

MAR 11 2022

SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO ESTABLISH A
WORKING GROUP TO RETURN CROWN LANDS TO NATIVE HAWAIIANS.

1 WHEREAS, more than one hundred twenty-nine years ago, on
2 January 17, 1893, the Kingdom of Hawaii was overthrown with the
3 participation of agents and citizens of the United States,
4 effectively shattering the relationship that had existed between
5 the Kingdom of Hawaii and the United States; and

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7 WHEREAS, the Hawaiian Kingdom was overthrown in violation
8 of international law, and the Provisional Government was
9 established in 1893, followed by the Republic of Hawaii, which
10 lasted from 1894 to 1898; and

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12 WHEREAS, in 1898, when Hawaii was annexed to the United
13 States as a Territory, the Republic of Hawaii ceded the
14 remaining Crown and Government Lands to the United States, which
15 then became a public land trust; and

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17 WHEREAS, the Crown Lands were originally part of the unique
18 personal domain of King Kamehameha III and became a collective
19 resource to support the Hawaiian monarchs and Hawaiian people;
20 and

21
22 WHEREAS, the Republic of Hawaii confiscated the Crown Lands
23 and merged them with the Government Lands and enacted the 1895
24 Land Act, establishing a homesteading program through which some
25 acreage was transferred into private ownership; and

26
27 WHEREAS, the Crown Lands were not truly "public" but were
28 an entitlement of the Hawaiian people as the beneficiaries of a
29 trust maintained by their monarch; and

30
31 WHEREAS, the lands taken by the Provisional Government in
32 1893, Republic of Hawaii in 1894, and United States in 1898 were
33 taken without the consent of or compensation to the Hawaiian



1 people, as acknowledged in the 1993 federal Apology Resolution
2 and comparable enactments of the Hawaii State Legislature; and
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4 WHEREAS, in 1978, the State of Hawaii acknowledged the
5 consequences of these actions by significantly amending the
6 Hawaii State Constitution and enacting unprecedented legislation
7 relating to the Native Hawaiian community; and
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9 WHEREAS, in 1993, the 103rd Congress enacted Public Law
10 103-150, as, in part, an official apology to Native Hawaiians on
11 behalf of the people of the United States for the overthrow of
12 the Kingdom of Hawaii by agents and citizens of the United
13 States and the deprivation of the rights of Native Hawaiians to
14 self-determination; and
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16 WHEREAS, the Apology Resolution confirms that the actions
17 of United States agents in the overthrow and occupation of the
18 monarchy violated treaties between the United States and the
19 sovereign Kingdom of Hawaii as well as the norms of
20 international law; and
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22 WHEREAS, the 1993 federal Apology Resolution confirms that
23 one million eight hundred thousand acres of Crown and Government
24 Lands were thereafter ceded to the United States without the
25 consent of or compensation to the Native Hawaiian people or
26 their sovereign government, as a result of the United States'
27 annexation of Hawaii; and
28

29 WHEREAS, the Apology Resolution recognizes that the health
30 and well-being of the Native Hawaiian people are intrinsically
31 tied to their deep feelings for and attachment to the land; now,
32 therefore,
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34 BE IT RESOLVED by the Senate of the Thirty-first
35 Legislature of the State of Hawaii, Regular Session of 2022,
36 that the Department of Hawaiian Home Lands is requested to
37 establish a working group to return Crown Lands to Native
38 Hawaiians (Crown Lands Working Group); and
39

40 BE IT FURTHER RESOLVED that the Crown Lands Working Group
41 is requested to identify and report on:
42



- 1 (1) Which Crown Land tax map keys should be prioritized
- 2 for return to Native Hawaiians; and
- 3
- 4 (2) Which entity or entities should receive the land from
- 5 the State and assume responsibility for management of
- 6 those lands in perpetuity; and
- 7

8 BE IT FURTHER RESOLVED that the Crown Lands Working Group
 9 consist of the following individuals, or their respective
 10 designees:

- 11
- 12 (1) The Chairperson of the Hawaiian Homes Commission;
- 13
- 14 (2) The Chairperson of the Board of Trustees of the Office
- 15 of Hawaiian Affairs;
- 16
- 17 (3) The Director of the Ka Huli Ao Center for Excellence
- 18 in Native Hawaiian Law;
- 19
- 20 (4) A Native Hawaiian legal practitioner selected by the
- 21 Chairperson of the Hawaiian Homes Commission;
- 22
- 23 (5) The President and Chief Executive Officer of ALU LIKE,
- 24 Inc.;
- 25
- 26 (6) The President of the Executive Committee of the
- 27 Association of Hawaiian Civic Clubs;
- 28
- 29 (7) The President and Chief Executive Officer of the
- 30 Council for Native Hawaiian Advancement;
- 31
- 32 (8) The President of the Executive Board of the Native
- 33 Hawaiian Education Association; and
- 34
- 35 (9) The Executive Director of Papa Ola Lokahi, Inc.; and
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37 BE IT FURTHER RESOLVED that the Crown Lands Working Group
 38 is requested to select a chairperson from among its members; and

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40 BE IT FURTHER RESOLVED that the Crown Lands Working Group
 41 is 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 before the convening of
2 the Regular Session of 2023; and
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4 BE IT FURTHER RESOLVED that certified copies of this
5 Resolution be transmitted to the Governor; Chairperson of the
6 Hawaiian Homes Commission; Chairperson of the Board of Trustees
7 of the Office of Hawaiian Affairs; Director of Ka Huli Ao Center
8 for Excellence in Native Hawaiian Law; President and Chief
9 Executive Officer of ALU LIKE, Inc.; President of the Executive
10 Committee of the Association of Hawaiian Civic Clubs; President
11 and Chief Executive Officer of the Council for Native Hawaiian
12 Advancement; President of the Executive Board of the Native
13 Hawaiian Education Association; and Executive Director of Papa
14 Ola Lokahi, Inc.
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16
17

OFFERED BY: _____

A handwritten signature in black ink, appearing to be 'J. K.', is written over a horizontal line.