HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. **25-301, CD1**

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 Hawai'i County in 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

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

INTRODUCED BY:

Matt Weyer

Tyler Dos Santos-Tam

DATE OF INTRODUCTION:

October 23, 2025
Honolulu, Hawai'i

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

CERTIFICATE

RESOLUTION 25-301, CD1

Introduced: 10/23/25 By: MATT WEYER
TYLER DOS SANTOS-TAM
Committee: PUBLIC SAFETY & ECONOMY (PSE)

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

Voting Legend: * = Aye w/Reservations

10/23/25	INTRO	Introduced.
11/20/25	PSE	Reported out for adoption as amended in CD1 form. CR-391 3 AYES: KIA'ĀINA, NISHIMOTO, TULBA 2 ABSENT: OKIMOTO, TUPOLA
12/03/25	CCL	Committee report and Resolution as amended were adopted. 7 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, NISHIMOTO, OKIMOTO, TULBA*, WATERS 2 ABSENT: TUPOLA, WEYER

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.

GLEN I. TAKAHASHI, CITY CLERK

TOMMY WATERS, CHAIR AND PRESIDING OFFICER