

SCR 39 / SR 14

REQUESTING THE GOVERNOR TO ORDER THE EXCLUSIVE DISPLAY OF
THE FLAG OF HAWAII OVER STATE BUILDINGS ON JANUARY 17 OF
EACH YEAR.



SCR39/SR14

REQUESTING THE GOVERNOR TO ORDER THE EXCLUSIVE DISPLAY OF THE FLAG OF
HAWAII OVER STATE BUILDINGS ON JANUARY 17 OF EACH YEAR

Senate Committee on Government Operations

March 31, 2015

1:30 p.m.

Room 414

The Administration of the Office of Hawaiian Affairs (OHA) will recommend to the Board of Trustees a position of **SUPPORT** for SCR39/SR14, which will help to remind the state of the ramifications of the illegal overthrow of the Hawaiian Monarchy, and support ongoing efforts to address Native Hawaiians' unresolved claims to their ancestral lands and sovereignty.

In 2013, the Hawai'i State Legislature passed House Concurrent Resolution 6, which commemorated the twentieth anniversary of the 1993 Apology Resolution, and recognized the need for continued efforts to address the issues, considerations, and debates relating to the outstanding claims of the Native Hawaiian people. As noted in the resolution and in OHA's testimony, just as we reflect on the significant progress and steps forward that have been taken since the 1993 Apology Resolution, we must recognize that the path towards lasting reconciliation and justice remains a long and uncertain one, requiring continued and ongoing efforts by the federal and state governments as well as the Native Hawaiian people. A continuous reminder of the overthrow and the nature of Native Hawaiians' unresolved claims will likely facilitate and support such ongoing efforts.

Accordingly, by urging the Hawaiian flag to be exclusively displayed over state buildings on January 17, the anniversary of the illegal overthrow of the Hawaiian Monarchy, this resolution will provide such a continual reminder of the unresolved claims of Native Hawaiians to their lands and sovereignty, and of the need to continue our efforts for justice and reconciliation notwithstanding the long and potentially painful road ahead.

Therefore, OHA urges the Committee to PASS SCR39/SR14. Mahalo for the opportunity to testify on these measures.

From: mailinglist@capitol.hawaii.gov
To: [GVO Testimony](#)
Cc: ranglen2010@yahoo.com
Subject: *Submitted testimony for SCR39 on Mar 31, 2015 13:30PM*
Date: Monday, March 30, 2015 12:53:24 PM

SCR39

Submitted on: 3/30/2015

Testimony for GVO on Mar 31, 2015 13:30PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Puanani Rogers	Ho`okipa Network - Kauai	Support	No

Comments:

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Center for Hawaiian Sovereignty Studies
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Kenneth R. Conklin, Ph.D. Executive Director
e-mail Ken_Conklin@yahoo.com
Unity, Equality, Aloha for all



To: SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Re: SCR 39 and SR 14

REQUESTING THE GOVERNOR TO ORDER THE EXCLUSIVE DISPLAY OF
THE FLAG OF HAWAII OVER STATE BUILDINGS ON JANUARY 17 OF
EACH YEAR.

For hearing on Tuesday, March 31, 2015

TESTIMONY IN OPPOSITION

This poorly conceived and poorly written resolution (introduced "by request" of the constituent who wrote it) proposes to fly the "flag of Hawaii" alone (without the U.S. flag) on January 17 of every year, to commemorate the overthrow of the monarchical government in the Hawaiian revolution of January 17, 1893.

The real author of this resolution needs to learn that the flag of the Kingdom of Hawaii is not the same as the flag of the State of Hawaii. Both flags have the same union jack and 8 stripes alternating white, red, blue; however, the Kingdom flag had a length to width ratio of 2 to 1, whereas the flag of the Territory of Hawaii and State of Hawaii has a ratio of 5 to 3 (or sometimes 8 to 5 or 3 to 2). Therefore, flying the flag of the State of Hawaii would serve only to honor the State of Hawaii but would not honor the Kingdom. Indeed, flying the flag of the State could be construed as an insult to the Kingdom by those who know about the difference in ratio, because it affirms that the Kingdom is dead and has been replaced by the State. If the intent is to fly the Kingdom flag on the date of the overthrow to honor the long-dead Kingdom, then thousands of Hawaiian flags with ratio of 2 to 1 would need to be manufactured and distributed.

Removing the U.S. flag from its customary position above the "flag of Hawaii" would have the clear purpose of asserting a continued sovereignty of an independent nation of Hawaii. I believe most citizens of Hawaii would consider such an assertion to be historically incorrect, morally wrong, and insulting to our beloved nation -- the United States of America.

