

## RESOLUTION PROHIBITING DISCRIMINATION OF HAWAIIAN NATIONALITY

1. Whereas current State laws forbid discrimination of a person's national origin, race, color, religion, disability, sex, marital status, sexual orientation and age.
2. Whereas discrimination is practiced against many of our indigenous people whom the State legislature of 2011 in Act 195 recognized as the Native Hawaiian people, who declare themselves members of the Hawaiian nation or as "Hawaiian nationals".
3. Whereas discrimination is practiced against many others residing in Hawaii who may not be Native Hawaiians but who also come from the same legal, historical and philosophical foundation to claim themselves as members of the Hawaiian nation or "Hawaiian nationals."
4. Whereas an individual's declaration of one's nationality stems from one's sense of loyalty or allegiance, a response which comes from the soul, a consequence of one's familiarity, one's education, one's attachment to principles, from a study of genealogy and history, an acculturation to a place, one's sense of belonging to a community or society, one's sense of honor and integrity, or an understanding of applicable laws of the land;
5. Whereas Hawaii's history and its current relationship with the United States of America is a history of U.S. aggression, collusion, regime change, cession and questionable form of annexation as a "Territory" and subsequently, as a State of the United States union;
6. Whereas, Hawaiian nationality stems from the Hawaiian nation which had organized itself into a state in international affairs and which evolved into a Constitutional Monarchy form of government and which gained international standing as a nation-state prior to U.S. aggression in 1893;
7. Whereas, the Hawaiian nation was an inclusive society welcoming people of all nations, color and religion as equal before the law;
8. Believing that all barriers to full participation in all private and public affairs in the Hawaii society of Hawaiian nationals should be removed;
9. Believing that certain areas of conflicts should be addressed to include to the maximum extent possible, Hawaiian nationals in the broad society's areas of Education, Employment, Housing and Public Accommodations, Lending, Law Enforcement /Police Conduct, Voting Rights, Public Service, Jury Service, Military Service, Health Care, Public Safety, and Licensing.

THEREFORE, BE IT RESOLVED BY THE JOINT HOUSES OF THE LEGISLATURE, 2020 SESSION, the following:

10. That Hawaiian nationality is to be included in the category of prohibited discrimination as a matter of State policy;

11. That the areas of prohibited discrimination are to include but not limited to Education, Employment, Housing and Public Accommodations, Lending, Public Accommodations, Law Enforcement /Police Conduct, Voting Rights, Public Service, Jury Service, Military Service, Health Care, Public Safety, and Licensing,

12. That Hawaiian nationals are those individuals who declare themselves to be such and who meet any one or more of the following categories:

- i.-all Native Hawaiians as defined by a direct lineal ancestry who resided in these Hawaiian Islands prior to the year 1778;
- ii.-descendants of subjects or citizens of the Hawaiian Kingdom prior to July 4, 1894;
- iii.-all persons born in Hawai`i, and other individuals who have been a resident of Hawai`i for a continuous period of five years immediately prior to declaring oneself a Hawaiian national;

13. The State of Hawaii will undertake to address practices of discrimination against Hawaiian nationals by the following:

a. Form the Working Group on Hawaiian Nationality consisting of 21 members to address areas of implementation of this policy and return to the Legislature in 3 years with a report and recommendations on legislative and regulatory adaptations or changes to bring this policy to fruition.

b. The working group shall consist of 10 individuals familiar with the State functions including the legislature, the judiciary, the executive branches, and the functions of the county governments; another 10 individuals of declared Hawaiian nationalities, including individuals familiar in international affairs, in the practice of law, with Hawaii's educational sectors, and individuals who have staffed or served the Sovereignty Advisory Council, Hawaiian Sovereignty Advisory Commission, Hawaiian Sovereignty Elections Council, and the Native Hawaiian Convention; and one individual from the Office of Hawaiian Affairs;

c. The selection of members to the working group is to be made from a list of nominees for the 10 members familiar with the State functions, from the various branches, departments and agencies of the State, including the University of Hawaii Systems, the Hawaiian Homes Commission, and the various county governments of Hawai`i; the 10 members of declared Hawaiian nationalists from a list of nominees by individuals, groups, and associations identifying said nominees and the basis of qualification consistent with the paragraph above; and one member selected by the Office of Hawaiian Affairs.

d. But for the member selected by the Office of Hawaiian Affairs, the working group members shall be selected from the list of nominees by the Governor's office and by two representatives of the State Legislature, one from the House of Representatives and another from the Senate.

e. Members of the working group shall organize themselves in accordance with their own operating rules, and until said rules are adopted, Robert's Rules of Order Newly Revised

shall serve as the rules of conduct with the member from the Office of Hawaiian Affairs convening the first meeting;

- f. Members of this working group shall serve without compensation but may be afforded a per diem and other expenses related to their service;
- g. The working group shall be adequately staffed 50% through the Office of Hawaiian Affairs and 50% through the State's General Fund;
- h. Annual interim report to the Legislature shall be submitted and on the third year following the adoption of this resolution, a final report and recommendation on implementation of this policy shall be made;
- i. BE IT FINALLY RESOLVED THAT COPIES OF THIS RESOLUTION SHALL BE CIRCULATED . . .