
HOUSE RESOLUTION

URGING THE HAWAII CHAPTER OF THE AMERICAN JUDICATURE SOCIETY AND
THE HAWAII STATE BAR ASSOCIATION TO ANALYZE AND ASSESS THE
ROLE OF THE JUDICIARY WITHIN THE CONSTITUTIONAL FRAMEWORK
OF GOVERNMENT IN THE STATE OF HAWAII.

1 WHEREAS, our Nation and our State were founded upon the
2 constitutional principle of maintaining separate but equal
3 branches of government to ensure an equal distribution of power;
4 and
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6 WHEREAS, in *Trustees of Office of Hawaiian Affairs v.*
7 *Yamasaki*, 69 Haw. 154 (1987), the Hawaii Supreme Court clarified
8 the separation of powers doctrine as follows:
9

10 [W]hile the object was to "divide and allocate the
11 sovereign power among three co-equal branches, . . . the
12 separate powers were not intended to operate with absolute
13 independence."
14

15 The Constitution "contemplates that practice will integrate
16 the dispersed powers into a workable government. It enjoins
17 upon its branches separateness but interdependence,
18 autonomy but reciprocity."; and
19

20 WHEREAS, the separation of powers doctrine ensures a
21 workable government by precluding a branch from encroaching into
22 the jurisdiction of another; and
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24 WHEREAS, if a branch violates the separation of powers and
25 renders government unworkable, the public interest will suffer;
26 and
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28 WHEREAS, continual discourse and reflection upon the
29 respective roles and responsibilities of the three branches is
30 necessary to ensure responsible governance; and



1 WHEREAS, Hawaii attorneys and judges have a continuing
2 responsibility to assess the constitutional framework of
3 government in Hawaii, including the separation of powers
4 doctrine; now, therefore,
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6 BE IT RESOLVED by the House of Representatives of the
7 Twenty-ninth Legislature of the State of Hawaii, Regular Session
8 of 2018, that the Hawaii Chapter of the American Judicature
9 Society and the Hawaii State Bar Association are urged to
10 analyze and assess the role of the Judiciary within the
11 constitutional framework of government in the State of Hawaii,
12 including but not limited to topics such as the political
13 question doctrine, the Judiciary's interrelationship with the
14 legislative and executive branches, and the Judiciary's role in
15 ensuring a workable government; and
16

17 BE IT FURTHER RESOLVED that certified copies of this
18 Resolution be transmitted to the Chair of the Board of Directors
19 of the Hawaii Chapter of the American Judicature Society, the
20 President of the Hawaii State Bar Association, the Chief Justice
21 of the Hawaii Supreme Court, and the Governor of the State of
22 Hawaii.
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FEB 08 2018