It would be analogous to the State of Virginia or South Carolina or Alabama deciding to fly only the Stars and Bars on its government buildings on April 9 of every year, to commemorate the date when Robert E. Lee surrendered at the courthouse in Appomattox. Some people in those states continue to say "The South shall rise again" just as some people in Hawaii think the Kingdom still lives. They are entitled to their delusions, but they are not entitled to use government resources to inflict those delusions upon the rest of us.

This resolution cites the U.S. apology resolution of 1993 as a reason to remove the U.S. flag. But the apology resolution is filled with historical falsehoods, as documented in detail at <http://tinyurl.com/bkvv8e8>

For about ten years, 2000 through 2009, a lawsuit worked its way through the courts. The lawsuit was based on the assertion that the U.S. apology resolution puts Congress on record that the ceded lands were illegally stolen from native Hawaiians, and then illegally transferred to the U.S. in the illegal 1898 annexation, and then back to the State of Hawaii in the 1959 statehood act. And because those land transfers were illegal, therefore the State of Hawaii should be prohibited from selling any parcel of ceded lands until such time as the state and federal governments reach a settlement with Native Hawaiians. On January 31, 2008 the Supreme Court of the State of Hawaii ruled 5-0 in favor of plaintiffs, based on the apology resolution. But on appeal the U.S. Supreme Court ruled 9-0 on March 31, 2009 to overturn that decision on the grounds that the apology resolution has no power to deprive the State of its ownership of the ceded lands which were conveyed to Hawaii in fee simple absolute at Statehood in 1959. A very large webpage provides text of all major decisions throughout the history of the case, accompanied by news reports, commentaries, amicus briefs and oral arguments before the U.S. Supreme Court. See <http://bigfiles90.angelfire.com/CededNoSell.html>

As stated in the closing paragraph of the U.S. Supreme Court decision in *Rice v. Cayetano*: "When the culture and way of life of a people are all but engulfed by a history beyond their control, their sense of loss may extend down through generations; and their dismay may be shared by many members of the larger community. As the State of Hawaii attempts to address these realities, it must, as always, seek the political consensus that begins with a sense of shared purpose. One of the necessary beginning points is this principle: The Constitution of the United States, too, has become the heritage of all the citizens of Hawaii."

The flag of our nation, the United States, must never be removed from its rightful position above the flag of Hawaii -- especially not to give aid and comfort to secessionists in the interest of "political correctness."

1288 Kapiolani Blvd Apt 1905
Honolulu, Hawaii 96814
Email: mkhan@hawaiiantel.net

March 25, 2015

**TESTIMONY IN SUPPORT WITH RECOMMENDED AMENDMENTS
OF SCR 39 and SR 14, REQUESTING THE GOVERNOR TO ORDER THE EXCLUSIVE
DISPLAY OF THE FLAG OF HAWAII OVER STATE BUILDINGS
ON JANUARY 17 OF EACH YEAR**

Committee on Government Operations
Tuesday, March 31, 2015, 1:30 p.m., Conf Rm 414

Aloha, Senator Donovan M. Dela Cruz, Chair
Senator Clarence K. Nishihara, Vice Chair
Members of the Committee on Government Operations

Mahalo for the introduction of these resolutions and for hearing them. I am testifying in full support of SCR 39 and SR 14, that request the governor to order the exclusive display of the flag of Hawai'i over State Buildings on January 17 of each year, as an annual reminder of the illegal overthrow of the Kingdom of Hawai'i by the United States.

However, to assure the accuracy of the resolutions, request that they be amended to incorporate the changes to the title and the first whereas clause as follows (additions in red; deletions bracketed):

REQUESTING THE GOVERNOR TO ORDER THE EXCLUSIVE DISPLAY OF THE
[FLAG OF HAWAII] HAWAIIAN KINGDOM FLAG OVER STATE BUILDINGS ON
JANUARY 17 OF EACH YEAR.

