RESOLUTION OF THE ORGANIZATION OF CHINESE AMERICANS IN URGING THE RECOGNITION OF A NATIVE HAWAIIAN GOVERNING ENTITY

July 28, 2002

WHEREAS, Native Hawaiians are the first and indigenous people of Hawai‘i; and

WHEREAS, until 1893 Hawai‘i was a self-governing sovereign nation recognized in the international community of nations; and

WHEREAS, by 1835, the Chinese had brought sugar to Hawai‘i, and now sugar began to bring the Chinese to Hawai‘i; and for many years thereafter, the Chinese were the most numerous immigrants in Hawai‘i. It was not long before the Chinese settlers were able to set up their own businesses, trade stores, rice farms, and coffee farms.

WHEREAS, although Chinese workers faced hardships on the plantations, they were treated with aloha by Native Hawaiian, and were allowed to become naturalized subjects of the Kingdom of Hawai‘i with suffrage right, dating back to the Hawaii Constitution of 1852, while the privilege of United States naturalization was denied to the Chinese until after World War II; and

WHEREAS, in 1887 King Kalakaua was forced to sign the Bayonet Constitution, which denied Chinese suffrage; and

WHEREAS, in 1893 a group of American businessmen constituting the so-called Committee of Safety conspired with the United States Minister John Stevens to overthrow the Hawaiian government with the direct intervention of the United States Marines, and Queen Lili‘uokalani yielded to the superior forces of the United States Marines; and

WHEREAS, while the conspirators immediately sought annexation, Queen Lili‘uokalani petitioned the United States for restoration of the Hawaiian government, and President Grover Cleveland denounced the overthrow and the role of Minister Stevens and American armed forces; and

WHEREAS, unsuccessful in their efforts for annexation, the small committee of American businessmen proclaimed a provisional government, the Republic of Hawai‘i; and

WHEREAS, in 1898, the United States invaded the Philippines during the Spanish-American War, and President William McKinley signed a Joint Resolution to annex the Hawaiian Islands as a territory of the United States, in an era dominated by belief in American expansionism and Manifest Destiny; and

WHEREAS, at annexation the Republic of Hawai‘i ceded 1.8 million acres of appropriated former crown and government lands to the United States without compensation and without the consent of the people of Hawai‘i,

WHEREAS, at the end of World War II, the United Nations listed Hawai‘i as one of the Non-Self Governing Territories Designated for Decolonization; and

WHEREAS, in 1959 Hawai‘i was admitted to statehood, endorsed by a vote in which a return to independent nation status was not an option; and
WHEREAS, as a condition of the Admissions Act the United States conveyed 1.2 million acres of the ceded lands to the State of Hawai‘i to be held in trust for the betterment of the Hawaiian people, among other express purposes, while the federal government retained the remainder of the lands ceded to it for military and other federal use; and

WHEREAS, in 1978 Hawaii Constitutional Convention approved a constitutional provision establishing the Office of Hawaiian Affairs (OHA) as the entity responsible for the administration of a portion of the ceded lands trust revenues for the benefit of Native Hawaiians, and the provision was ratified by the people of Hawai‘i; and

WHEREAS, in 1993, the United States Congress passed, and President Clinton signed, Public Law 103-150 (the Apology Law), containing an apology to Native Hawaiians for the illegal overthrow of the Kingdom of Hawai‘i, and acknowledging that the 1.8 million acres of ceded lands had been obtained without the consent of or compensation to the Native Hawaiian people of Hawai‘i or their sovereign government, "..." and

WHEREAS, on February 23, 2000, the United States Supreme Court decided *Rice v. Cayetano*, striking down the provision of the Hawai‘i State Constitution limiting those eligible to vote for OHA trustees to persons of Hawaiian ancestry as a racial classification in violation of the 15th Amendment, which provides that the right to vote may not be denied on the basis of race; and

WHEREAS, it is painfully ironic that the Supreme Court in *Rice v. Cayetano* cited *Hirabayashi* for the principle that, "Distinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality"; and

WHEREAS, the Supreme Court in *Rice* refused to recognize the special political relationship that Native Hawaiians have with the United States government, and ignored legislation recognizing Native Hawaiians as a native people; and

WHEREAS, the decision of the Supreme Court in *Rice* clarifies the urgent need for Congress to clearly establish the political status of Native Hawaiians as native peoples and to recognize a Native Hawaiian entity that may then enjoy a government-to-government relationship with the United States; and

WHEREAS, the Department of Interior has initiated a reconciliation process with Hawaiians pursuant to Public Law 103-150, and Senators Daniel Inouye and Daniel Akaka of Hawai‘i have created a task force to address the crucial issues of federal recognition; and

WHEREAS, while Japanese Americans have received redress and reparations for the injustice of the evacuation and internment, Hawaiians have received only an apology for the denial of their sovereign rights and the deprivations they have suffered; and

WHEREAS, while discrimination and colonization are both rooted in racist attitudes, remedies for inequality of opportunity and treatment within American society will not adequately address the harms suffered by Native Hawaiians; and

WHEREAS, Asian Pacific Americans have experienced racial discrimination in the United States, both as immigrants and as citizens for generations; and

WHEREAS, Asian Pacific Americans have employed anti-discrimination laws and the United States Constitution in the fight to ensure equal opportunity and treatment, and

WHEREAS, based on their experiences as targets of discrimination and their attempts to remediate this unfortunate history, Asian Pacific Americans are well-situated to state that OHA is not a civil rights remedial program but a response to the loss of nationhood by Native Hawaiians; and
WHEREAS, the harms suffered by Native Hawaiians, while certainly as grievous if not more so than the effects of racial discrimination, require different approaches, understandings, assumptions and solutions; and

WHEREAS, the Organization of Chinese Americans is a civil rights organization that opposes racism and injustice; now, therefore

BE IT RESOLVED by the Organization of Chinese Americans (OCA) that we oppose the historical injustice suffered by Hawaiians, as that harm has been exacerbated by the Supreme Court in *Rice v. Cayetano*; and

BE IT FURTHER RESOLVED that the OCA reaffirms its support of Hawaiian sovereignty and self determination; and

BE IT FURTHER RESOLVED that the OCA recognizes Native Hawaiians as an aboriginal, indigenous and native people, as opposed to an ethnic minority; and

BE IT FURTHER RESOLVED that the OCA respectfully requests that the United States Congress and President recognize the political status of Hawaiians as a native people, and provide for the implementation of steps towards reconciliation between the federal government and Native Hawaiians pursuant to Public Law 103-150; and

BE IT FURTHER RESOLVED that the OCA urges that the reconciliation process include, consistent with the desires expressed by Native Hawaiians in the exercise of their rights to self-determination, the establishment of a government-to-government relationship or other suitable structure; and

BE IT FURTHER RESOLVED that each OCA chapter shall urge their respective congressional delegations to support federal recognition legislation and federal reconciliation with Native Hawaiians; and that this effort shall include the submission of letters in support of such legislation;

BE IT FURTHER RESOLVED that National OCA shall urge Congressional delegations, chapters, and membership to support federal recognition legislation and federal reconciliation with Native Hawaiians, and that this effort shall include the submission of letters in support of such legislation; and

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted to the Hawai‘i congressional delegation, the 106th Congress of the United States, the Secretaries of the Departments of Justice, Interior, and State, and the President of the United States.