

By Rep. Mike Pence

Hawaii is a place where the richness of the land is only outmatched by the deep richness of its cultural diversity. It's for this reason that many travelers around the world gather on the shores of Hawaii. It's difficult to know whether a person is coming or going because "Aloha" means both "hello" and "goodbye." It can be confusing. But that is nothing compared to the confusion and legal ambiguity that would be unleashed on the state by legislation currently moving through Congress.

It would startle most Americans to wake up one morning and discover that their friend or coworker lived under a government separate from their own, subject to different laws that are enforced by a separate legal authority. It would be even more startling if it happened without their consent, yet that is precisely what would happen in Hawaii if the bill before Congress became law.

The name of the legislation (H.R. 2314) itself suggests big changes for the State of Hawaii and its citizens. The "Native Hawaiian Government Reorganization Act," sponsored by Democrat Representative Neil Abercrombie, would authorize and recognize the creation of a sovereign Native Hawaiian governing entity, similar to the way the federal government recognizes Indian tribes today.

It is estimated that this new Native Hawaiian "tribe" could include roughly 400,000 individuals - more than 20 percent of the current Hawaiian population. It sounds innocent enough except Native Hawaiians are not a tribe. In 1901, the Supreme Court defined "tribe" as a body of Indians of the same race and "united in community under one leadership or government and inhabiting" a particular territory.

Native Hawaiians simply don't fit this description. They are not confined to one piece of land or a reservation. They are part of Hawaiian society, living throughout its various communities and integrated into the fabric of Hawaiian life.

Gail Heriot, head of the U.S. Commission on Civil Rights, has testified before Congress

that Native Hawaiians are best described not as a tribe but as a "racial group." Congress does not have the constitutional authority, as the Supreme Court has confirmed, to pound the Speaker's gavel and declare a tribe exists where one never has.

This legislation will impact the life of every Hawaiian citizen and yet the legislation denies them an opportunity to let their voices be heard. Public surveys of registered Hawaiian voters have consistently demonstrated opposition to the legislation, but these voters can't cast their vote at the ballot box on the subject.

The impact may be felt across the country as well. The U.S. Commission on Civil Rights also warns that the action taken this week by the House of Representatives could set a "harmful precedent," ensuring that "ethnic Hawaiians will surely not be the only group to demand such treatment."

We have learned throughout our history the devastating consequences that arise when the government picks winners and losers based on an individual's race. Our nation continues to bind the wounds left by more than four-hundred years of slavery. As a result, Congress and the American people added the 14th Amendment to the U.S. Constitution, ensuring equal protection under the law for all Americans.

It is wrong for Congress to undo the work that has been done to ensure the United State is not a land of racial inequality, but a land of equal opportunity for all its citizens. Congress should not compound the challenges facing Hawaii and Native Hawaiians by passing legislation that offends our sense of justice and violates our cherished constitution. Hawaii is the melting pot we have always aspired to as a nation. Why should we try to "reorganize" this good and promising place?