

# NATIONAL CAUCUS OF NATIVE AMERICAN STATE LEGISLATORS

## RESOLUTION IN SUPPORT OF THE NATIVE HAWAIIAN REORGANIZATION ACT OF 2009

The National Caucus of Native American State Legislators (NCNASL) is made up of American Indian, Alaska Native and Native Hawaiian State Legislators from 18 states and is organized to provide a forum for discussion, education and increased communication. Additionally, the NCNASL identifies and proposes legislation and administrative actions to eliminate barriers to achievement of a better quality of life for Native people.

**WHEREAS** the State of Hawaii was once the Kingdom of Hawaii, with a monarchy that was afforded full diplomatic recognition by the United States; and

**WHEREAS** on January 17, 1893, the government of the Kingdom of Hawaii was overthrown by a group of American citizens, who acted with the support of United States Minister John Stephens and a contingent of United States Marines from the U.S.S. Boston; and

**WHEREAS** despite the overthrow of their kingdom, the Native Hawaiian people never willingly relinquished their inherent claims to sovereignty and, to this day, retain their unique identity through their distinct cultural, social, and political traditions and institutions; and

**WHEREAS** following the annexation, the conditions of Native Hawaiians in the Territory of Hawaii declined to such an extent that the United States Congress passed a law to set aside more than 200,000 acres of land to address these problems; and

**WHEREAS** these lands were not given back to the Native Hawaiian people; rather, the federal government held the title and administered these lands for Native Hawaiians; and

**WHEREAS** when Hawaii achieved statehood, these lands were included in a public trust, and the federal government transferred administrative responsibility for the public trust to the government of the State of Hawaii; and

**WHEREAS** to this day, Native Hawaiians remain subject to the final authority of the federal government; and

**WHEREAS** Native Hawaiians are a distinct indigenous population with their own culture, identity and assets set aside for their benefit; and

**WHEREAS** unlike other indigenous populations, Native Hawaiians do not have control over their own land, resources, and other assets; and

**WHEREAS** on May 7, 2009, Hawaii's congressional delegation introduced legislation that would clarify the legal and political relationship between Native Hawaiians and the United States; and

**WHEREAS** United States Senators Daniel K. Akaka and Daniel K. Inouye introduced the Native Hawaiian Government Reorganization Act of 2009, S. 1011, in the Senate while United States Representatives Neil Abercrombie and Mazie Hirono introduced the companion measure, H.R. No. 2314, in the House of Representatives; and

**WHEREAS** the measure, otherwise known as the "Akaka Bill," aims to extend the federal policy of self-determination and self-governance to Hawaii's indigenous, native people - Native Hawaiians, thereby establishing parity in federal policies towards Native Hawaiians, Alaska Natives and American Indians; and

**WHEREAS** the Akaka Bill would:

- (1) Authorize the Office of Native Hawaiian Relations in the Department of the Interior to serve as a liaison between Native Hawaiians and the federal government;
- (2) Establish the Native Hawaiian Interagency Coordinating Group - an interagency group to be composed of federal officials from agencies that administer Native Hawaiian programs and services; and
- (3) Establish a process for the reorganization of the Native Hawaiian governing entity; and

**WHEREAS** while the United States Congress has traditionally treated Native Hawaiians in a manner parallel to American Indians and Alaska Natives, the federal policy of self-governance and self-determination has not been formally extended to Native Hawaiians; and

**WHEREAS** the Akaka Bill would remedy this discrepancy and extend to Native Hawaiians the policy of self-governance and self-determination currently practiced by American Indians and Alaska Natives; and

**WHEREAS** the Akaka Bill establishes a process for the reorganization of the Native Hawaiian governing entity for the purposes of federal recognition; and

**WHEREAS** the Akaka Bill itself does not extend federal recognition; rather, it simply authorizes the process for federal recognition; and

**WHEREAS** the federal government already treats Native Hawaiians as an indigenous population in many respects; and

**WHEREAS** the United States Congress has enacted over one hundred sixty laws designed to address the conditions of native populations including Native Hawaiians; and

**WHEREAS** these federal laws mandate the provision of health care, education, job training, the preservation of native languages, the protection of Native American graves and the repatriation of Native American human remains; and

**WHEREAS** consequently, recognition would not necessitate new programs nor would it impact existing programs for American Indians and Alaska Natives; it would simply give Native Hawaiians a seat at the table and a voice in matters affecting their destiny; and

**WHEREAS** the National Caucus of Native American State Legislators believe that the United States Congress and the President of the United States should favorably consider the Native Hawaiian Government Reorganization Act of 2009 to facilitate Native Hawaiians formal federal recognition as indigenous people, self-governance, and redress; now

**THEREFORE BE IT RESOLVED BY THE NATIONAL CAUCUS OF NATIVE AMERICAN STATE LEGISLATORS** that the inherent sovereignty of Tribes as recognized through historical treaties and legal relationships that exist between Tribal Nations and the United States of America is undeniable; and

**BE IT FURTHER RESOLVED** by the National Caucus of Native American State Legislators, that the United States Congress and the President of the United States are urged to support the passage of S. 1011, the Native Hawaiian Government Reorganization Act of 2009, otherwise known as the Akaka Bill; and

**BE IT FURTHER RESOLVED** that, upon passage of the Native Hawaiian Government Reorganization Act of 2009, the United States Congress and the President of the United States are urged to expeditiously facilitate Native Hawaiians formal federal recognition as indigenous people, self-governance, and redress.

**Sponsored by:** Sen. Brickwood Galuteria (HI), Rep. Pono Chong (HI), Rep. Mele Carroll (HI), Rep. Karen Awana (HI), Rep. Faye Hanohano (HI)

**Approved date is:** September 25, 2009

**Certified by Caucus Chair:** Rep. John McCoy (WA)

**Ratified certified by:** The NCNASL, September 25, 2009

**Distribution List:** **Senator Daniel Inouye**  
**Senator Daniel Akaka**  
**Representative Neil Abercrombie**  
**Representative Mazie Hirono**  
**Administration**