

Fighting Against Government Injustice in Hawai'i (v.3,9, Oct. 2011)

Highlights of Advocacy at the Request/on Behalf of Native Hawaiians

National Mission – Local Action. As the nation's guardian of liberty established in 1920, the American Civil Liberties Union (“ACLU”) works daily in courts, legislatures and communities to defend and preserve the individual rights and liberties guaranteed by the U.S. and Hawaii Constitutions and laws of the United States and the State of Hawaii.

Services Free – Private Non-Profit – No Government Funds. Financial support comes primarily from individual donations and sometimes from court-awarded attorneys fees. The ACLU's legal, legislative and public education services are provided statewide at no cost to the public or to the clients we represent.

Local Leadership. The Hawaii ACLU affiliate, established in 1965 and located in Honolulu, is led by a diverse Board of Directors and professional staff working with nearly 100 volunteers statewide.

Impact on Indigenous Individuals. The ACLU of Hawaii vigilantly advocates for justice for the Native Hawaiian community as part of its ongoing struggle to ensure equal rights and fair treatment by the government for all of Hawaii's people. Native Hawaiians, in particular, continue to be negatively impacted by criminal justice policies. For decades, the ACLU has been at the forefront to reform Hawaii's correctional system and to promote wider use of community-based programs for non-violent offenders. The ACLU supports the sovereignty of all native peoples. We recognize that Native Hawaiians, in addition to the constitutional rights to which all individuals are entitled, have additional rights conferred by treaties, compacts, and government commitments. Until Native Hawaiians come to a consensus on whether or not they want sovereignty, and in what form, the ACLU believes that it is premature to take a position. If and when sovereignty is chosen, that will be the appropriate time for the organization to share our views. In the meantime, we assertively defend everyone's individual rights and liberties from government abuse of power.

Prison Conditions & Practices. The ACLU of Hawaii has advocated on behalf of adult and juvenile inmates, a disproportionate number of whom are Native Hawaiian. Advocacy has resulted in a number of lawsuits challenging unconstitutional conditions (including one that ended in 15-years of federal oversight) as well as informal resolution of complaints alleging religious discrimination. Our focus includes over-population, lack of adequate medical and mental health services and re-entry programs, the treatment of lesbian, gay, bi-sexual and transgender youth in detention and the right to vote. We also continually press for the return of inmates from mainland prisons in order to increase their chances of rehabilitation. In 2010, we successfully represented a Native Hawaiian couple wanting to marry, but denied by mainland prison officials on subjective grounds. After the ACLU intervened, the couple was married in March, 2010. Before Hawaii repealed the death penalty (1957), Native Hawaiians and other non-white groups were most often killed by the government, and the ACLU continues to lobby against legislative attempts to weaken or reverse this repeal.

Alternatives to Incarceration. Prison space is expensive, both to build and maintain and fails at preparing offenders to return to the community. Hawaii's public safety and the lives of non-violent offenders would be better served by a community-based system of restorative justice

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and other programs which have been proven effective.. The substantial taxpayer dollars saved could then be directed to other essential public services such as education and public health.

Right to Sue. The ACLU assisted Native Hawaiian groups in passing legislation (1988) which established the right to bring an action in the circuit courts of the State relating to the Hawaiian Home Lands Trust.

Freedom of Religion & Cultural Practice. Represented Native Hawaiians, in Department of Land and Natural Resource proceedings, who were blocked from practicing their religion in an area they considered sacred, but which was designated for geothermal development. Successfully represented a hula halau that offered free classes and shared native culture, because it was unfairly singled out for alleged zoning violations. Helped several individuals who wanted to have a Miss Gay Molokai pageant to raise funds for their hula halau, but were blocked by Maui county officials who disapproved of the pageant on moral grounds. We successfully assisted a Hilo journalist, who was being forced in court to turn over his unaired documentary footage of traditional Native Hawaiian burial practices, in violation of Hawaii's "media shield" law.

Right to Protest. At the request of the Native Hawaiian community, and in anticipation of protests planned to mark the 100th anniversary of the overthrow of the Kingdom of Hawaii, we produced a "Right to Protest" brochure in Hawaiian and English. We were again asked to produce second round in anticipation of protests after a court decision that permitted non-Hawaiians to vote in Office of Hawaiian Affairs elections. To date, 30,000+ copies have been distributed upon request.

Equal Access to Public Education. With Legal Aid's Lawyers for Equal Justice, we successfully represented three families, two of whom were Native Hawaiian, whose kids were denied the ability to attend school because they were homeless. School administrators refused these children simply because they had no fixed address, in violation of Federal law. The case forced the Department of Education to comply with the law, requiring extra help for homeless children to enroll, receive transportation and remain in school. The ACLU continues to monitor the situation.

YOU CAN HELP!

Join us on Facebook, Twitter, or join our 'ohana email list to keep informed of breaking news and events that impact our fundamental rights. Learn more and get active!

It is never too late to get involved. Be willing to send a letter, make a phone call, or discuss the issues with your friends. Join the ACLU and the over 2,000 other guardians of liberty in Hawai'i. Make a difference starting today because the Bill of Rights cannot defend itself. To join the ACLU & the ACLU of Hawaii, visit <http://www.aclu.org>