

How's about some Sunshine on the Akaka bill?

The U.S. Senate Republican Policy Committee released a clear statement of position on the Akaka bill (S.147) on June 22, 2005. Proponents of the bill claim that most Hawaii residents favor it. Yet, our latest poll results indicate two out of three residents oppose it. And, still yet, there is no detailed response to the analysis below: see <http://rpc.senate.gov> for the full report.

- Pending before the Senate is S. 147, a bill to authorize the creation of a race-based government for Native Hawaiians living throughout the United States.
- The bill does this by shoehorning the Native Hawaiian population, wherever located, into the federal Indian law system and calling the resulting government a "tribe".
- S. 147 advocates argue that the bill simply grants Native Hawaiians the same status as some American Indians and Alaska Natives, but this claim represents a serious distortion of the constitutional and historical standards for recognizing Indian tribes.
- The Supreme Court has held that Congress cannot simply create an Indian tribe. Only those groups of people who have long operated as an Indian tribe, live as a separate and distinct community (geographically and culturally), and have a preexisting political structure can be recognized as a tribe. Native Hawaiians do not satisfy any of these criteria.
- When Hawaii became a state in 1959, there was a broad consensus in Congress and in the nation that Native Hawaiians would not be treated as a separate racial group, and that they would not be transformed into an "Indian tribe".
- To create a race-based government would be offensive to our nation's commitment to equal justice and the elimination of racial distinctions in the law. The inevitable constitutional challenge to this bill almost certainly would reach the U.S. Supreme Court.
- S. 147 would lead the nation down a path to racial balkanization, with different legal codes being applied to persons of different races who live in the same communities.
- The bill also encourages increased litigation, including claims against private landowners and state and federal entities, which would heavily impact private and public resources.
- S. 147 represents a step backwards in American history and would create far more problems – cultural, practical, and constitutional – than it purports to solve. It must be rejected.

A detailed response from the proponents is vital.



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