

## HAWAII STATEHOOD

---

FEBRUARY 11, 1959.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

---

Mr. ASPINALL, from the Committee on Interior and Insular Affairs, submitted the following

### R E P O R T

[To accompany H.R. 4221]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 4221) to provide for the admission of the State of Hawaii into the Union, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of H.R. 4221, introduced by Representative O'Brien of New York, is to provide for the admission of the State of Hawaii into the Union.

This bill and its two companions—H.R. 4183 by Delegate Burns and H.R. 4228 by Representative Saylor—were introduced following the committee's consideration of 20 earlier 86th Congress bills and include all amendments adopted in connection therewith. These 20 bills are as follows: H.R. 50, introduced by Delegate Burns; H.R. 324, introduced by Representative Barrett; H.R. 801, introduced by Representative Holland; H.R. 888, introduced by Representative O'Brien of New York; H.R. 954, introduced by Representative Saylor; H.R. 959, introduced by Representative Sisk; H.R. 1106, introduced by Representative Berry; H.R. 1800, introduced by Representative Dent; H.R. 1833, introduced by Representative Libonati; H.R. 1917, introduced by Representative Green of Oregon; H.R. 1918, introduced by Representative Holt; H.R. 2004, introduced by Representative Younger; H.R. 2328, introduced by Representative Dooley; H.R. 2348, introduced by Representative McCormack; H.R. 2476, introduced by Representative Dulski; H.R. 2795, introduced by Representative Rivers of Alaska; H.R. 3084, introduced by Representative Ullman; H.R. 3304 introduced by Representative Hargis; H.R. 3437, introduced by Representative Anderson of Montana; and H.R. 3685, introduced by Representative Porter.

Eight days of hearings and consideration have been given to Hawaii statehood during the 86th Congress. In view of the extensive hearings on the same subject held in the 85th and earlier Congresses, it was possible to limit the 86th Congress testimony to fresh presentations.

#### BACKGROUND OF LEGISLATION

The House and Senate Interior and Insular Affairs Committees have held 22 hearings on the subject of statehood for Hawaii since 1935. The record on the question comprises more than 6,600 printed pages of testimony and exhibits. More than 850 witnesses have been heard in the Territory and in Washington. Seven of the hearings have been held in Hawaii (1935, 1937, 1946, 1947, 1948, 1954, and 1958). In addition, at least 12 reports have been made. (See appendix B and appendix C for index of congressional hearings on Hawaii statehood since 1935, and a listing of printed volumes thereon.)

The question of admitting Hawaii to statehood has been longer considered and more thoroughly studied than any other statehood proposal that has ever come before Congress. Thirty-six States have previously been admitted to the Union by action of Congress, yet in no single case has there been such a thoroughly careful study of the qualifications of the applicant as in the case of Hawaii.

In 1820, New England missionaries introduced the Christian religion to Hawaii. From that time forward the ties of trade and friendship between the United States and Hawaii grew progressively stronger. In 1840 the people of Hawaii adopted their first constitution, modeled along the lines of the United States Constitution. A treaty was drafted at the request of President Pierce in 1854, including in its terms the assumption that the constitutional monarchy would become a State after the example of California and Texas. That proposed treaty, cited by the Supreme Court of the United States in *Downes v. Bidwell* (182 U.S. 305), provided that—

The Kingdom of the Hawaiian Islands shall be incorporated into the American Union as a State, enjoying the same degree of sovereignty as other States, and admitted as such as soon as it can be done in consistency with the principles and requirements of the Federal Constitution, to all the rights, privileges, and immunities of a State as aforesaid, on a perfect equality with the other States of the Union (Senate, 55th Cong., Rept. No. 681).

Although this treaty was never ratified because of the death of the Hawaiian King, the idea of statehood propounded by the President of the United States did not die. As the process of Americanization of Hawaii continued and as that nation proceeded through its constitutional development during the next 43 years, faith in the ideal of ultimate statehood grew stronger in Hawaii, and acceptance of that ideal by the people of this Nation likewise grew in strength.

A revolution later established a republic in Hawaii and annexation was again urged, but the treaty then pending in the U.S. Senate was withdrawn by President Cleveland upon his inauguration.

On September 9, 1897, the Senate of the Republic of Hawaii ratified the treaty between Hawaii and the United States which had been signed the previous June 16. The preamble to this treaty recited:

The Republic of Hawaii and the United States of America, in view of the natural dependence of the Hawaiian Islands upon the United States, of their geographical proximity thereto, of the preponderant share acquired by the United States and its citizens in the industries and trade of said Islands, and of the expressed desire of the Government of the Republic of Hawaii that those Islands should be incorporated into the United States as an integral part thereof, and under its sovereignty, have determined to accomplish by treaty an object so important to their mutual and permanent welfare (Revised Laws of Hawaii, 1945, p. 20).

The following year Senate Joint Resolution 55, 55th Congress, sponsored by Senator Newlands, of Nevada, was adopted and approved. (30 Stat. 750.) This farsighted measure, after reciting the fact that the "Government of the Republic of Hawaii [had] in due form, signified its consent," proceeded to annex to the United States "the said Hawaiian Islands and their dependencies." (See app. D.)

Based on the report of the Commission established by the Newlands resolution, organic legislation for Hawaii was enacted April 30, 1900 (31 Stat. 141; 48 U.S.C. 493), by which American citizenship was granted and the Constitution declared to "have the same force and effect within the said Territory as elsewhere in the United States."

Thus, in the language of the Supreme Court of the United States, Hawaii acquired the status of an "incorporated" Territory (182 U.S. 305), became "an integral part of the United States" (190 U.S. 197), and as such, became "destined for admission as a State" after a "period of pupilage" as a Territory (289 U.S. 537).

Beginning in 1903 the Territory of Hawaii, through its legislature has petitioned Congress for statehood on at least 17 different occasions. Since 1920, no fewer than 66 bills have been introduced in successive Congresses providing for statehood.

In June 1947, the House of Representatives passed legislation approving statehood for Hawaii by a vote of 196 to 133. This was the first time either House of the Congress had acted on a Hawaiian statehood measure. Although President Truman indicated that he would sign the bill, the Senate committee decided on further investigation.

In March 1950, the Hawaii statehood bill again passed the House of Representatives, this time by the overwhelming majority of 262 to 110. After public hearings and careful deliberation, the Senate Committee on Interior and Insular Affairs of the 81st Congress reported favorably on the measure in June 1950. However, the time element and impending legislation involving matters of international concern kept the bill from reaching the floor of the Senate before Congress adjourned.

Before the 82d Congress was 5 months old, the Senate committee had repeated its endorsement of the Hawaii statehood bill, but again the reported Hawaii statehood bill was not brought up for debate and decision on its merits.

On March 10, 1953, the House of Representatives for the third time passed and sent to the Senate a measure to enable Hawaii to become a State. This was Representative Saylor's H.R. 3575, which was approved by a vote of 274 to 138.

On April 1, 1954, the Hawaii-Alaska Enabling Act was passed by the Senate by a vote of 57 to 28.

In the 84th Congress statehood for Hawaii and Alaska was considered jointly in comprehensive hearings. On May 10, 1955, Representative Engle's H.R. 2535 was recommitted by the House to the Committee on Interior and Insular Affairs by a vote of 218 to 170.

On August 23, 1958, in the closing days of the 85th Congress, the Committee on Interior and Insular Affairs, by a vote of 22 to 4, reported H.R. 49, introduced by Delegate Burns, to the House, but the bill was not scheduled for floor debate.

### MAJOR PROVISIONS OF H.R. 4221

#### *State boundaries*

Under H.R. 4221 the boundaries of the new State will include all of the islands and territorial waters of the Territory of Hawaii, except the island of Palmyra. Palmyra Island is a small island 960 miles south of Honolulu and is owned by one family. The committee does not believe that it is an appropriate part of the State unit even though it has, for census purposes, been included within Honolulu County.

The bill specifically excludes certain other islands which are not considered to be part of the Territory.

#### *Voter plebiscite*

By plebiscite the qualified voters of Hawaii will adopt or reject three propositions: (a) Providing for immediate statehood, (b) acceptance of the boundaries of the new State, and (c) acceptance of all the provisions contained in the statehood bill. The new State will not be admitted to the Union if any of these three is turned down by the electorate.

#### *State constitution*

On November 7, 1950, the voters of Hawaii adopted a constitution for their proposed new State by a 3 to 1 majority. The proposed constitution, which is reprinted as appendix A of this report, follows closely the Federal constitution, which it specifically and unequivocally adopts. It has won wide acclaim and has been commended by the National Municipal League as having set "a new high standard in the writing of a modern State constitution by a convention." H.R. 4221 confirms and ratifies this constitution.

#### *Hawaiian Homes Commission*

In 1920 the Congress enacted the Hawaiian Homes Commission Act. By the terms of the act certain lands were set aside out of the public domain to be used for the benefit and welfare of native Hawaiians. The act also established several funds for particular uses which funds are supported by revenues from the lands set aside. The administration of the act was vested in a commission.

Section 4 of H.R. 4221 provides that the Hawaiian Homes Commission Act, as amended, shall be adopted as a provision of the State constitution. The State will maintain the basic aims and purposes

of the act unless the United States consents to changes in them. The effect of the provision will be to require the State to assume responsibility for the welfare of native Hawaiians in accordance with the Hawaiian Homes Commission Act, making only such changes in administrative and certain other details without the consent of Congress as are necessary to implement the purposes of the act under changing circumstances.

#### *Land grants*

When Hawaii was annexed in 1898 the crown lands of the former monarchy and the Government lands became Federal lands. Through the years some of these lands have been set aside for special purposes and others have been exchanged for different lands. Those remaining in unreserved Federal ownership are, for the most part, mountainous and of little value. The Territory has administered the public lands, except Federal reservations, for the United States since annexation and has collected the revenues and spent them for public purposes.

Section 5 of the bill provides that the State of Hawaii shall succeed to the title now held by the Territory to most of the remaining ceded lands, saving to the United States title to all lands set aside for public use under acts of Congress, Executive orders, or Presidential or gubernatorial proclamations. The section also provides that title to any public lands which are controlled by the United States under permit, license, or permission issued by the Territory of Hawaii and which may during the ensuing 5-year period be set aside for the use of the United States by congressional act or Presidential order shall remain in the United States. It also retains in effect the President's authority to restore lands to their previous status after admission. The use of and benefits from the granted lands will remain the same as they now are.

#### *Election of State and Federal officials*

As soon as possible after the enactment of the act the President is required to certify the fact to the Governor who will call an election of all State elective officers provided in the proposed State constitution and of two Senators and one Representative in Congress.

This additional Representative in Congress will cause a temporary increase in the overall membership of the House until the next apportionment, but the bill does not change the basis for apportionment or the permanent overall membership.

#### *The judicial system*

Hawaii presently has a Federal district court which handles matters common to United States district courts in the States. There is also a system of Territorial courts which functions like a State court system. The bill converts the existing Federal court into a regular United States district court with powers derived from article III, section 1, of the Constitution of the United States. The Territorial courts will, in effect, become State courts. Since the successor courts will be parallel in function to the existing courts, there is no problem of dividing up the matters now handled by any one court.

#### *Maritime matters*

Hawaii is on many trade routes to and from the Orient. Therefore, it has been a common port of call for American vessels in foreign

trade. Such vessels are often granted certain Federal subsidies to better enable the American merchant marine to compete with foreign fleets. One of the conditions to grants of subsidies is that such vessels will not engage in domestic trade in competition with the nonsubsidized coastwise and intercoastal carriers. The protected routes granted to nonsubsidized vessels include trade between the continental United States and any American possession or Territory. The Merchant Marine Act, 1936, made an exception to this rule by allowing subsidized vessels to call at Hawaii while on a voyage in foreign trade, making an adjustment in subsidies to prevent improper competition. This type of shipping is an integral part of the important Hawaiian shipping industry. To change it would cause serious and unnecessary confusion. The bill retains the right of such subsidized vessels to continue calling at Hawaii after statehood on the same conditions as now exist.

#### *Immigration and nationality*

The immigration and nationality laws of the United States are extended to Hawaii in the same manner as they are to other States in the Union.

### GEOGRAPHY

The Territory consists of eight major islands and many smaller ones in the Hawaiian Archipelago. The islands lie about 2,200 miles southwest of California—closer than New York is to San Francisco—at the same latitude as Cuba and the same longitude as the western mainland of Alaska.

The area of the islands is 6,434 square miles or 4,119,227 acres. This is slightly larger than the combined area of Connecticut and Rhode Island. Of the total acreage, 317,012 acres are held by the Federal Government, 1,415,684 acres by the Territory of Hawaii, and 10,809 acres by the city and county governments. The remaining 2,373,722 acres are held in private ownership.

A breakdown of Federal land holdings in Hawaii follows:

Island county	Acres	Percentage of islands	Land and building real property valuation
Oahu.....	54,571	14.1	\$416,577,018
Mauil.....	47,817	10.3	4,013,022
Molokai.....			
Lanai.....			
Hawaii.....	212,196	8.2	1,567,819
Kauai.....	2,428	.68	172,089
Total.....	317,012		422,329,948

The climate is moderate throughout the year. High temperatures are tempered by the trade winds.

### DEMOGRAPHY

The population increased 14.9 percent between 1930 and 1940, and 18.1 percent from 1940 to 1950. There has been a further increase of 7.2 percent or 36,000 people since 1950. The present population is 613,000 according to the latest official estimate, July 1, 1957.

The population is 85 percent native-born American citizens of diverse racial and national backgrounds. As of 1950 the major groups contributed to the total population as follows: 23 percent Caucasian, 37 percent Japanese, 17 percent Hawaiian, and the remainder Filipino, Chinese, Korean, Puerto Rican, and others. In the past 50 years the proportion of residents of Japanese ancestry has decreased slightly while the proportion of Caucasians has increased slightly. A complete analysis of the ancestry of Americans in Hawaii is included as appendix E to this report.

### HAWAII ECONOMY

Hawaii's economy alone, if we consider this wholly apart from all its other notable qualifications, would entitle Hawaii to take its place among us as a full-fledged and substantial member of our family of States.

Hawaii's resources are implanted deeply in its lands and industries. These the Territory has managed wisely over the past century to build a firm, self-sustaining, and enduring economy. Today, Hawaii's real property assessments, the goods produced, and its annual business turnover exceed greatly those of any of the 30 Territories heretofore admitted to statehood.

Hawaii's marked economic progress is vividly illustrated in the United States Department of Commerce report entitled "Income of Hawaii." This publication reports that from 1939 to 1952 Hawaii's economy outpaced that of the Nation. In this span of 14 years, the total of all personal incomes in Hawaii almost quadrupled. The totals were \$218 million in 1938 and \$864 million in 1952.

In 1958, Hawaii's personal income totaled \$1.150 billion. This was the third time Hawaii's personal income exceeded \$1 billion during the postwar period. Historically, Hawaii's per capita personal income has tended to approximate that of the mainland. The personal income of \$1.150 billion in 1958 received by residents in Hawaii was equivalent to \$1,876 per person for Hawaii's total population of 613,000. The 1958 per capita income exceeded that of 26 States, as has been the case since 1955.

Territorial tax revenues from all sources for the fiscal year ending June 30, 1958, amounted to \$122,384,550.

### AGRICULTURE

Hawaii's economy is a stable economy, founded on agriculture. The Senate Interior and Insular Affairs Committee reported in 1955:

Nowhere in the world have scientific methods been applied to agriculture on the scale that prevails in the sugar and pineapple production of Hawaii.

This is still true today.

In 1957, Hawaii's 27 independent sugar plantations produced over 1 million tons of raw sugar on their 221,000 acres, with a total value of \$146 million. Payrolls of the sugar plantations in 1957 were approximately \$56 million for some 17,000 year-round employees. The daily wage, including fringe benefits, is estimated at \$14.80 per day, the Nation's and the world's highest agricultural wage.

The pineapple crop provides the second largest industry in the islands. For fiscal year ending May 31, 1957, the 9 pineapple companies, located on 5 islands of the Hawaiian group, produced 30,787,208 cases of pineapple and juice, valued at \$110 million. The pineapple industry provides employment for about 22,000 during the peak summer canning season and year-round employment for about 9,000 persons. The industry's annual payroll is estimated at \$36 million.

#### TOURISM AND HOTELS

Hawaii's pleasant climate, scenic beauty, and recreational facilities are also a major asset. The tourist industry expands annually—from a \$6-million-a-year industry in 1946 to \$65 million in 1956. A record total of 197,850 visitors, including transients, came to Hawaii during 1958, spending there \$82,750,000. Tourist expenditures are expected to top \$100 million by 1960. Expenditures by carriers and crews attributable to the visitor industry added \$8,800,000 to this total. Nor do these figures take into account the millions of dollars spent by the airlines and steamship companies serving the Territory, or the spending of service personnel.

Another record-breaking year for isle tourism is predicted for 1959 when it is estimated that \$85 million in new dollars will be derived from more than 200,000 visitors.

The Hawaii Visitors' Bureau reports that roughly 15 percent more seats will be available on flights to Hawaii in 1959 than were available in 1958. Another big increase in capacities will come with the arrival of jets in late 1959 or early 1960. This introduction of faster service will mean an increase in the number of visitors coming to Hawaii from the west coast, the Central States, and the industrialized East. Also several new ships are scheduled for the Hawaii run, and by 1960 at least two additional 2,000-passenger ships will be making regular calls at Honolulu.

In 1945, the Pacific war came to an end and Hawaii set about refurbishing its facilities after 4 years of combat and defense status. New hotels came slowly. In 1954, four major beach hotels and several smaller ones were erected. This amounted to some 1,000 new hotel rooms. By 1956, there were more than 4,000 rooms at Waikiki. Early 1958 found 450 more hotel rooms in Waikiki than early 1957. In addition, proposed future developments of hotel accommodations have been discussed for the Waikiki area and, when realized, would account for the addition of 1,500 more rooms. Two major hotel chains are currently interested in extending their interests to the Hawaiian Islands.

These expenditures, running into the millions, bolster the Hawaii Visitors' Bureau's optimistic view of the tourist trade as the greatest single source of immediately available revenue, and a potential rival of the sugar industry for first place in the islands' economy.

#### NATIONAL DEFENSE EXPENDITURES

The strategic importance of Hawaii to the defense of America is vital. The recent enlargement of commands and the movement of Armed Forces from forward areas to Oahu has made Hawaii an increasingly important operational center for the entire Pacific area.

Hawaii is a bastion of U.S. military strength in the Pacific, the hub of which is the Pearl Harbor Naval Base, headquarters of the Pacific's unified military command.

