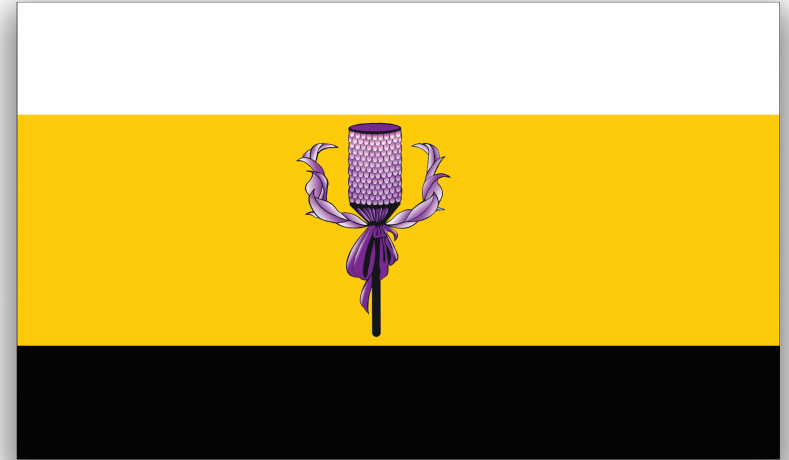




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HAWAII CONSTITUTION

JANUARY 16, 1995

**THE
UNITED STATES OF AMERICA**
and
THE UNITED CHURCH OF CHRIST
APOLOGY TO THE
KANAKAMAOLII PEOPLE
(Native Hawaiian)

"WHEREAS, the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum,"

October 27, 1993
U.S. SENATE
CONGRESSIONAL RECORD

"I know that the two Senators from Hawaii do not agree with the radicals who wish independence as a result, but the logical consequences of this resolution would be independence. That is the only way that the clock can ever truly be turned back."
Senator Slade Gorton from Washington
Passed "Apology Resolution"

November 15, 1993
U.S. HOUSE OF REPRESENTATIVES
Passed "Apology Resolution"

November 23, 1993
PRESIDENT WILLIAM J. CLINTON
Signs "Apology Resolution" into Law
U.S. Public Law 103-150

December 28, 1993

LEGAL OPINION ON U.S. PUBLIC LAW 103-150 BY
INTERNATIONAL LAW PROFESSOR FRANCIS ANTHONY BOYLE

"When I read the Public Law for the first time, the first thought that occurred to me is that now, after 100 years, the United States government, has finally and officially conceded, as a matter of United States law, that Native Hawaiian people have the right to restore the independent nation state that you had in 1893 when the United States government came and destroyed it. Also as a matter of international law, the Native Hawaiian people have the right to now go out and certainly **Proclaim the Restoration of that State.**"

January 16, 1994
Iolani Palace, Honolulu, HI

PROCLAMATION RESTORING THE INDEPENDENCE OF THE SOVEREIGN NATION STATE OF HAWAII

June 2, 1994
LETTER FROM THE HEAD OF STATE, PU'UHONUA D. K. KANAHELE TO
THE PRESIDENT OF THE UNITED STATES, WILLIAM J. CLINTON

September 8, 1994
LETTER OF RECOGNITION TO PU'UHONUA D.K. KANAHELE AS HEAD OF STATE OF HAWAII
FROM THE PRESIDENT OF THE UNITED STATES, WILLIAM J. CLINTON

October 9, 1994
RATIFICATION OF THE NATION OF HAWAII CONSTITUTION

January 16, 1995
Iolani Palace, Honolulu, HI
PROMULGATION OF THE NATION OF HAWAII CONSTITUTION
Head of State Pu'uhonua D.K. Kanahele
JUDICIARY EXECUTIVE LEGISLATIVE
NATIONAL TRIBUNALS ADMINISTRATION GENERAL ASSEMBLY

January 17, 1995
DECLARATION OF NATIONAL STATE OF EMERGENCY

April 11, 1995
ISSUANCE OF EXECUTIVE ORDER 95-001, THE REFUGE ACT
ISSUANCE OF EXECUTIVE ORDER 95-002, THE PASSPORT ACT

1995 to Present
NATION BUILDING/FUNCTIONAL GOVERNMENT
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL DEVELOPMENT

