano and Members of the Committee:

The Department of the Attorney General recommends that this resolution be held.

By its title and its principal resolving paragraph, this resolution recognizes that Hawaiian Nationals reside lawfully in Hawaii.

Under the Constitution of the United States, the states of the United States do not have jurisdiction to determine whether a person is a lawful resident of a state. Determining who is residing lawfully in the United States and thus, within a state “is exclusively a federal power.” DeCanas v. Bica, 424 U.S. 351, 354 (1976).

Accordingly, to prevent people from incorrectly concluding that the Legislature of the State of Hawaii is empowered to confer lawful resident status on persons who are in Hawaii, and to assure that persons who consider themselves to be only Hawaiian Nationals do not conclude that they are residing lawfully in Hawaii as a result of this resolution adoption, this resolution should be held by the Committee.