

Public Law 103-150
103d Congress

Joint Resolution

NOV 23 1993
Nov. 23, 1993
[S.J. Res. 19]

To acknowledge the 100th anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii, and to offer an apology to Native Hawaiians on behalf of the United States for the overthrow of the Kingdom of Hawaii.

Whereas, prior to the arrival of the first Europeans in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient, subsistent social system based on communal land tenure with a sophisticated language, culture, and religion;

Whereas a unified monarchical government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawaii;

Whereas, from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full and complete diplomatic recognition to the Hawaiian Government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

Whereas the Congregational Church (now known as the United Church of Christ), through its American Board of Commissioners for Foreign Missions, sponsored and sent more than 100 missionaries to the Kingdom of Hawaii between 1820 and 1850;

Whereas, on January 14, 1893, John L. Stevens (hereafter referred to in this Resolution as the "United States Minister"), the United States Minister assigned to the sovereign and independent Kingdom of Hawaii conspired with a small group of non-Hawaiian residents of the Kingdom of Hawaii, including citizens of the United States, to overthrow the indigenous and lawful Government of Hawaii;

Whereas, in pursuance of the conspiracy to overthrow the Government of Hawaii, the United States Minister and the naval representatives of the United States caused armed naval forces of the United States to invade the sovereign Hawaiian nation on January 16, 1893, and to position themselves near the Hawaiian Government buildings and the Iolani Palace to intimidate Queen Liliuokalani and her Government;

Whereas, on the afternoon of January 17, 1893, a Committee of Safety that represented the American and European sugar planters, descendents of missionaries, and financiers deposed the Hawaiian monarchy and proclaimed the establishment of a Provisional Government;

Whereas the United States Minister thereupon extended diplomatic recognition to the Provisional Government that was formed by the conspirators without the consent of the Native Hawaiian

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from Moelani Ahia

people or the lawful Government of Hawaii and in violation of treaties between the two nations and of international law; Whereas, soon thereafter, when informed of the risk of bloodshed with resistance, Queen Liliuokalani issued the following statement yielding her authority to the United States Government rather than to the Provisional Government:

"I Liliuokalani, by the Grace of God and under the Constitution of the Hawaiian Kingdom, Queen, do hereby solemnly protest against any and all acts done against myself and the Constitutional Government of the Hawaiian Kingdom by certain persons claiming to have established a Provisional Government of and for this Kingdom.

"That I yield to the superior force of the United States of America whose Minister Plenipotentiary, His Excellency John L. Stevens, has caused United States troops to be landed at Honolulu and declared that he would support the Provisional Government.

"Now to avoid any collision of armed forces, and perhaps the loss of life, I do this under protest and impelled by said force yield my authority until such time as the Government of the United States shall, upon facts being presented to it, undo the action of its representatives and reinstate me in the authority which I claim as the Constitutional Sovereign of the Hawaiian Islands."

Done at Honolulu this 17th day of January, A.D. 1893.;

Whereas, without the active support and intervention by the United States diplomatic and military representatives, the insurrection against the Government of Queen Liliuokalani would have failed for lack of popular support and insufficient arms;

Whereas, on February 1, 1893, the United States Minister raised the American flag and proclaimed Hawaii to be a protectorate of the United States;

Whereas the report of a Presidentially established investigation conducted by former Congressman James Blount into the events surrounding the insurrection and overthrow of January 17, 1893, concluded that the United States diplomatic and military representatives had abused their authority and were responsible for the change in government;

Whereas, as a result of this investigation, the United States Minister to Hawaii was recalled from his diplomatic post and the military commander of the United States armed forces stationed in Hawaii was disciplined and forced to resign his commission;

Whereas, in a message to Congress on December 18, 1893, President Grover Cleveland reported fully and accurately on the illegal acts of the conspirators, described such acts as an "act of war, committed with the participation of a diplomatic representative of the United States and without authority of Congress", and acknowledged that by such acts the government of a peaceful and friendly people was overthrown;

Whereas President Cleveland further concluded that a "substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people requires we should endeavor to repair" and called for the restoration of the Hawaiian monarchy;

