

**Resolution of the NATIONAL NATIVE AMERICAN BAR ASSOCIATION**

**RESOLUTION # 2019 – 006**

**TITLE: Support for Native Hawaiians, Mauna Kea Protectors, and Mauna Kea**

**WHEREAS**, the National Native American Bar Association (“NNABA”) works to promote issues important to the Native American community and to improve professional opportunities for Native American lawyers, we do hereby establish and submit the following resolution; and

**WHEREAS**, NNABA was founded in 1973 and serves as the national association for Native American attorneys, judges, law professors, and law students, and NNABA strives to be a leader on social, cultural, political, and legal issues affecting American Indians, Alaska Natives, and Native Hawaiians;

**WHEREAS**, the Native Hawaiian monarchy was illegally overthrown in 1893;

**WHEREAS**, the public land belonging to the Kanaka Maoli (Indigenous Peoples of Hawai’i) was illegally ceded and annexed to the United States government in 1898;

**WHEREAS**, Hawaii became a state in 1959 and the United States transferred the remaining public lands back to the state;

**WHEREAS**, President Bill Clinton’s 1993 apology confirmed the illegal taking of Native Hawaiian’s lands;

**WHEREAS**, many Kanaka Maoli and Kia’i Mauna (protectors, caretakers, and guards of the mountain) are organized against the proposed construction of a Thirty Meter Telescope (TMT) on the summit of Mauna a Wākea (also known by its shortened name Mauna Kea);

**WHEREAS**, Mauna a Wākea is the realm of gods, the meeting place of Papahānaumoku (Earth Mother) and Wākea (Sky Father), and the piko (umbilical cord) of the Kanaka Maoli people, making the summit a sacred place;

**WHEREAS**, in 1968, the Hawai’i State Board of Land and Natural Resources began leasing the summit to the University of Hawai’i for the construction of telescopes. Through this process, 13 telescopes currently exist on the summit of Mauna a Wākea and Kanaka Maoli leaders and the public have protested each of these developments;

**WHEREAS**, the proposed TMT project, if allowed to be constructed as currently planned, would be located on the summit of Mauna a Wākea and would be 18 stories tall and cover over 5 acres;

**WHEREAS**, Kanaka Maoli and Kia’i Mauna want to protect what is left of their sacred mountain from overdevelopment;

**WHEREAS**, Kanaka Maoli and Kia’i Mauna have opposed the TMT project for ten years;

**WHEREAS**, despite the questionable environmental review process and the failure to protect the cultural landscape of Mauna a Wākea, the TMT proponents are attempting to begin construction;

**WHEREAS**, the universities, private companies, and the State of Hawaii have failed to consult and collaborate with the Native Hawaiians to find a location of the TMT that would respect Kanaka Maoli cultural resources;

**WHEREAS**, the actions of the TMT proponents and the State of Hawai'i are in violation of the international legal norms set forth in the United Nations Declaration of the Rights of Indigenous People;

**WHEREAS**, at least 33 Kūpuna (Hawaiian elders) have been arrested for peacefully protecting Mauna a Wākea;

**WHEREAS**, Governor Ige of Hawaii issued a state of emergency over Mauna a Wākea on July 17, 2019;

**WHEREAS**, Governor Ige of Hawaii later rescinded that state of emergency on July 26, 2019;

**WHEREAS**, Indigenous communities around the world stand with Kanaka Maoli, Kia'i Mauna, and Mauna a Wākea;

**NOW THEREFORE BE IT RESOLVED** that the National Native American Bar Association declares its support to Kanaka Maoli, Kia'i Mauna, and Mauna a Wākea;

**BE IT FURTHER RESOLVED**, that the National Native American Bar Association declares that Kanaka Maoli, Tribes, and other indigenous communities are protecting their sacred lands from desecration are not states of emergencies;

**BE IT FURTHER RESOLVED**, that the National Native American Bar Association calls on the TMT International Observatory LLC to select a new location of the TMT that will not harm indigenous sacred sites, cultural landscapes, or cultural resources;

**BE IT FURTHER RESOLVED**, the National Native American Bar Association calls on the State of Hawai'i to prohibit, unconditionally, the use of any and all unwarranted force against Kanaka Maoli and Kia'i Mauna, including the use of any Long Range Acoustic Devices (LRAD) or "less-than-lethal" weapons and crowd control devices capable of inflicting bodily or psychological harm;

**BE IT FURTHER RESOLVED**, the National Native American Bar Association calls on the State of Hawai'i to ensure the safety of all who wish to exercise their cultural practices and right to peaceful expression and opposition;

**BE IT FURTHER RESOLVED**, the National Native American Bar Association calls on the State of Hawai'i to drop any legal proceedings and fines levied against the Kanaka Maoli, Kia'i Mauna, and Kūpuna arrested while peacefully protecting their sacred homeland;

**BE IT FINALLY RESOLVED** that NNABA supports this resolution as a policy priority until it is withdrawn or modified by subsequent resolution.

## CERTIFICATION

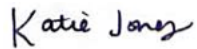
The foregoing Resolution was adopted by the Board of Directors of the National Native American Bar Association, on October 2, 2019, via online voting pursuant to § 4.9 of the Native American Bar Association Bylaws.



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Robert Saunooke, President

ATTEST:



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Katie Jones, Secretary