

Hawaii

# Biden Raises Hopes For Native Hawaiians Seeking Federal Recognition

But the idea is controversial as many don't think that establishing a nation within a nation is the best option.



By Anita Hofschneider / About 14 hours ago

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Democratic control of the White House and Congress may breathe new life into efforts to establish a Native Hawaiian government that is recognized by the United States.

Honolulu City Councilwoman Esther Kia'aina, who spent decades working in Washington, D.C., including at the Department of the Interior, describes President Joe Biden's administration as empathetic and understanding regarding Indigenous self-determination.

If Native Hawaiians want to pursue what's commonly referred to as "federal recognition," she said, now would be a good time.

"I don't know of a better opportunity where you have the right people in the right places," she said Monday in a telephone interview. "There's no guarantee that there will be a Democratic administration in four years."

Courtesy: Gage Skidmore



President Joe Biden is expected to be friendlier to efforts to establish a Native Hawaiian government than former President Donald Trump was.

Progress on establishing a government-to-government relationship with the U.S. has been in limbo since former President Barack Obama left office. In 2016, the Obama administration [created a pathway for Hawaiians to be recognized as a government](#), similar to Native American tribal nations. Prior to that, federal acknowledgement of Indigenous peoples was limited to the continental U.S., excluding Pacific peoples.

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The issue also is highly divisive within the community as many don't think establishing a government-to-government relationship within the existing federal framework is the right choice.

Hawaii's sovereignty movement was spurred by the Hawaiian cultural renaissance that emerged in the 1960s and 1970s. Scholars and activists saved the

Hawaiian language from the edge of extinction, pushing for Hawaiian language schools and promoting pride in the language. Hawaiians reclaimed knowledge of traditional navigation from a Micronesian master navigator and created the Polynesian Voyaging Society in 1973.

Throughout the 1970s, many Hawaiians participated in protests against evictions and new developments, including successfully opposing the Navy's use of Kahoolawe as a bombing range.

Today, supporters of a sovereign Hawaiian entity within U.S. borders say the possibility is within Hawaiians' grasp, if they choose it.



Ronen Zilberman/Civil Beat

Honolulu City Council member Esther Kia'aina, shown here in October, believes that a federally recognized government would protect Hawaiian assets and organizations from lawsuits.

Kia'aina thinks it's a good sign that Biden nominated Rep. Debra Haaland to lead the Interior Department, which would make her the [country's first-ever Native American Cabinet secretary](#). A spokeswoman for the Interior Department declined an interview request for this article, and the White House didn't reply to a request for comment as of Monday's deadline.

Although the establishment of a Native Hawaiian government doesn't require congressional action, Hawaii's delegation has supported the idea. Sens. Brian Schatz and Mazie Hirono praised Obama's initiative, and Rep. Ed Case [told Civil Beat last year](#) the lack of a sovereign entity could mean Hawaiians miss out on federal funds for COVID-19 efforts.

Hawaii's new Rep. [Kai Kahele told Civil Beat in November](#) that he's not sure what political path is best for Hawaiians but that he wants to ensure they're part of the conversation. Kahele is only the second Native Hawaiian to represent Hawaii in Congress since statehood.

*An earlier version of this story incorrectly said Kahele was the second Native Hawaiian to serve in Congress.*

Opponents fear creating a sovereign government within the U.S. would constitute an acceptance of the ongoing U.S. occupation of the archipelago while failing to restore the land and resources that were stolen.

“Get out of our house!” several testifiers [told federal officials](#) during Interior Department hearings in 2014, part of a groundswell of vocal opposition during the hearings. “Go home!”

Kia’aina believes a Native Hawaiian government would protect institutions like the Office of Hawaiian Affairs and Department of Hawaiian Home Lands from being struck down by an increasingly conservative U.S. Supreme Court. She also said it would enable Hawaiians to vote on their own leaders without the participation of non-Hawaiians, in contrast to current OHA [elections that are open to all state voters](#).