The Army has six major posts in Hawaii. Schofield Barracks is one of the largest military posts in area in the world. Headquarters for the commanding general, U.S. Army Forces Pacific, are at Fort Shafter, in Honolulu.

The Military Establishment there represents today, in the interests of national defense, the islands' largest single source of income. The money spent by the Federal Government, and the goods and services purchased by the Armed Forces, are considered Hawaii's most important "invisible export." This in 1958 amounted to over \$300 million.

#### PAYMENTS INTO FEDERAL TREASURY

Reflecting the healthy state of their island economy were the tax totals paid last year by residents of Hawaii, more than \$285 million. Of this sum, \$166,300,000 came into the Federal Treasury on account of personal and corporate income taxes. This is more than was paid in by 10 of our mainland States (Wyoming, Vermont, North Dakota, South Dakota, Nevada, Idaho, Montana, New Mexico, New Hampshire and Alaska).

Although Hawaii has no vote in the Congress levying such taxes, it pays consistently into the Federal Treasury a larger amount than the Federal Government has spent upon the Territory, not including national defense.

Since its incorporation into the United States, Hawaii has paid into the national coffers the impressive sum of \$2,354,000,000.

#### THE HAWAII LABOR FORCE

Employment in the Territory has reached record totals. The employed labor force increased from 206,000 in 1957 to 210,000 in 1958 and the number of unemployed decreased to 1.6 percent of labor force over the same period. Wages, salaries, and dividends paid to residents of Hawaii during 1957 amounted to over \$700 million.

#### LAND AND BUILDING VALUATIONS

The steady growth of the population of Hawaii since annexation provides another cardinal statistic which further depicts the substance and soundness of her application for statehood. As of January 1, 1957, the gross assessed valuation of real property aggregated \$1,933,325,220. This exceeds by far the assessed valuation of real property in any of the 30 Territories upon their entrance into the Union as States, and represents, almost, the combined values of real property in all States admitted into the Union since 1850 at the time of their admission.

#### IMPORTANT MINERAL DISCOVERY

The uncovering in Hawaii of high-grade deposits of bauxite—the raw material for aluminum—may make this country independent of foreign sources for this strategic mineral during the next century.

The island of Hawaii alone contains more than 300 square miles of rich ore, enough to supply the United States for 100 years. This is the gist of a report by Dr. Paul L. Magill, chemist and senior scientist of Stanford Research Associates. His report reveals the Territory's reserves of bauxite ore as 60 million tons, 10 times the known mainland reserve.

#### HIGHLIGHTS OF BUSINESS ACTIVITIES

Business in Hawaii directly reflects business conditions throughout the country. In step with the Nation, 1958 was the best year for business in Hawaii's history. For the 12th consecutive year the volume of all business transactions in Hawaii exceeded the billion-dollar mark. For 1958 it totaled \$1,855,299,168. Territorywide retail business volume rose to \$680 million.

Hawaii consistently ranks as one of the best customers of the continental United States. In 1956, it bought from the mainland food, clothing, motorcars, household appliances, construction materials, machinery and equipment, fuel, medical supplies, and many other items amounting to more than \$430 million. Since 1933 Hawaii has been seventh and eighth in rank of continental United States customers, and in 1940, fifth. Its purchases outrank those of such countries as Italy, China, Cuba, the Philippines, and Germany.

Hawaii's total expenditures in 1957, domestically and abroad, amounted to \$833 million. Its total income in mainland dollars was \$856 million. Thus it earned a favorable trade balance of \$23 million.

Fifty-nine banks and branches, as of June 30, 1957, were in operation in Hawaii, with combined assets of \$481 million. Bank clearings totaled \$3,342,686,555.

Five trust companies were in operation with total assets of \$20,364,453, and 11 savings, buildings and loan associations with combined assets of over \$136,162,096. Under the Industrial Loan Act, 59 licenses were authorized. The combined assets of the licensees were \$50,673,770.

#### *Air travel*

Honolulu International Airport, the principal airport in Hawaii, is one of the major airfields in the United States. During 1957, there were 245,046 takeoffs and landings at the airport. Interisland airlines carried 559,604 passengers between the islands during the year. Oversea passengers numbered 298,634. Air freight also is becoming an increasingly important factor in both interisland and transocean trade.

#### *Transportation*

Hawaii is the crossroads of the Pacific for airlines and seagoing trade. Luxury liner travel between Hawaii and the mainland is on the increase. Passenger liner capacity tripled during 1956-57, increasing from a capacity of 41,760 one-way passenger trips per year early in 1956 to an annual rate of 123,000 passengers by mid-1957. A fleet of freighters which constitutes Hawaii's lifeline to the mainland also plays a significant role in interisland traffic. In 1957, 11,498,948 tons of imports and exports were carried between Hawaii, the mainland, and other areas.

*Motor vehicles*

There were more than 196,722 motor vehicles registered in Hawaii on December 31, 1957. It is interesting to compare this with the 89,000 pleasure cars registered in the Empire of Japan, a nation of 90 million people.

*Diversified crops*

Cattle, hog, and poultry raising, coffee production, fisheries, the growing and packing of such products as macadamia nuts, papaias, bananas, taro, and honey are locally important enterprises, and the established value is about \$43,500,000. Of this total, about \$30 million, or about 70 percent comes from livestock.

*Utilities*

Total gross revenues of all utilities in the Territory amounted to \$48 million. Four utilities (electric power, telephones, interisland transportation, and gas) have doubled the aggregate value of their services since 1946. They recorded an average year-to-year increase of 7.3 percent between 1946 and 1958.

*Building*

Construction activity, a major bulwark in today's economy, totaled \$154,871,725 for 1957, an increase of more than 20 percent over 1956. Residential housing (in defense areas and in new suburban communities) has been the outstanding feature, but military installations, hotels, offices, shopping centers and public works also have been important. The bulk of this expansion has been confined to the island of Oahu.

*New business*

There were 45,805 business licenses issued by the tax commissioner during 1957. A survey showed 76 new and 55 expanding firms created nearly 2,000 jobs with a capital investment of \$19,849,857. Mainland investments in Hawaii have been continued too. Insurance companies alone accounted for \$142 million as of January 1, 1957, compared to \$121 million in January 1956.

## EDITORIAL OPINION

Vigorous support by the Nation's press for Hawaiian statehood continues to mount. This is amply illustrated by the most recent Gallup poll and a compilation of editorials from newspapers in every State in the Union. These mediums of public expression reflect the widespread support for Hawaii statehood by the voters of the United States.

Annually since Hawaii began actively to seek admission into the Union, the evidence has grown that the country's newspapers,—small weeklies and metropolitan dailies in the North, the Deep South, the East and the West—are overwhelmingly in favor of admission.

Thus far this year 474 editorials on the subject of statehood for Hawaii have appeared in the American press. Almost without exception they urged that Congress act favorably on the statehood legislation.

The most recent national opinion survey on this subject, the Gallup poll, was published by the New York Herald Tribune on August 8, 1958. It found that prior to World War II Americans with opinions

on Hawaii statehood favored it by about 2 to 1. After World War II, during which Hawaii served as a key outpost in the Pacific, public support rose sharply. In 1946 the vote was 3 to 1.

During the years since then, Dr. Gallup reported, the national poll found increasingly clear majorities favoring Hawaii's admission into the Union. By 1958, Dr. Gallup reported, the ratio had become 8 to 1, the highest ever recorded since the American Institute of Public Opinion first began polling on the subject.

#### REASONS FOR STATEHOOD

The committee is convinced that the grant of statehood will be in the best interest of the people of the entire Nation as well as the half-million Americans who now reside in the Territory that has been an incorporated part of the United States for 58 years.

In considering the benefits to the Nation of the grant of statehood to any particular Territory, it has never been possible at the time of admission to prove in precise mathematical terms the exact extent to which the residents of the older States would be benefited. The specific advantages accruing to the Federal Government from the admission of any one of the 36 States admitted since the formation of the Union could not have been set forth in concrete terms to the Congress considering admission.

Yet our dramatic history and the greatness of our Nation today prove conclusively that acceptance of new States has benefited the older areas as much as it has the citizens of the new State. Ever since enactment of the Northwest Ordinance of 1787, our people have recognized that our Nation cannot grow strong and prosperous except on a basis of full political equality for every incorporated area the people of which are willing and able to share the burdens of statehood.

The citizens of Hawaii are in precisely the same legal and political status today as were the residents of the Northwest Territory when they were admitted to full citizenship. First, they are residents of an incorporated Territory, one to which the Constitution was extended by the 55th Congress more than a half century ago, thus incorporating it into the Union. Second, the population of the Territory is sufficiently large and its resources sufficiently developed, beyond question, to support statehood. Third, its people are thoroughly imbued with American traditions and ideals and earnestly desire statehood.

A major difference, however, is that Hawaii today has a larger population than 5 of our States (Vermont, Delaware, Wyoming, Nevada and Alaska), and that with approximately 613,000 people its population is larger than that of any State at the time it entered the Union except Oklahoma. Also, Hawaii is the richest Territory in the point of economic development ever to enter the Union—in the fiscal year 1958, Hawaii paid more than \$166 million in Federal taxes, a sum greater than that paid by many of the present States.

The admission of Hawaii would constitute a singular achievement in diplomacy. What could be better proof than this to the critical Far Eastern area that the United States is still the land of promise for people of all backgrounds? The Hawaiian-Americans of Japanese and other oriental backgrounds will be the living example that we live by principles of freedom and self-determination for all people. These thoroughly American people of oriental background can be a

catalyst of untold value in accomplishing understanding where understanding is most needed.

The American people believe that statehood is in the best interest of the Nation. Public polls taken over the last 10 years indicate that during that period the public has favored statehood by a majority of 3 to 1 or more. The latest reported poll indicates that the present favorable majority is more than 8 to 1.

The platforms of both major political parties call for immediate statehood as they have for some years past, and President Dwight D. Eisenhower has strongly urged it throughout his administration as did former President Harry S. Truman.

Admission of Hawaii to statehood would give it full and equal participation in the American system of government. It would accord the half-million American citizens who are also citizens of Hawaii the following specific rights which they do not have under the present Territorial system of government:

1. The right to voting representation in both the Senate and the House of Representatives;
2. The right to vote for the President and Vice President of the United States;
3. The right to choose their own Governor and to carry on functions of government by their own elected officials instead of Federal administrators;
4. The right to determine the extent of the powers to be exercised by their own legislature;
5. The right to have local justice administered by judges selected under local authority rather than by Federal appointees;
6. The right to freedom from overlapping of Federal and local authority; and
7. The right to a voice in any proposed amendment of the Federal Constitution, as well as on the taxes which they must pay.

Any concept of permanent inferiority for the residents of any American Territory who have qualified for statehood by every historic and economic standard, and the vast majority of whom fervently desire it, is foreign to the American ideal. On the basis of principles established 170 years ago, our people heretofore always have recognized the right of an incorporated Territory to receive statehood as soon as it demonstrates conclusively that it can meet the requirements for statehood. Hawaii, with its large, thoroughly American population, its economic development, the splendid war record of its people in fighting and dying for American ideals in both Europe and Asia, and the desire of its people for statehood, fits perfectly into the historic pattern under which our Nation has grown great.

#### READINESS FOR STATEHOOD

The Constitution of the United States sets no specific requirements for statehood, but throughout our history the standards required for admission have been—

- (1) That the inhabitants of the proposed new State are imbued with and sympathetic toward the principles of democracy as exemplified in the American form of government.
- (2) That a majority of the electorate desire statehood; and

(3) That the proposed new State has sufficient population and resources to support State government and to provide its share of the cost of the Federal Government.

The committee is convinced that Hawaii has met each of these requirements, and is in all ways prepared for statehood.

As to the first requirement, Hawaiians have been trained and steeped in American traditions and principles since the missionaries landed in the islands in 1820. The constitution adopted in 1840 was modeled after the Constitution of the United States. The people of Hawaii were the prime movers in the early attempts to bring about annexation. This historic attachment to American principles of democracy has continued up to today.

The constitution which was adopted by the people of Hawaii in 1950 by a 3-to-1 majority is an admirable, thoroughly American document. The Territory has wisely and successfully operated a complete Territorial government, in conformity with the Constitution of the United States, for over half a century.

The loyalty and patriotism of the people of Hawaii has been proved beyond any reasonable doubt. Before World War II, doubt was voiced in some quarters whether the inhabitants of Japanese ancestry would be loyal to the United States. The answer was dramatically recorded for everyone to see. During World War II American citizens of Japanese ancestry (Nisei) in Hawaii formed the all-Nisei 100th Infantry Battalion. Later, the 100th was integrated into the 442d Regimental Combat Team, an all-Nisei outfit composed of volunteers from Hawaii and the mainland of the United States. In connection with this volunteer combat team, the Army called for only 1,500 volunteers from Hawaii. In less than 3 days, more than 10,000 responded; in a week, more than 15,000 had volunteered. The Army decided to accept 2,500.

Between them, the 442d and the 100th made history without parallel in American military annals. According to the record, they were awarded more medals and combat decorations for their size and length of service in the line than any other U.S. infantry unit in World War II or any previous war.

Since World War II it has been suggested by some that a different loyalty question has arisen concerning Communists in Hawaii. That suggestion will be discussed in the next section of this report.

The committee is convinced that the people of Hawaii are as sincerely imbued with and sympathetic toward American principles as the people of any area under the flag.

The ability of the people of Hawaii to support a State government and contribute their share toward the costs of the Federal Government is not open to doubt. The Territory now pays all but a fraction of 1 percent of the total cost of Territorial government. The budget for Territorial and county government amounts to some \$100 million annually, all collected from local people by local taxes.

The gross Territorial product of Hawaii for 1958 is about \$1.150 billion, which is twice as large as that of the richest of all the other States at the time of its admission. In 1958 wages and salaries amounted to about \$829 million, retail trade \$680 million, dividends \$42.7 million. Hawaii had 25,000 more visitors in 1956 than in 1955 and they spent \$9 million more than in 1955. Diversified agriculture—other than sugar and pineapple—increased over 1955 to \$44.3

million total dollar volume, and Hawaii's 28 sugar plantations produced the second largest tonnage of raw sugar in their history. The volume in the construction industry was a peacetime high.

For the fiscal year ending June 30, 1958, the Territory paid a record high of \$166,300,000 in Federal taxes. This is more than the amount paid by 10 States already in the Union. The per capita tax payment was approximately \$270, a figure considerably higher than the national average. Since becoming a Territory, Hawaii has paid more than \$2.3 billion in Federal taxes.

#### VOTER TURNOUT IN HAWAII TOPS NATION

A measure of the civic consciousness of the people of the Territory of Hawaii was provided there in the 1956 Territorial elections. A record number of registered voters went to the polls in a performance that topped the entire nation for a turnout of citizens on election day.

The number of Hawaii citizens registering to vote in that election numbered 170,215. Of this number 151,962, or 89.2 percent voted.

This, according to the American Heritage Foundation, exceeded the entire Nation in percentage of turnout with Idaho, which got 77.3 percent of its registered voters to the polls, leading the 48 States.

Registration of voters in Hawaii has climbed steadily—from 102,000 in 1946 to 175,223 in 1958. In the general election on November 6, 1958, 154,329 or 88 percent of the eligible voters cast their ballots.

The committee members are convinced that the Nation could take in no more responsible partner than Hawaii.

#### ARGUMENTS AGAINST STATEHOOD

In the past the arguments against statehood have fallen into the following general pattern:

(1) That Communists, through control of the International Longshoremen's and Warehousemen's Union (ILWU), have a stranglehold on the economy of the Hawaiian Islands, and that they have such political power that communism is a threat to the political stability of the Territory; officials would continue to be subject to Communist pressure under statehood;

(2) That the so-called Caucasians are outnumbered by other groups;

(3) That the Territory is noncontiguous and hence outside the pattern of the present Union of States;

(4) That two Senators from Hawaii would give the new State representation in Congress disproportionate to its population in comparison with other States.

#### *Communist control*

The U.S. Department of Justice, which is charged with responsibility over investigation, prosecution, and control of Communist subversion, favors enactment of the bill. The present position of the Department is unchanged from previous years. In 1954 the Attorney General of the United States wrote to the committee as follows:

The fact that it has been necessary to prosecute the leaders of the Communist conspiracy in Hawaii is, in my opinion, no

more of an indication of the strength of the party in that area than the convictions of the Communist leaders in New York, Pittsburgh, Seattle, and Los Angeles are indications of party control and dominance in those areas.

Naval officials from both the Pentagon and Pearl Harbor levels indicated acceptance of statehood legislation contained in H.R. 4221. They apprehend no increase in internal security problems with the granting of statehood. The Honorable Francis E. Walter of Pennsylvania, chairman of the House Committee on Un-American Activities, stated during the committee hearings that he felt that given the machinery provided in H.R. 4221 the people of Hawaii under statehood could manage the security problems created by Communist activities better than under existing conditions.

The Korean war served as proof of the loyalty of Hawaiian-Americans when fighting against a Communist enemy. In connection with Hawaiian participation in that conflict Gen. J. Lawton Collins wrote to the late Delegate from Hawaii, Hon. Joseph R. Farrington:

The relatively high casualty rate suffered by Hawaii soldiers can be attributed to the large proportion of Hawaii soldiers in the 24th Infantry Division, which includes the 5th Regimental Combat Team, and the 25th Division. At the time of its deployment to the Far East Command, almost 50 percent were Hawaii-born soldiers. I doubt that any other unit of the Regular Army can be associated with a particular geographical area as closely as the 5th Regimental Combat Team is associated with Hawaii. There were also substantial percentages of Hawaii soldiers in the 24th and 25th Divisions which were already in Japan and which were, of course, the first committed in Korea. All enlisted personnel of these units, when the conflict started, were volunteers. The heavy fighting that they have encountered and the regrettably high casualty rates sustained are, of course, well known throughout the United States.

The splendid part played by Hawaii in the Korean war is entirely in keeping with the distinguished record it established in World War II.

The record in the Korean war can be summarized as follows:

Not one case of cowardice by a Hawaii soldier in the face of the Communist enemy was recorded in Korea.

Not one case of successful Red "brainwashing" of any Hawaii soldier was recorded.

Not one case of a Hawaii soldier's desertion to the enemy was recorded.

Of the 22 American servicemen who refused repatriation after the Korean war in favor of remaining with the Communists \* \* \* there was not 1 from Hawaii.

There were 426 Hawaii boys killed in Korea action, a death toll  $4\frac{1}{2}$  times the killed-in-action average for the rest of the United States. There were 1,352 total battle casualties from Hawaii, a rate three times as great as the casualty rate per capita for the rest of the Nation.

