

February 22, 2010

The Honorable Nancy Pelosi, Speaker of the House
The Honorable John Boehner, Republican Leader
The Honorable Nick Rahall II, Chairman, Committee on Natural Resources
The Honorable Doc Hastings, Ranking Member, Committee on Natural Resources
The Honorable John Conyers Jr., Chairman, Committee on the Judiciary
The Honorable Lamar Smith, Ranking Member, Committee on the Judiciary

Dear Distinguished Members of Congress:

We write to you in our individual capacities as members of the United States Commission on Civil Rights.¹ We understand that the Native Hawaiian Government Reorganization Act (the “Akaka proposal”) is about to be brought to a vote on the House floor. We also understand that the bill will be a substitute for the one considered by the Natural Resources Committee. The bill slated for a hasty House vote was apparently negotiated behind closed doors among Hawaii’s Congressional delegation, possibly the White House, and certain state officials, although those actually involved are unclear. Indeed, more changes were reportedly made over the weekend and released less than 48 hours prior to the expected House vote. The citizens of Hawaii, Members of the Committees on Natural Resources and the Judiciary, and any other experts will not have the normal opportunity to discuss or debate the revised provisions of the bill. Nor will members of the general public.

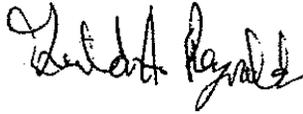
We wish to register our profound disappointment that a bill of this great importance would be dealt with in this manner. The creation of the largest tribal entity in the history of the nation – potentially 400,000 strong – is too important a step to take this lightly.

Attached is a letter that the Commission on Civil Rights sent to the Senate leadership on August 28, 2009, in which the Commission expresses its opposition to the race-based Native Hawaiian Government proposal. We wanted to ensure that you received a copy. A preliminary review of the new eligibility requirements for membership in the purported tribe does not eliminate the substantial constitutional doubt about the legislation. Nor does it lessen the profound, negative policy implications of the bill.

¹ We understand that a vote on this measure is imminent. Because the Commission only meets once or twice per month, there was no opportunity for the Commission to act as a whole.

We urge you to oppose both the Akaka proposal and this circumvention of the normal legislative process.

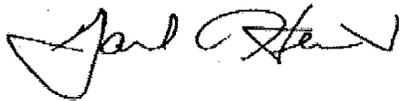
Respectfully submitted,



Gerald Reynolds
Chair



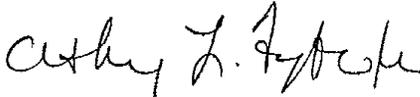
Peter Kirsanow
Commissioner



Gail Heriot
Commissioner



Todd Gaziano
Commissioner



Ashley Taylor
Commissioner