□

WHEREAS, in commemoration of the 100-year anniversary of the overthrow of the Hawaiian Kingdom government [monarchy], on January 17, 1993, Hawaii Governor John Waihee, III, ordered that the Hawaiian Kingdom [United States] flag [not] be flown over the [state] Capitol building[s] as an appropriate reminder of the United States' involvement in the illegal overthrow of Queen Liliuokalani;

These resolutions are instructive, educational and consistent with the Apology Resolution, 35th Whereas clause, "in order to promote racial harmony and cultural understanding....on the rights and dignities of the Native Hawaiians in the Hawaiian and the American societies;"

Respectfully,

LEIMOMI KHAN

From: mailinglist@capitol.hawaii.gov
To: [GVO Testimony](#)
Cc: ponosize@hotmail.com
Subject: *Submitted testimony for SCR39 on Mar 31, 2015 13:30PM*
Date: Wednesday, March 25, 2015 9:19:08 AM

SCR39

Submitted on: 3/25/2015

Testimony for GVO on Mar 31, 2015 13:30PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Pono Kealoha	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [GVO Testimony](#)
Cc: ponosize@hotmail.com
Subject: *Submitted testimony for SR14 on Mar 31, 2015 13:30PM*
Date: Wednesday, March 25, 2015 9:20:18 AM

SR14

Submitted on: 3/25/2015

Testimony for GVO on Mar 31, 2015 13:30PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Pono Kealoha	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [GVO Testimony](#)
Cc: wkenkoike@hotmail.com
Subject: Submitted testimony for SCR39 on Mar 31, 2015 13:30PM
Date: Thursday, March 26, 2015 10:12:43 AM

SCR39

Submitted on: 3/26/2015

Testimony for GVO on Mar 31, 2015 13:30PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
W. Ken Koike	Individual	Support	No

Comments: As a small farmer in Waianae, I am in STRONG SUPPORT of this bill! Ever since Gov. Waihee flew ONLY the Hawaiian Flag over the Capitol to acknowledge and memorialize the illegal overthrow of our Hawaiian Government, I have been waiting for the natural repercussions of these acknowledgements of fact to facilitate the remedies required by each person who claims to be Pono and full of Aloha. Will you please show yourself as one of these Statemen/Statewomen by supporting this small step in the right direction? Malama Pono!

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From: mailinglist@capitol.hawaii.gov
To: [GVO Testimony](#)
Cc: wkenkoike@hotmail.com
Subject: Submitted testimony for SR14 on Mar 31, 2015 13:30PM
Date: Thursday, March 26, 2015 10:14:59 AM

SR14

Submitted on: 3/26/2015

Testimony for GVO on Mar 31, 2015 13:30PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
W. Ken Koike	Individual	Support	No

Comments: As a small farmer in Waianae, I am in STRONG SUPPORT of SR14! Ever since Gov. Waihee flew ONLY the Hawaiian Flag over the Capitol to acknowledge and memorialize the illegal overthrow of our Hawaiian Government, I have been waiting for the natural repercussions of these acknowledgements of fact to facilitate the remedies required by each person who claims to be Pono and full of Aloha. Will you please show yourself as one of these Statemen/Statewomen by supporting this small step in the right direction? Malama Pono!

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Attn: Senator Donavan Dela Cruz

State Capital/Senate House

Re: Bill SCR 39 /SR 14

Date: March 31, 2015

Aloha Kaua Senator Dela Cruz,

REQUESTING THE GOVERNOR TO ORDER THE EXCLUSIVE DISPLAY OF THE
FLAG OF HAWAII OVER STATE BUILDINGS ON JANUARY 17 OF EACH YEAR.
REQUESTING THE GOVERNOR TO ORDER THE EXCLUSIVE DISPLAY OF THE
FLAG OF HAWAII OVER STATE BUILDINGS ON JANUARY 17 OF EACH YEAR.

I am not in support of this for the following reasons:

1-The Flag of Hawaii that is been represented through out the State Hood of Hawai'i and the Hawaiian Islands is very misleading and not pono (Right)- The British UNION jack should not be on the flag and the colors is absolutely not correct and should have been corrected years ago.

2- To make this right for the Hawaiian people and to the Hawaiian Ali'i Monarch of our history and to give the respect and honor that is rightfully theirs and to commemorate that unjust day of the overthrow of our Monarch on Jan. 17 1893 than the last Royal flag of Her Majesty Lili'uokalani be flown over all state and county buildings through out the hawaiian islands not just January 17 but every day to remind us all of the illegal overthrow of the Hawaiian Monarch and should be the STATE of HAWAII FLAG or HAE HAWAI'I

Maybe then the Hawaiian Islands and the its people Hawaiian may heal the anger and disparity that has divided many over the many many years and NON Hawaiian can live in peace that now the proper recognition of the Kanaka Maoli and the TRUTH of what should we be a reminder to all of us that we can over come the horrible act of evil of man kind and greed that dishonored our Ali'i wahine. So we can be proud and can move on in life knowing that the MONARCH has been respectfully viewed by AMERICA and this STATE.