The committee is convinced, and there is no evidence to the contrary, that a grant of statehood will not in any way decrease the ability of the Nation or the people of Hawaii to combat the malignancy of communism. On the contrary, the people of Hawaii have taken unprecedented steps to protect themselves and have shown superior recognition of the menace. Therefore, the committee believes that statehood will provide a suitable and effective political structure through which the people of Hawaii can and will hasten the destruction of the last vestiges of Communist influence.

#### *The people of Hawaii*

The second objection, that of racial heterogeneity in the Territory, appears to be based on reasons which for the most part rarely are expressed frankly and openly. With the entire free world looking to the United States for moral and spiritual leadership, the committee does not believe that the 86th Congress will deny full political equality to a group of its own citizens who have met every historic test of qualifying for statehood merely because of the ancestry of a part of that group. Hawaii has been thoroughly American in word, thought, and deed for a half century and longer. Its American institutions and school systems have produced American citizens worthy to stand on a basis of full equality with the best citizens of any State in the Union.

The devotion to American ideals of the sons of Hawaii has been indelibly written in the pages of world history on the battlefields of Europe and, more recently, in Korea. In civic, economic, and cultural attainments, also, the people of Hawaii have created a community to stand on a basis of full political equality with every other American community.

#### *Noncontiguity*

The argument that Hawaii should forever be denied statehood because their islands are not physically contiguous by land to the continental United States is in our judgment fallacious. It should play no part in consideration of this measure. Hawaii has for many decades been completely incorporated within the American system in every respect despite its lack of land contiguity. It is within the American judicial, customs, and internal revenue systems. Its churches, fraternities, veterans' and other organizations, its business groups and banking systems, are closely linked with their counterparts on the mainland. In terms of modern communication and transportation Hawaii is today far closer to Washington than were many of the Original Thirteen States when the Constitution was adopted. In short, Hawaii is an integral part of the American scene.

With modern methods of transportation and communication—air, sea, radio, and telephone—the argument that Hawaii is noncontiguous can carry little weight. Hawaii is in fact contiguous to the mainland for all practical purposes. The committee believes that the Union of States that is the United States is more than a mere geographic arrangement. It is a union that comes of a common loyalty and a common purpose. In these respects, Hawaii is, in fact, contiguous.

As an example from the past, when California was admitted to the Union a trip to Washington meant 13,355 nautical miles around

Cape Horn or crossing the vast, hostile Indian country of the western plains. When the Panama Canal was opened the voyage by water from Washington to San Francisco was cut to twice the distance from Hawaii to San Francisco.

#### *Representation in Congress*

The last argument, which asserts that two Senators would dilute the representation of large States, seems to the committee to have been wisely and finally settled 170 years ago by the Founding Fathers. For the information of the House it should be noted that Hawaii has a larger population than six of the present States, and, when admitted, will join five other States which have two Senators and only one Representative in Congress.

Therefore, the committee finds no merit in any of the arguments against statehood, and recommends that statehood be granted.

#### SUMMARY

In November 1958 a special three-member subcommittee of the Committee on Interior and Insular Affairs consisting of Representatives O'Brien of New York, Sisk, and Berry visited Hawaii and spent 2 weeks studying all facets of statehood for the Territory. The closing paragraphs of its report strongly urging enactment of statehood legislation are as follows:

We believe that admission of Hawaii, with its mixed races and its geographical position, will vastly improve our posture and relationship throughout the vast Pacific area, where we are striving with all our might and means to keep 800 million free and friendly.

This is the considered opinion of the military men in charge of our vital interests in the Pacific. They, and we, know what those 800 million people in the Pacific area will say if we deny statehood to Hawaii after granting statehood to Alaska.

They will say that our protestations of regard and friendship are untrue and that we have denied full brotherhood to American citizens because many of them come from the same ethnic lines as those we call friends in an area vital to our very existence as a nation.

Your committee went to Hawaii in an objective mood. We performed our task as best we could. We know all the difficulties and dangers. But we also know the people who will administer the new State. Calmly and soberly, we urge that the 86th Congress, as soon as possible, place in the flag a 50th star called Hawaii.

#### SECTIONAL ANALYSIS

Section 1 provides for admission of Hawaii into the Union on an equal footing with the other States after a plebiscite on three propositions set out in section 7 and after election of the elective officers of the new State and its congressional delegation. Section 1 also confirms and ratifies the constitution adopted by the people of Hawaii in 1950 and finds that it conforms to the Constitution of the United States and the principles of the Declaration of Independence.

Section 2 defines the area which will comprise the State of Hawaii. This includes all the islands, appurtenant reefs, and territorial waters included in the Territory of Hawaii except the atoll known as Palmyra Island and its reefs and territorial waters. The State will not include the Midway Islands, Johnston Island, Sand Island (offshore from

Johnston Island), or Kingman Reef. These are not now included in the Territory.

Section 3 requires that the constitution of the State of Hawaii forever remain republican in form and not repugnant to the United States Constitution or the principles of the Declaration of Independence.

Section 4 requires the State of Hawaii to adopt the Hawaiian Homes Commission Act, 1920, as a provision of its constitution and provides that it shall not be changed in its basic provisions except with the consent of the United States. Article XI of the constitution of Hawaii conforms, in substance, to this requirement. The Hawaiian Homes Commission Act is a law which set aside certain lands in order to provide for the welfare of native Hawaiians. While the new State will be able to make changes in the administration of the act without the consent of Congress, it will not be authorized, without such consent, to impair by legislation or constitutional amendment the funds set up under it or to disturb in other ways its substantive provisions to the detriment of the intended beneficiaries.

Section 5 concerns property grants to the new State. Subsection (a) confirms in the State the Territory's title to certain lands and other property. Subsection (b) grants to the State title to Federal public lands and other Federal public property in Hawaii held by the United States at the time of Hawaii's admission into the Union. Both of these subsections, however, are subject to the qualification expressed in subsection (c) the effect of which is to reserve to the United States any lands or other properties which are set aside for Federal use by act of Congress or by order of the President or the Governor of Hawaii. Subsection (b) is also qualified by subsection (d) which provides that any public lands or other public property that, at the time of admission, is controlled by the United States under permission from the Territory may be set aside by Congress or by Executive order within 5 years from the date of admission and that, if this is done, these lands and property shall be the property of the United States. Subsection (e) provides that each Federal agency having control of land or property retained under subsections (c) and (d) shall review its needs and report to the President within 5 years after admission of the new State and that the President shall turn over to the State that which is not needed by the Federal Government.

The effect of subsection (f) is to create a trust of the public lands granted to the State and of any proceeds derived from them, the trust to be administered for the support of educational institutions, the welfare of native Hawaiians, the development of farm and home ownership, public improvements, and the provision of land for public use. The language employed with respect to educational institutions supported in whole or in part from this land grant is the same as that used in earlier acts for the admission of States to the Union. It requires that the educational institutions remain under public control and be not sectarian or denominational. The words used are in the nature of a limitation and not a grant and will not interfere with the operation of the Federal Constitution.

Subsection (g) defines the terms "lands and other properties" and "public lands and other public property." Subsection (h) repeals laws of the United States reserving its right to the free use of property which is granted to the State by the act. Subsection (i) makes it

clear that the Submerged Lands Act and the Outer Continental Shelf Lands Act will extend to the new State.

Section 6 provides for certification by the President to the Governor of Hawaii of the former's approval of the bill. It also provides for a gubernatorial proclamation for the first election of State officers and the State congressional delegation. The latter will consist of two Senators and one Representative.

Section 7, subsection (a), sets out details concerning the elections just mentioned. Subsection (b) requires that there be submitted to the Hawaiian voters for adoption or rejection three questions. The first is whether Hawaii shall be immediately admitted into the Union as a State, the second whether the boundaries of the State shall be prescribed in the act, and the third whether all the provisions of the act which reserve rights or powers to the United States or which prescribe the terms and conditions of the grants therein made to the State are consented to by the State and its people. If all of these propositions are adopted by the people, the State constitution will be deemed amended to include them. If any of the three propositions is not adopted by a majority of the voters, the act will cease to be effective and the new State will not be admitted into the Union. Subsection (c) provides that the President, upon finding that the propositions previously mentioned have been adopted and upon certification of the returns of the elections, shall issue his proclamation announcing the results of the election. The State of Hawaii will then be deemed admitted into the Union. The subsection also provides that all officers of the Territory and its delegate in Congress shall continue in their offices until the new State is admitted.

Section 8 provides that the new State shall be entitled to one Representative in Congress until the next reapportionment. Although this will cause a temporary increase in the membership of the House of Representatives, it will have no permanent effect upon the membership and basis of apportionment prescribed by present law.

Section 9, subsection (a), provides for the establishment of a U.S. district court in Hawaii with powers derived from article III, section 1, of the United States Constitution. The existing Federal district court is converted into a constitutional court by changing the source of its authority, terminating the powers of the present judges, and providing for the appointment of two judges for the new court. Subsections (b) and (c) repeal present provisions of the Judicial Code establishing different eligibility requirements and fixing a different term of office for judges of the Hawaii district court from those of the judges of other U.S. district courts.

Section 10 deletes special mention of the Hawaii district court from a provision of existing law which defines the term "court of the United States." The effect of the section is to treat the new Federal court in Hawaii like Federal district courts in other States.

Section 11 modifies four sections of the Judicial Code which require that U.S. attorneys and marshals in Hawaii have been citizens of Hawaii during the 3 years preceding their appointment and fix their terms of office at 6 years. The effect of these modifications is to make applicable to these officers the provisions of law applicable to other U.S. attorneys and marshals.

Section 12 provides for the nonabatement of legal actions commenced before the admission of Hawaii into the Union. It also pro-

vides that causes of action which accrued and criminal offenses which were committed before admission but with respect to which action had not then been taken shall thereafter be subject to suit or prosecution in the appropriate State and Federal courts.

Section 13 preserves rights of appeal to the Court of Appeals for the Ninth Circuit and to the Supreme Court in cases decided by the Federal and Territorial courts in Hawaii before admission or pending in those courts at the time of admission.

Section 14 makes a number of minor changes in the Judicial Code and other provisions of law to conform them to the new status of Hawaii and the courts there. Subsection (a) deletes a provision which now gives litigants in any court of record in Hawaii certain rights of direct appeal to the U.S. Supreme Court; subsections (b) and (c) delete provisions for appeals from the Territorial supreme court to the Ninth Circuit Court of Appeals in certain types of cases; subsection (d) removes Hawaii from the coverage of special provisions of law relating to pensions for judges in the Territories and possessions; subsection (e) repeals two provisions of existing law prescribing the salaries of the Governor of Hawaii and other Territorial officials; subsection (f) repeals a special provision of law relating to removal of lawsuits from the Territorial to the Federal courts and vice versa; subsections (g) and (h) delete special mention of Hawaii from provisions of existing law relating to the promulgation of rules of procedure by the Supreme Court; and subsections (i) and (j) assure that, notwithstanding the exclusion of Palmyra Island from the new State, the jurisdiction of the U.S. District Court for the District of Hawaii will extend to it.

Section 15 provides that all Territorial laws shall continue in effect after the admission of the State of Hawaii except as they may be changed by the present bill or by State law. The term "Territorial laws" is defined to include both laws enacted by the Territorial legislature and laws of the United States enacted solely under the United States authority to provide for the government of the Territory.

Section 16, subsection (a), retains exclusive jurisdiction in the United States over Hawaii National Park, subject to the right of the State to serve process and impose taxes on persons and private property within the park and to the exercise of voting rights by residents within the park. Subsection (b) reserves to Congress the right to exercise its power of exclusive legislation over lands which, immediately prior to admission of Hawaii into the Union, are owned or controlled by the United States and held for defense or Coast Guard purposes. The State is authorized, however, to serve process on these lands and, until Congress acts to exercise its reserved power, to exercise all of its other usual functions in the area. The Federal power of exclusive legislation expires when the area ceases to be used for defense or Coast Guard purposes. Notwithstanding other provisions of this subsection, the United States will have sole and exclusive jurisdiction over any military installations that are determined to be critical areas by the President or the Secretary of Defense. The term "defense purposes" is used in the bill to cover military, naval, and Air Force purposes.

Section 17 modifies the Federal Reserve Act to cover Hawaii.

Section 18 concerns maritime matters. Subsection (a) continues the present jurisdiction of the Federal Maritime Board over water transportation to and from the State of Hawaii. Subsection (b) makes three minor changes in the Merchant Marine Act. That act provides that ships which receive operating or construction subsidies from the United States may call at island territories on voyages in foreign trade. Under the existing law such ships do call at Hawaii and it is intended that such calls may continue without prejudice to the carriers' subsidies.

Section 19 provides that the act shall not affect the nationality of any person.

Section 20 makes minor changes in the Immigration and Nationality Act to conform it to the new status of Hawaii. Subsection (a) deletes a specific reference to the territory from the definition of "State" in the Immigration and Nationality Act; subsection (b) removes Hawaii from the coverage of a section of the act which presently includes Hawaii as one of the territories to which are applied certain standards for denying aliens the privilege of admission into the remainder of the United States; subsection (c) deletes from a section of the act conferring jurisdiction over naturalization proceedings the present reference to the territorial court. Subsection (d) provides that nothing contained in the Hawaii Admission Act shall affect a provision of the Immigration and Nationality Act declaring that persons born in Hawaii in 1898 or later and persons who were citizens of Hawaii in 1898 are citizens of the United States.

Section 21 modifies section 3(b) of the act of September 7, 1957, which deals with guaranteeing of loans for air feeder lines and similar matters, by substituting "State of Hawaii" for "Territory of Hawaii."

Section 22 is a standard separability provision declaring that a determination that any portion of the act or its application in any particular circumstance is invalid shall not affect the remaining portions of the act or its applications in other circumstances.

Section 25 is a standard provision repealing all acts in conflict with the present act.

#### EXECUTIVE DEPARTMENT REPORTS

Favorable reports on Hawaiian statehood bills before the Committee on Interior and Insular Affairs were received from the Departments of the Interior, Navy, State, and Justice, and from the Bureau of the Budget. The reports are printed below.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
*Washington, D.C., January 23, 1959.*

HON. WAYNE N. ASPINALL,  
*Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.*

DEAR MR. ASPINALL: This will reply to your request for the views of this Department on H.R. 50, H.R. 888, and H.R. 954, providing for the admission of the Territory of Hawaii into the Union.

We urge the enactment of Hawaii admission legislation. It is noted that H.R. 888 and H.R. 954, which are identical bills, contain technical language changes prepared by your committee staff with the

cooperation of this Department while H.R. 50 appears to contain provisions of an earlier bill developed prior to agreement on such technical changes and prior to this Department assimilating the views of the Congress on the related subject of Alaskan statehood.

Now that the admission of Alaska as a State in the Union is a fact, we believe that the prompt admission of Hawaii, our only remaining incorporated Territory, will represent a timely addition to this Nation's complement of States. Furthermore, the admission of Hawaii will fulfill a solemn obligation on the part of the United States to the people of Hawaii—first expressed in the treaty of annexation in 1898.

These bills provide for the admission of Hawaii into the Union as a State, and prescribe the procedure to be followed for that purpose. They properly recognize the actions already taken by the Government and the people of the Territory to form and adopt a State constitution, and ratify those actions.

With the admission into the Union of Alaska, many of the objections formerly argued against the admission of Hawaii are no longer applicable. The opposition to admission of noncontiguous areas, for example, is obviously outdated. In fact, Hawaii is in every way as well qualified for statehood as is Alaska.

Hawaii is truly American in every aspect of its life. Its people have been citizens of the United States since 1900; they have no other loyalty. They have lived under the same laws, paid the same taxes, and enjoyed the same constitutional guarantees as other Americans for over half a century. The Americanism of the people of Hawaii goes beyond mere legal conformity. Hawaii is pervaded by American ideals and practices in its civic organizations and private charities, in its educational system and its athletics, in its press and radio, and in its way of living generally.

While a substantial proportion of Hawaii's people are of racial extractions originating in a distant continent, we believe there are no finer patriots in the Nation—as was proved by the kind of service given by Hawaii's sons during World War II and the Korean conflict.

Hawaii has also met every objective test of fitness for statehood. The civilian population of Hawaii for 1958 was estimated by the Census Bureau to be 578,000. Although recent figures on military population cannot be revealed for security reasons, it seems likely that the military population in 1958 amounted to about 59,000, the same figure as for 1957, thus giving Hawaii a total of 637,000 for 1958.

Thus, Hawaii's population exceeds that of the following 6 States: New Hampshire, 584,000; Delaware, 454,000; Vermont, 372,000; Wyoming, 320,000; Nevada, 267,000; and Alaska, 214,000.

In recent years Federal internal revenue collections in Hawaii have generally exceeded those in 10 of the present States. In fiscal 1958 such collections in Hawaii amounted to \$166,306,000, which were greater than the collections in New Hampshire, Vermont, North Dakota, South Dakota, Montana, Idaho, Wyoming, New Mexico, Nevada, or Alaska.

The Hawaiian tax commissioner has estimated the islands' gross Territorial product for 1958 at the impressive total of \$2,109,890,000.

For many years the people of Hawaii have exercised self-government in a manner that demonstrates their firm adherence to the ideals of free government. The Hawaiian economy is well developed and pros-

perous. It can easily support the slight additional expense to the Hawaiian taxpayer that will result from statehood.

The Territory of Hawaii has repeatedly petitioned for statehood, and 8 years ago adopted a State constitution which was ratified overwhelmingly by the voters. The constitution evidences a sound and mature grasp of governmental problems.

President Eisenhower has repeatedly recommended statehood for Hawaii. In opening his state of the Union address on January 9, the President said: "May I voice the hope that before my term of office is ended I shall have the opportunity and great satisfaction of seeing the 50th star in our national flag." And in his budget message to the 86th Congress, the President stated: "I again recommend that the Congress enact legislation to admit Hawaii into the Union as a State, and to grant home rule to the District of Columbia. It would be unconscionable if either of these actions were delayed any longer."

The following three provisions of the bills should be noted:

1. Subsection 5(d) provides that for a period of 5 years after Hawaii is admitted into the Union either Congress by legislation or the President by Executive order, made pursuant to law, may take back from the State title to any of the lands that are granted to the State by other provisions of the act.

2. Subsection 5(h) provides that if any of the land that is granted to the State is by law subject to free use by the United States, the law granting such free use is repealed, but either the President or the Secretary of Defense may reinvoke the law at any time in the future by determining an area granted to the State to be a critical one. There is no time limitation on this reserved power to take from the State a right of free use, as distinguished from title.

3. Subsection 16(b) reserves the right of Congress to assume by legislation exclusive legislative jurisdiction over any lands that on the date Hawaii is admitted into the Union are owned or controlled by the United States and are held for defense or coast guard purposes. Such exclusive jurisdiction is really concurrent jurisdiction, however, because the subsection specifies that the State shall have the right to serve civil and criminal process, and to exercise concurrently any jurisdiction it would otherwise have that is consistent with the applicable Federal laws.