Section 3. Qualifications
Section 4. Powers and Duties
Section 5. Upon Vacancy in the Citizens' Assembly
Section 6. Publication of Laws
Section 7. Passage of Laws

Article VII Na Kupuna Council

Section 1. Composition
Section 2. Na Makua and Na 'Opio Council
Section 3. Term of Office
Section 4. Qualifications for Office
Section 5. Powers, Duties, and Responsibilities of Na Kupuna
Section 6. Passage of Laws

Executive Powers
The Executive Administration

Article VIII The Head of State

Section 1. Head of State and Deputy Head of State
Section 2. Term of Office
Section 3. Qualifications
Section 4. Powers, Duties, and Responsibilities
Section 5. Powers to execute laws
Section 6. Power of veto
Section 7. Of Foreign Relations
Section 8. Deputy Head of State
Section 9. In the absence of the Head of State

Article IX The Executive Ministries

Section 1. Creation of Ministries
Section 2. Charters of the Ministries
Section 3. Heads of Ministries, Departments

Judiciary
Tribunal

Article X The National Tribunals

Section 1. Supreme Tribunal
Section 2. Selection of Judges
Section 3. Promulgation of Rules for the Tribunals
Section 4. Circuit and District Tribunals
Section 5. Qualifications of Judges
Section 6. Independence

Article XVIII

Ratification

Done in Convention by the Unanimous Consent of na Kanaka Maoli present at 'Iolani Palace, Honolulu, O'ahu o Hawai'i Nei this Sixteenth Day of January in the Year of Our Lord one thousand nine hundred and ninety five for the Independence of our Nation in Witness whereof We hereunto place our names; 379 names signed on to the Nation of Hawai'i's Constitution.

Pu'uhonua B. Kanahele
Head of State



NATION OF HAWAI'I
OFFICE OF THE HEAD OF STATE

PU'UHONUA O WAIMANALO

17 January 1995

DECLARATION

NATIONAL STATE OF EMERGENCY

By virtue of the authority vested in me by the, Resolution 94-006 of the Provisional Government of 6 March 1994, Proclamation of Restoration of the Sovereign and Independent Nation State of Hawai'i of 16 January 1994, the Hawai'i Constitution of 9 October 1995 and 16 January 1995, Article VIII, Section 4. (e) of the Hawai'i Constitution and finally by Natural Law of Na Kupuna o Hawai'i as the Head of State it is ordered as follows:

Due to the extreme and extraordinary circumstances in the development of Hawai'i as an independent State and its many needs as a developing Country to effect and execute policy and standards for the purpose of growth and transition I declare a National State of Emergency this Seventeenth day of January in the year of our Lord Nineteen Hundred and Ninety Five. And, by this declaration enact the powers of the issuance of Executive Order with full authority to act and execute business of the Nation in Transitional Preparedness. All Executive Orders issued by my office shall be submitted as proposed legislation to the Legislative General Assembly when it convenes for the adoption of National Policy and Standards established by Executive Order. This measure is determined as expedient and necessary under the National State of Emergency. It will remain in force until such time as Independence has been fully restored.

Pu'uhonua B. Kanahele

Pu'uhonua B. Kanahele



P.O. Box 80, Waimanalo, O'ahu - (808) 259-5049 - f (808) 259-9542

Preamble Aloha Ke Akua

We the Kanaka Maoli Nationals and Descendants reaffirm our heritage, sacrifices, wisdom and 'Onipa'a (steadfastness) of our late Mo'i Wahine, Lydia Kamaka'eha Lili'uokalani Paki and all our Ali'i, Kahuna (specialists), and Maka'ainana (people) from each of the Mokupuni o Hawai'i Nei, mindful of the Divine heritage and National creed which ke Akua has endowed upon us, and the legacy of Our Ancestors, who exercised sovereignty in a highly developed system of government based upon Aloha 'Aina, and who lived in and occupied the Archipelago of Hawai'i since time immemorial;

We the Kanaka Maoli Nationals and Descendants appeal to the Supreme Justice of the world, ke Akua, and Our Ancestors, for the integrity of our intentions, as we unite to protect our sacred lives and honor;

