Aloha,

            Senator Maile Shimabukuro has introduced a resolution calling for the end of discrimination against Hawaiian National.  The resolution is scheduled to be heard on Tuesday at 2:15 p.m. at Room 016 at the State Legislature.  It is SCR189.  You can find it at: <https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SCR&billnumber=189&year=2020>

            This is a very significant resolution to stop pushing many of our people out of the center of political, social, economic, judicial, and civil engagement by  discrimination against those of us who consider ourselves loyal to the Hawaiian nation and are often challenged to declare ourselves U.S. citizens.  For many of us, such a declaration violates our loyalty to the Hawaiian nation, in whatever form we believe it exists.  It is a violation of international law as regards the call for decolonization, the Universal Declaration of Human Rights, and the commitment made by the U.S. to abide by the Charter of the United Nations.  It also violates the Constitution of the United States (Article 2 and Article 6) as well as the specific agreement to abide by UN Resolution 66 regarding freeing non-self governing territories which Hawaii was considered.  But most of all, it violates an individuals promise to follow Pono in Hawaii, who knowing of the illegal process taken by the U.S. to claim Hawaii and its citizens, are forced to act contrary to Pono and declare themselves U.S. citizens or pay a penalty for their stand as a Hawaiian National.

            Should we refuse to declare ourselves U.S. citizens, our basic human rights to participate in the Hawaii society is blocked.  We are not be able to vote, to serve on the jury of our peers, to hold a job due to U.S. regulations, to drive a motor vehicle on the State and county roads, to open a bank account, to hold public office (other than the O`ahu Neighborhood Boards), and many other forms of marginalization of Hawaiian Nationals.  We are cast into times of discrimination, no different from racial, economic, religious, and gender or because of one’s disability, or sexual orientation.  And we are often the ones blamed for being the victims of such discrimination.

            Like anything which is “new” or unfamiliar, people normally will stand against an idea or a position.  This lack of familiarity with a new idea is generally a defensive posture, one in which a decision-maker, not knowing the issues, chose to align with the existing practice.  This is a response from the earliest time, from when Galileo proposed that the Earth was more like a ball rather than like a pancake.  The evidence he produced was undeniable, the science was absolutely behind him, he could prove his theory by observations.  Yet he was ostracized and even cast out of the Church for his heretical claims, not because his science was wrong but because he dared to introduce a new concept which challenged the custom of the day.  He was correct from the minute he made his pronouncement, but the society would not accept his truth until many years later while the world evolved around his theory, for example, with the sailing of Christopher Columbus’ three vessels across the Atlantic.

The story is essentially the same with regards to the Civil Right movement in the U.S., of the equal rights and dignity of all peoples of all color.  Many in control of the social, economic, and legal powers refused to budge from the practice of racial discrimination, siding more with conventional thought which was an excuse for prejudice.  It took a long struggle to finally show the general society that such discrimination was inhuman and finally made illegal.

The story is the same with respect to the right of women to vote – at first a resistance in defense of custom, and only after a long and hard fight, people were willing to step away from their prejudices and see the essential argument for human rights and fundamental freedom.

Discrimination by marital status, gender, sexual preference, religious beliefs, and disability have all followed the same road of having people first come face to face with the underlying issue and to address them with an open mind.  The American Indian movement’s struggle for justice has taken an extra long road.  The Hawaiian Sovereignty movement is also going through the same challenges which has not ended.

We have before us in this resolution calling upon the State of Hawaii to adopt a policy of non-discrimination against Hawaiian Nationals the same pattern as the other categories of discrimination.   The first objections will be due to unfamiliarity.  Yet, if we stop and take stock of the people who are making this claim of Hawaiian Nationality, one can find them throughout our Hawaiian history and our Hawaiian Islands.  From the village of Miloli`i, Walter Paulo and Puhipau (Abraham Ahmad) were ardent declarants of their Hawaiian Nationalism and expressed it with dignity and confidence.  Leon Siu of the Kona coast of Hawaii has traveled the world as a proud Hawaiian National.  Lahainaluna on Maui, the birthplace of A.K Chong (Sam Cheong) of pure Chines blood but a committed Hawaiian National till the day of his death.  From Laie, the Beirne-Leota family have not only maintained their cultural heritage of Hawaii but also their advocacy for their Hawaiian nation.  From Ewa, many of the leaders have led in the education and promotion of Hawaiian nationalism.  Throughout Hawaii, people maintain their Hawaiian nationalism, staying true to their history and loyalty to Hawaii.  They are upstanding, participating members of the society, but discriminated due to their national allegiance to Hawai`i.  They should all be included as part of the Hawaiian society to the extent they so choose and no longer pushed to the margins through discrimination.

This is not an attempt to create a new nationality in Hawaii.  It is and has existed since the founding of the Hawaiian nation.  Hawaiian nationality is part of our continuity of historical and political consciousness.  For those who remain loyal and committed to their nationality, they should not be pushed out or to the margins of Hawaii’s society.

Some may try to deflect the issue to the United Nations as the more appropriate venue to address this issue.  That deflection is without merit.  1) it is not the UN which is following a policy of discrimination against Hawaiian Nationals.  2) the UN has no procedure to intervene into a domestic practice such as the State of Hawaii to assert it authority.  3)the State of Hawaii would have very limited persuasive force to over-step the authority of the U.S. government to approach the UN for an opinion or position on this matter.

            And yet, the United Nations did, through its General Assembly in 1948, adopt the Universal Declaration of Human Rights, in which is contained the prohibition of taking away one’s nationality or imposing a nationality upon an individual.  But that Universal Declaration is a call for all nations and peoples to respect and is not on the UN to enforce.  To that extent, I guess the UN can be said to have a place in this discussion, but not as a body to oversee the violation of its standards.  Hawaii should review its own conduct and make its corrections itself.  This is essentially what this resolution calls upon the State to do.

            I urge you to support this resolution, send in your testimony and try to attend the hearing. You can go to the following site and send in your testimony in directly.

<https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SCR&billnumber=189&year=2020>

Mahalo

Poka Laenui