But she noted regardless of the Biden administration’s openness to a Native Hawaiian government, Hawaiians must be united in choosing their path. That would involve approving a governing document like a constitution and submitting it to the Interior Department.

“The question is how to get there,” Kia’aina said. “That is the No. 1 question facing our community.”

A group of Hawaiians [drafted a constitution back in the Obama era](#) but no vote has been organized.

### Strong Opposition

Uahikea Maile, assistant professor of Indigenous studies at the University of Toronto, worries federal recognition would cede U.S. control over Hawaiian lands while providing only symbolic autonomy.

Maile believes Hawaiians are already enacting an alternative to federal recognition by asserting sovereignty through actions such



Uahikea Maile wrote his dissertation on federal recognition for Native Hawaiians.

as opposing the Thirty Meter Telescope on Mauna Kea, a mountain many Hawaiians consider sacred.

To Maile, U.S. acknowledgment of a Hawaiian government within its borders would be analogous to a thief returning to the scene of the crime, asking for forgiveness but refusing to return what they stole.

“This is the cover-up,” he said. “Federal recognition is the promise of symbolic self-governance as a way of covering up the original crime, which is the taking away of the government.”

Jonathan Osorio, who leads the Hawaiian Studies department at the University of Hawaii, is worried that establishing a Hawaiian government through the federal process would stymie efforts to achieve actual political separation from America.

The establishment of a nation-within-a-nation may protect current funding streams, Osorio says, but Hawaiians deserve more.

“I think the practical path forward is to continue nation-building work here that includes all of the residents of this place and to gradually convince them that we would be better off separated from the U.S. as our own country,” he said, citing climate change and American social divisions as key reasons to exit the union.

Jeff DePonte



Jonathan Osorio is a professor at the University of Hawaii.

Hawaiians have for years fought to overcome messages like “you’re too small, you’re too insignificant, the U.S. is too powerful, take what you can get, don’t be foolish,” Osorio said. He sees the sovereignty movement growing over time, and thinks secession could happen within the next century.

“The actual sovereignty movement has been persistent and stubborn and has become more and more informed and productive over time and not less,” he said.

### Up To Hawaiians

Kuhio Lewis believes achieving sovereignty requires leveraging the existing system.

“It’s not by constantly fighting for every little thing. It’s about using the American system to elevate our voices,” said Lewis, executive director of the nonprofit [Council for Native Hawaiian Advancement](#).

Lewis says that Biden’s election has generated a lot of excitement among pro-federal recognition advocates like himself.

Lewis noted that OHA is the 13th largest landowner in Hawaii. A new Hawaiian government could receive those assets and manage them free from the limitations imposed by state laws that have helped embroil OHA in scandal over the past few years.

Instead of the state Hawaiian Homes Commission discussing casino gaming or State

Historic Preservation Office making decisions about Hawaiian burials, Lewis believes those conversations would occur between Native Hawaiians and federal officials.



A demonstrator is arrested on Mauna Kea on June 24, 2015, one of several standoffs between activists and law enforcement over the construction of the Thirty Meter Telescope.

But a major challenge with organizing a vote in 2021 is the ongoing pandemic.

“A lot of our efforts and energy are focused on keeping people in their houses,” he said.

Regardless of the pandemic, strong disagreements within the Indigenous community about the best path forward remain.

“The fire for the restoration of our government of our homeland, I think it’s there,” Osorio said. “And I think that’s ultimately what’s going to stand between Hawaii and federal recognition.”

[Click here to read the 2016 federal rule that establishes a pathway for a Native Hawaiian government.](#)

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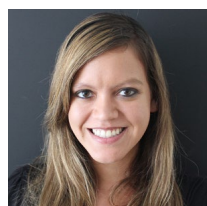
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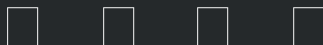
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