We the Kanaka Maoli Nationals and Descendants have been subjected to the international crimes of Genocide and Crimes Against Humanity, as defined in the Nuremberg laws;

We the Kanaka Maoli Nationals and Descendants have the right to be free and independent, unfettered from any foreign power;

We the Kanaka Maoli Nationals and Descendants do hereby declare Our Independence among the Nations of the World;

We the Kanaka Maoli Nationals and Descendants reaffirm Our right to self-determination as a people, and by virtue of that right, We freely determine to restore Our political, economic, social, and cultural rights;

We the Kanaka Maoli Nationals and Descendants maintain our spiritual relationship with nature and all our surroundings, in universal harmony, for the rights of humanity, in peace, love, and understanding;

We the Kanaka Maoli Nationals and Descendants maintain Divine justice and liberty to be guided by ke Akua and Our Kupuna, and those who are here with us today to light the way;

We the Kanaka Maoli Nationals and Descendants maintain a government of the people, by the people and for the people, to protect and preserve Our cultural heritage in perpetuity for the future of our posterity;

We the Kanaka Maoli Nationals and Descendants maintain 'Olelo Makuahine as our official language;

We the Kanaka Maoli Nationals and Descendants reaffirm and maintain the 'Ohana System of our society as a whole whereby Kupuna advise and consent, Makua act and lead, and 'Opio help and learn;

Thereby, We the People of the Nation of Hawai'i, do hereby ordain and establish this Constitution.

Article XIV

Amendments

Section 1. Amendments, How Instituted.

Any citizen registered to vote may propose an amendment to this Constitution. An Amendment must be brought forth as a proposition to the Legislative General Assembly, which must pass the Amendment by a two-thirds vote. The Amendment shall then be brought before the people of this Nation by referendum for a two-thirds vote of the qualified voters. Should the Amendment be approved, it shall take effect no less than 30 days after passage.

Article XV

Citizenship

Section 1. Citizenship.

- a. Kanaka Maoli National. A Kanaka Maoli is defined as any person who by birth or national origin and ancestry is a descendant of the original inhabitants who prior to 1778 exercised sovereignty over the Archipelago of Hawai'i.
- b. Citizens, Naturalized. The Legislative General Assembly shall provide by law a naturalization process for all persons who qualify and choose to become citizens of the Nation.

Article XVI

Laws Pertaining to Lands and Cultural Preservation

Section 1. National lands of the Kanaka Maoli Nationals.

Prior to 1778, the Kanaka Maoli Nationals lived in a communal land tenure system, and every National had the right and privilege to receive and acquire the use of land.

Section 2. Transition to communal land tenure.

Na Kupuna shall provide laws for a transitional system of land use for all its Nationals and Citizens.

Section 3. Communal land tenure.

No person or group of persons, or entity or groups of entities, may own or dispose of National land, all National land being held in trust for the Kanaka Maoli Nationals by this government. A person may apply for the usage of these lands, consistent with the requirements of law.

Section 4. Claims of the Kanaka Maoli Nationals.

All national lands and resources heretofore lawfully claimed by the Kanaka Maoli Nationals are held in absolute common undivided interest held in perpetuity for the Kanaka Maoli Nationals forever.

Article II

Enumerated Rights

The people of the Nation of Hawai'i, hereby establish these enumerated rights and equal protections before the law, in all civil and criminal cases, before any court or tribunal heretofore established by this Constitution, or by law. These rights include, but are not limited to, the following:

Section 1. In all civil cases.

- a. The right of everyone to the equal protection before the law.
- b. The right of everyone to a speedy and fair trial, before an impartial jury of one's own peers.
- c. The right of everyone to defend oneself, and of the right of legal assistance of one's own choosing.
- d. The right of everyone to services of an interpreter.
- e. The right to call, examine and cross-examine witnesses, on one's own behalf.
- f. The right of the accused or the incarcerated to a writ of habeas corpus.

Section 2. In any criminal prosecutions of an accused.

