

STAND. COM. REP. NO.

1686

Honolulu, Hawaii

April 12, 2013

RE: H.R. No. 53

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Veterans, Military, & International Affairs, & Culture and the Arts, to which was referred H.R. No. 53 entitled:

"HOUSE RESOLUTION EXPRESSING COMMITMENT TO THE CONSTITUTION OF THE UNITED STATES,"

begs leave to report as follows:

The purpose of this measure is to support the basis of our representative democracy and the rights of America's citizens by:

- (1) Expressing the Legislature's commitment to the rights and liberties enshrined within the Constitution of the United States and in particular, the Fifth Amendment right to due process, the Sixth Amendment right to trial, and the Eighth Amendment prohibition on cruel and unusual punishment;
- (2) Requesting public agencies of the State and the counties to decline requests by federal agencies acting under detention powers granted by the National Defense Authorization Act or any authorization of force that could infringe upon the constitutional freedoms of speech, religion, assembly, privacy, or rights to counsel;
- (3) Requesting federal and state law enforcement officials acting in Hawaii to work in accordance with local laws and in cooperation with the county police, by allowing

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any detainees among Hawaii's residents or visitors access to a trial, counsel, and due process, as provided by Article III of the Constitution of the United States, the Bill of Rights, and Article I of the Hawaii State Constitution; and

- (4) Requesting the members of Hawaii's Congressional delegation to monitor the implementation of the National Defense Authorization Act and actively work for the repeal of the National Defense Authorization Act's detention provisions, in order to restore fundamental rights and liberties embodied in the Hawaii State Constitution and the Constitution of the United States.

A concerned individual provided comments.

As affirmed by the record of votes of the members of your Committee on Veterans, Military, & International Affairs, & Culture and the Arts that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 53 and recommends its adoption.

Respectfully submitted on
behalf of the members of the
Committee on Veterans,
Military, & International
Affairs, & Culture and the
Arts,


K. MARK TAKAI, Chair



State of Hawaii
House of Representatives
The Twenty-seventh Legislature

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Record of Votes of the Committee on Veterans, Military, & International Affairs, & Culture and the Arts

Bill/Resolution No.: HR 53	Committee Referral: VMI	Date: 4/3/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
VMI Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKAI, K. Mark (C)	✓			
2. ITO, Ken (VC)	✓			
3. BROWER, Tom	✓			
4. CACHOLA, Romy M.				✓
5. CHOY, Isaac W.				✓
6. OHNO, Takashi	✓			
7. ONISHI, Richard H.K.	✓			
8. TAKAYAMA, Gregg	✓			
9. TSUJI, Clift	✓			
10. MCDERMOTT, Bob				✓
TOTAL (10)	7			3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: _____ 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				