The last proviso of this subsection, however, gives to the President and to the Secretary of Defense, independently, the right to assume without legislation by Congress exclusive jurisdiction over any military installation that he may determine to be a critical area. There is no time limitation. This exclusive jurisdiction would not be subject to the right of the State to serve processes or to exercise concurrent jurisdiction, as would be the case if Congress acted under the first part of the subsection.

We understand that these provisions were drafted after consultation with the Department of Defense, and we shall therefore not comment on their details. In general, however, we feel that the title to the land conveyed to the State should not be subject to the right of the Federal Government to take back the title, or an indefinite right of free use. The State is entitled to know at some reasonable time what it is authorized to do with the land. Moreover, there should be a limit on the right of the United States to take title to, or free use of, lands which

it only holds in trust for the people of the present Territory. With respect to jurisdiction, some further consideration may be warranted of the reserved congressional power to exercise concurrent jurisdiction and the reserved Executive power to exercise sole and exclusive jurisdiction.

We appreciate this opportunity to again express our views on this important subject. And we stand ready to aid your committee, in any manner, to assure early consideration by the Congress of the petition of the people of Hawaii for admission of Hawaii into our Union. As a matter of simple justice, the prompt admission of Hawaii, our last incorporated Territory, should be accomplished as soon as possible.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

FRED A. SEATON,  
*Secretary of the Interior.*

DEPARTMENT OF THE NAVY,  
OFFICE OF THE SECRETARY,  
OFFICE OF LEGISLATIVE LIAISON,  
*Washington, D.C., January 26, 1959.*

HON. WAYNE N. ASPINALL,  
*Chairman, Committee on Interior and Insular Affairs,  
House of Representatives, Washington, D.C.*

MY DEAR MR. CHAIRMAN: Your request for comment on H.R. 50, H.R. 888, and H.R. 954, similar bills, to provide for the admission of the State of Hawaii into the Union, has been assigned to this Department by the Secretary of Defense for the preparation of a report thereon expressing the views of the Department of Defense.

With regard to military aspects of statehood for Hawaii, the bills provide for retention of ownership by the United States in all lands held for military purposes. In general, the bills provide that concurrent jurisdiction over such lands is to be vested in the State of Hawaii and the United States with the reservation to the Congress of the authority, by legislative process, to take exclusive jurisdiction on behalf of the United States. These provisions are satisfactory to this Department.

As these bills would adequately safeguard the needs of the services, the Department of the Navy, on behalf of the Department of Defense, supports the admission of Hawaii into the Union.

As a technical matter, it is believed that the language of H.R. 888 and H.R. 954 concerning the setting aside of land for the use of the United States during the 5-year period after enactment is clearer than the language of H.R. 50, and therefore, is preferred by the Department of Defense. In this connection the restoration provisions of section 5(b) of H.R. 50 are preferable to the comparable provisions in H.R. 888 and H.R. 954. Additionally, it is recommended that there be an explicit showing in any bill enacted that not only the Submerged Land Act of 1953 but also the Outer Continental Shelf Lands Act will apply to the State of Hawaii.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Department of the Navy has been advised by the Bureau of the Budget that there is no objection to the submission of this report on H.R. 50, H.R. 888, and H.R. 954.

Sincerely yours,

Rear Adm. JOHN S. MCCAIN, Jr.,  
*Chief, Legislative Liaison*  
 (For the Secretary of the Navy).

---

DEPARTMENT OF STATE,  
 Washington, D.C., January 23, 1959.

Hon. WAYNE N. ASPINALL,  
*Chairman, Committee on Interior and Insular Affairs, House of Representatives.*

DEAR MR. ASPINALL: I refer to your letter of January 15, 1959, requesting the Department's comments on three bills (H.R. 50, H.R. 888, and H.R. 954) to provide for the admission of the Territory of Hawaii into the Union.

The Department's position on the question of statehood for Hawaii, as expressed in response to a similar request made during the 85th Congress, remains unchanged. It is the Department's view that the admission of Hawaii into the Union would serve to support American foreign policy and strengthen the position of the United States in international relations.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,  
*Assistant Secretary*  
 (For the Secretary of State).

---

U.S. DEPARTMENT OF JUSTICE,  
 OFFICE OF THE DEPUTY ATTORNEY GENERAL,  
 Washington, D.C., January 22, 1959.

Hon. WAYNE N. ASPINALL,  
*Chairman, Committee on Interior and Insular Affairs,  
 House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your letter of January 15, 1959, to the Attorney General relative to Hawaii statehood legislation.

The Department of Justice favors the enactment of legislation to grant statehood to Hawaii as recommended by the President in his budget message for the fiscal year ending June 30, 1960.

With respect to specific bills introduced in the 86th Congress to admit Hawaii into the Union reports will be submitted promptly upon completion of the study of them now being made.

Sincerely yours,

LAWRENCE E. WALSH,  
*Deputy Attorney General.*

DEPARTMENT OF JUSTICE,  
OFFICE OF THE DEPUTY ATTORNEY GENERAL,  
*Washington, D.C., February 9, 1959.*

HON. WAYNE H. ASPINALL,  
*Chairman, Committee on Interior and Insular Affairs,  
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in further response to your request for the views of the Department of Justice on the Hawaii statehood bills (H.R. 50, to provide for the admission of the State of Hawaii into the Union; H.R. 888, to provide for the admission of the Territory of Hawaii into the Union; and H.R. 954, to provide for the admission of the Territory of Hawaii into the Union).

The position of the Department of Justice favoring the grant of statehood to Hawaii is firm and unequivocal. As stated in my letter of January 22, 1959, to your committee, "The Department of Justice favors the enactment of legislation to grant statehood to Hawaii as recommended by the President in his budget message for the fiscal year ending June 30, 1960."

Our examination of these bills disclosed some typographical errors and matters of a technical nature, information concerning which was furnished informally to members of the committee staff.

The Department of Justice has no further comment to offer with respect to these bills.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely yours,

LAWRENCE E. WALSH,  
*Deputy Attorney General.*

---

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
*Washington, D.C., January 23, 1959.*

HON. WAYNE N. ASPINALL,  
*Chairman, Committee on Interior and Insular Affairs,  
House of Representatives, Washington, D.C.*

MY DEAR MR. CHAIRMAN: This will reply to your letter of January 15, 1959, requesting the Bureau of the Budget's views on H.R. 50, H.R. 888, and H.R. 894, bills to provide for the admission of the State of Hawaii into the Union.

The President has strongly urged the enactment of legislation to admit the Territory of Hawaii into the Union. The President stated in his annual budget message transmitted to the Congress on January 19, 1959, that it would be "unconscionable" if this action were delayed any longer. We believe that Hawaii is fully prepared to assume the responsibilities that go with statehood and should be permitted to take its rightful place as an equal member of the Union.

It is noted that H.R. 888 and H.R. 894, which are identical bills, contain a number of technical language changes developed by committee staff with the cooperation of the Department of the Interior.

H.R. 50 appears to be based on an earlier draft of the bill and does not contain these changes.

Section 7(d) of H.R. 50 and section 15 of H.R. 888 and H.R. 894 would continue in force and effect all Territorial laws in force in the Territory of Hawaii at the time of its admission into the Union, except as modified or changed by the Statehood Act or the State constitution. Territorial laws would be subject to repeal or amendment by the Legislature of the State of Hawaii. "Territorial laws" are defined to include "all laws or parts thereof enacted by the Congress the validity of which is dependent solely upon the authority of the Congress to provide for the government of Hawaii prior to its admission into the Union."

The purpose of the foregoing sections of H.R. 50, H.R. 888, and H.R. 894 is to assure necessary continuity of laws until such time as the legislature of the new State can enact laws for control of its internal affairs. The definition of "Territorial laws" as including laws enacted by the Congress for the government of the Territory may have the result, in the same instances, of continuing Federal responsibility for the administration of laws regulating intrastate commerce. While it may be highly desirable that Federal officials continue administration of such Territorial laws for a transitional period, considerable confusion might arise if the termination of Federal responsibility were left solely to future action by the State legislature. We suggest, therefore, that the section be amended to make clear that such Federal responsibility will cease either on a date specified in the Statehood Act, or on the effective date of any law enacted by the State legislature which modifies or changes such Territorial law, whichever occurs first.

The Bureau of the Budget supports the objectives of H.R. 50, H.R. 888, and H.R. 894, and you are hereby advised that the enactment of legislation to provide for the admission of the State of Hawaii into the Union would be in accord with the program of the President.

Sincerely yours,

PHILLIP S. HUGHES,  
*Assistant Director for Legislative Reference.*

#### COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends that H.R. 4221 be enacted.

# APPENDIX

## APPENDIX A

### THE CONSTITUTION OF THE STATE OF HAWAII

#### PREAMBLE

We, the people of the State of Hawaii, grateful for Divine Guidance, and mindful of our Hawaiian heritage, reaffirm our belief in a government of the people, by the people and for the people, and with an understanding heart toward all the peoples of the earth, do hereby ordain and establish this constitution for the State of Hawaii.

#### FEDERAL CONSTITUTION ADOPTED

The Constitution of the United States of America is adopted on behalf of the people of the State of Hawaii.

#### ARTICLE I

##### BILL OF RIGHTS

###### Political Power

SECTION 1. All political power of this State is inherent in the people; and the responsibility for the exercise thereof rests with the people. All government is founded on this authority.

###### Rights of Man

SECTION 2. All persons are free by nature and are equal in their inherent and inalienable rights. Among these rights are the enjoyment of life, liberty and the pursuit of happiness, and the acquiring and possessing of property. These rights cannot endure unless the people recognize their corresponding obligations and responsibilities.

###### Freedom of Religion, Speech, Press, Assembly and Petition

SECTION 3. No law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

###### Due Process and Equal Protection

SECTION 4. No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of his civil rights or be discriminated against in the exercise thereof because of race, religion, sex or ancestry.

###### Searches and Seizures

SECTION 5. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

**Rights of  
Citizens**

SECTION 6. No citizen shall be disfranchised, or deprived of any of the rights or privileges secured to other citizens, unless by the law of the land.

**Enlistment,  
Segregation**

SECTION 7. No citizen shall be denied enlistment in any military organization of this State nor be segregated therein because of race, religious principles or ancestry.

**Indictment,  
Trial by Jury,  
Criminal Cases**

SECTION 8. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the armed forces when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy; nor shall any person be compelled in any criminal case to be a witness against himself.

**Bail, Excessive  
Punishment**

SECTION 9. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

**Trial by Jury,  
Civil Cases**

SECTION 10. In suits at common law where the value in controversy shall exceed one hundred dollars, the right of trial by jury shall be preserved. The legislature may provide for a verdict by not less than three-fourths of the members of the jury.

**Rights of  
Accused**

SECTION 11. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the district wherein the crime shall have been committed, which district shall have been previously ascertained by law, or of such other district to which the prosecution may be removed with the consent of the accused; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

**Jury Service**

SECTION 12. No person shall be disqualified to serve as a juror because of sex.

**Habeas Corpus  
and Suspension  
of Laws**

SECTION 13. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

The power of suspending the privilege of the writ of habeas corpus, and the laws or the execution thereof, shall never be exercised except by the legislature, or by authority derived from it to be exercised in such particular cases only as the legislature shall expressly prescribe.

**Supremacy of  
Civil Power**

SECTION 14. The military shall be held in strict subordination to the civil power.

**Right to Bear  
Arms**

SECTION 15. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

**Quartering of  
Soldiers**

SECTION 16. No soldier or member of the militia shall, in time of peace, be quartered in any house, without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

**Imprisonment  
For Debt**

SECTION 17. There shall be no imprisonment for debt.

**Eminent Domain**

SECTION 18. Private property shall not be taken for public use without just compensation.

**Limitations on  
Special Privileges**

SECTION 19. The power of the State to act in the general welfare shall never be impaired by the making of any irrevocable grant of special privileges or immunities.

**Construction**

SECTION 20. The enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

**ARTICLE II****SUFFRAGE AND ELECTIONS****Qualifications**

SECTION 1. Every citizen of the United States, who shall have attained the age of twenty years, have been a resident of this State not less than one year next preceding the election and be a voter registered in accordance with law, shall be qualified to vote in any state or local election. No person shall be qualified to vote unless he is also able, except for physical disability, to speak, read and write the English or Hawaiian language.

**Disqualifications**

SECTION 2. No person who is non compos mentis and no person convicted of felony, unless pardoned and restored to his civil rights, shall be qualified to vote.

**Residence**

SECTION 3. No person shall be deemed to have gained or lost residence simply because of his presence or absence while employed in the service of the United States, or while engaged in navigation or while a student at any institution of learning.

**Registration,  
Voting**

SECTION 4. The legislature shall provide for the registration of voters and for absentee voting; and shall prescribe the method of voting at all elections. Secrecy of voting shall be preserved.

**Elections**

SECTION 5. General elections shall be held on the first Tuesday after the first Monday in November in all even-numbered years. Special elections may be held in accordance with law. Contested elections shall be determined by a court of competent jurisdiction in such manner as shall be provided by law.

## ARTICLE III

## THE LEGISLATURE

**Legislative  
Power**

SECTION 1. The legislative power of the State shall be vested in a legislature, which shall consist of two houses, a senate and a house of representatives. Such power shall extend to all rightful subjects of legislation not inconsistent with this constitution or the Constitution of the United States.

**Senate; Districts;  
Composition**

SECTION 2. The senate shall be composed of twenty-five members, who shall be elected by the qualified voters of the respective senatorial districts. The districts, and the number of senators to be elected from each, shall be as follows:

First senatorial district: that portion of the island of Hawaii known as Puna, Hilo and Hamakua, five;

Second senatorial district: that portion of the island of Hawaii known as Kau, Kona and Kohala, two;

Third senatorial district: the islands of Maui, Molokai, Lanai and Kahoolawe, five;

Fourth senatorial district: that portion of the island of Oahu lying east and south of Nuuanu Street and Pali Road and the upper ridge of the Koolau Range from the Nuuanu Pali to Makapuu Point and all other islands not specifically enumerated, five;

Fifth senatorial district: that portion of the island of Oahu lying west and north of the fourth senatorial district, five; and

Sixth senatorial district: the islands of Kauai and Niihau, three.

**House of  
Representatives;  
Composition**

SECTION 3. The house of representatives shall be composed of fifty-one members, who shall be elected by the qualified voters of the respective representative districts. Until the next reapportionment, the representative districts and the number of representatives to be elected from each shall be as set forth in the Schedule.

**Reapportionment  
of House**

SECTION 4. On or before June 1 of the year 1959, and of each tenth year thereafter, the governor shall reapportion the members of the house of representatives in the following manner: The total number of representatives shall first be reapportioned among four basic areas, namely, (1) the island of Hawaii, (2) the islands of Maui, Molokai, Lanai and Kahoolawe, (3) the island of Oahu and all other islands not specifically enumerated, and (4) the islands of Kauai and Niihau, on the basis of the number of voters registered at the last preceding general election in each of such basic areas and computed by the method known as the method of equal proportions, no basic area to receive less than one member. Upon the determination of the total number of representatives to which each basic area is entitled, such total shall be reapportioned among the one or more representative

districts within each basic area on the basis of the number of voters registered at the last preceding general election within each of such representative districts and computed by the method known as the method of equal proportions, no representative district to receive less than one member. Upon any reapportionment, should the total number of voters registered in any representative district be less than one-half of the quotient obtained by dividing the total number of voters registered in the State by the total number of members to which the house is entitled, then, as part of such reapportionment, the basic area within which such representative district lies shall be redistricted by the governor in such manner that the total number of voters registered in each new representative district therein shall be more than one-half of such quotient.

The governor shall thereupon issue a proclamation showing the results of such reapportionment, and such reapportionment shall be effective for the election of members to such house for the next five succeeding legislatures.

#### **Mandamus**

Original jurisdiction is hereby vested in the supreme court of the State to be exercised on the application of any registered voter, made within thirty days following the date specified above, to compel, by mandamus or otherwise, the governor to perform the above duty; and made within thirty days following the date of such proclamation, to compel, by mandamus or otherwise, the correction of any error made in such reapportionment.

#### **Election of Members; Term**

SECTION 5. The members of the legislature shall be elected at general elections. The term of office of members of the house of representatives shall be two years beginning with their election and ending on the day of the next general election, and the term of office of members of the senate shall be four years beginning with their election and ending on the day of the second general election after their election.

#### **Vacancies**

SECTION 6. Any vacancy in the legislature shall be filled for the unexpired term in such manner as may be prescribed by law, or, if no provision be made by law, by appointment by the governor for the unexpired term.

#### **Qualifications of Members**

SECTION 7. No person shall be eligible to serve as a member of the senate unless he shall have attained the age of thirty years, have been a resident of the State for not less than three years and be a qualified voter of the senatorial district from which he seeks to be elected. No person shall be eligible to serve as a member of the house of representatives unless he shall have attained the age of twenty-five years, have been a resident of the State for not less than three years and be a qualified voter of the representative district from which he seeks to be elected.

**Privileges  
of Members**

SECTION 8. No member of the legislature shall be held to answer before any other tribunal for any statement made or action taken in the exercise of his legislative functions; and members of the legislature shall, in all cases except felony or breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same.

**Disqualifications  
of Members**

SECTION 9. No member of the legislature shall hold any other public office under the State, nor shall he, during the term for which he is elected or appointed, be elected or appointed to any public office or employment which shall have been created, or the emoluments whereof shall have been increased, by legislative act during such term. The term "public office", for the purposes of this section, shall not include notaries public, reserve police officers or officers of emergency organizations for civilian defense or disaster relief. The legislature may prescribe further disqualifications.

**Salary and  
Allowances**

SECTION 10. The members of the legislature shall receive such salary and allowances as may be prescribed by law, but any increase or decrease in the amount thereof shall not apply to the legislature which enacted the same. No salary shall be payable when the senate alone is convened in special session, or when the legislature convenes in special session pursuant to Section 17 of this article.

**Sessions**

SECTION 11. Regular sessions of the legislature shall be held annually. The governor may convene the legislature, or the senate alone, in special session. All sessions shall be held at the capital of the State. In case the capital shall be unsafe, the governor may direct that any session shall be held at some other place. Regular sessions in odd numbered years shall be known as "general sessions" and regular sessions in even numbered years shall be known as "budget sessions".