Mahalo Nui Loa in having share my mana'o as our last Mo'i has noted on her royal flag Oni Pa'a –Steadfast its that time that we do recognize and move forward together respectfully and making it right once and for all.

Respectfully submitted:

Kamalu Kaho'okele-

From: mailinglist@capitol.hawaii.gov
To: [GVO Testimony](#)
Cc: hoonanea@aol.com
Subject: *Submitted testimony for SCR39 on Mar 31, 2015 13:30PM*
Date: Monday, March 30, 2015 11:30:28 AM

SCR39

Submitted on: 3/30/2015

Testimony for GVO on Mar 31, 2015 13:30PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Regina Gregory	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [GVO Testimony](#)
Cc: hoonanea@aol.com
Subject: *Submitted testimony for SR14 on Mar 31, 2015 13:30PM*
Date: Monday, March 30, 2015 11:31:14 AM

SR14

Submitted on: 3/30/2015

Testimony for GVO on Mar 31, 2015 13:30PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Regina Gregory	Individual	Support	No

Comments:

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March 30, 2015

Senate Committee on Education
RE:SCR 39/SR 14
Tuesday, March 31, 2015
Conference Room 414

Chair Kidani, Vice Chair Harimoto and members of the Committee:

Aloha auina la kakou. O C. Francis Chun ko'u inoa E aloha aku oe ia SR14 & SCR39
Ho'opono kakou. He hawai'i ha'aheo kakou. He pake ha'aheo au.

Mahalo nui

C. Francis Chun,
1777 Ala Moana blvd., Suite 1021
Honolulu, HI 96815

From: Leon Siu
To: GVO Testimony
Subject: Testimony IN SUPPORT of SCR 39 and SR 14
Date: Monday, March 30, 2015 7:51:35 AM

Testimony **IN SUPPORT** of SCR 39 and SR 14
From: Leon Siu, Hawaiian National

COMMITTEE ON GOVERNMENT OPERATIONS
Senator Donovan M. Dela Cruz, Chair
Senator Clarence K. Nishihara, Vice Chair

DATE: Tuesday, March 31, 2015
TIME: 1:30 P.M.
PLACE: Conference Room 414

Senator Donovan M. Dela Cruz, Chair and members of the COMMITTEE ON GOVERNMENT OPERATIONS:

I submit this testimony in support of SCR 39 and SR 14.

It is only fitting that this government acknowledge tragic turning point in Hawaiian history, as it did in 1993 on the centennial of the illegal seizure of the government of the Hawaiian Kingdom. On that day, January 17, 1993, Governor John D. Waihee III, ordered that only the Hawaiian flag be flown over State of Hawaii buildings, thus setting the precedence for the action called for in this resolution.

The "Apology Law" (USPL 103-150) of 1993 calls for reconciliation of the offense, as does similar legislation passed by this legislative body leading up to the 1993 100th anniversary. The exclusive flying of the Hawaiian flag is a suitable reminder of the injustice committed against the people of Hawaii on January 17, 1893.

I urge you to pass SCR 39 and SR 14.

Mahalo nui loa,
Leon Siu

From: mailinglist@capitol.hawaii.gov
To: [GVO Testimony](#)
Cc: dkapua@gmail.com
Subject: Submitted testimony for SCR39 on Mar 31, 2015 13:30PM
Date: Sunday, March 29, 2015 8:10:17 AM

SCR39

Submitted on: 3/29/2015

Testimony for GVO on Mar 31, 2015 13:30PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Kapua Keliikoa-Kamai	Individual	Support	No

Comments: Aloha Senate GVO Chair Dela Cruz, Vice Chair Nishihara and Committee Members, Please PASS SCR 39/SR 14 REQUESTING THE GOVERNOR TO ORDER THE EXCLUSIVE DISPLAY OF THE FLAG OF HAWAII OVER STATE BUILDINGS ON JANUARY 17 OF EACH YEAR. As we learn more of our true history, it is imperative that we respect the past as we move forward. Mahalo. Me ka ha'aha'a, Kapua Keliikoa-Kamai

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From: Dawn Kahaleuahi
To: GVO Testimony
Subject: SCR 39 and SR 14
Date: Monday, March 30, 2015 1:11:21 PM

The passing of these measures will ensure that the events for which the Hawaiian Kingdom was wrongfully overthrown.. will never be forgotten and will stand as a reminder of the unwavering resilience of Hawaii's Kanaka Maoli. Thank you and Mahalo