- a. The right of the accused not to be compelled to be a witness against oneself.
- b. The right of the accused or the incarcerated to a writ of habeas corpus.
- c. The right of the accused to a speedy trial, before an impartial jury of the Island or District, where the crime was committed.
- d. The right of the accused to be duly informed of the nature and cause of the accusations.
- e. The right of the accused to confront opposing witnesses in a meaningful manner.
- f. The right of the accused to produce by compulsory process witnesses for the defense.
- g. The right of the accused to have legal assistance of one's own choice or to act in propria persona.
- h. The right of the accused to be innocent until proven guilty and to be convicted by a standard of proof not less than beyond a reasonable doubt.
- i. The right of the accused to be tried by a jury of one's own peers.
- j. No person shall be convicted on the basis of an ex post facto law nor a bill of attainder.
- k. The right of the accused to be indicted by a grand jury of one's own peers.

Section 3. Ho'oponopono.

All civil and criminal cases will have automatic access to Ho'oponopono conflict resolution at all times upon consent of all parties.

Section 6. Independence.

No judge or member of the Tribunals shall exercise any political or administrative function, or engage in any other occupation of a professional nature.

Chapter III

Administration of the Nation

Article XI

Elections

There is hereby established a General Elections process.

Section 1. Voting Qualifications.

- a. Every National or Citizen of the Nation of Hawai'i who has attained the age of 16, has been a resident of the Archipelago of Hawai'i for not less than 3 years, and is a registered voter as provided by law, shall be qualified to vote.
- b. No person who is convicted of a felonious crime shall be qualified to vote, until such time as the person has fully served the sentence imposed or has been pardoned.
- c. The Citizens' Assembly shall provide by law for the registration of voters.

Section 2. Oath of Office.

All elected, public and civil officials upon entering their duties shall take the following Oath:

"I [name], do solemnly affirm in the presence of ke Akua, the Nation of Hawai'i and its people, that I will honor, support and defend the Constitution and the laws of this Nation, and that I will faithfully execute and discharge my duties as [office], to the best of my knowledge and ability, so help me Akua."

Article XII

Administrative Laws

Section 1. Compensation.

All elected members of the Legislative General Assembly, the Executive Administration, and the Tribunals shall receive fair compensation for their services. The Citizens' Assembly shall provide by law, wages or compensation for all government employees. All government employees shall serve in their official capacities based upon these individual contractual obligations.

Section 2. Limitations.

No governmental official, during the time for which he or she is elected, shall be appointed to any other office, or accept any money, emoluments, gifts, trusts, or contributions from any organization, group, corporation, person, or otherwise, with the exception of cultural protocol.

CHAPTER II STRUCTURE

Business of the Nation

The Legislative General Assembly of the Nation of Hawai'i

We, the Kanaka Maoli Nationals and Descendants hereby establish this Constitution, and acknowledge that the business of the nation shall be authorized in accordance with this Constitution. All government officials shall comply with this Constitution. All legislative powers shall be vested in a Legislative General Assembly composed of Na Kupuna Council and the Citizens' Assembly. All powers and subjects of legislation shall not be inconsistent with this Constitution.

Article V

Legislative Powers and Limitations

The Legislative General Assembly has the power to make all laws necessary and proper for carrying into execution the business of the Nation, and all other powers vested in this Constitution.

Section 1. Of Making Laws, Generally.

- a. To lay and collect taxes, duties, tariffs, and excises; to pay the debts and provide for the common defense and general welfare of the Nation. All duties and tariffs shall be uniform in nature throughout the Nation.
- b. To borrow money on the equity of the Nation.
- c. To regulate commerce with foreign nations.
- d. To establish a uniform rule of Naturalization and citizenship.
- e. To establish a uniform rule on the subject of bankruptcies.
- f. To coin money, regulate the value thereof, and of foreign money, and fix a standard of weights and measures; and to provide for the punishment of counterfeiting the securities and current coin of the Nation.
- g. To establish post offices and postal services, national and foreign.
- h. To promote the progress of science, technologies, arts and culture, and environment.
- i. To declare martial law in the event of rebellion, and to provide calling forth the militia to execute the laws to suppress insurrections and to repel invasions.
- j. To raise and support armies and navy for National Peace and Security.
- k. To exercise exclusive legislation, in all cases whatsoever, over the Nation and possessions over all places purchased by lawful cession by the Nation of Hawai'i, in foreign soil or territory.
- l. To define and punish piracies and felonies committed on the high seas, and offenses committed against the law of nations.
- m. To devise and make all laws necessary and proper for the execution of the powers vested by this constitution.
- n. To protect and defend the patent and copyright laws of the Nation.