**Budget  
Sessions**

At budget sessions the legislature shall be limited to the consideration and enactment of the general appropriations bill for the succeeding fiscal year and bills to authorize proposed capital expenditures, revenue bills necessary therefor, urgency measures deemed necessary in the public interest, bills calling elections, proposed constitutional amendments and bills to provide for the expenses of such session and the special session to be convened thereafter in accordance with the provisions of Section 17 of this article. The legislature may also consider and act upon matters relating to the impeachment or removal of officers. No urgency measure shall be considered unless a statement of facts constituting such urgency shall be set forth in one section thereof and until such section shall have been first approved by each house. The approval of such section and the final passage of such measure in each house shall require a two-thirds vote of

all the members to which such house is entitled, taken by ayes and noes and entered upon its journal.

**Sessions;  
Commencement;  
Duration**

Regular sessions shall commence at 10:00 o'clock a. m., on the third Wednesday in February. General sessions shall be limited to a period of sixty days and budget sessions and special sessions to a period of thirty days, but the governor may extend any session for not more than thirty days. Sundays and holidays shall be excluded in computing the number of days of any session.

**Adjournment**

SECTION 12. Neither house shall adjourn during any session of the legislature for more than three days, or sine die, without the consent of the other.

**Organization;  
Discipline;  
Rules;  
Procedure**

SECTION 13. Each house shall be the judge of the elections, returns and qualifications of its own members and shall have, for misconduct, disorderly behavior or neglect of duty of any member, power to punish such member by censure or, upon a two-thirds vote of all the members to which such house is entitled, by suspension or expulsion of such member. Each house shall choose its own officers, determine the rules of its proceedings and keep a journal. The ayes and noes of the members on any question shall, at the desire of one-fifth of the members present, be entered upon the journal.

Twenty days after a bill has been referred to a committee in either house, the same may be recalled from such committee by the affirmative vote of one-third of the members to which such house is entitled.

**Quorum;  
Compulsory  
Attendance**

SECTION 14. A majority of the number of members to which each house is entitled shall constitute a quorum of such house for the conduct of ordinary business, of which quorum a majority vote shall suffice; but the final passage of a bill in each house shall require the vote of a majority of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal. A smaller number than a quorum may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

**Bills;  
Enactment**

SECTION 15. No law shall be passed except by bill. Each law shall embrace but one subject, which shall be expressed in its title. The enacting clause of each law shall be, "Be it enacted by the legislature of the State of Hawaii."

**Passage of  
Bills**

SECTION 16. No bill shall become law unless it shall pass three readings in each house, on separate days. Every bill when passed by the house in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the presiding officer and clerk and sent to the other house for consideration.

**Approval or  
Veto**

SECTION 17. Every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses and shall thereupon be presented to the governor. If he approves it, he shall sign it and it shall become law. If the governor does not approve such bill, he may return it, with his objections to the legislature. He may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same; but he shall veto other bills, if at all, only as a whole.

The governor shall have ten days to consider bills presented to him ten or more days before the adjournment of the legislature sine die, and if any such bill is neither signed nor returned by the governor within that time, it shall become law in like manner as if he had signed it.

**Reconsideration  
After  
Adjournment**

The governor shall have forty-five days, after the adjournment of the legislature sine die, to consider bills presented to him less than ten days before such adjournment, or presented after adjournment, and any such bill shall become law on the forty-fifth day unless the governor by proclamation shall have given ten days' notice to the legislature that he plans to return such bill with his objections on that day. The legislature may convene at or before noon on the forty-fifth day in special session, without call, for the sole purpose of acting upon any such bill returned by the governor. In case the legislature shall fail to so convene, such bill shall not become law. Any such bill may be amended to meet the governor's objections and, if so amended and passed, only one reading being required in each house for such passage, it shall be presented again to the governor, but shall become law only if he shall sign it within ten days after presentation.

Sundays and holidays shall be excluded in computing the number of days designated in this section.

**Procedures  
Upon Veto**

SECTION 18. Upon the receipt of a veto message from the governor, each house shall enter the same at large upon its journal and proceed to reconsider the vetoed bill, or the item or items vetoed, and again vote upon such bill, or such item or items, by ayes and noes, which shall be entered upon its journal. If after such reconsideration such bill, or such item or items, shall be approved by a two-thirds vote of all members to which each house is entitled, the same shall become law.

**Punishment of  
Non-Members**

SECTION 19. Each house may punish by fine, or by imprisonment not exceeding thirty days, any person not a member of either house who shall be guilty of disrespect of such house by any disorderly or contemptuous behavior in its presence or that of any committee thereof; or who shall, on account of the exercise of any legislative function, threaten harm to the body or estate of any of the members of such house; or who shall assault, arrest or detain any witness or other person ordered to

attend such house, on his way going to or returning therefrom; or who shall rescue any person arrested by order of such house.

Any person charged with such an offense shall be informed in writing of the charge made against him, and have an opportunity to present evidence and be heard in his own defense.

### Impeachment

SECTION 20. The governor and lieutenant governor, and any appointive officer for whose removal the consent of the senate is required, may be removed from office upon conviction of impeachment for such causes as may be provided by law.

The house of representatives shall have the sole power of impeachment of the governor and lieutenant governor and the senate the sole power to try such impeachments, and no such officer shall be convicted without the concurrence of two-thirds of the members of the senate. When sitting for that purpose, the members of the senate shall be on oath or affirmation and the chief justice shall preside. Subject to the provisions of this paragraph, the legislature may provide for the manner and procedure of removal by impeachment of such officers.

The legislature shall by law provide for the manner and procedure of removal by impeachment of the appointive officers.

Judgments in cases of impeachment shall not extend beyond removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the State; but the person convicted may nevertheless be liable and subject to indictment, trial, judgment and punishment according to law.

## ARTICLE IV

### THE EXECUTIVE

#### Establishment of The Executive

SECTION 1. The executive power of the State shall be vested in a governor.

The governor shall be elected by the qualified voters of this State at a general election. The person receiving the highest number of votes shall be the governor. In case of a tie vote, the selection of the governor shall be determined in accordance with law.

The term of office of the governor shall begin at noon on the first Monday in December next following his election and end at noon on the first Monday in December, four years thereafter.

No person shall be eligible to the office of governor unless he shall be a qualified voter, have attained the age of thirty-five years and have been a citizen of the United States for twenty years and a resident of this State for five years next preceding his election.

The governor shall not hold any other office or employment of profit under the State or the United States during his term of office.

**Lieutenant  
Governor**

SECTION 2. There shall be a lieutenant governor, who shall have the same qualifications as the governor. He shall be elected at the same time, for the same term, and in the same manner, as the governor. He shall perform such duties as may be prescribed by law.

**Compensation,  
Governor,  
Lieutenant  
Governor**

SECTION 3. The compensation of the governor and of the lieutenant governor shall be prescribed by law, but shall not be less than eighteen thousand dollars, and twelve thousand dollars, respectively, per annum. Such compensation shall not be increased or diminished for their respective terms, unless by general law applying to all salaried officers of the State. When the lieutenant governor succeeds to the office of governor, he shall receive the compensation for that office.

**Succession to  
Governorship;  
Absence or  
Disability of  
Governor**

SECTION 4. When the office of governor is vacant, the lieutenant governor shall become governor. In the event of the absence of the governor from the State, or his inability to exercise and discharge the powers and duties of his office, such powers and duties shall devolve upon the lieutenant governor during such absence or disability.

When the office of lieutenant governor is vacant, or in the event of the absence of the lieutenant governor from the State, or his inability to exercise and discharge the powers and duties of his office, such powers and duties shall devolve upon such officers in such order of succession as may be provided by law.

In the event of the impeachment of the governor or of the lieutenant governor, he shall not exercise the powers of his office until acquitted.

**Executive  
Powers**

SECTION 5. The governor shall be responsible for the faithful execution of the laws. He shall be commander in chief of the armed forces of the State and may call out such forces to execute the laws, suppress or prevent insurrection or lawless violence or repel invasion. He shall, at the beginning of each session, and may, at other times, give to the legislature information concerning the affairs of the State and recommend to its consideration such measures as he shall deem expedient.

The governor may grant reprieves, commutations and pardons, after conviction, for all offenses, subject to regulation by law as to the manner of applying for the same. The legislature may, by general law, authorize the governor to grant pardons before conviction, to grant pardons for impeachment and to restore civil rights denied by reason of conviction of offenses by tribunals other than those of this State.

The governor shall appoint an administrative director to serve at his pleasure.

**Executive and  
Administrative  
Offices and  
Departments**

SECTION 6. All executive and administrative offices, departments and instrumentalities of the state government and their respective functions, powers and duties shall be allocated by law among and within not more than twenty principal departments in such manner as to group the same according to major purposes so far as practicable. Temporary commissions or agencies for special purposes may be established by law and need not be allocated within a principal department.

Each principal department shall be under the supervision of the governor and, unless otherwise provided in this constitution or by law, shall be headed by a single executive. Such single executive shall be nominated and, by and with the advice and consent of the senate, appointed by the governor and he shall hold office for a term to expire at the end of the term for which the governor was elected. The governor may, by and with the advice and consent of the senate, remove such single executive.

Whenever a board, commission or other body shall be the head of a principal department of the state government, the members thereof shall be nominated and, by and with the advice and consent of the senate, appointed by the governor. The term of office and removal of such members shall be as prescribed by law. Such board, commission or other body may appoint a principal executive officer, who, when authorized by law, may be ex officio a voting member thereof, and who may be removed by a majority vote of the members appointed by the governor.

The governor shall nominate and, by and with the advice and consent of the senate, appoint all officers for whose election or appointment provision is not otherwise made by this constitution or by law. The legislature may provide for the suspension or removal for cause, by the governor, of any officer for whose removal the consent of the senate is required by this constitution.

When the senate is not in session and a vacancy occurs in any office, appointment to which requires the confirmation of the senate, the governor may fill the office by granting a commission which shall, unless such appointment is confirmed, expire at the end of the next session of the senate; but the person so appointed shall not be eligible for another interim appointment to such office if the appointment shall have failed of confirmation by the senate.

No person who has been nominated for appointment to any office and whose appointment has not received the consent of the senate shall be eligible to an interim appointment thereafter to such office.

All officers appointed under the provisions of this section shall be citizens of this State and shall have been residents of the State for at least three years next preceding their appointment.

## ARTICLE V

## THE JUDICIARY

**Judicial Power**

SECTION 1. The judicial power of the State shall be vested in one supreme court, circuit courts, and in such inferior courts as the legislature may from time to time establish. The several courts shall have original and appellate jurisdiction as provided by law.

**Supreme Court**

SECTION 2. The supreme court shall consist of a chief justice and four associate justices. When necessary, the chief justice shall assign a judge or judges of a circuit court to serve temporarily on the supreme court. In case of a vacancy in the office of chief justice, or if he is ill, absent or otherwise unable to serve, an associate justice designated in accordance with the rules of the supreme court shall serve temporarily in his stead.

**Appointment of Judges**

SECTION 3. The governor shall nominate and, by and with the advice and consent of the senate, appoint the justices of the supreme court and the judges of the circuit courts. No nomination shall be sent to the senate, and no interim appointment shall be made when the senate is not in session, until after ten days' public notice by the governor.

**Qualifications**

No justice or judge shall hold any other office or position of profit under the State or the United States. No person shall be eligible to such office who shall not have been admitted to practice law before the supreme court of this State for at least ten years. Any justice or judge who shall become a candidate for an elective office shall thereby forfeit his office.

**Tenure**

The term of office of a justice of the supreme court shall be seven years and that of a judge of a circuit court shall be six years. They shall receive for their services such compensation as may be prescribed by law, which shall not be diminished during their respective terms of office, unless by general law applying to all salaried officers of the State. They shall be retired upon attaining the age of seventy years. They shall be included in any retirement law of the State. They shall be subject to removal from office upon the concurrence of two-thirds of the membership of each house of the legislature, sitting in joint session, for such causes and in such manner as may be provided by law.

**Compensation****Retirement****Removal****Retirement for Incapacity**

SECTION 4. Whenever a commission or agency, authorized by law for such purpose, shall certify to the governor that any justice of the supreme court or judge of a circuit court appears to be so incapacitated as substantially to prevent him from performing his judicial duties, the governor shall appoint a board of three persons to inquire into the circumstances and on their recommendation the governor may retire the justice or judge from office.

**Administration**

SECTION 5. The chief justice of the supreme court shall be the administrative head of the courts. He may assign judges from one circuit court to another for temporary service. With the approval of the supreme court he shall appoint an administrative director to serve at his pleasure.

**Rules**

SECTION 6. The supreme court shall have power to promulgate rules and regulations in all civil and criminal cases for all courts relating to process, practice, procedure and appeals, which shall have the force and effect of law.

**ARTICLE VI****TAXATION AND FINANCE****Taxing Power  
Inalienable**

SECTION 1. The power of taxation shall never be surrendered, suspended or contracted away.

**Taxation of  
Non-Resident  
Citizens**

SECTION 2. The land and other property belonging to citizens of the United States residing without the State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof.

**Debt Limitations**

SECTION 3. All bonds and other instruments of indebtedness issued by or on behalf of the State or a political subdivision thereof must be authorized by the legislature, and bonds and other instruments of indebtedness of a political subdivision must also be authorized by its governing body.

Sixty million dollars is established as the limit of the funded debt of the State at any time outstanding and unpaid. Bonds and other instruments of indebtedness in excess of such limit may be issued when authorized by a two-thirds vote of all the members to which each house of the legislature is entitled, provided such excess debt, at the time of authorization, would not cause the total of state indebtedness to exceed a sum equal to fifteen percent of the total of assessed values for tax rate purposes of real property in the State, as determined by the last tax assessment rolls pursuant to law.

Instruments of indebtedness to meet appropriations for any fiscal period in anticipation of the collection of revenues for such period or to meet casual deficits or failures of revenue, which shall be payable within one year, and bonds or other instruments of indebtedness to suppress insurrection, to repel invasion, to defend the State in war or to meet emergencies caused by disaster or act of God, may be issued by the State under legislative authorization without regard to any debt limit.

A sum equal to ten percent of the total of the assessed values for tax rate purposes of real property in any political subdivision, as determined by the last tax assessment rolls pursuant to law, is established as the limit of the funded debt of such political subdivision at any time outstanding and unpaid. The

aggregate, however, of such debts contracted by any political subdivision during a fiscal year shall not exceed two percent of the total of such assessed values in such political subdivision.

Instruments of indebtedness to meet appropriations for any fiscal period in anticipation of the collection of revenues for such period or to meet casual deficits or failures of revenue, which shall be payable within one year, may be issued by any political subdivision under authorization of law and of its governing body, without regard to the limits of debt hereinabove provided.

All bonds or other instruments of indebtedness for a term exceeding one year shall be in serial form maturing in substantially equal annual installments, the first installment to mature not later than five years from the date of the issue of such series, and the last installment not later than thirty-five years from the date of such issue. Interest and principal payments shall be a first charge on the general revenues of the State or political subdivision, as the case may be.

The provisions of this section shall not be applicable to indebtedness incurred under revenue bond statutes by a public enterprise of the State or political subdivision, or by a public corporation, when the only security for such indebtedness is the revenues of such enterprise or public corporation, or to indebtedness incurred under special improvement statutes when the only security for such indebtedness is the properties benefited or improved or the assessments thereon.

Nothing in this section shall prevent the refunding of any indebtedness at any time.

## The Budget

SECTION 4. Within such time prior to the opening of each regular session as may be prescribed by law, the governor shall submit to the legislature a budget setting forth a complete plan of proposed general fund expenditures and anticipated receipts of the State for the ensuing fiscal period, together with such other information as the legislature may require. The budget shall be compiled in two parts, one setting forth all proposed operating expenditures for the ensuing fiscal period and the other, all capital improvements expenditures proposed to be undertaken during such period. The governor shall also, upon the opening of the session, submit bills to provide for such proposed expenditures and for any recommended additional revenues or borrowings by which the proposed expenditures are to be met. Such bills shall be introduced in the legislature upon the opening of each regular session.

## Legislative Appropriations: Procedure

SECTION 5. No appropriation bill, except bills recommended by the governor for immediate passage, or to cover the expenses of the legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal period, to be known as the general appropriations bill, shall have been transmitted to the governor.

**Appropriations  
for Private  
Purposes  
Prohibited**

SECTION 6. No tax shall be levied or appropriation of public money or property made, nor shall the public credit be used, directly or indirectly, except for a public purpose. No grant shall be made in violation of Section 3 of Article I of this constitution.

**Expenditure  
Controls**

SECTION 7. Provision for the control of the rate of expenditures of appropriated state moneys, and for the reduction of such expenditures under prescribed conditions, shall be made by law.

**Auditor**

SECTION 8. The legislature, by a majority vote of each house in joint session, shall appoint an auditor who shall serve for a period of eight years and thereafter until a successor shall have been appointed. The legislature, by a two-thirds vote of the members in joint session, may remove the auditor from office at any time for cause. It shall be the duty of the auditor to conduct post-audits of all transactions and of all accounts kept by or for all departments, offices and agencies of the State and its political subdivisions, to certify to the accuracy of all financial statements issued by the respective accounting officers and to report his findings and recommendations to the governor and to the legislature at such times as shall be prescribed by law. He shall also make such additional reports and conduct such other investigations as may be directed by the legislature.

## ARTICLE VII

### LOCAL GOVERNMENT

**Political  
Subdivisions;  
Creation,  
Powers**

SECTION 1. The legislature shall create counties, and may create other political subdivisions within the State, and provide for the government thereof. Each political subdivision shall have and exercise such powers as shall be conferred under general laws.

**Local  
Self-Government;  
Charter**

SECTION 2. Each political subdivision shall have power to frame and adopt a charter for its own self-government within such limits and under such procedures as may be prescribed by law.

**Taxation and  
Finance**

SECTION 3. The taxing power shall be reserved to the State except so much thereof as may be delegated by the legislature to the political subdivisions, and the legislature shall have the power to apportion state revenues among the several political subdivisions.

**Mandates;  
Accrued Claims**

SECTION 4. No law shall be passed mandating any political subdivision to pay any previously accrued claim.

**Statewide Laws**

SECTION 5. This article shall not limit the power of the legislature to enact laws of statewide concern.

## ARTICLE VIII

## PUBLIC HEALTH AND WELFARE

**Public Health**

SECTION 1. The State shall provide for the protection and promotion of the public health.

**Care of Handicapped**

SECTION 2. The State shall have power to provide for treatment and rehabilitation, as well as domiciliary care, of mentally or physically handicapped persons.

**Public Assistance**

SECTION 3. The State shall have power to provide assistance for persons unable to maintain a standard of living compatible with decency and health.

**Slum Clearance, Rehabilitation and Housing**

SECTION 4. The State shall have power to provide for, or assist in, slum clearance and the development or rehabilitation of substandard areas, including housing for persons of low income.

