



[Aloha, Segregation: The Akaka bill would create a race-based state in Hawaii](#)

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President Obama speaks proudly of his childhood in Hawaii, so we wonder what the state's voters think of his support for a bill that would redistribute its wealth based on race. That's what would happen under the Native Hawaiian Government Reorganization Act, which Congress is trying to sneak through in its final days this year.

Sponsored by Senator Daniel Akaka, the bill would transfer a percentage of public-owned lands to a native Hawaiian government within the state of Hawaii. The legislation would collect some 400,000 ethnic Hawaiians scattered across the country into a newly affiliated tribe, eventually endowed with the powers of a sovereign state, including freedom from state taxes and regulations and separate police power.

Proponents say the plan would duplicate the legal scenario set up for Native Americans, but the Akaka bill carves out new territory. Unlike Indian tribes made up of tightly knit populations that have lived together continuously, participation in the new group would be available to nearly anyone able to trace their roots back to a Native Hawaiian ancestor, no matter where they now reside. U.S. Civil Rights Commission member Gail Heriot told Congress in June that, "If ethnic Hawaiians can be accorded tribal status, why not Chicanos in the Southwest? Or Cajuns in Louisiana?"

Under the Akaka bill, someone will have to divine exactly who qualifies as a Native Hawaiian. In the bill's current version, the determination would be handled by a nine member commission staffed by experts in native Hawaiian genealogy. That, says the U.S. Civil Rights Commission, amounts to racial discrimination and would "subdivide the American People into discrete subgroups accorded varying degrees of privilege."

The Supreme Court has already ruled that elections based on a blood quota violate the Fifteenth Amendment's ban on restricting voting along racial lines. In its 2000 decision in *Rice v. Cayetano*, the Court held that the Office of Hawaiian Affairs could not hold elections limited to ethnic Hawaiians. "Ancestry can be a proxy for race," the court wrote, "and is that proxy here."

While the current version of the Akaka bill doesn't offer specifics on which lands and natural resources would be transferred to a new sovereign Hawaiian state, earlier versions contained striking demands by Native Hawaiian groups. According to Tom MacDonald at Aloha for All, which opposes the Akaka bill, original demands included the transfer of all lands taken by the U.S. government including military bases and national parks which could be leased back at market value.

With some 38% of the state falling under public ownership and thus theoretically available for transfer, the benefits accruing to racial Hawaiians could be significant. For those without a drop of Hawaiian blood, the amount of lost tax revenue and other costs will also be sizable. According to a study by the Grassroot Institute of Hawaii and the Beacon Hill Institute, the total amount of state tax and land lease revenue lost annually could range from \$342.8 million to \$689.7 million, depending on the percentage of public land ceded to the project.

The state could also expect to lose as many as 20,000 private sector jobs and more than \$200 million in investment. The burden will fall on non-Native taxpayers, costing the average taxpayer between \$705 and \$1,461 in real disposable income a year.

Perhaps that's why polls show that despite the support of the Congressional delegation, Hawaiians themselves have mixed feelings. According to a Zogby poll this week, a majority of Hawaiians oppose the bill and 76% oppose higher taxes to pay for the new nation tribe.

Even Hawaii Governor Linda Lingle, a longtime proponent of the legislation, has been having second thoughts about her support after proposed changes to the text this week. Senator Akaka clearly hopes a Democratic Congress will push through the bill that has failed many times. But Hawaii was created in a spirit contrary to the racial exclusivity shaping the legislation, and Congress shouldn't let that history fall victim to victimhood.

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