Whereas the Provisional Government protested President Cleveland's call for the restoration of the monarchy and continued to hold state power and pursue annexation to the United States;

Whereas the Provisional Government successfully lobbied the Committee on Foreign Relations of the Senate (hereafter referred

to in this Resolution as the "Committee") to conduct a new investigation into the events surrounding the overthrow of the monarchy;

Whereas the Committee and its chairman, Senator John Morgan, conducted hearings in Washington, D.C., from December 27, 1893, through February 26, 1894, in which members of the Provisional Government justified and condoned the actions of the United States Minister and recommended annexation of Hawaii;

Whereas, although the Provisional Government was able to obscure the role of the United States in the illegal overthrow of the Hawaiian monarchy, it was unable to rally the support from two-thirds of the Senate needed to ratify a treaty of annexation;

Whereas, on July 4, 1894, the Provisional Government declared itself to be the Republic of Hawaii;

Whereas, on January 24, 1895, while imprisoned in Iolani Palace, Queen Liliuokalani was forced by representatives of the Republic of Hawaii to officially abdicate her throne;

Whereas, in the 1896 United States Presidential election, William McKinley replaced Grover Cleveland;

Whereas, on July 7, 1898, as a consequence of the Spanish-American War, President McKinley signed the Newlands Joint Resolution that provided for the annexation of Hawaii;

Whereas, through the Newlands Resolution, the self-declared Republic of Hawaii ceded sovereignty over the Hawaiian Islands to the United States;

Whereas the Republic of Hawaii also ceded 1,800,000 acres of crown, government and public lands of the Kingdom of Hawaii, without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government;

Whereas the Congress, through the Newlands Resolution, ratified the cession, annexed Hawaii as part of the United States, and vested title to the lands in Hawaii in the United States;

Whereas the Newlands Resolution also specified that treaties existing between Hawaii and foreign nations were to immediately cease and be replaced by United States treaties with such nations;

Whereas the Newlands Resolution effected the transaction between the Republic of Hawaii and the United States Government;

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;

Whereas, on April 30, 1900, President McKinley signed the Organic Act that provided a government for the territory of Hawaii and defined the political structure and powers of the newly established Territorial Government and its relationship to the United States;

Whereas, on August 21, 1959, Hawaii became the 50th State of the United States;

Whereas the health and well-being of the Native Hawaiian people is intrinsically tied to their deep feelings and attachment to the land;

Whereas the long-range economic and social changes in Hawaii over the nineteenth and early twentieth centuries have been devastating to the population and to the health and well-being of the Hawaiian people;

Whereas the Native Hawaiian people are determined to preserve, develop and transmit to future generations their ancestral territory, and their cultural identity in accordance with their own

spiritual and traditional beliefs, customs, practices, language, and social institutions;

Whereas, in order to promote racial harmony and cultural understanding, the Legislature of the State of Hawaii has determined that the year 1993 should serve Hawaii as a year of special reflection on the rights and dignities of the Native Hawaiians in the Hawaiian and the American societies;

Whereas the Eighteenth General Synod of the United Church of Christ in recognition of the denomination's historical complicity in the illegal overthrow of the Kingdom of Hawaii in 1893 directed the Office of the President of the United Church of Christ to offer a public apology to the Native Hawaiian people and to initiate the process of reconciliation between the United Church of Christ and the Native Hawaiians; and

Whereas it is proper and timely for the Congress on the occasion of the impending one hundredth anniversary of the event, to acknowledge the historic significance of the illegal overthrow of the Kingdom of Hawaii, to express its deep regret to the Native Hawaiian people, and to support the reconciliation efforts of the State of Hawaii and the United Church of Christ with Native Hawaiians: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACKNOWLEDGMENT AND APOLOGY.

The Congress—

(1) on the occasion of the 100th anniversary of the illegal overthrow of the Kingdom of Hawaii on January 17, 1893, acknowledges the historical significance of this event which resulted in the suppression of the inherent sovereignty of the Native Hawaiian people;

(2) recognizes and commends efforts of reconciliation initiated by the State of Hawaii and the United Church of Christ with Native Hawaiians;

(3) apologizes to Native Hawaiians on behalf of the people of the United States for the overthrow of the Kingdom of Hawaii on January 17, 1893 with the participation of agents and citizens of the United States, and the deprivation of the rights of Native Hawaiians to self-determination;

(4) expresses its commitment to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii, in order to provide a proper foundation for reconciliation between the United States and the Native Hawaiian people; and

(5) urges the President of the United States to also acknowledge the ramifications of the overthrow of the Kingdom of Hawaii and to support reconciliation efforts between the United States and the Native Hawaiian people.