**Public Sightliness and Good Order**

SECTION 5. The State shall have power to conserve and develop its natural beauty, objects and places of historic or cultural interest, sightliness and physical good order, and for that purpose private property shall be subject to reasonable regulation.

## ARTICLE IX

## EDUCATION

**Public Education**

SECTION 1. The State shall provide for the establishment, support and control of a statewide system of public schools free from sectarian control, a state university, public libraries and such other educational institutions as may be deemed desirable, including physical facilities therefor. There shall be no segregation in public educational institutions because of race, religion or ancestry; nor shall public funds be appropriated for the support or benefit of any sectarian or private educational institution.

**Board of Education**

SECTION 2. There shall be a board of education, the members of which shall be nominated and, by and with the advice and consent of the senate, appointed by the governor from panels submitted by local school advisory councils to be established by law. At least part of the membership of the board shall represent geographic subdivisions of the State.

**Powers of the Board of Education**

SECTION 3. The board of education shall have power, in accordance with law, to formulate policy, and to exercise control over the public school system through its executive officer, the superintendent of public instruction, who shall be appointed by the board and shall be ex officio a voting member thereof.

**University of  
Hawaii**

SECTION 4. The University of Hawaii is hereby established as the state university and constituted a body corporate. It shall have title to all the real and personal property now or hereafter set aside or conveyed to it, which shall be held in public trust for its purposes, to be administered and disposed of according to law.

**Board of  
Regents;  
Powers**

SECTION 5. There shall be a board of regents of the University of Hawaii, the members of which shall be nominated and, by and with the advice and consent of the senate, appointed by the governor. At least part of the membership of the board shall represent geographic subdivisions of the State. The president of the university and the superintendent of public instruction shall be ex officio voting members of the board. The board shall have power, in accordance with law, to formulate policy, and to exercise control over the university through its executive officer, the president of the university, who shall be appointed by the board.

**ARTICLE X****CONSERVATION AND DEVELOPMENT OF RESOURCES****Resources;  
Conservation,  
Development  
and Use**

SECTION 1. The legislature shall promote the conservation, development and utilization of agricultural resources, and fish, mineral, forest, water, land, game and other natural resources.

**Natural Resources;  
Management and  
Disposition**

SECTION 2. The legislature shall vest in one or more executive boards or commissions powers for the management of natural resources owned or controlled by the State, and such powers of disposition thereof as may be authorized by law; but land set aside for public use, other than for a reserve for conservation purposes, need not be placed under the jurisdiction of such a board or commission.

The mandatory provisions of this section shall not apply to the natural resources owned by or under the control of a political subdivision or a department or agency thereof.

**Sea  
Fisheries**

SECTION 3. All fisheries in the sea waters of the State not included in any fish pond or artificial inclosure shall be free to the public, subject to vested rights and the right of the State to regulate the same.

**General Laws  
Required;  
Exceptions**

SECTION 4. The legislative power over the lands owned by or under the control of the State and its political subdivisions shall be exercised only by general laws, except in respect to transfers to or for the use of the State, a political subdivision, or any department or agency thereof.

**Farm and Home  
Ownership**

**SECTION 5.** The public lands shall be used for the development of farm and home ownership on as widespread a basis as possible, in accordance with procedures and limitations prescribed by law.

**ARTICLE XI****HAWAIIAN HOME LANDS****Hawaiian Homes  
Commission Act**

**SECTION 1.** Anything in this constitution to the contrary notwithstanding, the Hawaiian Homes Commission Act, 1920, enacted by the Congress, as the same has been or may be amended prior to the admission of the State, is hereby adopted as a law of the State, subject to amendment or repeal by the legislature, provided, that, if and to the extent that the United States shall so require, said law shall be subject to amendment or repeal only with the consent of the United States and in no other manner, provided, further, that, if the United States shall have been provided or shall provide that particular provisions or types of provisions of said Act may be amended in the manner required for ordinary state legislation, such provisions or types of provisions may be so amended. The proceeds and income from Hawaiian home lands shall be used only in accordance with the terms of said Act, and the legislature may, from time to time, make additional sums available for the purposes of said Act by appropriating the same in the manner provided by law.

**Compact with the  
United States**

**SECTION 2.** The State and its people do hereby accept, as a compact with the United States, or as conditions or trust provisions imposed by the United States, relating to the management and disposition of the Hawaiian home lands, the requirement that Section 1 hereof be included in this constitution, in whole or in part, it being intended that the Act or Acts of the Congress pertaining thereto shall be definitive of the extent and nature of such compact, conditions or trust provisions, as the case may be. The State and its people do further agree and declare that the spirit of the Hawaiian Homes Commission Act looking to the continuance of the Hawaiian homes projects for the further rehabilitation of the Hawaiian race shall be faithfully carried out.

**ARTICLE XII****ORGANIZATION, COLLECTIVE BARGAINING****Private  
Employees**

**SECTION 1.** Persons in private employment shall have the right to organize for the purpose of collective bargaining.

**Public  
Employees**

**SECTION 2.** Persons in public employment shall have the right to organize and to present and make known their grievances and proposals to the State, or any political subdivision or any department or agency thereof.

ARTICLE XIII

STATE BOUNDARIES, CAPITAL FLAG

- Boundaries**                   SECTION 1. The State of Hawaii shall include the islands and territorial waters heretofore constituting the Territory of Hawaii.
- Capital**                       SECTION 2. Honolulu, on the Island of Oahu, shall be the capital of the State.
- State Flag**                   SECTION 3. The Hawaiian flag shall be the flag of the State.

ARTICLE XIV

GENERAL AND MISCELLANEOUS PROVISIONS

- Civil Service**               SECTION 1. The employment of persons in the civil service, as defined by law, of or under the State, shall be governed by the merit principle.
- Employees Retirement System**       SECTION 2. Membership in any employees' retirement system of the State or any political subdivision thereof shall be a contractual relationship, the accrued benefits of which shall not be diminished or impaired.
- Disqualification for Disloyalty**   SECTION 3. No person who advocates, or who aids or belongs to any party, organization or association which advocates, the overthrow by force or violence of the government of this State or of the United States shall be qualified to hold any public office or employment.
- Oath of Office**               SECTION 4. All public officers, before entering upon the duties of their respective offices, shall take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, and the Constitution of the State of Hawaii, and that I will faithfully discharge my duties as ..... to the best of my ability." The legislature may prescribe further oaths or affirmations.
- Intergovernmental Relations**       SECTION 5. The legislature may provide for cooperation on the part of this State and its political subdivisions with the United States, or other states and territories, or their political subdivisions, in matters affecting the public health, safety and general welfare, and funds may be appropriated to effect such cooperation.
- Federal Lands**               SECTION 6. The United States shall be vested with or retain title to or an interest in or shall hold the property in the Territory of Hawaii set aside for the use of the United States and remaining so set aside immediately prior to the admission of this State, in all respects as and to the extent set forth in the act or resolution providing for the admission of this State to the Union.

**Compliance  
with Trust**

SECTION 7. Any trust provisions which the Congress shall impose, upon the admission of this State, in respect of the lands patented to the State by the United States or the proceeds and income therefrom, shall be complied with by appropriate legislation.

**Administration  
of Undisposed  
Lands**

SECTION 8. The lands and other property, the final determination and disposition of which shall not have been made by the Congress upon the admission of this State, shall, pending such determination and disposition, continue to be administered in accordance with the laws applicable thereto immediately prior to the admission of this State, except as the Congress may consent to any amendment of said laws, and no provision of this constitution for the exercise of powers or functions other than in accordance with such laws shall, without the consent of the Congress, apply to the lands or property so administered.

**Federal Property,  
Tax Exemption**

SECTION 9. No taxes shall be imposed by the State upon any lands or other property now owned or hereafter acquired by the United States, except as the same shall become taxable by reason of disposition thereof by the United States or by reason of the consent of the United States to such taxation.

**Hawaii National  
Park**

SECTION 10. All provisions of the act or resolution admitting this State to the Union, or providing for such admission, which reserve to the United States jurisdiction of Hawaii National Park, or the ownership or control of lands within Hawaii National Park, are consented to fully by the State and its people.

**Judicial Rights**

SECTION 11. All those provisions of the act or resolution admitting this State to the Union, or providing for such admission, which reserve to the United States judicial rights or powers are consented to fully by the State and its people; and those provisions of said act or resolution which preserve for the State judicial rights and powers are hereby accepted and adopted, and such rights and powers are hereby assumed, to be exercised and discharged pursuant to this constitution and the laws of the State.

**Titles, Subtitles,  
Personal Pronouns;  
Construction**

SECTION 12. Titles and subtitles shall not be used for purposes of construing this constitution.

Whenever any personal pronoun appears in this constitution, it shall be construed to mean either sex.

**General Power**

SECTION 13. The enumeration in this constitution of specified powers shall not be construed as limitations upon the power of the State to provide for the general welfare of the people.

**Provisions  
Self-Executing**

SECTION 14. The provisions of this constitution shall be self-executing to the fullest extent that their respective natures permit.

## ARTICLE XV

## REVISION AND AMENDMENT

**Methods of  
Proposal**

SECTION 1. Revisions of or amendments to this constitution may be proposed by constitutional convention or by the legislature.

**Constitutional  
Convention**

SECTION 2. The legislature may submit to the electorate at any general or special election the question, "Shall there be a convention to propose a revision of or amendments to the Constitution?" If any ten-year period shall elapse during which the question shall not have been submitted, the lieutenant governor shall certify the question, to be voted on at the first general election following the expiration of such period.

**Election  
of Delegates**

If a majority of the ballots cast upon such question be in the affirmative, delegates to the convention shall be chosen at the next regular election unless the legislature shall provide for the election of delegates at a special election.

Notwithstanding any provision in this constitution to the contrary, other than Section 3 of Article XIV, any qualified voter of the district concerned shall be eligible to membership in the convention.

Unless the legislature shall otherwise provide, there shall be the same number of delegates to such convention, who shall be elected from the same areas, and the convention shall be convened in the same manner, as nearly as practicable, as required for the Hawaii State Constitutional Convention of 1950.

**Organization;  
Procedure**

The convention shall determine its own organization and rules of procedure. It shall be the sole judge of the elections, returns and qualifications of its members and, by a two-thirds vote, may suspend or remove any member for cause. The governor shall fill any vacancy by appointment of a qualified voter from the district concerned.

**Ratification;  
Appropriations**

The convention shall provide for the time and manner in which the proposed constitutional revision or amendments shall be submitted to a vote of the electorate, but no such revision or amendments shall be effective unless approved at a general election by a majority of all of the votes tallied upon the question, such majority constituting at least thirty-five percent of the total vote cast at such election, or at a special election by a majority of the total vote tallied upon such question, such majority constituting at least thirty-five percent of the total number of registered voters; provided, that no constitutional amendment altering this proviso or the representation from any senatorial district in the senate shall become effective unless it shall also be approved by a majority of the votes tallied upon the question in each of a majority of the counties.

The provisions of this section shall be self-executing, but the legislature shall make the necessary appropriations and may enact legislation to facilitate their operation.

**Amendments  
Proposed by  
Legislature**

SECTION 3. The legislature may propose amendments to the constitution by adopting the same, in the manner required for legislation, by a two-thirds vote of each house on final reading at any session, after either or both houses shall have given the governor at least ten days' written notice of the final form of the proposed amendment, or, with or without such notice, by a majority vote of each house on final reading at each of two successive sessions.

Upon such adoption, the proposed amendments shall be entered upon the journals, with the ayes and noes, and published once in each of four successive weeks in at least one newspaper of general circulation in each senatorial district wherein such a newspaper is published, within the two months' period immediately preceding the next general election.

At such general election the proposed amendments shall be submitted to the electorate for approval or rejection upon a separate ballot.

The conditions of and requirements for ratification of such proposed amendments shall be the same as provided in Section 2 of this article for ratification at a general election.

**Veto**

SECTION 4. No proposal for amendment of the constitution adopted in either manner provided by this article shall be subject to veto by the governor.

**ARTICLE XVI**

**SCHEDULE**

**Representative Districts**

**Description/  
Number of  
Members**

SECTION 1. As provided in Section 3 of Article III until the next reapportionment, the representative districts and the number of members to be elected from each shall be as follows:

First representative district: that portion of the island of Hawaii known as Puna, one representative;

Second representative district: that portion of the island of Hawaii known as South Hilo, four representatives;

Third representative district: that portion of the island of Hawaii known as North Hilo and Hamakua, one representative;

Fourth representative district: that portion of the island of Hawaii known as Kau and South Kona and that portion of North Kona, for convenience herein referred to as Keauhou, more particularly described as follows: from a point at the seashore between the lands of Holualoa 1 and 2 and Puapuaa 2 running northeasterly along the boundary of Holualoa 1 and 2 to Puu Laalaau; (2) easterly in a straight line to a point called

"Naohueleelua" being the common corner of the lands of Puuanahulu, Kahohe and Keauhou 2nd; (3) southeasterly along the common boundary between Hamakua and North Kona districts to the summit of Mauna Loa; (4) westerly along the common boundary between Kau and North-Kona districts to the easterly boundary of South Kona district; (5) northerly and westerly along the boundary between North and South Kona districts to the seashore; and (6) northerly along the seashore to the point of beginning; one representative;

Fifth representative district: that portion of the island of Hawaii known as Kohala and that portion of North Kona not included in the fourth representative district, one representative;

Sixth representative district: the islands of Molokai and Lanai, one representative;

Seventh representative district: the islands of Maui and Kahoolawe, five representatives;

Eighth representative district: that portion of the island of Oahu known as Koolaupoko and Koolauloa, two representatives;

Ninth representative district: that portion of the island of Oahu known as Waialua and Wahiawa, two representatives;

Tenth representative district: that portion of the island of Oahu known as Ewa and Waianae, two representatives;

Eleventh representative district: that portion of the island of Oahu, for convenience herein referred to as Kalihi, more particularly described as follows: from the intersection of Kalihi and Auiki Streets running westerly along Auiki Street to Mokauea Street; (2) southwesterly along Mokauea Street Extension extended to a point on the outer edge of the reef; (3) westerly along the outer edge of the reef to a point on the Moanalua-Halawa boundary; (4) northerly and northeasterly along the Moanalua-Halawa boundary to the top of Koolau Range; (5) southeasterly along the top of Koolau Range to a place called "Puu Lanihuli"; (6) southwesterly along the top of the ridge between the lands of Kalihi, Kapalama and Nuuanu to Kalihi Street; and (7) southwesterly along Kalihi Street to the point of beginning, three representatives;

Twelfth representative district: that portion of the island of Oahu, for convenience herein referred to as upper Nuuanu, more particularly described as follows: from the intersection of King and Kalihi Streets running northeasterly along Kalihi Street to the ridge between the lands of Kalihi, Kapalama and Nuuanu; (2) northeasterly along the top of said ridge to a point on the Koolau Range called "Puu Lanihuli"; (3) easterly along the top of said Range to Pali Road at the Nuuanu Pali; (4) southwesterly along Pali Road to Nuuanu Avenue and southwesterly along Nuuanu Avenue to School Street; (5) northwesterly along School Street to the center line of the Kapalama Drainage Canal (Waikiki Branch); (6) southwesterly along said Canal to the center line of the main Kapalama

Drainage Canal; (7) southwesterly along said Canal to King Street; and (8) northwesterly along King Street to the point of beginning, three representatives;

Thirteenth representative district: that portion of the island of Oahu, for convenience herein referred to as Kapalama, more particularly described as follows: from the junction of the Honolulu Harbor Channel and the reef running westerly along the outer edge of the reef to Mokauea Street Extension extended, (2) northeasterly along Mokauea Street Extension extended to Sand Island Road; (3) northeasterly along Mokauea Street Extension to Auiki Street; (4) easterly along Auiki Street to Kalihi Street; (5) northeasterly along Kalihi Street to King Street; (6) southeasterly along King Street to the center line of the main Kapalama Drainage Canal; (7) northerly along said Canal to the center line of the Kapalama Drainage Canal (Waikiki Branch); (8) northeasterly along said Canal to School Street; (9) southeasterly along School Street to Nuuanu Avenue; (10) southwesterly along Nuuanu Avenue to the sea, and (11) southwesterly along the middle of Honolulu Harbor and Honolulu Harbor Channel to the point of beginning, three representatives;

Fourteenth representative district: that portion of the island of Oahu, for convenience herein referred to as Pauoa, more particularly described as follows: from the junction of the Honolulu Harbor Channel and the outer edge of the reef running northeasterly along the middle of Honolulu Harbor Channel and Honolulu Harbor to the intersection of Queen Street and Nuuanu Avenue; (2) northeasterly along Nuuanu Avenue to Pali Road and northeasterly along Pali Road to the top of the Koolau Range at the Nuuanu Pali; (3) easterly and southerly along the top of the Koolau Range to a point called "Puu Konahuanui"; (4) southwesterly along the top of the ridge between the lands of Nuuanu, Pauoa and Manoa to a mountain peak called "Puu Ohia" or "Tantalus"; (5) southwesterly along the top of the ridge between the lands of Makiki and Kalawahine to the intersection of Nehoa Street and Lewalani Drive; (6) southerly along Lewalani Drive and Piikoi Street to Wilder Avenue; (7) easterly along Wilder Avenue to Punahou Street; (8) southerly along Punahou Street to King Street; (9) westerly along King Street to Kalakaua Avenue; (10) southerly along Kalakaua Avenue to the center line of the Ala Wai Canal; (11) westerly along said Canal and along the line of said Canal extended to the outer edge of the reef; and (12) westerly along the outer edge of the reef to the point of beginning, five representatives;

Fifteenth representative district: that portion of the island of Oahu, for convenience herein referred to as Manoa and Waikiki, more particularly described as follows: from the intersection of Kalakaua Avenue and the center line of the Ala

Wai Canal running northerly along Kalakaua Avenue to King Street; (2) easterly along King Street to Punahou Street; (3) northerly along Punahou Street to Wilder Avenue; (4) westerly along Wilder Avenue to Piikoi Street; (5) northerly along Piikoi Street to Lewalani Drive; (6) northerly along Lewalani Drive to Nehoa Street; (7) northeasterly along the top of the ridge between the lands of Makiki and Kalawahine to a mountain peak called "Puu Ohia" or "Tantalus"; (8) northeasterly along the top of the ridge between the lands of Pauoa, Manoa and Nuuanu to a point on the Koolau Range called "Puu Konahuanui"; (9) southeasterly along the top of said Range to a place called "Mt. Olympus"; (10) southwesterly along the top of Waahila Ridge to the top edge of Palolo Valley; (11) southwesterly along the top edge of said Valley to the forest reserve boundary; (12) southwesterly along the southeasterly boundary of St. Louis Heights Tract, Series 2 (File Plan 464) to the southerly boundary of said Tract 100 feet southeasterly from Alencastre Street; (13) southwesterly parallel to and 100 feet from Alencastre Street and St. Louis Drive to Waialae Avenue; (14) westerly along Waialae Avenue to Kapahulu Avenue extended; (15) southerly across Waialae Avenue and along Kapahulu Avenue to Kalakaua Avenue; (16) westerly along Kapahulu Avenue extended to the outer edge of the reef; (17) northwesterly along the outer edge of the reef to a point on the line extended of the center line of the Ala Wai Canal; and (18) easterly along said line to the point of beginning, six representatives;

Sixteenth representative district: that portion of the island of Oahu, for convenience herein referred to as Kaimuki and Kapahulu, more particularly described as follows: from a point at the seacoast at a place called "Black Point" running westerly along the seacoast to Kapahulu Avenue extended to the sea; (2) easterly across Kalakaua Avenue and easterly and northerly along Kapahulu Avenue to Waialae Avenue; (3) easterly along Waialae Avenue to a point 100 feet easterly of St. Louis Drive; (4) northeasterly across Waialae Avenue then parallel to and 100 feet from St. Louis Drive and Alencastre Street to the southerly boundary of St. Louis Heights Tract, Series 2 (File Plan No. 464); (5) northeasterly along the southeasterly boundary of said Tract to the forest reserve boundary; (6) northeasterly along the top ridge of Palolo Valley to the top of Waahila Ridge; (7) northeasterly along the top of Waahila Ridge to a point on Koolau Range called "Mt. Olympus"; (8) easterly along the top of the Koolau Range to the top of the ridge between the lands of Waialae Nui and Palolo; (9) southwesterly along the top of said ridge to a place called "Kalepeamo"; (10) southwesterly along Mauumae Ridge to Sierra Drive; (11) southwesterly along Sierra Drive to Waialae Avenue; (12) easterly along Waialae Avenue to 13th Avenue;

(13) southwesterly along 13th Avenue and Ocean View Drive to Kilauea Avenue; (14) westerly along Kilauea Avenue to Makapuu Avenue; (15) southwesterly along Makapuu Avenue to Diamond Head Road; and (16) southeasterly along Diamond Head Road to the Military Road and along the Military Road extended to the point of beginning, four representatives;

Seventeenth representative district: that portion of the island of Oahu not included in any other representative district on the island of Oahu, together with all other islands not included in any other representative district, three representatives;

Eighteenth representative district: the island of Kauai and Niihau, four representatives.