- g. The Head of State shall be required to faithfully uphold and execute the laws of the Nation;
- h. The Head of State, or his Deputy by direction of the Head of State, may petition the Legislative General Assembly for the passage into law any Resolution, Bill or Act relating to the Executive Administration, consistent with this Constitution.

Section 5. Powers to execute laws.

The Head of State, upon the receipt of any Resolution Bill, or Act, lawfully passed by the Citizens' Assembly or Na Kupuna Council, shall faithfully sign all laws, and forthwith direct and execute said laws for implementation, excluding those laws over which the Head of State exercises the power of veto.

Section 6. Power of veto.

The Head of State, upon the receipt of any Resolution Bill or Act deemed unconstitutional or contrary to the will of the people, shall announce and in writing petition Na Kupuna Council a message to veto said law within twenty days; and if any such Resolution, Bill, or Act is not acted upon by Na Kupuna within the twenty day period, it shall become law.

Section 7. Of Foreign Relations.

- a. The Head of State may appoint Ambassadors and Consuls.
- b. The Head of State, his Ambassadors, Ministers or Consuls shall have authority to negotiate into Treaties, Conventions, or Agreements with foreign states.

Section 8. Deputy Head of State.

The Deputy Head of State shall preside over the Legislative General Assembly. The Deputy shall be responsible to the Executive Administration, and for advising and informing the Head of State of all necessary information with regard to the order of business within the Legislative General Assembly.

Section 9. In the absence of the Head of State.

In the event of the absence of the Head of State, the Deputy shall preside over the affairs of the Nation.

Article IX

The Executive Ministries

The Citizens' Assembly shall provide by Charter for the creation of any Ministry for the Nation, as is deemed necessary, essential and proper for the faithful execution of the business of the Nation.

Section 1. Creation of Ministries.

The Citizens' Assembly shall provide for the creation of Ministries, as the Nation deems necessary and proper for the public benefit of the people.

Section 5. Upon Vacancy in the Citizens' Assembly.

Any Vacancy preventing any member of the Citizens' Assembly to function in his or her official capacity resulting in the removal from office shall be filled by a special election of the candidate within his or her respective district, or should there be no other candidates the appointment shall be made by Na Kupuna Council.

Section 6. Publication of Laws.

The Citizens' Assembly shall provide for the publication of all laws.

Section 7. Passage of Laws.

Each Resolution, Bill, or Act shall embrace but one subject, as described by its Title.

Article VII

Na Kupuna Council

There shall hereby be established a Na Kupuna Council consisting of Kanaka Maoli Nationals. Na Kupuna Council shall be elected to sit in Council for a specified term of office.

Section 1. Composition.

Na Kupuna Council shall be comprised of 56 Members. Every Island shall elect their own members to Na Kupuna to sit in the Legislative General Assembly as follows:

- a. 7 from the Island of Hawai'i
- b. 7 from the Islands of Maui
- c. 7 from the Islands of Moloka'i
- d. 7 from the Island of O'ahu
- e. 7 from the Islands of Kaua'i
- f. 7 from Kaho'olawe (to be held in trust until there is representation)
- g. 7 from Ni'ihau (to be held in trust until there is representation)
- h. 7 from Lana'i (to be held in trust until there is representation)

Section 2. Na Makua and Na 'Opio Council

There shall be a Council of Na Makua and Na 'Opio consisting of Kanaka Maoli Nationals. Na Makua and Na 'Opio shall be selected to sit in council with Na Kupuna Council for a 2 year term of office.

Section 3. Term of Office.

Na Kupuna Council shall sit in office for a term of 4 years, beginning at the time of election and ending at the time of the next general election.

Section 4. Qualifications for Office.

All Kupuna shall be eligible for this office who are acknowledged and recognized ('ike) by their peers as teachers of the culture, and each Island shall determine the qualifications of its Kupuna. Kupuna shall be no less than 45 years of age.