SEC. 2. DEFINITIONS.

As used in this Joint Resolution, the term "Native Hawaiian" means any individual who is a descendent of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

SEC. 3. DISCLAIMER.

Nothing in this Joint Resolution is intended to serve as a settlement of any claims against the United States.

Approved November 23, 1993.

LEGISLATIVE HISTORY—S.J. Res. 19:

SENATE REPORTS: No. 103-126 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 139 (1993):

Oct. 27, considered and passed Senate.

Nov. 15, considered and passed House.



6/17/25

Aloha, Chair and Councilmembers,

MNRH supports the phase-out of Minatoya properties, as recommended by the West Maui Community Plan, within a legally defensible timeframe, and the creation of consistent zoning -by ending short-term use in Apartment zoning, while giving property owners the option to apply for a Change in Zoning (“CIZ”) and Community Plan Amendment (“CPA”) to Hotel, with community oversight.

According to the county's GIS mapping system used in the community planning process, West Maui has approximately 1989 Minatoya units located in the Sea Level Rise Exposure Area (“SLRXA”) and an additional 488 units likely to request CIZ/CPA due to their Kapalua and Kaanapali resort locations.

All remaining 3,624 units outside of the SLRXA are in South Maui.

Of the 1,989 West Maui units within the SLRXA—where our housing needs are most critical, we should acknowledge there are at least 4 potential scenarios that could result after passage of this important legislation:

- Owners apply for CIZ/CPA to Hotel.
- Owners opt to keep the units empty for personal use.
- Owners choose to sell the unit on the open market.
- Owners choose to rent long-term.

Obviously, the division of this inventory may not be dissected equally in favor of any one scenario; However, 1989 divided by 4 means 497 potential rental units located in the SLRXA. We support our residents’ ability to live in these units until Sea Level Rise (“SLR”) impacts are upon them; However, we feel it is of paramount importance that the County acknowledge, West Maui is the most vulnerable to SLR associated impacts and is

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experiencing some of the highest rates of coastal erosion in the state, due to its topography.

This phase-out is a step in the right direction, but it is **not** a long-term solution for housing in West Maui. We urge the County and the Community to also focus this level of support for facilitating building existing affordable housing projects in the West Maui community plan area:

- Pulelehua – up to 1,000 units
- DHHL Honokowai – up to 700 units
- Villages of Leiali'i – up to 2,600 units
- Pu'ukoli'i Village – up to 1,600 units

That's 5,900 potential housing units—none located in the SLRXA, some fully entitled, such as Pulelehua, which could be built before this phase-out even takes effect.

Commission of Water Resource Management (“CWRM”) has made it clear to the County of Maui that our municipal water can be used right now, however it's needed. Enforcement measures for conservation should be enacted immediately to provide water source for permanently affordable housing for Lahaina residents, as recommended by CWRM.

We need long-term housing inventory and cannot rely on another temporary housing band aid.

We also note that STRs on the shoreline are becoming economic liabilities for the county. While it is true that transient accommodations contribute to our local economy through taxation, it is also time to acknowledge in stark contrast, the impending negative economic impacts already well underway and set to occur over the next 75 years.

Kahana Sunset STR, in West Maui, for example, are already compromised, effectively condemned, with the State recommending removal from the shoreline. Kihei Kai STR recently sought an emergency permit for foundation damage due to coastal flooding. These properties are no longer safe or sustainable.

Investment property owners have profited very well for a long time, often at the expense of our people and our home.

That privilege comes with great responsibility.

We urge the Council to take additional action by:

-Establishing a Coastal Hazard Tax for all SLRXA units, reserved in a revolving fund for future structure removal that protects public health and shoreline safety.