Wherever a roadway, or the intersection of one or more roadways, is designated as a boundary in any of the above descriptions, the center line of such roadway or intersection is intended as such boundary.

### TRANSITIONAL PROVISIONS

#### Continuity of Laws

SECTION 2. All laws in force at the time this constitution takes effect and not inconsistent therewith, including, among others, acts of the Congress relating to the lands in the possession, use and control of the Territory of Hawaii, shall be the laws of the State and remain in force, mutatis mutandis, until they expire by their own limitation, or are altered or repealed by the legislature.

Except as otherwise provided by this constitution, all existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights shall continue unaffected notwithstanding the taking effect of this constitution, except that the State shall be the legal successor to the Territory in respect thereof, and may be maintained, enforced or prosecuted, as the case may be, before the appropriate or corresponding tribunals or agencies of or under the State or of the United States, in the name of the State, political subdivision, person or other party entitled to do so, in all respects as fully as could have been done prior to taking effect of this constitution.

#### Debts

SECTION 3. The debts and liabilities of the Territory shall be assumed and paid by the State, and all debts owed to the Territory shall be collected by the State.

#### Bond Acts

SECTION 4. All acts of the legislature of the Territory authorizing the issuance of bonds by the Territory or its political subdivisions are approved, subject, however, to amendment or repeal by the legislature, and bonds may be issued by the State and its political subdivisions pursuant to said acts. Whenever in said acts the approval of the President or of the Congress is required, the approval of the governor shall suffice.

**Continuance  
of Officers**

SECTION 5. Except as otherwise provided by this constitution, all executive officers of the Territory or any political subdivision thereof and all judicial officers who may be in office at the time of admission of this State to the Union shall continue to exercise and discharge the powers and duties of their respective offices until their successors shall have qualified in accordance with this constitution or the laws enacted pursuant thereto.

**Lieutenant  
Governor;  
Secretary**

SECTION 6. Unless otherwise provided by law, the lieutenant governor shall exercise and discharge the powers and duties of the secretary of the Territory.

**Residence, other  
Qualifications**

SECTION 7. Requirements as to residence, citizenship or other status or qualifications in or under the State prescribed by this constitution shall be satisfied pro tanto by corresponding residence, citizenship or other status or qualifications in or under the Territory.

**Allocation of  
Departments**

SECTION 8. The provisions of Section 6 of Article IV shall not be mandatory until four years from the date of admission of this State to the Union. The legislature shall within three years from said date allocate and group the executive and administrative offices, departments and instrumentalities of the state government and their respective functions, powers and duties among and within the principal departments pursuant to said section.

If such allocation and grouping shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make such allocation and grouping.

**Condemnation  
of Fisheries**

SECTION 9. All vested rights in fisheries in the sea waters not included in any fish pond or artificial inclosure shall be condemned to the use of the public upon payment of just compensation, which compensation, when lawfully ascertained, shall be paid out of any money in the treasury of the State not otherwise appropriated.

**FIRST OFFICERS, PROCEDURES****Elections**

SECTION 10. In case the people of the Territory ratify this constitution and the same is approved by the duly constituted authority of the United States whose approval thereto may be required, the governor of the Territory shall, within thirty days after receipt of the official notification of such approval, issue a proclamation for primary and final elections, as hereinafter provided, at which officers for all state elective offices provided for by this constitution shall be nominated and elected; but the officers so to be elected shall in any event include two senators and two representatives to the Congress, and unless and until otherwise required by law, said representatives shall be elected at large.

**Election  
Procedure;  
Certification**

SECTION 11. Said primary election shall take place not less than sixty nor more than ninety days after said proclamation, and the final election shall take place within forty days after the primary election. Such elections shall be held and the qualifications of voters thereat shall be as prescribed by this constitution and by the laws relating to the election of members of the legislature at primary and general elections. The returns thereof shall be made, canvassed and certified in the manner prescribed by law with respect to the election for the ratification or rejection of this constitution. The governor shall thereupon certify the results thereof to the President.

**Proclamation of  
Admission;  
Assumption  
of Office**

SECTION 12. Upon the issuance by the President of a proclamation announcing the results of said election and the admission of this State to the Union, the officers elected and qualified shall proceed to exercise and discharge the powers and duties pertaining to their respective offices.

**Governor and  
Lieutenant  
Governor**

SECTION 13. The first governor and lieutenant governor shall hold office for a term beginning with their election and ending at noon on the first Monday in December following the second general election.

**Certification,  
United States  
Senators and  
Representatives**

SECTION 14. The governor of the State and secretary of state shall certify the election of the senators and representatives to the Congress in the manner required by law. For this purpose, the lieutenant governor of this State shall be deemed secretary of state.

**First  
Legislature;  
Term of Office**

SECTION 15. The terms of office of the members of the first legislature shall be as follows:

Members of the house of representatives shall hold office for a term beginning with their election and ending on the day of the second general election held thereafter.

Members of the senate shall be divided into two classes. The first class shall consist of the following number elected with the highest number of votes from their respective senatorial districts: first district, three; second district, one; third district, two; fourth district, three; fifth district, two; and sixth district, two. Members of the first class shall hold office for a term beginning with their election and ending on the day of the third general election held thereafter. The remaining members elected shall constitute the second class and shall hold office for a term beginning with their election and ending on the day of the second general election held thereafter.

**First Session  
of Legislature**

SECTION 16. Ten days after the admission of this State to the Union, the legislature shall convene in special session.

**Salaries of  
Legislators**

SECTION 17. Until otherwise provided by law in accordance with Section 10 of Article III, the salary of members of the legislature shall be as follows: the sum of two thousand five hundred dollars for each general session, the sum of one thousand five hundred dollars for each budget session and the sum of seven hundred and fifty dollars for each special session.

**Compensation of  
Judges**

SECTION 18. Until the legislature shall otherwise provide under Section 3 of Article V, the chief justice, justices of the supreme court and judges of the circuit courts shall receive as compensation for their services the sums of seventeen thousand five hundred dollars, seventeen thousand dollars and fifteen thousand dollars per annum, respectively, which shall, notwithstanding the provisions of Article V of this constitution, be subject to increase or decrease by the first session of the legislature.

**EFFECTIVE DATE**

This constitution shall take effect and be in full force immediately upon the admission of Hawaii into the Union as a State.

Done in Convention, at Iolani Palace, Honolulu, Hawaii, on the twenty-second day of July, in the year one thousand nine hundred fifty, and of the Independence of the United States of America the one hundred and seventy-fifth.

## APPENDIX B

### INDEX OF CONGRESSIONAL HEARINGS ON STATEHOOD FOR HAWAII

Twenty-two congressional investigations on the question of admitting Hawaii to statehood have been made since 1935. The date, authorization, and locale of these hearings are as follows:

- (1) 1935: May 31, H.R. 3034, Washington.
- (2) 1935: October 7-18, H.R. 3034, Hawaii.
- (3) 1937: October 6-22, Senate Concurrent Resolution 18, Hawaii.
- (4) 1946: January 7-18, House Resolution 236, Hawaii.
- (5) 1946: June 4, H.R. 3643, Washington.
- (6) 1947: March 7-19, H.R. 49 and 10 identical bills, Washington.
- (7) 1948: January 5-20, H.R. 49 and S. 114, Hawaii.
- (8) 1948: April 15, H.R. 49 and S. 114, Washington.
- (9) 1948: November 1-12, H.R. 49, and S. 114, Hawaii.
- (10) 1949: March 3 and 8, H.R. 49 and related bills, Washington.
- (11) 1950: May 1-5, H.R. 49, Washington.
- (12) 1953: February 23-27, H.R. 49, Washington.
- (13) 1953: March 6, S. 49, Washington.
- (14) 1953: June 29, 30, July 1, 2, 3, 6, 7, 9, 11, and January 7 and 8, 1954, Senate committee on S. 49, S. 51, and H.R. 3575, Washington.
- (15) 1954: January 13-15 and 19, Senate committee on S. 49; S. 51, and H.R. 3575, Washington.
- (16) 1954: December 16 and 17, House subcommittee (public hearings), Hawaii.
- (17) 1955: January 25, 27, 28, February 2, 4, 7, 8, 14, 16, House on H.R. 2535 (Hawaii-Alaska), Washington.
- (18) 1955: February 21, 22, 28, Senate on S. 49 (Hawaii-Alaska), Washington.
- (19) 1957: April 1 and 2, Senate subcommittee on S. 50, Washington.
- (20) 1957: April 8, 9, and 16, House subcommittee on H.R. 49, Washington.
- (21) 1958: November 24 to December 8, Special House subcommittee on H.R. 49, Hawaii.
- (22) 1959: January 26, 27, 28, and February 4, House Interior Committee on H.R. 50 and 23 related bills (including H.R. 4221), Washington.

## APPENDIX C

### THE PRINTED VOLUMES OF HOUSE AND SENATE HEARINGS AND REPORTS ON HAWAII STATEHOOD

	<i>Pages</i>
1. Administration in Hawaii. Senate Interior Committee, hearing, Jan. 16, 1933.....	149
2. Hearings before House Territories Committee, May 31, 1935.....	20
3. Statehood for Hawaii. Hearings before House Subcommittee on Territories, October 7 to 18, 1935.....	343
4. Statehood for Hawaii. Hearings before joint committee, Oct. 6 to 22, 1937.....	735
5. Statehood for Hawaii. Report from chairman joint committee, Jan. 5, 1938.....	100
6. Statehood for Hawaii. House subcommittee, Jan. 7 to 18, 1946.....	909
7. Statehood for Hawaii. Hearing, House Territories Committee, June 4, 1946.....	75
8. Statehood for Hawaii. Hearing of Committee on Lands, Mar. 7 to 19, 1947.....	310
9. House Report 194, Public Lands Committee, Mar. 27, 1947.....	40
10. Cordon Report on H.R. 49 and S. 114, Jan. 5 to 20, 1948, Hawaii.....	18
11. Statehood for Hawaii. Senate Interior Subcommittee, Apr. 15, 1948.....	497
12. Statehood for Hawaii. Report by Mr. Butler, June 21, 1948.....	15
13. Statehood for Hawaii. House subcommittee, Mar. 3 to 8, 1949.....	77
14. Report 254, Committee on Public Lands, Mar. 10, 1949.....	27
15. Statehood for Hawaii. Senate Interior, Insular Committee, May 1 to 5, 1950.....	550
16. Statehood for Hawaii. Senate Interior, Insular report, June 29, 1950.....	59
17. Supplemental Report, Senate Interior Committee, Aug. 28, 1950.....	29
18. Statehood for Hawaii. Senate Report 314, May 8, 1951.....	69
19. Statehood for Hawaii. House Insular hearings, Feb. 23 to 27, 1953.....	209
20. Statehood for Hawaii. House Interior report 109, Mar. 3, 1953.....	73
21. Statehood for Hawaii. Senate hearings, Insular Affairs, Mar. 6, 1953.....	58
22. Statehood for Hawaii. Senate hearings, Insular Affairs, June 29, 30, July 1, 2, 3, 6, 7, 9, 11, 1953, and Jan. 7 and 8, 1954.....	652
23. Statehood for Hawaii. Senate hearings, Insular Affairs, Jan. 13, 14, 15, 19, 1954.....	86
24. Statehood for Hawaii. Report 886 (to accompany S. 49), Jan. 27 (legislative day, Jan. 22), 1954.....	94
25. Hawaii-Alaska. Hearings. House Interior Committee, Jan. 25-Feb. 16, 1955.....	502
26. Hawaii-Alaska. Hearings. Senate Interior Committee, Feb. 21, 22, and 28, 1955.....	188
27. Report No. 88 on H.R. 2535, House Interior Committee, Mar. 3, 1955.....	126
28. Statehood for Hawaii. Senate Interior Committee, Apr. 1, 2, 1957.....	111
29. Statehood for Hawaii. House Interior Committee, Apr. 8, 9, and 16, 1957.....	157
30. Statehood for Hawaii. Senate Report 1164, Aug. 29, 1957, and minority views.....	72
31. Statehood for Hawaii. House Report 2700, Aug. 23, 1958.....	78
32. Hawaii Statehood. Special Subcommittee Report, House Interior Committee, Nov. 24 to Dec. 8, 1958.....	6
33. <sup>1</sup> Statehood for Hawaii. House Interior Committee, Jan. 26, 27, and 28, and Feb. 4, 1959 (approx.).....	96
34. Statehood for Hawaii. House Report 32, Feb. 11, 1959.....	70

Total pages printed testimony—Exhibits (approx.)..... 6, 600

<sup>1</sup> These hearings are being processed for printing at the present time and the exact page count is not known.

## APPENDIX D

### JOINT RESOLUTION NO. 55 (55th Cong.) To provide for annexing the Hawaiian Islands to the United States

Whereas the Government of the Republic of Hawaii, having, in due form, signified its consent, in the manner provided by its constitution, to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies, and also to cede and transfer to the United States the absolute fee and ownership of all public, Government, or Crown lands, public buildings or edifices, ports, harbors, military equipment, and all other public property of every kind and description belonging to the Government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining: Therefore

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That said cession is accepted, ratified, and confirmed, and that the said Hawaiian Islands and their dependencies be, and they are hereby, annexed as a part of the territory of the United States and are subject to the sovereign dominion thereof, and that all and singular the property and rights hereinbefore mentioned are vested in the United States of America.

The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands; but the Congress of the United States shall enact special laws for their management and disposition: *Provided,* That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States, or may be assigned for the use of the local government shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes.

Until Congress shall provide for the government of such islands, all the civil, judicial, and military powers exercised by the officers of the existing government in said islands shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct; and the President shall have the power to remove said officers and fill the vacancies so occasioned.

The existing treaties of the Hawaiian Islands with foreign nations shall forthwith cease and determine, being replaced by such treaties as may exist, or as may be hereafter concluded, between the United States and such foreign nations. The municipal legislation of the Hawaiian Islands, not enacted for the fulfillment of the treaties so extinguished, and not inconsistent with this joint resolution nor contrary to the Constitution of the United States nor to any existing treaty of the United States, shall remain in force until the Congress of the United States shall otherwise determine.

Until legislation shall be enacted extending the United States customs laws and regulations to the Hawaiian Islands the existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged.

The public debt of the Republic of Hawaii, lawfully existing at the date of the passage of this joint resolution, including the amounts due to depositors in the Hawaiian Postal Savings Bank, is hereby assumed by the Government of the United States; but the liability of the United States in this regard shall in no case exceed four million dollars. So long, however, as the existing government and the present commercial relations of the Hawaiian Islands are continued as hereinbefore provided said Government shall continue to pay the interest on said debt.

There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States; no Chinese, by reason of anything herein contained, shall be allowed to enter the United States from the Hawaiian Islands.

The President shall appoint five commissioners, at least two of whom shall be residents of the Hawaiian Islands, who shall, as soon as reasonably practicable, recommend to Congress such legislation concerning the Hawaiian Islands as they shall deem necessary or proper.

SEC. 2. That the commissioners hereinbefore provided for shall be appointed by the President, by and with the advice and consent of the Senate.

SEC. 3. That the sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and to be immediately available, to be expended at the discretion of the President of the United States of America, for the purpose of carrying this joint resolution into effect.

Senate joint resolution adopted July 7, 1898 (30 Stat. 750).