From: mailinglist@capitol.hawaii.gov
To: [GVO Testimony](#)
Cc: alohamichaeldaly@gmail.com
Subject: Submitted testimony for SCR39 on Mar 31, 2015 13:30PM
Date: Monday, March 30, 2015 2:02:26 PM

SCR39

Submitted on: 3/30/2015

Testimony for GVO on Mar 31, 2015 13:30PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Daly	Individual	Support	No

Comments: I SUPPORT Bill-SCR 39 and SR-19, requesting the Governor to order EXCLUSIVE DISPLAY of HAWAII on January 17 each year. This will honour the Kingdom of Hawai'i and Queen Lili'uokalani, having been wrongfully ousted on that day in 1893. It will honour the host culture of Kanaka Maoli ancestry and the genuine goods of modern Hawai'i.

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From: mailinglist@capitol.hawaii.gov
To: [GVO Testimony](#)
Cc: alohamichaeldaly@gmail.com
Subject: Submitted testimony for SR14 on Mar 31, 2015 13:30PM
Date: Monday, March 30, 2015 2:04:23 PM

SR14

Submitted on: 3/30/2015

Testimony for GVO on Mar 31, 2015 13:30PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Daly	Individual	Support	No

Comments: I SUPPORT SR-14 and SCR-39 requesting the Governor to order EXCLUSIVE DISPLAY of HAWAI'I on January 17 each year. This will honour the Kingdom of Hawai'i and Queen Lili'uokalani, having been wrongfully ousted on that day in 1893. It will honour the host culture of Kanaka Maoli ancestry and the genuine goods of modern Hawai'i. Michael Daly Honolulu

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Senator Donovan M. Dela Cruz, Chair

Senator Clarence K. Nishihara, Vice Chair

Committee on Government Operations

Henderson Huihui, 808-383-0840

Tuesday, March 31, 2015

In support of SR14, relating to the flag of Hawaii; Exclusive Display Over State Buildings on January 17 of Each Year.

Aloha,

My name is Henderson Huihui. I am a sophomore at the University of Hawai'i at Manoa and I live on the windward side in the Waimanalo Hawaiian homestead. I am nearly half Native Hawaiian and my family can be traced back prior to Western contact. Therefore, I testify in strong support of SR14, relating to the exclusive flying of the Hawaiian flag over state buildings every January 17.

Our state observes certain Hawaiian figures and holidays where state offices and schools are closed, for example, King Kamehameha day where there are parades and celebrations. However January 17th is by all means, not a holiday. Native Hawaiians find no joy or happiness on this day for it is a day of heartache and remembrance for our Queen and the end of our identity as a self-determined nation that has spanned many generations. More than 122 years have passed since the overthrow of Her Majesty Queen Liliuokalani, and yet today there is still a pain that strikes the heart of Native Hawaiians. I can attest that I have experienced this very same feeling. It was on the fourth of July that I saw a house flying the United States flag proudly, and beneath it was the Hawaiian flag, a flag that once represented a great kingdom. For some reason that sight struck a chord in me and I felt wronged and hurt, despite nothing had directly been done against myself.

The way to rectify a wrong, is to first acknowledge and confront the wrong. As you know, SR14 would not be the first piece of legislation that recognizes the overthrow the Hawaiian Kingdom and of HM Queen Liliuokalani. Both houses of the United States Congress adopted Public Law 103-150 and which was signed by President Clinton. Public Law 103-150 recognized the involvement of the U.S. government in the overthrow. That was almost 22 years ago, and is it not imperative that this state, the host of the Hawaiian people, do something similar? Passing this bill will send a clear message to all Native Hawaiians that the wrong is recognized and the state of Hawaii recognizes the wrong that was done to you, your family and your queen. Is it not time to do more than what has been done? To make an attempt to heal those that have been hurt? So it is with great heaviness that I urge you to support SR14.

Mahalo nui loa,

Henderson Huihui

From: mailinglist@capitol.hawaii.gov
To: [GVO Testimony](#)
Cc: Leilani@DaughtersoftheGoddess.com
Subject: Submitted testimony for SR14 on Mar 31, 2015 13:30PM
Date: Tuesday, March 31, 2015 12:03:06 AM

SR14

Submitted on: 3/31/2015

Testimony for GVO on Mar 31, 2015 13:30PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Leilani Birely	Individual	Comments Only	No

Comments: I am REQUESTING THE GOVERNOR TO ORDER THE EXCLUSIVE DISPLAY OF THE FLAG OF HAWAII OVER STATE BUILDINGS ON JANUARY 17 OF EACH YEAR

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