

MAR 06 2020

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# SENATE CONCURRENT RESOLUTION

URGING THE NATIVE HAWAIIAN CONVENTION TO CONVENE A WORKING GROUP  
TO DEVELOP RECOMMENDATIONS AND STRATEGIES TO CREATE  
HAWAIIAN NATIONALITY AS A PROTECTED CLASS FOR PURPOSES OF  
HAWAII'S ANTI-DISCRIMINATION LAWS.

1           WHEREAS, Hawaii law prohibits discrimination against a  
2 person based solely on national origin, ancestry, race, color,  
3 religion, disability, sex, marital status, sexual orientation,  
4 or age; and

5  
6           WHEREAS, discrimination is carried out against many  
7 indigenous people who are recognized as Native Hawaiians under  
8 chapter 10H, Hawaii Revised Statutes, and declare themselves to  
9 be members of the Hawaiian nation or "Hawaiian nationals"; and

10  
11           WHEREAS, discrimination is carried out against many other  
12 people who, although they are not Native Hawaiian, reside in  
13 Hawaii and share the legal, historical, and philosophical  
14 foundation as Native Hawaiians, and who declare themselves to be  
15 members of the Hawaiian nation or "Hawaiian nationals"; and

16  
17           WHEREAS, an individual's declaration of the individual's  
18 own nationality stems from one's sense of loyalty or allegiance,  
19 which comes from the soul and may be a consequence of one's  
20 education, sense of familiarity, attachment to principles, sense  
21 of honor and integrity, genealogy and history, acculturation to  
22 a place, sense of belonging to a community or society, and  
23 understanding of applicable laws of the land; and

24  
25           WHEREAS, the history of Hawaii's relationship with the  
26 United States of America (U.S.) is one marked by U.S.  
27 aggression, collusion, government overthrow, cession, and  
28 annexation as a territory before Hawaii became a U.S. state; and  
29



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1 WHEREAS, the Hawaiian nation was an inclusive society  
2 welcoming people of all nations, colors, and religions as equal  
3 before the law; and  
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5 WHEREAS, Hawaiian nationals should not have to face  
6 barriers to full participation in private and public affairs in  
7 Hawaii; and  
8

9 WHEREAS, to truly reflect representation of all people of  
10 Hawaii, Hawaiian nationals should be allowed to fully  
11 participate, to the maximum extent possible in addressing issues  
12 regarding education, employment, housing and public  
13 accommodations, lending, law enforcement and police conduct,  
14 voting rights, jury service, military service, health care,  
15 public safety, and licensing; now, therefore,  
16

17 BE IT RESOLVED by the Senate of the Thirtieth Legislature  
18 of the State of Hawaii, Regular Session of 2020, the House of  
19 Representatives concurring, that the Native Hawaiian Convention  
20 is urged to convene a working group to develop recommendations  
21 and strategies to creating Hawaiian nationality as a protected  
22 class for purposes of Hawaii's anti-discrimination laws; and  
23

24 BE IT FURTHER RESOLVED that areas of discrimination against  
25 Hawaiian nationals to be examined by the working group should  
26 include, without limitations, education, employment, housing and  
27 public accommodations, lending, law enforcement and police  
28 conduct, voting rights, jury service, military service, health  
29 care, public safety, public service, and licensing; and  
30

31 BE IT FURTHER RESOLVED that the working group consider the  
32 proposed definition of "Hawaiian nationals" to mean an  
33 individual who declares themselves to be such, and who meets any  
34 one or more of the following categories:  
35

36 (1) All Native Hawaiians as defined by a direct lineal  
37 ancestry who resided in the Hawaiian Islands prior to  
38 the year 1778;  
39

40 (2) Descendants of subjects or citizens of the Hawaiian  
41 Kingdom prior to July 4, 1894; or  
42



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1           (3) All persons born in Hawaii, and other individuals who  
2           have been a resident of Hawaii for a continuous period  
3           of five years immediately prior to declaring oneself a  
4           Hawaiian national; and  
5

6           BE IT FURTHER RESOLVED that the working group's membership  
7           consist of nine members, to include:  
8

- 9           (1) One individual representing the Native Hawaiian  
10           Convention to oversee the working group to serve as  
11           chairperson of the working group;  
12  
13           (2) One individual representing the Office of Hawaiian  
14           Affairs;  
15  
16           (3) One individual representing the Department of the  
17           Attorney General;  
18  
19           (4) One individual representing the Department of Hawaiian  
20           Home Lands;  
21  
22           (5) One individual representing the University of Hawaii  
23           at Manoa William S. Richardson School of Law; and  
24  
25           (6) Four individuals of declared Hawaiian nationalities  
26           who have been active in the promotion of the rights of  
27           Hawaiian nationals, nominated by organizations who  
28           identify themselves as Hawaiian entities and who are  
29           to be selected by the Native Hawaiian Convention and  
30           the Governor or its designee; provided that together  
31           they represent a broad range of viewpoints and  
32           perspectives; and  
33

34           BE IT FURTHER RESOLVED that the members of the working  
35           group shall receive no compensation for their services, but may  
36           be reimbursed for incidental expenses, including travel costs,  
37           necessary for the performance of their duties; and  
38

39           BE IT FURTHER RESOLVED that the working group with the  
40           administrative assistance of the Native Hawaiian Convention is  
41           requested to submit a report of its findings and  
42           recommendations, including any proposed legislation, to the



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1 Legislature no later than twenty days prior to the convening of  
2 each Regular Session beginning in 2021, and for three years  
3 thereafter; and

4  
5 BE IT FURTHER RESOLVED that certified copies of this  
6 Concurrent Resolution be transmitted to the Native Hawaiian  
7 Convention, Chairperson of the Board of Trustees of the Office  
8 of Hawaiian Affairs, Attorney General, Chairperson of the  
9 Hawaiian Homes Commission, and President of the University of  
10 Hawaii System.

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OFFERED BY: \_\_\_\_\_

  