## APPENDIX E

Population of Hawaii by race, 1900-1950<sup>1</sup>

Race	1900 <sup>2</sup>		1910 <sup>2</sup>		1920 <sup>2</sup>		1930 <sup>2</sup>		1940 <sup>2</sup>		1950 <sup>2</sup>	
	Population	Percent	Population	Percent								
1. Hawaiian.....	28,718	18.6	26,041	13.6	23,723	9.3	22,636	6.1	14,375	3.4	( <sup>4</sup> )	-----
2. Part-Hawaiian.....	9,536	6.2	12,506	6.5	18,027	7.0	28,224	7.6	49,935	11.8	<sup>4</sup> 86,091	17.2
3. Caucasian.....	26,252	17.1	39,158	20.4	49,140	19.3	73,702	20.0	103,791	24.5	114,793	23.0
4. Chinese.....	25,762	16.7	21,674	11.3	23,507	9.2	27,179	7.4	28,774	6.8	32,376	6.5
5. Japanese.....	61,115	39.7	79,675	41.5	109,274	42.7	139,631	37.9	157,905	37.3	184,611	36.9
6. Korean.....	-----	-----	4,533	2.4	4,950	1.9	6,461	1.8	6,851	1.6	( <sup>5</sup> )	-----
7. Filipino.....	-----	-----	2,361	1.2	21,031	8.2	63,052	17.1	52,569	12.4	61,071	12.2
8. Puerto Rican.....	-----	-----	4,890	2.5	5,602	2.2	6,671	1.8	8,296	2.0	( <sup>5</sup> )	-----
9. Negro.....	-----	-----	695	.4	348	.1	563	.2	255	.1	( <sup>5</sup> )	-----
10. Other.....	2,618	1.7	376	.2	310	.1	217	.1	579	.1	20,852	4.2
Total.....	154,001	100.0	191,909	100.0	255,912	100.0	368,336	100.0	423,330	100.0	499,794	100.0

<sup>1</sup> Statehood for Hawaii, hearings before the Committee on Interior and Insular Affairs, U.S. Senate, 81st Cong., 2d sess., on H.R. 49 (Washington, U.S. Government Printing Office, 1950), p. 91.

<sup>2</sup> U.S. census figures, except that the number of Hawaiians and part-Hawaiians has been corrected in accordance with the 1937 report of the Joint Committee on Hawaii, S. Doc. 151, 75th Cong., 3d sess., p. 38.

<sup>3</sup> U.S. census.

<sup>4</sup> This classification, in 1950, includes all persons who are part-Hawaiian as well as full-blooded Hawaiians.

<sup>5</sup> Included in "Other" for 1950.

## CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

### TITLE 18, UNITED STATES CODE

#### § 3771. PROCEDURE TO AND INCLUDING VERDICT.

The Supreme Court of the United States shall have the power to prescribe, from time to time, rules of pleading, practice, and procedure with respect to any or all proceedings prior to and including verdict, or finding of guilty or not guilty by the court if a jury has been waived, or plea of guilty, in criminal cases and proceedings to punish for criminal contempt of court in the United States district courts, in the district courts for the district of the Canal Zone and the Virgin Islands, in the [Supreme Courts of Hawaii and Puerto Rico] *Supreme Court of Puerto Rico*, and in proceedings before United States commissioners. Such rules shall not take effect until they have been reported to Congress by the Chief Justice at or after the beginning of a regular session thereof but not later than the first day of May, and until the expiration of ninety days after they have been thus reported. All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect.

Nothing in this title, anything therein to the contrary notwithstanding, shall in any way limit, supersede, or repeal any such rules heretofore prescribed by the Supreme Court.

#### § 3772. PROCEDURE AFTER VERDICT.

The Supreme Court of the United States shall have the power to prescribe, from time to time, rules of practice and procedure with respect to any or all proceedings after verdict, or finding of guilt by the court if a jury has been waived, or plea of guilty, in criminal cases and proceedings to punish for criminal contempt in the United States district courts, in the district courts for the District of the Canal Zone, and the Virgin Islands, in the [Supreme Courts of Hawaii and Puerto Rico] *Supreme Court of Puerto Rico*, in the United States courts of appeals, in the United States Court of Appeals for the District of Columbia, and in the Supreme Court of the United States. This section shall not give the Supreme Court power to abridge the right of the accused to apply for withdrawal of a plea of guilty, if such application be made within ten days after entry of such plea, and before sentence is imposed.

The right of appeal shall continue in those cases in which appeals are authorized by law, but the rules made as herein authorized may prescribe the times for and manner of taking appeals and applying for writs of certiorari and preparing records and bills of exceptions and the conditions on which supersedeas or bail may be allowed.

The Supreme Court may fix the dates when such rules shall take effect and the extent to which they shall apply to proceedings then pending, and after they become effective all laws in conflict therewith shall be of no further force.

Nothing in this title, anything therein to the contrary notwithstanding, shall in any way limit, supersede, or repeal any such rules heretofore prescribed by the Supreme Court.

---

TITLE 28, UNITED STATES CODE

§ 91. HAWAII.

Hawaii constitutes one judicial district which includes the Midway Islands, Wake Island, Johnston Island, Sand Island, Kingman Reef, Kure Island, *Palmyra Island*, Baker Island, Howland Island, Jarvis Island, Canton Island, and Enderbury Island: *Provided*, That the inclusion of Canton and Enderbury Islands in such judicial district shall in no way be construed to be prejudicial to the claims of the United Kingdom to said Islands in accordance with the agreement of April 6, 1939, between the Governments of the United States and of the United Kingdom to set up a regime for their use in common.

Court shall be held at Honolulu.

§ 133. APPOINTMENT AND NUMBER OF DISTRICT JUDGES.

The President shall appoint, by and with the advice and consent of the Senate, district judges for the several judicial districts, as follows:

\* \* \* \* \*

[Only citizens of the Territory of Hawaii who have resided therein for at least three years next preceding shall be eligible for appointment as district judges for the district of Hawaii.]

§ 134. TENURE AND RESIDENCE OF DISTRICT JUDGES.

(a) The district judges, except in [Hawaii and] Puerto Rico, shall hold office during good behavior. The district judges in [Hawaii and] Puerto Rico shall hold office for terms of [six and] eight years, [respectively,] and until their successors are appointed and qualified.

\* \* \* \* \*

§ 373. JUDGES IN TERRITORIES AND POSSESSIONS.

Any judge of the [United States district courts for the Districts of Hawaii or Puerto Rico,] *United States District Court for the District of Puerto Rico*, the United States District Court for the District of the Canal Zone, the District Court of Guam or the District Court of the Virgin Islands [and any justice of the Supreme Court of the Territory of Hawaii] who resigns, retires, or fails of reappointment or is removed by the President of the United States upon the sole ground of mental or physical disability, after attaining the age of seventy years and after serving as judge of one or more of such courts, at least sixteen years, continuously or otherwise, shall continue to receive the salary which he received when he relinquished office.

\* \* \* \* \*

§ 451. DEFINITIONS.

As used in this title:

The term "court of the United States" includes the Supreme Court of the United States, courts of appeals, district courts constituted by chapter 5 of this title, [including the district courts of the United States for the districts of Hawaii and Puerto Rico,] *including the United States District Court for the District of Puerto Rico*, the Court of Claims, the Court of Customs and Patent Appeals, the Customs Court and any court created by Act of Congress the judges of which are entitled to hold office during good behavior.

\* \* \* \* \*

§ 501. APPOINTMENT OF UNITED STATES ATTORNEYS.

The President shall appoint, by and with the advice and consent of the Senate, a United States attorney for each judicial district.

[Only citizens of the Territory of Hawaii who have resided therein for at least three years next preceding shall be eligible for appointment as United States attorney for the district of Hawaii.]

§ 504. TENURE AND OATH OF OFFICE; REMOVAL.

(a) The United States attorney for each judicial district shall be appointed for a term of four years[, except in the district of Hawaii, where the term shall be six years]. Upon the expiration of his term a United States attorney shall continue to perform the duties of his office until his successor is appointed and qualifies.

\* \* \* \* \*

§ 541. APPOINTMENT, RESIDENCE AND TENURE OF MARSHALS

\* \* \* \* \*

(c) Each marshal shall be appointed for a term of four years[, except in the district of Hawaii where the term shall be six years]. Upon the expiration of his term a marshal shall continue to perform the duties of his office until his successor is appointed and qualifies, unless sooner removed by the President.

[(d) Only citizens of the Territory of Hawaii who have resided therein at least three years next preceding shall be eligible for appointment as United States marshal for the district of Hawaii.]

§ 1252. DIRECT APPEALS FROM DECISIONS INVALIDATING ACTS OF CONGRESS

Any party may appeal to the Supreme Court from an interlocutory or final judgment, decree or order of any court of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam and the District Court of the Virgin Islands and any court of record of [Hawaii and] Puerto Rico, holding an Act of Congress unconstitutional in any civil action, suit, or proceeding to which the United States or any of its agencies, or any officer or employee thereof, as such officer or employee, is a party.

\* \* \* \* \*

§ 1293. FINAL DECISIONS OF PUERTO RICO AND HAWAII SUPREME COURTS

The courts of appeals for the **【First and Ninth Circuits】** *First Circuit* shall have jurisdiction of appeals from all final decisions of the **【Supreme Courts of Puerto Rico and Hawaii, respectively】** *Supreme Court of Puerto Rico*, in all cases involving the Constitution, laws or treaties of the United States or any authority exercised thereunder, in all habeas corpus proceedings, and in all other civil cases where the value in controversy exceeds \$5,000, exclusive of interest and costs.

§ 1294. CIRCUITS IN WHICH DECISIONS REVIEWABLE

Appeals from reviewable decisions of the district and territorial courts shall be taken to the courts of appeals as follows:

(1) From a district court of the United States to the court of appeals for the circuit embracing the district;

(2) From the United States District Court for the District of the Canal Zone, to the Court of Appeals for the Fifth Circuit;

(3) From the District Court of the Virgin Islands, to the Court of Appeals for the Third Circuit;

**【(4) From the Supreme Court of Hawaii, to the Court of Appeals for the Ninth Circuit;】**

**【(5)】** (4) From the Supreme Court of Puerto Rico, to the Court of Appeals for the First Circuit.

**【(6)】** (5) From the District Court of Guam to the Court of Appeals for the Ninth Circuit.

---

ACT OF APRIL 30, 1900 (31 STAT. 159), AS AMENDED (48 U.S.C., SECS. 645, 536, 539)

**【SEC. 86. The laws of the United States relating to removal of causes, appeals, and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the courts of the United States and the courts of the Territory of Hawaii.】**

\* \* \* \* \*

**【SEC. 92. That the following officers shall receive the following annual salaries, to be paid by the United States: The governor, the basic compensation shall be at the rate of \$19,000 per annum; the secretary of the Territory, \$5,400. The governor shall receive annually from the United States, in addition to his salary, (1) the sum of \$1,000 for stationery, postage, and incidentals, and (2) his traveling expenses while absent from the capital on official business. The governor is authorized to employ a private secretary who shall receive an annual salary of \$3,000, to be paid by the United States.】**

---

FEDERAL RESERVE ACT (38 STAT. 251), AS AMENDED BY THE ACT OF JULY 7, 1958, SEC. 19 (72 STAT. 339, 350)

SEC. 2. As soon as practicable, the Secretary of the Treasury, the Secretary of Agriculture and the Comptroller of the Currency, acting as "The Reserve Bank Organization Committee," shall designate not less than eight nor more than twelve cities to be known as Federal

Reserve cities, and shall divide the continental United States, excluding Alaska, into districts, each district to contain only one of such Federal Reserve cities. The determination of said organization committee shall not be subject to review except by the Board of Governors of the Federal Reserve System when organized: *Provided*, That the districts shall be apportioned with due regard to the convenience and customary course of business and shall not necessarily be coterminous with any State or States. The districts thus created may be readjusted and new districts may from time to time be created by the Board of Governors of the Federal Reserve System, not to exceed twelve in all. Such districts shall be known as Federal Reserve districts and may be designated by number. When the State of Alaska or *Hawaii* is hereafter admitted to the Union the Federal Reserve districts shall be readjusted by the Board of Governors of the Federal Reserve System in such manner as to include such State. Every national bank in any State shall, upon commencing business or within ninety days after admission into the Union of the State in which it is located, become a member bank of the Federal Reserve System by subscribing and paying for stock in the Federal Reserve bank of its district in accordance with the provisions of this Act and shall thereupon be an insured bank under the Federal Deposit Insurance Act, and failure to do so shall subject such bank to the penalty provided by the sixth paragraph of this section.

ACT OF MAY 29, 1928 (45 STAT. 997), AS AMENDED (48 U.S.C. 634a)

[The following salaries shall be paid to the several judges hereinafter mentioned, namely:

[To the chief justice of the Supreme Court of the Territory of Hawaii, \$12,250 per year, and to each of the associate justices thereof the sum of \$11,900 per year.

[To each of the judges of the circuit courts of the Territory of Hawaii the sum of \$9,375.

[All of said salaries shall be paid in equal monthly installments.]

---

MERCHANT MARINE ACT, 1936 (49 STAT. 1999), AS AMENDED (46 U.S.C., SECS. 1156, 1175, 1204)-

SEC. 506. Every owner of a vessel for which a construction-differential subsidy has been paid shall agree that the vessel shall be operated exclusively in foreign trade, or on a round-the-world voyage, or on a round voyage from the west coast of the United States to a European port or ports which includes intercoastal ports of the United States, or a round voyage from the Atlantic coast of the United States to the Orient which includes intercoastal parts of the United States, or on a voyage in foreign trade on which the vessel may stop at *the State of Hawaii*, or an island possession or island territory of the United States, and that if the vessel is operated in the domestic trade on any of the above-enumerated services, he will pay annually to the Secretary that proportion of one-twentieth of the construction-differential subsidy paid for such vessel as the gross revenue derived from the domestic trade bears to the gross revenue derived from the entire voyages completed during the preceding year. \* \* \*

\* \* \* \* \*

SEC. 605. (a) No operating-differential subsidy shall be paid for the operation of any vessel on a voyage on which it engages in coastwise or intercoastal trade: *Provided, however,* That such subsidy may be paid on a round-the-world voyage or a round voyage from the west coast of the United States to a European port or ports or a round voyage from the Atlantic coast to the Orient which includes intercoastal ports of the United States or a voyage in foreign trade on which the vessel may stop at *the State of Hawaii*, or an island possession or island territory of the United States, and if the subsidized vessel earns any gross revenue on the carriage of mail, passengers, or cargo by reason of such coastal or intercoastal trade the subsidy payment for the entire voyage shall be reduced by an amount which bears the same ratio to the subsidy otherwise payable as such gross revenue bears to the gross revenue derived from the entire voyage. No vessel operating on the Great Lakes or on the inland waterways of the United States shall be considered for the purposes of this chapter to be operating in foreign trade.

\* \* \* \* \*

SEC. 714. \* \* \*

Such charter shall provide for operation of the vessel exclusively in foreign trade, or on a round-the-world voyage, or on a round voyage from the west coast of the United States to a European port or ports which includes intercoastal ports of the United States, or a round voyage from the Atlantic coast of the United States to the Orient which includes intercoastal ports of the United States, or on a voyage in foreign trade on which the vessel may stop at *the State of Hawaii*, or an island possession or island Territory of the United States, and if the vessel is operated in the domestic trade on any of the above-enumerated services the charterer will pay annually to the Secretary that proportion of one-twentieth of the difference between the domestic and foreign cost of such vessel as the gross revenue derived from the domestic trade bears to the gross revenue derived from the entire voyages completed during the preceding year.

—————

ACT OF JUNE 15, 1950 (64 STAT. 217; 48 U.S.C., SEC. 644a)

The jurisdiction of the United States District Court for the District of Hawaii is hereby extended to all civil and criminal cases arising on or within the Midway Island, Wake Island, Johnston Island, Sand Island, Kingman Reef, Kure Island, *Palmyra Island*, Baker Island, Howland Island, Jarvis Island, and, having regard to the special status of Canton and Enderbury Islands pursuant to an agreement of April 6, 1939, between the Governments of the United States and of the United Kingdom to set up a regime for their use in common, the said jurisdiction is also extended to all civil and criminal cases arising on or within Canton Island and Enderbury Island: *Provided,* That such extension to Canton and Enderbury Islands shall in no way be construed to be prejudicial to the claims of the United Kingdom to said islands in accordance with the agreement. All civil acts and deeds consummated and taking place on any of these islands or in

the waters adjacent thereto, and all offenses and crimes committed thereon, or on or in the waters adjacent thereto, shall be deemed to have been consummated or committed on the high seas on board a merchant vessel or other vessel belonging to the United States and shall be adjudicated and determined or adjudged and punished according to the laws of the United States relating to such civil acts or offenses on such ships or vessels on the high seas, which laws for the purpose aforesaid are extended over such islands, rocks, and keys.

The laws of the United States relating to juries and jury trials shall be applicable to the trial of such cases before said district court.

IMMIGRATION AND NATIONALITY ACT (66 STAT. 163; 8 U.S.C. CH. 12)

SECTION 101. (a) As used in this Act—

\* \* \* \* \*

(36) The term "State" includes (except as used in section 310(a) of title III) [Hawaii,] the District of Columbia, Puerto Rico, Guam, and the Virgin Islands of the United States.

\* \* \* \* \*

SEC. 212.

\* \* \* \* \*

(d)

\* \* \* \* \*

(7) The provisions of subsection (a) of this section, except paragraphs (20), (21), and (26), shall be applicable to any alien who shall leave [Hawaii,] Guam, Puerto Rico, or the Virgin Islands of the United States, and who seeks to enter the continental United States or any other place under the jurisdiction of the United States[: *Provided*, That persons who were admitted to Hawaii under the last sentence of section 8(a)(1) of the Act of March 24, 1934, as amended (48 Stat. 456), and aliens who were admitted to Hawaii as nationals of the United States shall not be excepted by this paragraph from the application of paragraphs (20) and (21) of subsection (a) of this section, unless they belong to a class declared to be nonquota immigrants under the provisions of section 101(a)(27) of this Act, other than subparagraph (C) thereof, or unless they were admitted to Hawaii with an immigration visa]. \* \* \*

\* \* \* \* \*

SEC. 310. (a) Exclusive jurisdiction to naturalize persons as citizens of the United States is hereby conferred upon the following specified courts: District courts of the United States now existing, or which may hereafter be established by Congress in any State, District Court of the United States [for the Territory of Hawaii, and] for the District of Columbia and for Puerto Rico, the District Court of the Virgin Islands of the United States, and the District Court of Guam; also all courts of record in any State or Territory now existing, or which may hereafter be created, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited. \* \* \*

## ACT OF SEPTEMBER 7, 1957 (71 STAT. 629)

SEC. 3 The Board is hereby authorized to guarantee any lender against loss of principal or interest on any aircraft purchase loan made by such lender to any air carrier holding a certificate of public convenience and necessity issued by the Board (a) designated therein to be for local or feeder air service, or (b) providing for operations wholly within the [Territory] *State* of Hawaii, or (c) providing for operations (the major portion of which are conducted either within Alaska or between Alaska and the United States) within the Territory of Alaska (including service between Alaska and the United States, and between Alaska and adjacent Canadian territory), or (d) providing for operations within the Commonwealth of Puerto Rico (including service to the Virgin Islands and the Dominican Republic), or (e) providing for operations between Florida and the British West Indies (including service to Cuba), or (f) for the purpose of authorizing metropolitan helicopter service. Such guaranty shall be made in such form, on such terms and conditions, and pursuant to such regulations, as the Board deems necessary and which are not inconsistent with the provisions of this Act.

○