

HAROLD F. RICE, PETITIONER v. BENJAMIN J. CAYETANO, GOVERNOR OF HAWAII

No. 98-818

SUPREME COURT OF THE UNITED STATES

528 U.S. 495; 120 S. Ct. 1044; 2000 U.S. LEXIS 1538; 145 L. Ed. 2d 1007

October 6, 1999, Argued
February 23, 2000, Decided

PRIOR HISTORY: On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

DISPOSITION: 146 F.3d 1075, reversed.

DECISION: Hawaii statute permitting only "Hawaiians"--that is, descendants of aboriginal peoples inhabiting Hawaiian Islands in 1778--to vote for trustees of state agency held to violate Federal Constitution's Fifteenth Amendment.

SUMMARY: In 1921, Congress enacted the Hawaiian Homes Commission Act (HHCA) with the purpose of rehabilitating the native Hawaiian population, which was defined to include "any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778." Upon Hawaii's admission as a state in 1959, a federal statute granting Hawaii title to public lands provided that those lands--and the proceeds and income that the lands generated--were to be held as a public trust for various purposes, including the betterment of the conditions of native Hawaiians. In 1978, Hawaii established the Office of Hawaiian Affairs (OHA), a state agency that was to be (1) independent from other branches of state government; and (2) responsible for programs and activities relating to (a) "native Hawaiians," the statutory definition of which term incorporated the definition given by the HHCA, and (b) "Hawaiians," defined by state statute as descendants of the aboriginal peoples inhabiting the Hawaiian Islands in 1778. Among the OHA's responsibilities was the administration of a share of the revenue from some of the lands granted to Hawaii upon admission. The OHA was overseen by a board of trustees who were required by state statute to be elected by "Hawaiians." A citizen of Hawaii who was not a "Hawaiian" as statutorily defined applied to vote in an election for OHA trustees, but the state denied his application. The citizen, alleging that his exclusion from the election violated the Federal Constitution's Fourteenth and Fifteenth Amendments, brought suit in the United States District Court for the District of Hawaii against Hawaii's governor. The District Court granted summary judgment to the state on the grounds that (1) Congress and Hawaii had recognized a guardian-ward relationship with the native Hawaiians, (2) this relationship was analogous to the relationship between the United States and the Indian tribes, (3) the electoral scheme was rationally related to the state's responsibilities toward the native Hawaiians, and (4) the voting restriction did not violate the Constitution's ban on racial classifications (963 F Supp 1547). The United States Court of Appeals for the Ninth Circuit affirmed (146 F3d 1075).

On certiorari, the United States Supreme Court reversed. In an opinion by Kennedy, J., joined by Rehnquist, Ch. J., and O'Connor, Scalia, and Thomas, JJ., it was held that Hawaii's electoral qualification at issue violated the Fifteenth Amendment, because the qualification was a racial classification that was not sustainable under (1) Supreme Court cases (a) allowing the differential treatment of Indian tribes, or (b) holding that the Fourteenth Amendment's one-person, one-vote requirement did not pertain to some special-purpose election districts; or (2) an argument that the voting restriction did no more than insure an alignment of interests between fiduciaries and beneficiaries of a trust.

Breyer, J., joined by Souter, J., concurring in the result, expressed the view that Hawaii could not justify the electoral qualification through analogy to a trust for an Indian tribe, because (1) for purposes of the case at hand, there was no "trust" for native Hawaiians, and (2) the OHA's electorate, as defined in the state statute, did not sufficiently resemble an Indian tribe.

Stevens, J., joined in part (as to point 1 below) by Ginsburg, J., dissenting, expressed the view that (1) the election provision was justified under the Fourteenth Amendment, because (a) legislation targeting native Hawaiians had to be evaluated according to the same understanding of equal protection that has been applied to Indians, that is, that special treatment must be tied rationally to the fulfillment of Congress' unique obligation toward native peoples, and (b) the election provision rationally furthered such a governmental purpose; and (2) the election provision did not violate the Fifteenth Amendment, because (a) ancestry was not a proxy for race under the circumstances presented, and (b) the ancestry classification was based on the permissible assumption that "Hawaiians" had a claim to compensation and self-determination that others did not have.

Ginsburg, J., dissenting, expressed the view that (1) Congress' prerogative to enter into special trust relationships with indigenous peoples was not confined to tribal Indians, but encompassed native Hawaiians; (2) this federal trust responsibility had been delegated by Congress to Hawaii; (3) the voting scheme at issue was tied rationally to the fulfillment of that obligation; and (4) no more was needed to demonstrate the validity of the voting provision under the Fourteenth and Fifteenth Amendments.