



NEWS RELEASE

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U.S. DISTRICT COURT JUDGE DENIES PRELIMINARY INJUNCTION, CLEARS WAY FOR HAWAIIAN ELECTION

HONOLULU – U.S. District Court Judge J. Michael Seabright today denied a motion for a preliminary injunction that sought to delay a historic election for Hawaiian self-determination.

Judge Seabright ruled that the election organized by Na'i Aupuni, an independent organization made up of a volunteer board of directors from the Hawaiian community, is a private election and not subject to laws that would apply to a public election sanctioned by the State of Hawaii.

The judge specifically found that Na'i Aupuni is not a "state actor," the Office of Hawaiian Affairs has "no control over Na'i Aupuni" and that Na'i Aupuni is "completely independent." He said he will issue a formal written decision in about a week.

The ruling clears the way for the November election of delegates to a Hawaiian constitutional convention, or 'Aha, that could result in the formation of a Native Hawaiian government or governing documents.

Na'i Aupuni board members applauded the judge's ruling.

"We are very pleased that the court honors and respects the right of Native Hawaiians to self-determination," said Na'i Aupuni president Kuhio Asam. "We are further pleased that the court upholds and supports Na'i Aupuni's right to host a private, independent election of delegates to a convention that has the opportunity to formulate governing documents. As planned, we are proceeding with the election commencing on November 1 and encourage all Hawaiians who have been certified to participate through their vote. Their vote is our future."

(more)

The request to stop the election was part of a lawsuit filed in August by two non-Hawaiians who aren't eligible to vote and four Native Hawaiians who said their First Amendment rights were violated. The suit was filed against Na'i Aupuni, the Office of Hawaiian Affairs and the State of Hawaii.

Judge Seabright's ruling came three days after he heard testimony from all sides. He announced that he would rule promptly because the election was scheduled to begin soon.

Na'i Aupuni attorney Bill Meheula said the federal court ruling makes it clear that an election and convention exclusively by Native Hawaiians does not violate the U.S. Constitution.

"We are glad that Judge Seabright ruled in Na'i Aupuni's favor on every count," Meheula said. "He correctly found that Native Hawaiians have the legal right to hold an election and convention to pursue self-governance. Since the overthrow of the Hawaiian Kingdom in 1893, Hawaiians have dreamed of one day being able to re-establish a government. The election is a huge step toward giving Native Hawaiians the opportunity to pursue that dream."

About Na'i Aupuni

Na'i Aupuni is an independent organization made up of a volunteer board of directors from the Hawaiian community. It exists solely to help establish a path for Hawaiian self-determination and is guiding an election, convention and ratification process where all Hawaiians who wish to participate can be heard. Na'i Aupuni was formed in December 2014 and is separate and independent from the Office of Hawaiian Affairs and the State of Hawaii. For further information about Na'i Aupuni and the upcoming election, please visit <http://www.naiaupuni.org/>.

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