



The Honorable Joseph Biden, President of the Senate  
The Honorable Harry Reid, Majority Leader, U.S. Senate  
The Honorable Mitch McConnell, Republican Leader  
The Honorable Richard Durbin, Majority Whip, U.S. Senate  
The Honorable Jon Kyl, Republican Whip, U.S. Senate  
The Honorable Patrick Leahy, Chair, Senate Judiciary Committee  
The Honorable Jeff Sessions, Ranking Member, Senate Judiciary Committee  
The Honorable Byron L. Dorgan, Chairman, Committee on Indian Affairs  
The Honorable John Barrasso, Vice Chairman, Committee on Indian Affairs

December 7, 2010

Dear President Biden and Distinguished Senators:

We<sup>1</sup> understand that there is a possibility that the new and significantly revised version of the Native Hawaiian Government Reorganization Act will be tacked onto the spending bill in the next week or so. We hope that this does not happen. A bill as important as this deserves careful consideration. It would be a matter for concern if it were to be made law without a hearing on its new provisions.

The current version of the legislation may create new problems and exacerbate those previously identified, but because the changes to the bill do not eliminate the serious constitutional concerns identified in previous communications, our position remains the same. We therefore attach a copy of a letter we wrote opposing an earlier version of the bill.

Sincerely,

Handwritten signature of Gerald A. Reynolds in black ink.

Gerald A. Reynolds  
Chairman

Handwritten signature of Abigail Thernstrom in black ink.

Abigail Thernstrom  
Vice Chair

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<sup>1</sup> The U.S. Commission on Civil Rights is an independent, bipartisan agency that makes appraisals of the laws and policies of the Federal Government with respect to discrimination or denials of equal protection of the laws under the Constitution of the United States because of color, race, religion, sex, age, disability, or national origin, or in the administration of justice. 42 U.S.C. 1975(a). The Commission voted 5-2-1 to send this letter. Commissioners Arlan Melendez and Michael Yaki voted against sending the letter, and Vice Chair Abigail Thernstrom abstained.

Commissioners Reynolds and Taylor's terms as Commissioners expired on December 5, 2010. Each indicated his willingness to sign this letter on December 5.



UNITED STATES COMMISSION ON CIVIL RIGHTS

624 NINTH STREET, NW, WASHINGTON, DC 20425

[www.usccr.gov](http://www.usccr.gov)

Handwritten signature of Peter Kirsanow in black ink.

Peter Kirsanow  
Commissioner

Handwritten signature of Ashley Taylor, Jr. in black ink.

Ashley Taylor, Jr.  
Commissioner

Handwritten signature of Gail Heriot in black ink.

Gail Heriot  
Commissioner

Handwritten signature of Todd Gaziano in black ink.

Todd Gaziano  
Commissioner

Cc: Arlan D. Melendez, Commissioner  
Michael Yaki, Commissioner