

TESTIMONY ON SENATE BILL 147

THE NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2005

BY

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BEFORE THE U.S. SENATE COMMITTEE ON INDIAN AFFAIRS

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Chairman McCain, Vice-Chair Dorgan, Senator Inouye, Senator Akaka, and other committee members, thank you for this opportunity to speak with you today about an issue of great importance to my state.

Knowing the many pressing national issues you are facing, I am especially grateful for the time you are allocating to hear testimony today on SB 147, the Native Hawaiian Government Reorganization Act of 2005.

I am appearing before you on behalf of the people of Hawaii. We are seeking justice for the Native Hawaiian people, who have been made to wait too long for the kind of recognition that Congress has granted to America's other indigenous peoples.

Let me address upfront the claim by some opponents of SB 147 that federal recognition of Native Hawaiians constitutes a race-based preference or racial discrimination. Calling SB 147 a race-based preference ignores both the facts and the historic relationship that has existed between the United States, the former Kingdom of Hawaii and the Native Hawaiian people since at least 1826.

Let's look at the facts.

Native Hawaiians were governed by their own leaders and their own laws long before Europeans and Americans came to the Hawaiian Islands.

The United States recognized and understood that the Kingdom of Hawaii was a sovereign nation as evidenced by the exercise of Congress' constitutional authority to confirm treaties between the United States and the Kingdom of Hawaii as far back as 1826.

When the United States annexed Hawaii as a territory, it effectively subordinated the Native Hawaiian government to the federal government. Hence the United States' relationship to the people governed by the Native Hawaiian government was political, not racial, in nature.

To those who opine that SB 147 will result in racial discrimination, I would posit that the only discrimination that can reasonably be associated with this bill is if it fails to become law. Let me explain this point.

The United States is inhabited by three indigenous peoples-American Indians, Native Alaskans and Native Hawaiians.

While these three indigenous groups differ in culture, history, and anthropological origin, all share three fundamental attributes: (1) they were here long before any European explorer ever set foot on the North American continent or the Hawaiian archipelago; (2) they lived according to their own governmental structures on their homelands long before the federal government of the United States was imposed upon them; and (3) the United States historically acknowledged their existence as distinct nations.

Congress has given two of these three populations full self-governance rights. The Native Hawaiian Government Reorganization Act allows Native Hawaiians to receive parity with the nation's other indigenous peoples. To withhold recognition of the Native Hawaiian people therefore amounts to discrimination since it would continue to treat the nation's three groups of indigenous people differently.

The United States has historically recognized Native Hawaiians as a separate indigenous people by entering treaties with them as early as 1826 and enacting over 150 pieces of legislation relating them, including measures as recent as 2004.

Yet today there is no one governmental entity able to speak for or represent Native Hawaiians. The Act before you today would finally allow the process to begin that would bring equal treatment to the Native Hawaiian people.

You are not being asked to extend the ability to establish a self-governing structure to the Native Hawaiians because of their race. Rather you are being asked to do so because of their unique status as the indigenous people of a once sovereign nation to whom the United States has a recognized trust responsibility. Passage of SB 147 would grant simple, but profound justice to the proud Native Hawaiian people whose future well-being is essential to the long-term well-being of the State of Hawaii.

Besides granting long-delayed justice to the Native Hawaiian people, SB 147 achieves four important results for everyone in the State of Hawaii.

1. Enhances the ability of individual Native Hawaiians to become more self-sufficient, which reduces their reliance on state and federally funded services.

A Native Hawaiian government using existing appropriated funds will be in a position to engage in meaningful economic development that not only will generate revenue for social services and other programs, but most importantly will create new employment opportunities for individual Native Hawaiians.

2. Provides greater accountability for and makes more efficient and effective use of state and federal programs.

In more than 150 pieces of legislation passed during the past 85 years Congress has recognized the unique needs of Native Hawaiians. Having a single governmental entity to represent and speak for the Native Hawaiian people will maximize the effectiveness of these programs and make it easier to ensure accountability.

3. Creates the best opportunity to preserve the Native Hawaiian culture.

The unique nature of Hawaii is derived largely from the indigenous culture of the Native Hawaiians.

Native governments, like the one established by this Act, are well documented to best nurture and protect traditional native culture and values.

In Hawaii, where the Native Hawaiian culture is the primary attraction for a tourist industry that fuels the State's economy, preservation of the Native Hawaiian culture is an economic imperative.

4. Protects existing programs by clarifying that the relationship between the United States and the Native Hawaiian people has government-to-government origins rather than racial origins. Current and continuing legal challenges are unnecessarily putting programs to benefit Native Hawaiians at risk.

As I previously testified before your committee in 2003, this bill is vital to the survival of the Native Hawaiian people, it is vital to providing parity in federal policy for all native peoples in America, and it is vital to the continued character of the State of Hawaii.

Let me conclude by telling you that this bill will be a unifying force for our state. It is supported by every elected official of both major political parties, it is supported overwhelmingly by people of all ethnic backgrounds, and it is supported by a majority of the state's business community, including the two largest banks.

Your passage of SB 147 will allow a process to begin that will lead to the kind of self-government enjoyed by the nation's other indigenous people and it will reaffirm our nation's commitment of equal treatment for all its citizens.

Thank you again for allocating the committee's valuable time to consider this matter of great importance to the people and the State of Hawaii.