STATEMENT OF CONGRESSMAN ED CASE BEFORE THE SENATE INDIAN AFFAIRS COMMITTEE IN SUPPORT OF S. 147, THE NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2005

March 1, 2005

Mr. Chairman, Senator Dorgan, and members of the Committee, good morning and aloha! As the Representative from the Congressional district with more Native Hawaiians than any other in our country, I am honored today to testify in unqualified support of S. 147, the Native Hawaiian Government Reorganization Act, introduced by my colleagues, Senators Akaka and Inouye, on January 25, 2005. My House colleague, Congressman Neil Abercrombie, and I cointroduced companion legislation, H.R. 309, on the same day in the House. Our collective actions mark a united and continuing commitment by Hawaii's entire delegation to the most vital single piece of legislation for our Hawaii since Statehood.

This legislation affirms the longstanding political relationship between Native Hawaiians, the indigenous peoples of our Hawaii, and our federal government, and extends to Native Hawaiians the time-honored federal policy of self-determination provided other indigenous peoples under U.S. jurisdiction.

Mr. Chairman, allow me to be direct: this legislation is indispensable both to the Hawaiian people, wherever they are, and to all of our Hawaii. The stakes are nothing more or less than the survival and prosperity not only of our indigenous people and culture, but of the very soul of our Hawaii as we know and love it.

From that perspective, I speak to you today on behalf of all of Hawaii's people, and all those worldwide for whom Hawaii, in all of her forms, be they natural, environmental, cultural, social, or spiritual, is a truly special and unique place. And I say

to you that that Hawaii – the Hawaii that is the indigenous home of all Native Hawaiians, that my own ancestors and many other non-Native Hawaiians embraced since recorded Western discovery in 1778, and that so many throughout the world continue to view as a beacon for what can be in our world – our Hawaii has never been so at risk as today.

It is at risk because it is a creation of and rests upon the foundation of our Native Hawaiian people and culture, and their survival and prosperity are at risk. As they go, so goes Hawaii as we know it, and a Hawaii which is not Hawaiian is not a Hawaii I can bear to envision.

Nor is federal recognition for Native Hawaiians exclusively a Hawaii issue. Census figures show that our country is home to more than 400,000 Native Hawaiians, with 160,000 living outside of Hawaii. And clearly the preservation of the Hawaii that so many throughout our world have come to know and love is of great concern to so many well beyond our borders.

So our goal is not only reaffirming the longstanding historical and political relationship between Native Hawaiians and the United States, not only delivering fairness and justice to Native Hawaiians, but ensuring the very survival and prosperity of our Native Hawaiian people and culture and, through them, Hawaii itself. And this is a truly common goal, evidenced by broad-based support among Hawaii's political leaders, and Hawaiians and non-Hawaiians alike, which spans ethnic, partisan and other distinctions.

The goal of assisting Native Hawaiians is not new to our federal government. Beyond a longstanding relationship that was reaffirmed when Hawaii became a territory in 1900 and a state in 1959, over 160 federal statutes have enacted programs to better the conditions of Native Hawaiians in areas such as Hawaiian homelands, health, education

and economic development, all exercises of Congress' plenary authority under our U.S. Constitution to address the conditions of indigenous peoples. These have been matched by state and quasi-autonomous entities such as the Office of Hawaiian Affairs and the Department of Hawaiian Home Lands, and private entities like The Kamehameha Schools. And they have borne fruit with a renewed focus on unique Native Hawaiian needs and a renaissance of Native Hawaiian culture. Federal recognition is the big-picture framework by which these indispensable efforts can be carried forward into the next generation of Native Hawaiian governance.

Federal recognition is also the time-honored means of memorializing our government's relationship with the indigenous peoples of the contiguous 48 states and Alaska. There, either government-to-government treaties or the Bureau of Indian Affairs recognition process or legislative recognition have extended self-determination and affirmed relationships. Although the difference between those peoples and Native Hawaiians is exclusively geographic, such means have simply not been either available or exercised in the case of Native Hawaiians.

Nor is the goal of extending federal recognition to Native Hawaiians a new one. The enactment into law in 1993 of the Apology Resolution (P.L. 103-150) expressed a national commitment to reconciliation efforts between Native Hawaiians and the federal government. Subsequent efforts through the Departments of Justice and Interior, as well as the White House Initiative on Asian Americans and Pacific Islanders established by executive orders of both Presidents Clinton and Bush, identified federal recognition legislation and the inclusion of Native Hawaiians in federal programs and services as top

priorities. In fact, during the 106th Congress, the House passed federal recognition legislation for Native Hawaiians, on September 26, 2000.

Most recently, the Office of Hawaiian Relations was established within the Department of Interior. Structurally organized under the Assistant Secretary for Policy, Management, and Budget, this new office is a welcome and positive step forward in coordinating policies within the Department as they affect Native Hawaiians. Already the Department oversees pertinent issues such as Hawaiian home lands, historic preservation, the Native American Graves Protection Act, the Native Hawaiian Culture and Arts Program, and the consideration of Native Hawaiians in natural resources management, including our Hawaii national parks.

The time is long overdue for our federal government to create a permanent and sustainable relationship with Native Hawaiians in order to resolve longstanding issues and ensure the survival and prosperity of the Native Hawaiian people and culture and of their special home. For all of us in Hawaii, Mr. Chairman, and in fact for all Native Hawaiians wherever throughout our country and world they may live, I urge the passage of this crucial legislation.