-Requiring shoreline STR owners requesting zoning changes, to submit a demolition and restoration timeline through a CIZ condition.

Maui Nui Resiliency Hui stands ready to assist in implementing these measures.

Please support Bill 9—and support long-term housing solutions for West Maui residents.

Mahalo,

Kai Nishiki & Sarah Freistat Pajimola,

Executive Directors,

Maui Nui Resiliency Hui

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MNRH.org

Aloha Planning Commission Members,

Thank you for this opportunity to let you know why I am urging you to deny the proposal to phase out the use of STR's granted by the Minatoya law for the following reasons.

My name is Kathy Englert. I am the owner and Broker of Rentals Maui in Kihei. Rentals Maui is a family-run business that started 25 ago. We are a Real Estate brokerage that focuses solely on short-term rentals. We currently manage **300** condos that are on the Minatoya list.

We employ **23** full-time employees of whom we pay their health insurance, payroll taxes, and 401K

In 2023 I paid **90** independent contractors \$2,235,688.00

In 2023 Rentals Maui paid the County \$244,742 in GET TAT and Maui County TA

In 2023 Rentals Maui paid the County on behalf of our owners: \$3,100,852 in GET TAT and County TA

Frankly, and no doubt the phasing out of the Minatoya STRs will put us out of business.

It will cost our **23** employees their jobs and health insurance.

In addition...the **90** subcontractors that we pay; the housekeepers, the window washers, the carpet cleaners, and the handymen will lose their income from us as well.

On the other hand.

I understand the need for affordable housing. I have lived in Hawaii for **56** years. My **4** children all went to Baldwin High School, and I have **12** grandchildren living in Maui. Believe me, I don't want to see any of them leave the Island.

However, in my opinion, the Minatoya condos will not be affordable or a good solution for them. I know these condos and complexes very well.

These condos are not set up for families. These condos are designed for a few people for a few days. Most have only **1** parking stall, have no storage, do not allow pets, and have strict house rules. Kids are the ones who suffer the most because they have no place to play.

In summary, I believe that this action will put many people out of work, cause many businesses to close, and in my opinion, will not be affordable or a good housing solution for the people of Maui.

Thank you,

Kathy Englert PB

Rentals Maui Inc.

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Aloha,

My name is Sharon Smith and I'm here today on behalf of my spouse, Don Barbieri as well, asking you to approve Bill 9.

We and our two cats are residents living in Wailea in one of the condos just down the street from a complex on the Minatoya list that we kept hearing at the last meeting isn't suitable to live in. 2 bedrooms, same vintage and we love living there, and so will others looking for 1 or 2 bedroom homes to live in if given the chance.

Relative to these homes not being affordable to local people, ironically we're hearing this from the actual employers of the STR properties so maybe what we really need is to rethink the livable wages, health insurance, holidays, paid vacations and family leave they don't provide. If the STR industry can't afford to pay their workers enough to own or rent 2-bedroom places to live, maybe that industry needs to change, not the definition of housing.

Relative to AOA fees, let's add to the conversation that one of the reasons fees are so high is deferred maintenance in many of these properties. We need these boards filled with people who live here caring for long term homes in a real community as these zones are intended vs only how decisions are impacting their investment and rental income. We suggest subsidizing these fees for certain resident owners as part of the affordable housing plan until things stabilize.

We need to stop people having to move away and want all our neighbors to thrive including the majority who work in an industry that we're constantly being told is critical or our economy will collapse. The majority of people not having access to adequate housing or basic daily needs actually sounds like collapse to us.

Where we live in Wailea, developments are approved that deplete our island's infrastructure and are given exemptions for meager commitments they made initially for roads and workforce-or-affordable housing. Owners of homes they don't live in get more focus from our government than residents do in hotel zones. That shouldn't be the case anywhere but certainly not outside of hotel zones.

Airbnb started in 2008 which coincides with things really going sideways here for residents and working people. The problem isn't "not enough tourism" - the problem is there will never be enough for some people. Let's get more homes back into residents' hands where they belonged to begin with and then let's move on to the rest of our community's needs because there are many.

Mahalo nui for the opportunity to share our thoughts.

Sharon Smith & Don Barbieri

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from Sharon Smith