

**W. Ron Allen, First Vice President
National Congress of American Indians**

**Testimony
S. 2899, Native Hawaiian Recognition
September 14, 2000
Senate Committee on Indian Affairs**

Good afternoon Chairman Campbell and members of the Committee. My name is Ron Allen, and I am First Vice President of the National Congress of American Indians and President of the Jamestown S'Klallam Tribe of Washington State.

NCAI is the oldest and largest American Indian organization in the United States, and since 1944, we remain dedicated to protecting the rights of tribal governments to achieve self-determination and self-sufficiency.

On behalf of NCAI, thank you for the second opportunity to testify in support of S. 2899. As NCAI President Susan Masten testified at the August 30 joint hearing of the Senate Committee on Indian Affairs and the House Resources hearing in Oahu, Hawaii, NCAI strongly supports federal recognition of Native Hawaiian sovereignty and the creation of a process that will lead to self-determination and economic self-sufficiency for Native Hawaiian people.

Over the last year, the member tribes of NCAI have unanimously approved two resolutions that support the sovereign rights of Native Hawaiians and that call for federal recognition of a Native Hawaiian government.

Like all of our nation's indigenous peoples, Native Hawaiians lived on the land and governed their own affairs for thousands of years before the first European contact. Even after contact, nations from all over the world recognized the government of the Native Hawaiians – the Kingdom of Hawai'i – as a sovereign political entity and a valued partner in commerce and trade through formal documents such as international treaties.

There have been ongoing efforts for many years to formally organize the Native Hawaiian community into a entity that would be recognized as having a government-to-government relationship with the United States. There are many different formulations and concepts that have been debated in the Islands.

I understand that there are many different points of view regarding the potential relationship between the Native Hawaiians and the United States, and I urge the Committees to pay attention to *all* perspectives of the Native Hawaiian people concerning their future.

There has been recognition by the federal government of the wrongdoing on its part in relations with the Native Hawaiian people. The obvious instance of this is Public Law 103-150, or the Apology Resolution. This bill enumerates the various wrongdoings of the United States government in relation to the Native Hawaiians and the Kingdom of Hawai'i, including describing the illegal overthrow as a "substantial wrong" and as an "act of war." This law alone entitles the Native Hawaiian people to compensation and reconciliation, and calls for the Congress and the President to support those efforts.

In addition to the need of reconciliation, there is another stimulus to the introduction of S. 2988: a recent United States Supreme Court decision in Rice v. Cayetano, which determined that the election of trustees of the Office of Hawaiian Affairs (OHA) solely by Native Hawaiians violated the fourteenth amendment of the U.S. Constitution. This decision allowed non-natives to run for office positions in the OHA, and thus put the interests of the Native people in jeopardy.

In part to remedy the situation created by Rice v. Cayetano, and in part to fulfill the government's trust responsibilities, S. 2899 creates a system by which Native Hawaiian people may organize and create their own governing entity that the United States will recognize.

It is clear that Native Hawaiians must support any process designed for this purpose in order for it to be successful. NCAI will support whatever path the Native Hawaiian people choose to assure their self-determination, and will assist by sharing our own experiences where they are relevant.

Before I conclude my testimony, I did want to briefly address two issues surrounding the bill that have recently been brought to my attention. First, some have questioned the possible effect that federal recognition of a Native Hawaiian government could have on Indian programs funded through the Bureau of Indian Affairs. NCAI is aware that Vice Chairman Inouye, when he assumed the Chairmanship of the Senate Committee on Indian Affairs in 1987, pledged that Native Hawaiian programs would never be funded at the expense of Indian programs. In the ensuing 13 years, all Native Hawaiian program funds have been appropriated separately. I am pleased to note that, under the authority of S. 2899, any appropriations would be secured independent of the Bureau of Indian Affairs or other Indian programs.

Second, I understand that some have raised the specter of gaming with respect to the bill. There are no Indian tribes or Indian lands in Hawaii – and the Native Hawaiian government established under S. 2899 would not be an Indian tribe as currently defined. Furthermore, the State of Hawaii is one of two states that criminally prohibits all forms of gaming, so this bill would not secure the right to gaming by Native Hawaiians.

Mr. Chairman, as you well know, the survival of Native cultures, homelands, and

lifeways depends on the ability to control our affairs and govern ourselves. The first and most important step toward sovereignty is the recognition of the right to self-government.

As First Vice President of NCAI, an national organization whose primary goal is the advancement of American Indian, Alaska Native – and Native Hawaiian – sovereignty, I urge you to support S. 2899 and to enact it this year.