HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. 25-301

RESOLUTION

AFFIRMING SUPPORT FOR THE CONSTITUTIONAL RIGHTS OF ALL RESIDENTS OF THE CITY AND COUNTY OF HONOLULU.

WHEREAS, the United States Constitution and its Bill of Rights guarantee certain fundamental rights, such as due process and equal protection, to all persons regardless of citizenship or immigration status, and the City and County of Honolulu ("City") is firmly committed to upholding these rights pursuant to the rule of law; and

WHEREAS, the Fifth and Fourteenth Amendments to the United States Constitution and Article I, Section 5 of the Constitution of the State of Hawai'i clearly state that no individual shall be deprived of life, liberty, or property without due process of law, a right that applies to all persons and which reflects our nation's core ideals of fairness and justice; and

WHEREAS, the United States Supreme Court has affirmed in cases such as *Plyler v. Doe*, 457 U.S. 202 (1982), that constitutional rights extend to all individuals within the United States, regardless of their immigration status, thereby reinforcing the duty of local governments to recognize these constitutional protections consistent with the rule of law; and

WHEREAS, the right to challenge unlawful detention through the writ of habeas corpus, as protected under Article I, Section 9 of the United States Constitution, is a critical safeguard against abuses of power and arbitrary enforcement by the government; and

WHEREAS, the City recognizes other fundamental rights and liberties granted to all persons, including the freedoms of religion, speech, press, assembly, petition, and the right to be secure from unreasonable search and seizure by the government, as found in the First and Fourth Amendments to the United States Constitution; and

WHEREAS, Article I, Section 8, Clause 4 of the United States Constitution granted the United States Congress the power to establish a uniform rule of naturalization, thereby establishing the federal government's exclusive authority over immigration as civil law and as affirmed in cases such as *Fong Yue Ting v. United States,* 149 U.S. 698 (1893), and *Chy Lung v. Freeman*, 92 U.S. 275 (1875); and

WHEREAS, the history and uniqueness of O'ahu, also known as "The Gathering Place," is inextricably shaped by its Native Hawaiian heritage as well as other diverse populations that have greatly contributed to O'ahu's cosmopolitan society; and

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WHEREAS, other counties in the State of Hawai'i have affirmed support for the fundamental rights of all citizens, such as in the proposed Hawai'i County Resolution 320-25; and

WHEREAS, the City, in solidarity with other Hawai'i counties, honors its heritage by recognizing that fundamental rights and the rule of law are foundational to our nation's values and strength; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Council affirms its support for the constitutional rights of all residents of the City; and

BE IT FURTHER RESOLVED that the City affirms its commitment to protecting and upholding the rule of law, due process, and other constitutionally established rights of all residents, and reaffirms its deep respect for multiculturalism, the City's immigrant history, and the diverse communities that call O'ahu home; and

BE IT FURTHER RESOLVED that all City agencies, departments, and employees are urged to carry out their duties in a manner which is consistent with the letter and spirit of the United States Constitution, the Constitution of the State of Hawai'i, the rule of law, and the inclusive values of our community; and

BE IT FURTHER RESOLVED that the Council requests the Mayor to review all current and future agreements and memoranda with all public and private partners to ensure that the constitutional rights of all residents and our values as a community are protected; and

BE IT FURTHER RESOLVED that the Council requests that the Honolulu Police Department confine its powers, duties, and functions only to those matters within its original jurisdiction pursuant to Section 6-1604(a), Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, and not those matters that are outside of its original jurisdiction and within the exclusive authority of others; and

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BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Mayor, the Managing Director, the Chief of Police, and the President of the Hawai'i State Association of Counties.

INTRODUCED BY:

DATE OF INTRODUCTION:

OCT 23 2025

Honolulu, Hawai'i

Councilmembers

Report Title:
City Policy; Constitutional Rights; Residents; Honolulu Police Department ("HPD"); Transparency and Accountability; Due Process; Counties

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.