

May 15, 2006

The Honorable Bill Frist
United States Senate
509 Hart Senate Office Bldg
Washington, DC 20510

Aloha Senator Frist:

I am writing to again urge your support for a prompt and favorable Senate floor vote for S.147, the Native Hawaiian Government Reorganization Act of 2005. I also believe recent misguided action by the United States Commission on Civil Rights makes it even more important that the Senate take action on this measure. I have enclosed with this letter a list of what I believe to be the major flaws in the USCCR's report on the bill.

As I have shared with you in the past, widespread support for this measure in Hawai'i stems from a realization that S.147 is both fair and just. The United States has three separate groups of indigenous peoples – American Indians, Native Alaskans (Aleuts and Eskimos) and Native Hawaiians. Two of these groups enjoy broad federal recognition as Native peoples. Native Hawaiians have been regarded as Native peoples for purposes of numerous federal Indian programs but do not enjoy the same sort of federal recognition as American Indians and Alaska Natives. It is a very simple matter of justice and fairness that Native Hawaiians receive the same treatment that America's other indigenous peoples enjoy. There is no basis, in law or justice, to deny them this fair treatment.

I believe the report issued by a deeply polarized Civil Rights Commission is based on a grossly flawed understanding of the history of Hawai'i and of the law itself. Describing S.147 as a race-based preference ignores the historical relationship over the past 150 years that existed between the former Kingdom of Hawai'i, the native people of our islands, and the United States, and ignores clear Supreme Court precedent—Congress's recognition of indigenous peoples is political, not racial. I also note that the one American Indian on the Commission voted "no" on the report and is expected to file a formal dissent.

Moreover, Native Hawaiians were governed by their own leaders and their own laws prior to Western contact. The United States recognized the Hawaiian Kingdom as a sovereign nation and entered into treaties with the Kingdom as far back as 1826. When Hawai'i was

annexed, the government of the former kingdom was subordinated to the federal government. Therefore, the relationship had been and has continued to be political, not racial, in nature.

Unfortunately this relationship was neither adequately, correctly, nor fairly reflected in the analysis conducted by the Civil Rights Commission staff.

As additional background on this issue, I am enclosing a copy of the testimony I gave to the Senate Committee on Indian Affairs in March of last year, as well as the testimony of our State Attorney General to the USCCR.

I also note that the original bill, and the amended version that will be offered by Senator Akaka based on negotiations last summer with the administration, will not allow Native Hawaiian gambling in Hawai'i, will not allow any denial of civil rights, will not lead to secession (the very idea is nonsense), and will not result in any other negative consequences for Hawai'i.

I know that there are many pressing national issues that confront you and the Senate each day. S.147, while not of such national importance, has enormous implications for Hawai'i, the people of my state, and to me personally.

I finish where I began. S.147 is not about race or racial preferences. It is about fairness – fairness for Native Hawaiians and for Hawai'i and her people. Therefore, I humbly ask for your vote in support of S.147 for the Native Hawaiian Government Reorganization Act of 2005 when it comes to the Senate floor.

Sincerely,

LINDA LINGLE

Attachments:

- Flaws to USCCR Report
- Testimony by Governor Lingle to Senate Committee on Indian Affairs
- Testimony by State Attorney General to the USCCR
- Star-Bulletin Opinion Piece