
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 one million
14 eight hundred thousand acres of crown and government lands were
15 thereafter ceded to the United States without consent or
16 compensation to the Native Hawaiian people or their sovereign
17 government, as a result of the United States' annexation of
18 Hawai'i; and

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20 WHEREAS, the Apology Resolution recognizes that the Native
21 Hawaiian people never relinquished their claims to their
22 inherent sovereignty as a people or of their national lands
23 throughout the overthrow, occupation, annexation, and admission
24 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 and affirming that
33 reconciliation with the Native Hawaiian people is desired by all
34 people of Hawai'i; and
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36 WHEREAS, in 2000, the Department of the Interior and the
37 Department of Justice published a report, "From Mauka to Makai:
38 The River of Justice Must Flow Freely," which formally initiated
39 the federal government's efforts to reconcile past injustices,
40 and recognize and establish a government-to-government
41 relationship with 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 107-110, the reenacted Native Hawaiian
4 Education Act, confirming the special relationship between the
5 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 *Office of Hawaiian Affairs v. Housing and*
15 *Community Development Corporation of Hawaii (HCDCH)*, 117 Hawaii
16 174, 195 (2008), rev'd and remanded by 556 U.S. 163 (2009), the
17 Supreme Court of the State of Hawai'i held that "the Apology
18 Resolution and related state legislation...give rise to the
19 State's fiduciary duty to preserve the corpus of the public
20 lands trust, specifically, the ceded lands, until such time as
21 the unrelinquished claims of the native Hawaiians have been
22 resolved."; and
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24 WHEREAS, in *Office of Hawaiian Affairs v. HCDCH*, 117 Hawaii
25 174, 216, the Supreme Court of the State of Hawai'i also
26 recognized the critical importance of the 'āina to Hawaiian
27 people and stated, "We firmly believe that, given the 'crucial
28 importance [of the 'āina or land to] the [n]ative Hawaiian people
29 and their culture, their religion, their economic self-
30 sufficiency, and their sense of personal and community well-
31 being,' any further diminishment of the ceded lands (the 'āina)
32 from the public lands trust will negatively impact the
33 contemplated reconciliation/settlement efforts between native
34 Hawaiians and the State"; and
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36 WHEREAS, the State Legislature passed Act 195, Session Laws
37 of Hawaii 2011, acknowledging that Native Hawaiians are the only
38 indigenous, aboriginal, maoli population of Hawai'i nei, that the
39 State of Hawai'i has a special political and legal relationship
40 with the Native Hawaiian people, that Native Hawaiians have
41 continued to maintain their identity as a distinctly native
42 political community with rights to self-determination, self-
43 governance, and self-sufficiency, and establishing a Native



1 Hawaiian roll commission to maintain a roll of qualified Native
2 Hawaiians to facilitate Native Hawaiian self-governance; now,
3 therefore,
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5 BE IT RESOLVED by the House of Representatives of the
6 Twenty-seventh Legislature of the State of Hawaii, Regular
7 Session of 2013, the Senate concurring, that the Legislature
8 hereby commemorates the twentieth anniversary of the Apology
9 Resolution, recognizes the progress that has been made towards
10 reconciliation and Native Hawaiian self-governance and self-
11 determination, reaffirms the State's commitment to
12 reconciliation with the Native Hawaiian people for historical
13 injustices, urges the federal government to advance
14 reconciliation efforts with Native Hawaiians, and supports
15 efforts to further the self-determination and sovereignty of
16 Native Hawaiians; and
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18 BE IT FURTHER RESOLVED that certified copies of this
19 Concurrent Resolution be transmitted to the President of the
20 United States, the Speaker of the United States House of
21 Representatives, the President of the United States Senate, the
22 Chief Justice of the Supreme Court of the United States, the
23 Chief Justice of the Supreme Court of Hawai'i, the Governor of
24 the State of Hawai'i, and the Chairperson of the Board of
25 Trustees of the Office of Hawaiian Affairs.
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