SENATE CONCURRENT RESOLUTION

REQUESTING THE UNITED STATES DEPARTMENT OF STATE AND THE UNITED STATES DEPARTMENT OF JUSTICE TO CLARIFY UNITED STATES POLICY REGARDING PERSONS WHO DECLARE THEMSELVES TO BE NATIONALS OF THE KINGDOM OF HAWAII RESIDING IN THE STATE OF HAWAII.

WHEREAS, Hawaiian nationals, also known as Hawaiian subjects, are those who:

(1) Claim their birthright of Hawaiian nationality; and

(2) Comprise the body politic of the internationally recognized Kingdom of Hawaii; and

WHEREAS, the rights to Hawaiian nationality are conferred by natural birth and customary law and practice, whether lineally descended from Hawaiian nationals, by birth within the physical boundaries of the Hawaiian Islands, or by a formal process of naturalization; and

WHEREAS, issues have arisen in Hawaii as to:

(1) Whether or not people who declare themselves to be Hawaiian nationals can be detained by the State of Hawaii; and

(2) Whether officers and agents of the State of Hawaii are exempt from complying with existing state and federal laws prohibiting discrimination on the basis of national origin with reference to Hawaiian nationals; and

WHEREAS, according to customary international law, and confirmed a hundred years apart by United States Presidents S. Grover Cleveland and William J. Clinton, the indigenous Hawaiian people never directly relinquished their sovereignty; and
WHEREAS, despite several regime changes and being seriously impaired and made nearly invisible, Hawaiian nationals continue to exist and to probe the process with the United States Department of State of having the Kingdom of the Hawaiian Islands reinstated and restored; and

WHEREAS, international law prohibits altering an individual's nationality, including the coercive and arbitrary assignment of citizenship to a foreign state without the explicit consent of that individual; and

WHEREAS, section 19 of the Hawaii Admission Act, P.L. 86-3 (1959), provides that "Nothing contained in this Act shall operate to confer United States nationality, nor to terminate nationality heretofore lawfully acquired"; and

WHEREAS, a significant part of the population of the Hawaiian Islands identify themselves as law-abiding Hawaiian nationals who lawfully reserve and assert their right to secure and exercise their nationality as citizens of the Kingdom of Hawaii; and

WHEREAS, pursuant to Hawaiian Kingdom laws, international treaties and conventions, the Law of Nations, and all other philosophies and standards of attributing nationality, Hawaiian nationals are subjects of the Kingdom of Hawaii who reside in their own country; and

WHEREAS, a "Hawaiian national" is not synonymous with:

(1) The term, "native Hawaiian", which was coined and adopted by the United States Congress in the Hawaiian Homes Commission Act 1920, as amended, to narrowly define Hawaiians according to aboriginal blood quantum; or

(2) The term, "Native Hawaiian", which is a term used to denote Hawaiians by racial standards; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017, the
House of Representatives concurring, that the United States Department of State and the United States Department of Justice are requested to clarify United States policy regarding persons who declare themselves to be nationals of the Kingdom of Hawaii residing in the State of Hawaii; and

BE IT FURTHER RESOLVED that the United States Department of State and the United States Department of Justice are requested to clarify:

(1) Whether or not people who declare themselves to be Hawaiian nationals can be detained by the State of Hawaii; and

(2) Whether officers and agents of the State of Hawaii are exempt from complying with existing state and federal laws prohibiting discrimination on the basis of national origin with reference to Hawaiian nationals; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the United States Secretary of State and Attorney General of the United States.

OFFERED BY: