

**TESTIMONY ON
S.2899, A BILL TO EXPRESS THE POLICY OF THE UNITED STATES
REGARDING THE UNITED STATES' RELATIONSHIP WITH NATIVE
HAWAIIANS, TO PROVIDE A PROCESS FOR THE REORGANIZATION
OF A NATIVE HAWAIIAN GOVERNMENT AND THE RECOGNITION BY
THE UNITED STATES OF THE NATIVE HAWAIIAN GOVERNMENT,
AND FOR OTHER PURPOSES**

HEARING BEFORE THE
UNITED STATES SENATE COMMITTEE ON INDIAN AFFAIRS
The Honorable Ben Nighthorse Campbell, Chairman
The Honorable Daniel K. Inouye, Vice-Chairman

by
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Hawaiian Homes Commission
Department of Hawaiian Home Lands
State of Hawaii

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Chairman Ben Nighthorse Campbell, Vice-Chairman Daniel K. Inouye, Honorable Daniel K. Akaka, Members of the U.S. Senate Committee on Indian Affairs, aloha, aloha kakou.

I am Ray Soon, Chairman of the Hawaiian Homes Commission and I come before you with the unanimous support of the members of the Commission. With me this afternoon is Tony Sang, President of the State Council of Hawaiian Homes Associations, representing nearly 30,000 Hawaiians living on the homesteads.

We come before you to respectfully ask for your immediate passage and for your continual support of S. 2899.

S.2899 represents the acknowledgement of the United States of America that Hawaiians are among the indigenous people of this land and as such enjoy certain rights of self-determination. The bill goes further to allow for a process to establish a sovereign Hawaiian nation with the promise of a government-to-government relationship with the United States at the end of that long journey.

We believe this bill formalizes a relationship that already exists between Native Hawaiians and the United States. Time and again, Congress has acknowledged this trust relationship with Native Hawaiians through the enactment of the Hawaiian Homes Commission Act, 1920, as amended (HHCA), and dozens of other statutes relating to Native Hawaiians. This bill simply makes clear the United States' recognition of this special relationship and provides an opportunity for Native Hawaiians to achieve self-determination and control over its resources.

The arrival of Captain Cook in 1778 to the Hawaiian islands found an established agrarian society with its own language, religion, culture, and over 300,000 people in number. By Cook's arrival, Hawaiians had been sailing the Pacific and had settled the islands for nearly 1,700 years. By 1920, after only 150 years of European and American influence, Hawaiians were devastated. We had lost over 90- percent of our population to foreign diseases and 99 percent of our land to foreign concepts of registration and ownership. Our language, religion, and most of our customs were closeted as pagan practices by a dominant foreign culture. Sound familiar? This is the unfortunate story of most indigenous people.

The Hawaiian Homes Commission is a product of the United States government. It was created by Congress to "rehabilitate" a dying Hawaiian people by returning them to the land. For Hawaiians, the land is our brother. It is not a commodity to be bought and sold; it is family. And by 1920, we had lost touch with the land. The Act was an attempt to redress a recent history of land distribution laws that left the overwhelming majority of Hawaiians without title to the very land they lived on and farmed. Homesteading became the Commission's mission.

Unfortunately, the major part of the program's 80-year history has not been one of great success. For many years, the lack of public funds and access to private capital severely limited the program's progress. The recent chapters of this story, however, illustrate a turnabout and significant success. In the last ten years, the Commission has matched the production of homesteads that was achieved in the first 70 years of the program. The reasons for the success are many and the good news is that higher levels of production are still ahead.

This story is not unique to Hawaiian Homes. It is evident in the Hawaiian communities in health care, in education, in the arts, in the resurrection of our language, and on and on. The struggle is difficult and we fail as often as we succeed. And make no mistake, Hawaiians continue to occupy the lowest socio-economic strata in many aspects of our State's society. It is the inevitable story of a people whose culture has been devastated. But programs to help Hawaiians help themselves are beginning to take hold.

So, one might ask, "why do we need this bill?" We need this bill because Hawaiian rights as a native people are under attack, and, because the resources and services directed to our native people, and the many positive results achieved, are under attack. Since statehood, we have assumed that Hawaiians, as indigenous people, enjoyed a special relationship with the United States. This relationship has been stated, in varying forms, in many laws passed by this body and signed by the President.

However, earlier this year, the Supreme Court, in *Rice vs. Cayetano*, served notice that this relationship, which we have assumed and upon which we have depended, may not, in fact, exist in the eyes of the law. The relationship may be justified, it may be apparent to many, but it does not necessarily stand the test required by the 14th Amendment to the U.S. Constitution. That test is yet to be taken, but we anticipate that such a challenge is only a matter of time.

We need this bill to clearly acknowledge the United States' recognition that Hawaiians are indigenous people with rights of self-determination and to provide Hawaiians a process to

establish a political relationship with the United States that meets the requirements of the U.S. Constitution.

It would be cruelly ironic if programs such as ours, created by the United States, were to be declared racially biased and therefore unconstitutional, just when they are beginning to deliver on the promises made by Congress 80 years ago.

This is a simple request and not one unfamiliar to Congress.

We are not asking to be treated any differently than our Native Americans brothers. We are not Indians, nor are we Alaskan natives. But we share a similar history and we have been on these lands for thousands of years. In the case of Hawaiian home lands, our people sit on Trust lands, like other Native Americans; we are also restrained by its title; we have distinct Hawaiian communities within which our language, our cultural practices, our subsistence traditions have been maintained and are beginning to flourish; we have a governing body made up of Native Hawaiians over which the Federal government retains an oversight responsibility. What we do not have is the full protection of the Federal government and rights of self-determination enjoyed by Tribes and Alaskan Natives.

We ask for the same opportunities to have our people recognized by the United States of America and the same opportunities to create a governmental form with which the United States can relate.

We do not ask to share in the resources of Tribes or of Alaskan natives. We only ask for the same opportunities to care for our people and for the same opportunities to seek our own resources. The United States is a great and wealthy nation. In even the most difficult of times, this nation has shared its wealth with foreign nations offshore. Surely this nation can find resources to help its original people without giving to one while taking from another. There should never be a reason for Hawaiians to seek to share in the Federal resources of Indian Country.

Although I have brothers back home who seek independence on the international level, the majority of us are not involved in that effort. We are proud to be Americans. We are not looking to sever our American roots. We want to solidify those roots that go back centuries to a time when Hawaiians sailed the great winds of the Pacific. Please do not allow those that would, to remove the last vestiges of our heritage.

Hawaiians are a proud people. Hawaii is our only homeland. Pass this legislation. Allow us the dignity that comes with self-determination and self-government. Allow us to stand side-by-side with our Indian and Alaskan brothers and sisters as the native people of this land.

Mahalo, mahalo a nui loa.